Citizenship is back in vogue. Politicians speak about it; public-policy makers debate how best to make citizenship meaningful in an age of globalized security threats and migration pressures. Legislatures worldwide have also taken an interest, introducing new citizenship tests and more restrictive admission criteria. Scholars, too, have turned their gaze to citizenship once again, after many years of neglect. This renewed interest in citizenship is avant-gardist and futuristic in orientation: intellectuals and dreamers alike imagine how citizenship might evolve in the twenty-first century and beyond. The urgency of such a task is typically explained as follows: with the rise of economic globalization, on the one hand, and the fragmentation of cultural identity within established societies, on the other, the national model of citizenship no longer fits the bill. The world is changing; so should citizenship. Indeed, some are claiming that citizenship is already undergoing major transformations – and that this is a good thing, too.

What remains under fierce debate is what is in store for this glorious yet unfinished institution. Are we witnessing the semblances of global or cosmopolitan citizenship? The rise of more commodified and

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1 Leading scholars from the disciplines of law, politics, and sociology have written extensively about citizenship in recent years. Prime among them are: Alexander Aleinikoff, Rainer Baubock, Ronald Beiner, Richard Bellamy, Seyla Benhabib, Irene Bloemraad, Linda Bosniak, Rogers Brubaker, Joseph Carens, Gary Freeman, Randall Hansen, David Jacobson, Christian Joppke, Will Kymlicka, Julie Mostov, Hiroshi Motomoura, Saskia Sassen, Jo Shaw, Rogers Smith, Yasmin Soysal, Peter Spiro, Bryan Turner, and Patrick Weil.
stratified interpretations of political membership? Or perhaps the future of citizenship lies in the emergence of alternatives that are no longer tied solely to membership in a single political community? Such notions include concrete legal options such as dual citizenship and still embryonic ideas that fit under the headings of supranational (citizenship above the state), postnational (citizenship beyond the state), or transnational (citizenship across states). In this already crowded field, Dora Kostakopoulou’s elegant book, *The Future Governance of Citizenship*, advocates a radical break away from a national conception of citizenship. Her goal is to develop an anational (or denational) model of citizenship that relies on individual-centred notions of domicile and civic registration, freeing, as it were, the notion of citizenship from any thick or thin ‘communal’ affiliation. As Kostakopoulou ambitiously declares, ‘[t]his book seeks to furnish the tools required to transcend the present limitations of citizenship and make it more meaningful in the twenty-first century’ (3). This is a bold project indeed, and what makes it attractive is that Kostakopoulou does not assume that if we are to address the ills of the national model, the very institution of citizenship must go with it. Instead, she argues that citizenship can be rewritten in a more inclusive fashion. As Kostakopoulou rightly points out, the narrative of expanding the body politic and democratizing membership has been central to the modern tale of citizenship, although this process has not been unidirectional or linear. As Rogers Smith documents in his seminal work *Civic Ideals*, patterns of expanding citizenship are often followed by dramatic periods of contraction and growing exclusion. The more important point for Kostakopoulou’s project is to plead that the future of citizenship can be different but no less meaningful and socially relevant; nothing proves this better than citizenship’s past, which reflects ‘remarkable plasticity’ (3).

This book’s overall invitation to start ‘thinking about a genuinely postnational framework of democratic citizenship’ is well pursued (9). Kostakopoulou does an excellent job of identifying and celebrating citizenship’s impressive institutional flexibility, or its ‘variable geometry’ (143). This variable geometry, she argues, permits us to overcome the manufactured ‘couplings and equivalences between the state, the nation, sovereignty, territoriality, democracy and citizenship’ (5). This assessment, upon which Kostakopoulou builds the edifice of her alternative model, is not free from contestation; however, it fits comfortably in

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line with a host of related arguments advanced in recent years by other critics of the national model of citizenship.5

