Full Citizens, Double Agents:
An Agent-Centred Account of Dual Citizenship

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A thesis submitted to the

Faculty of Graduate and Postdoctoral Studies

in partial fulfilment of the requirements for the

MA degree in Conflict Studies

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Abstract

Dual citizenship—once synonymous with a dubious moral and political status—has recently been hailed as a new standard of autonomy, inclusiveness, and political choice. The growing recognition of multiple citizenship as a viable, constitutionally protected status has been viewed as an indication of states' increasing willingness to relinquish controls over personal identity-formation and conceptions of political belonging. However, vastly divergent views about the nature and influence of plural citizenship persist, hampering efforts to assess its significance as a progressive and democratic political phenomenon. The thesis highlights the normative implications of dual citizenship as a moral-political issue from the perspective of the theory of moral agency. Drawing from the work of Christine Korsgaard, I argue that dual citizenship is not a practical identity that individuals can endorse as autonomous, self-respecting moral agents. Nonetheless, dual citizenship represents a valuable political ideal for persons whose interest in avoiding compromises to their moral agency entails the capacity for critical self-reflection on state membership. The thesis contributes to current developments in transnational citizenship theory while underscoring the importance of the theory of moral agency for understanding of the value of citizenship.

[T]o be a human being is to be obliged to decide what to become and to endeavour to become it.

–D. Norton, *Democracy and Moral Development*

Who is in and who is out?—these are the first questions that any political community must answer about itself.

–Michael Walzer, *Thinking Politically*

Introduction

Dual citizenship—once synonymous with a dubious moral and political status—has

recently been hailed as a new standard of autonomy, inclusiveness, and political choice.

A growing number of countries now recognize some form of dual citizenship (Levitt and

Schiller 2004:1020; Kivitso 2007: 275), both as a constitutional right and as a means to

peace, security, and economic prosperity (Conway *et al* 2008; Mazzolari 2009; Macklin

2007: 363-364). Denunciations of dual citizenship as a source of conflict or a

contradiction in terms are increasingly challenged both by state practice and by those

who view its adoption as an aid to transnational democracy (Blatter 2011; Frank 1999;

Spiro 2010). Rainer Bauböck (1994: viii) has claimed that transnational citizenship is

"the liberal democratic response to the question of how citizenship in territorially

bounded polities can remain equal and inclusive in globalizing societies." More recently,

dual citizenship has been hailed as a standard of autonomous political agency. As

Thomas Frank (1999: 81—Emphases in original) has argued, "the state seems ready to

tolerate not merely [multiple citizenship] as such, but autonomous *individual choice* of

identities [and]…*autonomous* personal choice in the formation of identity." Despite

these powerful endorsements of transnational dual citizenship, vastly divergent views

about the nature and influence of dual citizenship persist, hampering efforts to assess its

significance as a progressive democratic political phenomenon. Linda Bosniak (2000)

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suggests that dual citizenship is a mere extension of more ordinary forms of national state membership, while others view it as a prime example of the 'commodification', 'lightening' and devaluation of citizenship that threatens to render the concept meaningless altogether (Joppke 2010a, 2010b; Hansen 2009; Spiro 2008; Miller 2000). Most citizenship scholars agree, however, that the prospects for full accommodation in multiple nation states remain quite limited (Bauböck 2007; Cohen 2009; Joppke 2010). Indeed, few have considered how *full* dual citizenship should be understood, whether it is possible, or, indeed, whether it is desirable from the perspective of citizens as moral agents.

Dual citizenship represents an especially difficult problem for political philosophy and practical ethics. If citizenship is a normative identity then it must be guiding. Yet it is essential to the definition of dual citizenship that there be no single legal or constitutional framework that is capable of representing its normative core. By definition, dual citizenship is citizenship 'A' vis-à-vis citizenship 'B'. So dual citizenship does not denote a locus of practical reasoning over and above the different normative contexts for action and deliberation through which it is defined. Nor does it reference an arbiter concept or adjudicatory principle to determine between competing and potentially incommensurable conceptions of citizenship norms and practices. Consequently, the normative dimensions of each individual 'citizenship' are deprived of their normative force as forms of *practical* guidance. Thus, we are left with difficult questions about whether states should endorse dual citizenship, and if so, on what grounds.

Interestingly, recent debates in transnational discourse have tended to reinforce the normative legitimacy of single-state conceptions of citizenship by focusing on the 'inevitable' and 'necessarily' limited forms of citizenship that transnationals are capable of enjoying in particular nations (Bauböck 2007; Cohen 2009; Joppke 2010). Furthermore, there is widespread agreement among citizenship theorists that transnationals must be prepared to accept some form of limited citizenship with truncated political and civic rights (Cohen 2009; Bauböck 1994; Schmidtke 2001; Soysal 1994). Rainer Bauböck (2007) has responded to these conditions by developing a choice-matrix reflecting the inevitable 'trade-offs' between political participation and autonomy for migrants whose membership is curtailed in any one community. Other scholars simply note the differences between state practices in institutionalizing limited forms of citizenship for migrants (Faist and Gerdes 2008; Soysal 1994) and the resulting surge in informal networks of political participation (Bosniak 2006; Lister and Pia 2008; Portes 1996). Predictions about the inevitable 'lightening' and commodification of citizenship (Joppke 2010) are best understood against this backdrop of existing and potential trade-offs.

In consideration of these views, it's important to identify the inherent limits of dual citizenship. In a suggestive passage Thomas Faist (2000: 211) writes: "[t]ransmigration reaches its very limits, when we look at persons living quasi-simultaneously in two-places, as an expression of modern day ubiquity."[1] Two points spring from this observation. First, there is a limit to living 'quasi-simultaneously in two places'; second, the limits of transmigration are best understood in light of the potential

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[1] For an overview of transnational migration theory see Boris Nieswand (2011); Levitt and Schiller (2004); and, the 2003 (fall edition) of *International Migration Review*.

for transmigratory living to become a dominant way of life. I argue that the limits of dual citizenship are a function of the limits of practical reason and moral agency. Questions concerning practical reason are questions about what we have reason (or most reason) to do and moral agency concerns the freedom and capacity to act on those reasons in the service of certain normative ideals. Reaching or transgressing the limits of a life lived in two places has important *normative* implications for personal identity and it is important to examine these implications at the level of the individual prior to assessing its limits as 'an expression of modern day ubiquity' (i.e. at the global or inter-state level). Although the rapid emergence of dual citizenship is largely viewed as a relatively recent international phenomenon I aim to bring greater clarity to dual citizenship, first and foremost, as an issue of inner conflict, and of moral and political obligation and belonging in a transnational context (Boll 2007; Spiro 2000).

Drawing on the work of Christine Korsgaard, I argue that citizenship is a kind of practical identity chosen and endorsed by moral agents, which aids in the maintenance of the 'unity of the self'.[2] Korsgaard claims that we have many kinds of contingent practical identities (e.g., as family members, as members of religious or minority groups, as

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[2] Korsgaard's use of the term endorsement is based on Kantian notions of autonomy and self-respect which are ultimately related through the concept of dignity. On the classic Kantian account, dignity is an inherent, irreducible feature of persons that cannot be lost, damaged or recovered. On this view, *persons* cannot fail to have moral worth. Actions (acts that we undertake for the sake of particular purposes), can fail to have moral worth, however, since it is through our actions that we may come to treat others as mere means (i.e. we disrespect others' innate dignity, and our own, through our actions). One way we treat others as less than ends-in-themselves is to fail to abide by the norms we commit to in virtue of adopting a particular identity (e.g. as a citizen) and, to this extent, we may act more or less autonomously, or in ways that are more or less worthy of our self-respect. When Kant (2002: 57 [AK 4:440]) claims that "…neither fear nor inclination, but solely respect for the law, is the incentive that can give the action its moral worth" he is referring, in part, to the fact that only actions which are autonomously authored are of moral worth. The state can coerce you into 'doing the right thing', but actions are morally good in virtue of their being freely chosen (i.e., 'endorsed' within certain practical constraints—i.e., in accordance with the moral Law).

professionals, as parents, and so on) and thus, many potential sources of normativity. We need a way of unifying those normative identities, for unless we do, we will be incapable of 'action' (acting-for-the-sake-of-particular-ends) and we will not be accountable to a view of ourselves as unified or particular moral agents. To be a unified moral agent is to have an answer to the basic question of practical reason: 'What should I do?' To question whether dual citizenship is a *practical* identity, one which grounds the possibility of answering this question, is to ask whether, or to what extent, dual citizenship is compatible with an account of moral commitment, "a way of making sense of how our moral lives can be guided by an allegiance to certain substantive visions of the good" (Backhurst 2000: 172).[3] To the extent that our substantive visions of the good require some kind of formal commitment to basic political procedural principles of action, we cannot choose to endorse full dual citizenship as a practical identity. In other words, full dual citizenship cannot be a unifying identity since it refers us to different sets of normative-procedural commitments for unifying our agency, and thus, dual citizenship is bound to fail as a way of unifying ourselves. Indeed, from the perspective of moral agency, dual citizens represents a kind of 'double agent' whose full political membership in any one state precludes full, responsible membership in another. The possibility of moral double-agents raises important normative questions about what restrictions states may reasonably impose on their members including whether states may legitimately limit the rights of multi-nationals or ban dual citizenship outright.

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[3] I am influenced here by David Backhurst (2000: 172) who puts this challenge to Moral Particularists for whom the possibility of moral thought or moral deliberation does not depend on the existence of a suitable supply of moral principles. See, Jonathan Dancy. (2004) *Ethics Without Principles*. It is not my aim here to determine whether the normative implications of dual citizenship are spelled out in any particular, or any moral particularist, theory.

The central aim of the thesis is to understand the limits of dual citizenship as a practical or coherent identity from the perspective of the theory of moral agency. So I will be arguing that dual citizenship raises a moral issue best understood in terms of moral agency. In particular, I will claim that adopting dual citizenship as a normative identity is inherently challenged by the idea of a moral person as someone who can make more or less principled commitments and, therefore, lead a morally consistent life. I maintain that citizenship (singular) is a practical moral identity through which individuals can coordinate and unify their actions, along with the various commitments that issue from the different sorts of identities one may have (e.g., as parents, as professionals, as members of religious, ethnic, or minority groups, etc). On this account, citizenship is a kind of *unifying* identity. By contrast, to be a full dual citizen is to adopt the constraints imposed by two distinct normative/political systems which is essentially incompatible with an account of moral commitment, and, thus, impractical for individuals as a moral identity. If states are normative systems then to act in accordance with an allegiance to two distinct states is like acting in accordance with the principles of two distinct orthodox religions. We may hold out for some kind of interfaith dialogue, but the purpose of such dialogue is to find common ground, not to discredit the fact that the religions are importantly distinct. Similarly, dual citizenship is not a practical moral identity individuals can endorse as autonomous, self-respecting moral agents.

The suggestion here is that states' have a legitimate reason to reduce or abandon dual citizenship based on the worry that dual citizenship is somehow parasitic on the *value* of citizenship as such. However, to say that dual citizenship cannot be a practical moral identity or that it fails to generate an account of moral commitment is one thing; to

say that it must be abolished is something else. While *full* citizenship depends on our ability to unify our moral identity in regard to certain standards and commitments, fully *responsible* citizenship depends on the capacity for critical reflection on the standards and commitments one has chosen to adopt as a citizen. The moral basis for allowing or tolerating dual citizenship is not necessarily whether it is a perfect mechanism for unifying one's moral identity with any particular state. The central question is whether dual citizenship is somehow valuable for states and their citizens. In what follows I argue that the value of dual citizenship lies not in maintaining a kind of moral unity of personhood, but, rather, on the value of political disunity, which, although not intrinsically valuable for moral persons as an ideal, is a value for the *demos*. On this view, dual citizenship is not to be understood as a source of autonomy, or a sign of states' willingness to relinquish control over moral/political identity formation as Frank (1999), Blatter (2011), and others (e.g. Bauböck 1994; Spiro 2010) contend; rather, it is better understood as a sign (or a test) of a state's internal normative legitimacy and, to this extent, of indirect interest to individuals. Crucially, then, the *value* of dual citizenship does not depend on its capacity to contribute to the formation of a coherent moral identity (i.e. as a moral ideal), but, rather, on its capacity to serve as a political ideal that represents the importance of critical self-reflection on the standards and commitments one has chosen to adopt as a citizen of a particular state. The essence of an ideal of dual citizenship is captured by the Korsgaard's concept of 'reflective distance' (Korsgaard 2008: 4)—the idea, to adapt Korsgaard's words for my purposes, that one can negotiate between different normative systems, and thus treat each state as a source of "aware[ness] of the potential grounds of [their] beliefs and actions *as potential* grounds" (Korsgaard

2008: 5—original emphasis). On this account, citizenship expresses an ideal of moral-political *unity* whereby compatriots agree to certain basic shared standards as representing the conditions of just and efficient coordination of their rights, goals, and aspirations; dual citizenship expresses an ideal of political *disunity* in the form of legitimate critical self-reflection on state membership that demands uptake and is capable of resulting in institutional and constitutional refinement.

The remainder of the introduction serves as a rough sketch of the thesis. I begin by clarifying *what this thesis is not* before outlining my *methodology and approach*, including my reasoning for departing from the empirically oriented research that currently dominates the literature on dual citizenship. Here I defend (somewhat pre-emptively) my emphasis on viewing dual citizenship as an issue of procedural rather than substantive justice. I then define my *key concepts* followed by a brief summary of the *structure* of the thesis. In the final section of the introduction, I consider the significance of the thesis for the context of Conflict Studies and I demonstrate the challenges of assessing dual citizenship as both a source of and solution to various forms of conflict.

What This Thesis is Not

The thesis does not present a *theory* of dual citizenship nor is it a treatise on moral agency as such. Although I am influenced by Christine Korsgaard's work on the theory of agency, I do not aim to defend her position against rival accounts. Throughout the thesis I claim that states are a kind of 'normative system'. I do not mean to suggest that states are the only kind of normative system, or that states are the most important kind of normative system for individuals, though it's important to point out that other normative

systems (e.g., religious orders or corporate cultures) may thrive or fail depending on the background conditions of rights and values upheld and enforced by state institutions.

Although I focus on some of the complexities of dual citizenship, nothing that follows is meant to suggest that the moral life of mono-nationals is somehow less complex than that of dual citizens. Dual citizens may be particularly susceptible to potentially conflicting and incommensurable obligations owing to commitments made simultaneously to different moral/political communities. But there are many ways in which the continuity of our moral lives may be challenged, disrupted, or undermined. We needn't experience a life lived between physical or constitutional boundaries to feel the pull of competing commitments or moral dilemmas. Most important, the thesis is not opposed to dual citizenship. I do not believe people should renounce their dual citizenship, that states ought to refuse to tolerate multiple nationality, or that being a dual citizen is somehow inherently immoral, or, in thicker moral terms, that to be a dual citizen is to be disloyal, traitorous or unbecoming of a citizen. I'm less interested in defending dual citizenship as a status Liberal states should or should not adopt, than understanding how, or in what sense, we can endorse dual citizenship as individuals and, thus, the kind of normative force this endorsement implies. Since 'normative' is not a straightforward substitute for 'moral' or 'ethical'—rather, it indicates a compelling source of reasoned motivation to act in a particular way—we needn't understand the normative significance of dual citizenship (for those who have it) in exclusively fundamental, moralist terms. So although I refer often and throughout to dual citizenship's compatibility with a certain conception of *moral* agency, being an agent does not reduce to moral agency (e.g., agency can be political).

A final point is worth emphasising. My insistence on the limits of dual citizenship as a normative ideal should not be confused with the claim that there is an *essence* of dual citizenship as a lived experience. Many scholars highlight the significant complexity and range of contemporary transnational citizenries.[4] The possible combinations of state membership alone preclude a facile treatment of dual citizenship as a singular form of political experience. Nor do these combinations exhaust the meaning of dual citizenship as it is commonly understood in the form of a relationship between particular individuals and their representative governments, or, less commonly, between the governments who must 'share' citizens between states. The 'experience' of dual citizenship is likely to be as varied as the number of dual citizens themselves whose feelings of affinity, cultural knowledge, and political aspirations are deeply personal and, in some respects, may be inaccessible *even to themselves*. Contemporary political psychology (e.g., Marcus 2013) supports the view, long-held by moral and political theorists, that not all aspects of our cognition are accessible by way of critical self-reflection. As Michael Callon (*et al*: 2009: 114) says: "…we should resist the idea that the people is made up of individual citizens each of whom knows exactly what he or she wants on every subject and is endowed with preferences that are fixed once and for all." Whether the 'inevitable' tradeoffs in political autonomy (e.g., restrictions on voting or property rights, or tax benefits) entailed by dual citizenship actually matters to individuals, and, thus, whether they are perceived as actual tradeoffs, depends to a great extent on whether the individuals concerned are the kind of citizen who is interested in voting or in paying their taxes. The upshot of this point, and the refusal to appeal to an

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[4] Bocker and Thranhardt (2006); Culic (2006); Dahlin and Hironaka (2008); Ersanilli and Koopmans (2010); Faist *ed*. (2007); Hansen (1998); Kovacs (2006); Mazzolari (2009); Papazoglou (2010); Ruget and Usmanalieva (2010).

essence of dual citizenship more generally, is this: I will not be saying that dual citizens

share (except in a trivial sense) a certain quality that we can isolate, measure or otherwise

determine as making a contribution to ethical decision-making, feelings of belonging,

effects on other citizens within the demos, and so on. It is easy to implicate someone's

identity as a 'dual citizen' in a casual story that refers their having dual citizenship to a

certain definite political outcome (e.g., disloyalty to the state). In Germany, for example,

the public has actively opposed dual nationality for, among other reasons, its potential to

generate 'conflicts of loyalty' (Green 2005: 922). The relationship between dual

citizenship and disloyalty is an important issue (being a dual citizen may indeed enable

disloyalty in a way that being a mono-national does not, say, in furnishing more or better

opportunities to betray a nation's secrets), but we should meet causal statements that

identify a general propensity to be disloyal with the quality of being a dual citizen with

scepticism. The next section sketches, in more positive terms, the methodological

assumptions I am prepared to work from as well as my basic approach to the subject of

dual citizenship.

