

have been dominated by the expansion of liberal democracy across Europe and the diffusion of dominant judicial models, and governance models, facilitated in part by regional organisations.

We are now facing a much altered reality, not least due to the much-discussed phenomenon of democratic decay since the mid-2000s, a central feature of which has been a reassertion of majoritarian governance and attacks on counter-majoritarian institutions. The Hungarian Constitutional Court has been fully captured. Poland's Constitutional Tribunal has been transformed into a "government enabler". Sadurski now voices doubts about the practical value of constitutional courts as bulwarks against neo-authoritarianism (see W. Sadurski, *Poland's Constitutional Breakdown* (Oxford University Press, 2019) at pp.185–186). As Biagi shows, these institutions have been painstakingly built. Yet, as we have now learned, they are acutely vulnerable to capture by a determined government.

Beyond these more overt contexts of democratic decay, courts have come under increasing pressure across our changing continent. The German Federal Constitutional Court's reputation as a safe pair of hands has been tarnished by its *Weiss* judgment of 5 May provoking an open confrontation with the EU's Court of Justice. The Spanish Constitutional Tribunal's legitimacy has been damaged by enmeshment in the struggle over Catalan secession. In the UK, government chagrin at the Supreme Court's judgments on Brexit and the prorogation of Parliament has led to concrete proposals to review the court's powers. For democratic reformers, much of the hope long placed in courts as the solutions to the untrammelled power of the political branches appears to now be shifting to other institutions, such as citizens' assemblies. In short, from London to Madrid—and indeed, from Washington, DC to New Delhi—the value of constitutional justice, and judicial power more widely, as central mechanisms to ensure stable and democratic governance is open to political and practical contestation in ways that we have not seen for the past two generations.

This unfolding pan-continental shift, rather than diminishing the book's relevance, renders it all the more timely. As it stands, this book deserves to be widely read, as an incisive analysis for anyone seeking to understand the place of constitutional courts in building contemporary democracy across Europe, how contingent these developments have been on enabling contexts and supportive actors, and for stimulating contemplation of what the future might hold.

Writing this review a world away from Europe, I am minded of the Māori proverb "I walk backwards into the future with my eyes on the past." Indeed, that is all any of us can do. Just as the designers of the Spain's Constitutional Tribunal learned valuable lessons from the difficulties of the inter-war Court of Constitutional Guarantees, so today we have much to learn from the difficulties faced by Europe's constitutional courts in designing and re-designing courts fit for a new era. Is diffuse review less prone to authoritarian capture than concentrated control? Can we achieve an optimal hybrid? How much should our focus remain on courts as democracy-builders? Whatever our answers might be to these questions, Biagi's book is ultimately a testament to hope: that institutional innovation is one way we seek to inch closer to justice, and that this is a concrete role constitutional lawyers can play in fostering the resilience and renewal of European democracies.

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EU Citizenship Law and Policy: Beyond Brexit, by Dora Kostakopoulou, (Cheltenham: Edward Elgar, 2020), pp.192. inc. index, hardback, £75, ISBN: 9781786431585.

The concept of European citizenship has been firmly established for 27 years affecting not just EU member states citizens but also the rights of third-country nationals. Citizenship has developed into a controversial yet fundamental status, bolstering the imperative of an "ever closer Union". However, its terrain has also

been shaken by resurrected nationalism, authoritarian populism as well as the Brexit vote in 2016. In *EU Citizenship Law and Policy: Beyond Brexit*, Professor Dora Kostakopoulou provides a new and unique outlook on the evolution of EU citizenship. She tracks its progression from von Coudenhove-Kalergi's idea of liberal and democratic Pan-Europe, first to the EEC/EC, where citizenship did not exist in its own right but was merely contingent on the common market, and then to what she calls "Eurozship" (p.6). The book is an essential read for EU law scholars, EU law teachers and those interested in citizenship and European legal studies in general.

Chapters 1–2 usefully provide the historical background, explaining how citizenship "ended up where it is," its scope and potential future trajectory. While carefully acknowledging that mobility for economic purposes still constitutes a vital element of European citizenship, Kostakopoulou claims that confining it to the "market-only" dimension would lead to a failure to recognise its other vital attributes: "we need to see the individuals 'in their fullness' and not to focus on one aspect of their lives, namely the economic one... and then infer the rest" (p.39). Her examination of citizenship is not limited to legal analysis—to address the complexity of citizenship she also looks at the historical, political and social dimensions. She considers "Eurozship" from minimalist, cosmopolitan and post-nationalist perspectives and argues that EU and national citizenships are inter-related and dependant on each other. Without denying the idea of national belonging, she claims that the transformative nature of EU citizenship provides wider rights, something that cannot be afforded at national level. It is by focusing on the future development of both European and national citizenship that, Kostakopoulou argues, it becomes possible to envisage future challenges to create fertile ground for hardship-free life for the citizens (pp.36–37).

In Ch.3 Kostakopoulou neatly connects history with the present realities of citizenship. In order to see "citizenship in full" she looks beyond the "market bias" seemingly prevalent in the existing academic literature (p.41). In Kostakopoulou's view, citizenship is not merely an extension of economic activities, but a separate institution with intertwined elements, such as free movement, equal treatment, democratic participation and social citizenship. Thus, neither should these civil, political and social dimensions be overlooked nor should one be deemed more important than others. Recognised in *Baumbast* (C-413/99), these dimensions were further reflected in various legislative instruments, such as Regulation 1612/68. The social dimension acknowledges the citizen as a "social self", not an isolated being but one fully involved in social processes (p.42). Since citizenship is not all about the movement, but also the principle of non-discrimination embedded in it, the Member States must ensure that citizens are subject to equal treatment if the underlying goal is for citizenship to work for all. Furthermore, citizenship cannot not be complete without the right to democratic participation. Despite the various shortcomings, EU citizens now have an opportunity to get involved in the consultation process on legislative proposals through, for example, the European Citizens' Initiative. Free movement is also inextricably linked to residence with citizens having links with both: their state of origin and their state of residence. While the initial position required those exercising free movement to be economically active, nowadays equal protection is granted to those in an economically less stable position. Simultaneously, the expanding citizenship gives rise to concerns of "welfare tourism". Kostakopoulou acknowledges this problem and observes that "the logic of winners and losers needs to be transcended" and "promote the welfare for all" (p.53). Yet, it is unclear whether this will occur given that the limits on judicial developments coupled with the requirement for Member State unanimity to reform the EU Treaties.

Chapter 4 is revealing. Despite positive developments in the right direction, the picture painted is not one depicting much optimism. Kostakopoulou acknowledges that citizenship is not without its limits—particularly in relation to national law. Whereas the EU used to "merely watch over" national legal developments, since the 1990s EU institutions have become more involved in citizenship issues, with the CJEU taking on the role of "the adjustment centre" and subsequently "reviewer of regulatory choices" (pp.61 and 62, respectively). Kostakopoulou looks at the member states' role in limiting citizenship

and the importance of state sovereignty in that regard. Despite the introduction of the Citizens' Rights Directive, which sought to reinforce citizens' rights, she argues that state sovereignty continues to undermine core aspects of EU citizenship. Kostakopoulou concludes that, in this way, the fundamental status of EU citizenship risks being reduced simply to "just an abstraction" (p.73). This, she argues, needs to be addressed by virtue of article 20 TFEU as well as the founding principles of the EU.

