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Introduction to *Varieties of Sovereignty and Citizenship*

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Introduction

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Many, perhaps most, adults today who were born and educated in advanced industrial societies grew up with a picture of the world that seemed commonsensical and often comforting. For them, the world's territory was divided up among sovereign states, each with its own unique, generally stable body of citizens who received protection from their state and owed it exclusive allegiance. Those states were expected to recognize and respect each other's sovereignty in ways conducive to peaceful coexistence. While struggles over borders and sovereignty flared up even under these conditions, wars were mostly seen as aberrations to the generally stable state of affairs. One state, one territory, one citizenry with one allegiance—that was the way the world mostly was and should be.

Much post–World War II scholarship in many disciplines endorsed these views. To cite one influential instance: in 1948, Leo Gross, a scholar born in Austria-Hungary who became a prominent international law authority at Tufts University, argued that the 1648 "Peace of Westphalia" had initiated a centuries-long struggle to "establish something resembling world unity on the basis of states exercising untrammeled sovereignty over certain territories and subordinated to no earthly authority." Gross contended that the Westphalian hope was, as the Spanish legal scholastic Francisco Suárez had argued, for each sovereign state to "constitute a perfect community in itself, consisting of its own members," while still recognizing itself as a member of the "universal society" of the human race.[1] A world so ordered might through peaceful coexistence promote the flourishing of all humanity—a hope that

Gross used to persuade those of his time to invest substantially in the new United Nations.[2]

Yet though the world may have come closer to that system of peacefully coexisting, fully sovereign nation-states in the quarter-century following the end of World War II than in most of human history, in retrospect it was clear that the peace was then still only a partial achievement. Wars between states never ceased nor did transnational violence conducted by nonstate actors. Even the passport, the great modern symbol of national membership in and global protection by a sovereign nation-state, came into near-universal use only in the late nineteenth and especially the early twentieth century.[3] And today, although in percentage terms the numbers remain small, increasing numbers of persons, rich and poor, either are entitled to hold more than one national passport or are living in the territories of states that do not provide them with passports. Some hold other forms of authorization to reside in those territories, but some lack any legal documentation at all.

And many who hold legal membership in the state in which they reside, like the Hmong and the Iraqis who aided foreign armies and the highly educated South Asians employed by foreign firms, nonetheless act primarily as allegiants of, or at least collaborators with, foreign governments that are using force against their state, or multinational corporations that are pursuing global economic, not local objectives. In the twenty-first century, it seems clear that while the nation-state still is a highly significant political entity, capable of exercising military power, securing its borders, enacting economic policies, and conferring memberships at will, its place and role are changing. Many forces are pushing prevailing forms of political community away from that world of singular allegiance to sovereign, independent nation-states and toward new configurations. These may take the form of a panoramic sprawl of multiple, interlaced, subnational, decentralized, federated, and supranational sovereign or semisovereign political communities; plural citizenships; and an even more varied range of new economic, military, cultural, social, and virtual transnational associations. Some scholars and activists depict those as incipient forms of alternative and transnational, even global citizenship, or cosmopolitanism.

In contrast to the idealized picture of a world of stable, independent sovereign states, largely peacefully coexisting, this world can seem one of new possibilities, teeming with promises and dangers. To simplify a bit, modern scholarship can be seen as having gone through two waves of response to these developments. In the 1990s, books and articles began to appear, especially by European scholars, proclaiming that the era of nation-state citizen-

ship was almost over, succumbing to the rise of new forms of effectively transnational membership. Yasemin Soysal may have put the case most sharply in her 1995 book, *The Limits of Citizenship*, which opened by declaring that a "new and more universal concept of citizenship has unfolded in the post-war era, one whose organizing and legitimating principles are based on universal personhood rather than national belonging."[4] Many scholars of the 1990s, especially David Held and Daniele Archibugi, argued forcefully and enthusiastically that these developments meant that the world had at least the potential to move to desirable forms of "cosmopolitan democracy" in which national memberships would play greatly lessened roles in federated global democratic systems.[5] Others, like legal scholar Peter H. Schuck, a contributor to the present volume, expressed far more concern about the "devaluation" of national citizenships, including American citizenship, but Schuck still agreed initially that trends appeared to be moving in that direction.[6]