Methodology and Approach

The thesis presents a normative-theoretical account of dual citizenship. My approach is

primarily concerned with procedural, over substantive, considerations of justice by

emphasizing the conditions of equality necessary to support the notion of dual citizens as

autonomous moral agents. A procedural conception of dual citizenship makes

substantive considerations of its value prior to, and parasitic on, our commitments to

particular deliberative procedures. Because my arguments are not based on in-depth,

quasi-empirical investigations or case studies my approach is open to the immediate

objection of being overly formal, ignoring crucial differences between transnational

citizens and important empirical considerations, all the while favouring a liberal rights-

based conception of citizenship. A substantive view of dual citizenship would

emphasize, as Nina Glick Schiller (2005: 27) does, that "[b]ecause the same transnational

social field may contain individuals with differing interests and agendas, the degree of

unity and purpose of a transborder citizenry must be assessed empirically, as with the

study of any citizenry."[5] I do not deny that there is a wealth of social scientific studies on

transnational dual citizenship (see e.g., Bocker and Thranhardt 2006; Culic 2006; Dahlin

and Hironaka 2008; Ersanilli and Koopmans 2010; Faist *ed*. 2007; Hansen; 1998; Kovacs

2006; Mazzolari 2009; Papazoglou 2010; Ruget and Usmanalieva 2010). But it is

questionable whether our understanding of the moral issue of dual citizenship can or

should be restricted to debates about what we can measure. Even if we suppose that it

could be measured, we would quickly find that our descriptive empirical language was

laden with normative and value-based assumptions. Nina Glick's (2005: 28-29)

definition of a 'social field' as—"an unbounded terrain of multiple interlocking

egocentric networks"—raises many more difficult questions about how such a study is to

be conducted, let alone conceived in terms of moral or political thought. I grant that

questions about the relationship between dual citizenship, and, say, rates of naturalization

or integration (which are morally and political significant) can only be sufficiently

answered "by exacting empirical analysis" (Faist 2007: 16). But these questions are not

merely empirical, for it is unclear what the proper measure of *successful* integration is,

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[5] One problem with Schiller's particular approach is that it rests on an unwieldy definition of a 'social field': "an unbounded terrain of multiple interlocking egocentric networks" (Schiller 2005: 28-29). For a discussion of the relative merits of this metaphor in transnational migration literature see Nieswand (2011: 31-35).

and, thus, what it ought to be. Whatever standards are appealed to, concepts of societal integration, like concepts of justice, will vary dramatically from state to state, and between individuals within each state. Indeed, claims of successful integration may simply come to reflect the presuppositions of existing ideals of citizenship and their attendant values. It is, in part, the difficulty in assessing the empirical data on the long and short-term effects of dual citizenship that gives rise to its controversial and elusive status and which suggests the need to rethink the moral and political implications of dual citizenship as a legal, moral, and political status.

In exploring dual citizenship as an ideal in political morality I want to fill in and, potentially, to offset or even expose hidden assumptions implicit in current empirical and historical treatments of this subject. Social scientists and policy analysts have tended to portray issues of dual citizenship in narrowly self-interested terms, either directly from the perspective of state security (Faist and Gerdes 2008: 93) or, in the case of individuals, as so many opportunity dilemmas (Conway 2008) that supervene on state interests. The opportunities are dilemmas because of the way that states seek to safeguard their interests via restrictions or changes in policy that frustrate individual dual citizens in their attempts to reap the rewards of their special status. Implicit in current policy recommendations on dual citizenship is the idea that multiple citizenship is no longer a moral/political issue about conflicting obligations to particular political communities. Rather, it is cast as an issue of public and legal policy *management*. Some policy analysts have gone so far as to suggest that the moral political status of dual citizenship is basically secure. As Aleinikoff and Klusmeyer (2002: 29) put it: "the key question is no longer whether [dual citizenship] is good or bad, but rather how can states best structure policies that minimize

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potential problems and advance other important objectives."[6] My view is that studies on

dual citizenship that continue to reflect more or less the state-centred concerns expressed

in the international treaties of the late 19th and 20th centuries[7] do so at the expense of a far

richer conception of the moral psychological problems dual citizenship gives rise to. The

preoccupation with statist conceptions of citizenship does little to advance our

understanding of dual citizenship in relation to our personal or public *moral*

commitments, nor is it particularly edifying from the purview of non-egoistic moral

theory.

My approach differs from other investigations into dual citizenship in two senses.

First, I resist the temptation to reduce the moral issue of dual citizenship to substantive

issues regarding the material benefits or burdens dual citizenship confers or imposes.

Second, I do not equate the moral issue of dual citizenship with the question of whether

states ought to tolerate or promote it. Indeed, I claim there is a more fundamental

question of whether agents ought to adopt dual citizenship as a guiding ideal for

themselves (independent of how states regard dual citizenship). We can only answer the

question whether states *ought* to tolerate dual citizenship on the basis of our answer to

this more fundamental question. So, although the growing interest in transnational

citizenship and the status of multiple citizenship holders is, in part, a response to the

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[6] The range of potential policy issues involving dual citizenship includes, for example, the loss of
dual citizenship status by association with terrorist activities, granting dual citizenship to adults of
children who qualify for protection against persecution on the basis of a right to family
reunification, or, increasingly, in cases where dual citizenship facilitates *legal* parental
kidnapping across state borders (Alanen 2008). See also, (Hammar 1985: 445).
[7] These documents include the 1930 Hague Convention Concerning Certain Questions Relating to
the Conflict of Nationality Laws, the 1963 Convention on the Reduction of Cases of Multiple
Nationality and Military Obligations in Cases of Multiple Nationality, and the 1868-1937
Bancroft Treaties (sometimes referred to as the Bancroft Conventions, a collective term for a
series of negotiated bilateral agreements between the United States and certain Western European
Nations). See Kivisto (2007: 273-275).

realities, causes, and experiences of transnational citizens, the arguments presented here are aimed at demonstrating the importance of understanding the limits imposed by the formal conditions of practical reason as a way of framing more substantive issues based on, most especially, state-centred interests. Arthur Ripstein (2009: 5) summarizes this basic position as follows:

> Both empirical peculiarities of human inclinations and vulnerabilities and the consideration of where benefits or burdens fall can only be brought in insofar as they can be shown to be consistent with a condition in which every person is his or her own master against each of the others.

This approach will be familiar to those who share the Kantian concern of determining the conditions of formal equality as a means by which to understand issues of substantive equality.

Key Concepts

The majority of the thesis is based on concepts and debates in contemporary mainstream analytic ethics, political philosophy and transnational migration theory. In this section I briefly outline my core concepts concentrating on my use of the term dual citizenship. I begin by noting the common usages and conflations of dual, multiple and transnational citizenship. Next I define dual citizenship—or, as I intend it, *full* and democratically situated dual citizenship. I then contrast full citizenship with fully responsible citizenship. This leads to a consideration of the inherent difficulty of defining full citizenship without first identifying one's allegiances to a particular framework of citizenship rooted in a conception of social justice. I offer a less divisive or question-begging alternative to favouring a particular paradigm of citizenship in order to concentrate on what I call the problem of the 'unity of agency'—a problem which is

rooted in an idealized conception of dual citizenship capable of demonstrating in what sense (full) dual citizens are 'double agents' or divided selves.

In its ordinary sense, dual citizenship is most commonly understood as 'overlapping and simultaneous membership across states' (Faist 2007: 16). As such, it is a form of transnational citizenship, but it is not obviously compatible with any of the main rubrics of contemporary citizenship theory.[8] The terms dual citizenship, dual nationalism, multiple citizenship or transnational citizenship are often conflated (Boll 2007). While it is important to distinguish these terms for the purposes of international law I will not endeavour to do so here. Multiple citizenship includes dual citizens (though it is often used to refer to individuals with more than two citizenships) and both are transnational citizens in the relevant sense of being subject to different modes of practical deliberation with respect to different normative systems. Ultimately, there is likely to be as little agreement in applications of the term dual citizenship as there is currently with the term 'citizenship' itself. 'Citizenship' is frequently used in both descriptive and prescriptive senses, and there is a worry that these senses may be conflated in political theory and policy debates (Bosniak 1998: 30; see also Joppke 2010: 27). Yet if citizenship is a kind of practical identity—if a citizen is a special kind of agent whose conscious awareness of, and critical reflection on, their political commitments to a particular polity 'as *potential* grounds'[9] of their actions plays a key role

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[8] These are the republican, legal, liberal democratic, and cosmopolitan models of citizenship. For an overview see Bellamy (2011). Feminist citizenship theory deserves special mention for providing comprehensive critiques of many traditionalist assumptions and for highlighting the importance of agency. See for example, Birte Siim. (2000) *Gender and Citizenship: Politics and Agency in France, Britain, and Denmark*. Cambridge: Cambridge University Press and Barbara Einhorn (2006) *Citizenship in an Enlarging Europe: From Dream to Awakening*. New York: Palgrave MacMillan.

[9] By 'grounds' I simply mean our basic moral-deliberative/justificatory reasons.

in the development of their moral identity—then it is difficult to see how we can ever fully distinguish between citizenship in its descriptive and prescriptive senses.

By a dual citizen I will mean an individual recognized by the governments of two different liberal democratic nation-states as a full citizen of both states.[10] The idea of the dual citizen can be expressed more or less concretely by focusing on the fluidity of membership between, as well as the virtually simultaneous presence dual citizens are capable of achieving in, both states to which they belong. Thus dual citizens may be considered among those identified by Alejandro Portes (1996: 77) as members of 'transnational communities who lead dual lives':

> Members are at least bilingual, move easily between different cultures, frequently maintain homes in two countries, and pursue economic, political, and cultural interests that require a simultaneous presence in both.

Skill and fluidity in dual membership is significant in that it helps to conceal one's moral/justificatory problem from one's self and others. A dual state member who is wise to each particular political culture will be less likely to attract attention[11] and, therefore, less likely to be alerted to the justificatory dilemma(s) posed by active participation as a citizen in more than one state. This problem is less likely to escape notice where states and state members are keen to identify others' membership status (e.g., Germany), or in more politically and deliberatively engaged societies where internal, private reasoning is publicly scrutinized and debated. Interestingly, although many states formally acknowledge dual citizenship as a protected status in state or federal legislation, few states (Germany being a notable exception) have taken an active interest in formally *identifying* dual citizens within their borders. So although assessments of the value and

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[10] For the purposes of the thesis I use state, nation, and nation-state interchangeably.
[11] I am not interested in whether there is an intention to deceive.

disvalue of particular aspects and effects of dual citizens' lives are important for informing future policies on dual citizenship practices, for the most part, it has not been the prerogative of states to engage their citizenries in these terms.

It is an important question whether *'full'* dual citizenship is the corollary of a *fully responsible* citizen: one who is equally influenced by the normative demands in their obligations as citizens of two states. Any definition of *full* citizenship faces difficulties. Aristotle claims that: '[a] citizen in its fullest sense is one who has a share in the privileges of rule…either alone, or in conjunction with others' (*Politics* Book III, V). But there are many ways of understanding what it means to 'share in the privileges of rule'. Dominant Liberal and Republican versions of citizenship theory remain essentially at odds about their respective normative requirements for full citizenship. For civic republicans, full citizenship demands active engagement in the public political life of a particular political community. For liberals, citizenship centres on individuals' passive status as equal rights bearers. So there are different standards or basic thresholds of political agency and it is difficult to favour one over another without appealing to further standards or foundational principles that are equally open to challenge in light of different, irreducible or incommensurable values.

Any theory of *democratic citizenship* must be able to account for citizens as autonomous, self-respecting moral agents. Most theories of citizenship suggest that citizenship is normative in the basic sense that being a citizen gives us reasons for action. Even a passive liberal account of citizens as rights-bearers assumes that citizens will be guided by the procedures and institutions which uphold their rights and which determine the outcomes of particular conflict between the rights and interests between individuals.

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In concentrating on dual citizenship as an ideal, I follow a long tradition of citizenship theorists in recognizing that "societies in which citizenship is a developing institution create an image of an *ideal* citizenship against which achievement can be measured and towards which aspiration can be directed" (Marshall 1950: 29, quoted in Parry 1991: 167—Emphasis added). I appeal then to an idealized, positive conception of dual citizenship in order to address the issue of dual citizenship (at least initially) as a formal problem and an issue of autonomy in endorsing or committing to basic procedural principles that correspond to the normative structures of particular democratic states. Among the salient features of the state as a normative system are its political/legal institutions and constitutional arrangements that are authoritative in a territorially defined space. States are salient normative systems because they offer procedures through which to arbitrate rival claims based on commitments to rival normative systems (e.g., as when state adjudicatory institutions determine the rights of religious minorities or when state's set limits to how indigenous minority groups treat their 'internal minorities').

Structure

Chapter 1 outlines and tests the foundational premise of the thesis on which most of my arguments and explication of the moral issue of dual citizenship are based, which is the idea that states may be considered normative systems. In (§1.1) I focus on normative challenges to statist conceptions of citizenship and the questionable value of political unity and the concern of political obligation. I express the problem of dual citizenship, first, from the perspective of practical political reason focusing on Rawls's (1971) famous account of the value of political community and its relevance to the value of the unity of the self. I then refer the concept of full dual citizenship to the question of

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whether individuals have special political obligations to particular political communities and, thus, whether we can satisfy obligations in more than one particular political community simultaneously. I argue that dual citizenship is incompatible with the notion of political obligation because the latter presupposes a notion of the 'political' that is essentially a relation between individuals and particular states. However, the claim of political obligation can also be understood as a claim about the nature of states as particular or distinctive normative systems. Section (§1.2) surveys and contrasts Republican and Liberal democratic conceptions of territorial sovereignty which underpin statist conceptions of citizenship. The relationship between citizenship and territorial sovereignty is crucial for understanding how particular normative systems are able to define the acceptable range of human action to reflect the values (ideally) of a 'unified' political community. Republican and Liberal convergence on the importance of territorial sovereignty amounts to an agreement that when "[t]he state claims sovereignty…it claims to be the ultimate source of political authority in its territory" (Morris 2011: 547).   On this view, states are normative systems, but they are not *closed* systems. One potential source of outside influence and authority comes from conventional international rights-based and human rights based conceptions of citizenship (§1.3). As a rule, issues of multiple nationality in international law defer to state law. Thus international law does not undermine the claim that states are sovereign normative systems. I argue against the recent novel claim that dual citizenship ought to be a human right. Contra Spiro, the definition of human rights (i.e. rights that place limits on state sovereignty) implicitly supports a conception of states as normative systems, or so I argue.

In Chapter 2, I appeal to Korsgaard's conception of moral agency, focusing specifically on her description of how individuals constitute themselves as moral agents by adopting, in this case, a practical identity of citizenship. In (§2.1) I describe Korsgaard's account of agency and test its compatibility with the idea that states are normative systems. Korsgaard's conception of agency is useful in that it allows us to put the demands of the state as a normative system in terms that do not presuppose a conception of the political as a single polity. On Korsgaard's account, citizenship is a kind of practical identity (one among many possible identities one may have) which individuals may adopt as autonomous agents. In choosing citizenship as a practical identity one aims to conform to the norms specified or entailed by that identity and thus to make commitments based on those norms. Throughout this section I contrast Korsgaard's position with several prominent sceptics of agent-centred accounts, including Michael Sandel and David Miller. In this way I highlight and distinguish the presuppositions of an agent-centred account of citizenship from those common to state-centred accounts. In (§2.2) I formulate and extend the problem of dual citizens as (moral) double-agents—i.e., agents whose full political membership in any one state precludes full, responsible membership in another. In (§2.3) I consider several important objections to the view that dual citizens are ideal rational agents. The existence of 'double agents' raises important normative questions about what restrictions states may reasonably impose on their members including whether states may legitimately limit the rights of multi-nationals.