Having assessed the pitfalls regarding the protection of EU citizens, Kostakopoulou explores "the external face" of EU citizenship in Ch.5. Here she continues the discussion by expanding analysis of the scope of substantive protection. This includes a welcome analysis of the right to diplomatic and consular protection—something that is presently underexplored in the scholarship. She claims that, until 2003, this substantive area of EU citizenship remained rudimentary despite increasing travel by citizens throughout the Union and beyond. To strengthen protection, some changes have been brought about by the TFEU in 2009, the Charter of Fundamental Rights and Council Directive (EU) 2015/637. Not only has the Treaty required the relevant bodies in third countries to provide consular protection but it has also provided for "cooperation measures" (p.84). The Charter has added its own layer of protection by stating that "the Union should contribute to the protection of its citizens." The Directive, in turn, has extended protection to unrepresented citizens by providing an "external dimension" that entrenches the position of EU citizens in third countries. Kostakopoulou rightly views these developments as having further strengthened EU citizenship.

Chapter 6 further extends the preceding discussion. It enquires into the relationship between citizenship and fundamental rights. Having examined the history of the gradual "warming up" of the Union to the idea of fundamental rights, Kostakopoulou argues that both concepts are fundamental to the idea of "European belonging" (p.94). The clear overlap partially detaches citizenship from the market idea and grants it a "strong constitutional status" (p.95). The chapter tracks the developments from 2000, when the Charter of Fundamental Rights was proclaimed merely as an interpretative aid to defining the scope of the legislation on citizenship to 2009 and beyond when the Charter enriched the idea of citizenship by aligning it with legally binding fundamental rights. In summary, Kostakopoulou argues that the law in this area remains somewhat dehumanised with the continued application of various restrictions that add uncertainty and insecurity to citizens' lives. Arguing for change, she concludes that EU citizenship should be untangled from movement and become a default status: "EU citizens should be able to say: "I am an EU citizen and must be treated with respect, dignity [etc.]" not "I am an EU citizen because I move" (p.127).

One of this book's particular strengths is its engagement with contemporary challenges for EU citizenship—including Brexit (Ch.7). Brexit opened Pandora's box regarding uncertainties and has resulted in political and social turbulence, fostering further division between ideas of "us" and "them" in relation to citizenship. Kostakopoulou explores the differences between EU and national citizenships and considers the options—at the time of writing—that the UK Government might implement, such as naturalisation or what she calls "special EU protected status" (p.145). Kostakopoulou claims that, despite some benefits, the protection offered by naturalisation would not be high (p.145). Ultimately, she argues for the introduction of the "EU protected citizen" status, which would "not undermine national citizenship" yet "maintain the legal effects of EU citizenship" (p.145). Not only would this separate category imply the necessary recognition of the "fundamental status" of EU citizenship but also seek to eliminate discrimination and promote cooperation between human beings (p.145). Discussion of future options for EU citizens living in the UK post-Brexit has, of course, been subsequently conditioned by events, notably under the terms of the EU/UK Withdrawal Agreement.

Finally, in Ch.9, Kostakopoulou considers whether the future of citizenship can be re-imagined. Here she reflects on two possible models: "incremental disentanglement" and "reconstruction" (p.151). The former implies a relative autonomous status which attempts to assist those at risk losing EU citizenship

whilst also having its limitations. The latter is “more radical” providing for an “independent access to EU citizenship” (p.151). However, she does not seem to favour a certain model for the future and does not suggest that these models should be a replacement for national citizenship. Instead, she focuses on the gaps in regulatory provisions of the member states and argues that the alternatives would be beneficial for citizens by giving them a choice of various citizenship statuses (p.160).

Overall, Kostakopoulou’s new monograph offers a brilliantly articulated account of “Eurozenship’s” past and its transformation into an enriching institution. In particular, Ch.9 provides a neat wrap up of the author’s core conclusions and original contribution to the field. Citizenship’s progression has been far from smooth with those discontented seeking to derail the initiatives of a “better Europe.” It still has uneven limitations that impact the lives of citizens. The exploration and analysis of citizenship’s evolution in this timely new book helps to identify the shortcomings within citizenship regulation which, the author hopes, may inform better regulation in the future.

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The Harmonization and Protection of Trade Secrets in the EU: An Appraisal of the Directive, by Jens Schovsbo, Timo Minssen and Thomas Riis (eds), (Cheltenham: Edward Elgar, 2020), pp.352. inc. index, hardback, £105, ISBN: 9781788973335.

While most of IP law has been harmonised in the EU, trade secrets law had long been left to national legislators, although it constitutes an important element of information law. However, with EU Directive 2016/943 on Trade Secrets, the EU finally tackled this issue. While harmonisation within the EU is one important objective for promoting the internal market, the establishment of a framework for the digital economy in Europe is emerging as a main feature of European economic law. In this respect, some criticism has been directed to the Trade Secret Directive for neglecting this aspect.

The collection of contributions in the book under review addresses both issues. The book is divided into four parts. The first part gives an overview of the Directive and puts it into a systematic context. The second part deals with its implementation in selected European countries. The third part discusses problems at the intersection with other areas of the law, especially employment, choice of law and enforcement. Part four deals with special areas of application, most notably science and medicine, and also takes into consideration the protection of data in the context of AI.

Schovsbo (Ch.2) presents an overview of the Directive and its background providing a good starting point to get into the topic. A very interesting perspective is then offered by *Udsen, Schovsbo and van der Donk* (Ch.3), who look beyond the usual property rights versus unfair competition dynamic to consider trade secret law as part of information law, including IP and data protection law. The intense discussion about structuring information law dates back to the 1970s and 80s. However, there is a strong need to revisit the discussion in light of the omnipresent digitisation in all areas of application of law. The authors demonstrate application of some principles of information law to show specific results. The information law perspective is helpful in establishing limitations to trade secret law and contributing to the interpretation of specific provisions. The authors focus on the right to private use as well as “reverse engineering”, which will be legally possible to a certain degree. They show that the information law perspective offers a very important and fruitful way of systematising trade secret law and providing a coherent interpretation of its rules.

In the United States, trade secret law is mostly considered a prominent part of intellectual property law with at least the same relevance as patent and copyright law. US law was not without influence on the

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Dora Kostakopoulou, *Institutional Constructivism in Social Sciences and Law – Frames of Mind, Patterns of Change*. Cambridge: Cambridge University Press, 2018. 213 pages. ISBN: 9781108470544. GBP 80.00.

This book is thought-provoking for all those interested in the social embeddedness of EU law. The author is one of the foremost experts on EU citizenship studies, and she aptly combines her extensive legal knowledge with social theory, making the work unique. The renaissance of constructivism in the analysis of EU law can be deemed conducive for two reasons. First, it has the potential to draw attention to contemporary changes in the EU from a national perspective. This recognition also affirms that EU decision making is strongly affected by Member States' political cultures, thus having the potential to transform EU policy making. Second, constructivism also makes it possible to analyse the EU's self-reflection, its scope of activity, and any legal disputes concerning the competences of both Member States and the EU as a whole. Consequently, even if broadening the scope of the research to a national level takes away our regular focus on EU legislation and practice, it can explain processes that would otherwise remain hidden under strict positivist legal methods. At the current time, when there are strong signs of disintegration within the EU, including one Member State leaving the Union, such a book can add a lot to the present understanding of the contiguity of events.

The volume is divided into two main parts, which use different techniques to describe the subject. The first part, "Theory, Perspectives and Connexio Rerum", focuses on creating a starting point, a complex social theory for research; this part refers to authors from general social studies and philosophy, such as Plato, Kuhn, Durkheim, Godel, Myrdal, Pepper, and Gellner, among others. The second part, "Applied Aspects of Institutional Constructivism", elaborates on special topics like EU citizenship, and Brexit. Major conclusions are drawn in the last section of the second part, "Time and Understanding in Socio-Legal Research", which explains the relevance of the model constructed in the first part of the book regarding the special topics mentioned in the second part.

