

---

**CITIZENSHIP AND STATELESSNESS: ACCESS TO RIGHTS,  
PARTICIPATION AND BELONGING IN THE ERA OF  
INTERNATIONAL HUMAN MOBILITY**

***CIDADANIA E APATRIDIA: ACESSO A DIREITOS, PARTICIPAÇÃO E  
PERTENCIMENTO NA ERA DA MOBILIDADE HUMANA  
INTERNACIONAL***

**ALBERTO DO AMARAL JUNIOR**

Doutor, Livre-Docente e Professor Associado de Direito Internacional e Direitos Humanos da Faculdade de Direito da Universidade de São Paulo – USP.

**THIAGO ASSUNÇÃO**

Doutor em Direito Internacional pela Universidade de São Paulo - USP, com doutorado-sanduíche realizado na Universidade de Genebra. Mestre em Relações Internacionais pela Universidade de Roma III. Professor de Direitos Humanos, Direito dos Refugiados e Integração Regional do Centro Universitário Curitiba - UNICURITIBA, e Direitos Humanos e Internacional Público da Universidade Positivo.

**ABSTRACT**

This article has the intention to review the concept of citizenship, by exploring its role as instrument of access to rights and political participation. Then, it is reassessed its current position, in face of the international human mobility and the ascension of the human rights law. The notion of statelessness will be used to contrast with the national citizenship, conducting to a reflection on the relation between citizenship and identity. Finally, it is advanced some conclusions regarding the role of the national states and the complexity of identities in an era of cross-national belongings and recurrent human displacements.

---

**KEYWORDS:** Citizenship; statelessness; rights and participation; international human mobility; migrations and national identity.

## **RESUMO**

Este artigo tem a intenção de revisar o conceito de cidadania, explorando seu papel como instrumento de acesso a direitos e participação política. Em seguida, reavalia-se sua posição atual, diante da mobilidade humana internacional e da ascensão dos direitos humanos. A noção de apatridia será utilizada para contrastar com a cidadania nacional, conduzindo a uma reflexão sobre a relação entre cidadania e identidade. Finalmente, são apresentadas algumas conclusões sobre o papel dos estados nacionais e a complexidade das identidades em uma era de pertencimentos transnacionais e recorrentes deslocamentos humanos.

**PALAVRS-CHAVE:** Cidadania; apatridia; direitos e participação; mobilidade humana internacional; migrações e identidade nacional.

## **INTRODUCTION**

This article has the aim to review the concept of citizenship, assessing how the access to rights, participation and belonging which it normally entails, have been redefined by the contemporary evolution of the international human mobility. In addition, the phenomenon of statelessness will be characterized as a contrast with the entitlements set forward by the notion of citizenship, demonstrating its ambivalence in regard to the national belonging and the modern human rights law. It will be briefly examined how the idea of citizenship was born, starting from the creation of the modern nation-state and the appearance of waves of citizens' rights, varying according to different historical and political contexts. Subsequently, a two-folded conception of citizenship is developed: one which relates it to rights, another with participation. The rights account, relates it to the ascension of human rights at a global level. Participation, by its turn, would refer to the capacity of being part of a political

---

community and have a stake in its destiny. But the work goes further, by scanning the identity component of citizenship, that is, what would be its role in the sense of the individual belonging to a given community. This work will consider new forms of transnational identity markers, which have been gaining track by questioning in practice the weight is given, and the weight it really has for many people nowadays, to be a citizen of this or that national state. That core argument is developed with an eye on the complexities of the human diversity, manifested in the highly cosmopolitan character of many cities around the world, boosted by increased international human mobility. Finally, the work will return to the issue of the “national”, to ask whether these observations, which challenge the classical notion of citizenship, invalidate somehow the need to belong to a certain state, or not.

## 2 THE EMERGENCE OF THE MODERN CITIZENSHIP

Initially, it is necessary to recognize that citizenship is a vast subject, and as such it would not be possible to give it a single definition, since it can be seen in multiple perspectives - historical, sociological, political, cultural, normative. Those categories can sometimes converge or overlap, referring to the same or similar phenomena, or in other cases, talk about completely distinct theoretical aspects.

The second initial remark concerns the antiquity of citizenship. Its first appearance in a way which resembles today’s account, relates to Athens in the Ancient Greece. According to Aristotle, man is naturally a political animal, and the state emerges when there is a self-sufficing community, which depends on collective agreement to protect the community from external threats (ARISTOTLE, 1920). The Athenians developed the notion of rule of law, comprehending the obedience to the norms created by the citizenry of the *polis* (CASTLES; DAVIDSON, 2000). Famous for being the birth place of direct democracy<sup>1</sup>, for what concerns citizenship, in Athens clear limits to political belonging were established. Indeed, slaves, women, children

---

<sup>1</sup> According to the mythical discourse about the Greeks, direct democracy would be practiced in a context of small city-states, with very small population, who would come together in a square to vote and adopt collective decisions. (CASTLES,; DAVIDSON, 2000, p. 30).