Thus, in Chapter 3 I consider whether, or how, the state ought to respond to the existence of 'double agents'—agents whose full political membership in any one state

precludes full, responsible membership in another. I argue that states have good reasons to accept dual citizenship on the grounds that, in doing so, they increase their legitimacy as a form of normative authority. In (§3.1) I discuss the emergence of dual citizenship as a significant political identity and an object of concern for Liberal democratic states. This leads us to consider a set of questions concerning states' acceptance of dual citizenship in practice: What reasons, if any, does the state have for tolerating dual citizenship or for protecting dual citizens? What restrictions may states reasonably impose on their dual state members? Most important, I argue that the problem of dual citizenship and double agents does not provide states with *moral* grounds for denaturalizing dual citizens abroad or discouraging resident nationals from attaining a second citizenship. States' endorsement of dual citizenship—quite apart from the benefits and burdens it imposes on states and individuals— officially promotes 'internal reflection of state membership' (O'Leary 1996: 10 quoted in Boll 2007: 75) and, thus, contributes to legitimating states' internal normative authority. In (§3.2) I appeal to Charles Taylor's (2007) concept of the 'buffered self' in order to demonstrate the potential danger of adopting an uncritical stance towards state membership which increases one's chances of being manipulated by the state or of being complicit in illiberal, state sanctioned activities. Crucially, however, states' endorsement of dual citizenship is not an endorsement of autonomous agency as such, but of responsible citizenship, which on Korsgaard's account may best be understood as an endorsement of the capacity for critical self-reflection that is necessary for maintaining the health of the *demos*. In (§3.3) I very briefly contrast the condition of statelessness with dual citizenship in order to account for the political value of citizenship that underpins the

value of political disunity. In the *Conclusion*, I summarize the main arguments of the thesis and highlight its main contributions.

Dual Citizenship and the Study of Conflict

The thesis is concerned with dual citizenship as a moral/political phenomenon that has implications for our identities as moral persons attempting to live up to an ideal of citizenship within the constraints imposed by practical reason. On my account, dual citizenship highlights an important aspect of an identity conflict between core representations of our selves as moral agents (with universal regard for all persons) and as members of particular political communities (with special regard for particular persons). Although I aim to deal with a sort of idealized version of the dual citizen as one who lives 'quasi-simultaneously' in two distinct, but similarly situated polities, it's important to recognize that the *transnational* dimension of dual citizenship invokes two overlapping frames of reference:

> The configuration of [political] relations at the upper structural levels—
> international and global—set the limits of the possible and the impossible within
> which people stay and move, but it is at the level of the more proximate
> surroundings that people evaluate their situations, define purposes, and undertake
> actions (Faist 2000: 34-35).

In order to adequately assess dual citizenship as a moral/political issue we must bring together considerations that are relevant to both the global-political sphere and the rational agency of individuals. Unfortunately, ethical theory has tended to focus on the right action and rational agency of ideally situated persons. Yet the acquisition or retention of dual citizenship is rarely a matter of pure right reason or rational choice (especially given that dual citizenship is most often conferred at birth). Talk of ideal agents in ideal (democratic) conditions does not speak to the highly variant, contingent

and severely restricted conditions that may lead individuals to seek a second citizenship, for example, as a way of extricating themselves from conditions that are otherwise morally or politically untenable. Indeed, it is hardly worth pointing to ideal principles of choice or rational deliberation in non-ideal circumstances where achieving dual citizenship is a means of escaping political persecution, economic hardship, or a *de facto* form of statelessness.

The study of conflict highlights the need for an account of non-ideal conditions of agency and how, or in what circumstances, states are capable of accommodating non-members, or whether there are reasons for changing aspects of a state's internal legislation or constitution in acknowledgement that conditions of extreme need or desperation may serve as the justificatory grounds for claims to state membership. Rainer Bauböck (1994: 86) has argued, for example, that dual citizenship may be a form of temporary protection, a kind of transitional status for those in need of protection. However, as Bauböck points out, "[m]aking dual citizenship transitional in this way is clearly derived from the idea that, ultimately, the political commitment of membership must be expressed in unique loyalty" (Bauböck 1994: 86). It is an important question whether states may be obligated to pursue policies which grant dual citizenship, not temporarily or merely to those who display 'deeply felt affiliations, connections, and loyalties' to a particular nation, but also to individuals whose prime motivation for seeking multiple citizenship is the avoidance of significant harm.

Chapter 1. Dual Citizenship and the State

The purpose of this chapter is to situate the discussion of dual citizenship in the context of dominant philosophical and legal conceptions of citizenship. I begin (§1.1) by focusing on normative challenges to statist conceptions of citizenship, the questionable value of political unity and the concern of political obligation. I express the problem of dual citizenship, first, from the perspective of practical political reason focusing on Rawls's (1971) famous account of the value of political community and its relevance to the value of the unity of the self. I then refer the concept of full dual citizenship to the question of whether individuals have special political obligations to particular political communities and, thus, whether we can satisfy obligations in more than one particular political community simultaneously. I argue that dual citizenship is incompatible with the notion of political obligation in the sense that the latter presupposes a notion of the 'political' that is essentially a relation between individuals and particular states. However, the claim of political obligation can also be understood as a claim about the nature of states as particular or distinctive normative systems. In (§1.2) I survey and contrast Republican and Liberal conceptions of territorial sovereignty highlighting the relationship between citizenship and territorial sovereignty in order to explain how particular states are able to define an acceptable range of human action to reflect the values (ideally) of a 'unified' political community. In (§1.3) I consider further challenges to the conception of states as normative systems in the form of international legal provisions and human rights claims. I argue that these claims do not challenge the idea that states are normative systems; rather, they demand an account of moral agency that is enabled, but not fully determined by state membership.

1.1 Political Unity and Political Obligation

Dual citizenship emerged long before the crystallization of the modern nation-state.

Rome, influenced by postulates of natural law and Stoic cosmopolitan rationalism,

secured a form of legal dual citizenship for members of their expanding empire through

strategic provisions in principles of *jus gentium* which remained in effect for well over a

thousand years (Bellamy 2008: 39; Crawford 2001: 28; Quinton 2004: 308; Shaw 2003:

17).[12] The Italian uprising known as the 'social war' (91 BC)—a direct response to a

blocked proposal to grant Roman citizenship rights to Italians—early on showed dual

citizenship to be both a highly coveted and deeply contested political status (Crawford

2001: 45). Yet there is no political *theory* of dual citizenship, multiple nationality, or

transnational citizenship comparable to that of nationalism. The recent dramatic rise in

the number of dual citizens worldwide has not brought dual citizenship to the vanguard of

citizenship theory notwithstanding the parallel resurgence of interest in the subject of

citizenship theory. There are several reasons why dual citizenship's theoretical

significance has been largely ignored and remains virtually underdeveloped. First, the

ambiguity inherent in the concept of *transnationalism* makes it difficult to place dual

citizenship along a continuum between bounded nationalism and borderless

cosmopolitanism:

> On the one hand, *trans*national relates to aspects of sociality which exceed the
> borders of a single nation-state and, thereby, transcend methodological
> nationalism. On the other hand, within the gesture of transgression the nation-
> state remains the central entity of reference of trans*nationalism* (Nieswand 2011:
> 33).

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[12] *Jus gentium* (international law) replaced Rome's civic law meaning that Roman citizenship
practices were essentially subsumed under Roman 'national law' (Shaw 2003: 17).

As a result, it is unclear how, for example, an understanding of dual citizenship might

contribute to debates between cosmopolitanism and the theory of nationalism. It is also

unclear how the categories by which conceptions of citizenship are typically assessed—

citizenship as a legal status, as rights, as political membership, and as collective identity

(Lister and Pia 2008: 59)—can be applied to dual citizenship. Political theory has, until

recently, been unreceptive to the idea that citizens can be members of more than one

state, not because they have seen dual citizenship as offering a direct challenge to

traditional assumptions, but as corollary of the fact, as Bernard Williams (2005: 37)

points out, that "most political philosophy continues to address problems of justice and

legitimacy within one society or state". The dominant conceptions of citizenship and

justice, political theory's obsession with the problem of political obligation, and the

traditional notion of territorial sovereignty amply illustrate this fact. It remains to be seen

how, or in what ways, they may accommodate full, dual citizenship. I will investigate

this possibility here. At stake is the idea that states can be normative systems and still

accept a robust form of dual citizenship that is compatible with (dual) citizens as

autonomous moral agents who are committed to a conception of the good that is capable

of generating an account of moral commitment. I do not propose to fully answer this

question until Chapter two. Instead I want to show how, or in what sense, dual

citizenship may be problematic when the state is viewed as a normative system. The

view that states are adequate normative systems is increasingly challenged by human

rights theorist and cosmopolitan (or universal moralist) conceptions of justice. So it is

also important to determine how, if at all, the concerns that issue from a state-centred

conception of citizenship can be preserved in light of these criticisms. The main

objective is an account of agency that is compatible with the idea that states are normative systems, but which puts the demands of the system in terms that do not presuppose a conception of the political as a single polity. I fill in this account in Chapter 2.

Citizenship is typically defined as full, equal membership in a particular political community (Bosniak 1998; Joppke 2010; Kymlicka 2002; Rawls 1971; Schiller 2005; Walzer 1989). The dominant notion of 'political community' in contemporary democratic theory—i.e. the relevant 'polis' or 'demos' in which a citizen can truly be said to 'belong'—is the nation-state (Faist 2007; Miller 2000; Rawls 1999; Schmidtke 2001). Statist conceptions of citizenship are criticised most of all for downplaying the significance of cross-border political associations created and maintained through migration and immigration movements, and thus for failing to underscore important moral obligations between citizens of different nations. Instead state-centred citizenship is often accused of pandering to an assumption, associated with methodological nationalism, that "…members of a nation-state share a fundamental unity that divides them from all 'foreigners'" (Schiller 2012: 28). On this account, the value of citizenship is predicated on the value of a vague notion of political unity within a bounded nation state. Seyla Benhabib (2004: 216) has cautioned, however, that "[t]he unity of the *demos* ought to be understood not as if it were a harmonious given, but rather as a process of self-constitution, through more or less conscious struggles of inclusion and exclusion." Indeed, it has become increasingly difficult to think of a process of democratic self-constitution as one in which competing comprehensive political views belong to

individuals whose visions of the good presuppose a life that is situated entirely within a particular state.

Criticisms of the value of political unity are at least as old as Aristotle whose own conception of a political community is 'by nature some sort of plurality'. This conception, as Martha Nussbaum (1980: 415) reminds us, "presupposes as fundamental the separateness of persons and their needs." There are, of course, many ways of understanding the notion of political unity within a state-centred paradigm of citizenship theory. On Rawls's (1971) account, the members of a 'true community' share in a 'reasonable political conception of justice' and differ only in their comprehensive visions of the good. The problem of unity can be seen in the context of Rawls's political philosophy. In both the *Theory of Justice* and his *Political Liberalism* Rawls relies on a basic kind of political unity among citizens as equal and 'reasonable' deliberators with *prima facie* compatible basic visions of the good. The existence of a *demos* allows citizens to act in accordance with a certain set of regulative principles of justice, and, in this way, "to formulate and to follow a plan of life and thereby to fashion [their] own unity" (Rawls [1971]1999: 493-494). For Rawls, developing a unified self requires prior agreement to abide by a set of regulative principles of justice which condition the ends or goals individuals pursue as members of particular communities. Thus, individuals in a particular political community agree on a basic political conception, differing only in their *comprehensive* conceptions of the good.

The problem of dual citizenship turns on whether, and in what sense, states may be considered 'normative systems'. I take it that governments, constitutions, state legislation and national adjudicatory institutions, which together comprise the political

institutions of states, are intended to be normative, to guide individuals, and to solve all manner of coordination problems. Christopher Morris (2011: 548) has recently claimed that the modern notion of the state is best recognized "as a public order distinct from both ruled and ruler." This captures the essence of states as normative systems defined not in terms of citizens or their representatives, but more generally, in terms of the procedures (often adjudicatory procedures) of state systems of governance. Liberal democratic states demand a certain level of conformity to the moral and epistemic principles of justice implicit in constitutional provisions and state practices of adjudication. It is difficult to imagine, for example, how any democratic system's adjudicative institutions could be efficacious and, thus, effectively normative, if they did not operate in a way that was generally consistent with, and accepted by, the moral and epistemic principles of *justification* of a significant majority of society (Donovan 2008: 247). None of this is to deny that public order is backed by coercive mechanisms controlled by the state, but those controls are limited without cooperation by the members of a political community. In this sense, states act as systems for adopting particular means in the service of achieving particular ends (i.e. goals or objectives), allowing individuals to commit to a shared set of procedural principles through which one is able to constitute one's self as a unified moral agent. The political unity of the *demos* is the basic commitment shared by the majority of its members to abide by and defer to the norms of the system that creates a context for adopting citizenship as a kind of practical identity. The state thus serves as a kind of 'model' of agency, generating regulative principles of action and designating procedures to settle disputes when individual or collective interests conflict.

The problematic relationship between dual citizenship and political unity is suggested by a core feature of the relationship between citizens and states that explains the value of political membership in particular political communities. It is commonly held that the achievement of the unity of moral personhood is contingent on certain political arrangements, only some of which may be conducive to leading a morally coherent life. Shared reference to a common normative system makes 'consistency in living'[13] possible and is therefore essential to our conception of ourselves as moral persons (Backhurst 2002; Korsgaard 1996, 2008, 2009; Goodin 2012). The normative political arrangements of states allow us to form long-term commitments by providing for the exercise of efficient moral judgement on the expectation of what others have reason to do. On this picture, the value of the unity of the self is predicated on the value of political unity that ties the possibility of moral agency to a stable normative system, the *demos*.

The problem posed by dual citizenship to the maintenance of an individual's moral identity is a problem for political liberalism more generally. Dual citizens face a considerable obstacle in fashioning their lives in accordance with principles of justice formulated in view of every individual's capacity to share in a basic political (though not a comprehensive) conception of the good. This is because a dual citizen is one for whom there are two *basic* conceptions, and thus two communities of political membership whose underlying normative political structures are, by definition, not fully compatible. Transnational citizenship is citizenship defined through multiple basic political conceptions.

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[13] I borrow this turn of phrase from Gibbard (1999).

The statist model of citizenship which is marked by an emphasis on citizens'
special obligations to members of a particular political community has led Ranadir
Samaddar (2010: 257) to conclude that democratic citizenship is 'a living contradiction':
"Citizenship must continue to represent political activity not because it is the greatest
form, but because it embodies the greatest contradiction of a democratic society that will
forever try to purge itself of otherness." The Western democratic ideal of citizenship is
'contradictory' in that it encourages citizens to secure conditions amenable to their
particular (comprehensive) visions of the good life through political means designed,
under ideal conditions, to promote and maintain a maximally divergent set of such views.
Because our visions of the good inevitably conflict, the unity of the *demos* must have a
procedural dimension which has an important role to play in how we constitute ourselves
as particular (unified) persons. The value of political unity (as a set of procedural is
entailed by a process by which one constitutes one's self as a particular unified moral
agent.   The 'self' here refers to a person who can be divided from 'all foreigners' or,
indeed, all 'others' by dint of their commitments to a basic political structure.

In this sense, citizenship as a moral ideal has a distinctly political dimension. But
what, if anything, does the qualification 'political' add to the study of citizenship? It's
important to pose this question, because the significance of the 'political' in arguments
concerning the meaning of citizenship are sometimes overlooked, and yet they inevitably
play a pivotal role in determining the limits of agency and values that are capable of
being expressed through the concept of citizenship, and, indeed, the forms that
citizenship may legitimately take. Elizabeth Cohen, for example, writes, "[c]itizenship is
political, but this says *virtually nothing* since some form of politics, even if it is

rudimentary, seeps into all human communities" (Cohen 2009: 16—emphasis added). 'Political' is not, however, a neutral descriptive term qualifying a particular aspect or dimension of citizenship. On the contrary, it has a distinctively justificatory role in grounding Cohen's conception of what citizenship is and ought to be, as Cohen herself reveals only a few pages later: "The very fact of citizenship's political nature *requires* that citizenship be recognized by whatever form legitimate authority takes in a community" (Cohen 2009: 21-22—emphasis added).[14] Notice that in appealing to '*whatever* form legitimate authority takes in a community' Cohen has in mind a quite specific *form* of legitimate authority (i.e., the legitimate state) which is incompatible, for example, with citizenship as a kind of moral identity recognized first and foremost by persons and not governments.

Cohen's account is useful because it helps us identify an essential difference between an agent-centred and a statist conception of citizenship. To make the concept of agency central to an account of citizenship is to recognize a certain kind of legitimate authority as the true 'author' of citizenship. On an agent-centred account, citizenship cannot be a truly moral identity if it is merely conferred by an external source; it must be freely adopted by individuals as self-legislating beings; otherwise their autonomy is merely a façade 'endorsed' by individuals only in the face of an ever-present threat of coercion by a state that claims a monopoly on power.

So the statist and agent-centred view are distinct ways of conceiving of citizenship and it stands to be shown how we can decide between them. Cohen does not address this issue directly, but she is certainly aware of having to defend her conception

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[14] Cohen's claim verges on the tautological since 'whatever form legitimate authority takes' depends, in part, on what the political nature of citizenship *is*.

against possible alternatives. Her move is to adopt a 'realist' stance towards citizenship and to dismiss the agent-centred conception as a kind of 'normatively driven' account of citizenship. Her concern (which albeit is only indirectly a concern with an agent-centred approach) is that it threatens to place too much emphasis on what citizenship ought to be instead of what it actually is in practice. As Cohen (2009: 18) puts it:

> Any definition of citizenship that posits rights, actions, specific virtues, or some combination of the above is normatively driven if it makes the conception of what ought to be true of citizenship more central to the definition than anything that is true of citizenship as it actually exists in politics.