At the centre of the first part, we find Kostakopoulou's constructivist approach to understanding processes within the EU and its Member States; she calls this the *Connexio Rerum* model. After rejecting monist and dualist explanations of social processes and comprehensively explaining the relevance and historical background of social constructivism, the author attempts to establish this complex, multivariable model to explain major social changes in the EU. It is based on "variable connectivism": the understanding of societies and political systems as complex phenomena containing variables (agents, institutions, space, time,

and discourse). These variables have open or hidden connections; they affect both each other and the development of institutions. Moreover, the variables have multiple layers; for example, the actions of “agents” in society depend on numerous factors: biochemical processes, drives and motives, interests, preferences, relational influence, beliefs and conceptions, and ideas and norms. This also means that agents are “never complete, fully formed beings” (p. 90). Moreover, interaction is a dynamic process, complete with its own time dimension; this fact is often neglected. Institutional change has many characteristics, including form and quality, rate, urgency and duration, magnitude and depth, amplitude and range, and direction. Systems can allow kaleidoscope-like changes, and can have different techniques to manage tensions, such as regularly reflecting on their objectives and expectations, developing capacities for strategic thinking, experimentation, and the incorporation of new agents and new goals, to mention just a few. We can only fully understand these changes if we systematically analyse their social backgrounds, and we should not lift institutional change out of a greater whole: its social environment. This also means that changes which are seemingly destructive could, in a number of cases, be seen as actions serving development from a historical perspective.

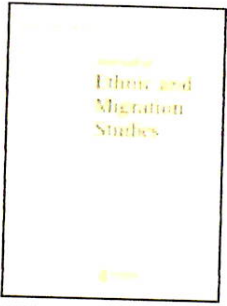
The second part of the book focuses on the practical (mostly legal and political) aspects of institutional change. It contains a deep legal analysis of the creation, issues, and different models of EU citizenship. Furthermore, the second section describes the “trajectory” of EU citizenship from a minimalist approach to a more comprehensive interpretation and a more complex institution. What makes this section so compelling is the careful selection of ECJ case law. Many of the judgments mentioned here are not closely related to EU citizenship but were instead adopted in connection with other issues (like the free market, free movement of people, criminal cooperation, and fundamental rights). However, by combining them to create a bigger picture and highlighting rights and their contiguity, the chapter explains both the less obvious elements of EU citizenship and areas that need to be developed. A good example of this latter group is migration: as the text puts it, “migration law has not been ‘humanised’ yet and the Member States can still envelop peoples’ lives into a myriad of oppressive and restrictive provisions which bring about agony and insecurity in their lives” (p. 169.). Beyond citizenship, another chapter in this part deals with contested supranationalism, and in particular Brexit. Why Brexit is noteworthy for the author is because, in this case, EU citizens became “objects” of negotiations. Moreover, there is a continuity in time between former actions (like the Euro-rebels’ manifesto in the House of Commons in 1995, which asked for the re-negotiations of Britain’s relationship with the EU) and later political proposals by David Cameron and Boris Johnson. Thus, the value of this chapter is that it explains the domestic background of Britain’s EU politics by illustrating its historical perspective and continuity.

In the Conclusion, one of the most fascinating ideas is the use of a mathematical phenomenon: the Markov chain (“what happens next depends on what has just happened”, p. 197). This idea stresses the embedded nature of changes and that institutional changes are not independent of the past and present actions in our societies.

Apart from appraisal, one could also criticize certain solutions presented in the book; for example, it could have been beneficial to discover more about the connections between the author’s *Connexio Rerum* model and other theories (such as intergovernmentalism, neo-functionalism, and other constructivist theories) as these do not necessarily contradict each other. A more detailed and solid analysis of the different theoretical interpretations in constructivist theory could also be advantageous concerning topics like EU citizenship and Brexit. Moreover, if the author interprets the development of institutions within a certain timeframe, it could have been interesting to have elaborated on the role national culture plays in changing EU institutions and international cooperation. It is widely known that Euro-scepticism has existed in the UK from the beginning of post-WWII integration, but there are wider debates to be had around the question of what caused Brexit and potential strategies that could have been effective in minimizing the disintegrative effects of national culture and subsequently designing and implementing a cooperation with which both the UK and the rest of the EU were happy.

However, despite a few critical remarks, the book is a compact and enthralling read. Taking everything into consideration, it is an important analysis of EU law as a social phenomenon, and it presents numerous ideas for further research. In this sense, it could be considered to be the first step towards a more comprehensive description of institutional change, and it highlights the strong need to discover the extra-legal causes of these changes. As the author puts it, “[d]istinct and opposing tendencies may occupy the same field and exogenous change or endogenous developments can easily cohabit with endogenous risks. Such contradictions need to be brought out in the open by actors because micro-risks often create macro-limitations” (p. 171.) If we want to develop effective cooperation within the EU, we need to reflect on the challenges presented by the law as a social phenomenon.

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The Future Governance of Citizenship

Claire Healy

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Dora Kostakopoulou, **The Future Governance of Citizenship**

Cambridge: Cambridge University Press, 2008, 230 pp., £60.00 hb. (ISBN 978-0-521-87799-2), £23.99 pb. (ISBN 978-0-521-70178-5)

Throughout the twentieth century, people wandered the world, carrying with them portable booklets that largely dictated their owners' access to social, economic, legal and other rights, as well as the right to pass from one country to another. Passports were issued according to the nation-state to which their bearer was perceived to belong as a 'national' citizen. In her latest monograph, Dora Kostakopoulou finds fault with this system, which has continued into the twenty-first century, for a myriad of reasons.

Kostakopoulou has published widely on questions of citizenship, migration and integration in Europe. With this latest work, she embarks on a new project to redefine citizenship for the twenty-first century. She effectively dismisses as antiquated the need for bounded national communities and collective self-definition. As such, she develops a framework for anational citizenship: a concept that some may consider to be a contradiction in terms. *The Future Governance of Citizenship* sets out the author's plans for the future of the attribution of citizenship—famously, 'the right to have rights'—accompanied by an eloquent and comprehensive historical overview of the theme. The author negotiates and navigates the various theories of citizenship in a readable and lucid manner. In tidy rhetoric, she proposes her theories, anticipates potential objections, outlines and then refutes them.

The admittedly tantalising idea is that citizenship could be based on a shared future rather than a shared past. Her theory is potentially revolutionary, or at least provocative of intense discomfort among those who seek to protect and perpetuate nation-states, national cultures and the practice of naturalisation. The book leaves the reader in no doubt that naturalisation is still a form of 'secondary socialisation' and essentially represents a 'reward for assimilation' (pp. 80–81). Kostakopoulou directly criticises the thrust towards cultural homogeneity inherent in the practice of nationalism, convincingly arguing that national citizenship is no longer just—if it ever was—in the globalised world of today.

In the past, nationalism has been considered necessary for the consensual functioning of the welfare state, a perception that persists today. Kostakopoulou suggests that there are other methods of identification—above all, area of residence—that can be harnessed to fuel the redistribution of wealth. She deems any defence of the process of naturalisation irrelevant and objectionable.

The actual content of this novel proposal is not delineated until well into the third chapter. The concept is simple. Instead of citizenship being based on nationality, it would be based on civil registration in the area of one's domicile, which is defined in terms of the intention of making a place a permanent home, though it may manifest itself as domicile of birth, of choice or of association.

Any form of citizenship that does not take into account where one lives is in danger of requiring duties of residents (such as paying taxes) without granting them the concomitant rights (such as voting). In this, the author's theory is reminiscent of the old maxim of 'no taxation without representation'.

The sixth chapter is somewhat tangential, albeit stimulating, in its discussion of multiculturalism and the history of different forms of possession of rights in the United Kingdom. Kostakopoulou's analysis largely rests on UK evidence and appears to be aimed more at UK policy-makers than a general international public; however, it could be eminently useful for policymakers elsewhere as well.