---

and foreigners were excluded from the possibility of any participation, and thus were not considered citizens. Citizenship in the Greek context was defined by mandatory kinship ties, that is, an early form of *jus sanguinis*. Just those descending from the *polis* would have citizenship privileges, except for the grant of Athenian citizenship to some persons or groups for honorable reasons, as happened with Dionysio and his family, or the Plataians, who were Athenians' allies in the war against Spartans (SINCLAIR, 1991, p.25-26).

In the Ancient Rome, the situation was different. Citizenship was conceded to a vast number of peoples conquered by Romans, with no explicit restrictions regarding traditions, customs, or language. Latin language was an important instrument of integration and prestige for the connoisseurs, facilitating the relations with the Roman rulers, and influencing decisively Western Europe, with many languages deriving from it. Polytheist peoples such as the Greeks, Syrians and Germanics were annexed and could maintain their religiosity. The same cannot be said about Jews and Christians, who were fiercely repressed, until the conversion of Constantine to Christianity in 312 AD (CASTLES; DAVIDSON, 2000, p.33). In any case, liberated slaves were granted citizenship, likewise the warriors of allied tribes, what was useful to the expansion and maintenance of the Empire. For the first time, citizenship meant to be a legal subject, part of a political community, and holder of rights and duties, independently of ethno-cultural origin (CASTLES; DAVIDSON, 2000, p.32). This privilege was hereditary, passing from one generation to another. Nevertheless, Roman openness in terms of citizenship did not mean effective participation of their citizens in the public life. Magistrates and Senators came from wealthy families, constituting an inaccessible oligarchy. Thus, just influent individuals had access to power, and citizenship was exercised in a passive (but not always pacific) way. In sum, there was territorial inclusiveness, not effective democracy though (CASTLES; DAVIDSON, 2000, p.33).

The modern citizenship was born with the construction of the nation-state. The so-called modern state emerges with the end of feudalism: a new organization of the territories in much bigger areas, and the ruling of a *primus inter pares*, what turned the power from fragmentation to despotic absolutism. The enlightenment brought new ideas, and the notion of social contract was developed by Locke, Hobbes and Rousseau. With different fundamentals, the basic idea was that instead of being subject

---

to arbitrariness and tyrannical state power, centralized by the Sovereign, individuals should endeavor to turn state authority in socially accorded hierarchies, based on human reason (CASTLES; DAVIDSON, 2000, p.34). From that starting conception, revolutions started to spark, followed by public documents asserting the rights of citizens against those unlimited monarchies. This process varies from contexts where the rulers decided to compromise with oligarchies not to lose power, like the Glorious Revolution in the United Kingdom, that led to the concession of a Bill of Rights (1689), to more “popular” revolutions<sup>2</sup>, as the American Independence and its historic Declaration (1776) and the French Revolution with the Declaration on the Rights of Man and the Citizen (1789).

Those two last liberal revolutions marked the emergence of the modern citizenship, being “first an assertion of popular will, and then a list of legal rights that are regarded as inherent in all people as equals” (CASTLES; DAVIDSON, 2000, p.36). Fundamental citizen’s rights were fruit of this phase, such as the right to life, freedom of expression, religion, conscience and association, as well as judicial guarantees and the possibility to complain against abuses from state authorities. Equality before the law was importantly established, without regard though to equality of opportunities. The union of the citizens was forged by the common fight against state tyranny, but also considering outside threats, what reinforced a sense of national belonging. In the case of the American Revolution, clear political rights came into place, providing the opportunity for a “government of the people, by the people and for the people”<sup>3</sup>. There was an emphasis on individual capacity, as well as the will of liberty from the conditionings of the past, in an economical context of flourishing industrialization and land occupation. But that collective will, in practice benefiting particularly an enriched aristocracy, was severely put in question by the socialist criticism.

In fact, the advent of socialism marked a new way of seeing citizenship. The focus passed from individualism to social concerns. The Industrial Revolution accentuated inequality between those who had resources to invest in factories, and

---

<sup>2</sup> Those revolutions were “popular” only in the sense of departing from the people against the state, but as known, they were led by mostly by aristocrats and traders with specific interests, mostly to guarantee private property and other personal freedoms.

<sup>3</sup> The phrase is attributed to a speech by American President Abraham Lincoln, in November 19<sup>th</sup>, 1863, known as Gettysburg Address, during the American Civil War.

