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Mandatory citizenship for immigrants¹

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Abstract: Long-term immigrants often have the option but not the obligation to acquire citizenship in their state of residence. Contrary to the received wisdom, this article defends the idea of mandatory citizenship for immigrants. It suggests that the current asymmetry in the distribution of political obligations between native-born citizens and immigrants is unfair. It also argues that mandatory citizenship is required by the principle that those who repeatedly affect others should share a democratic setting. Finally, it claims that mandatory citizenship is more compatible with the ideal of democratic equality and more conducive to a stable society.

1. Political obligation, migration and citizenship

The concept of citizenship is often explored in two distinct but surprisingly isolated areas of political theory. The first is the literature on political obligation. Its central question concerns what reasons citizens have to obey the laws of particular states and how we might think about the practices through which they distribute the benefits and burdens of social cooperation.² The second is the literature on migration, exploring the conditions under which resident immigrants could be set on the road to citizenship and what rights and obligations they have in the course of doing so.³ The first body of literature, that on political obligation, focuses mostly on the *burdens* of citizenship. It seeks to explain what, if anything, justifies the duty to be a citizen of a *particular* state despite the fact that it may often be costly to do so or that other states might perform better in the provision of the same membership goods. The second body of literature, that on migration, perceives citizenship mostly as a benefit. It raises the question of the conditions under which one might deny such an advantage to resident immigrants or of the arguments we can advance to explain how they qualify to claim access to it.

Here, an interesting asymmetry can be observed. In much of the political obligations literature, citizenship is not a matter of choice: the nature of practices through which citizens interact with each other means that they cannot easily shed reciprocal associative obligations. In the migration literature, the opposite holds true: migrants may or may not be entitled to citizenship to begin with, but if they are entitled, the decision to take up the offer to naturalise is

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² Klosko 1999; Rawls 1999; Simmons 2001; Stilz 2009.

³ Bauböck 1994; Carens 2013; Miller 2008; Walzer 1983.

often considered to be only optional.⁴ The different way in which citizenship is analysed in these debates raises the following question: what if we consider the concept symmetrically? How does our understanding of citizenship in the context of migration debates inform our analysis of citizenship in the context of defending the political obligations associated to it?

This question can be further developed in two ways. If we follow the migration literature, we will think of citizenship as mostly voluntary-based, and direct our intuitions to interrogate widespread assumptions on the grounds of political obligation. On the other hand, if we follow the political obligations literature and think about citizenship as a burden to be distributed fairly, we will end up questioning our premises on citizenship acquisition and migration. The present article is especially concerned with the second question.⁵ Only at the very end do we sketch out some of the implications of this argument for the first.

Challenging the voluntaristic view of naturalisation in migration debates,⁶ this article defends the idea of mandatory citizenship for long-term immigrants. We argue that citizenship acquisition should be legally enforced, much like the obligations of native-born citizens to the political communities in which they belong are legally enforced.⁷ This obligation is addressed at different agents: the state has a duty to offer naturalisation (and, more precisely, to *impose* it as a condition of residence), and immigrants, for their part, have a duty to take up citizenship. Naturalisation should be granted unconditionally and the immigrant cannot refuse to take up citizenship if she wants to stay. For purposes of the argument, it is not essential to distinguish between the specific strategies required to make these enforcements effective. The normative argument behind all practical proposals would be the same, and it is that argument which interests us here.

Immigrants, we argue, cannot refuse to naturalise, much like native-born citizens cannot refuse to be citizens of their states. Of course, it might be objected that citizenship is not compulsory for native-born citizens either since they can always choose to emigrate. But exit is a costly option and one that few would be prepared to contemplate. Moreover, even if one grants that exit is a realistic option, according to current international law only the state of origin is compelled to accept citizens into its national territory. Other states may choose to accept but are not required to do so. This implies that there remains a problematic asymmetry between citizens and immigrants (unless they are refugees) since the former, unlike the latter, have no other

⁴ Joseph Carens defends the idea of automatic citizenship but restricts it to the children of settled immigrants (Carens forthcoming). Our argument in what follows is compatible with his proposal but more expansive.

⁵ Some might argue that the literature on political obligation is mostly concerned with the obligation to obey the law which, as such, applies to both citizens and residents. But this objection neglects the many ways in which the law makes specific demands on citizens which it does not on residents, as we go on to show in what follows. It also overlooks the fact that the obligation to obey particular laws becomes especially burdensome when there is no other option but to do so.

⁶ In this literature one proposal that comes close to our own view is that defended in Rubio Marin 2000, where the author endorses what she calls “automatic” citizenship as an alternative to optional naturalisation theories (for an example of the latter account see Bauböck 1994). Whilst defending the automatic acquisition of citizenship at birth, Rubio Marin emphasizes the migrants’ *entitlement* rather than *obligation* to citizenship and does not focus on the implications of the asymmetry for the question of political obligation. Indeed she argues explicitly that her proposal “does not in principle question the legitimacy of nation-states’ control over access to membership through traditional means”, (Rubio Marin, 2000, 38). The point of this article is instead to insist on the symmetrical nature of the question, and indeed many of the arguments that Rubio Marin considers objections to the proposal (fairness, democratic equality) are cited below as reasons to favour it.

⁷ We focus on democratic societies. The arguments we give below also support mandatory citizenship for immigrants in other societies, but we don’t specifically deal with the additional issues these raise.

community to turn to that would be compelled to accept them, and no in principle enforceable claim to membership in any other state. In other words, citizens may well have a right to exit but they don't have a right to enter anywhere other than in the political community they are members of.⁸

To sum up, we argue that citizenship should be mandatory for all long-term immigrants and that the category of long-term non-citizen residents should be abolished. At the heart of our proposal is the idea that no one should lead one's life as a permanent guest: whoever pursues life plans in a country acquires obligations to members of that society that cannot be easily suspended. These obligations include sharing the burdens of citizenship (section 3), the duty to join those whom one affects in relevant processes of political decision-making, resulting from the 'al'-affecting principle' (section 4), contributing to uphold the democratic equality ideal of citizenship (section 5), and ensuring stability and cohesion in society (section 6). The next section (section 2) provides further clarification of who is included in the non-citizen resident category that is to be abolished, before we lay out the four arguments. The final section considers some objections to mandatory citizenship for immigrants.