According to Cohen (2009: 17), the problem with a normatively driven account of citizenship is its failure to register the fact that states are *the* legitimate source of citizenship rights. In her words, "states have special authority over citizenship in virtue of the relationships instantiated in the process of having rights." Yet this claim is itself normatively driven. This is shown by the fact that the stability of descriptive accounts of citizenship depend on how well these accounts supervene on our expectations about what it means *to be* a citizen. In this sense, the state's relationship to the process of conferring rights may be indicative of its legitimacy, but its legitimacy is also *invested* in that process. A state's legitimacy is contingent on whether it exercises its authority in a way that citizens can reasonably endorse, for example, through its determination and distribution of a fair and just stock of citizenship rights. However, since the content and distribution of rights must be publicly defensible, the process of 'having rights' is a highly normative enterprise. So Cohen's own account of citizenship, whether she admits it or not, is 'normatively driven' and thus, no appeal to an excess of concern for rights, actions, specific virtues, and so on can account for her rejection of an agent-centred approach.

Another, more plausible way of rejecting the agent-centred approach is to show that it is incompatible with a theory of political obligation understood as "the special moral relationship which obtains between members and *their* political community" (Horton 1992: 16—emphasis in original). Here the term political, by definition, refers to a *particular* political community, and, thus, to say that citizenship is political is to identify the concept of citizenship with moral obligations to a *single* political community. Now it might be argued that insofar as an agent-centred account of citizenship is incompatible with an account of political obligation, it will also be incompatible with a robust conception of citizenship. For surely citizenship is constituted by our commitments to particular communities and if we cannot make such commitments we cannot be speaking of citizenship as such. The claim however, is not that agent-centred accounts of citizenship are not true accounts of citizenship, but, rather that they are not *political* accounts. As John Horton (Horton 1992: 16) puts it: "Failure to appreciate [the 'particularity requirement'] effectively debars a theory from being an account of *political* obligation, whatever merits it may otherwise posses." And the same may be said for accounts of citizenship. A political account of citizenship, one that is compatible with an account of political obligation, refers to the special moral obligations we have to particular communities. This makes better sense of Cohen's own claim that citizenship is political and, thus, essentially statist. Normative accounts of citizenship (which include agent-centred account) distort this special political conception of citizenship by giving primacy to universalist conceptions of moral obligation. Universalist (which often enough just means Kantian) accounts of morality are not accounts about how we actually reason with respect to the conditions of our lived experience, a salient feature of which is

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being governed by specific political arrangements in territorially defined spaces shared exclusively among a determinate group of individuals. This falls far short of an ideal moral/universal community, but it is closer to how we actually experience citizenship, or so Cohen's 'realist' argument might go.

In fact, I think Cohen's conception of citizenship rests on particular, but very familiar idea about what it means *to be* political. I think we should be careful before dismissing alternative conceptions of citizenship simply because they are *prima facie* incompatible with our notions of what it means to be political. They may also be rooted in deeper assumptions about the limits of political agency or the nature of agency itself, and thus, a challenge to traditional conceptions of what it means to be political. It is therefore crucial to show how contemporary assumptions about the political nature of citizenship beg the question, if and when they do, against alternative conceptions.

The notion that full dual citizenship is either impossible or unattainable faces serious objections, not only from the basic standpoint of normative agency, but also from a state-centred conception of citizenship. To be anything less than a full citizen is to deprive individuals of reasons for acting as responsible agents in particular nations in which they are citizens. In fact, it is difficult to imagine how an individual could be held (fully) responsible for not fulfilling her role *qua* citizen unless she was a full citizen. Thus, from the perspective of states, if there are reasons to grant a dual citizen 'semi-citizenship', then, *a fortiori*, there are reasons to grant her *full* citizenship. Indeed, to withhold this status is to deny her the self-respect and continuity of moral personhood that autonomous agency requires and on which the security of a stable normative order (which includes states) ultimately rests.

The problem is that if states are the primary or exclusive authority capable of conferring or granting citizenship then there is little room for an account of citizenship as self-authored, autonomous moral agency, and it would be correct to say that full citizenship is a "myth" (Cohen 2009). However, on my account, states do not grant full citizenship. Rather, they provide an extremely important context (which includes a set of institutional and constitutional provisions) for individuals to adopt citizenship as a practical moral identity. *Full* citizenship is only possible when it refers to individuals who hold their identity *qua* citizens as a moral ideal. Thus, in my view, the "myth" of full citizenship is predicated on a particular conception of citizenship that is incompatible with autonomous agency.

It's an important question, however, whether transnational citizens *can* live up to standards of full citizenship in any particular *demos*. And this is what the worry of political obligation amounts to. Multinationals face many difficulties in understanding and negotiating between competing normative political systems, as well as the potential for asymmetrical feelings of belonging. Even if transnational citizens may exercise their (political, legal, and moral) agency in multiple political domains simultaneously, those domains may yet reflect distinct and irreducible forms of citizenship practices (based on historical experiences, religious values, etc.). Transnational political agency may be formally legitimized but official recognition does not equip dual citizens to deal with the practical problems that arise from living a life within distinct, and potentially incommensurable citizenship regimes (Hoerder and Macklin 2006).

To be clear, dual citizenship does not present a straightforward challenge to positive assertions about our political duties to particular states, nor does it pose a

problem for particular *theories* of political obligation. It cannot. For these theories have already written dual citizenship out of their conception of what *counts* as political. The conception of citizenship presupposed in arguments about political obligation is, as in Rawls' account, neither empirical nor historical; it is best understood as a *moral* claim about the justification of a conception of political obligation. The traditional way of understanding citizenship is as a moral identity corresponding to some form of political obligation; that is, citizenship is a practical normative commitment to a way of life that is formally constituted by, and defined in relation to, certain political/institutional arrangements. States do not have any authority in directly defining the content of any particular comprehensive vision of the good, but they do set important practical limits on what any comprehensive vision will look like. Thus, our ability to maintain a coherent moral identity seems naturally to be predicated on the view that we have certain basic obligations to particular communities, institutions, and governments. These special obligations are, moreover, *distinctively* particular—they differ, for example, from our commitments to particular *forms* of government (Simmons 1979). This is particularly important, since it follows that even a citizen of two democratic states may have obligations to each independently and despite the fact of their sharing a fundamentally similar form of governance.

So the problem of political obligation is not so much a question of competing loyalties to particular persons in particular states; rather it is the problem of how to make sense of one's commitment(s) to a certain coherent and comprehensive vision of the good life which is most efficiently conducted by way of a particular political backdrop (and which also makes sense of special relationships with compatriots). The worry for dual

citizens is that they will have two distinct sets of political institutions (corresponding to two states) through which to vet one comprehensive vision of the good.[15] And this is true even if the dual citizen belongs to two fully liberal societies, since no two liberal democratic states will be identical with respect to the ways in which their institutions place legitimate practical limits on comprehensive visions of the good. Thus, it would seem that a dual citizen, as a full member of two or more political communities, is either incompatible with an account of moral commitment or somehow entitled to two or more distinct comprehensive visions of the good. What this amounts to, in the latter case, is that the dual citizen is entitled to be two persons, a kind of double agent. Here we see a potential conflict between the core values of political liberalism in maintaining the unity of personhood on the one hand, and, on the other, in promoting autonomous self-constitution in identity formation. What we require then is a concept that will help us make sense of these core values, and thus, eventually help us in answering the question of whether liberal democracies should or can endorse dual citizenship as a legitimate form of citizenship consistent with political liberalism's core values.

The concept of agency is useful because it helps makes sense of a fundamental concern that underpins questions of political obligation: that the capacity for political membership is limited to one political community is best understood as a claim about the necessary conditions for cultivating a 'first rate' form of political agency. At the same time, since the concept of agency is not essentially statist, it is more neutral with respect to the forms that citizenship may legitimately take. This is clear because although state-

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[15] States may enable comprehensive visions of the good in the minimal sense, insofar as they represent conditions in which we can plan our lives on the reasonable assurance that others are committed to a similar set of norms and standards that are backed by the threat of coercion. In democratic societies the state may be instrumental in providing conditions for the flourishing of individual and collective goods.

centred theories of citizenship view the nation-state as the essential prerequisite of

effective political agency, they do not exhaust the possibilities of political agency as

such. As Christain Joppke (2010: 19) has pointed out, "[t]here is no necessity for

citizenship to be subject to a 'politics of identity,' no automatic linkage between

nationhood and citizenship, and citizenship's pre-national past suggests the possibility of

postnational futures."[16] I agree that nationalist sentiments are neither exhaustive of a

'politics of identity', nor sufficient to serve as the grounds of moral action (i.e. either as

an explanation for, or a justification of, one's actions as a citizen of a particular nation).

Thus, the question 'why should I act for the sake of *this* political community?' demands

we show how any particular political community can play a justificatory role in

grounding reasons for action. Part of the answer lies in Korsgaard's conception of

agency which I explore more thoroughly in the next chapter. My immediate aim here is

to preserve the idea that the state is an important normative system that citizens can

endorse as moral, autonomous agents. I do this by showing how certain moral

(universalist) and political (state-centred) presuppositions of citizenship are related and,

how they may be mutually supportive. The next section confronts a particular source of

resistance to this possibility in the form of a series of objections to traditional notions of

territorial sovereignty.

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[16] Support for this view can be found in studies by Inoguchi and Blondel (2008) as well as Górny (*et al.* 2007).

1.2 Territorial Sovereignty

There is considerable resistance to the view that states are the only or the most salient

political agents. Andrew Linklater (2010: 383) has argued, for instance, that:

> Various forces are loosening the grip of the nation-state so that a wider range of
> political identities and authorities can emerge. The normative task is to give these
> developments concrete expression in new forms of political community
> committed to realizing the Kantian universal kingdom of ends.

 Linklater references two kinds of debate each of which is important to keep in mind

when assessing claims about the value of dual citizenship and its potential effects. The

first debate is about whether the modern-day state is sufficiently self-contained or self-

empowered (i.e. sovereign) to serve as a theoretical framework for understanding the

nature and value of citizenship in general. The second debate is about which theory of

justice we should appeal to in guiding our normative analysis of the value of dual

citizenship and its significance for political morality.

In the first debate, the question is whether the political world order is really

'Westphalian' enough to be deserving of the name. Dual citizenship itself has been

highlighted as an indication of states' waning significance in an era of increasing

globalization. As Peter Spiro (2010: 112) observes, "the dramatic rise of plural

citizenship ultimately threatens to demote the state from the pedestal it has occupied

during the Westphalian era". I will not attempt to evaluate the merits of Spiro's

predictive posturing here. Some scholars (e.g., Joppke 1998; Bloemraad 2004; Bosniak

2007) insist, however, that there is little empirical evidence to suggest that international

migration has had any serious effect on state sovereignty. James Casteel (2011:166)

claims, for example, that "[a]lthough nation-states may be giving up aspects of their

sovereignty to preserve themselves in a new age of transnational global capitalism, there

do not seem to be any newcomers to the scene that might challenge the nations hold over conceptions of political belonging." Peter Nyers (2010: 59) points out, however, that "States such as Canada are having difficulties in reconciling their desire for their citizens to be immersed within increasingly globalized economic, social, and cultural networks, and their desire for a unified political subject within a unified territorial space of the nation-state." The claim is based on the intense debate that followed the rescue of approximately 15, 000 Canadian nationals (many of whom were dual citizens) from Lebanon during the 2006 Israeli-Hezbollah war. Nyers's claim is further supported in the wake of Immigration Minister Jason Kenny's recent reaction to the discovery of a dual Canadian-Lebanese citizen's involvement in a 2012 attack on a Bulgarian bus carrying a number of Israeli passengers.[17]

One reason why debates about the relevance or relative importance of states as collective political agents are notoriously difficult to assess is because there is no clear, or uncontroversial criterion on the basis of which to determine whether states are really sovereign, distinctive, or self-contained political communities. This is significant because the value of citizenship is often predicated on the view of states as self-determining, internally organized political communities or collective agents. Anthony Appiah (2003: 197) claims, for instance, that "[m]odern political communities…are bound together through representations in which the community itself is an actor."[18] Will Kymlicka (2002: 287) has pointed out that debates in citizenship theory can be understood as debates about competing theories of social justice recast in terms that

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[17] Campbell Clark and Daniel Leblanc. 5 February 2013. 'Ottawa confirms Canadian 'dual national' involved in Bulgaria bus bombing' *The Globe and Mail*. Minister Kenny has since proposed legislation that would allow the Canadian government to deprive dual citizens of their Canadian nationality in cases where those members are found to be involved in terrorist activities.
[18] Similar statements can be found in (List and Pettit 2011; Young 2007).

attempt to avoid the inevitable stalemates that result from incommensurable conceptions

of justice. As he puts it: "'new' debates over citizenship are often 'old' debates over

justice dressed up in new clothing" (Kymlicka 2002: 287). But debates about theories of

justice are themselves indebted to debates about the political conditions that are necessary

for operative rights and reciprocal obligations to function. Theories of justice are deeply

related to the kinds of political contexts in which the principles of justice are thought to

apply, so it is important to determine what those possibilities are, as Linklater (above)

suggests. So there is no way to avoid offering at least tentative answers to questions

about what those basic conditions of justice look like now. On my account, it is

important to resist the view that globalization (or a post-Westphalian world order) has

somehow supplanted the state as the relevant political context for evaluating claims about

our moral-political identities. The attempt to downplay the significance of the state as a

framework for assessing claims of justice in favour of a globalized 'basic structure' are

inevitably faced with having to respond to an important objection, as Samuel Freeman

(2007: 20-21), observes bluntly:

> There is no global basic structure because there are no basic global institutions–no
> world state, no independent global legal order, no global property system, no
> independent global contract law, negotiable instruments law, securities law, and
> so on. The rules and institutions that make global economic cooperation possible
> are national, and they apply internationally only due to agreements among
> peoples.[19]

The idea that states are normative systems combines the notion that states represent

unique sets of norms, principles, and practices with the idea that those norms are effective

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[19] Freeman is defending Rawls's (1999) account of the principles of *Law of Peoples* against
(most notably) Buchanan's (2007) criticism that Rawls fails to take into account the existence of
a 'basic global structure'.

in a territorially defined space—a bounded space within which the state can claim

effective normative authority.[20]

This view has led some scholars to argue that traditional Liberal and Republican

conceptions of an ideal of citizenship are fundamentally incompatible. Margaret Somers

(2008: 151), for example, characterizes the long-standing debate (or stalemate) between

Republicans and Liberals as a debate between site-specific, communitarian-based

citizenship and liberal political aspirations aimed at safeguarding the natural rights of

persons, which are independent of their territorial allegiances:

> Citizenship is deeply bound to the particularism of place, time, and membership, which makes it site-specific and void beyond the bounds of the polity. Natural rights, by contrast, are bound to no place at all but are universally natural to all humanity and thus are utterly portable and indefeasible regardless of anything as arbitrary as political boundaries.

Somers is correct to highlight the important relation in citizenship theory between one's

moral worth as a person which is contingently related to territory, and one's national

identity which is both emergent in, and circumscribed by, the limits of a particular

territory.[21] But she overstates this distinction, obscuring the relationship between our

moral and political commitments, and, thus, between our commitments to particular

political communities and our commitments to the rights of persons as such. Of course,

if being a citizen means endorsing an essentially localized normative system that is

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[20] This is not to deny that there may be important overlap or agreement between states on particular norms. The notion of a 'unique set' refers to the fact that no state will have the same set of norms and, thus, that the relationship between all the norms in each state will therefore differ. So even if we identify similar norms in several states, it is unlikely that those norms will have the same significance with respect to their particular normative contexts. In this sense, otherwise identical norms can be importantly distinct in different states.

[21] She has surely mischaracterized the nature of the debate between Republicans and Liberals by identifying the latter as proponents of Natural law theory, without qualification. Many of the most influential contemporary political and legal Liberal theorists, including John Rawls and Joseph Raz, self-identify as legal positivists who are sympathetic to Bentham's famous dictum that natural rights are 'nonsense, nonsense upon stilts'.

impossible to reconcile with our commitments to human rights we would be better off not being citizens of states at all. So it is important to show that territorial boundedness places limits on the kinds of moral commitments we can make without going so far as to deny that we have any commitments beyond our (ultimately arbitrary) borders.

Civic Republicanism certainly endorses the view that citizens are essentially 'bounded' by their cultural identities so that any attempt to achieve full citizenship on anything less than a 'shared national identity' will necessarily be 'second best' (David Miller 2000: 89). It's doubtful, however, that any Republican would be forced to concede that citizenship, or the rights of citizens, are so site-specific as to be 'void' beyond the borders of their communities. For their part, Liberals readily admit that a minimal basis of political boundedness is necessary in order to make sense of the Liberal commitment to national sovereignty (Kymlicka 1995: 2002). Thus, while Liberals and Republicans hold distinctive conceptions of citizenship, they share an inclination to preserve some form of territorially defined sovereignty. And with good reason: for, it is "the *location* of sovereignty [that] defines relationships of power within the state, the rights and obligations of citizens, the distribution of public goods and life chances, and the basis of loyalty to the state" (Mostov 2007: 148-149—Emphasis added). On this account, territorial sovereignty designates a domain of normative action in which citizens may judge themselves in accordance with the norms and interests of others within the system.