Soon, however, these perceptions and the anticipation of the demise of national citizenship met with major scholarly challenges, both empirical and normative. The challenges simultaneously reflected and analyzed anxieties over immigrants that have mounted in modern Europe, the United States, and other immigrant-receiving nations. Schuck, among others, proclaimed a "re-evaluation of American citizenship" as domestic political groups reasserted the distinctive rights and responsibilities of that status and resisted the rise of "post-national citizenship" in ways he found partly concerning but partly commendable.[7] With more evident worries, Linda Bosniak argued influentially that although modern liberal democratic states often sought to be "soft," egalitarian and inclusive toward those they recognized as their members, in many cases they were increasingly seeking to be "hard" and exclusionary toward nonmembers, thus reaffirming their political power.[8] Elizabeth Cohen has concluded that because modern states "require citizenship" (require populations that accept those states' distinctive authority to at least some minimal extent) and populations require the governing institutions that states provide, we remain as an empirical matter far from the end of state-based national citizenships, even if their empirical realities are more complex and shifting than they once seemed to be.[9] Events like the "Arab Spring" of 2011 seem to confirm ongoing commitments among citizens in different countries to the preservation of the nation-state, even as they try to struggle against repressive state governments.

On the normative side, many continue to argue for the desirability of national citizenship, as David Miller and Jeremy Rabkin[10] have in their past

writings and continue to do in this volume. Moreover, many scholars of economic and cultural globalization who are critical of nationalism have nonetheless expressed at least equal concern about many of the new forms of transnational or "cosmopolitan" migration and memberships on the grounds that they are proving anything but democratic and egalitarian. Because transnational memberships are often held by those highly placed in multinational corporations that are pursuing their economic interests in many locales, abetted by service industries staffed by cheap migrant or local labor, many forms of modern "plural" and "postnational" citizenship are seen as reinforcing patterns of economic inequality and cultural domination. As Aihwa Ong has put it, "mobile managers, technocrats, and professionals" often seek both to "circumvent and benefit from different national regimes by selecting different sites for investments, work, and family relocation" as part of their "trans-Pacific business commute."[11] In addition, supranational entities often have not fostered practices of governance in their internal organization and in their relationships with various territorial populations that satisfy democratic demands more effectively than the nation-state.

In light of these developments, during the 2009–2010 academic year, the Penn Program on Democracy, Citizenship, and Constitutionalism asked a wide range of scholars in different disciplines to reflect on these apparent empirical transformations of the world, away from the absolute sovereignty of independent nation-states and toward the proliferation of varieties of plural citizenship, perhaps the emergence of possible new forms of global allegiance, and to consider the normative implications of these emergent forms of membership and sovereignty. The results of these scholars' work in many ways both defied and exceeded expectations. They are contained in this volume.

The essays collected here display widespread acceptance that we cannot grasp the empirical realities or the important normative issues today by focusing only on sovereign states and their actions, interests, and aspirations. All the chapter authors accept that a great variety of globalizing forces are realities that we need to take into account—but they draw very different conclusions concerning those realities. We have structured their contributions so that readers can assess the character of recent developments and the substance of the many debates in regard to what may well be the three most crucial issues concerning transformations in the sovereignty of modern nation-states: the changing role of military force within this new landscape of sovereignty; efforts to control and channel immigration across state

boundaries; and the development and assessment of forms of cosmopolitan alternatives to nation-states.

