CHRISTIAN JOPPKE

Earned Citizenship

Abstract

This paper argues that conceptualizing Western state citizenship from the vantage point of advancing liberalism is insufficient. Instead, recently restrictive trends may be summarized under the umbrella of earned citizenship. Conceived of as privilege not right, this is a citizenship that is simultaneously more difficult to get and easier to lose, and it inheres elements of neoliberalism and of nationalism in tandem. One could even call it an instance of neoliberal nationalism, which is neither ethnic nor civic but including on the basis of merit and desert. The rise of earned citizenship is a convergent trend across Western Europe and the classic immigrant nations of North America and Australia.

Keywords: Citizenship; Liberalism; Neoliberalism; Nationalism; Western societies.

A DECADE AGO, I argued in the pages of this journal that liberal state citizenship has undergone a process of "lightening." This meant that access to the status of citizenship has been facilitated; that rights are less exclusively attached to citizenship but extended to immigrants; and that nation-state identities are increasingly liberal and universalistic [Joppke 2010]. In retrospect, the "lightening" thesis has two problems. First, it does not allow us to distinguish between what is "liberal" and what is "neoliberal" in changing citizenship, swallowing the ever more important neoliberal aspect under the liberal umbrella. Secondly, it misses entirely citizenship's nationalist dimension, which has acquired renewed prominence with the resurgence of nationalist populism across the Western state world.

As I argue in this paper, a better formula to capture these other-than-liberal elements and processes, which have moved to the fore in a context of neoliberal globalization and resurgent nationalism, is "earned citizenship." Unlike "citizenship light," this is not primarily an analytical category, but the practical idiom in which citizenship operates on the ground [for this distinction, see Brubaker 2012]. To a degree, earned

Christian JOPPKE, Institute of Sociology, University of Bern, Switzerland [christian.joppke@soz.unibe.ch].

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citizenship is reactive to the liberal lightening of citizenship. Liberalization is said to have profaned the "precious good" of citizenship by handing it out too easily and indiscriminately, and the new diction is that citizenship "needs to be earned," with naturalization considered not as a tool to further integration but as a "last step of a successful integration" [Stern and Valchers 2013: 41]. That citizenship needs to be "earned" is *the* central theme in new-millennium restrictive citizenship discourse.

This is not to say that earned citizenship no longer operates on a liberal basis. Not even the populist radical right wishes to return to a racist or sexist past where entire groups, such as non-whites or women, were excluded from the status of citizenship itself or left with lesser rights within this status. However, the heft of earned citizenship is its neoliberal and nationalist elements. Three Dutch sociologists appositely speak of "neoliberal communitarian citizenship" [Houdt, Suvarierol and Schinkel 2011]. This sounds convoluted but it is the concise formula for a citizenship that is neoliberal and nationalist in tandem: "Under a neoliberal communitarian regime, it becomes one's responsibility, expressed in the form of 'earning' one's citizenship to convert to a nation that is sacralized as a bounded community of value" [*ibid*.: 423-424].

Earned citizenship is neoliberal because it is contingent on the demonstrated capacity of the self-responsible individual to achieve and to contribute, even asking more of her than of the average citizen, making her a kind of "super-citizen" [Badenhoop 2017]; it is a "prize for performance rather than a status of equality," as an American jurist put it aptly [Ahmad 2017: 260]. At the same time, earned citizenship is nationalist because citizenship is conceived of as a "privilege" not a "right," reserved for the select few, whereby the exceptional quality or sacredness of the citizenship-conferring community is confirmed and enhanced. But it is nationalism of a new kind. When fleshing out their "neoliberal communitarian citizenship," Friso van Houdt, Semin Suvarierol and Willem Schinkel [2011: 424] pointedly speak of a "community of value," not of descent. Instead of being ethnic and wishing to restore homogeneity of this kind, the new nationalism has porous boundaries, it includes everyone who can "contribute" and is proven "worthy"—which warrants calling it "neoliberal" itself. This neoliberal nationalism is thus perfectly compatible with, if not altogether permeated by, the gospel of "diversity" that reigns across Western societies despite repeat-declarations that "multiculturalism is dead" [see Joppke 2017].

Through its neoliberal-cum-nationalist coating, earned citizenship moves away from a liberal conception of citizenship. But what is "liberal"

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citizenship to begin with? This question is surprisingly difficult to answer. To anticipate the counterintuitive part of the answer, it requires the anchoring of liberalism in something like nationhood, but a conception of it that connotes less merit and contribution, which have become dominant under a neoliberal arc, than shared fate and thrownness. Liberal citizenship's inherent nationalism thus resonates with the etymological origin of "nation," which is the Latin word *nascere*, to be born.

In terms of the right v. privilege binary, liberal citizenship is right not privilege, both formally (in terms of access to the status) and substantially (in terms of the goods attached to it). In this vein, Hannah Arendt [1948] famously understood citizenship as a foundational "right to have rights," pointing out that human and other rights are void if not resting on the solid basis of membership in a state. While not using the Arendtian term, T.H. Marshall [1950: 11] shared its spirit when depicting "social citizenship," the 20th century crown of the evolution of liberal citizenship, as the "right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society."

Margaret Somers [2008: 2] recovered the Arendtian formula as a foil to attack the current "contractualization of citizenship," according to which "the relationship between state and the citizenry (is reorganized), from noncontractual rights and obligations to the principles and practices of quid pro quo market exchange." In her view, this "distorts the meaning of citizenship from that of shared fate among equals to that of conditional privilege" [*ibid.*]. As a result, "social inclusion" and "moral worth" are no longer "inherent rights but rather earned privileges that are wholly conditional… upon the ability to exchange something of equal value" [*ibid.*: 3]. The discursive mechanism ("conversion narrative," says Somers) driving this change is the insistence on "personal responsibility," which has become dominant under neoliberal "market fundamentalism" [*ibid.*].

Somers develops her dark contemporary citizenship diagnosis from an internal, Marshallian social rights perspective. In particular, Somers attacks the American federal government, under Republican President George Bush Jr., for its incapacity—even downright unwillingness—to help out its own (predominantly black and poor) citizens after the disastrous Hurricane Katrina had inundated New Orleans in late August of 2005, causing 1,800 deaths. Already the citizens of a neoliberal regime, Somers says, have become "internally stateless," at least the disadvantaged portion that does not meet the "personal responsibility" threshold and lacks the means to fend for themselves, including

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something as trivial as an automobile to leave the flooded city [Somers 2008: 114]. Earned citizenship thus becomes a metaphor for a post-welfare society that is unwilling to redistribute its wealth and protections internally.

However, the premier and explicit site of earned citizenship is external, in an immigration context. Here it perversely serves the opposite purpose of symbolically upgrading a membership that, if Somers is correct, has become materially devalued. The British government, when inventing the term of "earned citizenship" in the early millennium, defined it as "the expectation… on newcomers to 'earn' the right to stay by learning English, paying taxes, obeying the law and contributing to the community" [Home Office 2008a: 4]. This citizenship reform proposal, which included a new "probationary citizenship" phase in which one's virtuous behavior could speed up (or its absence delay) the "journey to citizenship," never saw the light of day, apparently because it was not practicable [see Anderson 2013: 105]. However, it expresses well the underlying idea of rendering the access to citizenship more exclusive, even of making the entire process of integration dependent on the migrant's examined behavior, where previously there was trust that the sheer facts of residence and time passing would yield the desired outcome.

For Joseph Carens [2013: 59], its grounding in residence and time is precisely the mark of liberal citizenship: "Citizenship is not something that normally is earned or that ought to be earned. People acquire a moral right to citizenship from their social membership and the fact of their ongoing subjection to the laws." In this view, citizenship derives from "social membership" that is "normatively prior to citizenship," and whose only two criteria are "residence" and the "passage of time." These thin criteria are "proxies for richer, deeper forms of connection" that, as a matter of justice, stand to be recognized and are merely formalized by the state's granting of citizenship.

Whether understood as the "right to have rights" (Somers, following Arendt), or as premised on "social membership" (Carens), a liberally inclusive citizenship, this seems to be the joint message, must be non-contractarian. This is surprising if one considers that the ultimately liberal way of imagining society and state is in terms of a contract. However, already T.H. Marshall [1950: 68] had looked at social citizenship as an "invasion of contract by status," thus reversing the famous diction by 19th century legal historian Henry Sumner Maine that "the movement of the progressive societies has hitherto been a movement from Status to Contract," that is, from ascription to choice in

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determining one's place in society. For Somers [2008: 69], "citizenship entails reciprocal but non-equivalent rights and obligations between equal citizens; contracts entail market exchange of equivalent goods or services between unequal market actors." While this statement is not entirely clear, the proposition is that the citizen proper, unlike the market participant, is not acting out of "self-interest" but "shared fate" that comes from membership in a "preexisting" community. Somers identifies this community not as "nation" but as "civil society," a "third sphere" between market and state [*ibid*.: 30], the "site of the social" that is "effaced" in the classically liberal binaries of public v. private and state v. market [*ibid*.: 150]. Carens comes to the same conclusion, but from a different angle, juxtaposing not market and citizenship, as Somers does, but human rights and citizenship rights. Unlike general "human rights," citizenship rights are particular "membership rights," which are "derived not from one's general humanity but from one's social location" [2013: 97].

Both Somers and Carens painstakingly avoid any reference to the semantics of nation and nationalism. But it is obvious that the "nation" has been the historical site of the "bounded solidarity" [Bloemraad *et al*. 2019: 86] that is implied in these non-contractarian articulations of liberal citizenship. T.H. Marshall was more straightforward in this respect, when arguing that the evolution of citizenship coincided with the rise of "modern national consciousness" [1950: 41].