---

those who had no alternative apart from selling their work force. Salaries were dictated by the economic law of supply and demand, and women, children, elderly and people with disabilities had no guarantees regarding their special needs whatsoever. No public health was in place, neither public education, making those demands something exclusive for the citizens who could afford them. In sum, the existent rights by then were almost exclusively to guarantee liberties against state oppression, not considering collective rights based on effective equality. This is the background against which the socialism discourse appeared.

Therefore, from a private undertaking that managed to overrule absolutism, the focus was to rethink the relation of the citizen with work and property, stressing the severe unequal levels of economic prosperity and social wellbeing. To overcome this situation, an active citizenship would have to fight for economic and social rights, in addition to the civil and political rights conquered during the previous revolutions. In this sense, the Russian Revolution in 1917 overthrows the Tsarist rule and founds the Soviet Union, based on the socialist ideals. The socialist criticism was later partially assimilated by the Western-European countries, when they built their welfare systems from 1950 onwards. Marshall notably argued that full citizenship required the enjoyment of a decent standard of living conditions, as well as adequate social rights provided by the state (MARSHALL, 1950). As argued by Castles and Davidson (2000, p.36):

It seems obvious that the core notion of the active neo-Kantian citizen is impracticable if that person is unable for economic, social or educational reasons to fulfil that role. However, it took over a hundred years before it was accepted in the first welfare states established after 1945.

After the Second World War, a renovated polarization between capitalist and socialist world views was forged by the USA and URSS, which lasted until 1990. Nevertheless, with the creation of the United Nations in 1945 and the adoption of the Universal Declaration of Human rights in 1948, it becomes clear that an essential list of rights was ought to be respected in every national polity, and those rights were in fact inspired by both ideologies, reuniting civil, political, economic, social and cultural

---

rights in one instrument, further developed by other more specific and enforceable human rights international instruments.

The story above is almost the history of human rights. Indeed, good part of the authors relate citizenship with the appearance of those rights, but other accounts of citizenship are also revealed. Helen Irving explains that citizenship is not just a “status”, as described formally by law. To be a citizen is rather an *experience*. In her words:

[...] we are asked to think of citizenship as a primary value, not as against the citizens of other countries (that is, not nationalistically), but as a source of protection, a way of attaching persons to a territorial home, an important, indeed paramount, human need (IRVING, 2016, p.241).

This sociological approach is brought because the author explored in her book the loss of citizenship by women, upon change on marital status. The analysis shows the cultural and personal impact of losing one’s nationality in an arbitrary manner, because of unfair laws. That is why, for Bobbio, to be a citizen means to empower oneself against subjection. The more complex is the surrounding, more important becomes to turn those acts of empowerment into rights (BOBBIO, 1992).

Rainer Baubock considers that citizenship has four main dimensions, departing from the core concept in which it is considered “equal membership in a self-governing political community” (BAUBOCK, 2008, p.31-48). In this comprehensive account, citizenship can be understood as:

1. a formal legal status that links individuals to a state or another established polity (such as the European Union or a federal province); 2. a bundle of legal rights and duties associate with this status, including civil liberties, rights to democratic representation and social rights to education, health care and protection from poverty risks; 3. a set of responsibilities, virtues and practices that support democratic self-government; 4. a collective identity that can be shared across distinctions of class, race, gender, religion, ethnic origin or way of life.

Instead, Kymlicka and Norman divided citizenship in two main areas: *citizenship-as-legal-status*, which means the full membership in a given political community; and *citizenship-as-desirable-activity*, whose analysis focus on the extent and quality of each one’s participation as a citizen (KYMLICKA; NORMAN, 1994, p.352-381). In a similar way, Macklin divides the concept in *legal citizenship*, to refer



---

to the formal status of member of a state (nationality), and *social citizenship*, referring to the “rights, responsibilities, entitlements, duties, practices and attachments that define membership in a polity” (MACKLIN, 2007). For the purpose of this work, we will stick with this recurrent classification of citizenship, which relates it to “rights” and “participation”.

### **3 CITIZENSHIP AS RIGHTS**

The term citizenship is used in the legal doctrine normally connected with access to rights. It would be the “right to have rights”, in the famous account of Hannah Arendt. The reason why that affirmation makes sense is because, in the Westphalian order, a person must have a state to formally belong, in order to require and exercise her rights. In part, this is due to a sense of protection, constituted by membership to a political community, which situates the individual in relation to the rest of world.

