Stakeholder or Disaggregated Citizenship for Transnational Migrants: Towards a Liberal Principle of Citizenship Entitlement?

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Abstract

The entitlement of transnational migrants and their descendants to the citizenship of their respective emigration and immigration states has become a legal and political challenge, as well as a source of unfair disadvantage or advantage vis-à-vis citizens of host and home countries. This paper aims to address the question as to whether political theory can provide principles which are acceptable for both the concerned individuals and the state parties, by evaluating two widely acclaimed principles from liberal political theory, namely stakeholder citizenship and differentiated citizenship. It argues that disaggregated citizenship draws on stronger normative grounds, but non-ideal circumstances require the consideration of membership as essential, which is better accommodated by the stakeholder principle. The argument is developed through an exposition of the normative question of citizenship in a transnational world, an exposition of two major principles of citizenship, three critiques of the stakeholder principle in comparison with disaggregated citizenship, and a conclusion discussing two cases of democratic reforms of citizenship regimes.

Transnational migration has had profound effects on the society and politics of the countries of origin and destination. One of its major implications is concerned with the citizenship regimes of respective countries; migration creates a large of group of non-citizen residents in immigration countries and citizen non-residents in emigration countries. As the presence of non-citizens and the absence of citizenship become permanent, pressures to reform citizenship regimes intensify. As

the franchise is often expanded but rarely restricted, the number of plural citizenship holders increase; attempts to avoid the danger of unfair exclusion carry the risk of unnecessary over-inclusion. Practical considerations of political actors notwithstanding, changing circumstances of citizenship also raise questions for normative political theory. Notably, new conceptions of citizenship must be developed to accommodate new challenges. Furthermore, normative guidelines are needed to decide who is entitled to which citizenship.

Several answers have been proposed by political theorists throughout the last decades. Within liberal political theory, two main groups can be discerned: one that emphasizes the expansions of citizenship to new groups and its limitation for other where necessary, and another that emphasizes the necessity to disaggregate traditionally unified components of citizenship. The aim of this paper is to explore what the liberal principle of citizenship would be, by examining relative merits of alternative approaches of disaggregated citizenship and stakeholder citizenship as the representatives of respective perspectives. It will argue that disaggregated citizenship offers a more accurate principle, while stakeholder principle is not obsolete insofar as membership dimension of citizenship is an empirically relevant factor to take into account.

The following sections will develop this argument in four steps. First, an overview of transnational citizenship and migration will reveal that challenges posed for citizenship indeed stem from disaggregating forces. The subsequent section which exposes disaggregated and stakeholder citizenship principles will discuss possible grounds of strength and weaknesses. While the former is apparently more compatible with the changing circumstances of the transnational world, the latter may be better able to provide practical guidelines. However, the practical value of the stakeholder principle is deconstructed in the third section through moral, social and democratic critiques. The distinctive contribution of the stakeholder principle should be limited to membership-based considerations, while we should restrain from too specific prescriptions to respect individual preferences which probably are too complex to classify. Therefore, the availability of new options for individual and state parties is the implication of theoretical debates, and the rest is to be determined by democratic processes. The concluding section discusses two cases to show that mixed reflections of disaggregated and stakeholder citizenships can be observed.

1   Citizenship in a transnational world

The traditional conception of statehood assumes the unity and overlap of authority, population and territory. Citizenship, in turn, is both an instrument and the object of closure which demarcates such sovereign units (Brubaker, 1994). In this

conception, the citizenry is the group of people who are the members of the same political community, and this community only, within a given territory. However, this unity is challenged by the forces of globalization, and the corresponding understanding of citizenship cannot be sustain as it becomes increasingly difficult to define discrete and coherent political communities (Spiro, 2008). One of the main sources of this challenge is transnational migration which decouples the social and geographic spaces, the congruence of which had marked the construction of nation states (Pries, 2000; Smith and Guarnizo, 1998). Thereby, the social spaces of transnational migrants link their countries of origin and residence as they develop and maintain relations that span national borders (Schiller, Basch and Blanc-Szanton, 1992, 1995). Against the background of changing circumstances, citizenship has to become transnational as well, 'by reaching beyond boundaries of formal membership as well as territorial residence' (Bauböck, 1994, p. viii).