The problem is that the non-contractarian core of liberal citizenship may rest on specific historical foundations ("shared fate," as Somers appositely put it) that it cannot itself generate and, worse still, that lose traction over time. Capitalism's brief 20th century moment, when redistribution on the basis of steeply progressive taxes had greatly flattened the disparities in income and wealth, rested on the two most brutal wars the world had ever seen, and on the "nationalization of social life" [Rosanvallon 2013: 183-188] that was their consequence. Note that US President Roosevelt's famous "freedom from want," the basis of the emergent US welfare state, was compensation for engaging Americans in war. Similarly, the building of the British and French welfare states evoked the "spirit of Dunkirk" and the "spirit of 1945," respectively [*ibid*.: 201]. T.H. Marshall [1950: 74] knew that, much as "personal gain" is the engine of the "free contract system," so "the call of duty" is the presupposition for "social rights"—but that the required "Dunkirk spirit cannot be a permanent feature of any civilisation" [*ibid*.: 80]. Not just had the memory of war to fade with enduring peace and prosperity. In addition, as Irene Bloemraad *et al*. [2019: 86] have pointed out, the "expansion in

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national membership"—ethnic, racial, and religious—that followed from liberalized immigration and citizenship laws since the 1960s, had to weaken the "feelings of mutual obligation" that are required for the creation of social rights. As a result, "(a)ccess to welfare resources (has) been… made more conditional on deservingness judgments, which in effect means it is not really a 'right' of membership at all, but rather something stigmatized groups need to 'earn' in the face of suspicions about their need or effort" [*ibid*.].

This is not to deny that contractual and performance-related elements have *always* undergirded citizenship, to the degree that the latter is acquired by naturalization, that is, post-birth. Unlike birthright citizenship, post-birth citizenship never was unconditional and automatic. Only birthright citizenship, be it territorial (jure soli) or by descent (jure sanguinis), is non-contractual—and this is of course the standard mode of acquiring citizenship for most people in the world, including those who later in life decide to acquire another citizenship through naturalization. In this sense, citizenship is non-contractual for most people in the world. Alas, what appears to the romantic as "shared fate" [Somers 2008: 3], is to the anarchist "a historically violent and ultimately totalitarian status of pre-modern nature, both rigid to the extreme and capriciously random in how it is assigned" [Kochenov 2019: xi], revealing the state as the coercive institution that it is. By contrast, for the few who are not born with it, usually immigrants, who—never to forget—make up little more than 3 percent of the world population, even in the current moment of global migrations, citizenship has always been conditional and contractual.

This raises the question of what is new about earned citizenship. The mere fact of conditionality cannot be it, because this is inherent in naturalization and post-birth citizenship. Instead, what is new is the foregrounding and amplification of conditionality.

This paper further examines two central features of earned citizenship: that it is "more difficult to get" and that it is "easier to lose." These are complementary sides of the same neoliberal-cum-nationalist coin of rendering citizenship more exclusive and conditional on the individual's behavior and merit.

More Difficult to Get

Populists and nationalists, who have dramatically grown in strength in Europe in the form of radical right parties, are generally more concerned

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about immigration than about citizenship, which tends to be a remote and often arcane policy domain, dominated by lawyers. If they care about citizenship, it is mostly with respect to naturalization. This is because here the connection with immigration is the strongest and the visibility of admitting—or rejecting—new members into the national community is the highest, providing ample space for symbolism and posturing. An early-millennium overview of the evolution of citizenship laws in European Union countries promptly flagged as its "most important finding" a "new trend in many Member States since 2000 towards more restrictive naturalization policies" [Bauböck *et al.* 2006: 23], and this trend was particularly pronounced in countries with a strong radical right presence, such as Austria, Denmark, or the Netherlands. Almost fifteen years later, there is little reason to revise this diagnosis, except that radical right parties have grown stronger still across all of Europe.

However, one should not exaggerate the impact of the radical right. Reviewing the development of "citizenship rights for immigrants" in ten West European countries from 1980 to 2008, Ruud Koopmans, Ines Michalowski and Stine Waibel [2012: 1234] found that naturalization, next to cultural rights, was one area where electorally strong radical right parties *did* provoke restrictions. However, the authors also found that, apart from the fact that all examined countries (except Denmark) were "more inclusive" in 2008 than in 1980, "the 1980 level of rights in a country was the single best predictor of where a country stood at later points in time" [*ibid*.: 1224 and 1236]. This suggests "a high level of institutional inertia" that is prior and superordinate to the mobilization of the radical right [*ibid*.: 1232]. And the radical right's impact is additionally neutralized by an increasing immigrant-origin share in the electorate. Confirming this finding, an analysis of citizenship legislation in Europe over the 1992-2012 period found that "the xenophobic right does not seem to determine the direction of the reforms, neither hindering inclusive ones, nor being the only catalyst of restrictive ones" [Sredanovic 2016: 450].

"Naturalization" is a paradox to begin with. It literally means to establish something as natural. But to make something natural seems to be impossible because the transitive diction undermines the desired outcome. To be natural, like to love or to fall asleep, is a "state that is essentially a byproduct" [Elster 1983: ch. 2]—by intending it, you will exactly not achieve it. "Naturalization suggests impossibility," a British sociologist aptly observes, "no one can be *made* natural—as it suggests artifice and unnaturalness" [Byrne 2014: 4]. This is why residence time is so important: it resolves the paradox of natural*ization* by rendering

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invisible the active part in the process. However, foregrounding the active part, through formalization and the introduction of citizenship tests, while backgrounding the passive workings of time, is the uniform direction that naturalization policy has taken in recent years. As a result, the paradox becomes even more visible.

But what is the "natural" citizen condition that is the model for naturalization? One possibility is the "average citizen." Liav Orgad [2019] calls this the "integration" approach to naturalization. It predominated in a liberal era of citizenship policy, when the prevailing view was that citizenship acquisition is a tool or step in an integration process that is intransitive, more happening than intended, and infinite. A competing model for naturalization is the "ideal citizen." Orgad calls this the "selection" approach. Here, "(m)ore is demanded of an alien than of a natural-born citizen," as a US Federal court put it already in 1969 [quoted in *ibid*.: 13]. Orgad finds that this model "prevails in the liberal state" [*ibid*.]. This is true in the sense that it articulates the contractarian element inherent in naturalization, which has never been something for nothing but is by nature a quid pro quo, contingent on the applicant's delivering something in return for getting something, "citizenship." However, it is more precise to locate the "ideal citizen" model in a neoliberal-cum-nationalist constellation. In it, the dominant view is one of citizenship not as start but as endpoint of integration, "the natural conclusion of a successful integration," to quote former French Prime Minister Manuel Valls [quoted in Elias 2016: 2150].

Thus we arrive at the notion of citizenship not as a right but as a privilege that needs to be earned. Interestingly, this idea is shared by the political center and the radical right alike. For the political center, hear British Immigration Minister Phil Woolas, under whose watch "earned citizenship" was invented in the UK: "As a point of principle… if you don't break the law and you are a citizen, that's fine. But if someone is applying to be a citizen to our country, we don't think that you should only obey the law but show you are committed to our country" [quoted in Anderson 2015: 187]. For the radical right, hear the Norwegian Progress Party: "Becoming a Norwegian citizen should not be an undeserved right, but an earned privilege." This is also to repudiate what its activists, now in a more genuinely populist (because "political-correctness"—bashing) mode, call "kindism" (*snillisme*) [quoted in Brochmann 2013: 61].

The naturalization process has recently been spiked with hard new conditions and requirements. One may look at this as a response to "too much" liberalization, because well into the 1990s, the dominant trend

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had been toward facilitated naturalization, in terms of lowered residence times, a rejection of cultural assimilation, and the constraining of administrative discretion by formal rules, in some cases even the rise of as-of-right naturalization. It is still correct to say, as I did more than a decade ago, that the restrictive trend has been "within an overall liberal, in some cases even liberalizing framework" [Joppke 2008: 160]. This is confirmed by the fact that two other strands of citizenship liberalization—the trend toward conditional jus soli birthright citizenship and the toleration of dual or multiple citizenship—have generally not been touched by the restrictive impulse.

Liav Orgad [2017: 352] astutely observed that the access to citizenship via naturalization has simultaneously become "broader," in terms of *who* has access, yet also "narrower," in terms of the *conditions* of access. He thus points to an even more fundamental liberal base of citizenship law that likewise has remained intact: the removal of group-level or categorical exclusions on the base of race and sex. The new hurdles to naturalization are all at the individual level. One can distinguish here between economic, penal-law, and cultural types of narrowing or conditioning the access to citizenship. Let me discuss each in turn.

Economic Conditionality

A little noticed restrictive trend, which is squarely situated in a neoliberal context, is economic in nature: making access to citizenship more expensive and dependent on the financial self-sufficiency of the applicant. In this respect, citizenship becomes quite literally "earned." A comparison of eight European Union states found that in seven of them the fees for naturalization have gone up in the new millennium, more than doubling on average [Stadlmaier 2018: 50].

Particularly in the UK, on top of extraordinarily high visa and permanent residence fees, naturalization fees have dramatically risen over the past few years, reaching slightly over GBP 1,200 per adult and GBP 1,000 per child in 2018, which adds up to a non-trivial investment for the standard family of four. This change was deliberate, and it mirrors precisely the rise of neoliberalism and the devolution of the welfare state.[1] In the 1920s, *before* the rise of the post-WWII welfare state, there was an attitude among British naturalization officers that one could call "neoliberal" before the word: an application from an unemployed person

[1] In the following, I rely on the excellently researched thesis by Émilien Fargues [Fargues 2019a].

