Stakeholder theory won't save citizenship

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Introduction

Rainer Bauböck's "Democratic Inclusion: A Pluralistic Theory of Citizenship" is characteristically incisive. In this essay and elsewhere (e.g. Bauböck 2003, 2007), he has liberated normative political theory from the girdle of territorial boundary conditions. If ever it was, it is obviously no longer possible to posit a world of perfectly segmented national communities. For normative theory to remain relevant, it has to acknowledge the mismatch between borders on the map and the boundaries of human community. Bauböck's work offers a rigorous defence of citizenship and the state against the new architectures of globalization.

It's as good a defence as can be offered. But political theorists do not let the state make. Membership in the state remains supremely important; by far the most important associational attachment of individuals. But there are cracks in the edifice. Bauböck confronts the territorial leakiness of state-based communities. But the assault on the state is more insidious than he can safely concede.

This essay interrogates Bauböck's stakeholder model as a matter of theory and highlights possibly unsustainable empirical assumptions behind it. It is unclear what binds citizens together in the stakeholder state. There is a suggestion of shared purpose, but it is not apparent what that purpose consists of beyond the collective maintenance of a safe space, democratically self-governed. That seems a weak reed on which to support the heavy lifting of the liberal state. The intergenerational

qualities of citizenship are central to Bauböck's analysis. Although those intergenerational qualities serve the interests of both the state and liberal conceptions of justice, it is not clear that they are necessary to community or that they can independently generate the kind of solidarity necessary to sustaining citizenship as we know it.

Bauböck understands that citizenship persists only where boundaries exist and where populations remain relatively sedentary. States and citizenship cannot survive a condition of hypermobility. Whether the globe remains sedentary is an empirical question. There is strong evidence in the numbers that sedentary conditions continue to exist. But the trend is to greater mobility, and it may be that some state of greater mobility, short of extreme mobility, will pose greater challenges to the state than Bauböck allows. I use the archetypes of diaspora communities to critique his position on citizenship inside and outside the territory of the state. Diaspora communities may be disconnected from the political community of their state of residence even as they maintain a strong intergenerational connection qualifying as stakeholder citizenship in the homeland.

Non-state communities will also compete with citizenship in the state. These communities also comprehend the boundary and diversity conditions on which stakeholder citizenship is premised. They may also have broad jurisdictional reach. Unlike state-based communities, non-state communities have largely retained discretion to set their own membership criteria. That advantages them as locations for associative activity. What is old is new again, this time fuelled by material changes in communications. Meanwhile, community at the local level supplies some indirect evidence that community can exist in conditions of greater mobility. This possibility contradicts Bauböck's insistence on birthright citizenship and transgenerational community, both of which appear necessary to citizenship in independent states. Both phenomena will tend to contribute to stronger community but only where they are supported by sociological ties. In the case of diasporas and other forms of transnational communities, those ties will sometimes suffice to sustain solidarities in the absence of territorial presence.

At the same time, material developments challenge the binary quality of citizenship. Social attachments are increasingly scalar, something that citizenship's in/out form has difficulty processing. Citizenship law is no longer well equipped to sort inauthentic claims from authentic ones. The scalar nature of attachment also challenges citizenship's equality condition. To adapt to variable levels of membership, citizenship might have to abandon equality. But it is not clear what remains of citizenship without equality, since equality is located at its ideological core. The spaces we inhabit do not have to be the ones that are represented on the world map. The transformation, and its implications for citizenship, may only become legible in the longer term. But surely we are not in an equilibrium state. Stakeholder citizenship may not be radical enough for the times.

Community formations

What is the stake that holds citizenship together?

"Stakeholder citizenship" is an appealing Goldilocks label. On the one hand, the theory frames citizenship as something more substantial than the thin gruel of constitutional patriotism, under which a common faith in constitutional democracy putatively binds the citizenry. On the other, it is not unrealistic in the way of the methodological statism that has characterized autarkic liberal theories of citizenship, much less the gluey and oppressive ethno-cultural versions of national community. It is inclusive in the context of a system that (mostly) slots individuals into one or two but not all of many different polities. It takes account of movement among states, liberal autonomy values, the continued dominance of territorially based governance and the possibility (up to a point) of non-territorial identity. Stakeholder citizenship promises a taste that's just right for the new world.

