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Use of Citizenship:  
Identity Opportunity and Risk**

**Anna Tsalapatani**

**PhD Candidate**

**The Australian National University**

**Canberra, Australia**

Athens Institute for Education and Research  
8 Valaoritou Street, Kolonaki, 10671 Athens, Greece  
Tel: + 30 210 3634210 Fax: + 30 210 3634209  
Email: [info@atiner.gr](mailto:info@atiner.gr) URL: [www.atiner.gr](http://www.atiner.gr)  
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## **Multiple Nationality and the (Ab) Use of Citizenship: Identity Opportunity and Risk**

**Anna Tsalapatani**  
**PhD Candidate**  
**The Australian National University**  
**Canberra, Australia**

### **Abstract**

The very end of the 20th Century and the beginning of the 21st have brought about several marked changes to citizenship policy and practice; not only are we witnessing increasing instances of *de facto* and *de jure* dual citizenship, with around half of all sovereign states accepting it in one form or another (Faist, 2001), but the institutionalisation of EU Citizenship heralded the addition of a further level of analysis, as well as a change in value of the citizenship of its member states. Similarly, the creation of new forms of ‘partial’ or ‘light’ citizenship such as the Turkish Pink Card and the Indian NRI scheme highlight the introduction of other ‘less-than-citizenship’ categories.

The increasing number and complexity of these ‘*citizenship constellations*’ (Bauböck, 2010) generate a pressing need to comprehend the altered meanings, roles and approaches to citizenship. This paper will endeavour to address these issues both theoretically and practically by analysing the topic in relation to identity, opportunity and risk.

The theoretical approach will be outlined using Bourdieu’s notions of social and cultural capital (1986), as well as the work of Hage (2000). Consequently citizenship will be divided into its constituent parts of ‘practical-cultural acceptance’ and ‘institutional-political’ acceptance, and by making this distinction we find ourselves in a better position to analyse how the multiplication of citizenship statuses has led to the possibility of their use for more expedient or exploitative purposes.

**Corresponding Author:**

## Introduction

Citizenship has changed significantly in recent years, largely as a result of globalisation and migration. Individuals now have increasingly complex and plural citizenship statuses, and, as a result, they are used and understood in different ways. The *power to choose* between citizenship statuses, while not widespread, is becoming an increasing possibility. This paper will attempt to consider these changes by looking at several novel trends concerning citizenship as status as well as evaluating some of the contemporary citizenship literature. The three key changes, namely, the increasing number of dual citizens, the proliferation of ‘less-than-citizenship’ statuses and the advent of European Union (EU) Citizenship deserve particular attention. The first of these, the increasing number of dual citizens, suggests that the notion of citizenship as a singular allegiance to one state is now under question. So what is this new relationship between state and citizen and how do the previously mentioned more novel forms come into play? Any indication of an individual’s power to choose between statuses suggests possibilities for exploitation or expediency. In considering these ‘systematic’ (Faist & Kivisto, 2007) approaches to the value and meaning of citizenship, the possibilities of isolating common motivating factors becomes apparent. Two such factors, those of opportunity and risk, will be considered in greater detail as well as the relationship between the concepts of citizenship and nationality.

### *Diversification of Citizenship as Status<sup>1</sup>*

While it is possible to argue that citizenship has undergone countless changes in recent years, there are three which deserve greater attention. The first of these is the (quasi) normalisation of dual citizenship. While not all states accept multiple citizenship, the number that do have been increasing quite noticeably (Faist, 2001), and the trend is believed to be enduring (Bloemraad, 2004). At this juncture however, it is reasonable to point out that acceptance of dual citizenship does not mean its encouragement. In most states there is merely a *de facto* acceptance of dual citizenship, which is more correctly described as an absence of its prohibition. This is perhaps most obviously exemplified by the American case, where, despite taking the oath of allegiance and swearing to ‘*absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen*’, one is not explicitly forced to denounce their former citizenship. This creates a situation where, despite the fact that there is no legal foundation (perhaps quite intentionally), there are a considerable number of individuals who have this status. Fewer are the countries that accept *de jure* dual citizenship, with only Sweden (Gustafson,

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<sup>1</sup>Here my emphasis on and use of the word status in relation to citizenship requires clarification. By viewing citizenship qua status, one is defining it in opposition to nationality which relates more closely to culture and identity (and thus emotion), as well as making it distinct from the participation aspects of citizenship.

2005) and Australia (Australian Citizenship Council, 2000) going any way to encourage their nationals to maintain these statuses.

The increasing number of individuals with dual citizenship has some very interesting implications. While the rights and duties vary between these states, dual citizenship may allow the individual the right to vote in two national elections, give them greater access to forms of welfare, medical and consular assistance as well as giving them the possibilities of employment (and investment or property ownership) in more than one labour market without the impediment of working visas and other related paperwork. Specific figures for the numbers of states that accept either *de facto* or *de jure* dual citizenship are lacking, along with the number of individuals who qualify as such<sup>1</sup>.