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"could not normally be expected to succeed."[2] At the welfare state's height, in the late 1960s, there was the opposite attitude that naturalization fees should not be set too high, "not… to form a barrier to worthy applicants of humble means."[3] In yet another drastic turnaround, between 2004 and 2017, the fees skyrocketed, growing more than six-fold, from approximately GBP 200 per application (by a person living alone) to over GBP 1,200.[4] The fee explosion was aggravated by a rule change, in 2009, that charged each member of a family extra, and no longer treated the family as one unit. Interestingly, the fee hike was not only motivated by making the naturalization process self-financing and to relieve "UK taxpayers" of the bill, which was a dominant motive under Conservative Prime Minister David Cameron's plan to make the entire British immigration system "self-funded" by 2020.[5] In addition, and importantly, the fees were set deliberately *higher* than the actual cost for a symbolic purpose, to express and reinforce the "importance" and "value" of British citizenship. The attendant assessment of "value" peculiarly fused a neoliberal utility and a nationalist morality element, the new idea being that "the 'value' of citizenship has to be reflected in the sum of money that the administration asks foreigners to pay in return for their acquisition of citizenship."[6] This was considered unproblematic from a liberal point of view because naturalization, after all, is voluntary: "A person who is settled in the UK is not required to become a citizen," as a member of the House of Lords defended the naturalization fee explosion in a 2016 debate.[7]

It must be conceded, however, that in contrast to other European countries, there was no parallel move in the UK to make the receipt of welfare an exclusionary ground for naturalization. Accordingly, one may consider the fee hike the functional equivalent to the exclusion of applicants because of welfare dependence: "People might be unemployed, they might rely on benefits, we don't care. We want them to pay the fees, that's it," as a Home Office bureaucrat describes the dominant attitude.[8]

The trend toward economic conditionality is not limited to Europe. In Canada, under the conservative Stephen Harper government, which at the same time tried to make Canadian citizenship more nationalistic and "warrior"-type, there was a significant fee hike in 2014, from CAD 100 to CAD 530. However, this was less morally loaded than in the

[2] A Home Office document, quoted in *ibid*.: 335.
[3] A Home Office document, quoted in *ibid*.: 343.
[4] *Ibid*.: 344.
[5] *Ibid*.: 346.
[6] *Ibid*.: 345.
[7] *Ibid*.: 347.
[8] *Ibid*.: 348.

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UK, and simply followed the economic rationale that post-birth citizenship acquisition had become "too cheap" and that the full cost of the procedure had to be shouldered by applicants. In one commentator's view, the Harper government undermined its own nationalist intention, because it "tacitly adopted the view that citizenship is a commodity" [Macklin 2017: 7].

Perhaps even more important than the increasing fees for citizenship acquisition is its conditioning on the applicant's financial independence and non-use of social assistance. This trend has been particularly marked in Europe, as a protective measure for its more developed welfare states. It still boils down to symbolism, considering that residence and not citizenship triggers the access to most welfare benefits. As it is the reverse side of welfare chauvinism, which is the attempted limitation of welfare benefits to co-nationals, the denial of citizenship to welfare-state clients has been a central plank of radical right parties, even though it is not limited to the latter. For instance, in Denmark, a restrictive citizenship circular issued after the 2005 elections, which bore the imprint of the electorally ascendant populist Danish People's Party, included a new self-support clause, according to which anyone who had received social aid for more than one year (later reduced to six months) over the past five years was automatically denied access to Danish citizenship—the Danish People's Party had even demanded an extension of the aid-free period to ten years [Ersbøll 2015: 25]. A somewhat milder self-support clause was hardened in a similar political context in Austria. A 2005 amendment to the Citizenship Law, which was passed under a coalition government that included a radical right party (the BZÖ [*Bündnis Zukunft Österreich*], a splinter of the FPÖ, and led by populist maverick Jörg Haider), decreed that a citizenship applicant must not have received social assistance for more than three years within the last six years, without any exception [Stern and Valchers 2013: 22-23].

However, it must be stressed that radical right parties may have hardened but they did not invent financial self-sufficiency clauses. German citizenship law, for instance, which had never been affected by a radical right party, has always included as condition for naturalization that an applicant does not receive social aid (*Sozialhilfe*) or unemployment compensation. The difference with Austria is that German lawmakers never tried to waive any exceptions to this rule: if a person cannot be held responsible for her social aid dependence, she is still entitled to naturalize [Hailbronner and Farahat 2015: 12]. Overall, a comparison of nine EU countries found that radical right parties had an influence on

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economic performance criteria in citizenship law "only when they have been strong over a longer period of time" [Stadlmaier 2018: 55].

Penal-Law Conditionality

A second new hurdle to naturalization, which is likewise closely but not exclusively related to radical right influence, is penal law. In Denmark, a 2002 change of the citizenship law, the first that was influenced by the Danish People's Party, among other restrictive measures, saw a new conduct rule that an imprisonment between one and two years necessitated a waiting period of eighteen years, while a sentence of two years and more forever excluded the possibility of acquiring Danish citizenship [Ersbøll 2015: 24]. In 2005, this already harsh conduct rule was further tightened: lighter sentences also incurred long waiting periods, while an 18-month imprisonment permanently precluded naturalization [*ibid*.: 25]. In Austria, under the 2005 reform of citizenship law, any conviction other than for an offence "committed out of negligence" rules out Austrian citizenship, and from 2011 even administrative infractions that are deemed "serious," including violations of the Road Traffic Regulation, can be regarded as an "obstacle" to naturalization [Stern and Valchers 2013: 22].

Considering the centrality of security and law and order in radical right discourse, and the latter's knee-jerk association of immigrants with crime, these developments do not surprise. However, the German naturalization rules *also* have always precluded citizenship for penal law violators, and an amendment to the citizenship law in 2006 further increased the ambit of legal infractions that bar an individual from German citizenship [Hailbronner and Farahat 2015: 12]. One must conclude that the degree but not the fact of tying naturalization to a clean legal record may show the hand of the radical right.

By far the strictest, even heinous, tying of naturalization and conformity with the law is observable in the United States. The means for this has been the "good moral character" clause, which has been a central part of US naturalization law since its inception in 1790. The clause, which aims to test the "fitness" of an applicant [Lapp 2012: 1590], was long left statutorily undefined. Interestingly, well into the mid-20th century, the courts and the federal administration interpreted it in a lax and forward-looking way. Not before the 1952 Immigration and Nationality Act, murder and other offenses, including "habitual drunkenness," adultery, polygamy, and illegal gambling, were formally listed as precluding an applicant from citizenship under the clause, but only if these acts

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occurred in the five-year residence period preceding the application. When the first "good moral character" case was adjudicated by a US court, in the mid-1870s, and when there was still no clarity as to what standards to apply, the court argued that "probably the average man of the country is as high as it (the standard) can be set" [*ibid*.: 1586]. Similarly, a mid-20th century training manual for federal naturalization officers decreed that the implementation of the good character clause should leave "ample allowance for reformation" [*ibid*.: 1589], setting present (and the promise of future) moral character, rather than past behavior, as benchmark. As the US Supreme Court declared in an early 20th century citizenship case, "good moral character" is "being exacted because of what [it] promised for the future, rather than what [it] told of the past" [*ibid*.: 1585, fn.87]. These views were in line with the redemptive "penal welfarism" that guided the American justice system between the 1880s and 1970s [see Garland 2001: ch.1].

With the decline of the "rehabilitative ideal" and the rise of revengeful "expressive justice" in the US [Garland 2001: 8], an archaically punitive and essentialist interpretation of the good moral character clause became dominant. Key to this was the late 1980s' invention and subsequent hardening of the legal concept of "aggravated felony" in immigration law. It automatically makes an immigrant deportable, and forever disqualifies him or her from meeting the good moral character requirement in naturalization law, even if the conviction long preceded the five-year residence period prior to citizenship application, and even if the sentence was suspended and removed from a person's legal record and he or she is thus rehabilitated and "clean." Once guilty, always guilty, never a citizen—this is the savage logic. Crucially, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), passed under Bill Clinton's Democratic presidency, greatly increased the number of crimes qualifying as "aggravated felony," including small lawbreaking that is otherwise legally classified as "misdemeanor." "Aggravated felony" no longer meant, as in the past, only "high crime," like homicide, but any wrongdoing that is punished with a prison sentence of more than one year, even if the sentence has been suspended. Under current American justice, this means that stealing a videogame worth USD 10 can constitute "aggravated felony" under immigration law and thus not only exclude a person from US citizenship forever but, more seriously, make him or her deportable without the possibility of judicial review [Lapp 2012: 1592, and fn.135]. In the enforcement-obsessed past quarter-century, immigration law has added thousands of "classes" of behavior that forever exclude a "good moral character" finding. In addition, a

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catch-all provision in the law enlarges the scope of potential restrictiveness even further: "The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such a person is or was not of good moral character" [quoted in *ibid.*: 1593]. As the American jurist Kevin Lapp has documented, helped by this catch-all clause, the "aggravated felony" construct "prevents or hinders a greater number of immigrants than ever from proving their present good moral character," and there is now a shadow population in the US that "forego[es] pursuing citizenship because truthfully disclosing past misdeeds creates too great a risk of detention or deportation" [*ibid.*].

Cultural Conditionality

The single most debated new hurdle to naturalization is a cultural one. In his analysis of current naturalization trends, Liav Orgad [2017] lists a restriction-minded "cultural turn" as a key development in recent naturalization laws, expressed above all in citizenship tests that have proliferated in Western Europe since the early millennium. The defense of majority culture, or what Orgad [2015] has dubbed the "cultural defense of nations," has also been the main preoccupation of the populist radical right. One might thus think that its effort to change naturalization law would be stronger and more unrelenting in this than in other respects of the law, pushing for a return of cultural assimilation as a naturalization requirement. This has generally not happened. An authoritative study of civic integration policies in Western Europe, of which citizenship tests are a central part, concludes that these policies are beholden to "liberal values" [Goodman 2014: 15]. And, to the degree that thicker and more particularistic "national values" are foregrounded in the naturalization procedure, Sara Goodman subtly observes that "(k)nowing national values and believing in them are two different things… The state can mandate knowledge and the professing of loyalty, but not morality or belief" [*ibid.*: 33]. Even Liav Orgad, who had earlier indicted the "illiberalism" of cultural defense policies in some European states [2015: ch.3], later argued that these policies "do not mark a return to cultural assimilation. Perhaps paradoxically, cultural defense policies reveal how light citizenship as a source of identity becomes. Liberal states attempt to define the rules for joining the community in cultural terms, but end up with a thin version of what 'culture' is" [Orgad 2017: 353].