According to Linda Bosniak (1998: 32), the problem with state-centred theories of citizenship theory is that they have come to be dominated by an uncritical 'presumption of nationality and boundedness':

…while citizenship theorists are generally committed to norms of formal equality and basic inclusiveness (which make the current exclusionary policies [towards aliens] look objectionable) [...] most political theorists never even acknowledge that the citizenship they promote is implicitly a national project, and an exclusive national project at that (Bosniak 1998: 32).

Of course many influential Communitarian and Republican theorists (e.g., MacIntyre 1984; Miller: 2000; Walzer 1983, 2007) have been unabashedly explicit about their commitments to some form of political boundedness, and are, furthermore, acutely aware of the exclusionary implications of their views. So Bosniak does not really identify a hidden assumption in citizenship theory. Her criticism is significant, however, because it expresses an assumption that a commitment to 'norms of formal equality and basic inclusiveness' are somehow incompatible with state-centred visions of citizenship (Joppke 1998; Kalekin-Fishman and Pitkänen 2007). However it is possible that a commitment to a form of reasonably exclusive nationalism is simply entailed by the goal of formal equality. In other words, in order to protect the equal rights of citizens to political participation, it may be necessary to set limits to state membership. This is not only for practical reasons of effective governance. It may also be a way of safeguarding particular traditions of political participation with which those within the state identify, and through which others can recognize particular groups or nations as self-determining.

The traditional Republican resistance to dual or multiple citizenship, for example, is based on dual citizenship's incompatibility with a procedural conception of justice identified with sovereignty, and denoting direct political participation in enacting and enforcing laws within a territory (Bauböck 1994: 85). Political participation in more than one state runs contradictory to this conception of sovereignty which implies distinct and exclusive access to participate in creating each particular *demos*. Thus, "[t]he scandal of

dual citizenship for traditional republicans lies not in sovereignty *tout court* but in the identification of the people with the sovereign" (Bauböck 1994: 85). In this sense, sovereignty is a precondition of a reasonable formal equality. And to the extent that Liberals are invested in ensuring formal equality through a limited set of procedural principles, those principles will apply to particular persons in developing a bounded normative system, and there will be similar reasons to react with scepticism towards any normative *ideal* of dual citizenship as dual political participation.

In the next section I turn to consider whether, or to what extent, a rights-based conception of citizenship challenges the notion that sovereign states are normative systems and, thus, raises the question whether, or on what grounds, states can reasonably refuse or prevent the acquisition of dual citizenship. I argue that a rights-based conception of citizenship is consistent with the claim that states are normative systems, but that there is no basis for the claim that states ought to accommodate dual citizenship, even if doing so does not directly infringe on the rights of others within the state. There is no *human* right to dual citizenship.

1.3 Rights-Based Citizenship

It might still be argued that states cannot be normative systems because although citizens'
rights are guaranteed by states, many of the values represented by rights claims that
justify putting others under a duty ought not to dependent on uptake by the state; that is,
the protection of certain valued goods should not depend on whether states themselves
endorse or promote those values. Thus, to claim that states are normative systems is
misleading because it distorts the view that the values upheld in rights claims issue
directly from concerns about states and not persons. A rights-based conception of
citizenship may therefore be open to the idea that states are normative systems, in the
sense that a basic idea of membership implies a certain territorial affiliation, but that this
affiliation does not provide a solid basis for determining the success or failure of claims
to dual citizenship. Fair and equal representation may be predicated on "access to,
residency upon, and eventual membership within a circumscribed territory", but
democratic representation within a circumscribed territory may still obscure "the legal
complexities of a global civil society" (Benhabib 2004: 216) by denying value-based
rights claims with significant normative force. Thus, on a rights-based account of
citizenship, the question is not whether persons can consistently identify with dual
citizenship as a procedural ideal, but, rather, whether the general value of dual citizenship
for individuals is enough to put the state under a duty to tolerate, adopt, or promote dual
citizenship as a protected right.

It's important to understand that international law concerning issues of multiple
nationality as a legal status essentially defer to laws of nationality—state law
unequivocally determines whether persons acquire citizenship. As Alfred M. Boll (2007:

299) concludes in his landmark study on *Multiple Nationality and International Law*:
"[i]n fact, it might be supposed that states accept multiple nationality on the basis that it does not affect the municipal content and context of nationality." Peter J. Spiro (2010: 128-129) has recently argued, however, that international legal trends are making it harder for states to justify their sovereign authority in regulating the citizenship status of their members and that dual citizenship should be recognized as a human right. To be clear, Spiro is not saying that dual citizenship should be guaranteed to all persons owing to some feature of our common humanity. Rather, the protected status of dual citizenship may be thought of as part of the larger effort to protect persons' interests against unwarranted interference by states. This has important consequences for how we understand states as normative systems and, in particular, as normative systems citizens can adopt.

It may help to briefly examine a similar, parallel example of protection against traditionally state-authored and state-controlled citizenship rights. Consider the automatic political disenfranchisement of prisoners, which is increasingly a subject of contention in human rights circles. According to Alison Kesby (2012: 71), international human rights law does not currently uphold convicted prisoners' right to vote. However, insofar as the right to vote represents the core of citizenship as political membership, some scholars now view prisoner disenfranchisement as a legal, state-sanctioned form of social exclusion that places social deviants 'outside the political community', equivalent to a form of 'internal exile.' The example is interesting in that, as Kesby (2012: 72) points out, "the thrust of the criticism of prisoner disenfranchisement is to question exclusion from political participation on the basis of deviancy alone. Citizenship is being

construed as independent of perceived moral worth." The separation of one's status and right to political participation as a citizen from one's 'moral worth' is interesting in that it suggests a closer relation between citizenship as political participation and the dignity of personhood than is normally supposed. This is one way to work out a conception of citizenship as an essential value to persons as distinct from our ability to be *good* citizens which makes sense of the claim that citizenship is a human right—a right that places limits on state sovereignty (in this case, the power of the state to deprive citizens of their essential right to political participation). Thus, on Spiro's argument the attempt to revoke a dual national's citizenship in one country on the basis of involvement in terrorist activities would fail, regardless of whether a state's constitution was amended to accommodate new state legislation in support of the proposed change.

Spiro's claim is notable, in part, because the issue itself has not yet found its place in any treaty of international law (De Hart and Groenendijk 2007: 87; Boll 2007). Article 15 of the (1963) Strasbourg Convention—which has since been outpaced, but in no way contravened, by the 1997 European Convention on Nationality—clearly asserts national sovereignty against any presumption of a right to multiple citizenship:

> *The provisions of this convention shall not limit the right of a State Party to determine its internal law whether:*
> *(a) its nationals who acquire or possess the nationality of another State retain its nationality or lose it;*
> *(b) the acquisition or retention of its nationality is subject to the renunciation or loss of another nationality* (De Hart and Groenendijk 2007: 89)

Spiro's explanation (2010: 128-129) for the lack of progress on this front is that "[s]o deep until recently has been the animosity toward the status [of plural citizenship] that there has not been adequate space for a rights frame to take hold." This animosity towards a rights-based interpretation of dual citizenship is, in his opinion, simply

misplaced. Security issues, widely cited as a reason for limiting refugee protection (Goodwin-Gill 2007: 235), are not, for example, relevant to dual citizens who are guilty, at most, of seeking diplomatic protection on two fronts. Yet security issues are widely cited as reasons for limiting dual citizenship (Faist 2007). However, rather than establish moral grounds for adopting dual citizenship into human rights provisions, Spiro seems only to show that the growing 'tolerance' afforded dual citizens should give way to the articulation of a duty to uphold citizenship as a positive right of individuals. In this way his argument resembles efforts by partisans of "the *general* moral right to free movement advocates of open borders" who "fail to convincingly demonstrate that justice *requires* the adoption of such a policy" (Pevnick 2011: 79-80; see also Wellman and Cole 2011).

The simple assertion that a particular right is valuable is insufficient grounds for its legal acceptance, regardless of the absence of contravening reasons against adopting the right. That dual citizenship is sometimes valuable to those who have it and, on balance, presents no significant threat to states which allow it, fails as a justification for its induction into the legal corpus of human rights. Furthermore, there is no burden of proof on the part of state legislators to show why dual citizenship cannot be a right; in the absence of any *positive* obligations on the part of the state, there are no grounds to protect the right to multiple citizenship as a human right.

That human rights place limits on sovereignty is important for identifying what is distinctive of human rights in international law (Raz 2007: 10). This may tell us little about how, or to what extent, any particular human right (or alleged human right) places limits on the sovereignty of particular states. However, if human rights are to stand as reasons for limiting state sovereignty, they must be justifiable:

International law is at fault when it recognizes as a human right something which, morally speaking, is not a right or not one whose violation might justify international action against a state, as well as when it fails to recognize the legitimacy of sovereignty-limiting measures when the violation of rights morally justifies them. (Raz 2007: 10)

Plural nationality may hinder integration in a particular nation community (De Hart and Groenendijk 2007: 91) or, worse, damage existing forms of unity. Any potential right that threatens what Rawls (1999: 23) refers to as the maintenance of 'common sympathies' and a 'common morality' is reasonably within the sovereign power of governments to restrict. Without such powers, it is hard to imagine a society of 'peoples', either as 'well-ordered' or as lasting 'in perpetuity' (regardless of the maintenance of their common territorial asset).

Spiro recognizes this as the most powerful objection to his thesis (2010: 126). He agrees that, as such, concerns of the sort raised by Rawls are 'reasonable' requirements for restricting multiple citizenship (Spiro 2010: 127). However, Spiro is less concerned with whether the human right of dual citizenship ought to place restrictions on the limit of the sovereignty of states, than "whether a bar on citizenship qualifies as a [deprivation of self-governance] as such" (Spiro 2010: 127). As he points out, "few commentators consider that the consequence of failing to satisfy naturalization requirements is unequal status and the deprivation of self-government" (Spiro 2010: 132)

Spiro seems unaware that his concern for 'self-governance' offers a plausible basis for grounding a claim in support of protecting dual citizenship as a human right—one that is similar to Alan Gewirth's (1982) conception of human rights. For Gewirth, human rights are grounded in the concern to secure basic conditions amenable to the

flourishing of citizens' autonomous agency. Thus, Gewirth (1982: 3) conceptualizes

human rights as:

> rights of every human being to the necessary conditions of human action, i.e., those conditions that must be fulfilled if human action is to be possible at all or with general chances of success in achieving the purposes which humans act. Because they are such rights, they must be respected by very human being, and the primary justification of governments is that they serve to secure these rights.

It's necessary to emphasise that this conception of human rights cannot be indifferent to

the contingencies of the current social, political, or economic conditions which define the

parameters of human action presently (Raz 2007). Gewirth's 'necessary conditions of

human action', because they combine physical with purposive conditions of action, can

never be seen as completely static. Understood historically, necessary conditions for

action are complex and importantly contingent grounds for action. They are subject to

dramatic shifts, and may be curtailed for periods of time as the relatively brief period of

intolerance towards dual citizenship itself demonstrates. It is not unusual, in this sense,

for individuals to define their own purposes in accordance with what they deem possible

or desirable at a given period of time. Defining the necessary conditions for action is

extremely difficult, not least because it is difficult to determine what is 'necessary' in

isolation from what are seen as desirable achievements of human action. This is also the

reason why a subsistence conception of human rights—one that identifies the physical

conditions necessary for basic survival—fails as a sufficient basis for defining human

rights which are meant to cover and enforce a far greater range of human activities and

aspirations.

In this chapter I have argued international and human rights considerations are

consistent with our understanding of the normative status of states. Ultimately, these

considerations reinforce the idea that states are basic normative systems (neither inherently open or closed). The definition of human rights as rights that place limits on state sovereignty reinforces the view that states are normative systems, since implicit in the very idea of a violation of a human right is a state which has somehow failed in its obligation to protect and safeguard the interests of its citizens. I do not wish to build a straw man by claiming that there is heavy resistance to the view that states are in *some* sense normative systems. There is considerable and increasing resistance, however, to the view that states are salient normative systems, that fellow citizens deserve special moral consideration, and that citizenship can function as a normative identity that is consistent with a universal regard for personhood. In the next chapter, I consider whether there are specifically *moral* reasons to reject dual citizenship as a normative ideal. If there are such reasons, we must then consider whether states have special grounds for preventing or otherwise discouraging dual citizenship.

Chapter 2. Dual Citizenship and Moral Agency

In this chapter I examine the problem of dual citizenship from the perspective of the theory of moral agency. In (§2.1) I present a simplified version of Korsgaard's account of how we constitute ourselves as unified moral agents. Korsgaard claims that we have many kinds of contingent practical identities (and thus, many potential sources of normativity). Because of this, we need a way of unifying those identities, for unless we do, we will be incapable of 'action' (acts-for-the-sake-of-particular-ends) and we will not be accountable to a view of ourselves as moral agents. On Korsgaard's account, the function of citizenship (with which she is only indirectly concerned) is to unify our different practical identities (e.g., as members of religious or minority groups, as professionals, as parents, and so on). Citizenship is capable of serving in this (organizing) capacity by referring us to the procedural norms of the state. This is not to be confused with a commitment to a certain comprehensive vision of the good, but, rather, a practical strategy for unifying our identity with regard to the full range of potential identity commitments. It follows from this view that full dual citizenship cannot be a unifying identity. Throughout this section I contrast Korsgaard's position with several prominent sceptics of agent-centred accounts, including Michael Sandel and David Miller. In this way I highlight and distinguish the presuppositions of an agent-centred account of citizenship from those common to state-centred accounts. In (§2.2) I formulate and extend the problem of dual citizens as (moral) double-agents—i.e., agents whose full political membership in any one state precludes full, responsible membership in another. In (§2.3) I consider several important objections to the view that dual citizens are ideal rational agents. The existence of 'double agents' raises important normative

questions about what restrictions states may reasonably impose on their members including whether states may legitimately limit the rights of multi-nationals. I will deal with those questions in Chapter 3.

2.1 Korsgaard On Moral Agency and Practical Identity

Ethics is a form of practical reason. Questions concerning practical reason are questions about what we have reason (or most reason) to do. To study a *transnational* conception of (dual) citizenship from the perspective of moral agency, we must first understand what it means to make the concept of agency central to practical reasoning and to practical reason as it concerns citizens. Korsgaard (1989: 132) explains the importance of agency for accounts of practical reason in this way:

> [T]he conception of ourselves as agents is fundamental to the standpoint of practical reason, the stand-point from which choices are made. And it is from this standpoint that we ask moral questions, and seek help from moral philosophy. This makes the conception of the agent, along with its unity, an appropriate one to employ in moral thinking. In fact, it is from the standpoint of practical reason that moral thought and moral concepts—including the concept of the person—are generated.

In the previous chapter I identified several critical responses to the notion that states are significant normative systems. The concept of agency has recently been identified as an important resource in debates between competing conceptions of citizenship. As Dominique Leydet (2011) observes:

> 'Voluntarists' insist on the need to rethink democracy and citizenship beyond the nation-state, proposing schemes to extend democratic politics to the regional and global levels. 'Sceptics', on the other hand, argue that democratic citizenship requires a bounded territorial space, in which citizens see themselves as part of a common demos. At the heart of this debate is the contested meaning of democratic political agency and its conditions, which must be clarified if the debate is to get anywhere.

The fact, however, is that 'agency' is still a relatively obscure concept in discourse on citizenship, and there are several stumbling blocks in the way of an agent-centred account of citizenship. First, there are many ways in which an agent-centred account of citizenship might be construed. We must be careful when the term agency is simply used as a conceptual device to smuggle in one's pet theory. Guillermo O'Donnell (2010: 25), for example, has argued that "citizenship is agency", but his view of agency is tied to an exclusively Liberal conception of persons as rights bearers. Thus, it is unclear how it is supposed to mediate debates between competing paradigms of citizenship.

A more reasonable stance, held by Lynn Dobson (2006: 85—emphasis added), is the view that "citizenship is the essential *institutional* link between individual human agency and collective political action." As an 'institutional link' citizenship is a commitment by individual agents in particular contexts of collective political action to abide by and defer to certain procedural principles (e.g., legal principles of adjudication, constitutional norms, principles of political participation, and so on), which makes acting for the sake of certain goals in concert with the goals of others possible. Commitment to these procedural principles identifies one as a citizen and as a particular citizen (i.e., a citizen of *this* polity).