The way in which citizenship becomes transnational is another type of decoupling; namely, the elements of citizenship are being dis-articulated and re-articulated with universalizing criteria (Ong, 2006), thus the aggregation of all components associated with citizenship in a single category is incompatible with the changing paradigm (Cohen, 1999). Namely, citizenship is usually conceptualized as comprising of several dimensions such as status and legal recognition of membership, possession of rights including political rights that entail active participation, and identity linking the individual and political community on the basis of cultural properties (Kymlicka and Norman, 2000; Joppke, 2007b). The dis-articulation of citizenship occurs not simply among as well as within the dimensions of status, rights and identity.

Hannah Arendt (1958) defends citizenship as a universal norm of the right to have rights. However, today one can observe that, from a post-national viewpoint, this fundamental status may not be indispensable, as the protection of rights is linked more to universal personhood than national membership (Soysal, 1994). While cosmopolitan norms or the international legal regime of human rights can be seen as de-nationalizing citizenship (Benhabib, 2007; Sassen, 2006), the same processes also entail the decoupling of different categories of rights. The three main categories propelled by T.H. Marshall (1965), namely civil, political and social rights display different features in this respect. While the civil rights of any person irrespective of status can be expected to protected in a liberal democratic regime, social rights depend largely on welfare regimes, and political rights are exclusively linked to citizenship status in almost all cases[1]. Finally, in the third aspect of citizenship, a decoupling of political and cultural identities is at stake.

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[1]Few exceptions include, for instance, the right to vote in local elections for citizens of EU member state residing in another member state, residents of the UK who are citizens of Commonwealth countries, or New Zealand which implements a progressive form of non-citizen voting rights.

The presence of transnational migrants in a liberal democratic country has a de-ethnicizing effect on the citizenship regime, whereas their presence outside of their country of origin has a re-ethnicizing effect (Joppke, 2003). Meanwhile, in the de-ethnicized liberal regimes, the endorsement of liberal values acquire the quality of a thick identity (Joppke, 2005, 2007*a*).

The dis-articulation of citizenship raises imminent normative questions: who is entitled to the status and rights associated with citizenship, and what does the liberal-democratic political identity mean for the moral duties of decision makers? As the main determinant of the transformation of citizenship is transnational migration and the way in which democratic regimes respond to migration by striking a balance between liberal values and political constraints (Joppke, 1999, 2010), the entitlement of migrants to the citizenship of their countries of residence and origin constitutes the main focus of contemporary debate. In this context, the normative-liberal appraisal of existing citizenship regimes is highly critical. First, the absence of open borders is argued to be contradictory to basic liberal principles (Carens, 1987). Second, the translation of liberal values through nationalist templates reproduces rather than eliminates exclusion and discrimination within countries (Bosniak, 2006). Third, the persistence of birthright to citizenship, that is, its transmission akin to property, is comparable to feudal privileges (Shachar and Hirschl, 2007).

With regard to the citizenship entitlement of migrants, there is arguably a liberal consensus on the idea that permanent residence is a sufficient condition (Barbieri, 1998; Bosniak, 2007; Rubio-Marín, 2000). As for the extra-territorial citizenship of the country of origin, disagreements are more likely. Even if the mobilisation of emigrant communities by sending states for instrumental or nationalist reasons is not acceptable, plural citizenship may draw on legitimate reasons (Bauböck, 2003). Yet it can also be argued, quite plausibly, that the disenfranchisement of external citizens is the corollary of the enfranchisement of resident aliens (López-Guerra, 2005). In contradiction to the latter argument, plural citizenship becomes more and more widespread (Martin, 2003; Pogonyi, 2011; Spiro, 2007), which largely driven by the 'liberalization' of citizenship regimes in immigration countries (Weil, 2001). Meanwhile, emigration countries tend to develop mechanisms to reach out to emigrant communities, and thus entrench institutions of extra-territorial citizenship (Barry, 2006; Østergaard-Nielsen, 2003).