An examination of the contents of citizenship tests in four West European countries, plus the United States, found that only the Netherlands "requires immigrants to be aware of and accept certain

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sociocultural norms" [Michalowski 2011: 749]. The Dutch citizenship test, crafted in the context of a strong radical right, is the only one that includes "illiberal" questions about "traditions and public moral." However, the test can in principle be passed even if all answers in this category are incorrect, because the majority of questions are concerned with liberally inconspicuous topics like "economy and public goods and services" and "politics, history and geography" [*ibid*.: 758]. Importantly, in all other examined countries, surprisingly including Austria and Germany, which Ines Michalowski takes as traditional representatives of an "ethno-cultural understanding of citizenship," the citizenship tests "(convey) a politically liberal community of citizens, united around legal and political norms, rather than around sociocultural ones" [*ibid*.: 749].

In fact, liberalism, which is perceived as being under siege in Europe by its sizeable Muslim population of immigrant origins, is the central preoccupation and defense-line in naturalization law's "cultural turn." This yields the paradox of "illiberal liberalism" [Orgad 2010]. One example is the Netherlands, where the "Dutch norms and values" that fare centrally in its coercive civic integration policies, at closer look, are (neo-)liberal values, such as "(p)rogressive views, individualization, the expectation that you will do anything you can to strive for your own success, taking responsibility for your environment."[9] The perhaps most drastic example of illiberal liberalism is France, where it is official policy, sanctioned by the *Conseil d'Etat*, that someone who wears a Burka cannot become a French citizen, because this is deemed incompatible with the "values essential to the French *communauté*, notably the principle of gender equality."[10]

Taking again the Dutch case, as one of Europe's most restrictive civic integration regimes, there may be the *intention* of cultural assimilation, but there is little possibility of enforcement, at least by way of the citizenship test format. Indeed, the standardized and formalized test format itself guarantees a minimum amount of liberalness. This is because it increases the naturalization procedure's calculability on the part of citizenship applicants, who are no longer subject to the whims of an open-ended, individual interview procedure whose outcome is always discretional. One might even question the assimilatory intention, considering the self-deprecating tone in which the Netherlands presents itself to newcomers as "too cold" and "they really are white" [see Orgad 2015: 101].

[9] A Dutch Social Democratic lawmaker, quoted by Bonjour 2013: 847.

[10] From a *Conseil d'État* decision, quoted in Orgad 2015: 88.

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In an interesting exchange on the question of whether the new citizenship tests are liberal, Ines Michalowski [2010: 6] finds "illiberal" the Dutch "big state" posture to "define cultural and religious difference (not) as the private affair of each citizen (but) as a public issue that may require state interference." However, even the one-fifth of questions in the Dutch citizenship test that, by Michalowski's classification [2011: 762], pertain to what is ethically "good" rather than to what is morally "right," and in this sense are "illiberal" in her view, qua being pressed into a standardized test format, are in the cognitive mode. They are learnable and repeatable, without the possibility for the state, perhaps not even its intention, to enforce and ensure that the test taker adopts and internalizes the respective standards in her own behavior. Moreover, when answering to Michalowski's "big state" charge, Randall Hansen [2010: 26] makes the useful distinction between knowing about and accepting social norms as a matter of fact, on the one hand, and being asked to adopt and to "like them," on the other. The latter is arguably not something that the Dutch state could legally and reasonably require of its immigrants and citizenship applicants. Of course, the line between acceptance and identification is difficult to draw. But unless it *is* drawn, societies could not be distinct historical formations. As the philosopher Samuel Scheffler [2007: 111] reasonably pointed out, even the liberal state "cannot avoid coercing citizens" (and citizenship applicants, one might add) "into preserving a national culture of some kind." This begins with the trivial fact of establishing and preserving an official language, the learning and mastering of which, however rudimentarily, is a central purpose and requirement of all citizenship tests.

New World Restrictiveness

Considering that the United States has practiced citizenship tests for over 70 years, it is astonishing that their new-millennium introduction in Europe has stirred intense debate. Is there a difference in kind between a more "inclusive" New World and a "restrictive" Europe (as claimed, for instance, by Elias 2016)? In the following, I suggest that this contrast is overdrawn, and that there is a convergence towards a restrictive approach to naturalization.

Take recent naturalization reforms in Canada and Australia. To "strengthen" Canadian citizenship, which tellingly boiled down to making it "harder to get and easier to lose" [Macklin 2017: 6], has been the guiding light of two restrictive citizenship laws passed by Stephen Harper's conservative government in 2008 and 2014. For Canadian

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jurist Audrey Macklin, they meant nothing less than a retreat from Canada's self-image as a "normative immigration country" [*ibid*.: 2]. Complementary to this diagnosis, in sociologist Elke Winter's view [2015: 30], the two laws entailed a European-style "renationalization of citizenship," in transforming naturalization from "stepping-stone" into "end point of the integration process."

The 2008 law, which also happened to be the first new Canadian citizenship law in 30 years, reintegrated so-called "Lost Canadians" into the country's citizenry. These are people, a good number of them living for decades as naturalized Americans in the United States, who had unknowingly lost their Canadian citizenship due to some anachronistic and discriminatory features of the 1947 Canadian Citizenship Act, which were not retroactively rectified by a legal reform in the 1970s [Winter 2014: 54]. At the same time, the 2008 law limited citizenship by descent to the first generation abroad, which made the Canadian regime for transmitting citizenship abroad one of the strictest in the world. At first sight, the dual-pronged 2008 law seems to be of one liberal cloth, because past discrimination based on gender, marital status and dual citizenship was rectified, in the case of the Lost Canadians, while the restriction of citizenship by descent, which was previously available without a generational stopping-point, strengthened a territorial and socialization-based, non-ethnic understanding of citizenship. In reality, both prongs of the reform were of one "re-ethnicization" cloth, as Winter shows [*ibid*.: 57], because the Lost Canadians happened to be mostly white European-origin Canadians, while the first-generation limitation for Canadians born abroad targeted more recent, non-European-origin Canadians. A prime example of the latter are Lebanese-Canadians, who were spectacularly evacuated at great cost after the Israeli invasion of Lebanon in 2006. Many of them had little connection to Canada, stirring a debate about "Canadians of convenience" who abuse "Hotel Canada."[11] The favored group being of European-origin, while the disfavored was more likely to be non-European, suggests a "tribal" or even racial subtext to the 2008 Canadian Citizenship Act [Winter 2014: 51-54].

Further administrative changes, between 2009 and 2012, confirmed the "shift toward a more nationalist citizenship regime" in Canada [Winter 2015: 18]. There was a tightening of the rather easy citizenship test, and a new rule that members of the Canadian Armed Forces had to

[11] See William Kaplan, 2006, "Is it Time to Close Hotel Canada?," *MacLean's*, 119, 51: 20-23.

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be present at all citizenship ceremonies—which prompted Audrey Macklin [2017] to see Canada on the way from "settler society" to "warrior nation." Finally, in 2014, the appositely entitled *Strengthening Canadian Citizenship Act* combined a controversial new provision of citizenship stripping for terrorists with a significant tightening of citizenship acquisition through naturalization. In the latter respect, the required permanent residence time was increased from three out of four to four out of the last six years of prior residence in Canada. Crucially, to further combat globally mobile "Canadians of convenience," "residence" was now defined as "physical residence," with at least 183 days per year spent in Canada, to be proved by one's income tax returns. In a nasty but hugely significant side-plot, those who had entered as temporary workers, but also as refugees or international students, could no longer earn "half-time credit" toward fulfilling the residency requirement for naturalization (that is, have their non-permanent-residence time at least partially recognized) [*ibid.*: 12]. If one considers a new reality of "two-step migration," which follows the European logic of *Aufenthaltsverfestigung* (consolidation of residence over time), and as a result of which most newcomers to Canada arrive on temporary work or study visa, this constituted a significant new hurdle to citizenship.

This and several other provisions of the 2014 Canadian Citizenship Act were immediately rescinded by the Liberal government under Justin Trudeau, after he won the national elections in 2015. Trudeau had made a liberal line on citizenship a central motif of his successful campaign against Harper, particularly attacking the controversial banishment provision with the notion that citizenship is an inalienable right. However, the nine-year-long Harper regime still shows the darker possibilities in a country that is globally hailed for its progressive immigration and citizenship policies. And the trend toward temporary migration, with significantly higher obstacles for low-skilled immigrants in acquiring citizenship, continues unabated—Antje Ellermann [2019] has appositely referred to it as the rise of neoliberal "human capital citizenship."

Australia is very similar in this respect. Recent Australian reforms confirm the general trend, across the liberal state world, toward a "more conditional" understanding of citizenship [Thwaites 2017: 30]. In late 2015, a provision of citizenship stripping for terrorist acts was introduced, which, unlike the Canadian, remains in place. More relevant for our discussion of naturalization trends, a new citizenship bill, proposed in 2017, aimed at "strengthening the requirements to become an Australian citizen" [Australian Government 2017: 6]. Presented in the contemporary standard diction that [Australian] citizenship is "an

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extraordinary privilege" [*ibid*.: 5], a key provision of the bill increased from one to four years the required time spent in permanent resident status, prior to the citizenship application. This was still low, by European standards. However, previously it had sufficed to have spent 12 months as permanent resident over a four-year residence period.

Even more than the kindred provision in the 2014 Canadian Citizenship Act, this would have huge implications in a context of "two-step" migration, which at first is only temporary. Initially introduced for low-skilled immigrants, two-step migration by now predominates also for the high-skilled. Between 2006 and 2013, the stock of temporary visa holders in Australia more than doubled, from about 350,000 to over 800,000 [Mares 2016: 56], most of whom eventually try to move toward permanent residence status. However, the number of permanent residence visas per year is capped, while that of temporary visas is not. This disparity has led to the rise of a "class of long-term residents who are denied full inclusion and participation in the Australian community through citizenship" [Thwaites 2017: 27]. And this is not all. In 2013-2014, 50% of all permanent immigrant visas went to people who already resided in Australia on temporary visas [*ibid*.: 28, fn.133]. However, since the introduction of "priority processing" in 2009, which aimed at reducing an escalating backlog, the second step in two-step migration, from temporary to permanent, is essentially reserved for the high-skilled and students, in particular if their skills are in high demand [*ibid*.: 28].