Nevertheless, one might not lose sight that the right’s access enabled by citizenship is its consequence, not its core. The right to vote, for instance, being a manifestation of the participation in the choice of political representatives, and so meaning membership of a political community, usually requires citizenship, but it is not enough. The question refers to the enactment of political participation, through the enjoyment of political rights. Although it is commonly necessary to be a citizen to participate, the right to political participation alone does not turn the person into a citizen (IRVING, 2016, p.241). That would be the case of the European citizens, who are able to vote in local elections, upon residence in a country different from the one of their national citizenship. That right does not make them citizens of the state in question. Inversely, children, persons with mental disabilities, and in some countries, prisoners and people who live abroad, although ineligible to vote, are still citizens. In the case of migrants, although they “live in the community’s jurisdictional territory and are subjects to its law [...the] claims that they should, therefore, enjoy political rights do not presuppose them to be, or confuse them with, legal citizens” (IRVING, 2016, p.241).



---

Hence, citizenship as rights is given by relating it to the sense of “protection”. As firmly assented in international law, there is a right of the state to protect its citizens internationally, through the institute of diplomatic protection. But also in terms of domestic law, the concept of citizenship requires a duty of general protection by the state. As Irving puts, “citizenship cannot be an empty concept, susceptible to any content the state chooses to give it, or capable of describing any type of relationship with the state. It must involve a relationship of protection” (IRVING, 2016, p.252).

It is also true that international law has been evolving, and national states are more and more compelled to adequate and act properly, especially due to peer surveillance from other states and international organizations. When the government of a country commits mass atrocities against its own people or abandon them to their own fate in case of calamities, the international community can enact mechanisms of international criminal investigation<sup>4</sup>, or mobilize to provide humanitarian assistance to the affected people.

In our account, human rights do not represent a universalistic moral to be followed, being instead a common platform of global ethics, serving as a point of departure from which extracting useful values to be translated in the spaces of social interaction. Important to note that those values are freely interpreted, being able to openly adjust to different societies and cultures. The citizenship role is exactly to bring these principles and other locally achieved common values, to the daily personal and institutional practices.

But even though the ascension of human rights at international level empowers individuals, to the extent that they have where to resort, like international human rights courts, human rights law will charge *states* to comply with international and regional norms. Therefore, citizen’s rights are exercised, required and enforced necessarily through the national states. In fact, statelessness results from the lack of the indispensable tie between the individual and a state. Indispensable exactly because the state is, up to now, the only institution which can provide, in practice, the rights guaranteed on the international arena for their citizens. What is changing, however, is

---

<sup>4</sup> The facts, if amounting to genocide, war crimes, or crimes against humanity, according to the Rome Statute, can be referred to the Prosecutor of the International Criminal Court (ICC), who can acted to investigate the supposed perpetrator(s) if the Court has jurisdiction over the case.

---

the scope of citizenship today, which is being broaden and internationally re-contextualized.

Thus, the states are not alone, although the citizens are mostly dependent on them to receive legal protection. One can mention the case of the so called “failed states”, which have no capacity to provide such protection, and the fact that there are states which persecute their own nationals (MACKLIN, 2007). If in the first case, international and regional initiatives of assistance can be enacted, as mentioned above; in the second, the fear of persecution enables people to seek asylum abroad. In these cases, the lack of protection by the state of origin produces an inversion, with the protection being searched by the individual abroad, in a third state, revealing the current importance of international refugee law.

Another question to be considered when talking about citizenship as rights is the fate of non-citizens<sup>5</sup>. In effect, expanding citizen’s rights can create an atmosphere which can legitimate the withdraw or denial of rights for non-citizens. In this regard, “there should be no antinomy between the alien and the citizen, no privileging of one over the other with regard to rights” (IRVING, 2016, p.243). As traditionally citizenship marks this boundary between those who belong and those who not, the palette of rights for citizens is much wider than for non-citizens, but this has been challenged by a number of human rights’ based arguments.

In any case, it is symptomatic that just the national citizen has (as a rule) the right not to be banished. From another perspective, the states consider to have a right of expulsion towards foreigners. John Finnis even put this as a matter of constitutional principle, stating that “risks to the public good that must be accepted when posed by the potential conduct of a national (citizen) need not be accepted when posed by a foreigner, and may be obviated by the foreigner’s exclusion or expulsion” (FINNIS, 2008). As Irving sums up, “the alien, in other words, must act like a citizen or risk expulsion from the community of real citizens” (IRVING, 2016, p.260). This view is problematic when considering the ever-expanding rights of non-citizens, according to international human rights law, something to be better explored in a subsequent study.

---

<sup>5</sup> The debate about what is being a citizen and what represents not to be a citizen of the state is complex, reason why it will better in a specific section below.