The final chapter outlines an array of complementary policies necessary for anational citizenship to be just and progressive. The preconditions for full and equal membership in a political community include redistribution; education, health and housing policies; non-discrimination; and labour market participation. While these objectives are laudable, one has the sense that Kostakopoulou is attempting to instrumentalise citizenship to achieve too much, presenting a somewhat utopian vision of all residents living harmoniously together. As she asserts her position in favour of affirmative action, she admits that it is indeed societal transformation that she is after.

Viewed in its entirety, the book is a deeply thought-provoking text, stepping outside the boundaries of conventional analysis. The question

is whether Kostakopoulou's proposal for a citizenship of the future is actually feasible. The issue of establishing domicile is not sufficiently addressed in the book; the intention to permanently reside is a subjective consideration and does not lend itself easily to measurement. In fact, the burden of proving domicile in order to obtain citizenship may in reality prove just as difficult for a mobile person as the process of naturalisation. This, combined with utopian visions of a transformational and levelling citizenship, raises doubts as to the realism of the idea. Nevertheless, *The Future Governance of Citizenship* provides an adeptly researched, imaginative and well-argued suggestion for rendering more egalitarian the system of attribution of 'the right to have rights'. The world would indeed be a better place if policy-makers took Kostakopoulou's advice on board.

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Myriam Cherti, **Paradoxes of Social Capital: A Multi-Generational Study of Moroccans in London** Amsterdam: IMISCOE/Amsterdam University Press, 2008, 336 pp., €45.00 pb. (ISBN 978-90-5356-032-7)

Cherti's question is whether the concept of social capital can serve as a robust analytical tool for examining and explaining patterns of 'integration' in the Moroccan community in London. Cherti's study is based on a set of primary qualitative data with special focus on the second generation. Social capital attracts considerable attention in academia and its measurement holds the promise of capturing elusive and abstract social phenomena, including the integration of migrants. The rich qualitative data in this comprehensive study could offer important insights and research parameters to those readers who might otherwise be interested primarily in measurement.

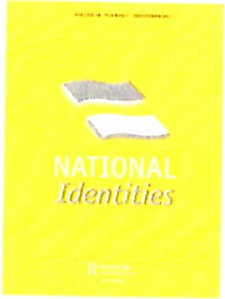
Cherti uses geographical mapping of the migration flow of Moroccans to London as a backdrop to her study, which is grounded in a neighbourhood setting. The migration flow starts with movements of some groups from villages to towns, then onwards, via Gibraltar, for example. The

gradual concentration of Moroccan communities in locations such as North Kensington or Ladbroke Grove is the result of logical and practical stages of settlement for persons arriving in the context of chain or labour migration. This etiology of the migration flow helps to widen perspectives in the often one-sided debate on ethnic enclaves.

Chapter 2 presents an appraisal and critique of social capital theory and key concepts such as social exclusion and trust. Cherti draws on the work of Putnam, Portes, Sensenbrenner, Coleman, Granovetter and others, but is rather brief on Bourdieu. The distinctions which scholars have drawn among 'bonding', 'bridging' and 'linking' forms of social capital allow the researcher to bring out the varying functions of migrants' interactions across different social spheres. The progression from 'bonding' to 'linking' is especially relevant in looking at participation and capacity-building in public life, for example in the organisational arena.

Cherti's style of aggregating the different topics and sections of the data facilitates the identification of interrelationships, and succeeds in generating strands of explanation across this wide matrix of qualitative data. This scrutiny spans the interactional field of the immigrants in private and public spheres. Social capital theory lends itself to a horizontal perspective on family, ethnic, religious, national, social, country of origin and residential networks: the fabric of community, of which a picture emerges incrementally as Cherti's empirical data are presented. The 'voices' of the immigrants are given special prominence throughout the text, creating a direct vehicle for emic perspectives. One central strength of this study must not only be in the way the voices of the informants bring the questions under study to life, but also in the way these voices and questions directly carry the argument forward.

Immigrant organisations aim to mobilise and transform their stocks of social capital to compensate for lack of other social assets. Their intention is to bridge the gap between migrant communities and the receiving society. The chapter on community organisations deals realistically and insightfully with the many factors impacting on this field. Cherti argues that focusing solely on funding and conventional capacity-building will not address the problems. A higher priority should be given to creating a culture of participation in the relationship between the state and the voluntary



The future governance of citizenship

Zsolt Körtvélyesi

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The book as a whole, though not always an easy read, is nevertheless worth the effort. It is impressively researched, and the author demonstrates a great knowledge of her country and internal and external debates about the fate of Belarus. Bekus' book focuses on the process of nation-building in Belarus, and on the interrelationship between nation, ideology and nationalism. She critically assesses different discourses on the Belarus national idea and the opposing attitudes towards the Soviet past/legacy. Bekus' work outlines the idea of betrayal (amongst Lukashenka's critics) or the official view of the opposition as traitors (promoted by supporters of Lukashenka). Both these official and alternative groups consider 'themselves true Belarussians' (p. 1) and Bekus concludes that these 'imagined communities of Belarus' are both 'a cultural and a scientific construct' (p. 26). The book argues that the official discourse dominates the public sphere, which has led to disinformation and the creation of a 'national myth' (pp. 175–176); the opposition, meanwhile, is in favour of independence and separateness and uses cultural space as a vehicle for its promotion a difference sense of Belarussian history and culture (solid case studies are offered in chapters 23–27).

All in all, *The Struggle over Identity* is provocative. It has dual appeal to scholars of post-Soviet states interested in assessing the nation-building process, as well as to those specialising on Belarus who wish to understand contemporary debates about national identity in this country. Thanks to Bekus, we can now penetrate Lukashenka's media wall and the myths it has created, and be more aware that there are those struggling against his authoritarianism and pushing for a more European not neo-Soviet Belarus. We can only hope that the opposition succeed in the near future.

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The future governance of citizenship, by Dora Kostakopoulou, Cambridge, Cambridge University Press, 2008, 238 pp., £30.99 (paperback), ISBN 978 0 521 70178 5

The concepts of 'nationality' and 'citizenship' are contested. More than ever, it is doubtful whether they can still adequately capture social realities in a globalising world. Dora Kostakopoulou, currently a professor of European Union law, European integration and public policy at Warwick Law School, argues in her book, *The future governance of citizenship*, that we need to radically rethink citizenship. She provides a critical account of the evolution of citizenship and proposes a new framework for 'anational citizenship'. This model is more closely aligned with our understanding of democracy, since it allows for the political participation of all those who are governed, and challenges exclusions on a deeper level.

The author develops both theoretical and practical institutional aspects of her proposal, which builds on domicile, and severely reduces state arbitrariness. This acquisition model that envisages 'automatic civic registration' (p. 84) would mean that, after two or three years of residence, citizenship is secured, with all rights attached to it. Although a fully automatic acquisition might be postponed until the end of the fifth year, an option for earlier acquisition should be put in place, with the

possibility to opt out at every stage. No income, loyalty or language requirements should apply, and the only restriction would be a proportionate application of the clear criminal record condition, while in criminal cases sanctions that apply to citizens and non-citizens alike are preferred. All this makes the proposal similar to the long-term residency rights of EU citizens and their family members (as in Art. 16 of 2004/38/EC directive), although it is also an important step forward, for five-year domicile would mean full incorporation and would be extended to third country nationals. To get to this proposal, the author builds on historical experiences and on national and alternative theoretical accounts.