This means that access to Australian citizenship is increasingly skewed by class and education, which makes it another instance of "human capital citizenship" [Ellermann 2019]. The neoliberal logic of this was perfectly expressed by the Secretary of the Department of Immigration and Border Protection, when celebrating his department's 70th anniversary in 2014: "In the world of globalized travel, investment and labor mobility, the art of tapping into the resource of international human capital no longer consists of the slow and steady build-up of the population base, in the way it did seven decades ago. Today, we need a strategy and plan for attracting those in the ready-made global pool of travelers, students, skilled workers and business-people, the latter with money to invest and ideas to commercialize."[12]

[12] Michael Pezzullo, "Sovereignty in an Age of Global Interdependency: The Role of Borders," speech delivered at the Australian Strategic Policy Institute, 4 December 2014 [http://fliphtml5.com/ufty/qmaj].

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However, there is a second, even more interesting repercussion in the extension of the required permanent residence period in the 2017 Australian citizenship bill: it "will enable greater examination of an aspiring citizen's integration with Australia" [Australian Government 2017: 9]. Among the integration efforts to be exacted and "documented" during this period, a government paper lists the following: whether "people who can work are working, or are actively looking for work or to educate themselves," "contributing to the community by being actively involved in community or voluntary organizations," "properly paying their taxes," "ensuring their children are being educated," and their "criminal records" [*ibid*.: 6]. Moreover, the new law would toughen the English language requirement, from "basic" to "competent," newly to be fulfilled before taking a citizenship test; it would "(strengthen) the Australian Values Statement," by formally "requir(ing) applicants to make an undertaking to integrate into and contribute to the Australian community"; and it would "(strengthen) the test for Australian citizenship" by adding new questions that really "confirm an applicant's values" [*ibid*.: 10]. This comes dangerously close to transforming a previously knowledge-based test into a morality test. The few paragraphs in the government paper that summarize the new integration requirements are littered with the word "strengthen," which is a code word for restricting.

For a critic, the stipulation of "virtuous behavior" and other integration requirements as precondition for citizenship was "copying Europe" [Askola 2020]. The 2017 Australian citizenship bill was eventually struck down in the Senate because of strong opposition to the new English language requirement. However, the fact that all other new integration requirements were apparently uncontroversial, suggests a convergence of restrictive naturalization trends in Europe and the New World.

In an influential mid-1990s' survey on the "return of the citizen" in political theory and in public policy, Will Kymlicka and Wayne Norman [1994: 353] warned against conflating "citizenship-as-legal-status" and "citizenship-as-desirable-activity": "(W)e should expect a theory of the good citizen to be relatively independent of the legal question of what it is to be a citizen." As our brief survey of more restrictive naturalization rules across Western states shows, this distinction no longer holds. To an alarming degree, at least to a liberal eye, being a "good citizen" has become a prerequisite for becoming a citizen.

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Easier to Lose

A current trend toward forced denationalization and citizenship stripping is empirically rare but conceptually interesting. At the political level, forced denationalization has been a response to Islamist terror, in particular the specter of returning "Islamic State" (IS) fighters, who were recruited from disaffected Muslim youth in Western countries and continue to pose a considerable security risk. A number of Western states, including France (as early as in the mid-1990s), the UK, Canada, the Netherlands, Australia and most recently Germany, have passed laws (or tightened already existing laws) that allow the denationalization of terrorists. These laws are mostly limited to dual nationals, in observance of the international norm to avoid statelessness.

At the conceptual level, which mainly interests us here, to make citizenship "easier to lose" is the exact corollary of making it "more difficult to get." Both are complementary sides of the same trend toward earned citizenship and the post-liberal idea that citizenship is not right but privilege. Not only have various commentators seen the logical connection between citizenship's tendency to become both "harder to get and easier to lose" [Macklin 2017: 6; Winter 2015: 27]; the governments driving the trend have also been conscious of that connection. The British government, for instance, which pioneered the move toward earned citizenship, pointed to the latter's negative flipside from the start, in its influential 2002 White Paper *Secure Borders, Safe Haven*: "The Government believes that a corollary of attaching importance to British citizenship is that the UK should use the power to deprive someone of that citizenship" [quoted in Mantu 2015: 185, fn. 47].

In an earlier paper [Joppke 2016], I argued that citizenship stripping is an instance of the liberal "lightening of citizenship," because it "moves (citizenship) ever more toward a contractarian logic." To which Émilien Fargues, a young French political scientist, objected that citizenship stripping is better understood as part of a "renationalizing" countermovement to citizenship's increasing "denationalization" in recent years, reviving the notion of the "national community as a homogenous entity" against liberal cosmopolitanism [Fargues 2017: 985]. This strikes me as plausible. But there is still an element of truth to my earlier argument. The problem, as stated at the beginning of this paper, is that the "lightening" hypothesis confounds liberal and neoliberal elements. Of course, there is nothing "liberal," properly understood as individual-rights protecting, in citizenship stripping—in fact, liberals consider the latter odious precisely for its close association with 20th century totalitarian state practice that had annihilated the individual, even

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physically. By contrast, there is much "neoliberal" in citizenship stripping, namely, the conditioning of citizenship on individual performance. But, as Fargues suggests, there is more to it: citizenship deprivation "combines both communitarian and neo-liberal features" [2019b: 357].

In other words, citizenship stripping is both nationalist and neoliberal. Nationalist is the ambition to "strengthen" and "protect the value" of citizenship, as a Canadian immigration minister had motivated the appositely entitled "Strengthening Canadian Citizenship Act" of 2014.[13] The central claim in this respect is that citizenship requires "loyalty" (or "allegiance," in Common Law terms) on the part of the citizen, the breach of which, through an act of terror, for instance, requires the severing of formal ties. Neoliberal, to repeat, is the conditioning of citizenship on individual performance, which had already undergirded the new requirements in the access to citizenship. The difference is that in denationalization the direction is not positive but negative, the loyalty breach *itself* bringing about the severing of the citizen bond that is only stamped, as it were, by the act of state. Tellingly, most citizenship stripping laws operate with the legal fiction that the individual, through committing a terrorist act, has voluntarily expatriated herself, perhaps also to deny any association with totalitarian state practice, in which entire categories of people (such as Jews under Nazism) were involuntarily deprived of their citizenship before they were killed. Sensing the intrinsic link between both directions of conditioning citizenship, the positive and the negative, an Australian lawyer noted that "schemes for the revocation of citizenship encourage the idea that the allegiance of citizens should be fostered, *or even tested* by the state" [Irving 2019: 383; emphasis supplied]. And in a critique of the 2019 German denationalization law, two lawyers find that "being German (*Deutschsein*) is not a quality label (*Gütesiegel*) and membership does not cease if a person was 'disloyal' (*illoyal*)" [Gärditz and Wallrabenstein 2019: 6-7]. "Quality label" is a well chosen term, as it stems from both the nationalist *and* the neoliberal lexicon.

Let us probe deeper into the nationalist and neoliberal prongs of citizenship stripping.

Nationalism

With respect to nationalism, to associate citizenship with loyalty, of course, is no invention of the new nationalists, but it goes back to the historical

[13] Chris Alexander, quoted in Pillai and Williams 2017: 21.

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origins of citizenship, marking the latter as a deeply illiberal institution. This is because loyalty logically requires that partiality trumps universalist commitments. In Calvin's Case (1608), the legal decision that founded jus soli birthright citizenship in early modern England, "allegiance" connoted a "true and faithful obedience of the subject due to his Sovereign" [quoted by Orgad 2013: 11], which was reciprocated with the Sovereign's protection. Well into the mid-19th century, "allegiance" was held to be "perpetual." Importantly, even when the feudal subject became the democratic citizen, and the latter could change her allegiance, loyalty persisted as the quintessential citizen virtue, shifting from the person of the king to the impersonal state as representative of the citizenry.

Loyalty and obligation obviously conflict with the universalist ethic of liberalism. Because they are still held necessary for political order, even a liberal one, they have been an enduring concern of normative political theory. Indeed, citizenship figures in liberal political theory, unless it is addressed in the context of immigration, precisely with respect to the problem of "political obligation" [Schutter and Ypi 2015: 235]. Contrasting it with "exit," George Fletcher [1993: 5] took "loyalty" as nothing less than the "beginning of political life." To the degree that citizenship is connoted with loyalty, it inherits from the latter its "relational and partial" nature, which makes citizenship opposed to liberalism with its "impartial morality" [*ibid*.: 8]. Loyalty, and hence citizenship, is in conflict with liberalism, because it "takes relationships as logically prior to the individual" [*ibid*.: 15]. The loyal citizen is "an historical self," who has a "duty to stand by those who have become a critical part of one's biography" [*ibid*.: 39].

For loyalty to be compatible with liberalism, George Fletcher importantly notes, it can only be "minimalist," a "quiet, passive virtue," in the sense of "not betraying," of "not fighting for the enemy" [1993: 40]—an expectation that incidentally not only citizens but immigrants also are subject to. Surely, there is an "enthusiastic dimension" to loyalty [*ibid*.: 61], which in the citizen realm goes under the name of patriotism. However, it is tempered in the liberal-constitutional state by the privatization of loyalty, according to which "the state should not force people to betray their commitments to their friends, lovers, family, community, or God" [*ibid*.: 79]. Even in the early 1940s, a high moment of nationalism because the world was at war, the US Supreme Court, in its historical *Barnette* decision,[14] sided with the Jehovah Witnesses' refusal to salute the American flag, as a matter of free speech protection. As Justice

[14] *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 [1943].

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Stevens solemnly declared for the court, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein."[15]

When the conservative British think-tank, Policy Exchange, in a report published in 2018, sought to revive the moribund 1351 English Treason Act to prosecute returning jihadists and terrorists, incidentally as an alternative to citizenship stripping, it operated with a liberally thin understanding of loyalty. The "duty of non-betrayal," it argued, whose violation a reformed Treason Act should punish with life imprisonment, was only to be "a narrow one;" "it does not require 'total loyalty' or for the citizen's first loyalty to be to their country rather than to their religion or to some other country or cause" [Ekins *et al*. 2018: 16].