Therefore, the normative question regarding the entitlement of migrants in the country of residence is settled; persons residing in a country have the moral claim to membership in the political community, through automatic or at least easy naturalisation. This could be the acquisition of nationality as the legal status, or less extensively the possession of political rights; what matters is the enfranchisement of all residents. It goes without saying that persons born and raised in a country have the same entitlement; even if this is institutionalized as jus soli birthright, its

moral bases pertain to democratic inclusion. The remainder of this paper will address the questions left open for extra-territorial citizens: should enfranchisement in the country of residence directly result in disenfranchisement from the country of origin, or are the migrants entitled to multiple citizenships? If the latter is more plausible, should this entitlement be limited and how? Principles of disaggregated citizenship and stakeholder citizenship are discussed below in this respect.

2   Disaggregation and stakeholder principles

The solutions proposed to the uneasy situation of resident non-citizens and extra-territorial citizens can be categorized into two camps: disaggregation or expansion of citizenship (Song, 2009). First, the proponents of disaggregated citizenship argue that claims to the status of citizenship should be decoupled from the claims to political rights. In this respect, by distinguishing nationality and citizenship in terms of legal status and status-plus-rights, even though plural nationality would be legitimate, extra-territorial nationality does not necessarily legitimize external voting (Rubio-Marín, 2006). From a broader perspective, however, disaggregated citizenship is able to accommodate the enfranchisement of resident non-citizens as well as extra-territorial citizens, and even non-resident non-citizens, insofar as a person has the morally grounded reasons to be included in democratic decision making (Song, 2009). In this respect, the normative strength of disaggregation principle is derived from larger theories of democratic inclusion, most notably the principles of all affected interests and/or all subjected persons.

The principle of all affected interests is defined by the assertion that "everyone who is affected by the decision of a government should have the right to participate in that government" (Dahl, 1990, p. 49). The principle of all subjected persons can be distinguished to suggest that everyone under the rule of a government should have say in the decision making processes of this government (Näsström, 2011). This distinction is interpreted to differentiate the determination of who constitutes the political community, or the demos of democracy, and who will have access to an existing political community. It should be remarked that many of the aforementioned residence-based normative approaches to citizenship assume implicitly or explicitly all-subjected principle as the valid moral ground (Owen, 2011). However, when the unity of authority, people and territory is challenged, the debates on membership and political participation must go beyond the presumptions of neatly defined pre-existing units, hence favour all affected interests as a higher normative standard. In this respect, the demos is best defined and franchise is best achieved activity by activity, decision by decision, rather than people by people (Shapiro, 1999, p. 235; 2003, pp. 221-222). Furthermore, even if it brings about the difficulty of determining who is to be affected, this is not more controversial

than determining who is to be a life-long member of the community (Shapiro, 2003, p. 223).

Nonetheless, there are certain problems inherent to the principle of all affected interests. First, if the decision as to who is to be affected should be made democratically, this decision should also be subject to the scrutiny of the principle, leading to an infinite regress and making the principle a logical impossibility (Whelan, 1983). Second, the state of being actually affected by a political decision materializes only after the same political decision; thereby, one can only guess who is to be affected, and this is in fact the principle of probably affected interests (Goodin, 2007). With regard to the first problem, even if it is not possible to completely escape this paradox, by understanding the formation of the demos as 'an ongoing process of political self-creation', democratic iteration would lead to better approximations of inclusion (Benhabib, 2005*b*, p. 17). As for the second problem, indicators of being probably affected need to be established, which will be discussed below.

On the other hand, the empirical strength of the disaggregation perspective is derived from the observation that the component of citizenship are indeed being dis-articulated. In line with the post-national accounts, the disaggregation argument draws on the idea that the protection of rights no longer relies on the legal status of citizenship, hence insisting on their unity is not justified (Benhabib, 2005*a*). The right thing to do, therefore, is the recognition of political rights irrespective of legal status, or removing democratic closure through exclusionary institutions of citizenship. The implications for resident non-nationals is not different from what has already been said: they are very probably affected by political decisions as much as resident citizens, hence they must not be denied the right to political participation. Nonetheless, the implications for extra-territorial citizens fall short of a definite answer. When the combined argument of democratic inclusion and disaggregated citizenship is read backwards for extra-territorial citizens, if they are not reasonably expected to be affected by the political processes of their country of origin, thus if they do not have the moral grounds to claim democratic inclusion, their status of nationality should not be sufficient to guarantee political participation. If and when they are affected, however, cannot be determined from within the theory.