In the first chapter, the author reflects on our 'linear' view of citizenship, detailing the chain of events that led to our present-day understanding of the concept. Kostakopoulou argues that the very history of citizenship is more diverse than we generally believe. A homogeneous, deterministic historical perspective would not only be impossible but also undesirable. The history of national and European citizenship teaches us that this institution can be used as a tool for both social closure and emancipation. It is partly the concern to uphold cohesion and solidarity that might have led the author to try to reconcile universal liberal and differentiated accounts of citizenship, under the umbrella of an 'embedded differentiated citizenship' (p. 153). While maintaining Iris Young's idea of the need to recognise diversity, the author argues that differentiation is inherent in citizenship, whether universal or not.

The second chapter challenges the common assumption that the concept of national identity is necessary to maintain a sense of solidarity. Kostakopoulou persuasively argues that national cohesion is in fact but one possible form of creating and maintaining a sense of togetherness that entails responsibility to care for others. National solidarity is taught and acquired, insofar as nations are the outcome of a historical process which unified members and groups that now make up a nation. These views are circular and presuppose what they wish to explain: that national sentiments are strong and therefore also essential. Kostakopoulou unfolds this monopoly claim, and does not accept that nationhood is more special than other cultural phenomena. Rather, national citizenship is only one among many possible forms of cultural membership. The author calls into question the essentialist account of culture and suggests that a shift towards individuals is necessary, using culture as an empowering instrument.

Following her exploration of national citizenship, Kostakopoulou turns to countermodels. The third chapter looks at alternatives to national citizenship, different types of patriotism and postnational, transnational or multicultural citizenship, with a special focus on naturalisation. The author shows that all of these accounts remain locked in an inherently national understanding of citizenship. This is, according to the author, deeply problematic. By holding on to the concept of the nation (even in its humanised and liberalised form), we leave the centre of gravity in place, and risk returning to (re)nationalised, (re)ethnicised forms of citizenship and naturalisation.

In light of these misgivings, Kostakopoulou proposes a new institutional framework for anational citizenship. She argues that the value or utility of citizenship is not reduced by more people having access to it, and that we should understand it as a 'network good' or 'shareware' (p. 107), where the marginal cost of the extension of citizenship is almost zero. Permanent residents are part of the polity, but ignored by existing, 'national' regimes, and their exclusion is often based on questionable prejudices which suppose that new citizens draw more from welfare systems than

they contribute. This concept of anational citizenship effectively closes the gap between formal and informal membership in national communities.

Kostakopoulou demonstrates that once we adopt equality and democracy as guiding principles, the one-way process whereby 'newcomers' work for their integration and naturalisation in order to be admitted to the community could be transformed. Instead of these domestic procedures which often reinforce existing patterns of systemic exclusions, a two-way process involving immigrants who are shaped by but also shape the host society would be preferable. This proposal is uncompromising insofar as the author questions the very notion of a ceremony or an oath, which are usually used to mark citizenship acquisition, and demonstrates the feudalist overtones and roots of swearing loyalty. Educational and language requirements are also criticised. Kostakopoulou argues that they are not sufficient and not the best means to achieve the goal of integrating citizens who have already learnt how to get on in their new home country. Whatever our goals are (whether loyalty, or access to knowledge that is useful for new citizens), applicants either have already gained these skills, or they have the intention or do not wish to gain them. In either case they are capable of participating in society. This last part of Kostakopoulou's argument questions the adequacy of integration programmes at the most fundamental level and also questions the discourse about the end of multiculturalism and the legitimacy of state intervention in 'shaping immigrants' (p. 83).

The fifth chapter enquires what all this implies for international law. While it would not create insurmountable problems, since '[a]national citizenship is wholly consistent with international law' (p. 142), it would certainly have a profound impact and increase international, or rather transnational and supranational cooperation. Nationality would be supplanted by citizenship for all practical purposes. Anational citizenship would be fully in line with the avoidance of statelessness and would, in addition, constitute a serious step towards genuinely non-discriminatory citizenship policies. The gradual and individual assessment of cases of expulsion would (in exceptional cases) involve close observance of jurisprudence carried out by the European Court of Human Rights (ECtHR) and European Court of Justice (ECJ).

Kostakopoulou suggests that European citizenship provisions invalidate 'ethnicity as a boundary marker' (pp. 43–44). Given that European citizenship is still linked to member state nationality, its effect might remain limited. The actual outcome of legislation often depends on existing national legislation, for ethnic preferences are often reinforced by the growing body of EU citizenship rights. From the point of view of third country nationals, EU law often juxtaposes rather than mitigates national preferences.

Sadly, such a move could push national or even supranational governments to further restrict immigration or intensify the requirements for registering permanent residence on the territory. The immigration aspect is deliberately omitted from the book (as indicated in footnote 53 on page 125). In spite of these objections, the fact remains that the theory developed in this book presents a serious challenge to the approaches that rest on (1) the traditional distinction between nationals and non-national residents or (2) unquestioned assumptions about loyalties. Why should we accept the collective exclusion and filtering of non-nationals when racial profiling is outlawed in all other areas? Indeed, other policy areas also appear in the book. The seventh and final chapter shows the need for an overarching approach that addresses mainstreams ('horizontal pathways to inclusion', p. 180) and various government

areas from housing to education and labour ('vertical pathways', p. 184), where the pluralist approach proposed by the author (p. 179) should introduce change, in addition to citizenship acquisition.

The future governance of citizenship attempts to take both diversity and equality seriously, and apply this approach to citizenship policies. Some might be outraged that only serious human rights violations like war crimes or involvement in organised crime represent exceptions from the general rule of the automatic acquisition of citizenship; some might think that what the author proposes is desirable but utopian – a criticism the book addresses at various points. But even if this is the case, it is a useful utopia. Envisaging an alternative is an important and necessary first step and, unlike proposals for a global citizenship, this approach builds largely on the key component of the existing framework, namely states. Moreover, the author provides examples from member state legislation that might be seen as seeds of the inclusive citizenship envisioned by the author, most importantly European citizenship, and the tendency to grant voting rights to residents on various levels (though generally with the exception of national elections). In some respects the policy goals contained in Kostakopoulou's proposal are more realistic because they confront the fact that exclusion, especially if it is permanent as in the case of systemic discrimination, tends to become more radical. This should be read as an invitation to scholars and decision-makers alike to challenge their enduring assumptions, and to remind them of their vision of an inclusive Europe in moments of doubt.

Notes

1. It could be argued, against the author's suggestions, that this means that we renounce using naturalisation procedures to foster common understanding. Although this is an inherently one-sided way, obliging only new citizens, it could be compensated by other avenues that address the majority, through education and government programmes, making ('old') citizens and public services more responsive to diversity and more sensitive to equality.
2. See the moving description of the difference between Albanians moving to Greece who can prove 'Greek descent' and those who cannot, in Harris Athanasiades, Archontia Mantzaridou, and Nikos Marantzidis, 'Transnational Migrants' Views on Multiple Citizenship in Greece', in *Multiple State Membership and Citizenship in the Era of Transnational Migration*, ed. Pirkko Pitkänen and Devorah Kalekin-Fishman (Rotterdam and Taipei: Sense Publishers, 2007), 118–119.
3. This would mean that a committed robber, a convicted recidivist would also qualify for automatic acquisition, not to mention those who committed rape or paedophile crimes. Here 'ordinary' criminal sanctions would apply, without the possibility of externalising the cost of convictions.

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REVIEW

By Sara de Jong

DORA KOSTAKOPOULOU, *The Future Governance of Citizenship*, Cambridge University Press (UK), 2008, ISBN: 9780521701785.

In the recently published book ‘The Future Governance of Citizenship’, the author Dora Kostakopoulou firmly situates her discussion in a time marked by European integration, globalisation, and large-scale migration but also by national security policy, border controls, citizenship tests and post-9/11 rhetoric. And if there would still be any doubt about the timeliness of her book, this would be dissolved in the light of the recent trade union strike under the slogan ‘British jobs for British people’ spurred by the recession and ensuing loss of jobs and the subsequent response of the Business minister defending the employment of foreign EU workers. Citizenship is, as it always has been, a politically contentious issue.