The challenge for Kostakopoulou is to persuade her readers that citizenship remains viable but must undergo a radical reformation. To that end, The Future Governance of Citizenship begins with a concise overview of citizenship’s past (chapter 1). This is significant: the historical overview demonstrates that citizenship need not necessarily be attached to any particular level or structure of government in order to thrive. In the past, it flourished (on a much smaller scale, and with a far more limited egalitarian scope) at the city-state level, as Athenian democracy demonstrates. The nascent experience with European citizenship illustrates that citizenship’s future might reside with regional unions, or supranational entities, in addition to (or in lieu of) national membership.6 What remains undisputed is that the heyday of modern citizenship, which burst onto the political landscape with the democratic and national revolutions of the late eighteenth century, has coincided with the consolidation of a Westphalian-type international system of sovereign territorial states. If this system is withering away in at least some regions of the world, then it is to be expected that new attitudes toward citizenship will emerge there. Christian Joppke best captures this sentiment in stating that Europe has seen the rise of ‘citizenship light’ with the introduction of the European Union citizenship category in the 1992 Maastricht Treaty. This citizenship-light category, argues Joppke, is informed by an instrumental attitude that is Roman at its core: ‘providing rights of free movement within Europe, and giving short shrift to the Greek package of

5 Students of European citizenship have offered support for the argument that citizenship rights can (and should) extend beyond a single state or nation, especially as part of a larger project of political integration. See, e.g., Antje Wiener, ‘European’ Citizenship Practice: Building Institutions of a Non-state (Boulder, CO: Westview Press, 1998); Willem Maas, Creating European Citizens (Lanham, MD: Rowman & Littlefield, 2007). This ‘assault’ on the national model has been criticized, however, on empirical, conceptual, and normative grounds; I do not attempt to resolve these disputes here. For an astute account see Randall Hansen, ‘The Poverty of Postnationalism: Citizenship, Immigration, and the New Europe’ (2009) 38 Theory & Society 1.

6 The current definition of European citizenship remains derived, however, from citizenship at the national level. To put it differently, this supranational (European) citizenship cannot be acquired unless one is already defined as a full member according to the domestic laws and policies of the relevant member states that jointly constitute the Union. The legal definition of European citizenship is found in EC, European Union Consolidated Versions of the Treaty on European Union and of the Treaty Establishing the European Community, [2006] O.J. C 321 E/1, art. 17, which states that ‘[c]itizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.’
politics, democracy, and duty.’ For Joppke, this is a fascinating research lab, a social experiment in the making. As he puts it, ‘[i]f one wants to look into the future of citizenship, perhaps here [in EU citizenship] it is to be found.’ Kostakopoulou is informed by the same insight, although she is engaged in a somewhat different task: her main charge is that national citizenship still serves as a source of unjustified exclusion from political membership (chapter 2). This critical account is extended not only toward strong, or ethnocultural, definitions of nationalism, but also toward civic-political, or weaker, shades of ‘togetherness, patriotism, and naturalization’ (chapter 3). Kostakopoulou is uncompromising here. She rejects notions of constitutional patriotism (à la Habermas) as ‘too thick’ just as fiercely as she objects to ‘thinner’ definitions of membership that rely on individuals’ having a sense of belonging to a given country or to its participatory institutions.

Once any definition of citizenship that involves a degree of communality is rejected, it becomes clear that any new twenty-first-century framework would have to be quite different from citizenship as we presently know it; and this is exactly how things should be, according to Kostakopoulou. Before I turn to an assessment of the alternative she offers, it is worth probing whether we should accept the prognosis that any notion of citizenship that unites people in a shared or cooperative political project on a national scale is, by definition, ‘tainted.’ This is a reductionist view, and, as presented in this book, it is irrefutable: even if more plural and open definitions of inclusion were adopted, they would never be sufficient to cure the fault of the ‘container’ itself (the nation-state), which is seen as inherently suspect. This conclusion becomes ever more puzzling, given that Kostakopoulou ends up leaving intact states’ right to control and restrict admission into their territories. It would seem more plausible to suggest that if the very category of bounded membership in a nation-state is inherently suspect, then it should be put to rest. This should then lead logically to the conclusion that the incumbent system ought to be abolished whenever this becomes realistically possible as a political matter. Yet this is not the normative direction in which this book steers; rather, it ends up protecting a set of conventional and robust – yet deeply exclusionary – powers that are presently vested in none other than nation-states (acting alone or in concert). Another problem lies in the all-too-quick conflation of citizenship with nationality and, at times, a slippage between nationality and ethnicity. In purely technical terms, this simply need not be the case. Nationality does not inevitably equate to citizenship, nor does the