2. The Status of Non-Citizen Residents

Many millions of people live in countries of which they are not citizens. 30 million inhabitants of the European Union, for example, are non-citizen residents. Of this number, almost two thirds are citizens of a non EU-country.⁹ In the United Kingdom, 7 % of the population is not are not citizens, amounting to 4,3 million non-citizen residents. Germany has 8 % non-citizen residents, Belgium 9,8 %, Spain 12 %, Estonia 16,4 %. Similar figures can be found in the Western hemisphere beyond the EU. In the past decade in the United States, every year about one million new people received permanent residence status¹⁰. Some of these permanent residents will eventually become citizens, but the US has approximately 22 million non-citizen residents.¹¹ In Norway almost 7% are non-citizen residents. Switzerland has over 20 % non-citizen residents. All these numbers suggest that significant segments of the population in western countries are not citizens of the country in which they live.¹²

The total number of (legal and illegal) international migrants worldwide in 2010 is estimated to be 214 million persons, which includes both migrants with foreign citizenship as well as foreign-born migrants (of which most but not all have foreign citizenship).¹³ These numbers vary within the countries: cities attract many more migrants. In some cosmopolitan cities such as New York, up to 36 % of the population is foreign-born. Twenty-five cities around the world have populations consisting of over 25 % foreign-born.¹⁴

⁸ See also Rubio Marin 2000, 46-7.

⁹ On January 2008, EU countries hosted 30.8 million non-citizens, representing 6.2 % of the total EU population. Of these 11.3 million were citizens of another Member State (Vasileva 2009).

¹⁰ The US accorded 1,107,126 people permanent residency in 2008; 1,130,818 in 2009; 1,042,625 in 2010; 1,062,040 in 2011; 1,031,631 in 2012; 990,553 in 2013 (Monger and Yankay 2010; Monger and Yankay 2014)

¹¹ Current Population Survey 2012.

¹² See OECD 2013.

¹³ World Migration Report 2010.

¹⁴ Price and Benton-Short 2007.

While many of these residents pay taxes, they are not citizens, and therefore are not required to discharge other obligations associated with citizenship. Typically, politicians do not have them in mind when addressing the public or drafting policies. They are not generally seen as part of the 'we' that contributes to create and endorse particular state initiatives. If non-citizen residents' concerns *are* taken into account, then policies are made for them, but not by them.

In arguing that all long-term immigrants ought to become citizens, we reason against what appears to be a large, but problematic, consensus according to which it is legitimate to have fairly large segments of residents who are not citizens in one's country. For example, in practical policy-making, anti-immigration policies often also include making the conditions for citizenship acquisition harder. When government leaders such as David Cameron announced publicly throughout 2011 that "multiculturalism is dead", they also called for tougher rules concerning citizenship acquisition¹⁵. The latter policy implied that it would be more difficult for existing residents to gain citizenship – for example by making citizenship tests harder – and thus that the category of non-citizen residents would most likely increase as a result of a combination of, on the hand, many non-citizen immigrants continuing to live in host countries and new immigrants continuing to enter in them.

When we turn to political theory, matters appear importantly different but with one area of overlap. Most normative theorists do not reject the claims of long-term immigrants to be set on the road to citizenship. While some defend policies that rule out the acquisition of citizenship with regard to particular categories of immigrants, for example temporary worker programs,¹⁶ it is typically taken for granted that just communities should recognize the right of long-term members to become full members of the polity.¹⁷ Interestingly however, this right is never thought to also be a duty for immigrants: the latter may choose but are not required to become citizens.¹⁸ In this respect, the consensus about the acceptability of large segments of non-citizens among the resident population holds in political philosophy as much as in the backlash against multiculturalism which we observe in practical policy-making.

Our argument differs on precisely this point. We argue that citizenship should be mandatory for all immigrants except those involving short-term visit (e.g. tourism, diplomatic work, business). On our proposal, only those who can make a credible case to be migrating only for the short term might be able to avoid the obligation to take up citizenship. Essentially, then, immigrants would be asked to choose one of three options: acquire citizenship, leave the country, or prove that the visit is only for the short-term. The exact timeframe after which the obligation to take up citizenship should be discharged can be left open, and will depend on empirical as well as normative reasons concerning the appropriate baseline for naturalisation. For purposes of this article, we leave it open where to place the bar. What matters on the proposal defended here is that all long-term immigrants (e.g. those that enter a state on grounds of family re-unification, looking for improved job opportunities, or with the intention to settle) should be required by law to naturalise.

Some might wonder whether these claims rely on a problematic assumption of states as having unilateral rights to determine who should be allowed to access their territory. Although that concern is plausible, we cannot discuss it further here. It is worth emphasising, however, that although our argument does not require the abolishment of the category of illegal

¹⁵ The Independent, Oct. 11, 2011.

¹⁶ Stilz 2010.

¹⁷ See López-Guerra 2005.

¹⁸ See among many others, Bauböck 1994; Miller 2008.

immigrants, extending mandatory citizenship to illegal immigrants is consistent with our argument.