The second perspective, which aims to retain the unity of the components of citizenship while expanding the bases of citizenry, is distinct from the first perspective in its disregard for the dis-articulation of the components of citizenship. Yet its main motivation is also avoiding under-inclusion, and by setting precise criteria of membership, it is capable of imposing restrictions which may avoid over-inclusion. For instance, the balance between over-inclusion and under-inclusion can be struck by the principle of jus nexi which requires the extension of citizenship to all those who have a 'real and effective link' to the political community

(Shachar, 2009, p. 165). To further specify, the efforts to theorize what constitutes a real link between the individual and the community have been advanced significantly by the concept of stakeholder principle (Bauböck, 2006).

The principle is defined by the suggestion that "all those, and only those individuals, who have a stake in the future of a politically organized society have a moral claim to be recognized as its citizens and to be represented in democratic self-government" (Bauböck, 2008, p. 4). For the duties of a respective political community, it takes the form of a principle of inclusion: "self-governing political communities should include as citizens those individuals whose circumstances of life link their individual autonomy or well-being to the common good of the political community" (Bauböck, 2009b). Therefore, the circumstance of life come forth as the qualifying conditions, hence observable criteria, to determine the stake of persons, which constitutes the moral basis of the claims to membership. In other words, the difficulty in determining the stakes in the future of a polity is circumvented by taking past and present indicators as the qualifying conditions.

These indicators are described in two categories: dependency and biographical subjection (Bauböck, 2009b). First, as the indicator from the present, individuals should depend on the political community for the protection of their rights. Second, as the indicator from the past, individuals should have been subjected to the authority of the political community for a significant period. The implication of operationalizing the stakes in this way is a generational differentiation of the entitlement to citizenship (Bauböck, 2006, 2009b). For the migrants in a country, residence for a few years and an apparent intention to stay entitles them to naturalization, and their descendants to birthright citizenship. For the expatriates of a country, actual migrants and the first generation born abroad are entitled to plural citizenship and all the rights associated with citizenship. But from the second generation onwards, the stakes can be assumed to cease to exist, resulting in the annulment of the birthright.

From a perspective endorsing stakeholder principle, disaggregation argument can be criticized of not providing tangible criteria for the conditions and limits of inclusion. In the same respect, this can also be seen as a modification offered by the stakeholder principle. Even though it is distinct from disaggregation argument in sustaining a unified conception of citizenship, such criteria can be used as instruments to translate and implement the standard of being probably affected. However, the possibility of establishing such criteria without damaging the normative strength of a principle of inclusion is questionable, thus stakeholder principle is also open to criticism. The next section will challenge the stakeholder principle in several respects to argue that the extensive conceptualization and recommendations of the theory should not be considered as normatively accurate as a whole.

3 Critique of stakeholder principle

3.1 Moral critique

First, the stakeholder principle can be subjected to scrutiny by liberal moral theory, which will be realized here from a Rawlsian perspective. If the principle instructing the entitlement to membership is taken as determining the basic structure of the society, akin to Rawls's principles of justice, it should be decided under conditions of fairness whereby every party is stripped of their biases emanating from social positions (Rawls, 1971). The moral content of the stakeholder principle has not been tested so far in view of its acceptability for parties under conditions of fairness, which will be attempted here. It should be noted that the purpose of this exercise is not to come up with new principles which will result from this original position, which is beyond the scope of this essay, but to discuss the accuracy of the stakeholder principle as a liberal moral principle. However, the main difficulty in applying a Rawlsian framework here is that, in the classical formulation of justice as fairness, a self-contained society is assumed. For this reason, this assumption should be dropped in favour of a principle which will apply to multiple societies which share migrant communities among themselves.