Discussing citizenship in the twenty-first century, however, *The Future Governance of Citizenship* is a book that does not merely evaluate the current state of affairs. It is rather, as the title suggests, a project for the future, using past and current dilemmas of citizenship as the basis for a proposal for the radical reconfiguration of citizenship. As Dora Kostakopoulou announces right at the outset of her book, ‘This book seeks to furnish the tools required in order to transcend the present limitations of citizenship and make it more meaningful in the twenty-first century. It does so by suggesting an alternative citizenship design based on domicile and defending it against a number of objections’ (p. 3). This immediately reveals—in a nutshell—the structure of the book, an early sign of the systematic approach Kostakopoulou displays throughout the book. The problem that forms the core of Kostakopoulou’s discussion of the deficiencies of national citizenship and her proposal for anational citizenship is, as she formulates it, that ‘citizenship as national membership has exclusionary effects which undermine the normative ideals of democratic participation and equality’ (101).

The first chapter ‘The Cartography of Citizenship’ concerns itself with the development of citizenship and identifies the limitations of the current paradigm of citizenship. In her overview of the development of citizenship, tracing it from Ancient Greece to modern EU reforms she chooses not to follow what might be the expected strategy for such a task: ‘peeling off the layers’ (p. 12) of citizenship in search of its core characteristics. Instead, Kostakopoulou traces the complex path of

citizenship taking the inconsistencies, contestations and contradictions not as inconvenient distractions but as an essential feature of citizenship and as the starting point of her critique of the current understanding of citizenship. This is not only a clever point of departure because it brings her right up to the challenges to the national dimension of citizenship posed by European integration, but also because the emphasis on citizenship as responding to the challenges posed by the contradictions on its path sets the tone for the argument that citizenship is ultimately adaptable; an argument which resonates throughout the whole book.

In the second chapter, Kostakopoulou continues to question the connection many theories draw explicitly or implicitly between citizenship and (thick or thin conceptions of) nationality/nationalism. As an alternative to what she calls a 'container view of culture' (60), where notions of nation and nationality are based on an assumption of culture as being homogeneous, static and impermeable, she argues for a 'conception of culture as practice, process and project' (66) to stress the fluidity of culture which in turn gives room for a reconsideration of citizenship. Kostakopoulou recognises in the third chapter that some alternative conceptions of citizenship, as substitutes for the old model of singular citizenship, have already been proposed, namely postnational, transnational and multicultural citizenship, and hence she considers whether these indeed offer a viable alternative to classical citizenship. Her conclusion is negative, as she suggests that the suggested replacements never fully transcend the nationality-based citizenship model. She argues that changes are only introduced at the margins 'leaving the core of national citizenship intact' (79) such that all three alternative conceptions 'foreclose real institutional change' (80). It could be argued that, by introducing merely these three alternative forms for consideration, Kostakopoulou has missed a chance to explore some of the potential implications of more radical new conceptions of citizenship, like global citizenship (mainstreamed in British secondary education in 'global citizenship education' but also the subject of critical academic approaches) or even 'planetary citizenship' or 'earth citizenship' (respectively introduced by Gayatri Spivak and Vandana Shiva). Some of those proposals for a global citizenship are still premised on national citizenship, with the global dimension giving an additional identity rather than replacing national citizenship in the same way that one can simultaneously be a national and a European citizen. More radical approaches, however, in addition to considering citizenship to be tied up with rights and duties like the traditional nationally conceptualised citizenship, understand global citizenship as bringing certain 'global responsibilities' to others and to our planet. It would have been interesting if Kostakopoulou had investigated whether these understandings of global responsibilities would have been another potential starting point for reconceptualising citizenship in a way that would encompass 'an inclusionary agenda that lives up to democratic

and egalitarian ideals, and to create a democratic community that is reflective of a responsive to ethnic and cultural diversity' (101). Some academics, for example Kimberley Hutchings, have criticised conceptions of global citizenship for being elitist and inegalitarian in the sense that the proposed 'global responsibility' seems to be premised on the idea that only some are positioned in the current unequal world order to be responsible for and care for others. The omission of global citizenship is especially striking as, throughout the book, Kostakopoulou is otherwise incredibly consistent in considering different interpretations and approaches, anticipating objections and even responding to what she assumes to be her readers' expectations.

Had Kostakopoulou considered theories of global citizenship, most likely she would have eventually questioned their viability as an alternative since elsewhere in the book she concludes that other theories have successfully defended that 'nationalism should not be viewed as a nuisance' (49) and hence stresses that her own proposal for anational citizenship is 'not envisaged to encroach upon statehood' (128). However, if she had discussed and subsequently discarded global citizenship more explicitly, this would have allowed for a more extensive explanation of why nationalism is not a nuisance and why statehood should remain intact as these are key assumptions underlying her proposal for an anational citizenship based on domicile rather than merely on nationality. Indeed, her anational citizenship linked to domicile of birth, of choice (based on being an inhabitant in a country with an intention to settle permanently) and of association (based on acquisition of domicile by virtue of legal dependency on other person, e.g. the case of children's legal dependency on parent), introduced in Chapter 4, does dissolve the 'glue' between citizenship and nationality, but not between citizenship and states (importantly 'states' in the plural as affiliation through domicile can be with different states at the same time). However, according to Kostakopoulou, anational citizenship will require a deepening of already existing cooperation between states in the international realm, and it will transform international legal arrangements around diplomatic protection, plural citizenship, loss of citizenship and security of residence (Chapter 5). Kostakopoulou concludes when looking at these concrete fields of legislation that the narrowing or even closing of the legal gap between residents and national citizens, which would be the consequence of an anational citizenship based on domicile, while transforming international law, would not be inconsistent with its current general framework.

The subsequent and last chapters focus on the institutionalisation of anational citizenship within the national context which, as the main final goal is still real inclusive democracy, attempts to bridge the universalising aspect of citizenship with differentiation to allow for equal citizenship. This combination of differentiation and equal citizenship

Kostakopoulou calls the 'variable geometry of citizenship' (166), of which the premise is that 'differentiation is not a hindrance to equal citizenship' but an integral ingredient (167). This would entail four forms of differentiation, 'enabling, corrective, institutional and case-by-case differentiation' (167) to ensure that the needs of all citizens—also those in a disadvantaged position for example because of age, class, ethnicity and gender—would be addressed. While the sixth chapter seeks to give a theoretical justification for a variable geometry design for anational citizenship, the seventh and final chapter looks at how this can be put into practice through public policy. Kostakopoulou does this by discussing both the 'vertical pathways' by which she means fields of policy like education, care and housing, and 'horizontal pathways' that stand for the objectives of policies in any area, such as inclusiveness, encouraging participation and changing attitudes (180–195). While she recognises that her proposals do not necessarily lead to complete inclusion overnight, she expresses the hope that a citizenship that allows for maximum political participation by being detached from nationality and instead linked to domicile would contribute to 'a building of a democratic society in which everyone is encouraged to participate and contribute as an equal and respected member' (195).

While the discussion moves from an overview of the development of national citizenship, to its limitations and on to a proposal for anational citizenship and its institutionalisation, the book moves between disciplinary boundaries, from history to political theory, from sociology of marginalisation and exclusion to international relations, public policy and a legal discussion. This is one of the other strengths of the book; Kostakopoulou's account is not confined to her own discipline, Law, despite the fact that the book is part of a series 'Law in Context'.