Among legal long-term immigrants, we can further distinguish between temporary legal residents, such as guestworkers, and non-temporary or permanent legal residents. The latter group has a right to stay indefinitely and includes immigrants who have moved for reasons of family re-unification or on socio-economic or political grounds, and it also includes illegal immigrants who have been consequently granted legal residence through regularisation programmes. All these legal residents live in a country of which they are not citizens. The arguments below apply to both temporary and non-temporary legal residents, but we will especially focus on permanent legal residents because the argument for mandatory citizenship is clearest in their case. The upshot of the argument is a simplification of the categories we typically use to distinguish different members of the political community. It leads to the disappearance of the category of the non-citizen resident (excepting strictly short-term visitors), as illustrated in the table below. The next four sections examine the normative arguments that support this proposal.

	Citizen	Non-Citizen
Resident	X	TO BE ABOLISHED
Non-Resident	X	X

3. The fair distribution of the burdens of citizenship

The first argument in support of mandatory citizenship for immigrants insists on the relevance of fairness in the equal distribution of the burdens of citizenship. Although many migration scholars have emphasized the advantages of being a citizen, they have usually paid little attention to the burdens it carries with it. Citizenship is a burden because it places fellow members of a political community in an associative scheme that requires them to think and act together to advance a political system designed to support their life in common. Of course, depending on the category, many immigrants, especially if they are permanent residents, already carry some civic duties: they obey the law, they pay taxes, they make a productive contribution to the economy, they share the burdens of social life in common. However, when it comes to the political aspects of citizenship, migrants are excluded from sharing the burdens of citizenship. These demands of citizenship are upheld by both legal sanctions and informal expectations, which we discuss in turn.

Consider the paradigmatically burdensome case of forced conscription. Citizenship entails an obligation on the side of citizens to support and defend a particular country should a war threaten its peaceful existence. In many cases the state can act coercively to draft subsets of its citizenry (typically younger, healthy males) into the military, asking them to make significant personal sacrifices, leave their families, suspend their normal daily activities and be prepared to join their fellow-citizens in offering support for the governments. It affects not only younger men but also their parents or wives and children, who are financially and emotionally affected by their absence and possible death.

Of course, there are many plausible cases of conscientious objection to unjust wars, and these should be given due weight. And of course, given the nature of contemporary warfare, the burden of citizenship may in this case never be actually imposed. But even with these

qualifications, it seems unfair to impose such burdens on native citizens alone and leave out residents who did not choose to take up citizenship. If citizens had a choice, they might also prefer to renounce their citizenship rather than being coercively involved in a military enterprise. As a matter of history, the fair distribution of the burdens of membership is at the root of important decisions about naturalisation. As the case of France in 1889 illustrates, the decision to shift from *jus sanguinis* to *jus soli* resulted largely from demographic shifts and a decline in birth-rates which meant that the burdens of war and the need for manpower could no longer be sustained by native citizens alone and had to include the children of immigrants.¹⁹

Forced conscription is only one extreme case illustrating the burdens of citizenship. Whatever one makes of it, there are also many other kinds of political obligation that distinguish between citizens and residents. Think for example about the duty to serve on juries, and the epistemic as well as practical costs involved in it. It is precisely the burden that jury duty entails that was at the heart of Californian Assembly Member Bob Wieckowski's argument that immigrants should perform such service: "They benefit from the protections of our laws, so it is fair and just that they be asked to share in the obligation to do jury duty".²⁰ Think also about mandatory voting, where it exists and is enforced: in states like Argentina, Australia, Bolivia, Brazil, or Singapore, citizens have to present themselves on election day at the voting booth. Voting is a legal obligation in a quarter of all democracies.²¹ In addition, in many states voting booth assistants or polling officers are selected among the population and have the obligation to stay until votes are counted. Another example is that of tax rules that apply to all citizens where immigrants can claim temporary tax exemptions.

But there are also informal duties and expectations that bring burdens for citizens. Think about the expectation to reflect on and justify or criticise the actions of one's fellow-citizens both outside and inside one's native country. In the aftermath of the Eurozone crisis, many Germans visiting Greece felt pressured by their Greek hosts to explain and justify the actions of their government, to support or apologise important political decisions being made. The same applied to many Americans during W. G. Bush administration years, where a number of protesters joined anti-war campaigns with slogans saying "Not in my name" to signal their distancing from their countries' problematic foreign policy. Another important dimension are attitudes concerning the past: a few years ago, Nicolas Sarkozy, himself a second generation Hungarian immigrant in France and then president of the French republic apologised to Algerians for the injustice and suffering caused by the French during their recent colonial relation. Some might argue that such feelings of guilt, shame or responsibility are unrelated to the colour of one's passport, and that attitudes to certain political communities would remain the same regardless of whether one is fully included in their franchise. But this argument ignores the fact that non-citizens can successfully shed outside criticism or daunting shame by stressing the fact that they are not citizens, that policies simply have not been concocted in their name. Moreover, it undermines the symbolic and expressive value of citizenship. It overlooks the difference that it makes in

¹⁹ Weil 2002.

²⁰ The New York Times, 22 September 2013. With this argument, Wieckowski supported a Californian Bill to extend jury membership to permanent legal residents. The Bill was later rejected by Governor Jerry Brown. To be clear, our proposal is distinct from that of the Bill: in our view, the fair distribution of the burdens of citizenship requires that non-citizens become citizens, not that non-citizens stay non-citizens and perform (some of the) duties traditionally associated with citizenship. In section 7 of this article we discuss the distinction between requiring non-citizens to become citizens and requiring them to carry out some extra duties as non-citizens.

²¹ Birch 2009, 1.

criticising or endorsing certain policies to have voted in favour or against them and to have had a chance to participate in the official processes leading to their endorsement.