The key, of course, is how the stake behind stakeholder citizenship is defined. Bauböck sets down the requirement that citizens "must be

able to see themselves and each other as members of a transgenerational political community whose government institutions have to track the collective will of the citizenry" (p. 63). The vision is a self-consciously republican one. "Citizens are stakeholders in a democratic political community insofar as their autonomy and well-being depend not only on being recognized as a member in a particular polity," Bauböck writes, "but also on that polity being governed democratically" (p. 41). Those who have a shared interest in self-government will also have a shared interest in the "flourishing" of that polity.

Does that suffice to build the social solidarity necessary to sustain a state? (Words like "solidarity" and "bonds" go missing in describing stakeholder citizenship, where "collective will" and "common good" are centred.) I admit to being instinctively sceptical of republican theories of citizenship as an American old enough to have lived through the mid and late twentieth century – a period of contentious but genuinely engaged self-governance – who must now suffer today's appalling spectacle of national politics with few entry points for responsible participation. Self-situated contingencies aside, there are systematic reasons to be suspicious of any theory of citizenship that hinges mostly on process. In this respect, stakeholder citizenship is a thicker variant of constitutional patriotism. Constitutional patriotism is grounded in a kind of faith in constitutional democracy. Stakeholder citizenship adds a material element – the individual and collective interest in self-governance. Both are elementally civic, with no social or cultural referents.

Stakeholder citizenship has the advantage, at least, of a bounded element. Territory, unlike belief in constitutional democracy, is distinctive, and physical presence is singular. It is a common interest in self-governance in a particular shared space that defines stakeholder citizenship. Although stakeholder citizenship makes allowances for movement, conceding the continuing attachment of first generation emigrants, it remains territorially driven. Absence from the homeland territory eventually results in the curtailment of transgenerational transmission. Those who establish residence in state territory should be afforded access to citizenship after some reasonable period.

The theory is mostly decoupled from examples or empirics. I understand that parsimony is a disciplinary characteristic. But it seems fair game to test the theory against developments on the ground.

Stakeholder citizenship processes diaspora populations better than ethno-cultural conceptions of citizenship. Diasporas are a challenge nonetheless. As a community that defines itself in part (possibly in larger part) in relation to another state, the question is how it relates to the state of residence. There is reason to be sceptical of the proposition that the interest in self-governance in the state of residence will establish a community. Of course, individuals have an interest in public order and non-interference with their autonomy. But as long as they are undisturbed in the governance of their own community (typically through non-state institutional channels), it is not clear that they have a self-governance interest in the community defined in terms of the state, much less its “flourishing”.

Bauböck anticipates a variant on this objection with the example of apolitical individuals and the monk in the monastery; that they, too, will be better off as citizens of a democratic polity (p. 41). I wonder to what extent that is true for those who, like monks, exist in communities insulated from the state, so long as they are allowed to go about their business as monks behind the monastery walls (a capacity now protected by substantive, exogenously imposed human rights more than procedural, internally generated self-governance – more on that below). The same could be true among diaspora populations whose identities are more tied to their place of origin and who can (in concentrations) confine interactions to other diasporans. So long as the state maintains some level of order and doesn’t interfere with their own self-governance, these kinds of insulated communities may not have an interest in self-governance at the level of the state.

The volitional element of stakeholder citizenship acquired after birth, reflected in the theory’s preference for naturalization at will over automatic naturalization (pp. 37; 66), does not nullify the objection. In the conventional narrative, naturalization evidenced a commitment to the state of naturalization. Typically coupled with termination of homeland citizenship, this template correlated with the citizenship

discourse of “loyalty” and “allegiance”. Naturalization was a solemn exercise, not always but on average, framed as a “new political birth”, in the words of one mid-nineteenth-century U.S. official (Spiro 1997). If only because of the perceived impossibility of multiple nationality, naturalization would have been more likely both to reflect and accelerate membership in the adopted national community. The transferred attachment was singular. The naturalized citizen would have had a clear interest in the “flourishing” of that community because he wouldn’t have any other.

Today, much less can be read into the agency of the act of naturalization. Naturalizing citizens are now enabled to naturalize for purely instrumental reasons (Spiro 2007a). Now that multiple nationality is widely accepted, the cost of naturalization has been reduced. A correspondingly lower level of benefit will suffice to incentivize naturalization. Citizenship acquisition cannot be taken to represent strong commitment. The pervasiveness of multiple nationality itself reduces the commitment. Retention of original citizenship makes sentimental and material attachment to country of origin more competitive with attachment to country of naturalization. Naturalizing citizens are less likely to be all-in. Indeed naturalization has become an exit strategy. Empirical research is identifying some long-time residents who are naturalizing in their state of immigration only at the time they decide to retire back in their country of origin, by way of ensuring re-entry rights (Gilbertson and Singer 2003; Mateos forthcoming).