---

Finally, if one thinks about citizenship as rights, it is inevitable to think about equality, that is, on the role citizenship plays to enable access not just to political rights, but in relation with equal access of opportunities and affirmative actions by the state, in order to equate different points of departure. The perspective of fairness brought by birthright citizenship, that is, the luck or misfortune to be born in a country or in a determined family, instead of another, and possible ways of contouring it in terms of social justice, is well explored by Aylet Shachar in her book *The Birthright Lottery* (SHACHAR, 2013, p.386-433).

#### **4 CITIZENSHIP AS PARTICIPATION**

Citizenship can also be seen in the sense of participation, as a “civic virtue”. A republican view of citizenship draws attention to the public conduct of the members of society, who in order to make self-government happen, are ought to promote and practice public virtues, represented by their duties as citizens. This view criticizes the emphasis on individual autonomy and self-interest, by considering it turns people to be concerned more with consumption and private pleasures than with the public well-being. The individuals in this view would be citizens just in the paper, lacking an ethical dimension to their membership (DAGGER, 2002, p.145-158).

When considering this use of the word citizenship, the quest for quality education emerges, since it is essential to acquire basic notions of the role of each and every citizen in society, the functioning of the institutions and possible ways of participating, as well as an open debate on shared political values to be collectively pursued. As a way of stimulating a proactive posture of the citizens, schools, families and other spheres of socialization can promote and adopt practices that help citizens to engage constructively in their local community. In this sense, human rights education is an important platform to be used, as point of departure, since human rights were built historically in basis of common values, such as equality, liberty, social justice and non-discrimination (ASSUNÇÃO, 2014, p.85-98).

Kymlicka argues that citizenship education is not just learning about governmental institutions and constitutional principles in school, but also working a

---

sense of shared membership, since “citizens must have a sense of belonging to the same community” (KYMLICKA, 2001). That is learnt also in voluntary organizations of civil society, such as cooperatives, churches, unions, neighborhood associations, groups that fight for a cause and charities. It is in those places where people would voluntarily develop their character and internalize the idea of personal responsibility and mutual obligation, necessary for a healthy and democratic society (KYMLICKA, 2001). In addition, it is clear how countries which have a functional public educational system, one which can form not just good professionals, but also citizens clearly aware of their rights, duties and social responsibilities, are much more capable to prevent conflicts, create innovative solutions and take good care of the public interest.

Therefore, citizenship has its component of participation, but that participation should be accounted in relation to the public sphere. Which means that citizenship should not be confused with any kind of moralism, since there is no such a thing like the “good citizen”. Following the law, being well informed about collective demands, being tolerant with the differences, debating political questions in a respectful manner, and not acting with violence in any sense, are no doubt attitudes necessary to a peaceful and functional society. But promoting those democratic values should not be confused with arguments that invade the private sphere of each person’s identity, choices, opinions, cultural memberships and life styles.

All citizens of a given polity are essentially equal in rights, but every and each person is unique in her history, character, experiences and emotions. It seems that in our times not everyone is aware of the richness of human diversity, and thus, of the imperative need to act with respect and empathy towards one another.

At the same time, citizenship still refers to the relation people-state. In democratic countries, the engagement with politics and public debate about policies to be adopted are one of the main ways to “be part” of the polity. But this conception has been challenged by different authors, who enlarge the scope of citizenship to additional forms of attachments and belongings. Particularly, there are nowadays internationalized forms of citizenship, via not only the ascension of human rights law, but also the transnational networks of social movements, non-governmental and international organizations, able to defend jointly collective causes, confer rights and enhance participation, such as the issues related to environmental protection.

---

If on the one hand, governments are ought to work properly as representatives of the people, what presupposes good application of public resources and capacity of delivering appropriate public policies, on the other, people shall be aware that government is composed of persons coming from the society itself. Incompetence, insensitivity with social problems or even dishonesty, are all nested in the sein of our own community. Indeed, rights are just ink on a piece of paper if not implemented by local, regional and national good quality public policies, with the constructive participation of civil society. That is a good reason why mechanisms of access to power should be carefully built, with evolving electoral rules and institutions able to attract capable, well intentioned individuals to run the *res publica*. Also, preparing society to be able to participate with civism, fostering an evidence based and solution-oriented debate, instead of just stimulating hatred against who thinks different, which lead to general skepticism and cynicism, would be a way of fostering a truly democratic citizenship<sup>6</sup>.