Other informal duties include the duty to pay attention to political affairs so as to be able to responsibly and knowledgeably cast a vote and select among different principled political alternatives.²² Even in states where voting is not a legal obligation or where such an obligation is not enforced, social and political pressures to vote might be exercised in one's career or through alternative systems of benefits or social sanctions.²³ And even abstracting from social benefits or sanctions, there is a general belief in society that people ought to vote so as to take responsibility for political outcomes. Jason Brennan calls this the 'folk theory of voting ethics' arguing that it includes the idea that "[e]ach citizen has a civic duty to vote. In extenuating circumstances, one can be excused from voting, but otherwise, one should vote".²⁴

We emphasise here the burdens rather than benefits of citizenship not to undermine the importance of the latter but because the relation between the two is one of mutual consolidation. It would be difficult for members of a particular political association to enjoy the advantages of citizenship (living in a liberal-democratic setting, sharing a socio-economic redistribution scheme, enjoying the public goods available in the territory) without these collective burdens. Preserving public goods needs political management. And the latter is in turn difficult without a collective "we" that is required to mobilise politically in order to uphold common institutions. One cannot enjoy a redistributive scheme without managing it, electing people to formulate particular political goals and deliberating about such proposed alternatives: all these are essential individual and collective preconditions of civic justice and freedom. But while the benefits of living as part of a collective association often extend to permanent residents, many extra-burdens are in principle only carried by citizens. In all the cases emphasized above, the formal and informal burdens of citizenship – serving on juries, voting, shouldering outsiders' criticisms, being ready to apologise regarding the nation's past deeds, serving in the army when one's country is under attack, serving as a polling officer, – are exercised by citizens. Yet they generate benefits from which non-citizen residents cannot be excluded: the burdens of citizenship benefit all residents but are carried out only by those residents who are citizens. To remedy this condition, all those enjoying the benefits should also contribute to their production.

Of course, all this is compatible with arguing that in different states the burdens of citizenship will be differentiated. In some political circumstances these might be weightier than in others, and the case in favour of mandatory citizenship would likely be stronger.²⁵ But the general point we are trying to make is one of fairness in the distribution of whatever burdens there are, assuming that even in the more minimal cases a certain degree of political involvement by citizens is necessary to the production of public benefits. And here the asymmetry between citizens and long-term residents is remarkable. Non-citizen residents are never required to think about the future of host countries as *their* countries. They are, and are offered no reason not to behave like, permanent guests. This seems to conflict with our intuitions about fairness and the way in which participants in an associative scheme are required to do their share in upholding that association. If we focus on the burdens of citizenship, residents who are not required to take up citizenship are effectively like free riders. Of course they are often freeriding against their own will, since many want to become citizens. The point we are making however applies generally, whether one ends up being a permanent resident out of choice or out of necessity.

²² We are grateful to Bob Goodin for suggesting this further argument.

²³ Birch 1999, 4.

²⁴ Brennan 2012, 3.

²⁵ We are grateful to Anthony King for raising this objection.

Fairness requires that we share the burdens of citizenship among all those who take advantage of cooperative life in a particular association. Failing that, some will end up doing more than they ought to be required to do than others. When that is the case, the whole system supporting such division between those who comply and those who fail to do so, is likely to be perceived as unfair.

4. The All-Affecting Principle

A second argument in favour of mandatory citizenship relates to the issue of taking political responsibility for what has an impact on others' public life. If agents affect one-another (for example by making use of the publicly provided education system, by walking one's dog in the park or by organizing noisy parties), they should be willing to be part of a democratic process where they explain their practices and discuss possible demands for compensation or change. Call this the "all-affecting" principle (AIF). The principle can be formulated as follows: "all those who repeatedly (significantly²⁶) affect others, have a duty to participate in a democratic process in which justifications for particular courses of action are advanced." The idea behind the principle is that one cannot constantly perform actions which exert influence on others or make use of common spaces without being prepared to join the civic political fora where practices that affect others are discussed and negotiated.

To understand this point, consider the following example. Imagine a city borough where most of the Muslims are non-citizens. If the Muslims want the mosque's minaret to call Muslims to prayer several times a day in an area where many non-Muslims citizens live, then the Muslims must be prepared to discuss potential grievances surrounding the minaret's 'noise' with non-Muslim inhabitants. It is not enough that the citizens have a democratic place to do this by themselves (say the municipal council), where they could decide to ban the mosque or to forbid loud calls for prayer: the principle states that the *Muslims* ought to be prepared to discuss the issue. Of course it is also in the interest of the Muslims to participate in the discussions leading to such decisions. But the all-affecting principle argues that, even if the Muslims preferred not to participate, the non-Muslims would have a right that the Muslims engage with them and justify the reasons behind their claims.²⁷

There are two main arguments in support of this principle. The first is that the political inclusion of Muslims gives non-Muslims an opportunity to hear the reasons behind the Muslims' claims and thus to better understand their concerns. The non-Muslims have an interest in the Muslims' participation because only then can they ensure that the decisions taken somehow strike a chord with the Muslims, or that they fall within the realm of decisions that can possibly be adhered to. Without the Muslims' take they might make decisions that deeply offend the Muslims or entirely ignore their concerns with the result that Muslims might then seek to ways to avoid such decisions, circumvent potential sanctions or openly resist them. This leads to a lack

²⁶ Most defenders of the principle affirm that not every type of being affected counts; one should in some way be *relevantly* or *significantly* affected (for example, Cavallero 2010). We sideline this discussion here, and think we are justified in doing so, for it is clear that sharing the same welfare system, educational services, roads, parks, schools and theatres is going to meet the relevance or significance threshold. (This still does not require non-citizens to justify all their actions, only those that 'relevantly' or 'significantly' affect others. But we don't need to establish the precise cut-off point; what matters is that a democratic forum uniting all the inhabitants as citizens exists in different political communities and requires each member of it to participate.)

²⁷ On the importance of the right and duty to justification for a democratic community more broadly see Forst 2013.

of understanding and tensions in the community, contributing to policies that are indirectly more burdensome to citizens than they would be if they had resulted from a collective process of decision-making.