Of course, naturalizing citizens (along with long-term residents) will still have an interest in protected autonomy. They might even have an interest in collective self-governance insofar as that autonomy is threatened. Will they have an interest in the “flourishing” of their new national community? Maybe, maybe not. That could depend on the relative strength of alternative attachments to national and non-national communities and the capacity of those communities to provide alternative safe spaces. Participation in self-governance activity may give rise to a shared identity. Or such participation could entrench a sense of persistent alienation. One does not need to look very hard for examples of this phenomenon.

Beyond political community

Here is another way of putting it: citizens may not have that much interest in collective self-governance in states. The security imperative that was once so central to state function (providing a safe space against hostile competitor states) has dissipated. Terrorism creates security needs, but the battle lines do not coincide with state borders and the defence does not require mass, state level mobilization. The redistributive capacity of states may also be waning. As the state retreats, citizens may thus have little or no stake in self-governance. This poses a challenge to the territorial inclusiveness of stakeholder citizenship. It seems no response to say that these citizens don't understand their real interests. Their lack of interest in collective self-governance, much less the flourishing of the state, may be completely rational. The opting out applies most obviously to new territorial entrants, who will never have opted in, but over the long run it will apply to others as well.

Political membership may be decentred in a way that Bauböck's theory cannot process. In an Arendtian move, Bauböck posits the "extreme precariousness" of those who lack membership in a particular political community. "To put it positively: membership in a polity is a necessary condition for human autonomy and well-being" (p. 40). Defined narrowly as participation in democratic self-government at the level of states, this seems both empirically doubtful and possibly condescending to the many individuals who live self-fulfilled, post-political lives. In the United States, for example, many people have checked themselves out of the political process, and for good reason. The level of enmity is high. Rent-seeking abounds. Legacy ideological and institutional constraints severely limit the possibilities for constructive action. Politics is a waste of associative energy.

This may reflect frayed underlying community. In a national frame, solidarities have dissipated. The New Yorker may not feel much in common with the Alabaman. The thinning common identity explains the inability to undertake compromise and sacrifice in the spirit of a shared project – to reach across the aisle, in American political parlance.

The exercise of engaging in political self-governance based on territorial boundaries cannot by itself shore up the crumbling edifice. Politics cannot compensate for an absence of shared non-political identity.

Bauböck is surely correct that “humans are social animals” (p. 40). But people do not need to locate their need for community in national political community, which is increasingly artificial and non-organic. In the range of community choice, individuals may see a higher probability of meeting their social needs in non-state communities. There are many people finding fulfilment behind the monastery walls these days. These communities may be gated, literally or metaphorically. But, then again, so are states. As Bauböck observes, the boundary condition is necessary to stakeholder citizenship. It is also satisfied in the context of other forms of membership.

Behind the (non-state) walls, politics continues. This will be obvious to all of us in the many facets of our associative existence. Family, faculty, church, club: there are always differences of opinion on the best ways to enhance community prosperity, from the micro level on up. There is literally no community in which all members “[share] the same interests, a single collective identity as members and the same ideas about the common good” (p. 8). All bounded communities thus also satisfy Bauböck’s diversity condition. Whether that diversity will exceed the diversity of community defined by the modern territorial state is contingent. Walzer posits that “A citizen, we might say, is a man whose largest or most inclusive group is the state” (Walzer 1982: 218). This is a cornerstone fallacy of liberal nationalism. The citizen of a small state who is also a Catholic will find a larger, more inclusive group in the non-state community. The Catholic Church excludes those who aren’t church members. But consistent with the boundary condition, states exclude non-members as well. They are not essentially more inclusive.