If, as the Progressive-era journalist Randolph Bourne provocatively argued, "war is the health of the state" because states often build strength and support in order to fight wars, then questions about the role that wars and warfare play in an era of apparently declining national sovereignty are crucial to assessing the extent and significance of that decline. Issues of immigration are just as fundamental since they implicate foundational conceptions of who belongs to a particular political community and who does not, and since immigration policy debates are now provoking major controversies in many immigrant-receiving and some immigrant-sending states. The concerns for current forms of political affiliation, sovereignty, and allegiance borne of war and migration indicate where we are now in terms of global political structures; but they also prompt consideration of alternatives to the model of a world of sovereign nation-states and the benefits and burdens those alternatives may provide.

In Part I, "War, Sovereignty, and Plural Citizenships," international-relations scholar Arjun Chowdhury provides an overview of the current condition of the sovereign-state system that challenges much conventional wisdom. In "Sovereignty Out of Joint," Chowdhury disputes those who think that sovereign states are losing capacities they once had to foster international order, and he goes on to disagree both with those who conclude that we must get past relying on nation-states and those who think we must instead strengthen them. Chowdhury argues that the European-based system of contending imperial states never provided real international stability, nor have states been able to do so since the end of the imperial age. Much of the order that the modern era has achieved resulted from the dangers of nuclear weapons, Chowdhury claims, while postcolonial states have often been embroiled in civil wars and interstate conflicts that have kept a fully orderly world elusive. Though Chowdhury does not offer a formula for how global politics should be structured in the future, his analysis casts doubt on whether seeking to achieve a world that consists only of "strong" sovereign states is wise. Instead, state-building efforts, particularly when conducted by foreign governments, may only help keep wars endemic.

If this argument is true, then what are the consequences? In "War, Rights, and Contention: *Lasswell v. Tilly*," sociologist and political scientist Sidney Tarrow explores this question by assessing evidence and arguments for the contrasting claims of Charles Tilly, who maintained that early modern European states had to extend more expansive rights to many of their

citizens in order to win support for their military efforts, and Harold Lasswell, who insisted that modern "garrison states" often denied rights to many citizens in an effort to achieve military efficiency and secure power. Using T. H. Marshall's famed framework of civil, political, and social rights, Tarrow concludes that there is some evidence for each of these rival claims, particularly in the long run. While wars are being waged, Lasswell's worries about denials especially of civil rights and civil liberties are well justified, while the expansion of social rights during and after wars seems to support Tilly's approach. In an era when concerns about the twenty-first century's most notorious nonstate international actors—radical Islamic terrorists—are leading many governments to conceive of themselves as in a state of perpetual war, this conclusion provides less than optimistic commentary on the direction in which relations between citizens and states may be headed, even in liberal democratic states.

In "Subcontracting Sovereignty: The Afterlife of Proxy War," anthropologist Anna Tsing examines a further, less noted dimension of modern warfare. In the past half-century, the United States and other major powers have often engaged in "proxy wars." They have formed alliances with dissident groups in different regions to help them conduct military operations seeking to overthrow their common enemies. Although America's proxy warriors have often hoped to gain power themselves, they have often found themselves instead living as refugees in the United States, negotiating multiple citizenship claims. Tsing did field work with Hmong refugees in California who had fought against communists in Southeast Asia, hoping to build Hmong sovereignty. She provides compelling reports of how these dual citizens maintain ways of life bound by memories of wars and commitments to continue to fight, on behalf of both the United States and themselves. That military service includes combat by young Hmong men in Iraq. This service, like other instances of proxy warfare, can be seen as fostering greater inclusiveness in and across modern nation-states, or it can be interpreted as reinforcing global inequality, violence, and exploitation. In the Hmong case, it is clear that increased transnational interdependency, and the embrace by both the United States and the Hmong of their plural citizenships, have not been part of the achievement of a more pacific and stable world order. Instead, plural citizenship and subcontracted sovereignty have facilitated the perpetuation of war.