The second argument for the all-affecting principle is that it may induce the Muslims to assume a more collective viewpoint on matters of common interest. It is therefore in the interest of the non-Muslims to be able to explain to the Muslims what the non-Muslim concerns are, so that the Muslims may adopt certain practices to accommodate the concerns, or have some sense of which practices are more objectionable from the non-Muslim point of view. Again, here, the burdens of citizenship are distributed more responsibly, if the policies that affect citizens collectively are also collectively made from a point of view that is general rather than particular.

This all-affecting principle can be distinguished from the “all-affected principle” (AF), often put forward in the literature on transnational or global democracy. The all-affected principle states that whoever is affected by a public decision should have a right to inclusion in the democratic process that produces that decision. The argument is deployed in the current literature on global democracy to justify the expansion of democracy beyond national boundaries, on the face of empirical evidence on the impact of decisions made within particular borders on the lives of those who are not subject to that state’s jurisdiction. But here we are interested in arguing that the citizens have a rightful requirement to the participation of non-citizen residents resulting from the fact that the latter affect the former (e.g. by sounding the minaret). AF is in this case already satisfied: the affected (the citizens) already have a right to inclusion in the democratic process that makes the decision: in fact, they are the *only* ones that are included in that process. AIF, on the other hand, puts forward the idea that it is important that agents who affect others are prepared to join them in publicly justifying their actions through appropriate political institutions and channels of collective decision-making. This may help those who are affected in understanding better the motivations of those that affect them, but it may also encourage the latter to see their concerns and revise their actions accordingly. Both may gain from this conversation and from the mechanisms of representative or deliberative participation conducive to it.

Another important difference is that AIF is a principle focused on obligations, whereas AF is a principle focused on entitlements. From the point of view of AF, it is enough that the affected *can* participate, even if they end up choosing not to get involved. In contrast, the AIF requires the affecting party to interact and justify its actions. Those who affect others cannot choose not to participate: their inclusion is necessary to fulfil the double function of listing their concerns and listening to the affected’s concerns. Because of these two reasons, democracy involves more than giving the affected decision-making power; it requires those who affect and those who are affected to participate together in making certain decisions. With AIF we therefore place our emphasis on individual relations and the role these have in the life of a political community. This generates a demand for the democratic politicisation of these *relations* which emphasizes that agents who affect each other should also share a space for exchanging reciprocal reasons, presenting their concerns and justifying decisions. Only then will we be able to say that a shared political life is collectively endorsed.

5. Strengthening Democratic Equality

One of the most important reasons that are often cited for offering citizenship to immigrant residents relates to the risks of maintaining a system of laws that distinguishes between two

categories of subjects: citizens who enjoy the benefits and share the burdens of citizenship and foreigners who are excluded from it. Abandoning the expectation that immigrants should be fully incorporated in host societies implies endorsing an ideal of denizenship that destabilizes the logic of democratic inclusion on which many countries of immigration rely.²⁸ If we accept that laws should not discriminate on grounds of race, gender or social class, we should also be prepared to accept that introducing different standards for citizens and immigrants corrupts the democratic ethos of host societies. It implicitly legitimizes laws that do not treat everyone as an equal and threatens to absolve the apartheid-like condition of those who are not offered an equal say in the making of laws to which they are subjected.

A similar argument has often been made to draw attention on the vulnerability of immigrants admitted through temporary worker programmes: the case of Turkish guestworkers in Germany during the Seventies and Eighties is here the paradigmatic case. Many authors have claimed that to avoid the creation of 'live-in servants', working under a tyranny of 'citizen-tyrants',²⁹ long-term immigrants must be set on the road to citizenship. If host societies allow immigrants to reside in their territories, then they must also offer them naturalization. Walzer argues that "as soon as some residents are citizens in fact, all must be so. No democratic state can tolerate the establishment of a fixed status between citizen and foreigner".³⁰ Indeed, immigrants should be equals in a world of shared obligations and "must be prepared to share the obligations".³¹

However, even in such cases the ensuing prescription never takes the form of an obligation for immigrants. Immigrants are allowed to become citizens; they are never required to do so. On this account, immigrants have a right, but not a duty, to naturalise. "They may choose not to become citizens, to return home or stay on as resident aliens. Many – perhaps most – will choose to return because of their emotional ties to their national family and their native land. But unless they have that choice, their other choices cannot be taken as so many signs of their acquiescence to the economy and law of the countries where they work".³² This argument therefore justifies the right (not duty) to citizenship based on the needs of the individual migrants within a democratic setting: since they are subject to the laws of host societies, as democrats we ought to recognise their right to political equality and to enjoying the benefits of citizenship. To endorse the alternative is to implicitly absolve the apartheid-like condition in which many non-citizen migrants live.

This argument however misses an important point. We need to distinguish between the interests of immigrants to be fully enfranchised in host-societies and a more general interest of everyone to live under political institutions that reflect an appropriate democratic ideal of equality. Making citizenship acquisition voluntary ensures that immigrant interests are taken into account and leaves it to them to decide what the best form of promoting such interests is. Of the 900.000 immigrants that were qualified to naturalise in Switzerland in 2010, only 36.000 actually did so in 2011. When asked why, many long-term immigrants argued that it was not in their interest. "Neither of us are interested in becoming Swiss", a British-Canadian couple is reported to have said to Swiss journalists. "We don't understand anyone's motivation, if their

²⁸ Walzer 1983, 272-280; Miller 2008, 377.

²⁹ Walzer 1983.

³⁰ Walzer 1983, 60.

³¹ Walzer 1983, 58-59.

³² Walzer 1983, 60.

current citizenship is of a well-recognised and respected country.”³³ But in this case, and if the acquisition of citizenship is left to contingent and (potentially) self-serving decisions made by immigrant residents, it may do very little to promote democratic equality in the institutions of the host-society.