In her conclusion, Kostakopoulou underlines the feasibility of her proposed project to abolish the currently existing division between various forms of permanent residents and citizens which she deems necessary in contemporary heterogeneous society dedicated to the promises of democracy and equal participation. However, when she states, 'And although I share the view that citizenship would mean very little if citizens belonged to borderless communities; maintaining a sharp distinction between "us" and "them" in a globalised and plural world seems to be quite problematic' (196), again the assumption of the necessity of a link between states and citizenship creeps in. This might lead readers to question whether the 'us' and 'them' has sneaked in through the back door as well. Does anational citizenship based on domicile not carry the same risk as the alternative conceptions of citizenship that she has rejected, namely that it merely adds a few more people, denizens, to the category of citizen without fundamentally changing its nature of differentiating between 'us' and 'them' in ways that could be deemed undemocratic in its exclusion? Though never made

explicit, it is striking that although Kostakopoulou recognises the ‘divergent manifestations [of citizenship] throughout the world’ (13), the book has a distinct western bias which could also keep a certain ‘them’ and ‘us’ intact. This makes the book radical and mainstream at the same time; radical as it questions and seeks to transcend the firmly embedded assumption that citizenship is necessarily tied to nationality, and mainstream in the sense that it keeps the state system intact and prides itself in the fact that the proposal for anational citizenship based on domicile can be institutionalised within the existing framework. While the marginalising and exclusionary elements of citizenship are acknowledged, and this is an example where the language of sociology strengthens the legal and political discussion in the book, it still remains a question whether the optimistic tone of the book sufficiently takes into account the significance of power and privilege and the fervour with which people seek to protect these for themselves. While Kostakopoulou speaks of citizenship as ‘a work in progress’ and an ‘ethical and political challenge’ (198), she also states that: ‘Anational citizenship would ensure that all citizens are afforded the space and the opportunities within it to grow as personalities and flourish, and are regarded as respected participants in the making of the only real values there are – the values of the human spirit’ (199).

Here Kostakopoulou’s argument speaks of a great faith in institutional arrangements as a means to overcome prejudices, exclusion and xenophobia, which might not be shared by all her readers, nor necessarily by those who participated in the trade union protest under the slogan ‘British jobs for British people’. In addition, her idea that national citizenship as it is now is incompatible with the values of democracy and egalitarianism and that anational citizenship, which would grant denizens right to political participation, would result in a more democratic and inclusive order, is premised on an assumption that many would be willing to actively participate in democratic governance or that one of the most urgent problems for democracy is the exclusion of non-citizens. Kostakopoulou combines a strong normative approach and an assured manner in her proposal for anational citizenship based on domicile which she claims is a realistic and necessary step in a global age. At the same time, both in the introduction of the book and in the conclusion, she displays a more modest tone when expressing the hope that her book ‘will serve as a channel for such questioning [of citizenship] and re-imagining’ (11) and that proposals matter as they help clarify, making the limitations of the current paradigm visible and introducing new options (199). Kostakopoulou has succeeded in opening an important discussion but might not have fully convinced all readers of her specific proposal.

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Surely this conclusion is exaggerated because if even one American would be disserved by open borders, open borders would not be good for all. That is a quibble, of course, but if open borders would be beneficial to most, but not all Americans, then how many would it benefit, and how many would it injure? That is a valid question. One would like to know how big is the minority that would be disserved by open borders, and what is their social influence? Additionally, if borders were abruptly opened, as Johnson desires, what would be the subsequent increase in the volume of immigration across them? If great, would that enhanced volume of immigration increase the undesirability of immigration to many Americans? Johnson's text does not address either issue. Possibly, by preventing a drastic increase in immigration, those closed borders he decries have created a situation in which the disadvantages of open borders are obscured to most people. If so, opening the borders would greatly increase the number of people disserved by immigration, and opening the borders would be most unwise. This issue might have been addressed in the book, but is not.

Finally, if open borders would be so overwhelmingly desirable, why then does the United States practise an unsound and self-defeating policy of immigrant restriction? Johnson pays little attention to this question, whose solution would so greatly energize a social scientist. From his discussion in Chapter 4 of immigration politics, a reader learns that the populist wing of the Republican Party opposes immigration for fear of cultural change; and, on the other side of the aisle, liberal Democrats fear that unrestricted immigration would put downward pressure on wages to the detriment of their trade union allies. These odd bedfellows gang up to perpetuate the unwise and counter-productive immigration laws that Johnson decries. As Johnson shows elsewhere that both these fears are groundless (immigrants assimilate and have no effect on native wages), the root problem of counter-productive immigration law is by implication lack of public understanding of how unrestricted immigration works to the advantage of all. By explaining yet again how desirable open borders would be, and banishing restrictionists' canards, Johnson apparently aspires to hasten the triumphant opening of the national borders.

In essence, Johnson has written a legal brief for open borders, leaving it to others to present a case for the other side. A rationalistic brief is appropriate for a lawyer, who thinks in terms of trials, evidence, adversarial law, and verdicts, but a social scientist reading Johnson's book may conclude, as I did, that it will go over well with those who already agree with it, and will be ignored by those who disagree.

Ethnic and Racial Studies, 2009 © 2009 Ivan Light
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Dora Kostakopoulou, **THE FUTURE GOVERNANCE OF CITIZENSHIP**, New York: Cambridge University Press, 2008 (Law in Context series), 230 pp., £23.99 (pb).

Dora Kostakopoulou addresses here probably the most crucial question in the field of citizenship: how can we reconcile the exclusionary principle of citizenship and the inclusionary logic of democracy? Or, in other words, how can we reform the nationality model of citizenship to make it compatible with contemporary developments of globalization and increasing cultural diversity without presupposing the eradication of nationality? Contrary to other studies that have treated the same or similar questions Kostakopoulou's book not only proposes interesting and well-founded solutions to this dilemma. A lawyer in training, Kostakopoulou brilliantly combines literature in law, sociology and public policy. Thereby, not only does she discuss a possible reconciliation of the logics of citizenship and democracy at an abstract theoretical level but she also proposes easily comprehensible political reforms.

To make her point, Kostakopoulou starts her journey by emphasizing two important, but mostly neglected, aspects in the scholarly debates on citizenship: first, retracing the history of citizenship, the author shows that citizenship as both a concept and an institution has evolved in a non-deterministic way (Chapter 1). Second, even those researchers who dispute

the normative relevance of national culture for political belonging and propose thin versions of nationalism are reluctant to make the case for a genuinely anational citizenship model (Chapters 2 and 3). The first aspect makes clear that there is no reason to believe that overcoming the nationality model of citizenship – and even its thinnest versions – is impossible. On the contrary, Kostakopoulou makes clear that it is each generation's duty to redesign its institutions so as to take into account changed circumstances and views of the world (p. 197).

Kostakopoulou's redesign turns around four main ideas, which are presented in subsequent chapters (3 to 7): naturalizations as a civic registration approach, citizenship based on domicile, citizenship as a variable geometry and the pluralist approach of incorporation. Although the order in which these ideas are presented does not necessarily follow a hierarchical logic from the more abstract to the more concrete and the interrelationships between these four ideas are not always made very explicit, the argumentation is very clear and most possible objections to her model are already anticipated.

The basic principles of Kostakopoulou's anational institutional design are citizenship based on domicile and the free will to choose a political belonging. Following the idea that democratic decision-making requires the involvement of all the community, it is domicile that attributes both relevance and weight to the connection that individuals have with a particular jurisdiction. In other words, all who live on a specific territory belong to the respective community. And as much as people are free to choose where to live they are free to choose their political belonging. Therefore, the only criterion for naturalization (beside absence of criminal records) is the subjective intention to reside indefinitely in a country. 'Indefinitely' does not mean that it cannot be dissolved. It rather means that dissolution does not feature as a relevant consideration at the moment of citizenship acquisition. Naturalization is thus mainly a process of civic registration, but still an important mechanism to define membership that is no longer based on ethnicity.