## 5 CITIZENSHIP AND STATELESSNESS

Citizenship can be also accounted as a condition of “statefulness”, a legal right of membership to a certain territorial space, and thus, the opposite of statelessness (IRVING, 2016, p.256). The condition of being a stateless deprives the person from most of her rights, since rights are exercised as a rule before a national state. In this sense, stateless persons lose one very important form of belonging, the connection with a political community. The opinion of a stateless person would not count, since her participation is not legally recognized. So, apart from the technical fault of not having a nationality, the problem of the stateless is that they have also affected their individual identity. In the account of Hannah Arendt, the “rightless” suffered “the loss of the entire social texture into which they were born” (AREN, 2012). In this sense, citizenship is the enabler which guarantees to everyone a “distinctive place in the

---

<sup>6</sup> In this case, we are thinking about Brazil in the context of its deep political, social, economic and cultural crisis (2017-18), as well as a harsh political polarization.

---

world” (ARENT, 2012), that is, a place to call home. Even if new forms of membership emerge, there are many entitlements that come only with national citizenship.

Stateless people are most likely to have trouble with documentation, since birth certificate, marriage, passport, driver’s license, social security card and bank accounts are generally not accessible without proof of nationality. Their ability to work is affected, as well as access to public services such as education, healthcare, and social assistance. A stateless person sometimes transfers her condition involuntarily to their children. In this case, the suffering is doubled. Statelessness can also lead to difficulties of movement, traveling or attest residence, what in many cases drag them to human trafficking, forced labour and arbitrary detention. Nationality laws containing gender-based discrimination are also a problem, turning women particularly vulnerable to the lack of citizenship. Finally, stateless people are sometimes discriminated or segregated, in contexts where they become susceptible to insecurity, violence and forced displacement.

Having in mind the dimensions of citizenship explored above, it is easy to identify that statelessness leads to a general lack of access to rights, participation and belonging. To the extent that citizenship also reflects the capability to participate in public life, statelessness represents emptiness. Stateless persons have no right to vote or to be elected, thus they are precluded to be significantly listened in the political process. Their invisibility derives from the fact that their opinion does not count, given their exclusion from the formalities of citizenship, what makes them human shadows. Hannah Arendt captured this feeling when wrote that “the loss of citizenship deprived people not only of protection, but also of all clearly established, officially recognized identity” (ARENT, 2012).

In fact, identity is certainly one of the most dramatic losses for the stateless persons. A sense of complete displacement, lived temporarily by the immigrant when arrives in a new land, is indefinitely prorogated in the case of the stateless. No place is home, or at least, not recognized as such. The stateless can be expelled or deported as defaulter tenants from the place they consider home (the country of residence), even if they pay the rent (the sense of membership). It is as if the “payment” which allow them to stay was completely ignored by the lessor (the state).

---

## **6 CITIZENSHIP AND BELONGING: MIGRATIONS AND THE QUESTION OF IDENTITY**

If once nationality was thought in terms of ethnical belonging, as seen with the attempt to produce states based on “nations”, conforming similar language, traditions and ethnicity, the modern constitutional state shaped a different form of membership, based on the rule of law, fundamental rights and equality before the law. “Modern citizenship, as it has developed, indeed, has the virtue of neutrality with regard to identity-markers such as ethnicity, race or gender” (IRVING, 2016, p.257).

To be a citizen does not require patriotism, and many people in fact view citizenship of a country as an unimportant part of their identity. This seems particularly so for those persons who, by living abroad for a long time, or working for transnational NGOs and international organizations, have (partially) lost a need of attachment to a particular nation. They can still relate to their family of origin and friends, wherever they live, and have a mother tongue different from the one they use daily. But today they have the possibility to be connected online with everyone they like, and in many cases, they can profit from the learning opportunities of truly multicultural environments, sharing projects and ideas at work or where they study, with colleagues from different countries. Those are the kind of human experiences that have been contributing for the legitimate questioning of the weight is given for national belonging, and the weight it really has for many people nowadays, all over the world.

It is necessary to differentiate, however, the privileged and mobile “world citizens”, from the bulk of immigrants who displace by a variety of reasons, but as a rule leave their homeland to restart in a completely new country, where they are intended to stay. Here is where intricated questions of adaptation, integration, assimilation or segregation take place. In any case, the globalization process has created an increasing cultural exchange, accelerating international migrations. In this process, the idea of distinctiveness and autonomy of each national culture has been put in question. Any quest for national homogenization represents in fact a myth, since “virtually every nation-state has been made up of a number of ethnic groups, with distinct languages, traditions and histories” (CASTLES; DAVIDSON, 2000, p.7).