Recent citizenship stripping laws rely on the 1961 UN Convention on the Reduction of Statelessness that in principle denounces citizenship stripping as "unjust and cruel," yet still permits it in case of a breach of the "duty of loyalty to the Contracting State." These laws abstain from definitions or discussions of what loyalty *is*, thin or thick, apart from laying down which acts or affiliations constitute loyalty breaches that trigger denationalization. However, the fact that all of these laws, even the British, limit their range to dual nationals, suggests that a latent hostility to dual nationality, and the divided loyalties that traditionally have been attributed to it, is never far from the surface [see Lenard 2017: 9]. That is, the message is that loyalty proper, and thus citizenship, is undivided. This notion, which in an era of increasingly accepted dual citizenship seemed to have become anachronistic, is recovering ground lately. "Undivided allegiance has never been absent from the concept and discourse of citizenship," finds Helen Irving [2019: 383], with an eye on Australia, which has also recently hardened its stance on dual nationality.

Neoliberalism

One can detect the neoliberal prong of citizenship stripping in the fact that the latter operates with a contractarian understanding of citizenship. A remarkable feature of recent laws is the legal fiction that not the state, but the individual herself, through her disloyal action, abdicates her nationality. "(The terrorists) will have, in effect, withdrawn their allegiance to Canada by these very acts," declared Canadian Immigration

[15] *Ibid*.: 642.

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Minister Chris Alexander when presenting the 2014 Strengthening Canadian Citizenship Act in parliament.[16] Similarly, the 2010 Dutch citizenship stripping provision states that "the irrevocably convicted person has demonstrated that he has renounced his bond with the Kingdom" [quoted by Lenard 2016: 76]. In a similar German law passed in 2019, which merely extended already existing grounds for citizenship deprivation from serving in a foreign army to joining a non-state "terror militia" (*Terrormiliz*), the latter "brings to the expression that (the respective person) has turned away from Germany and her foundational values and has turned toward a foreign power in form of a *Terrormiliz*" [quoted in Gärlitz and Wallrabenstein 2019: 2]. In the 2015 Allegiance to Australia Act, where under certain conditions the loss of citizenship is automatic, without any ministerial discretion, there is "the legal fiction that there is no decision-maker" [Thwaites 2017: 26], at least not on the part of the citizenship-cancelling state: "(C)itizens may, through certain conduct incompatible with the shared values of the Australian community, demonstrate that they have severed (the common bond) and repudiated their allegiance to Australia" [quoted in Irving 2019: 375].

In the United States, the Patriot II Act (that never reached Congress) included a provision that material support to a terrorist organization constitutes "prima facie evidence that the act was done with the intention of relinquishing U.S. nationality" [quoted in Spiro 2014: 2176]. And a likewise unsuccessful "Expatriate Terrorists Act," proposed in 2014 by Republican Senator Ted Cruz, stipulated that "any American that takes up arms with ISIS has, in doing so, constructively renounced his or her American citizenship" [quoted in Sykes 2016: 755]. The ultra-voluntarist language in the US law proposals reflects an unusually liberal citizenship regime, in which not the state but "the citizens themselves are sovereign."[17] Indeed, as a result of US Supreme Court jurisdiction in the late 1960s, nothing short of the verbally expressed intent on the part of the citizen can bring about her loss of American citizenship. Accordingly, even more visibly in the American than in the other cases, liberal language, which revolves around the individual's actions and intentions, is used to impose behavioral conditions on citizenship, which is, at best, a neoliberal and by any means disciplining and restrictive measure.

[16] https://openparliament.ca/debates/2014/6/12/chris-alexander-17/?singlepage=1.

[17] From the famous dissent by Supreme Court Chief Justice Warren in *Perez v. Brownell*, a landmark citizenship stripping case in 1958 (356 U.S. 44): 65.

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Right or Privilege?

More than any other recent legal-political development surrounding citizenship, the debate on denationalization raises the question of what citizenship *is*: "right" or "privilege." That citizenship is "privilege" has been the uniform battle cry of the proponents of denationalization, from Britain—where the notion of citizenship as privilege is coeval with the invention of "earned citizenship" in the early millennium—[18] to Canada, where Immigration Minister Chris Alexander's attempt to "strengthen" and "protect" citizenship by making it easier to deprive certain people of it, went along with the reminder that "citizenship is not a right; it is a privilege" [quoted in Pillai and Williams 2017: 21]. Even in the US, where the opposite notion that citizenship is the "right to have rights" was famously enunciated by the Supreme Court in the late 1950s, the "citizenship is privilege" discourse has taken hold, at least in the sphere of politics. "United States citizenship is a privilege. It is not a right. People who are serving foreign powers… or… terrorists… are clearly in violation… of that oath which they swore when they became citizens," declared US Secretary of State Hillary Clinton, in support of Democratic Senator Joseph Lieberman's 2010 proposal of a Terrorist Expatriation Act.[19]

When commenting on the UK Government's position that "citizenship is privilege, not a right," one observer gasped that this "seems to emerge from nowhere…, with no acknowledged sources" [Sykes 2016: 754]. In fact, it can be traced back to pre-democratic times, when "citizens" were "subjects" [Kingston 2005]. Its more contemporary source is the fact that under international law—even under European Union law—the determination of citizenship remains a sovereign state prerogative. This is even more true for naturalization, which is by definition conditional, today more than ever because of the growing list of behavioral and character requirements discussed above; its strong and recently stronger contractual element allows the state to always say "no." The legal meaning of what a "privilege" as distinct from a "right" is, and why states qua *states* have an interest in favoring the "privilege" line, has been crisply expressed by Audrey Macklin [2014: 53]: "A privilege in

[18] "(T)he system of earned citizenship… establishes the principle that British citizenship is a privilege that must be earned" (UK Minister of State for Borders and Immigration, Phil Woolas, in his foreword to Home Office 2008b).

[19] "Bill Targets Citizenship of Terrorists' Allies," *New York Times*, 6 May 2010 [https://www.nytimes.com/2010/05/07/world/07rights.html].

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law belongs not to the recipient, but to the patron who bestows it. A right belongs to the one who bears it. When members of the executive declare that citizenship is a privilege and not a right, what they are asserting is their own power to take it away."

Conversely, when opponents of citizenship stripping have asserted that "(c)itizenship is not a 'privilege,' but a protected legal status" [Goodwin-Gill 2014: 1], they are no less nebulous about the sources of their claim. Taking denationalization as a hub for reflection on "what kind of right the right to citizenship is," Patti Lenard [2017: 1] grounded it, domestically, in "the very strong interests that individuals have in security of residence," and, internationally, in protecting the individual "from the harms of statelessness." In consideration of both, she concludes that citizenship must be "permanently irrevocable" [*ibid*.: 12]. The domestic part of her argument echoes Carens' case for "social membership" [2013], and both are ultimately normative statements of what citizenship ought to be, rather than what it legally or institutionally is. In this respect, the international part of Lenard's argument seems to be on firmer ground. The UN Universal Declaration of Human Rights, in its Article 15, provides a "right to a nationality" and that "(n)o one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." However, this is pointedly the right to "a" nationality, not the right to *any particular* nationality. And the 1961 UN Convention explicitly devoted to the "reduction of statelessness," as mentioned, does allow citizenship stripping for loyalty breaches and "misrepresentation or fraud," even if this may result in statelessness, but the thresholds are set very high.

The most solid and developed case for considering citizenship a right can be found in American constitutional jurisprudence, and precisely in the context of citizenship deprivation. In its landmark decision *Afroyim v. Rusk* [1967], the US Supreme Court decreed that the government lacked the power to revoke citizenship from a Jewish American who had voted in an Israeli election. As the court argued, this decision did "no more than to give to this citizen that which is his own, a *constitutional right* to remain a citizen in a free country unless he voluntarily relinquishes that citizenship."[20] This theory had first been laid out in the famous dissent of Chief Justice Earl Warren in the Supreme Court's *Perez v. Brownell* (1958) decision, which was overruled in *Afroyim*. As in most of the 22,000 cases of denaturalization in the United States between 1907

[20] *Afroyim v. Rusk* (387 U.S. 253 [1967]): 268.

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and 1967 [Weil 2013: 197], the citizenship stripping in *Perez* was motivated by a smallish digression, voting in a foreign election, which was declared nil nine years later in *Afroyim*, but which the court majority in *Perez* deemed to be in contravention of US foreign policy interests. Against the court majority in the *Perez* decision, Warren held that a "(g)overnment… born of its citizens," and whose function is to "secure the inalienable rights of the individual," is "without power to sever the relationship that gives rise to its existence."[21] Citizenship, he famously continued, in an obvious (but not acknowledged) borrowing of the term and reasoning from Hannah Arendt, is "the right to have rights. Remove this priceless possession and there remains a stateless person, disgraced and degraded in the eyes of his countrymen."[22]

Interestingly, Warren left intact the official doctrine that underlies America's licentious citizenship stripping practices at the time, which is that "conduct of a citizen showing a voluntary transfer of allegiance is an abandonment of citizenship"[23]; and that in this case there was no stripping at all but "giving formal recognition to the inevitable consequence of the citizen's own voluntary surrender of his citizenship."[24] Only the threshold for what counts as "voluntarily relinquished"[25] had to be set higher, Warren argued in *Perez*, the "mere act of voting in a foreign election… is not sufficient"[26]. When Warren's minority opinion in *Perez* became constitutional law in *Afroyim*, Justice Hugo Black (arguing for the court majority) added little to the substance of Warren's rights-focused theory of citizenship, except laying out in more detail that the 14th Amendment's citizenship clause had to be "read as defining a citizenship which a citizen keeps unless he voluntarily relinquishes it."[27] Black added the observation, criticized as "essentially arcane" by the dissenting Justice John Marshall Harlan,[28] that the "citizenry is the country and the country is its citizenry."[29]

In a brilliant commentary, Alex Aleinikoff [1986] concluded from Black's "arcane" statement that the theory of citizenship underlying the Supreme Court's *Afroyim* jurisprudence is not liberal-rights based at all but "communitarian." One could also call it a nationalist perspective, according to which citizenship is "not a *right* held *against* the state," but "a *relationship with* the state or, perhaps, a *relationship among* persons in the state. It is membership in a common venture" [*ibid*.: 1488].