Assuming that rational parties will be motivated to maximize the autonomy of the least advantaged positions, the basic idea of stakeholder principle can be confirmed in such a hypothetical exercise. Namely, the positions of migrant and expatriate will maximize autonomy through enfranchisement in countries of residence, and the position of non-migrant will minimize the sharing of collective autonomy. Nonetheless, even if the non-migrant, without any prospect of plural citizenship, will object to a multiplication of citizenship by other parties that does not improve its position, there is no sufficient reason to set an a priori choice for individuals. Above all else, parties will want to retain the freedom to pursue their own conceptions of the good; if a person prefers origin-country citizenship over residence-country citizenship, even where this is deemed a lesser good by some objective criteria, any higher-order principle that would legitimize an intervention into this choice could not be endorsed.

Therefore, while the basic premise that having a stake can be used to determine citizenship entitlement provides the principle with moral grounds, its tendency to push people towards residence-country citizenship is an unnecessary limitation which may override individual preferences, hence violate fundamental liberal ideas. In other words, the individual is the best judge of its own decisions, and the decision regarding where one has a stronger stake is no exception. Consequently, without overriding individual preferences, the stakeholder principle is unable to offer precise standards, and by trying to set objective criteria, it distances itself from moral grounds. Moreover, without such precise standards, having a stake

is no highly distinguishable from being (probably) affected. This point will be advanced further below.

It should be remarked that the above critique did not depart the unified conception of citizenship. However, disaggregated conceptions can also be considered in deciding a principle of citizenship entitlement. In order to insist on an institution of unified citizenship, there must be reasonable concerns regarding at least one position in the society that might be adversely affected by alternatives. For the positions of migrant and expatriate, plural nationality-as-status is an addition to their residence-country citizenship, and for the position of non-migrant, this does not have to entail any additional costs, hence they should be disinterested. Even in a scenario where non-migrants object to their relative losses which do not lead to any absolute gains, parties can still settle on an arrangement which allows residence-country political rights and origin-country nationality separately. Therefore, the argument of disaggregated citizenship is more compatible with moral standards of a liberal theory in either of two forms: extra-territorial nationality without political rights or complete decoupling of status and rights between countries of origin and residence. Furthermore, given that disaggregated citizenship offers a larger set of choices for individuals to select from, it is more likely to be endorsed as a principle to enhance the freedom to pursue one's own conception of the good.

3.2 Sociological critique

Focusing back to the stakeholder principle, the above critique is not intended for a complete refusal of the argument. Rather the point is that the objective criteria that it offers as a distinctive feature cannot be taken as part of its moral background. Proceeding with a thinner moral ground, the principle can be understood as offering practical guidelines when it comes down to actual people to make choices, either individually or collectively. In this respect, it should be able to help with the interpretation of persons' circumstances of life, to which a sociological critique can be directed. Arguably, the stakeholder principle makes oversimplifying assumptions, especially through biographical subjection. The generational limitation on plural citizenship can be challenged on two fronts. First, while it is probably true that, with each passing generation, the ties to the country of origin are weakened, drawing the line between the first and second generations born abroad, or any two generations, is arbitrary. Second, the strength of ties to the country of origin may be highly variable among individuals and households. One cannot rule out the possibility that the grand-child of a migrant will have stronger ties to the country of origin that the child of another or even the same migrant. When simplifying classifications are not easy to make, attempts to translate circumstances of life into common standards of limiting citizenship entitlement will

fail. Reconfirming the moral critique, not only the individual is the ultimate authority to interpret its circumstances of life, but also individual preferences are the ultimate indicator of these circumstances.