To see this point, consider the analogy with slavery. Slavery is wrong both because it conflicts with the interests of slaves and because it is an unjust institution. A just society is one free of slaves. Endorsing the institutional discrimination between those who are born free and those who are not corrupts this ethos of inclusion and equality. In most cases, since slavery is against the interests of slaves, the normal expectation is that offering slaves the choice of exiting their condition also contributes to the end of slavery as an unjust practice. But that connection is contingent: suppose some slaves have nice masters. Suppose life as a slave is easier than undertaking paid work. In such cases it is reasonable to expect that slaves will not take the offer of exiting their condition; the institution of slavery will remain unthreatened. What we need in such cases is to abolish the category of slaves by making it compulsory to put an end to that condition. In a similar way, if we are worried by the existence of apartheid-like institutions that discriminate between citizens and denizens, the solution is not to offer denizens the option of taking up citizenship. It is to make the acquisition of citizenship compulsory.

In fact, Walzer’s own argument already logically leads to this view. The principle on which Walzer relies unavoidably leads to a more drastic conclusion than the one he draws. The argument rests on a conception of political community in which all live in a world of ‘shared obligations’. If immigrants ‘must be prepared to share the obligations’ and if we cannot ‘tolerate the establishment of a fixed status between citizen and foreigner’³⁴ within a society, then it would be inconsistent to allow immigrants to opt out of obligations of citizenship, and continue to behave as foreigners. Walzer’s conclusion – the right to citizenship – follows from his premise – no permission to opt out of citizenship obligations and no fixed status difference.

One might argue at this point that distinguishing between the interest of migrants in citizenship and the compulsory nature of citizenship argument is pointless since, Swiss exceptionalism aside, it may be difficult in practice to imagine resident migrants who are not interested in taking up citizenship. But this is not quite accurate. As one author puts it, it should give us pause for thought that even in the paradigmatic example of denizenship, that of Turkish guestworkers in Germany, “just over a third of Turks in Germany have actually adopted German citizenship, and that the number of Turks who have chosen to make use of the legal entitlement to do so declined from 83.000 in 2000 to just 25.000 in 2009”.³⁵ In many European cases, although residents are sometimes excluded from the full range of socio-economic rights, such exclusion is contingent upon the duration of residence rather than admission to citizenship. And although they cannot vote in national elections, they can vote in local ones on the issues that most closely affect them. Moreover, apart from employment in public sector offices, most other positions remain open to them. What all this means is that “migrants who are not particularly interested in the politics of their country of residence, are not poor, earn a living in the private sector, and do not intend to relocate within the EU have at best very limited interest-related

³³See Jeannie Wurz, “Naturalisation? No thanks. Why some residents choose not to become Swiss”, *Swiss Info*, April 29, 2013, http://www.swissinfo.ch/eng/swiss_news/Why_some_residents_choose_not_to_become_Swiss.html?cid=35624994, accessed November 21, 2014.

³⁴Walzer 1983, 58-60.

³⁵Offe 2011, 362.

reasons to naturalize”.³⁶ Of course, one might argue here that the reasons why many Turkish immigrants choose not to naturalise are related to the importance for them of maintaining continuous links with their country of origin which, in the absence of dual citizenship, would be seriously undermined. Yet even if this were true it would introduce a different form of unfairness, allowing those that could afford not to take up citizenship to free ride on its burdens, compared to those who have no other choice. Yet, as the previous pages tried to show there seems to be something wrong in making the promotion of the democratic ideal of equality dependent upon the contingent interests of immigrants, just as it is wrong to make the abolition of the practice of slavery contingent on the existence of benign slaveholders. The fact that some states (like Australia) require their citizens living abroad to pay taxes is usually not a sufficient reason for citizens of such countries to be able to claim tax exemptions in the host state. Likewise, the fact that some states make it more difficult for emigrants and/or immigrants to have dual citizenship cannot suffice by itself to excuse immigrants from the acquisition of citizenship in receiving states.³⁷

6. Stability and cohesion

The offer of citizenship to immigrants has also been defended on grounds of its contribution to the promotion of stability and cohesion of host societies, compatibly with a liberal ideal of nationalism that remains open to people from different cultural backgrounds and seeks to integrate them in the on-going projects and commitments of existing members of the nation. In fact, what allegedly distinguishes liberal nationalism from illiberal nationalism is precisely its endeavour to allow for the inclusion of members of other national cultures to join the political projects and democratic activities of the host nation. This implies “relatively easy access to citizenship after, say, three to five years of residency, with minimal tests of national integration, including knowledge of the national language, knowledge of national history and institutions, and an oath of loyalty to the country and its constitution”.³⁸ So this liberal conception of nationhood is ‘thin’: it does not include shared conceptions of the good life, or shared blood lines as conditions for national citizenship. At the same time, however, it still asks new citizens to speak the national language, to share the national identity and to feel loyalty and commitment towards the new nation and its desire for self-government.³⁹

What motivates this openness to members of different cultural groups is an understanding of liberal national projects as pluralistic and inclusive. Kymlicka, one of the most forceful advocates of this idea, is sceptical of ‘post-national’ conceptions of citizenship where local voting rights are decoupled from citizenship and granted to immigrants. Instead, a “politically progressive defence of local voting rights for aliens must view it as a proto-citizenship right; that is, as a form of political socialization into the national political system, enabling immigrants to develop bonds of trust and attachment towards national institutions, and

³⁶ Offe 2011, 362.

³⁷ We think that the case for mandatory citizenship can be made without arguing for or against dual citizenship. But it goes without saying that those who combine that case with dual citizenship will have an easier task convincing immigrants to take up citizenship. We return to this issue in the fifth objection below.

³⁸ Kymlicka 2007, 36-37.

³⁹ Kymlicka 2007, 144, n. 16.

hence as a step towards full national citizenship”.⁴⁰ This argument rejects unbundling rights from national citizenship: if local voting rights are implemented, they must be seen as transitional, as a step towards full citizenship.