[21] *Perez v. Brownell*: 64.
[22] *Ibid*.
[23] *Ibid*.: 68.
[24] *Ibid*.: 69.
[25] *Ibid*.: 66.
[26] *Ibid*.: 78.
[27] *Afroyim v. Rusk*: 262.
[28] Justice Harlan, writing for the dissenting court minority in *Afroyim v. Rusk*: 270.
[29] Justice Black, *Afroyim v. Rusk*: 268.

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Incidentally, Margaret Somers' [2008] and Joseph Carens' [2013] liberally capacious understandings of citizenship, discussed in the beginning of this paper, had exactly the same thrust, grounding liberal citizenship on an unacknowledged national if not nationalist fundament. The disavowal of denationalization, in the Supreme Court's *Trop v. Dulles* decision (1958), because of its "total destruction of the individual's status in organized society," its being "punishment more primitive than torture," and its similarity to medieval "banishment, a fate universally decried by civilized people,"[30] certainly articulates a nationalist-communitarian understanding of citizenship, as providing a home in a homeless world. Today's critics of "banishment," for whom "citizenship revocation inflicts an intrinsically grave harm" [Macklin 2014: 3], while professedly taking a liberal position, implicitly liken the state to a family. Aleinikoff [1986: 1496] has put it well: "In much the same way that the parent is responsible for the child, so the state is responsible for the citizen. Under this reasoning the state—like the family—could punish, but it could not banish." However, much as "violated, naked" a citizenship-deprived individual may feel [*ibid*.], this does not provide an argument against citizenship deprivation on allegiance or loyalty grounds: "(W)here the citizen has, in effect, declared war on society, the claim that denationalization destroys one's concept of self is much less persuasive. The citizen's actions may be the best signal that the individual's conception of self does not include attachment to the core principles of society. In such a case, denationalization may simply ratify an unfortunate social fact; it would not sever the self. Thus, denationalization could be a justifiable response to treason or subversion…" [*ibid*.: 1497]. Or to Islamist terrorism, which is the driver of denationalization's contemporary revival.

Conclusion

In a furious and brilliantly provocative essay, Dimitry Kochenov [2019: 195] concedes that citizenship, while at heart "totalitarian and oppressive" and randomly assigned by the grace or curse of birth, has recently become "more inclusive." Kochenov's end-point, not quite explicable from within his dark frame, has been our starting-point. We argued that liberal citizenship, in a context of neoliberal globalization

[30] *Trop v. Dulles* [356 U.S. 86 (1958)]: 101-102.

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counterpointed by a new nationalism, has become "more difficult to get" and "easier to lose." We called the outcome "earned citizenship," and showed that it was centrally involved, both as operative category of practice and as reflective category of analysis [see Brubaker 2012], in both processes. At the same time, earned citizenship is still *liberal* citizenship, in the minimal sense of being no return to discriminatory categorical exclusions, on the grounds of ethnicity, race or sex, but including or excluding at the individual level only, in consideration of what the individual *does* rather than what she *is*. But citizenship's enhanced conditionality betrays other than liberal elements, a neoliberal stress on performance and self-responsibility, and a nationalist frame of "strengthening" citizenship by making it more exclusive and a "privilege" not a "right."

The relationship between neoliberalism and nationalism is complex [see Joppke 2021]. The most obvious one is that of nationalism as reactive and oppositional to neoliberalism, positing "closure" against the perhaps most drastic episode of "opening" that human societies have ever undergone, in our period of globalization, which is undergirded by the ideology of neoliberalism and the advancement of markets as a fundamental social organizing principle. Earned citizenship, by contrast, seems to be an instance of neoliberalism and nationalism not being oppositional but complementary or even mutually constitutive; one could call it an expression of neoliberal nationalism, which is something new in the lexicon of nations and nationalism. This new nationalism is non-ethnic as it does not exclude on the basis of ascriptive origin categories. But in primarily including (and, in effect, excluding) on the basis of merit and desert, it is also only incompletely described as civic, to invoke the opposite part of the classic ethnic v. civic binary [see Kohn 1944].

Importantly, the meritocratic infrastructure of neoliberal nationalism cuts both ways, affecting ordinary citizens also. "Earned citizenship," which was discussed here on its premier site, which is the acquisition (or loss) of citizenship, is also an apt metaphor for post-welfarist social policies of workfare and social investment, whose point is not to de-commodify the individual, as was the thrust of Marshallian social citizenship, but, on the contrary, to re-commodify her as a productive working member of society. Earned citizenship thus flags a neoliberal contractualization of citizenship more generally, according to which "real fairness… is about the link between what you put in and what you get out."[31]

[31] British Prime Minister David Cameron, whose workfarist "Universal Credit" policy of 2012 rests on this maxim [Morris 2018: 7].

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Compared with immigration policy, the first-order gatekeeper of the state, citizenship, as second-order gatekeeper, has been much less subject to the populist-nationalist onslaught that has peaked in the West with the rise of Trump and the Brexit referendum in 2016. Indeed, immigration was central to this onslaught, but not citizenship [see Joppke 2020]. Moreover, whereas on the immigration front one often sees nationalism and neoliberalism operating as separate and oppositional forces, most clearly perhaps in the case of Brexit, they are less easily separated on the citizenship front where they work hand-in-hand. Earned citizenship, to repeat, is driven by a neoliberal nationalism, whose boundaries are non-ethnic, excluding only those who are deemed unwilling or incapable to "contribute."

Of course, not all recent restrictiveness in citizenship policy can be reduced to neoliberal nationalism. The revival of citizenship stripping, for instance, is *also* a logical response to a new kind of globally operating religious terror that targets citizens qua citizens. Why should its perpetrators be able to avail themselves of the citizenship that they have callously attacked and openly renounced? That the radical right, in alliance with self-aggrandizing executive states, has embraced this measure, does not make it any less apposite an answer to the killing of fellow-nationals just "because they are French," as French President François Hollande put it forcefully in his (unsuccessful) campaign for a tougher approach to citizenship stripping after a savage Islamist terror attack in late 2015. If the random possibility of being hit by religious terror constitutes the contemporary citizen's universalized "moment of conscription," as political philosopher Paul Kahn [2011: 156] fathoms, to deprive the terrorist of this citizenship is just a matter of consistency.

Finally, we observed the rise of earned citizenship in Western Europe as much as in the classic immigrant nations of the US, Canada and Australia.[32] While required residence times for naturalization still tend to be shorter and the transition to citizenship more routine in the classic immigrant countries, this is more a relic of the past than the result of a sustained commitment to nation-building through settlement and immigration—Catherine Dauvergne [2016: ch. 7] has aptly spoken of the "loss of settlement." The same idiom of earned citizenship has taken hold everywhere, which is broadly restrictive and combines an economic utility rationale with a non-ethnic sense of collective self.

[32] In the United States, "earned citizenship" is the term used to justify and process the legalization of undocumented immigrants. An excellent critical account from a legal perspective is Ahmad 2017.

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BIBLIOGRAPHY

AHMAD Muneer I., 2017. "Beyond Earned Citizenship," *Harvard Civil Rights—Civil Liberties Law Review*, 52: 257–304.

ALEINIKOFF Alexander, 1986. "Theories of Loss of Citizenship," *Michigan Law Review*, 84 (7): 1471–1503.

ANDERSON Bridget, 2013. *Us and Them? The Dangerous Politics of Immigration Control* (Oxford, Oxford University Press).

—, 2015. "'Heads I Win. Tails You Lose': Migration and the Worker Citizen," *Current Legal Problems*, 68: 179–196.

ARENDT Hannah, 1948. *The Origins of Totalitarianism* (New York, Harcourt Brace Jovanovich).

ASKOLA Heli, 2020. "Copying Europe? Integration as a Citizenship Requirement in Australia," *International Migration Review* (advanced electronic publication).

AUSTRALIAN GOVERNMENT, 2017. *Strengthening the Test for Australian Citizenship* (Canberra, Australian Government).

BADENHOOP Elisabeth, 2017. "Calling for the Super Citizen," *Migration Studies*, 5 (3): 409–427.

BAUBÖCK Rainer *et al.*, 2006. *Acquisition and Loss of Nationality*, vol. 1 (Amsterdam, Amsterdam University Press).

BLOEMRAAD Irene, Will KYMLICKA, Michèle LAMONT and Leanne SON HING, 2019. "Membership Without Social Citizenship?," *Daedalus*, 148 (3): 73–104.

BONJOUR Saskia, 2013. "Governing Diversity," *Citizenship Studies*, 17 (6-7): 837–851.

BROCHMANN Grete, 2013. *Country Report: Norway* (Florence, EUDO Citizenship Observatory).

BRUBAKER Rogers, 2012. "Categories of Analysis and Categories of Practice," *Ethnic and Racial Studies*, 36 (1): 1–8.

BYRNE Bridget, 2014. *Making Citizens* (London, Palgrave Macmillan).

CARENS Joseph, 2013. *The Ethics of Immigration* (New York, Oxford University Press).

DAUVERGNE Catherine, 2016. *The New Politics of Immigration and the End of Settler Societies* (New York, Cambridge University Press).

EKINS Richard *et al.*, 2018. *Aiding the Enemy: How and Why to Restore the Law of Treason* (London, Policy Exchange).

ELIAS Stella Burch, 2016. "Testing Citizenship," *Boston University Law Review*, 96: 2095–2171.

ELLERMANN Antje, 2019. "Human-Capital Citizenship and the Changing Logic of Immigrant Admissions," *Journal of Ethnic and Migration Studies* [doi.org/10.1080/1369183X.2018.1561062]: 1-18.

ELSTER Jon, 1983. *Sour Grapes* (Cambridge, Cambridge University Press).

ERSBØLL Eva, 2015. *Report on Citizenship Law: Denmark* (Florence, EUDO Citizenship Observatory).