Against the objection that her model omits important requirements such as the acquisition of knowledge about the host society or language, Kostakopoulou retorts that the knowledge that is required to participate in politics is too complex to be captured by simple tests, and that there are enough examples of migrants with no linguistic knowledge who have contributed effectively in public life. To be sure that new arrivals do not seek to take advantage of the new state institutions there are indicators such as social ties, a professional career, membership in associations and many more to ascertain the intention to reside indefinitely in a country.

Is such a citizenship model too utopian? It is clear for Kostakopoulou that such an institutional reform cannot be introduced in a radical break (p. 201). As she shows in Chapter 6 on the variable geometry of citizenship, membership in a nation-state has never been clear-cut; there have always been many faces of differentiations within citizenship. New forms can therefore be introduced alongside established ones. The pluralist approach of incorporation which is presented in Chapter 7 proposes concrete pathways to inclusion and to making equal citizenship a reality. Some crucial objections, however, remain unanswered: how can we persuade citizens of a country to accept such a model? And if it is true that prejudice, which forms an obstacle to such a model, is often a by-product of nationalist discourse (p. 8), how can we avoid that part of the political elite produces such attitudes?

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Social Science Research Centre Berlin (WZB)

Mary Dewhurst Lewis, **THE BOUNDARIES OF THE REPUBLIC: MIGRANT RIGHTS AND THE LIMITS OF UNIVERSALISM IN FRANCE, 1918-1940**, Stanford, CA: Stanford University Press, 2007, xv + 361 pp., \$24.95 (pb).

Mary Lewis examines French policies regarding immigrants through on-the-ground decisions in this illuminating study of the interwar years. The theoretical foil for her study

few diagrams the author sees fit to include have strong relevance. There is a distinct lack of anything to distract or confuse even the idlest reader, yet the text never once gets tedious, dull or monotonous. Barfield is exceptionally skilled at translating his own enthusiasm for the subject into keeping the reader engaged.

Indeed, it seems affected even to criticize this approach, though some readers might prefer some illustrations of central figures (e.g. Ahmad Shah Masud, Najibullah) to put faces to names, or the less imaginative might conceivably like to have a few colour plates of landscapes, peoples or key events to imagine better Barfield's eloquent descriptions, or a prettier cover. Hopefully future editions will rectify this extremely minor oversight, though the work will not suffer if they do not. I look forward to future editions.

Overall, then, there is no hesitation on the part of this reviewer to describe *Afghanistan: A Cultural and Political History* as a masterpiece of modern scholarship. That description is chosen carefully, for when we speak of 'masterpiece' we tend to imagine stuffy, dusty old tomes with tissue-thin pages and overwrought diction. Barfield is a thoroughly contemporary talent who speaks to a modern audience in a language that treats them neither as fools nor as know-alls; he succeeds in making the history and politics of what is to many a faraway land of which we know little a vibrant, engaging page-turner. Other scholars and writers, take note.

Chris Rowland © 2011
University of Oslo, Norway

ETHANOPOLITICS, 3 March 2011

The Future Governance of Citizenship

Dora Kostakopoulou

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Citizenship—and multiculturalism, to which in practice it is frequently affixed—is a well-known but ill-defined tool of both academia and public policy. Indeed, it is one of those curious artefacts of modern English language culture: a learned word with two teasingly alternate but equally learned meanings. For on the one hand, citizenship can be glossed as civic engagement; and on the other, it is interchangeable with nationality as denoting membership of the ethnic or civic nation. Citizenship as philosophy or citizenship as law; citizenship as idea or citizenship as practice; citizenship for inclusion or citizenship for exclusion—which side are you on?

Of course, there is overlap between these two extreme—or extremist—poles of interpretation, and *The Future Governance of Citizenship* by Kostakopoulou falls in the middle of it all, investigating citizenship as nationality as idea, legal practice and social fact. As one would expect from the latest addition to Cambridge University Press's *Law in Context* series, Kostakopoulou's aim is at once to define, explain and challenge citizenship—what it is, what it should be, and where it is going. Here is a great strength of the work: it is meticulously organized to give the widest possible overview of citizenship in its various contexts—historical, contemporary and future; cultural, political and social; theoretical, practical and ideal—via a seven-chapter logical progression. This approach makes the book, though ostensibly a law text, useful to anyone involved in the multitude of disciplines on which citizenship impinges.

Kostakopoulou must be applauded in the main for making the theoretical background of citizenship, especially in its legal senses, accessible to both a general and a specialist audience. Chapters on the history of the idea of citizenship, on patriotism and on the legal principles (e.g. *jus soli*) that underpin modern citizenships are absolutely expert output that anyone interested in the wherefores of how nation-states develop, uphold and shift notions of belonging and alienation simply must read. They will surely not be disappointed. Indeed, for these sections alone, *The Future Governance of Citizenship*—despite its, well, futurist title—is textbook stuff.

Kostakopoulou has a particular skill in explaining in straightforward terms precisely those aspects of citizenship in law and practice that very easily become overly complex, or digressive: I was highly impressed by the manner in which a typology of naturalization requirements according to philosophical-political stance (libertarian, republican, communitarian and civic registration approach, p. 86) was précised neatly and effectively in a table. Such simple but helpful thought for the varying levels of engagement on the part of the audience is refreshing to see in a book at this level, and thereby recommends it to a general readership. Those legal aspects of the book are used efficiently and sparingly by Kostakopoulou; those readers for whom trawling through case law is a confusing futility will find that only the choicest examples are invoked here; while their reasoning, provenance and consequence are illuminated in an extremely transparent fashion. Even those of us who are not legal scholars have a stake in this book. Of course, for those of us who *are* legal scholars, precedent cases and important legal instruments (particularly in relation to the EU) are put in context in such a way that *The Future Governance of Citizenship* is a highly valuable notebook of laws, both domestic and international.

That is not to say Kostakopoulou merely recycles, as a textbook might, existing knowledge; another of the core strengths of the book is the way its author contributes to a stretching of academic understanding of citizenship as a concept: some of the most satisfying sections to read are those where the author in effect presents musings on the matters at hand. Of particular delight to me were those sections where Kostakopoulou offers not only answers but also questions: ‘New Forms of Citizenship?’, ‘Why Naturalization?’, ‘Why Differentiated Citizenship?’

Another delight is the sheer breadth of the examples invoked. There are few favourites here, few preferred case studies where one senses the author is in a comfort zone. Kostakopoulou is equally at home outlining the relevancy of: Athens, the Enlightenment, and British constitutional law; test cases in the European Union; of seminal contemporaries such as Kymlicka, Habermas, Joppke and others; republicanism and ethnic and civic notions of the state; the minutiae of precedent that web together to inform citizenship in practice, and so on; and the sum is a comprehensive overview. Admittedly—and it is the most minor criticism one can muster—there is a very slight bias towards the British experience overall, but one would expect nods to the home country in the work of any academic. Generously, Kostakopoulou even finds time and space to devote a chapter to the notion of citizenship as inclusion.

In short, then, Kostakopoulou produces a work that is at once a ready reference law textbook, a treatise on the theory and practice of citizenship, and well-informed philosophizing on the very trajectory of inclusion in the modern nation-state, especially in Europe. Indeed, *The Future Governance of Citizenship* is an impressive document overall—disciplined and logical in structure and well-written, it is as easy to read as any existing output on citizenship as an idea and a policy. Moreover, it encourages the reader to

think; Kostakopoulou should be applauded for turning such a potential headache into an engrossing introduction to a topic that all too often is—for reasons of its inherent complexity, breadth and multidisciplinary nature—either off-putting or uninteresting to general audiences. Academics, librarians and law students, one hopes, will not be the only ones in the queue to purchase a copy.

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