The second such change relates to the appearance of ‘light citizenship’ statuses. Here the term ‘light’ needs clarification; these are statuses that suggest less-than-full membership to the state and may take several forms. The first of these can be broadly categorised as ‘emigrant citizenship’, which is attempted by states of emigration at outreach to recently departed individuals. These statuses offer a limited body of citizenship rights, such as the right to reside or own property, but may not allow access to other rights such as the right to vote. Some key examples of this include the Turkish Pink Card<sup>2</sup> and the Indian NRI scheme<sup>3</sup>. While these have been largely explained away as a means to encourage a return of investment and skills to these countries, their success has been limited, especially when measured in terms of individuals willing to obtain these ‘watered down’ statuses (Barry, 2006; Caglar, 2004; Fitzgerald, 2000).

The second manifestation of ‘light’ citizenship, that of denizenship (a status that relates roughly to permanent residency), is also on the rise. This status is often seen as an interim stage on the way to citizenship, but many chose to not pursue full naturalisation. Similarly to emigrant citizenship, it offers a watered-down body of rights. The increasing number of people content with this status and their motivations (or lack thereof) necessitate further research and a better understanding of how this fits in with a more general conception of the topic (Bosniak, 2008).

The final change to be considered is that of European Citizenship. Since its

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<sup>1</sup> There have been numerous attempts to form some type of both quantitative and qualitative analysis of both the number of dual citizens and the existence of *de facto* acceptance (which is often more difficult to illustrate, as it is the result of an absence of laws and restrictions rather than the presence of one), some (reasonably) successful attempts include: (Blatter, Erdmann, & Schwanke, 2010; Boll, 2007; Faist & Gerdes, 2008; Howard, 2005; US Office of Personnel Management, 2001)

<sup>2</sup> The Turkish Pink Card was an attempt to allow individuals with foreign citizenship in states that did not allow dual citizenship to maintain some semblance of a citizenship status in Turkey. This scheme emerged largely in relation to changes in German citizenship law and is thus also an interesting example of the interplay between the citizenship laws of various countries (Bauböck, 2010; Caglar, 2004).

<sup>3</sup> NRI stands for Non-Resident Indian, and as India does not allow dual citizenship, so this scheme allows externally naturalised individuals to visit and invest in India, but has been criticised for its obvious targeting of former citizens from wealthier countries (Dickinson & Bailey, 2007)

institutionalisation in 1992 through the Treaty of Maastricht<sup>1</sup>, this supra-national citizenship status has given rights to various nationals from the other member states. At this point it is worth mentioning that it is both novel and qualitatively different from a regular status of full membership. To further illustrate this point, one may revert to the definition proposed by T.H. Marshall (1963), who suggested that modern citizenship includes civil, political and social rights. By comparison, European Citizenship only offers civil and (partial) political rights, but no social rights. For these reasons, comparisons between national and European Citizenship are far from helpful (Faist & Kivisto, 2007). It does however provide us with a novel and intermediary form of citizenship deserving of further analysis.

The institutionalisation of European Citizenship is also noteworthy in regards to the value that it adds to the respective national citizenships. Certain scholars have already introduced the notion of personal advantage bestowed upon multiple passport holders (Ong, 1999). This has made it more attractive to certain individuals, and while it would be almost impossible to quantify the numbers for which this has become a motivator for obtaining citizenship, the initial stages of my qualitative interviews<sup>2</sup> would suggest that this is certainly the case for some.

In order to better classify these three changes, it is helpful to introduce Rainer Bauböck's notion of *citizenship constellations*, which he defines as:

‘... a structure in which individuals are simultaneously linked to several such political entities, so that their legal rights and duties are determined not only by one political authority, but by several.’ (Bauböck, 2010, p. 848).

His focus on rights and duties echoes the aforementioned work of T.H. Marshall (1963), but his attention to multiple statuses covers a trend that wasn't an issue back in 1949. Bauböck continues by suggesting that there are two types of citizenship constellations, those that are *horizontal*, such as an individual with dual citizenship, as they both bestow the individual with full and equal membership, or *vertical* constellations, such as an individual with European or other supranational form of citizenship, to which I would add the less-than-citizenship statuses already mentioned. The usefulness of this concept is thus to both illustrate the interplay of the various statuses with each other, but also serves to point out how variations in status can be qualitatively different. This diversification of the type and quality of citizenship statuses suggests a great number of changes to the way it is both conceived and used.