States, it is true, tend to have a greater reach in terms of jurisdiction. They are not issue-specific demoi, as Bauböck puts it (pp. 11–12). But nor are many non-state communities. The regulatory breadth of communities, state and non-state, is also contingent. States are constrained in their reach in various ways. Just as bye-laws set association rules, constitutions

and other governing instruments set the limits of state power. In terms of effect on everyday life, state rules may be less intrusive than the rules of the non-state communities of which citizens are members. Religions set comprehensive standards of conduct, some subject to institutional supervision, all (for believers, at least) subject to enforcement by an authority higher than the state. Educational institutions widely regulate behaviour, especially for students, backed by various enforcement tools including expulsion. Professional communities and employers impose ethical rules not demanded by the state. The state may have powers of coercion that are not available to non-state communities, but state enforcement is idealized. There are many contexts in which enforcement of state-based rules is anaemic or non-existent, their regulatory ambition pretentious. The Mormon Church's tithing requirement, for example, enjoys better compliance than compliance with state-based tax obligations (Spiro 2007b).

The state has historically done a better job than other institutions at protecting autonomy, serving as the meta-association that enables other forms of associations. However, today we can query state performance along this metric, too. It is not just in failed states that states are falling short of their obligations to protect. As noted above, autonomy protection by itself doesn't suffice to maintain meaningful community. Autonomy norms are no longer generated by domestic political processes in any case. Human rights obligations require states to provide territorially present individuals with such protection. Whether or not human rights norms are effective as an empirical matter is somewhat beside the point. The requirement to provide the safe space is the result of inter-community engagement, not intra-community interaction on a republican model. States increasingly serve as an administrative servant of the global system.

States are even becoming constrained by international law in their membership practices, something that hardly computes in a Walzerian equation (Spiro 2011). "Access to citizenship" points to citizenship for habitual residents as a baseline from which to perfect other rights. It also looks to apply non-discrimination norms to citizenship practice, a radical departure from the historical discretion afforded sovereigns

respecting membership. To the extent states are required to extend citizenship to some they would otherwise reject, this further detaches citizenship from social membership. It is not always clear how stakeholder citizenship accounts for the rights-advancing dimension of citizenship. For example, Bauböck justifies birthright citizenship in part as a mechanism for reducing statelessness (p. 71). Ditto for the presumption of lifelong membership. In neither case is it clear how the membership rule correlates to the stakeholder theory. What about the cases in which advancing rights and recognizing stake are decoupled? There is a whiff of reverse-engineering here. The rights-advancing practice is validated even where the connection to stakeholding is non-obvious. In any case, foisting members on states will do them no good as locations of community.

Other forms of community are less constrained in their membership practices. It is a cornerstone of free association that non-state communities can pick and choose among prospective members. Domestic law may impose constraints, but these constraints are usually qualified. In the United States, for example, a university may discriminate on the basis of race so long as it does not accept government funding. Non-state communities may also expel members at will, a capacity largely denied states under international law. The continuing latitude of non-state communities to determine their membership boundaries contributes to their growing strength relative to states, whose own membership practices are increasingly set by exogenous agents.

What local citizenship teaches us

Local territorial membership also supplies a useful vehicle for interrogating stakeholder citizenship. Local citizenship implicates the necessary spatial aspects of our existence. Leaving aside the very rich, for whom the concept of habitual residence has become antiquated, most of us have a place where we spend most of our time. We remain sedentary in a national frame as well as a global one. In that place we have clear material interests – in police and fire protection, primary and secondary

education, utilities, infrastructure and other matters typically within local jurisdiction. It is at the local level that one might more expect a collective interest in self-governance and a higher incidence of political engagement. (Republican theorists since Rousseau have always been more sanguine about the possibility of republican government on the small scale.) The stake in stakeholder citizenship seems more apparent at the level of the locality than that of the state.

In most states, membership at the local level takes the form of *ius domicili*. This makes sense, to the extent that the stake will largely correlate with territorial presence. Compared with national citizenship, territorial spillovers of local government will be of a lower order. Most localities have no extraterritorial jurisdiction, which reduces a potential disconnect between residents and those whose interests are affected. (A persistent exception is presented by the case of non-resident property owners.) The lack of extraterritorial jurisdiction nearly eliminates the disconnect between residents and those subject to coercion. The absence of territorial spillovers may also justify the non-practice of local citizenship for non-residents.

Bauböck does not expressly disparage local citizenship on these terms. To the extent local citizenship qualifies as stakeholder citizenship, it comes across as a stepchild variant. It is not clear why this should be so. The fact that local citizenship is automatic, with no exercise of will on the individual's part, might be taken to diminish its solemnity. But we have seen above that volition, to the extent it is exercised instrumentally, may reflect no commitment on the individual's part. The opposite is also true. The lack of a volitional element does not necessarily evidence lack of commitment, especially when no mechanism is offered for exercising such volition. (Locating oneself in a local community reflects a kind of volition – voting with one's feet – but it is overdetermined.) Many local residents/citizens are passionately committed to their subnational jurisdiction, with a transparently expressed ambition for its "flourishing". In these respects, the stakeholder label applies.