Colonial historian and legal scholar Nasser Hussain's essay, "In Conflict: Sovereignty, Identity, Counterinsurgency," finds another military legacy of the imperial state system playing a major role in the modern postcolonial

world. The heart of imperial counterinsurgency strategy was the identification of some colonial residents as the "people" who were to be protected and aided against "insurgents," even though the populations in question were profoundly interwoven. To "clear-hold-build," as General David Petraeus's renowned counterinsurgency manual urges, communities and groups must be labeled, often separated, and controlled. Those practices can be disturbingly brutal in the course of counterinsurgency military operations; but Hussain's larger point is that they also may become routinized aspects of the forms of governance provided by the regimes that emerge after military clashes diminish. How far those governing Iraq will feel they can and should move to "total control of the population" through its compartmentalization into favored "citizens" and repressed "insurgents" is central to Iraq politics today and to other societies shaped by the modern principles and practices of counterinsurgency that carry on the contested legacies of Europe's imperial age.

If the reflections in Part I on war and sovereignty yield few reasons for hope that the decline in the system of independent sovereign states is producing an accompanying decline in militarism, the accounts of the authors included in Part II, "Immigration, Sovereignty, and Plural Citizenships," paint a more varied landscape. In "Citizen Terrorists and the Challenges of Plural Citizenship," Peter H. Schuck observes that the heightened receptivity to dual citizenship and to immigrants that form part of the liberalism of modern American citizenship policies can leave the nation vulnerable to the terrorist assaults of citizens whose real allegiances are to virulently anti-American causes. Schuck notes that one obvious response, and for many Americans an emotionally satisfying response, would be the denaturalization of foreign-born citizen terrorists, perhaps even of native-born ones. Yet Schuck recognizes that such a power might be wielded in illiberal ways, and he doubts that it would prove an effective deterrent since terrorists place only instrumental value on their American citizenship. He concludes then that the trend toward acceptance of plural citizenship probably will and should continue despite the accompanying risk for citizen terrorists, at least under current circumstances.

In "Immigration, Causality, and Complicity," philosopher Michael Blake considers two more general arguments concerning the obligations of modern states to would-be immigrants. As Anna Tsing's discussion of the Hmong illustrates, some might think a state is responsible for admitting at least some individuals affected by its destructive foreign wars. And when a state is complicit in encouraging and sustaining illegal immigration, many

may think it obliged to accord those immigrants legal status. In regard to the first argument, Blake contends that it matters greatly whether the destructive war was also an unjust war. If it was not, then in his view no special obligations arise to accept those affected as fellow residents or citizens. Blake also sees some force in the argument that obligations can arise from complicity, but not quite in the way many others do. He suggests that persuasive arguments for excluding immigrants often rest on the need to preserve a coherent, meaningful culture that they might make impossible to sustain. But if the existing culture in fact depends on the labor of undocumented immigrants, it cannot coherently deny them residence; so it should legalize their presence. On both counts, Blake is concerned to ensure that the military and economic interconnections of modern states with outsiders are not turned too quickly into arguments for open borders that might endanger the survival of those states, at least in the forms valued by their members. Like Schuck, however, he nonetheless agrees that under currently prevalent circumstances, arguments for inclusiveness have great force.

Legal theorist Ayelet Shachar offers more unequivocal reasons for inclusion of undocumented immigrants. In "The Missing Link: Rootedness as a Basis for Membership," she elaborates on the implications of her earlier arguments for giving full legal recognition to a principle she terms *jus nexi*. Drawing on analogous conceptions of property, Shachar contends that claims to formal civic membership strengthen as persons become more deeply "rooted" in the social, economic, and political life of a particular community. For children of undocumented aliens, whether born before or after their arrival in a new country, this "rootedness" is likely soon to become quite pervasive as they grow up, form social networks, and are schooled and eventually employed almost entirely within that society. Shachar's principle does not demand citizenship at birth upon a nation's soil although political communities might decide to adopt that policy for different reasons. But it does argue for extending citizenship to millions of long-term resident, undocumented immigrants—in the United States and other immigrant-receiving nations—who have in effect already become members of the economies and societies of those nations.