### *A Theoretical Approach to Citizenship*

How are we best to theoretically perceive citizenship? One approach would be

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<sup>1</sup>It also serves to mention that in the following year the EU introduced a new policy on citizenship which made it necessary that all states allow mother as well as father to pass on their citizenship to their offspring, further increasing the number of individuals with dual citizenship within the EU.

<sup>2</sup>This fieldwork consists of a series of qualitative semi-structured interviews with dual citizenship holders that inquires how these individuals both understand and use their citizenship.



using the work of Ghassan Hage (2000), who, in his attempts to understand racism, suggests a division of citizenship into two elements, one being a practical-cultural national belonging and the other being institutional acceptance as granted by the state. This analysis borrows from Bourdieu's well-known concept of 'cultural capital'(1986), and transforms it into the concept of 'national capital', which one must have or accumulate to be considered a member of the cultural aspects of citizenship. This division is theoretically useful for two reasons. Firstly it suggests the possibility (and increasing probability) of obtaining a citizenship status without the cultural and identity aspects that go with it. Secondly it conveys the idea that the value of a given status is mitigated by the capacities of that individual functioning within that cultural sphere. This however is a subject that requires its own separate analysis.

While maintaining this distinction, it is here where I must diverge from Hage's original argument. His attestation that racism is perpetrated by those with the highest level of 'national capital', is perfectly valid, but the relationship between these two aspects of citizenship need to be further explored. In instances where the individual is not residing (or in some cases hasn't resided) in the state of their citizenship, the identity aspects are not externally reinforced, and thus may take less of a priority. In other cases such as diasporic communities the opposite can be true, in which case the national culture is reproduced within that community.

The two aspects announced by Hage, also have an interesting corollary. An individual may consider a citizenship valuable for either (or both) institutional advantages or reasons of identity and complementary cultural capital. This becomes of greater relevance for individuals with more than one status as they characterise the value of their respective citizenships in different ways, which is something that has emerged quite consistently in my preliminary interviewing. Citizenship can either be an important identity marker, or the status can be used to provide resources or access in a more expedient understanding. Unsurprisingly, the greater the cultural fit between the individual and the perceived 'national capital' of a certain citizenship, the more likely that that citizenship status is perceived in terms of being important to that individual's identity.

Aihwa Ong, in her book 'Flexible Citizenship'(1999) also uses Bourdieu's notion of cultural capital, but to somewhat different ends. She is more interested in the capital accumulation techniques of cosmopolitan individuals. She clearly illustrates from the very first page of her text, how citizenship can be used systematically for personal gain, whether it be financial or otherwise. She comments, '*the multiple passport holder seems to display an élan for thriving in conditions of political insecurity, as well as in the turbulence of global trade.*'(Ong, 1999, p. 1) This ability to use citizenship in more instrumental ways shall be the subject of the subsequent section of this article.

#### *Identity, Opportunity and Risk*

As has already been mentioned, citizenship is oft considered by individuals in

one of two ways; either as an important marker of identity and culture or in a more expedient way, where citizens (or potential citizens) see the status as a means of access to certain rights and opportunities<sup>1</sup>. The notion of citizenship in relation to identity has been previously addressed in the theoretical part of this paper, and the problems of understanding citizenship and identity are often hampered by the difficulty of conceptually dividing citizenship and nationality, an issue that will be addressed in the following section. What will now be considered are some of the motivations concerning expedient citizenship decisions<sup>2</sup>.

As certain citizenships may offer access to different rights and resources, it is not surprising that actual or potential citizens may view these statuses opportunistically. If one needs examples of the systematic attempts to use citizenship in recent years the cases are endless. In an Australian context, a well-publicised example was that of David Hicks, a terror suspect once held at Guantanamo Bay, who obtained British Citizenship (through hereditary means, and despite the best attempts of the British Government to hamper his application) during his period of imprisonment. Despite clearly qualifying for citizenship under the then existing legislation, it took many months and legal battles before it was granted (only to be revoked a few hours later), with the British unwilling to offer the assistance that they had given previously to other nationals in a similar position. His application for citizenship was a blindingly obvious attempt to obtain a personal advantage (Crabb, 2006). A more recent example is that of Gerard Depardieu (Press, 2013), the notable French actor who attempted to gain first Belgian then Russian Citizenship, in an attempt to evade changes that significantly increased the tax rates for individuals who were earning over one million euros annually. Russian Citizenship (along with the flat 13% income tax rate) was then granted to him by Vladimir Putin himself under considerable media coverage, though Depardieu denies that his move was financially motivated, but rather undertaken as an act of protest.