FARGUES Émilien, 2017. "The Revival of Citizenship Deprivation in France and the UK as an Instance of Citizenship Renationalisation," *Citizenship Studies*, 21 (8): 984–998.

—, 2019a. *Exclu.e.s de la naturalisation: Analyse des frontières de la "communauté nationale" en France et au Royaume-Uni*, Ph.D thesis, SciencesPo, Paris, December.

—, 2019b. "Simply a Matter of Compliance with the Rules?" *Citizenship Studies*, 23 (4): 356–371.

FLETCHER George, 1993. *Loyalty* (New York, Oxford University Press).

GÄRDITZ KLAUS Ferdinand and Astrid WALLRABENSTEIN, 2019. "Staatsangehörigkeit in Geiselhaft," *Verfassungsblog* [verfassungsblog.de/staatsangehoerigkeit-in-geiselhaft/].

GARLAND David, 2001. *The Culture of Control* (Chicago, Ill., University of Chicago Press).

GOODMAN Sara Wallace, 2014. *Immigration and Membership Politics in Western Europe* (New York, Cambridge University Press).

GOODWIN-GILL Guy, 2014. *Deprivation of Citizenship Resulting in Statelessness and its Implications in International Law: Opinion*, Unpublished paper (in possession of author).

HAILBRONNER Kay and Anuscheh FARAHAT, 2015. *Country Report on Citizenship Law: Germany* (Florence, EUDO Citizenship Observatory).

HANSEN Randall, 2010. "Citizenship Tests: An Unapologetic Defense," *in* R. Bauböck and C. Joppke, *How Liberal Are Citizenship Tests?* (Florence, EUI Working Papers RSCAS, 41).

https://doi.org/10.1017/S0003975621000035 Published online by Cambridge University Press

Home Office (UK), 2002. *Secure Borders, Safe Haven* (London, HMSO).
—, 2008a. *The Path to Citizenship* (London, HMSO).
—, 2008b. *Earning the Right to Stay* (London, HMSO).
Houdt Friso van, Semin Suvarierol and Willem Schinkel, 2011. "Neoliberal Communitarian Citizenship," *International Sociology*, 26 (3): 408–432.
Irving Helen, 2019. "The Concept of Allegiance in Citizenship Law and Revocation," *Citizenship Studies*, 23 (4): 372–387.
Joppke Christian, 2008. "Comparative Citizenship: A Restrictive Turn in Europe?," *Journal of Law and Ethics of Human Rights*, 2: 128–168.
—, 2010. "The Inevitable Lightening of Citizenship," *European Journal of Sociology*, 51 (1): 9–32.
—, 2016. "Terror and the Loss of Citizenship," *Citizenship Studies*, 20 (6-7): 728–748.
—, 2017. *Is Multiculturalism Dead? Crisis and Persistence in the Constitutional State* (Cambridge, Polity).
—, 2020. "Immigration in the Populist Crucible: Comparing Brexit and Trump," *Comparative Migration Studies*, 8 (49): 1–18.
—, 2021. "Nationalism in the Neoliberal Order: Old Wine in New Bottles?," *Nations and Nationalism* (advanced electronic publication).
Kahn Paul W., 2011. *Political Theology* (New York, Columbia University Press).
Kingston Rebecca, 2005. "The Unmaking of Citizens," *Citizenship Studies*, 9 (1): 23–40.
Kochenov Dimitry, 2019. *Citizenship* (Cambridge, Mass., MIT Press).
Kohn Hans, 1944. *The Idea of Nationalism* (New York, Macmillan).
Koopmans Ruud, Ines Michalowski and Stine Waibel, 2012. "Citizenship Rights for Immigrants," *American Journal of Sociology*, 117 (4): 1202–1245.
Kymlicka Will and Wayne Norman, 1994. "The Return of the Citizen: A Survey of Recent Work on Citizenship Theory," *Ethics*, 104 (2): 352–381.
Lapp Kevin, 2012. "Reforming the Good Moral Character Requirement for U.S. Citizenship," *Indiana Law Journal*, 87 (4): 1571–1637.
Lenard Patti Tamara, 2016. "Democracies and the Power to Revoke Citizenship," *Ethics and International Affairs*, 30 (1): 73–91.
—, 2017. "Democratic Citizenship and Denationalization," *American Political Science Review*, 112 (1): 99–111.
Macklin Audrey, 2014. "Citizenship Revocation, the Privilege to Have Rights and the Production of Aliens," *Queen's Law Journal*, 40 (1): 1–53.
—, 2017. "From Settler Society to Warrior Nation and Back Again," *in* Jatinder Mann, *Citizenship in Transnational Perspective* (London, Palgrave Macmillan).
Mantu Sandra, 2015. *Contingent Citizenship* (Leiden, Brill Nijhoff).
Mares Peter, 2016. *Not Quite Australian* (Melbourne, Text Publishing).
Marshall T.H., 1950. *Citizenship and Social Class* (Cambridge, Cambridge University Press).
Michalowski Ines. 2010. "Citizenship Tests and Traditions of Interference with Cultural Diversity," *in* R. Bauböck and C. Joppke, *How Liberal Are Citizenship Tests?* (Florence, EUI Working Papers RSCAS, 41).
Michalowski Ines, 2011. "Required to Assimilate?," *Citizenship Studies*, 15 (6-7): 749–768.
Morris Lydia, 2018. "'Moralising Welfare' and Migration in Austerity Britain," *European Societies* [DOI: 10.1080/14616696.2018.1448107].
Orgad Liav, 2010. "Illiberal Liberalism," *American Journal of Comparative Law*, 58: 53–106.
—, 2013. *The Loyalty Dilemma*. Typescript (in author's possession).
—, 2015. *The Cultural Defense of Nations* (New York, Oxford University Press).
—, 2017. "Naturalization," *in* Ayelet Shachar *et al.*, *Oxford Handbook of Citizenship* (New York, Oxford University Press).
—, 2019. "The Citizen-Makers," *European Law Journal* [DOI: 10.11111/eulj.12338]: 1-20.
Pillai Sangeetha and George Williams, 2017. "The Utility of Citizenship Stripping Laws in the UK, Canada and Australia," *Melbourne University Law Review*, 41 (2): 1–45.
Rosanvallon Pierre, 2013. *The Society of Equals* (Cambridge, Mass., Harvard University Press).
Scheffler Samuel, 2007. "Immigration and the Significance of Culture," *Philosophy and Public Affairs*, 35 (2): 93–125.
Schutter Helder de and Lea Ypi, 2015. "Mandatory Citizenship for Immigrants," *British Journal of Political Science*, 45: 235–251.
Somers Margaret, 2008. *Genealogies of Citizenship* (New York, Cambridge University Press).

https://doi.org/10.1017/S0003975621000035 Published online by Cambridge University Press

SPIRO Peter, 2014. "Expatriating Terrorists," *Fordham Law Review*, 82: 2169–2187.

SREDANOVIC Djordje, 2016. "Political Parties and Citizenship Legislation Change in EU28 Countries, 1992-2013," *International Political Science Review*, 37 (4): 438–452.

STADLMAIER Jeremias, 2018. "Earning Citizenship: Economic Criteria for Naturalization in Nine EU Countries," *Journal of Contemporary European Studies*, 26 (1): 42–63.

STERN Joachim and Gerd VALCHERS, 2013. *Country Report: Austria* (Florence, EUDO Citizenship Observatory).

SYKES Patrick, 2016. "Denaturalisation and Conceptions of Citizenship in the 'War on Terror,'" *Citizenship Studies*, 20 (6-7): 749–763.

THWAITES Rayner, 2017. *Report on Citizenship Law: Australia* (Florence, RSCAS/GLOBALCIT-CR 2017/11, May).

WEIL Patrick, 2013. *The Sovereign Citizen* (Philadelphia, University of Pennsylvania Press).

WINTER Elke, 2014. "(Im)possible Citizens," *Citizenship Studies*, 18 (1): 46–62.

—–, 2015. *Report on Citizenship Law: Canada* (Florence, EUDO Citizenship Observatory).

https://doi.org/10.1017/S0003975621000035 Published online by Cambridge University Press

Résumé

Conceptualiser la citoyenneté de l'État occidental du point de vue de l'avancement du libéralisme est insuffisant. Au lieu de cela, des tendances récemment restrictives peuvent être résumées sous l'égide de la citoyenneté acquise. Conçue comme privilège et non droit, c'est une citoyenneté qui est à la fois plus difficile à obtenir et plus facile à perdre, et elle hérite des éléments du néolibéralisme et du nationalisme en tandem. On pourrait même la designer comme un exemple de nationalisme néolibéral, qui n'est ni ethnique ni civique, mais qui inclut sur la base du mérite. L'augmentation de la citoyenneté acquise est une tendance convergente à travers l'Europe occidentale et les nations d'immigration classiques d'Amérique du Nord et d'Australie.

Mots-clés Citoyenneté; Libéralisme; Néolibéralisme; Nationalisme; Sociétés occidentales

Zusammenfassung

Eine Konzeption von Staatsbürgerschaft unter dem Gesichtspunkt fortschreitender Liberalisierung ist unzureichend. Eine Reihe von in jüngerer Zeit eher restriktiven Trends können im Begriff der verdienten Staatsbürgerschaft (*earned citizenship*) zusammengefasst werden. Dies ist eine Staatsbürgerschaft, die nicht Recht, sondern Privileg ist, und sie ist sowohl schwerer zu erhalten als auch leichter zu verlieren. Diese Staatsbürgerschaft ist zugleich neoliberal und nationalistisch. Sie könnte sogar als Ausdruck eines genuin neoliberalen Nationalismus verstanden werden, der weder ethnisch noch zivil ist, sondern auf der Grundlage von individuellem Verdienst und Leistung ein- bzw. ausschliesst. Der Trend zur verdienten Staatsbürgerschaft lässt sich gleichermassen in Westeuropa und in den klassischen Einwanderungsländern Nordamerikas und Australiens nachweisen.

Schlüsselwörter: Staatsbürgerschaft; Liberalism; Liberalismus; Neoliberalismus; Nationalismus; Westliche Gesellschaften

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