reverse hold true. Examples abound. Consider the case of India, which permits nationals residing abroad to hold an ‘overseas citizenship’ that is more restricted in scope than full domestic membership in that polity. Mexico holds that its nationals do not lose or sever membership ties to their home country by accepting another citizenship (in the United States, for example); however, it restricts those with dual nationality from access to certain citizenship rights, such as running for political office. A more familiar fissure between citizenship and nationality is demonstrated by the case of Malaysia: while citizens of Chinese origin are recognized as full members of the polity, they are not perceived as included in the *Malay* nation. Related instantiations can be traced in many other multinational or multi-ethnic states, which, according to the latest empirical count, constitute the vast majority of polities worldwide.

Kostakopoulou would not necessarily find this counter-evidence damming, however. Instead, she could argue that it simply adds urgency to her claim that two and only two options are available to overcome the malady that she traces in the national model of citizenship. These options involve either ‘pluralizing the nation’ or ‘superseding the framework of nationality and dislodging citizenship from the confines of the national’ (7). The balance of her book is devoted to exploring these alternatives. In giving content to the latter goal of ‘dislodging citizenship from the confines of the national’ (chapters 4 and 5), Kostakopoulou embarks on the most intriguing and original part of her analysis. She argues in favour of allowing maximal choice to individuals to determine unilaterally whether to become citizens of a given country. This individual-centred model of citizenship does not demand or expect new entrants to establish any degree of identification with the state, its institutions, or its constitutional values. The reason for this is that *an* national citizenship, as its name indicates, is designed to offer a ‘collective-free’ avenue for one to become a member of a given polity. To find a crafty legal approach that can fit this collective-content-free definition of citizenship, Kostakopoulou turns to the concept of domicile, familiar both to the common law and to private international law. As judges and lawyers often complain, domicile is a notoriously murky legal concept that has long escaped a clear definition. It is relevant for the *an* national model, however, because it moves the centre of analysis from the need to acquire the consent of the receiving community (as in traditional naturalization procedures) to the subjective intent of permanent settlement, as expressed by the individual alone.8

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8 As Karen Knop eloquently observes in another context, a focus on domicile makes membership a unilateral decision by the individual (‘my choice, my way’), pushing aside the conventional emphasis on political membership as a two-way relationship between the individual and the state. See Karen Knop, ‘Citizenship, Public and
Under this anational model, the political community into which the individual enters would have almost no discretion or say in the process of accepting new members once the latter have made that political community the domicile of their choice. Even more dramatically, whereas individuals would have a choice to opt out of membership, meaning that they could remain non-citizens if they so wished, the host state would have no similar right or power. Once decoupled from ‘the national frame of reference,’ the state, as Kostakopoulou sees it, has no basis to define who belongs. While the individual gains unlimited choice, the anational state must accept everyone except those who possess a serious criminal record (84). This asymmetry is best demonstrated by Kostakopoulou’s argument that we should abandon present naturalization requirements because they typically entail a public ceremony in which one declares allegiance to the new political community. Since she finds any expression of communality of this kind a thinly veiled attempt to reaffirm the nation, a purely technocratic certification procedure instigated by the individual is recommended instead. This logic reflects both the strength and the weakness of the book as a whole. Kostakopoulou’s defence of anational citizenship, in effect, relies upon a methodology that I shall refer to as ‘disembedded individualism.’ This near-libertarian stance fits with her strong critique of even the thinnest definition of collectivity; yet it is hard to square it with the requirements of an activist, interventionist state that she defends in the book’s final part (chapters 6 and 7). This reflects a tension that runs throughout the book: a desire to make citizenship free from any attachment to notions of collectivity while at the same time demanding ever more robust provision of services and pathways to redistribution via the state. The core query here, which is ultimately an empirical one, is whether the proposed anational model could hold the weight of maintaining a robust service state while taking away any content-based ‘social glue’ that might motivate members to contribute to a cooperative and risk-sharing political project. To put the last point differently, is it realistic to expect a vigorous notion of pluralist citizenship to flourish without even the thinnest collective foundation of membership to hold together.