But what of risk? Multiple citizenship statuses can be seen both as a means to mitigate risk as well as a risky venture in themselves<sup>3</sup>. As a means to mitigate risk, it is possible to view them as some sort of safety net; when something occurs in the current place of residence, one may quite easily move to the other area of state of citizenship and take up (or resume) residence there. Recent media coverage of Greeks returning to Australia because of the economic situation in Greece is perhaps a more concrete example (Fotiadi, 2011). In

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<sup>1</sup>Despite making the distinction between the various motivations for obtaining/maintain/rejecting citizenship, these are merely ideal types to better illustrate various factors. In reality it is likely that more than one factor may come into play, or may inform the individual choices and actions at different times.

<sup>2</sup>By citizenship decision, I mean the choice to obtain, use, maintain or denounce citizenship. While this too may be done for identity reasons, the focus of this section is on those that do so for more exploitative or expedient ones.

<sup>3</sup>Following on from this argument, one of the common reasons cited by individuals who didn't want to obtain the Turkish pink card was the fear that it would put their existing citizenship at risk.(Caglar, 2004)

certain ways, European Citizenship offers a similar avenue for escape; the ability to work in another member state is for some an attractive proposition, but in reality not many take up this opportunity due to both personal preference as well as the lack of the social and cultural capital necessary to make the move successful.

Perhaps the most obvious risk of having more than one citizenship status is the possibility of revocation by the state. Individuals with a single citizenship may not have their citizenship revoked as it would render them stateless. Those with more than one citizenship, effectively enable either of these governments the possibility of revocation (though this obviously does not apply to the less-than and supranational type statuses) (Faist & Kivisto, 2007). Denouncing citizenship is not without its risks as recent situations in the US have indicated. Following the denunciation of US Citizenship by Facebook co-founder Eduardo Saverin (Kucera, Vallikappen, & Harper, 2012), the US government introduced the retroactive Ex-PATRIOT Act (Sen Schumer, 2012), which, among other things ensured that if individuals are found to have given up their citizenship due to financial motivations<sup>1</sup> they would face financial penalties and will not be able to re-enter the country.

This analysis of opportunity and risk has purposefully abstained from considering some of the theoretical literature behind these subjects, and instead has sought to illustrate expedient and exploitative citizenship decisions with several real-life and concrete examples. These however are only the tip of the proverbial iceberg and many others could have been used in their place.

### *Barriers to Understanding*

As has been illustrated in an earlier section of this paper, making the distinction between citizenship and nationality is by no means an easy task; the two terms are often used interchangeably, and for many the two are often considered congruent. Some disciplines prefer one (such as the legal preference for the term of nationality), while others assign the two different meanings. Citizenship even in isolation has been approached in a dichotomous fashion by the literature; there are those who consider it as the status of full and equal membership of a state (anyone who speaks of dual or multiple citizenship would normally define it as such), while others consider the term to constitute political action and participation within the polity<sup>2</sup>.

The difficulty of dividing citizenship from nationality may in some ways lead to excessive emphasis on citizenship playing an important role in identity. It is not hard to see why; identity documents associated with citizenship, from passports to identity cards, are usual decorated with images of national significance and words such as ‘American’ or ‘Australian’ in reference to a person can be as much a designation of nationality as it can of citizenship. It

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<sup>1</sup>The US is the only state that taxes its citizens rather than its residents, so if a citizen attempts to move to a region with a lower tax regime then they must also denounce their citizenship.

<sup>2</sup>This was exceedingly obvious at a recent conference on citizenship that I attended, and while linkages can be made between citizenship qua status and citizenship qua participation, these two definitions add further complexity to an already difficult topic.

was not long ago that citizenship and nationality were close to congruent, but the increasing heterogeneity as a result of migration has meant that this is no longer the case, and the two are becoming increasingly divorced. However this realisation is lacking in much of the literature.

In addition, the introduction of citizenship tests is a further indicator of this increasing divergence between citizenship and nationality. These tests (along with the courses that precede them) strive to ensure that ‘national values’ are exhibited by those who naturalise. This however is a rear-guard attempt by states to maintain some congruence between citizenship and nationality, which has largely been in vain.

### *Conclusion*

It would need a fool to attempt to sum up all the changes to citizenship in a paper of this size. Instead, what has been attempted here is to present a brief introduction to the most notable changes that have occurred over the past few decades. These relate to the diversification of citizenship statuses including the increasing number of individuals with dual citizenship, the introduction of ‘less-than-citizenship’ statues by countries of emigration, the growing number of denizens, as well as the institutionalisation of EU citizenship. These have far reaching implications for the ways that citizenship is conceived and used. In order to better illustrate this fact, the cultural and identity elements have been theoretically divorced from aspects of status, which allows the assertion that citizenship can and has been used in expedient ways, as was illustrated by several contemporary examples. The possibilities of choice with regards to citizenship have been facilitated by this pluralisation of statuses, and have created the possibility for certain individuals to exploit these avenues. As these changes increase in number and citizenship continues to evolve, this is a subject that will increasingly require further scholarship.

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