---

In addition, frontiers are not really “closeable” as some politicians make them appear. Since their historically situated installation with the advent of the modern state, national borders have been subject to an intense flux of persons (and goods, brought by persons). The permanent exchange among different cultures has been something ordinary since the first displacement of nomad tribes, and today it is trivial on the everyday lives of millions of people. The borders are imaginary lines, which can hardly be effectively closed. Individuals determined to immigrate, if legal channels are not available, commonly find a way to enter through land, sea or airway, in some cases trying as many times as are necessary<sup>7</sup>. What has changed in the last three decades was that, with globalization, the facilitated means of transport and communication approximate and make it easier for individuals and families to migrate, turning many cities, especially in the global North, into completely multicultural places. That process started to blur the remaining intentions to preserve the national culture intact, since other interactions and demands are critically in place.

Moreover, the intense exportation of media production and instantaneous circulation of cultural products, mainly coming from hegemonic countries, especially the United States<sup>8</sup>, puts huge pressure on national and local cultures elsewhere (CASTLES, DAVIDSON, 2000, p.8). At the same time, while “populations have become more heterogenous and culturally diverse, cultural difference and social marginalization are often closely linked, creating ethnic minorities with disadvantaged and relatively isolated positions in society” (CASTLES; DAVIDSON, 2000, p.8). There would be a process of “re-ethnization of culture at a subnational level”, manifested in a trend of “resistance to both the nationalization and the globalization of culture” (CASTLES; DAVIDSON, 2000, p.8). That can be verified nowadays with the search of recognition and empowerment of some minority groups (not necessarily ethnic), and whose struggle transcends frontiers, such as LGBT persons, black people against the

---

<sup>7</sup> This is one of the reasons why borders control always has a certain efficacy limitation, since many migrants that see themselves without options, for example, if they need to reach their families, are likely to entering in the territory desired, even paying for smugglers if necessary. Therefore, immigration restrictive policies, which disregard the demand of entry and the root causes of emigration, tend to be relatively ineffective, wasting public resources, if not causing harm to persons, families and communities, especially in bordering areas.

<sup>8</sup> If before the case was for Hollywood movies and icons of pop music, today the phenomenon is deeply rooted on the internet, with almost universally used search mechanisms, popular social medias and platforms of online movies being used simultaneously all over the globe, all being originated in the USA.

---

targeted violence from the police, and also the strong return of the feminism in the last years.

Castles and Davidson put the question in a very clear way, when looking to the fact that “in every city of Western Europe and North America, ethnic heterogeneity has become an inescapable reality. This Other has no shared past with the people within the receiving society” (CASTLES; DAVIDSON, 2000, p.9). First, they differentiate the immigrants from former colonies, whose culture has similarities with the destination states due to historical reasons (case of the Algerians in France), from immigrants with more tenuous linkages, case of the Chinese in the United States, for instance. In both cases, the question is whether any form of acculturation is necessary; if such a policy would be possible in the context of multiethnic societies forged by globalization; or if citizenship based on the nation-state will have to change to fit the reality of the collective presence of the Others in those societies (CASTLES; DAVIDSON, 2000, p.10).

Thus, the question is: if citizenship was molded with the advent of nation-state, and as such, is regarded as the national membership to a political community within certain territorial boundaries, then what for those who were not originally part of this national experience, but are still fully present in that same territory? If in the past there were attempts to assimilate minority groups on the national culture (CASTLES; DAVIDSON, 2000, p.12), today the question is much more complex, because with the raise of an international order which praises the human rights, and at the same time, the consolidation of constitutional states, based on fundamental rights (substantially very similar rights), then from the legal perspective, citizenship should be independent of any cultural difference, origin or background. Therefore, the paradox is that citizenship was born on the basis of the national experience, but it is called to deal with increasing new forms of belonging, which are essentially “non-national”.

There are, in addition, those who personally do not identify with “one nation”, being avid for seeing loosened their travel restrictions among the different nations where they might have family or work. In any case, “one ought not to equate the declining importance of citizenship in a particular state with a diminution in the value of citizenship in a [any] state” (MACKLIN, 2007). Which means that demonstrating how citizenship to a national state is losing prominence, in face of globalization, the raise

---

of transnational actors, the multiplication of spheres of membership, the growing importance of regional and international institutions, and the increased global human mobility, does not entail the complete disregard for the state as instance of public attachment, but instead, helps to identify the moving roles of those instances, and the new dynamics of national and international memberships in an era of recurrent global human displacement.

## **CONCLUSION**

The human rights protection at international level is based on personhood, regardless of nationality, hence including those who have no nationality at all. This leads to the need of respecting the human rights of anyone present in the national territory, regardless of migratory status. Although some development has been observed on the domestic concession of rights to non-citizens, it is important to acknowledge that citizenship of a state is still vital for conferring the individual full rights, political participation and a sense of belonging to a community. That, however, does not preclude new forms of attachment and membership which have been emerging, some of which are also able to confer rights.