Private’ (2008) 71 Law & Contemp. Probs 309 at 320. The idea of turning citizenship into a one-way (as opposed to a two-way) process is strongly opposed by consent theorists of citizenship, as well as by actual policy makers – especially in Europe. See, e.g., Peter H. Schuck & Rogers M. Smith, Citizenship Without Consent: Illegal Aliens in the American Polity (New Haven, CT: Yale University Press, 1985); Council of the European Union, ‘Annex: Common Basic Principles for Immigrant Integration Policy in the European Union,’ 2618th Council Meeting, Justice and Home Affairs, 14615/04 (Press 321) (Brussels, 19 November 2004) at 19, stating that ‘[i]ntegration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States’ [emphasis added].
these otherwise highly atomistic and disembedded individuals? The two goals of hollowing out citizenship and making it more robust risk incompatibility: as John Heywood, writing in 1546, would have asked, ‘Wolde ye bothe eate your cake, and haue your cake?’

This concern is twofold, involving domestic and international aspects, which I discuss in turn. Domestically, the book fails to explain what would compel or motivate citizens to continue to share their bounty with others, or contribute to a progressive tax scheme, when, as disembedded individuals, they are not expected to have any connection or attachment to their collective-free polity; under such circumstances, why not jump ship and acquire domicile in another, equally prosperous country, especially if the latter demands less of them in terms of mandatory contributions to collective enterprises to promote social justice? Whereas existing citizenship models suffer from threats of capital flight, the service-state side of the anational model would surely become vulnerable to pressures of human-capital flight, especially by high-achieving and high-earning members. With nothing to bind co-residents of a ‘no-collectivity’ polity, who could blame them for opportunistic behaviour when the basic assemblage of meaningful affiliation (apart from the happenstance of shared market activity in the same social space) is intentionally muted? The point here is to not to advocate free-riding but to demonstrate that an honest discussion of a vision of anational membership must account for these non-idyllic potential consequences and fallouts of a new kind of political economy of citizenship. The ‘hollowing out’ of any collective component of membership, though intended to target nationality, may well end up drying up with it the social justice and democratic promise encapsulated in citizenship as membership in a political community of equals. This problem would have been less acute had Kostakopoulou argued for a minimalist state, such as that envisioned by Robert Nozick in Anarchy, State, and Utopia. But this is not the path charted in The Future Governance of Citizenship; here, citizens would owe considerable material and other obligations toward one another. These obligations are not to be achieved primarily through voluntary contractual obligations. Rather, they are to be discharged through mandatory, collectively enforced, state-regulated pathways for delivery of public services and proactive anti-discrimination measures (179–94). This is where Kostakopoulou’s idea of emptying or hollowing out citizenship faces the risk of collapsing under the weight of the redistributive good work that it must carry. A membership that hinges merely on the

individual’s intent to stay seems more apt to comply with a vision of laissez-faire economics of the Lochner-type (in American constitutional law terminology) than with a robust, equality-enhancing activist state. It is this potential incompatibility of disembedded individualism with a strongly interventionist political project that ultimately places the vision of anational citizenship, as developed in this book, in a tight corner.\footnote{11}

The shaky foundations of the anational model are not limited to these shortcomings. Internationally, in a world of regulated borders, where states are expected to remain the key players (as Kostakopoulou assumes), the consequences of reliance on domicile of choice as the basis for inclusion are potentially bleak. This alternative, with its cherishing of disembedded individualism, could end up benefiting only those who are relatively better off globally – namely, those with sufficient funds, cultural know-how, and ability to travel across international borders. But what about other, less well heeled potential migrants? Consider the situation of hungry and fragile women with young children in refugee camps across Africa or Asia. They are typically not in a position to make a free choice about which affluent and stable polity they wish to enter in order to establish domicile there; the hardships they experience (combined with guarded borders, entry visas, and the need to hold valid travel documents – or, conversely, the prohibitive costs of clandestine mobility – among other factors) bar them from even embarking on the first step on the long and arduous road toward a desired destination country. Recognizing this immobility trap, countries such Canada and the United States now proactively admit asylum seekers who have never reached their soil by allowing governmental and non-governmental sponsors of overseas refugee claimants. Such sponsorship prioritizes human need and humanitarian considerations as the guiding principles for inclusion. In contrast, an anational model that emphasizes domicile to be established after crossing the border and physically entering the well-off country may inadvertently exacerbate these difficulties of overcoming global inequities in access to membership rather than alleviating them. The harsh realities of today’s stratified and gendered international migration patterns – and their significance for envisioning more inclusive membership models for the twenty-first century – are completely