Some scholars have taken the view, however, that an agent-centred approach to citizenship essentially simply "relocates the source of citizenship rights from the state to personhood, giving rise to a cosmopolitan or post-national citizenship that transcends borders" (Bloemraad, *et al* 2008: 154). This is curious, not because personhood is potentially a 'source' of citizenship, but because personhood is considered by many to be socially inscribed, and thus deeply embedded in a social context defined by cultural and

physical borders. Indeed, without borders all rights are rights in general, rights of

everyone against all, and many particular rights may lose their significance (e.g., what is

the significance of the right to exit or to renounce one's citizenship if citizenship is

universal?). The significance of an agent's social political milieu in identity formation

and for the development of a sense of self makes it difficult to simply relocate the source

of citizenship rights (or any other aspect of citizenship) without depriving agents of

important dimensions of their personhood as socially situated individuals.

This is precisely the thrust of several important criticisms aimed at John Rawls

who, in privileging the *right* (i.e. one's identification with abstract principles of justice

chosen behind a veil of ignorance) over the *good* (i.e., one's conception of the good life

which cannot be got at behind the veil), inadvertently appeals to a conception of the self

that is more or less 'empty'. Part of the worry with Rawls's view, is the suggestion that

the unity of personhood achieved through membership in a particular political

community is, in effect, 'guaranteed' by adherence to basic principles of justice, and thus,

independent of the actual circumstances of the individual's lived experience. As Michael

Sandel (1998: 22) has pointed out, "[t]he antecedent unity of the self means that the

subject, however heavily conditioned by his surroundings, is always, irreducibly, prior to

his values and ends, and never fully constituted by them." David Miller (1995: 44;

44n55) contests the Rawlsian position in arguing that our distinct identities must

'emerge' from a process of critical self-reflection towards the values that have been

'inculcated in us by the communities and institutions to which we belong'.

Korsgaard (2009: 43) claims, however, that the kinds of arguments Sandel and

Miller appeal to rest on a mistake about how we constitute ourselves as autonomous

agents. According to Korsgaard, we constitute ourselves as agents—and thus determine who we are as individuals—by adopting certain practical identities which structure our commitments. On this account, a 'good action' (understood as 'acts done for the sake of particular ends') is "…one that constitutes its agent as the autonomous and efficacious cause of her own movements" (2009: xii). We are the autonomous and efficacious cause of own movements by virtue of choosing to conform to the principles of a particular practical identity though which we constitute ourselves as particular agents with particular goals and circumscribed procedures for achieving those goals. To be a citizen—to endorse citizenship as a practical identity for oneself—in this sense, is to adopt a certain set of criteria for judging the rightness and wrongness of actions. On this account, a citizen is someone who harmonizes their actions with the normative framework provided for by a particular polity—its laws, social norms, and so on.

Korsgaard (2009: 21) admits that "[w]e have many particular practical identities and so we also face the task of uniting them into a coherent whole." For Korsgaard, unity of personhood is achieved by harmonizing one's acts with the normative prescriptions entailed by their commitment to principles emanating from the practical identities they chose to endorse. But unity admits of degree. One can perform well or poorly in meeting the demands of their respective chosen identities (Korsgaard 2009: 29). That is, one may conform more or less to the normative standards of state law, or act in ways which are more or less worthy of an citizen of a particular nation. Not only does this account for why individuals may be singled out for praise in recognition for having met, or gone beyond, the demands of citizenship. It also accounts for why one may perform poorly as a citizen without thereby forfeiting their identity *as* a citizen. This is important,

for the idea of a responsible citizen is one who is *accountable as a citizen.* One may

commit crimes against fellow citizens (e.g., as sex offenders), or against foreigners (e.g.,

by plotting against foreign nationals), without thereby loosing one's *identity* as a citizen.

Instead one looses self-respect and the privileges of citizenship which are entailed by

being a responsible citizen.

Thus, agent-centred and state-centred accounts of citizenship differ in several

important respects. State-centred theories of citizenship suggest that claims about the

political nature of individual citizens are reducible to claims about how citizens' actions

contribute to the life of a particular polis or bounded sphere of (political) action. In this

sense, the moral worth of particular actions are a function of citizens' positional agency.

By contrast, Korsgaard (1989: 32) claims that, "from the deliberative standpoint our

relationship to our actions and our lives is not merely one of position. It is essential to us

that our actions are our own, and we regard living our lives as something that we do."

Statist conceptions of citizenship are objectionable to the extent that they view the state

as a precondition of political agency *prior* to an assessment of any particular individual's

relationship to that state (Collins 2006; Kymlicka 2002). That our deliberative standpoint

is not *merely* positional does not, however, mean that position is irrelevant to deliberation

in the service of everyday action.

State-centred theories of citizenship also suggest that citizenship is *essentially*

conferred (e.g., as in Cohen's view). This view is not entirely misplaced. Citizenship is

almost always acquired as an exclusive birth-right. Similarly, dual citizenship most

commonly results from the combination of principles of *jus soli* and *jus sanguineous*

(citizenship through birthplace and blood lineage) at the time of birth. It is normal then

to associate both citizenship and dual citizenship as an automatic status, and, thus not a status one adopts by choice. But even in cases where individuals 'decide' where to move or where and whether to naturalize it is not the case that one simply chooses which citizen they want to be; at most, we can only *attempt* to gain the status of citizenship in the absence of obtaining it at birth. From the perspective of agency, citizenship cannot be something that happens to us or an inner process of self-understanding: it must be something that we do or, as I will explain shortly, it must be something that we *act on*.

Now, both Miller and Korsgaard recognize that our practical identities are importantly contingent. Indeed, as I have already mentioned, Korsgaard (2009: 23) recognizes that citizenship is one among many kinds of contingent practical identities. What makes citizenship a *salient* practical identity is that it offers a way—a procedure— for unifying your agency amidst conflicting obligations and competing desires in a way that, say, being a painter or a professor does not.[22] Furthermore, on Korsgaard's view you may always opt out of practical identities, regardless of whether they are consistent with certain 'facts' about your birth or legal status. In other words: "Whether you treat [those identities] as a source of reasons and obligations is up to you. If you continue to endorse the reasons the identity presents to you, and observe the obligations it imposes on you, then it's you" (Korsgaard 2009: 23).

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[22] It's not impossible to view ourselves first and foremost as painters or professors, but in both cases it is unclear what we are committing ourselves to or whether our identities are really capable of covering all the relevant ground (i.e., all of the potential conflicts between other identities we have for which our identity as a painter may play a crucial adjudicatory or clarifying role). In the former case, it is unclear what, if any, procedural principles painters might appeal to in such cases; in the latter instance, there are far fewer institutional arrangements for governing situations such as exist as 'citizens.' I can, of course, admit that these identities may not be entirely distinct.

Thus, Korsgaard's position differs significantly from Miller's in that choice is singled out for its ability to unify our agency in a way that an obligation to choose within certain constraints imposed by one's social context (even when they issue from genuine feelings of loyalty) cannot. Judith Shklar (1993: 184) has made a similar argument by drawing a distinction between loyalty as the result of a rational commitment and loyalty as the result of choice which is a commitment that gives full expression to our agency:

> Belonging to an ascriptive group to which one has been brought up, and taught to feel loyal to it, since one's earliest infancy is scarcely a matter of choice. And when it comes to race, ethnicity, caste, and class, choice is not obvious. The emotional character of loyalty also sets it apart from obligation. If obligation is rule driven, loyalty is motivated by the entire personality of an agent. Political loyalty is evoked by nations, ethnic groups, churches, parties, and by doctrines, causes, ideologies, or faiths that form and identify associations. When it is a result of choice loyalty is a commitment that is affective in character and generated by a great deal more of our personality than calculation or moral reasoning. It is all of one that tends to be loyal.

It is only when commitments to our state and nationality coincide that loyalty and obligation will be mutually reinforcing (Shklar 1993: 187). This insight is crucial for identifying dual citizenship as a moral issue for those who have it. If dual citizenship is merely something that *happens* to us, if it is a political trait we inherit, a set of obligations conferred on us in virtue of the contingencies of birth, or a mere means to other ends, then it is not the product of reflective endorsement. In such cases, the 'conferral' or 'inheritance' of citizenship, however benign, has been imposed on us. As an imposition, dual citizenship may be more or less just, more or less beneficial or burdensome, but it will not be self-authored.

By contrast, Miller (1995: 43) argues that our practical identities cannot be as fully self-authored as Korsgaard's view suggests. As citizens of particular nations our

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moral identities simply cannot be got at in this way. On Miller's (1995: 44-45) state-

centred account, it is more reasonable to think that:

> As we come to reflect on [the values of the nation-state], we find we can no longer adhere to some, we find tensions and contradictions between others, and so forth. Finally, we reach a point where we have balanced the competing demands upon us and established our own scale of priorities between the different values. At that point we have worked out our own distinct identity.

This view has the advantage of avoiding the 'impossibly demanding', and quite possibly

incoherent view, held by so-called 'radical choice theorists' who believe that we can—

indeed, that we must—fashion our distinct identities in abstraction from our social

environment. Miller's (1995: 45n56) own view is that "[a]n autonomous person may

simply have learned to live with the incoherence, acknowledging different identities and

commitments which do not fit neatly together." Miller does not deny that the coherence

of a citizen's moral life may be compromised by competing obligations. Yet his

emphasis on balance is less important than the context in which an agent's balancing acts

occur. Because of this, Miller is unable to account for the problem faced by dual

nationals which is whether there is a point of balance in cases where one lives between

different normative systems. For on Miller's account, if we are forced to choose between

two competing commitments how can we come to settle on any *particular* commitment?

The question, for our purposes, is whether in 'balancing' our obligations between two

distinct nation-states we are in any better position as moral agents. Ordinarily our

obligations can 'compete' for our attention, and that we may find ourselves over-

committed; in these cases, it follows that some of obligations will be left unfulfilled or

incompletely fulfilled. But some of our commitments may *require* we leave others

unfulfilled. It is in this sense that the 'commitment' to dual citizenship is inherently and directly self-defeating as a practical identity.

Indeed, it is a serious question then whether dual citizenship is really a *practical* identity, or a role that one could be said to perform well at:

> Although it is not true that you are not performing an activity at all unless you do it precisely, it is true that you have to be guided by the precise version of the activity in order to be performing the activity at all. And at the same time the precise sense sets normative standards for the activity. […] These standards are ones that the object or activity must at least try to meet, insofar as it is to be that object or activity at all. (Korsgaard 2009: 31-32).

The 'activity' of citizenship is simply conformity to the standards of citizenship (whatever those are). Dual citizenship is not a *practical* identity, because it is not capable of making sense of your actions taken together under a single identity. There is no clear sense in which you can treat *dual* citizenship as a *source* of reasons and obligations because there is nothing *overall,* nothing *as a whole* that can be held as an ideal and thus nothing that can determine one's actions as a dual citizen. In this sense, dual citizenship does not meet the practical standard of agency as self-constitution because being a dual citizen is not a way of constituting the self in a way that is consistent with an account of moral commitment: dual citizenship does not provide a way of unifying a set of actions (i.e. acts for the sake of some end) under a single identity. Thus dual citizenship is not a practical identity that one can reasonably endorse as a moral agent.

This conclusion has a certain intuitive appeal. After all, we do not ordinarily think that the best way to constitute our selves as moral agents (and to show our commitments to a certain kind of life) is to take on inherently conflicting commitments or, indeed, *more* commitments that we are capable of managing. Those who attempt this sort of thing—to be a full dual citizen—are liable to become a sort of double agent: an

individual with two sets of procedural commitments, or two sets of criteria for judging actions. This is not to deny that dual citizenship may be considered a real, or even a salient feature of one's identity, but dual citizenship is, as Korsgaard would put it, 'defective' as a form of citizenship because it fails to make sense of how our moral political commitments issue from a particular person with particular ends. As Korsgaard would have it, to plan our lives around the identity of dual citizenship is to have two distinct blueprints for action. In failing to commit to particular (political/procedural) means in the service of particular valued goals through our identity as citizens of a particular polity, our actions as citizens of each polity flounder.

In the next section I describe the notion of a double agent in more detail. I focus in particular on the problem of dual citizenship as a hindrance to the continuity of moral agency and I consider two possibilities for overcoming or downplaying the issue of guidance raised by my account. After rejecting these possibilities, I raise an issue with regard to the danger of performing one's role as a citizen too well in order to set up my discussion of the value of dual citizenship and political disunity in Chapter 3.

2.2 Full Citizens, Double Agents

Reflecting on T.S. Marshall's influential vision of citizenship, Geraint Parry (1991: 167) notes that: "[i]t is as if there were, latent within the core concept of citizenship, a *telos* to be realized." Aristotle maintained that the '*telos* of human life' was '*a certain kind of life*' and, thus, that "the telos is not something to be achieved at some future point, but in the way our whole life is constructed" (MacIntyre 1984: 175). Whether the core of citizenship is the realization of a *telos* is certainly open to debate. But it seems reasonable to suppose that any conception of 'a certain kind of life' would not be worth

realizing unless it could be grounded on the possibility that an individual can maintain, throughout his or her life, continuity of moral agency. It's important then that our identity qua citizen be compatible with or conducive to a life lived on the basis of certain moral commitments (subject to a reasonable amount of revision). For an individual who seeks to maintain full membership in multiple political communities, the question is whether, or to what extent, maintaining a coherent moral identity (i.e. a unity of personhood) is possible, which it must be if the individual concerned has any hope of maintaining their moral identity and self-respect

On this understanding, the problem of the continuity of personhood surfaces in response to a familiar issue that reveals the importance of choice and moral agency in everyday affairs. The problem is illustrated by the metaphor of a 'double life.' Frequently, 'to lead a double life' is synonymous with a certain (often vague) form of social impropriety attributable to a person who manipulates events and intentionally deceives others in order to accomplish otherwise mutually incompatible goals in what may be thought of as distinct social realms. That these actions reflect a morally dubious character has little to do with one's attempt to accomplish mutually incompatible goals in different spheres of one's life. The suspicion is, rather, that the goals of each 'life' are *morally* incompatible. It matters little what the individual does to keep one's 'lives' separate or whether one is 'true' to the values of each social realm as one may come to inhabit them. Hence, the assumption which provokes our suspicions is precisely that which causes us to feel disapproval when events conspire to reveal a double-life: morally speaking, one life is led at the expense of another, and between the two, there is little room for a coherent moral agent to take shape, let alone flourish.

The problem of moral continuity is, of course, neither new nor unique to citizenship theory. That the conditions which facilitate a double life are more or less available to everyone assists in demonstrating an important feature of moral agency in particular communities. As Alasdair MacIntyre (1984: 201-202) puts it:

> …fractured by choices in which one allegiance entails the apparently arbitrary renunciation of another, it may seem that the goods internal to practices [but especially 'the practice of making and sustaining forms of community'] do after all derive their authority from our individual choices, for when different goods summon in different and incompatible directions, 'I' have to choose between their rival claims.

The difficulty of choosing is a result of the fact that all of us belong to different associations and communities each of which supply us with reasons for acting in certain ways. The challenge of dual citizenship is the local, everyday one of choosing between rival claims writ large (i.e. physically, across states, and also theoretically between ideal, but normatively distinct political communities). John Simmons (1979: 31) has pointed out, however, that the concept of a political obligation is subject to a particularity requirement that "bind[s] individuals to one particular community". And this is very much in line with Edward B. Portis's (1986: 472) view that "any plausible justification of political obligations in the abstract must imply some ideal of communal citizenship." The issue, then, is that of explaining the continuity and coherence of an agent's moral/political commitments in relation to distinct citizenries representing distinct normative systems across legally and culturally defined expectations of political membership.

One worry here is that dual citizens may come to see the norms of their respective citizenries as somewhat arbitrary and "this may tempt the dual citizen into not taking specific norms too seriously" (Blatter 2010: 776). So it might be argued that states have

at least *some* reason to prevent or discourage dual citizenship so as not to encourage less well-intentioned individuals from cultivating a morally dubious 'double life'. (The tendency of states to tolerate dual citizenship *passively* is significant here; with the exception of Germany, there is no active effort in or among states to determine how many residents are dual citizens. The recognition of states' passive tolerance of dual citizenship means that dual citizens are less liable to be held to account for their discretion in playing to different normative standards.)

However, the temptation to disregard a particular norm might equally be a source of deep regret resulting from an inability—regardless of better intentions—to act in accordance with particular norms since, in so doing, one is liable to violate one's erstwhile commitments to norms governing conceptions of the good in another polity. In this sense, states may be justified on moral grounds in preventing (or at least discouraging) dual citizenship, in order to prevent or limit the number of citizens forced to live under circumstance in which they will ultimately fail to negotiate between 'rival agencies'[23] representing commitments to distinct polities.

I can think of two ways in which dual citizenship may be thought to function as a source of practical guidance. We have good reasons to reject both options. First, dual citizens may attempt to overcome or downplay the issue of guidance by arguing that the normativity of citizenship is essentially jurisdictional and thus relative to contexts (e.g., the territory or 'sphere of influence') in which the norms of citizenship are efficiently authoritative and capable of being coercively enforced. (The claim is strongest when it is coupled with a conception of citizenship as a legal status.) In this sense, a commitment to dual citizenship is a commitment to a form of moral relativism—a citizen of Rome when

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[23] I borrow this term from De Sousa (1976).

in Rome. This form of territorial relativism is not only an impractical form of guidance,

it prevents it adherents from forming a substantive moral identity based on commitments

that cannot be understood as territorially bound commitments. Even the most basic

commitments to honour one's parents or to provide for one's family make no sense on

this model.