After the decolonization process, more voices from below started to organize, and new struggles for collective identities were raised. The multiethnic composition of many states became more evident, there was an organized fight against racism, the feminism came to question the patriarchal customs, and other claims took place, pointing to the pluralism of identities and the complexity of the human diversity. Many of those identity groups keep in search of recognition, and as others emerge, they all reveal possibilities of interaction, redefinition, adaptation and transformation. In sum, the nationally based citizenship was weakened by the appearance of additional forms of belonging and new collective commitments, under, above and beyond the nation.

Thus, the paradox is that, even recognizing citizenship as mostly national, multiple forms of transnational or non-national forms of membership are taking place. The feeling of belonging to a political community, among citizens and non-citizens, do not pass necessarily through an inherited national culture, but it is forged together

---

through the equal access to rights and participation. In fact, the complexity of the international human mobility has been pushing international law mechanisms to have a stake on guaranteeing the human rights of non-citizens, surpassing the once untouched reserved domain of the states in relation to citizenship. Whoever is present in the territory is covert by universal human rights norms, but at the same time, identities and the sense of belonging pertains to the individual private sphere.

Therefore, the notion of citizenship is expanding, since it has been internationalized, to the extent that rights are provided from other sources besides the state, and international human mobility subjects people to more fluid identities. That trend does not disregard the actual importance of the national state as the main institutional space, towards whom the citizen is able to require respect and exercise rights, as well as where to participate politically. But the debate on the need of a more effective global governance has also been clearing the path towards a rethinking of the socio-political relations between national authority and the people. It remains to be seen whether some states will be capable to reinvent themselves, gaining enhanced legitimacy by allowing effective democratic participation, or whether national citizenship will keep losing preeminence, in face of the complexity of identities, the evolving international human rights norms, and the individual and collective aspiration for enhanced freedom of movement around the world.

## REFERENCES

ARENDR, Hannah. **As origens do totalitarismo**. Trad. Roberto Raposo. São Paulo: Companhia das Letras, 2012.

ARISTOTLE. **Politics**. Translated by Benjamin Jowett. Oxford: Clarendon Press, 1920.

ASSUNÇÃO, Thiago. Educação em Direitos Humanos. In: SILVA, Eduardo Faria; GEDIEL, José Antônio Peres; TRAUZYNSKI, Silvia Cristina. (Org.). **Direitos humanos e Políticas Públicas**. Curitiba: Universidade Positivo, 2014, p. 85-98.

BAUBOCK, Rainer. Stakeholder Citizenship: An Idea Whose Time Has Come? In: Bertelsmann Stiftung, European Policy Centre, Migration Policy Institute (eds.) **Delivering Citizenship**. The Transatlantic Council on Migration, Verlag Bertelsmann Stiftung, Gütersloh, 2008: 31-48.

---

BOBBIO, Norberto. **A era dos direitos**. Rio de Janeiro: Campus, 1992.

CASTLES, Stephen; DAVIDSON, Alastair. **Citizenship and Migration**. Globalization and the Politics of Belonging. New York: Routledge, 2000.

DAGGER, Richard. Republican Citizenship. In: ISIN, Engin; TURNER, Bryan (Eds.). **Handbook of Citizenship Studies**. London: SAGE, 2002. p. 145-158.

FINNIS, John. Nationality, Alienage and Constitutional Principle. University of Oxford Faculty of Law, **Legal Studies Research Paper Series**, Working Paper n. 08/2008, Mar./2008.

IRVING, Helen. **Citizenship, alienage, and the modern constitutional state: a gendered history**. New York: Cambridge University Press, 2016.

KYMLICKA, Will. **Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship**. Oxford: Oxford University Press, 2001.

\_\_\_\_\_. Return of the Citizen: A Survey of Recent Work on Citizenship. **Ethics**, v. 104, n. 2, p. 352-381, Jan./1994.

MACKLIN, Audrey. Who Is the Citizen's Other? Considering the Heft of Citizenship. **Theoretical Inquiries in Law**, Cegla Center for Interdisciplinary Research of the Law, v. 8, n. 2, 2007. Available at: <http://www7.tau.ac.il/ojs/index.php/til/article/view/638/599> Accessed on: 14 Aug. 2017.

MARSHALL, T. H. **Citizenship and Social Class and other essays**. Cambridge: Cambridge University Press, 1950.

SHACHAR, Ayelet. Citizenship and membership in the Israeli polity. In: ALEINIKOFF, T. Alexander; KLUSMEYER, Douglas (Eds.). **From migrants to citizens: Membership in a changing world**. Brookings Institution Press, 2013. p. 386-433.

SINCLAIR, R. K. **Democracy and Participation in Athens**. Cambridge: Cambridge University Press, 1991.