\footnote{11} A more coherent option that permits removing ascriptive barriers while promoting citizenship’s enabling functions is to advocate a conception of membership that emphasizes mutual responsibility and actual ties as the basis for claiming access to, and participation in, the community’s membership boundaries and democratic decision-making processes. One such option is found in the principle of \textit{jus nexi}, a new inclusion principle that relies on real, actual ties to the polity as the basis for citizenship, irrespective of where or to whom one is born and what nationality one is attributed at birth. For further elaboration see Shachar, \textit{Birthright Lottery}, supra note 3 at 164–90.
missing from this book’s discussion of citizenship’s future. This is a serious omission: it takes away from the book’s promise to offer an embedded utopia, making it instead a more localized recipe for reforming domestic politics, especially fit for societies embroiled in debates about the value of supranational (here, European) citizenship. This is one of the book’s little ironies: the anational prescription advocated therein seems to grow out of a highly contextualized national experience. The majority of examples discussed in the book draw upon Britain’s uneasy history of citizenship and respond to the ambivalence toward the European project expressed in that country today.

A final comment is required before we can round off the discussion of the anational model. What is the place of borders and their regulation in The Future Governance of Citizenship? Recall that the gist of the anational model is to avoid any communal content of membership, lest it turn into an exclusionary form of nation-based criteria. In searching for a content-free alternative, Kostakopoulou recommends that accessing anational citizenship should be made analogous to ‘extending full network access to all participants’ (111). To follow through on the analogy to a network good, we can speculate that whoever wishes to join should be able to do so (this is also the extension of the logic of disembedded individualism); but for this to occur in a world of bounded membership and regulated migration, borders must be radically transformed, their gates opened far more widely than they are today. Yet this is a move that Kostakopoulou resists taking. She writes that ‘anational citizenship is not envisaged to encroach upon statehood’ (128), and further argues that core provisions of domestic, regional, and international law that states owe their citizens (and vice versa) would continue to hold under the anational model.12

The only plausible way to explain this insistence on preserving states’ traditional powers of regulation over admission into their territory is to speculate that the anational model is actually envisioned for a specific set of countries and geopolitical conditions. These conditions (unfortunately left unspecified in the book) appear to include relative parity in economic and political stability as well as a commitment to institutional cooperation, as in the case of relatively well-to-do EU member states that have agreed, through negotiated treaties, to remove internal border-mobility restrictions and to endorse free movement, allowing their respective members – who are now also simultaneously members of the supranational elite club of European citizenship – the right to live as full and equal members in one another’s jurisdictions, irrespective

12 However, Kostakopoulou does acknowledge that if the trajectory of anational citizenship is fulfilled, states will indeed have more limited control in shaping their body politic (127–8).
of nationality. This vision may help transform the basic sense of identity and membership of those offered freedom of mobility within the boundaries of an ever-closer union, creating a ‘European soul’ as some have put it. At the same time, the opening of internal borders has been accompanied by a process of erecting ever higher and more regulated external borders around this free-mobility zone in order to restrict and control admission of ‘unwanted’ entrants from outside the EU region. This reveals that much depends on where we define the boundaries for inclusion/exclusion: citizens of the European Union are, without a doubt, the main beneficiaries of citizenship-light’s free movement provisions. The situation is less rosy for third-country nationals legally residing in the EU, especially during their first five years of residence. And any notion of unrestricted movement remains a remote pipe-dream for non-EU nationals pounding on Europe’s (mostly) closed doors. With the rapid construction of a massive EU-wide visa system and biometric-regulatory ‘virtual walls’ to protect those in the inner core, these uninvited migrants are not even granted a chance to establish first admission.13 Those who rely on clandestine routes of passage may well experience the growing wrath of national immigration officials or the externally oriented FRONTEX border-enforcement agency, based in Warsaw and designed to help stop unauthorized migrants from entering Fortress Europe. The Future Governance of Citizenship largely ignores the plea of those on the wrong side of the perimeter of this ‘supra-territory’; instead, its focus is on those already in, seeking to make membership ‘content free’ for them. This narrower scope of analysis is understandable, and fully in line with the instrumental logic of ‘citizenship light.’ It remains regrettable, however.