This move is advantageous to immigrants who must be enabled (in our case: constrained) to become full members of the host society. But it is also advantageous to the host community. The full integration of immigrants in the national political sphere through the extension of citizenship promotes cohesion in the host society and contributes to its stability. Residents who become citizens have more incentives to take responsibility for shared collective projects: they now belong to the new community as full members of it, and fewer lines of contrast between “us and them” can be drawn. This promotes the integration of particular cultural groups and discourages the ossification of practices that undermine the common political good.

What this clearly shows is that the promotion of cohesion and stability in receiving societies gives us reasons to favour citizenship duties for resident non-citizens, also independently from the interests of members of such groups to acquire citizenship. If removing the formal boundary dividing citizens and residents turns out to strengthen joint cooperative activities in the context of a more stable society, moves in that direction should not only be welcomed and applauded but actively supported. Mandatory citizenship is the most plausible way to enable that support because the alternative to mandatory citizenship is the existence of a category of non-citizen residents, hampering cohesion and stability.

7. Some objections

One might object at this point that mandatory citizenship is an illiberal proposal. One cannot force immigrants to take citizenship against their will since this would compromise their autonomy in the host society. But there are several ways to answer this critique. First, if we take the political obligations literature seriously, it is important to understand that citizenship is not a matter of preference, to be pursued or rejected. It is a shared project. In so far as one is part of the political community where other citizens live, and those existing citizens share the responsibilities of citizenship, it would be wrong to allow resident non-citizens to refuse to do so. After all, native-born citizens do not choose where they have come to live, and exit-options are often costly. If anything, immigrant residents are at an advantage here, they have chosen to emigrate from their own countries and they can also opt to go back. But if they choose to stay, it is only fair that they share the burdens of citizenship in the same way native born citizens do.

It is also possible to temper the objection by pointing out that residents often undertake a number of obligations in the host-society, not all of which are chosen. We do not typically think it is illiberal to ask them to contribute to the social security system for example. We think these obligations are important to avoid free-riding problems, and to ensure that everyone who enjoys the benefits of being a member of a political community does his or her share. If that is the case, the difference between the obligations of residence (such as contributions to the social security system) that immigrants already undertake and the more demanding obligations of citizenship is only of degree rather than kind.

Notice also that even if we grant that the objection has force, the issue of fairness towards existing citizens remains. Consider for example the distinction between the obligation to vote, which is backed up by sanctions in a number of countries, including Belgium and Australia,

⁴⁰ Kymlicka 2007, 13.

and local voting rights for immigrants. In many countries non-citizen residents can vote in local elections but are not obliged to do so. This raises the issue of fairness in the distribution of demands for political participation in countries with compulsory voting: citizens have the legal duty to vote in local elections but immigrants have a choice. Citizens have reasonable grounds for complaint here: why should they be obliged to vote, whereas others, who equally spend their lives 'here', only have the option? To make the acquisition of citizenship obligations voluntary for migrants would be to discriminate unfairly towards them.

A second objection to our proposal is that even though it may be reasonable to ask non-citizen residents to share the burdens of cooperative life in a political community, there are other ways to take up that obligation that do not involve the imposition of citizenship. We could for instance cancel tax exemptions for immigrants, require them to perform jury services, or even conscript them in times of war⁴¹. This objection is plausible. Yet several counter-arguments can be given to show why it is a less desirable solution than mandatory citizenship. Firstly, if the points about democratic equality and cohesion are correct, the inequality of status between citizens and long-term residents implies that nothing short of citizenship would restore the democratic ethos in a community since citizens would still be asked to perform duties that residents would be exempted from. For example, from a symbolic and expressive perspective, important differences would remain. But even more pertinently, we may wonder whether we would not strip down the notion of citizenship as commonly understood if we asked immigrants to perform all of the tasks normally understood to belong to citizenship, without calling them citizens. What we do when we require the residents to carry out the burdens of citizenship through means other than citizenship is to effectively grant them citizenship without calling it so. If we ask immigrants to perform all the duties associated with citizenship, then aren't we effectively making them citizens? If we require them to be drafted in times of war, to join democratic deliberations about the future of the city park or the minaret, to vote in national elections and so on, what grounds would there remain to distinguish between them and what we ordinarily call citizens?

A third objection states that not granting citizenship to immigrants is not unfair, for the following reason. Of course, the critic concedes, there are duties to citizenship. But citizenship also brings many benefits, such as the right to stay indefinitely in a host community one has chosen. But this objection misunderstands the nature of our argument. The claim made here is not that being denied access to citizenship is unfair for immigrants, though that may also be true. The point is that long-term residence without citizenship is unfair to citizens, who lack appropriate political fora for democratic confrontation (satisfying the all-affecting principle), and live in a society that is less stable and cohesive than it could be given the presence of significant groups of non-citizens in their midst. Even more importantly, the danger of uncoupling the right to stay from the obligation to acquire citizenship is that it creates a two-tiered system of obligations and entitlements, one for citizens and one for residents, which undermines the democratic ethos of a society of equals, as we discussed in section 5. Hence, the last three of our four arguments requires full mandatory citizenship. How about the first argument, about the fair distribution burdens of citizenship? That argument states that the burdens of citizenship benefit all residents but are currently only borne by citizens, and sees citizenship for all as the solution. This is very clear in the case of permanent residents. Take for instance so called 'second country nationals', EU citizens who live in a European country other

⁴¹ In the US, in addition to male citizens, also male non-citizen residents between the ages of 18 and 25 are required to register with the Selective Service System and keep it updated regarding their place of residence, so that in times of war these men could in principle be called upon. See www.sss.gov.

than the one they were born in. They are very well protected up to the point where the only meaningful distinction between them and citizens is the lack of burdens that second country nationals experience. But the argument is less clear for non-permanent residents: they can only stay as long as their visa allows them to, for them citizenship is not a burden-equalizer since citizenship also gives them access to the crucial benefit of enjoying the right to stay indefinitely, something craved by many immigrants. They forego the burdens of citizenship but also one major benefit. Since they do not share all the benefits of citizenship, not asking them to become citizens is not unjust towards citizens. To the citizen who says: it's unfair that you are not prepared to be a citizen (without the right to stay), they can reply: "It's not unfair since although I don't shoulder your burdens, I also don't enjoy all the benefits of citizenship." It may well be then that the burden sharing argument is limited to long-term immigrants for whom access to citizenship either is or will be offered in the future.