The stake can be decoupled from a stake in the state in which the locality is situated (Spiro 2009). Bauböck asserts that we "cannot make

sense of claims to inclusion in the city of Florence, the region of Tuscany or the European Union without describing first the different nature of these polities and their relations with the Italian state" (p. 51). I am not so sure. One can be a sociological member of a locality or a region without being a sociological member of a national state. This is the logic of non-citizen voting in local elections. Although membership in localities and regions (and of course the European Union) is formally tied to national citizenship, they could be decoupled. There is an incipient movement in the United States on the part of some states to extend distinct state citizenship that is not conditioned on national citizenship (Spiro 2010). The primary object is to express solidarity with unauthorized migrant co-residents. But the movement could turn into something more. Some legal migrants may identify strongly with their adopted locality while not identifying at all with the national community of their new place of residence. The long-time EU-citizen resident of New York may love New York and hate the United States. Territorial identities may move beyond methodologically assimilated nested arrangements. One might even look to deploy Bauböck's "constellations" in intra-state contexts as well as transnational ones (Bauböck 2010).

Local citizenship lacks a formal mechanism of transgenerational transmission. But this will not cancel the stakeholder quality of residential citizenship at the local level. People are often sedentary within the state; families remain in localities over generations. Although individuals will not secure local citizenship by birth, birth in a locality will often coincide with subsequent residence.

Transgenerationality, plus or minus

It is not clear why stake should be contingent on transgenerationality in the first place. We are all members of various communities of which our children are not and may not become members. Although our perceived stake (however defined) in those communities may be intensified in the face of a transgenerational element, it is not contingent on it.

It is true that all states provide for transgenerational transmission of citizenship. But that may be a reflection of instrumental value from the state's perspective more than a necessary condition to establishing stakeholder citizenship. The transaction costs of establishing citizenship would otherwise be high. In the past, the mechanisms of birthright citizenship (*ius sanguinis* and/or *ius soli*) matched well with social membership on the ground. Most individuals born to citizen parents and/or born on national territory were by that fact set on a trajectory of a life of communal solidarities with other members.

But why transgenerationality is a necessary condition of stakeholder citizenship in the state remains unclear. Transgenerationality by itself is unlikely to generate a sense of shared identity. There is a certain "build it and they will come" flavour to this element of Bauböck's analysis. Alternatively, birthright citizenship is a legacy condition whose historical prevalence makes it appear constitutive to the form. As Bauböck notes, over-inclusion is obvious in some cases, including those in which an expansive *ius soli* regime extends citizenship at birth to someone who leaves soon thereafter (aka birth tourism) (p. 70). In other cases it will be less obvious, as where individuals are born and remain in a state without perceiving any stake in membership (and perhaps not having one, at least not at the national level) as defined in the stakeholder model.

Bauböck implicitly recognizes the limits of transgenerationality when he calls for extinguishing citizenship for external citizens past the second generation (and cutting off from the franchise the second generation itself). "It is obvious," writes Bauböck, "that third generation emigrants will generally not have a sufficiently strong stake in a grandparent's country of origin to claim citizenship, unless their parents have themselves renewed their links to this country through taking up residence there" (p. 69). So transgenerationality will not suffice to establish a stake in the state-based polity. Territoriality is also a necessary condition.

This result may be under-inclusive. The stake (conventionally defined) for third generation external citizens will be attenuated relative to those who are territorially present. That will be true under alternative theories of citizenship. Their interests will be less affected by homeland governance

and they will be less subject to compulsion than those territorially present. It is not as clear why they should be disqualified under the somewhat stylized notion of stake in the theory of stakeholder citizenship. Although the homeland government will have less control over their physical space and physical autonomy, it can constrain autonomy in other ways. There will be many contexts in which external residents feel a stake in membership in the homeland community. There is an increasing fluidity between internal and external communities. Many externally born children are sent home for school, thus sustaining the connection more intensively than in historical migrant trajectories (Smith 2002). Other second generation diaspora members return for good, but their children will be enabled to return to the external residence through *ius sanguinis* citizenship rules (King and Christou 2010). The flows are not linear and defy conventional narratives.