Nevertheless, it should be admitted that the stakeholder principle still draws on a strong intuition. Why would a person whose parents and herself were born in a country want to retain the citizenship of her grandparents' country of birth? If she is not given the opportunity of plural citizenship, why would this person give up the membership in her immediate political community? Presuming that these choices would be exception underestimates the sociological factors that can be captured by the concept of identity and its political relevance. It can be remarked that normative theorizing of citizenship entitlement in the works discussed above usually turns a blind eye to the identity aspect. As a general critique of these normative approaches, the disregard of identity component also applies to the stakeholder principle. When citizenship is understood as a unitary category, the status of being a citizen is not reducible to either rights or identity, but both aspects play a role in the considerations of the decisions regarding citizenship choices[2]. To some extent, the identification of a migrant with the country of origin is incompatible with the claims to enfranchisement in the country of residence. However, citizenship bonds are not only vertical between the state and the individual, but also horizontal among individuals, especially for a community living abroad in an environment which they see as culturally foreign (Offe, 1999). Therefore, citizenship preferences favouring the country of origin need not be an asymmetry of political allegiance, but they are rather a request for the legal recognition of social identification.

On the other hand, identity-based considerations are not unique to migrant communities; the citizenship regime of a country may draw on an ethno-cultural conception as well as a civic conception (Brubaker, 1994). Where an ethno-cultural conception is resilient and constitutes an obstacle against the political integration of immigrants, citizenship as a unified category leads to a dilemma for many of them: migrants with sustaining strong social and cultural ties with their country of origin will have to choose between enfranchisement and identity recognition. In the same vein, even if the stakeholder principle is liberalized with a higher freedom to choose, the restriction put on the migrant descendants from second generation onwards requires such an uneasy choice. Once again, disaggregated citizenship enlarges the set of choices available to migrants and non-migrants alike, by allowing new options such as enfranchisement of non-citizens and disenfranchisement of extra-territorial citizens which can adapt citizenship

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[2]For an empirically informed argument for the case of Turkish community in Germany, see for instance Caglar 2002.

regimes to social constraints and accommodate diverse preferences at the same time.

3.3 Democratic critique

Finally, the democratic critique of the stakeholder principle will address the claim that it is fundamentally distinct from other forms of democratic inclusion (Cf. Bauböck 2005, pp. 685-686; 2009*a*, pp. 16-21). The above discussions have already pointed to several similarities between principles of all affected interests or subjected persons, and stakeholder citizenship. First, stakeholder citizenship is put forward as a principle of inclusion, hence it shares the ultimate aim with broader principles of democracy. Second, at a moral level, it is not distinguishable from democratic inclusion principles, and more empirical suggestions do not directly follow from the moral bases. Third, both principles face the same difficulty in relying on criteria regarding future which can only be inferred through past and present indicators.

The major point where the stakeholder principle distinguishes itself is that principles of democratic inclusion offers only output legitimacy (Bauböck, 2009*a*, pp. 20-21). In this sense, stakeholdership should be a source of both output and input legitimacy. More specifically, the legitimate political community is one that consists of members and only those members who have a stake in the outputs of this community. The input legitimacy as derived from the fact that a political community is constituted by the coming together of stakeholders faces two problems. First, with the community coming into existence only at this constitutive moment, people come together based on the presumed effects of a future polity; thus input legitimacy is a function of presumed output legitimacy. Second, even if stakes are assumed to be objectively discernible, there is no prior authority to determine who have the stakes necessary to be a member. Therefore, if stakeholdership is the normative criterion to decide who will determine the possession of stakes at the constitutive moment, the principle is faced with a logical impossibility of infinite regress, similar to the principle of all affected interests. The indicators of having a stake highlight these problems. The dependence of one's autonomy on the political community is analogous to justifying membership in the basis of the protection of autonomy as an output. Meanwhile, biographical subjection looking to the past presumes a pre-existing community which cannot be subjected to scrutiny by the principle itself.

As with all affected interests, the stakeholder principle must work in practice as a normative standard to improve the inclusiveness of a given community. Yet stakeholder citizenship is still distinct in being a principle of membership. More specifically, with a perfect application of all affected interests, there is one demos for each democratic decision, and no community stable over time, of which

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people could be member of. The best approximation can be achieved through persistent overlaps across decisions, but this does not create a political community in itself. The excessive proliferation of political communities can be reduced by opting for the principle of all subjected persons, if the persons who are subjected to the political authority of a polity in general will have the right to participate in political processes. In this case, communities are more clearly defined and stable, thus membership is more meaningful, but it is still contingent on the state of being subjected. The membership statuses of the people who are mobile across political communities will change too quickly. Therefore, the stakeholder principle differs from the principles of democratic inclusion mainly in its insistence on citizenship as membership with a 'sticky quality'—acquired only at birth or through naturalization, and revoked only under exceptional circumstances (Bauböck, 2006, p. 2430).