Those who are most in need of the benefits of anational citizenship may remain locked outside the territory, and thus absent from the democratic conversation the book seeks to stimulate about where to draw the new boundaries of membership. The vision of solidifying entitlement to those within can translate, in practice, into sweeping new measures to restrict those outside trying to reach the promised land of immigration, including rapidly expanded measures to stop them en route and as far away as possible from the territory of the anational state; in this way,

13 Even outsiders with a relatively strong claim to admission, such as those seeking family reunification with loved ones already residing in a European country, are increasingly facing new barriers to admission, such as the adoption and enforcement of linguistically and culturally loaded pre-admission tests that must be taken before applicants gain an entry visa, that is, before they can begin their journey. For a detailed discussion of these pre- and post-admission citizenship tests, recently enacted in the Netherlands, Germany, and the United Kingdom, see Liav Orgad, ‘Illiberal Liberalism: Cultural Restrictions on Migration and Access to Citizenship in Europe’ 58 Am.J.Comp.L. [forthcoming].
those trying to get in (especially those arriving from poorer and less stable countries) can never reach the soil of desired countries of immigration, and thus cannot establish domicile of choice – leading to citizenship – in these political communities. Kostakopoulou must surely be aware of this potential slippage, given that we live in a world in which such regulatory measures of interdiction and interception are already part of the toolbox of immigration and border-enforcement agencies, be they national or multinational entities or supranational ones like Europe’s Frontex. To avoid these hard questions, she almost completely brackets the discussion of borders, admission policy, and the regulation of international human mobility, focusing instead on those resident non-nationals who have already managed to enter the territory or those granted access according to the free-mobility provisions of a supranational union. Arguably, this is a serious concession that does not fit with the book’s bold promise to advance individual choice over and above any collective definition of membership.

While offering a spirited defence of an anational conception of citizenship, The Future Governance of Citizenship turns out to be less utopian, and less transformative, than advertised. Even if we put aside the thorny question of scope – namely, whose exclusion is averted by this model – the argument ultimately struggles under the weight of its own contradictory commitments to disembedded individualism and active obligations toward establishing a more pluralistic and inclusive society; polities are loaded up with responsibilities while being depleted of any ethical or collective goodwill purchase to motivate contribution by their hodgepodge of anational members, especially at times of economic or political crisis. If that is what the future governance of citizenship entails, we might do well to rush back to the drawing board. The vision of anational membership elaborated in this book would affect only a small subset of the global population that is already relatively privileged, obscuring from view the potentially severe implications of protecting only those who have ‘made it’ into the territory, in the process abandoning any global responsibility for those whose mobility is restricted long before they can set foot, let alone establish domicile, in these guarded ‘anational’ political communities. In the name of promoting inclusion by removing any trace of nationality from citizenship, this new model allows states to exclude just as fiercely according to territorial presence (or lack thereof).

This is not a sufficiently attractive answer to today’s membership dilemmas. We can accept the book’s call to arms in terms of invigorating citizenship for the twenty-first century while maintaining a healthy dose of reservation and scepticism toward the proposed anational variant of change. The beauty and hope encapsulated in the legal and political concept of citizenship is connected to its institutional flexibility,
The Future Governance of Citizenship convincingly shows that it is open to variable geometries and proposals for reform. The quest to make equal membership a reality thus awaits a more democratic and inclusive alternative. It is this trajectory and challenge that will surely continue to occupy citizenship’s visionaries, dreamers, and trailblazers alike.