The diasporas, again, supply the paradigm case in which individuals will feel exactly the sort of stake that Bauböck describes. How else to explain the intense pressure from the diasporas (including many not conventionally categorized as such, under such monikers as transborder or transnational communities) to secure acceptance of multiple citizenship (e.g. Barry 2006; Itzigohn 2012)? There are sometimes material benefits attached to the status with respect to visa-free travel, the capacity to own property, residency rights, and the like. But these benefits will often be marginal, for example for citizens of European states who move to the U.S. or other non-EU OECD states. These individuals will have premium passports when they naturalize in their new state of residence, but many have mobilized nonetheless in places like Denmark and the Netherlands to be enabled to keep their citizenship of origin. An important motivation appears to be passing the status on to children. The Indian diaspora has been extended a status labelled Overseas Citizenship of India. It includes most of the advantages of real citizenship, save the vote. But some in the diaspora are nonetheless demanding full citizenship, and it is not clear that these demands can be resisted in the long term. What better control for the stakeholder theory: a case in which individuals are clearly interested in membership as such, stripped almost entirely of its

instrumental advantage. It should not be surprising that other scholars have put “stakeholder” to work in establishing diasporic community (Addis 2012).

The diaspora context, even beyond the second generation, also supplies examples of individuals whose well-being depends on the “flourishing” of their homeland community. The use of the word betrays, I think, an element beyond the procedural citizenship that stakeholder theory suggests. For one’s well-being to depend on the “flourishing” of a community, one has to identify with it. Otherwise, functionality will suffice. Identity does not appear central to Bauböck’s orientation. But for a community to do the kind of heavy lifting required of the liberal state, some level of identification is required.

In the end, then, the mismatch between territory and political community at the national level is greater than stakeholder theory alone can correct. Within the national territory, increasing numbers will lack the sort of interest in membership and self-government required to sustain a community. Outside, there are growing numbers for whom transgenerational membership is valued even in republican terms.

Citizenship binaries

The problem for stakeholder citizenship may be that the lines are not as sharp as Bauböck would suppose. He highlights blurriness as a deficiency in competing theories of citizenship. I agree that affected interests and amenability to coercion don’t work for purposes of delimiting citizenship. But stakeholder theory may suffer the same problem. In this respect, the suggestions above do not need to establish sharp alternative lines, since I am not proposing an alternative theory of citizenship. I just need to show that Bauböck’s lines are also blurry.

The problem with all of these theories, and with citizenship as we know it, is that they require the sharp lines. Citizenship has a binary quality – you either have it or you don’t. Historically this was not a weakness. The lines on the ground were well marked. The binary aspect

of citizenship was well adapted to a world in which states were segmented from each other in both sociological and territorial terms. The binariness was a feature, not a bug. Coupled with exclusivity (the former norm against multiple nationality), the binariness of nationality helped keep national communities distinct where they might otherwise be blurry. Citizenship helped maintain good fences. But it could do that kind of work only on the margins – in border zones and in the context of limited migration. For the most part, nationality wasn't arbitrary. It reflected social attachment.

Today, citizenship no longer serves a border-policing function. Nor could it. The lines have gotten too blurry on the ground. It is no longer clear where one citizenry leaves off and the other picks up. This is reflected in recent acceptance of multiple nationality. That makes the citizenship binary an uncomfortable fit for sociological realities, and not just because there is more overlap among national communities. The problem is that the underlying attachments are more scalar. You can be in for a little or in for a lot, or somewhere in between.

The “genuine links” approach to nationality that sounds in *Nottebohm* is no longer a very useful metric for assessing membership. It doesn't take much to establish a genuine link. International law assumes that birth in state territory suffices, regardless of subsequent history, and Bauböck effectively concedes the point. He would contest ancestry beyond the first emigrant generation. But ancestry would almost certainly qualify for international law purposes, and for good reason. As demonstrated above, many will maintain affective and material interests in the homeland on an intergenerational basis. The problem with the genuine link threshold (as with Bauböck's) is an inability to sort authentic citizenship from inauthentic citizenship. A third generation emigrant might or might not have an authentic tie to the grandparent's homeland. Citizenship law will have difficulty ferreting out instrumentalist claims (Spiro forthcoming). States have incentives to cast the net widely, for reasons of expediency or fairness, so that they do not exclude authentic claims. That leads to acceptance of plural citizenship, which in turns gives individuals little incentive to self-sort. The cost of maintaining

additional citizenships will typically be low. Individuals are enabled to maintain citizenship in states to which they have a high, moderate or negligible level of connection.