One could argue that membership is not absolutely necessary for democratic inclusion. However, in a democracy without membership, citizenship is no longer a meaningful category. Thus, as compared to the principles of democratic inclusion, the stakeholder principle is distinctively a principle of citizenship which shares common reasons for inclusion with the former. More specifically, it argues for the dimension of membership upon the bases of the dependency of autonomy and biographical subjection, which correspond to the fundamental ideas of all affected interests and all subjected persons respectively. Yet, the addition of membership dimension will eventually lead to the departure from the normative standards set by principles of inclusion to a certain extent. Namely, groups of affected/subjected non-citizen residents (for example, migrants until naturalization which will occur after minimum requirement of biographical subjection is met) and unaffected/non-subjected extra-territorial citizens (for example, dual citizens from first generation born abroad who lost their ties to the country of origin) will be the results of under- or over-inclusion. It is for these or similar reasons that disaggregated citizenship is put forward as a superior principle of citizenship (Song, 2009).

Alternatively, disaggregation provides the options of detaching political rights from co-national expatriates, and attaching political rights to non-national residents, while the meaning of citizenship as status is not lost as it designates the members of communities. As it is found necessary to assume pre-existing communities to resolve the logical impossibility of applying the principles backwards, claims of inclusion can be directed to and from an entity whose circle of membership is clearly defined. Therefore, despite its lack of significant normative difference from democratic inclusion, and its lesser ability to balance under- and over-inclusion as compared to disaggregated citizenship, the stakeholder principle is not obsolete as membership is still a relevant factor to be incorporated into assessments of citizenship practices.

4 Conclusion

To summarize, the entitlement to extra-territorial citizenship comes forth as a category to be addressed by political theory since overlapping spaces of membership emerge from a transnational world shaped by migratory movements. Two main approaches propose different solutions: disaggregation argument emphasizes the decoupling of the status and the political rights attached to citizenship, and the stakeholder principle suggests expanding the circle citizenship for resident and limiting it for expatriates. As the decoupling effects of transnationalization have already been observed on political institutions, including citizenship, disaggregation argument is more likely to accommodate changing circumstances. Three type of critique reveal the shortcomings of the stakeholder principle, while a disaggregated conception of citizenship proves more accurate in the same dimensions. Namely, stakeholder citizenship has a stronger tendency to limit free choice and override individual preferences, while disaggregated citizenship enlarges the set of choices; the complexity of social reality, and identity considerations in particular, make the designation of any precise objective standards of entitlement arbitrary, while disaggregated citizenship is capable of reducing the trade-offs between socially and politically motivated choices; stakeholder citizenship is not an alternative to democratic inclusion, but rather a supplement that aims to ensure inclusion through membership, while disaggregated citizenship can retain membership as a meaningful category in a way that does not jeopardize political enfranchisement.

It should be remarked that the virtual suggestions of disaggregated citizenship are faced with adverse conditions in reality. More specifically, when political rights are suggested to be attached to residence without citizenship, the community to decide this does not include non-citizens; similarly, when political rights are suggested to be detached from citizens without residence, the community to decide this already includes non-residents. Given the above critiques, any standard of entitlement must not restrict individual preferences regarding citizenship, and any assumption regarding the preferences will be misleading. For this reason, the decisions to implement disaggregated forms of citizenship could be best expected from iterations of democratic deliberation. The role of the political theory, at this point, is ensuring that fairer possibilities can be imagined, and a larger amount of options are made available for reform. For this reason, we should look at whether actual people have decided to choose the options that can be theoretically justified.