It might be argued that a normative commitment to dual citizenship functions as a

kind of methodological intuitionism.[24] This is a more plausible response to questions of

how dual citizenship functions as a source of practical guidance. The suggestion is that

dual citizenship will give us reasons for action by generating a complex set of *prima facie*

moral duties. This, rather than an arbitrary territorial allegiance, more accurately reflects

the sorts of considerations we may face as moral persons. Our commitments to

honouring our parents and providing for our children are cashed out in terms of basic

duties to our parents and our children; they are not commitments that exert a normative

force on us only when we happen to be in the jurisdictional vicinity. The problem with

methodological intuitionism, however, is that it offers no method of 'balancing' the

various obligations against one another, nor does it help to determine a course of action

when *prima facie* duties conflict. And in this way, we have simply restated the original

problem in slightly different terms. Since the duties referred to here are duties generated

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[24] Methodological intuitionism (MI) is the view that there is no basic method to determine the relative weights of conflicting obligations—the solution to such cases depends ultimately on our intuiting the answer (Rawls 1971[12003]: 30-36). MI is one of two classic ethical theories criticised by Rawls in his *Theory of Justice* (the other being Utilitarianism). The term *prima facie* duty in Ross's (moral intuitionist) system is, strictly speaking, a misnomer. The term *prima facie* suggests that a duty, which at 'first glance' appears to be a reason for action, might later be shown to have been no reason at all. Ross, however, meant for a reason to remain *some* reason for doing an action even if overall judgement led us to forsake the action on the balance of reasons against (Ross 1930: 20). *Prima facie* duty has been replaced by the notion of a *pro tanto* duty (i.e., a duty 'so far as that goes').

by obligations of citizenship what we end up with is really two sets of *prima facie* duties. Certain of these duties will be outwardly compatible; they will be similar duties with corresponding justificatory premises. But in many other cases our duties will conflict, and for dual citizens they will conflict far more often, since there will be many similar kinds of duties owed to members of each particular community and no common metric by which to assign them relative 'weights'. Of course, no one argues that the normative status of citizenship (whatever it consists in) commits us to the formal requirements of any particular ethical theory. No citizen is a citizen in virtue of conforming to a certain explanatory view of morality. Nonetheless, the value of citizenship is that it binds us to a substantial set of formal procedures by which we may overcome differences between our moral deliberative assumptions and competing interests. However, this process may carry a certain risk. The actions we engage in as citizens may be brought together under the identity of citizenship by aligning certain goals we have as persons with basic procedural principles of action. These principles include normative legal codes which help us to determine which goals are broadly acceptable and thus what the range of acceptable actions is. So far, however, I have been focusing on the standards of a particular type of citizen, a citizen of a liberal democratic state. But this is no guarantee that our identities as citizens will inevitably be morally acceptable. Liberal states are not static normative systems and we must constantly be on guard in order to avoid committing to a normative system that is susceptible to changes which, by association, will affect our agency. Thus, in the next chapter, we must consider not only how states ought to deal with the problem of double agents, but how we can identify the justificatory grounds for dealing with dual citizenship in the full knowledge that non-ideal liberal

democratic states may act in ways that warrant a certain resistance to adopting them as normative systems. Since the ideal of dual citizenship is inherently opposed to the full acceptance of any particular state normative system, we have reason to determine whether the presence of dual citizens or the toleration of dual citizenship more generally may be an important sign that states value a critical self-reflective citizenry.

MacIntyre (1999: 326) has, however, drawn attention to a different worry, identifying the need to be weary of accounts of citizenship which, in assuming the unity of the *demos*, take the state to be a sufficient guide to practical deliberation:

> [P]ractical reasoning that is adequate for doing what a particular role requires will itself generate reasons for acting beyond those requirements and even sometimes against those requirements….To be able to restrict one's practical reasoning to what will enable one to discharge the responsibilities of one's socially approved roles is to have imposed on one's thinking a set of artificial restrictions. It is to have arbitrarily closed one's mind to certain possibilities of action. And, although others may provide one with motives for effecting such a closure, it is only with one's own active co-operation that the habits of mind can be developed which make such closure possible.

We must be able to account for the fact that individuals can be moved to act in ways that are critical of state practices, or in ways not otherwise required by the laws of citizenship, yet which are essential to the maintenance of a democratic polity. The actions I have in mind are not merely acts of revolution *against* the state. They may also include supererogatory acts (acts above and beyond the call of duty) or acts of political dissidence.[25] State-centred theories of citizenship are, by definition, unable to account for the fact that "…there are *requirements* of state-citizen relations underlying constitutions, which cannot be created by the state. These include reciprocity, solidarity, and trust among citizens" (Faist 2007: 10—Emphasis added). However, the difficulty of

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[25] According to Raz (1984: 185), "[a]cts are supererogatory if their performance is praiseworthy and yet it is not morally wrong to omit them. There is no obligation to act in a supererogatory way."

accounting for the value of political disunity in an agent-centred account seems to rest on the fact that although dual citizens might been seen to have many advantages over single-state citizens, what they enjoy by way of their status they pay for in terms of their moral identity. To be clear, being a citizen of two nations may still be a salient feature of one's identity and, in this sense, a powerful source of motivations, influences and desires. But it is difficult to see how it could contribute to one's normative identity, unless the commitment to one's dual citizenship was somehow a normative commitment made in view of its capacity to function as a source of practical guidance. In the next chapter I want to consider how dual citizenship may be an important source of guidance and a normative ideal in its own right.

Before I continue, however, I think it's useful to briefly restate the main conclusions of the previous chapters. In Chapter 1 I argued that the state is able to serve as a stable normative system—a kind of 'moral model'—within which its citizens (both new and old) can find guidance in everyday affairs, and plan their lives on the reasonable assurance that others will act more or less in accordance with the community's moral code. In Chapter 2 I argued on the supposed validity of this premise for the conclusion that dual citizenship could not be held as a moral ideal or a practical *moral* identity for individuals. In effect I tried to unite a statist account of the value of citizenship (outlined in §2.1) that was predicated on the value of political unity—i.e. on the capacity of particular authoritative political arrangements to serve as the grounds of practical reason—with an account of moral agency. In doing so, I am aware that my position relates a very old conception of citizenship with our capacity to be unified moral agents. The ethical outlook common to ancient Greece held that "the *polis* is the source of all of

the norms and standards that govern the life of an individual in it" (White 2002: 154). In

the modern political context, however, it's difficult to ask whether a state is a moral

model without first reflecting on the fact that few states command such solidarity.

Recent studies suggest, for example, that many citizens who are often thought to posses

strong internal nationalist sentiments (including those of western European countries

including France, Germany, Spain, and Sweden) are better characterized as 'happy, non-

nationalists' (Inoguchi and Blondel 2008: 42). Elsewhere, feelings of national belonging

and good citizenship are not necessarily considered coextensive as, for example, in

Poland, where "citizenship and belonging to a nation are *conceptually* distinct" (Górny, *et

al.* 2007: 147—Emphasis added).[26] A burgeoning network of migrants and transnationals

(including increasing numbers of dual citizens), along with the rise of cosmopolitan

norms, suggests that to associate states with anything resembling a moral model is

inherently problematic. In the next chapter I show why this is the case and how state

tolerance towards dual citizenship may be indicative of the legitimacy of the state as

normative system that citizens can endorse.

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[26] That is, there is no intuitive association with being a citizen of Poland and being an ethnic Pole.

Chapter 3. Dual Citizenship and the Value of Political Disunity

In this final chapter, I demonstrate how Korsgaard's conception of agency may be utilized as an aid to identifying dual citizenship with the capacity for critical self-reflection by expanding on the concept of citizenship as an 'internal reflection of state membership' (O'Leary 1996: 10 quoted in Boll 2007: 75). The value of dual citizenship, I argue, is predicated on the value of political *disunity* in the form of legitimate *critical* self-reflection on state membership that demands uptake and is capable of resulting in institutional and constitutional refinement. In (§3.1) I discuss the emergence of dual citizenship as a significant political identity and an object of concern for Liberal democratic states. This leads us to consider a set of questions concerning states' acceptance of dual citizenship in practice: What reasons, if any, does the state have for tolerating dual citizenship or for protecting dual citizens? What restrictions may states reasonably impose on their dual state members? Most important, I argue that the problem of dual citizenship and double agents does not provide states with *moral* grounds for denaturalizing dual citizens abroad or discouraging resident nationals from attaining a second citizenship. In (§3.2) I appeal to Charles Taylor's (2007) concept of the 'buffered self' in order to demonstrate the potential danger of adopting an uncritical stance towards state membership which increases one's chances of being manipulated by the state or of being complicit in illiberal, state sanctioned activities. Crucially, however, states' endorsement of dual citizenship is not an endorsement of autonomous agency as such, but of responsible citizenship, which on Korsgaard's account may best be understood as an endorsement of the capacity for critical self-reflection that is necessary for maintaining the health of the *demos*. In (§3.3) I very briefly contrast the condition of statelessness

with dual citizenship in order to account for the political value of citizenship that underpins the value of political disunity. I conclude by summarizing the main arguments of the thesis and highlighting its main contributions.

3.1 Dual Citizenship in Contemporary Political Thought

There is little disagreement that dual citizenship is on the rise and that states are more willing to tolerate or recognize dual citizenship as an official status (Boll 2005; Kivisto and Faist 2010). The number of dual citizens worldwide has risen dramatically in the past three decades. By the late 1990's the estimated number of legally eligible multiple citizens (of two or more nations) was being measured in the "tens of millions" (Aleinikoff and Klusmeyer 2001, quoted in Boll 2005: 1n3). This rise is due, in part, to the legal naturalization of children whose parents emigrated during the labour migration waves of the 1970's and 80's, especially in the United States and Western Europe (Hammar 1985). In Germany, where a rare, concerted effort has been made to account for the number of dual citizens, at least 45% of all naturalizations between 2000 and 2006 resulted in dual citizenship (Kivisto and Faist 2010: 242). Marriage to foreign nationals and increasing 'toleration', 'openness', and 'encouragement' of dual citizenship by states including Canada (Bloemraad 2004) are factors contributing to the rapid increase in the number of dual citizens. Michael Lister and Emily Pia (2008: 63) have gone so far as to say that dual citizenship has already emerged as a dominant form of citizenship: "…due to the recent liberalization of different nationality rules on naturalization, expatriation, and assignment of citizenship at birth, dual or multiple citizenships are in fact the norm and will be more accepted in the future…" Unfortunately, it is difficult to assess such statement since statistics on dual nationals are often unavailable or unreliable. Growing

interest in transnational citizenship is itself is a response to the 'little that is known' (Faist 2007: 17) about the causes, experiences, and values of multiple citizenship holders themselves.

Dual citizenship has recently emerged from a period in which it was viewed with deep scepticism to be hailed as a new standard of autonomy, inclusiveness, and political choice (Spiro 2010; Blatter 2011; Frank 1999). It has also come to be viewed as an indication of states' increasing willingness to relinquish controls over conceptions of identity and political belonging in favour of a progressive stance towards the protection of human rights, democracy, and personal development (Frank 1999; Joppke 2010). This, in turn, has strengthened the convictions of those inclined to show that post-national and cosmopolitan forms of citizenship are both achievable and morally superior to civic-republican or state-centred theories. Triadafilos Triadafilopoulos (2007: 28) points out, that "[a]ny serious effort to check the rise of dual citizenship would require rolling back well-entrenched rights and thus be politically costly." Similarly, Christian Joppke (2010b: 13) claims that the price of 're-nationalising' citizenship [i.e. 'by ceremony, civic integration tests, and more exclusive rights'] may be "Europe" itself: "… looking back from the European plane at current state current state attempts to re-nationalize citizenship, the state campaigns are revealed as smoke and mirrors." Be that as it may, there is nothing *inevitable* about the future of "Europe" and citizenship should be treated as highly contingent.

Dual citizenship has long been a topic marred by controversy and deep scepticism. It stands to be shown, however, what the object of this scepticism actually

consists in. Both the Bancroft treaties (1868)[27] and the 1930 Hague Convention on

Certain Questions Relating to the Conflict of Nationality Laws clearly state that '[a]ll

persons are entitled to one nationality, but one nationality only.' The suggestion that dual

citizenship was a dangerous contradiction and a 'self-evident absurdity' (Martin 2005)[28]

is preserved in the 1963 Convention on the Reduction of Cases of Multiple Nationality

and Military Obligations in Cases of Multiple Nationality. At the height of the Cold War

some scholars found it difficult to even conceive of multiple citizenship (e.g. Aron 1974).

The adoption of the 1993 Second Protocol Amending the Convention on the Reduction of

Cases of Nationality and Military Obligations in Cases of Multiple Nationality and the

1997 European Convention on Nationality demonstrated a marked change in attitude and,

in Spiro's (1997: 1415) estimate, "a changed international context, one in which dual

nationals pose a diminishing threat both as an encumbrance to cordial bilateral

relationships and as a potential source of subversive activity." The assumption that dual

nationals pose more of a threat to states than the state's own (mono-)nationals has been

greatly undermined due to, among other things, increasing intra-state conflict. US private

Bradley Manning's involvement in the world-wide release of secret US Embassy Cables

is a particularly interesting and dramatic illustration of a shift in emphasis from states'

right to protect themselves against disloyal dual nationals, to states' obligation to protect

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[27] Named after the American Diplomat and historian George Bancroft, the Bancroft agreement include twenty-five treaties the United States signed between 1868-1937 with the five German states of the North German Confederation as well as with the United Kingdom, Denmark, Haiti, China, Mexico, and Ecuador, among others. All of these, with the possible exception of the US treaty with Bulgaria (1923, still in effect as recently as 2010) have been rescinded. See Boll (2007: 185n40).
[28] The term refers to a comment made by Roosevelt expressing the then common view that "that dual nationality makes no sense, and holds dangers for good relations between nations." See, Martin (2004).

dual nationals, in this case, against illiberal treatment at the hands of ostensibly 'democratic' states.[29]

Bradley Manning's case also suggests, however, that we ought to resist the inclination to view dual citizenship as having a *natural* link to liberal democratic values or human rights so that any increase in cases of dual nationality are signs of a progressive liberalism. Another example should suffice to make the point clear. Increases in the number of dual citizens worldwide have been linked to a decline in gender-based discriminatory practices (Carens 2000: 163). Many countries—though by no means the majority—which previously restricted the transfer of citizenship from fathers to their children now allow children to retain citizenship from either parent. In cases where there is no obligation of children born as dual nationals to choose their nationality upon reaching adulthood, both citizenships may be retained (Bauböck 1994; Boll 2007: 242-248). This is formally consistent with the abolishment of discriminatory citizenship practices. However, although it may confer formal and even substantive benefits on women, is not necessarily an indication of a general will to promote the substantive welfare of women. Only if the *reasons* for ending these practices can be characterized as anti-discriminatory as such can policies themselves be expressions of substantive gender equality. Otherwise, 'equality' is merely an unintended effect or by-product in pursuit of other values. It's important to note then that the impetus for ending 'gender-biased' citizenship practices has often been couched in terms of the importance of maintaining a 'unity of nationality' vis-à-vis the family (Boll 2007: 244), and not, as we might hope, because it is considered *wrong* to base citizenship policies on enduring prejudices.

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[29] Pilkington, McGreal, and Morris. 1 Feb. 2011 *The Guardian* [Online Edition], 'Bradley Manning is UK citizen and needs protection, government told'.

Asylum seekers, political and environmental refugees, labour migrants, even the enamoured tourist may attempt to claim dual citizenship through naturalization, intermarriage or the rights of dependents. The increasing number of ways to access basic or conditional rights of citizenship may be seen to reflect a respect for liberal democratic values based on need and respect for international law. Liberal democratic states' accommodation and tolerance of plural citizenship is not simply a pathway to instrumentally valuable international political and socio-economic arrangements between states (Joppke 2010: 160). As legitimate political stakeholders in multiple states, dual citizens are now directly implicated in debates about the viability of transnational democracy which, in the first instance, are debates about whether and to what extent it is possible to form a political community beyond the nation-state. Joachim Blatter (2011: 793) has recently argued that "dual citizenship should not only be endorsed because it strengthens democracy in a transnationalising world. It should also be recognised as an important stimulus for conceptualising transnational democracy in the twenty-first century." This claim must be approached carefully. It is easily paired with the suggestion that we may be morally *obligated* to create transnational political communities (Bohman 2007: 102). Such claims are misleading because they oversimplify the history and theoretical context in which dual citizenship has emerged in political thought.[30] Historical studies of nationhood remind us that, "what passes as 'national' is often a congeries of other hybrid allegiances (e.g., regional, gender, class, linguistic, ethnic, imperial, transnational) and attending socio-economic contexts" (Beyen and Van Ginderachter 2012: 9). So we must not overlook the fact that "transnational

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[30] As I mentioned earlier, there is no political *theory* of dual citizenship.

social relations had been accompanying the nation-state ever since its institutionalization in different forms and intensities…" (Nieswand 2011: 32).