Shachar's arguments therefore serve as a bridge to the concerns about the character and desirability of more expansive forms of political association that occupy the authors in Part III, "On Cosmopolitan Alternatives." In its opening essay, "World Government Is Here!" philosopher Robert E. Goodin boldly proclaims that institutions of global governance have been developing over time, at what looks like an accelerating pace. Examples of

these institutions include U.N. peacekeeping forces; the World Intellectual Property Organization, which administers international patent agreements; and a variety of courts claiming international jurisdiction. Drawing primarily on U.S. history, Goodin notes that large-scale governing institutions often gradually acquire greater authority, and though he does not seek in his essay to advocate for a single "world government," he does contend that we are witnessing evolution in that direction without, so far, the dire consequences that opponents of more cosmopolitan arrangements fear.

Political scientist and legal scholar Jeremy Rabkin disagrees sharply. In "If You Need a Friend, Don't Call a Cosmopolitan," Rabkin criticizes efforts to create international laws and institutions devoted to cosmopolitan principles of equality and universalism for reasons that echo in some ways those of left-wing critics of cosmopolitanism. Rabkin is concerned that in many articulations, cosmopolitan principles are far too leveling, treating all kinds of political communities and combatants uniformly, when instead great distinctions should be made. He particularly rejects what he sees as cosmopolitan demands that governments accord full and equal rights to states, groups, and individuals engaged in massive lawless violence. Such misplaced respect, he warns, may enable those who disdain all notions of human rights to prevail in combat over their international law-abiding opponents. Rabkin maintains that it is not only morally appropriate but morally imperative for governments and citizens to act to uphold the honor of their own nations by refraining from committing injustices and by refusing to suffer or accept them. Human experience shows, he insists, that a world of sovereign and honorable nation-states is more likely to be a peaceful and just world than one that seeks to realize any of the cosmopolitan alternatives envisioned so far.

In "The Physico-Material Bases of Cosmopolitanism," literary scholar Pheng Cheah raises concerns about both the philosophy and practice of cosmopolitanism. Cheah, too, perceives in the philosophic sources of cosmopolitan politics from Kant through Marx to today a stress on universal human ends. This emphasis justifies global efforts to remake the world to actualize humanity's potential for free, peaceful, and prosperous self-development. But like Foucault, Cheah sees these cosmopolitan goals as in reality justifying forms of global governmentality that manage populations far more than they empower them and that do so primarily for enhanced global economic productivity. He urges a "methodological cosmopolitanism" that seeks to track the transnational processes, structures, and practices that reduce people around the world into economically "useful" entities

as a precondition to any effort to consider what arrangements might help them become more fully human.

Anthropologist Elizabeth A. Povinelli highlights a still more unconventional critical perspective on cosmopolitan alternatives in her essay, "Citizens of the Earth: Indigenous Cosmopolitanism and the Governance of the Prior." Like some of the other authors, Povinelli probes the Western philosophic roots of cosmopolitan ideals, and she notes that they have long issued in a precept holding that efforts to develop globe-spanning systems of governance must recognize a duty to defer to communities who have prior claims to particular portions of the earth's surface. But Povinelli calls attention to dangers that lurk in granting this priority to "the prior." The long course of human history involves pervasive contestation at different times in almost every locale; so it is hard for any group to establish firmly that it is truly "prior." It is also likely that along the way, some claiming to speak for a particular group may have acted in ways that can be interpreted as forfeiting many of their claims to territorial governance. And she argues that in any case, contributors to the growing body of indigenous critical theory conceive of the claims of today's indigenous peoples in ways that vary sharply from the worldviews of most modern cosmopolitans. Indigenous claims are best seen as concerns to maintain ways of life that intertwine human and nonhuman, animate and inanimate, organic and nonorganic entities within distinctive but shared modes of being in the world. These perspectives are in some respects more inclusive than the largely humanity-centered ones espoused by cosmopolitan theorists, for they incorporate concerns for animals, plants, and the earth itself. At the same time, the viewpoints articulated by critical indigenous theory argue strongly against activities that threaten to erase indigenous ways of life in quests to pursue what they see as often repressive, cosmopolitan visions.