The result might not be troubling except for the other binary element of citizenship: equality. You are either a citizen or not. If you are a citizen, you have the same status as all other citizens. “The idea of equality of membership,” Bauböck notes, “is fundamental for democracy” (p. 47). Citizenship is closely identified with equality. Citizenship without equality loses its essential meaning. In a context in which national communities were sharply segmented, citizenship advanced equality (if only imperfectly) within a group in which all members merited equality. The equality element does not translate well in a world in which not all citizens merit equality even if their citizenship is authentic. Citizenship has trouble adapting to gradations of sociological membership. Equality may no longer be imperative to citizenship. It might not even be appropriate.

Voting rights point to the decoupling of citizenship and equality. As external citizen communities have become more politically active in their homelands, they have demanded and secured external voting rights (Spiro 2003). As suggested above, this evidences stakeholder citizenship in external communities. But the average level of interest and participation will be lower in external communities, reflecting the aggregately lower, more highly variable self-governance interest. (One should pause to remember that self-governance interests will also be variable among territorial residents, and absolute participation may be low, but it is likely to be higher than external participation and interest.) External citizen interests will also tend to be distinctive.

The resulting dilemma lends itself to bespoke arrangements. Many states have created electoral districts for citizens abroad, giving them a direct voice in national legislatures. But these districts have not been apportioned on the same basis as internal ones (Collyer 2013). These schemes abandon the equality premise of one person, one vote; your vote as an external citizen counts less than your vote as a resident citizen. (Interestingly, Bauböck accepts such underweighting, at least

where external voters would “swamp” resident ones (Bauböck 2007).) But diluted voting for external citizens makes sense. It is better than the alternatives. To deny external citizens the right to vote altogether would contravene legitimate self-governance interests. To extend full voting power to external citizens would blinker the reduced level of those interests. The result is something other than political equality.

Citizenship's equality will be pressured from other directions. Non-citizen residents are now understood to have self-governance interests of their own, and increasingly enjoy local voting rights. Why should they be denied full political equality because they do not want to engage in the loyalty test of naturalization? Meanwhile, plural citizenship will create various citizenship-generated inequalities that are only starting to be legible (Balta and Altan-Olcay 2016; Spiro forthcoming). Especially in developing states, those who also hold premium citizenships will enjoy enhanced life opportunities over their mono-national neighbours (Cook-Martín 2013; Harpaz 2015). To the extent that (inevitably) some have acquired dual citizenship through inauthentic claims, the result will look random. Citizenship was once a badge of equality. It may come to reek of arbitrary privilege.

Conclusion

Citizenship as we have known it cannot process a condition of transnationality. This incapacity explains recent work in normative political theory seeking to restore the institution and defend it against oppositional forces. Against the conventional posture, these efforts find progressive theorists calling for limitations on the extension of citizenship. Bauböck's work reflects this trend (e.g. Shachar 2009). His prescription that citizenship not descend past the second external generation, for example, looks to shore up the stake in stakeholder citizenship. So too with increasingly vigorous progressive denunciations of investor citizenship, the rise of which strikes at the core of liberal nationalist ideology (Shachar and Bauböck 2014).

In this response, I have suggested that the republican orientation of stakeholder citizenship does not match the impoverished political landscapes of our time, which have been transformed by community alignments that no longer trace national boundaries. That makes stakeholder citizenship questionable as a normative matter.

Theory aside, states show little interest in scaling back the availability of citizenship on a liberal nationalist basis. Some extensions of citizenship serve instrumental state purposes, ancestral citizenship among them (Barry 2006; Fitzgerald 2008). When citizenship is extended in one direction, the human rights hydraulic demands that it be extended in others (Spiro 2011). Powerful groups develop a vested interest in the availability of citizenship at the same time that extending citizenship typically poses low fiscal costs. Politically, once the citizenship circle is widened, it is difficult to shrink back. The political prospects for reinforcing citizenship's value are low. The incidence of instrumental citizenship will continue to grow, further undermining the empirical premises of stakeholder citizenship.

In other words, the condition is terminal. Bauböck asserts that this is "very bad news indeed" (p. 5). I agree that the decline of citizenship will compound the many instabilities of our time. Perhaps theorists should now turn their sights towards carrying citizenship values forward to novel institutional arrangements.

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