A fourth objection to the proposal we have introduced might be to say that mandatory citizenship would come at a certain cost for the community of the receiving state since naturalisation would actually threaten the cohesion of an existing historical collective. This objection points to the tension between two requirements for viable democracy: a) a viable democracy needs a shared language and shared cultural practices, versus b) a viable democracy requires the inclusion of all those who are subject to the laws of a particular territory. A straightforward response to that objection might be to say that, of course, there are circumstances in which the latter option might override the former. But there is no need to defend mandatory citizenship in this more demanding way. The point to emphasize instead is that the costs of cohesion would be the same or higher if citizenship was not mandatory and many non-citizens continued to be residents. Even limiting our understanding of what democracy requires to the first option, mandatory citizenship is not worse than its alternative, because the alternative to mandatory citizenship is not to have *no* linguistic or cultural others; the alternative is having a group of *non-citizen* linguistic or cultural others. This is often forgotten by those who insist on tougher citizenship acquisition rules: the result of such rules is not the absence of immigrants but the greater presence of non-citizen immigrants. Given this actual presence of non-citizen residents in the territory, the lack of commonality will be a concern with or without mandatory citizenship. The degree of integration of recently naturalised citizens will depend on the measures a state adopts to ensure that all citizens are integrated in the system of laws and practices of their new community. If anything, it is plausible to suppose that full political inclusion in the polity might increase cohesion rather than the other way round.

Yet another objection to this proposal might be to raise the issue of the increase in political power commanded by naturalised citizens who retain membership in their country of origin.⁴² Wouldn't it be unfair, some might ask, to give more votes in different countries to citizens who would as a result have more influence over political institutions than others who are only citizens of one country? To answer this objection we must remember that the proposal of mandatory citizenship does not commit us to a specific response to the question of dual, triple or multiple citizenship. To say that it is justified to impose citizenship on immigrant residents, does not commit us to either accepting that host countries are entitled to ask immigrants to renounce citizenship in their countries of origin (as the Netherlands require immigrants to do, as a condition of citizenship) or that immigrants are entitled to retain it. Some would argue that multiple citizenship would not pose such a threat to democracy given the fact that citizens inevitably have differential influence over political institutions: one vote from an American

⁴² See for a more detailed discussion of the problem Goodin and Tanasoca 2014.

might, in practice, be much more weighty than three votes of a Guatemalan, for example. But others would argue that these empirical trends are concerning, and we should intervene to change them as much as possible. In such cases, rotating citizenship so as to allow for membership in only one political community at a time would not be a far-fetched solution. It would effectively imply giving up on the standard idea that citizenship captures a permanent status, and making the rules of citizenship flexible for everyone, thus connecting citizenship to residence much more tightly and accepting that there may be time-limits on how long one is a member of a political community for. When one becomes a citizen of a country, for example, one's original citizenship might become dormant until taken up again by moving back, provided some conditions are attached to make fiscal free-riding impossible. All of the solutions raise additional questions to the ones we are confronting in this article, and mandatory citizenship is open to many different answers so long as we think consistently about them.

A sixth objection might be to insist on the symbolic importance of citizenship for native-born citizens who might feel more attached to the institutions of the host society than newly arrived immigrants are. Such native citizens might be hostile to the idea of making citizenship compulsory for everyone since for them it might imply renouncing the unique bond between them and the historical community that they feel attached to. As already emphasized when discussing the stability and cohesion arguments of the previous section, this question is partly an empirical one so cannot be settled conclusively here. But we can limit ourselves to the following response: citizens who feel strongly the symbolic attachment to their citizenship may be wrong to think about it in exclusionary terms. If that is the case, the objection can be progressively defeated if policies to integrate immigrants and to educate them to an ideal of inclusive national citizenship are in place. The argument we have presented offers a powerful tool to politicians and policy-makers prepared to support that case, since it presses an ideal of citizenship as a status that comes with burdens as well as benefits, and asks domestic publics to think about the need to share such burden equally with all immigrants. Once this correction to the ideal of citizenship is made, those defending its symbolic importance should be much more amenable to being persuaded about its mandatory nature.

8. Conclusion

The argument of this article has been that citizenship should be mandatory for all resident immigrants. If we take seriously the literature on political obligation concerning the burdens of citizenship and the need for fellow-citizens to share such burdens on a fair basis of political cooperation, the same burden-sharing, we argue, ought to apply to immigrants. Since citizens have no option but to accept and share the burdens of citizenship, immigrants should be part of the same scheme of cooperation and share those very same burdens equally.

Our case in favour of mandatory citizenship was made by presenting arguments based on fairness, the all-affecting principle, democratic inclusion and cohesion. At the heart of our concern was the need for symmetry between our intuitions on political obligation and those on migration. If citizenship involves burdensome duties, then migrants should shoulder these too. As mentioned at the outset, it is also possible to pursue a different line of argument and insist that since citizenship is voluntary for immigrants, it should also be voluntary for citizens. While this would not alter the demandingness of citizenship obligations, it would allow for the choice of the particular place where the demanding obligations are to be fulfilled.⁴³ This would support

⁴³ A similar proposal is made in Schuck and Smith 1985.

actual consent theories of political obligation rather than the alternative (fairness or reciprocity) accounts to which we implicitly appealed in the previous pages. Since exploring further the implications of this argument would take us too far from the contents of the present analysis, we hope to pursue that question in a different article.

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