For the expansion of franchise to resident non-citizens, Germany constitutes a crucial case with its historical persistence on an ethno-cultural conception of citizenship, birthright entitlement through jus sanguinis, and single citizenship. However, all these restrictive features have been relaxed throughout the last decades while Germany has clearly become an immigration country. Today, there is a large group of migrant-origin citizens of Germany, who will presumably favour

more liberal citizenship policies through their political participation. But the current situation is achieved against a historical background of difficult initial reform of citizenship regime. This has happened, arguably, thanks to well functioning institutions of democracy. Very briefly, the narrative of gradual reform could be constructed as the following: the initial integration of migrants happened in the work place and labour unions which led them to political positions closer to the Social Democratic Party; meanwhile, the integration of immigrants has become a top item in the political agenda of governments; Social Democrat governments, being more sympathetic towards migrant claims, facilitated naturalization procedures; with rising numbers of migrant-origin citizens, pressures for further reform increased, leading to the implementation of a qualified jus soli birthright, and later to the removal of barriers against plural citizenship[3].

One interesting remark about this process is that the qualified jus soli was a form of stakeholder citizenship sensitive to individual preferences. More specifically, it required the descendants of migrants to choose between German and origin-country citizenship after reaching the age of majority. But the subsequent removal of restrictions on plural citizenship is indicative of prevailing opinion that the renunciation of other citizenships is not considered an essential condition for German citizenship. Therefore, a stakeholder logic drove the expansion of franchise, but a similar logic of limitation was later revoked. A stage of disaggregated citizenship practices, in the form of the enfranchisement of non-citizens without naturalization, has not been reached; citizenship and political rights are still strictly tied together for the migrants and their descendants. What the cases of Germany ultimately illustrates is that stakeholder principle plays a progressive role when the reluctance to decouple citizenship and political rights is strong, but it does not designate the final state as further liberalization can be democratically endorsed.

For the limitation of extra-territorial citizenship, Mexico offers an illuminating case as a large emigration country with a civic conception of citizenship[4]. Mexico implemented external voting quite late, decades after a large community of emigrants started to form in the US. Until then, political rights were tied to residence, in accordance with a perspective of disaggregated citizenship drawing on all subjected persons principle. Concomitantly, Mexican constitution differentiates nationality and citizenship, referring to the former as a fundamental status and to the latter as entailing rights and duties. Meanwhile, Mexican citizenship regime also implemented a limitation on the transmission of birthright nationality abroad, which is still in place. Following a stakeholder logic, only the children

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[3]For a compact overview of the citizenship regime in Germany, see Hailbronner and Farahat, 2015

[4]For an overview of Mexican policies towards its emigrants, see (Fitzgerald, 2009)

of nationals born in Mexico can acquire nationality abroad, while the children born abroad of nationals born abroad cannot, corresponding exactly to the first generation born abroad as envisaged by stakeholder principle. Whether or not the implementation of external voting represents a departure from disaggregated citizenship is a question open to interpretation. It is true that this is a recoupling of status and political rights, but disaggregated citizenship envisages the option of decoupling which may not be accepted by actors. Insofar as expatriates put forward claims to origin-country citizenship based on being directly or indirectly subjected to its authority, or being affected by it, and these claims are accepted as legitimate by resident citizens, there is no independent criteria to judge this as over-inclusion. Meanwhile, cautions against over-inclusion have materialized in the form of limited birthright to nationality.

To conclude, the prevalence of membership-based practices in both immigration and emigration contexts does not align very well with the theoretical points about the stronger normative accuracy of disaggregated citizenship. On one hand, the unitary category of citizenship is being expanded towards what could be covered by non-citizen political rights. On the other hand, existing forms of disaggregated citizenship are superseded by plural citizenship with external voting, only limited in view of generations born abroad. Therefore, the sticky quality of citizenship as membership in a political community persists, and political theory should continue to incorporate membership-based debates to more ideal arguments that aim for a finer balance between under- and over-inclusion through differentiation of membership and rights. In the end, the cases discussed here display stronger tendencies of over-inclusion than under-inclusion, which should be the more preferable error when the balance is not practical.

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