The final two chapters continue to raise doubts about the desirability of pursuing global citizenship or cosmopolitan political institutions. Each does so from a perspective that is respectful of many cosmopolitan ethical aspirations, but each nonetheless favors efforts to maintain and extend the structure of the modern world as an array of distinct modern, liberal democratic states. Political theorist David Miller has long argued in favor of liberal forms of nationality. In "The Idea of Global Citizenship," he adds an insistence that political citizenship involves engagement with others to settle disagreements on terms of reciprocity, with all citizens accountable to all their fellow citizens for the arguments and actions they contribute to collective resolution of their disputes and to the pursuit of both their shared

and their distinct interests. Miller argues that political relationships of this valuable type are simply not feasible on a global scale. He views it as both possible and desirable to have ethical concern for all humanity and to act to avoid global harms as much as possible. But he does not think it wise to term such conduct forms "global citizenship," for they do not involve the concrete engagements with fellow citizens on terms of reciprocity and accountability that local political citizenship can provide most vividly and that national citizenship can offer, through suitable democratic institutions, for members of a particular national community. According to Miller, we can and should seek to be "globally *concerned* citizens," but we should remain citizens of particular sovereign nation-states nonetheless.

In "Why Does the State Matter Morally? Political Obligation and Particularity," political theorist Anna Stilz argues for a somewhat similar conclusion but on grounds that are more clearly and firmly cosmopolitan. Stilz believes that justice requires us to recognize the natural duties as well as natural rights of all human beings. She contends that in practice, rights and duties cannot be realized without the intermediation of state institutions that protect some and coerce others in appropriate ways. The indeterminacy of human reasoning, however, means that people disagree on what sorts of protection and coercion and what types of institutions are appropriate for these goals. As a result, it is far more likely that effective institutions will be constructed within particular states than on a global scale. Over time, moreover, members of a particular state develop a history of shared endeavors that legitimately fosters special attachments to their fellow citizens and their state—legitimately, that is, so long as the state is on the whole playing its proper role and acting justly when it defines and enforces duties and rights. For Stilz then, more explicitly than for any of our other authors, cosmopolitan, universal conceptions of justice are foundational. Yet like all the writers in this final part, except for Robert Goodin, she concludes that many types of cosmopolitan political arrangements are probably better feared than loved.

If the authors in our first two parts found it difficult to embrace many of the forms of militarism and immigrant exclusion that are features of the current world of still-powerful, though often embattled and far from fully sovereign nation-states, the authors in Part III, writing from perspectives right, left, and center, leave us with many doubts about the cosmopolitan options that appear on offer. The results of their reflections do not present us with consensus on how we can best proceed in confronting the challenges and alternatives they delineate. Yet there are common threads: the essays in

each section portray nation-states as increasingly accepting forms of plural citizenship but in ways that do not clearly lead in more cosmopolitan directions, at least not clearly desirable ones. Some powerful states are embracing plural citizenships as means of exercising force in further ways rather than limiting militarism. National acceptance of immigrants and plural citizenships are generally means to protect and advance state interests rather than policies that seek to transcend those interests. And despite the lack of normative consensus, there appears to be wider interest in finding ways to adapt national sovereignty than there is support for any clear alternative to a Westphalian world.

Some readers may, however, reach different conclusions. We trust that in any case, all who read these essays will gain a richer understanding of the issues of political sovereignty and citizenship that are emerging today. This enhanced understanding may prove a valuable resource at a time when, for better and for worse, a world that once seemed familiar is giving way to a world that we are in many ways invited to make anew.