We must also pay attention to the fact that there are rival historical accounts of how states have tended to view dual citizenship—either with acceptance or with scepticism. According to some scholars (e.g., Boll 2005: 2; Faist 2007:274), it is simply false to say that states have always viewed dual citizenship as undesirable, or that states have invariably displayed either an aggressive stance in eliminating dual citizenship within their borders, or a vicious opposition towards the adoption of tolerant legislation that promotes the acquisition of multiple nationalities. By contrast, Peter Kivisto (2007: 274) argues that "[i]t is in this historical context [of opposition to dual citizenship] that current developments in the expansion of dual citizenship need to be understood…" These positions are not incompatible as such, rather they reflect a long-sighted and a short-sighted historical record of state tolerance towards dual citizenship. The recurrent question as to source of the 'growing tolerance' of dual citizenship in *recent* decades is not necessarily misleading; it simply reflects one's choice to adopt the shorter historical record. The value of the long historical view lies in its suggestion that dual citizenship is neither intrinsically inimical to state or international systems of governance, nor has it been so viewed by states themselves. Nonetheless, there are good reasons for privileging the short historical view (as Kivitso does). It would be anachronistic to appeal to cases where dual citizenship was apparently accepted (e.g., in Roman times) but which are too far removed from our 'present political condition' (which, as my scare-quotes indicate, is not the same as saying that there is complete agreement on what that condition is).

Of course, anachronism is neither worse nor better than dogmatism. So we should not give in to those for whom the statist "congruence of an almost holy trinity of territory, people, and political regime" (Faist, Gerdes and Rieple 2004: 923) is completely incompatible with transnational citizenship understood as "a triangular relationship between individuals and two or more independent states in which these individuals are simultaneously assigned membership status and membership-based rights or obligations" (Bauböck 2007: 2395; See also Faist *et al* 2004). Some scholars reject the notion that dual citizenship poses a serious challenge to liberal or republican conceptions of a politically unified nation within a bounded state. Thomas Faist (2007: 18) claims, for example, that:

> A transnational perspective also implies that dual citizenship is not a separate form of political membership in political communities such as national citizenship in sovereign states or supranational citizenship in multi-level governance systems. Rather, dual citizenship is essentially a form of political membership complementing national membership within states interested in maintaining and/or tolerating citizens' transnational social and symbolic ties for instrumental purposes.

Faist's assurances are difficult to reconcile with the view that dual citizenship simply *complements* national and multinational forms of political association (e.g., Bosniak 2007). The political unity of a (democratic) state depends, to an important extent, on a nation's ability to control the conditions and conceptions of political belonging through rules and policies of membership. The notion of belonging that attaches to state-governed and stated protected processes of membership (even when it refers to a thin conception of political community) signals an important normative concern that is not easy to overlook. Twenty years ago, Michael Walzer (1983: 37-38) pointed out that:

> [i]t is only if patriotic sentiment has some moral basis, only if communal cohesion makes for obligations and shared meanings, only if there are members as well as

strangers, that state officials would have any reason to worry especially about the welfare of their own people…and the success of their own culture and politics.

On this account, a source of political disunity is whatever threatens a state's internal normative stability, for example, by diluting the 'moral sentiments' of belonging within an exclusive membership, thereby undermining the general inclination to fulfil certain basic political obligations of and to the state and its members. As Peter Kivitso notes (2007: 281):

> The concern with dual citizenship from this perspective emanates from the conviction that citizenship must be predicated on a type of solidarity rooted in an emotional attachment to the nation and a willingness to entertain the prospect that one might have to sacrifice on its behalf.

The notion of sacrifice here is key. Solidarity, emotional attachments, and the will to follow one's convictions may all be important for an explanation of what makes sacrificial acts of citizenship (e.g., going to war on behalf of one's nation) possible. However, as explanatory features, they do not answer what Christine Korsgaard (1996) regards as 'the normative question', a question of what, if anything, justifies such acts. To account for something's 'normativity' is to account for "the grounds of its authority and the psychological mechanism of its enforcement, the way that it binds you" (Korgaard 2009: 2). Typically, actions are thought to be 'good' when they are undertaken for the sake of something of (usually intrinsic) value. One way of responding to the question 'why should I act in such and such a manner?' is 'because it is good for the community' (Gewirth 1996: 91-96; Miller 1995; 11, 17; White 2002: 124-154). However, where states are illegitimate, where citizenship is a condition of disempowerment, or where conformity to the procedural norms of states is a *de facto* commitment to injustice (e.g., because the legal system is inherently unjust), they are no

longer normative systems that citizens can endorse. Thus, in the next section I contrast and weigh questions of whether states have moral reasons to denounce or discourage dual citizenship against questions of how individual citizens can guard against unifying themselves whole heartedly and uncritically with states as normative systems.

3.2 Dual Citizenship and The Value of Political Disunity

The existence of 'double agents'—agents whose full political membership in any one state precludes full, responsible membership in another—raises important normative questions about what restrictions states may reasonably impose on their members including whether states may legitimately limit the rights of multi-nationals. If, by attempting to adopt dual citizenship as a practical identity for ourselves or as a way of understanding our moral duties to others, we fail to constitute ourselves as unified moral agents, or if the ideal of dual citizenship is parasitic on any particular ideal of citizenship, there may be *prima facie* moral grounds for denaturalizing dual citizens abroad and coercing resident nationals into renouncing their second citizenship. This, I believe, is a mistake. I argue that it is precisely the precarious deliberative position of double agents that helps to reveal the value of dual citizenship as a political identity. In other words, it is *because* dual citizenship fails as a unifying moral identity that that it succeeds as an adequate reflective political identity. The idea here is that the ideal of dual citizenship is inherently resistant to unification with a single normative polity—that is, it expresses an ideal of political disunity in the form of legitimate critical self-reflection on state membership that demands uptake and is capable of resulting in institutional and constitutional refinement.

For this reason, the empirical phenomenon of dual citizenship as a ubiquitous form of citizenship is not something to turn against. Indeed, to adapt Korsgaard's words for my purposes, the essence of an imperative of dual citizenship is captured by the concept of "reflective distance" (Korsgaard 2008: 4), the idea that one can negotiate between different normative systems, and thus treat each state as a source of "aware[ness] of the potential grounds of [their] beliefs and actions *as potential grounds*" (Korsgaard 2008: 5—emphasis in original). Agents who are capable of cultivating this sort of reflective distance are less likely to be coercively or inappropriately persuaded by the norms and practices of one political community if we are exposed to other communities especially if this reflective capacity is backstopped by a meaningful option to exit. (I do not want to dismiss out of hand Miller's view, which I explained in the previous chapter, that there are many situations in which we must simply live with contradiction or deal with conflicts between our values and those of our social political context. So, to be clear, it is easy to overstate the significance of a meaningful option to exit. Opting to exit a country is a difficult and challenging exercise. We will not be willing to exit for just any reason. So *having* dual citizenship will not necessarily provoke mass migration every time a group of individuals find their preferences frustrated.) But the ideal of dual citizenship is such that our ability to be critical self-reflective agents does not suffer for lack of a meaningful alternative.

At this point, it's important to deal with a potential objection to my appeal to Korsgaard's conception of agency in the context of evaluating dual citizenship as a practical identity and a normative ideal. Thus far, my account is predicated on the existence of ideal agents, a more or less idealized rational agent in circumstances that are

equally ideal. But few of the worries generated by the phenomenon of dual citizenship can be understood as worries about the potential for dual citizens to live up to a daunting ideal of the rational moral agent I presuppose. Issues of loyalty and state security, national integration, or sentimental attachments to particular homelands that are bound up in our modern-day conceptions of citizenship have little to do with rational ideals. Objections to ideal rationalism of the sort I have assumed abound (Williams 1985). Here I will focus on potential objection to Korsgaard's view that is captured by Charles Taylor's notion of the buffered self. My aim is to clarify Korsgaard's view and, at the same time, expose a problem with rejecting dual citizenship as a normatively confused ideal. Although I will maintain that dual citizenship is not an adequate normative identity, it may still be valuable as a political ideal which protects against identifying too closely with one's identity as a citizen, and thus, it may help to avoid compromised to one's moral agency in cases where simple endorsement of one's identity as a citizen is tantamount to endorsing an immoral identity.

Charles Taylor (2007: 458) agrees, along the lines of Korsgaard's own theory, that "we have to define ourselves, saliently, even sometimes primarily, as Xes, and not as a host of other things which we also are or could be (Poles, or Catholic-Uniates, or just members of this village, or just peasants, etc.)." Contrary to the position I've taken in this thesis, however, Talyor (2007: 459) suggests that we can appeal to the language of religion as the basis of our salient identity. I think there may be reasons to favour the ideal (or the normative language) of citizenship, but I don't want to deny Taylor's position here. (And certainly Korsgaard herself is not openly opposed to his view.)

But Taylor also raises an important point that Korsgaard does not deal with directly, and which raises an important issue for her account.

Taylor claims that modern concepts of agency are often tied to an ideal of rationalism that may lead to a form of agency that is essentially disengaged from its surroundings, and which is susceptible to a kind of arrogant, self-assuredness. The result is what Taylor refers to as a "buffered self"[31] which, taken to the extreme, can engender a kind of 'fanaticism' similar to "the kind of religious certainty that seemed to the agent concerned to license going well beyond, and even committing gross violations against the order of mutual benefit" (239). This is the sort of arrogance displayed by political elites towards refugees in the Western Occupation Zones of Germany after the Second World As Ian Connor (2007: 177) explains, "[political elites] did not consider the refugees [i.e. German expellees and refugees from East Germany] to be independent, discerning individuals capable of making rational judgements but as helpless, gullible people who might support any party which promised to improve their material plight." Interestingly, from Taylor's perspective, the opposite conclusion may be drawn: that long-term citizens may become buffered selves (or buffered citizens) who are susceptible to manipulation by their state in the service of illiberal activities, either as pawns or as willing participants.

The creation of buffered selves is a serious concern for individuals in states whose prerogative is to control, isolate, or shield its internal membership from normative cross-fertilization that has the capacity to challenge (however weakly) a state's claim to effective authority. Without such input, however, a citizen's moral agency may be compromised and a person whose moral agency has been compromised poses a threat to

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[31] The notion is complex, so I will only address certain aspects of it here.

themselves and to others. Perhaps the most dangerous form of compromise to one's

moral agency occurs when one has succeeded at harmonizing with their normative

surroundings.

> Where citizens are generally content with the political arrangements of their society or are satisfied with their own position within it, they may not choose and will not be compelled to reflect upon their relationship to the political community of which they are members (Horton 1992: 1-2).

Taylor's notion of the "buffered self" is suggestive in the present context: normative

boundaries of state systems may allow one to escape from considering sources of

normativity beyond the state by shielding citizens from the demands, troubles, and

conflict beyond its borders. So states may create "buffered selves". It's a mistake,

however, to make the capacity for critical self-reflection overly dependent on some basic

(*a priori*) moral commitment between individuals and particular states. If the reflective

(deliberative-justificatory) grounds of our actions *are* dependent on a basic individual-

state relation then it might be argued that non-citizens who, for whatever reason, find

themselves in the jurisdictional territory of a foreign state are literally deprived of their

capacity for rational deliberation.

Talyor's "buffered self" highlights an important worry that the aim of achieving a

certain level of reasoned disengagement and a disciplined adherence to the normative

values of the state may eventually, if not checked, lead to the loss of a capacity for

critical self-reflection on one's commitments or the norms by which they live. As Taylor

(2007: 39) puts it: "The buffered self can form the ambition of disengaging from

whatever is beyond the boundary, and of giving its own autonomous order to its life".

The buffered *citizen*, rather than viewing the state as merely one possible normative

system among many, or indeed, as potentially flawed and thus capable of committing

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morally dubious acts 'in the name of freedom and democratic values', "is essentially a self which is aware of the possibility of disengagement" (Taylor 2007: 42).

Many criticisms and challenges launched against the ideals of state-centred citizenship issue from a more general worry about the *kind* of normative system that states are capable of becoming. Not all political communities are equally or inherently valuable as normative systems. It makes an important difference whether states are totalitarian or democratic. In the former case, states may still be normative systems. Indeed, legal positivists are fond of pointing out that the legal system in Nazi Germany was, regardless of its effects, still a *real* legal system and thus, that it was effectively normative. But normative does not mean morally good. A normative system must be one that we could endorse as moral persons. In such cases no one should attempt to conform to the dominant norms of the state in order to become a unified person.

What is important to remember about Korsgaard's, and hence my own position, however is that conformity to rational principles is not the goal. The aim is not *to be rational*, but *to be a unified moral agent.* A precondition for achieving the goal of achieving unity of personhood is conformity to certain principles of action—we accept certain principles in the interest of coherence and consistency. But the goal of achieving unity is not somehow morally neutral. We can and do need to consider circumstances where the achievement of unity in conformity to a certain identity risks giving up our identity as decent human beings. I don't think there is a definite answer to the question whether we can always find a perfect balance between the unity of personhood and flawless moral agency. This is not necessarily a flaw in the theory; rather it reflects, in part, the fact, as Kant has argued, that human virtue is displayed through the constant

struggle to overcome conflicting desires; virtue is not something to be achieved in a state of affairs that eliminates inner struggle (Schneewind 2002).

It's important to keep in mind that practical reasoning (i.e., the principles of reasons we appeal to) that informs action is neither efficient nor (usually) effective outside a particular context of action; we do not make plans or decisions without a normative reference point and that reference point is never entirely divorced from where we are *now*, or, in terms nearest to those that approximate our lived experience over time. As Barbara Herman (2001: 32) puts it, "we depend on the stability and structure of a morally configured world for the possibility of normal action." So while there is nothing that precludes us from ignoring the normative context in which we act, it is nevertheless fair to say that "[t]he establishment of an identity of citizenship is often sufficient within practical reasoning about norms to establish at least a *prima facie*, and often conclusive reason for action" (Weal 1991: 158). To be sure, we can be moved by events beyond our borders, and those events can supply us with reasons for action, but it would be strange to describe the reasons as inherently 'post-national'. Although it is a widely held assumption that questions of moral agency must, in general, give in to 'the primacy of the local' (Herman 2001), the worry is that this acknowledgement gives in too quickly to the idea that the nation-state is always a sufficient moral model.

Citizens occupy a special position in their respective states: only citizens can legitimately and openly question the standards of their community in a way that effectively obliges governments and institutions to respond. Foreigners' demands on governments are only effective to the extent that citizens desire those demands be recognized and responded to. So, for example, reinstating basic health benefits to landed

refugees in Canada will depend on citizens' response to the plight of refugees in the form

of public outrage and attendant threats of political punishment. I do not want to say that

the value of dual-citizenship lies entirely in its capacity to alert citizens to the

contingency of their position as citizens in any particular state. There is little evidence to

show that dual citizens are somehow more self-reflective than other citizens. Rather, the

value of dual citizenship lies in its representation of a normative political ideal to reflect

on the conditions, values and practices of particular political institutions from a vantage

point that lies beyond any particular state. Put simply, insofar as it may be said that "the

citizen who is not identified with a party...is the agent that keeps politicians uncertain of

their power and therefore responsive to the current of opinion" (P. Herring quoted in

Magid 1941: 146n9), so it is with the citizen who does not indentify exclusively with a

particular nation. Thus, as an ideal, dual citizenship represents a distinctly 'political'

conception of moral agency—the moral agency of citizens whose framework of practical

reason is indebted to particular normative systems (i.e. states), but which is capable of

maintaining a reflective distance from an external position of membership (i.e.

citizenship in another state). In this sense, the dual citizen[32] is capable of internal

reflection on (or an insider's view of) the conditions of state membership from a vantage

point that is not itself bound to the norms of the state. Dual citizenship here represents a

kind of justificatory strategy (a way of showing how one's decisions may be justified in a

non-circular way by mere appeal to the norms that issue from one's identity as a citizen,

and, instead are a result of reflection and deliberation on one's identity as a citizen). So

dual citizenship is not necessarily parasitic on the fundamental (moral) identity of

citizenship; on the contrary, dual citizenship can play a supportive role as a politically

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[32] Here I mean the dual citizen as a normative ideal, or ideally situated agent.

informed, reflective endorsement of citizenship. This is one way in which, as Onora

O'Neil (2003: 349—emphasis in original) has remarked, "citizens in democratic polities

can rely on a more limited range of shared justificatory strategies, which are *political*,

rather than fundamental" in making state reforms or in reforming their individual actions.

Citizens of modern, literate societies are, of course, particularly well-placed with

respect to their political traditions and 'basic structures' to be able to reflect on and find

resources within those institutional practices to direct them towards different ends

(Williams 2008: 36).   What I want to suggest here is that the tolerance of dual citizenship

may itself be a kind of institutionalized resource. One the one hand, dual citizenship may

be an example of what James Bohman (2007: 56) refers to as a 'new and experimental

form of deliberation in new contexts'—citizens with the capability to "initiate

communicative and social relationships that forms the social basis for democratization"

(Bohman 2007: 101) beyond the nation state. On the other hand, the toleration and

constitutional protection of dual citizenship may be understood as an indication of the

legitimacy of states as normative systems citizens can endorse. States that tolerate dual

citizenship trust its members to assume the full responsibilities of dual state membership,

despite not being entirely invested in any one particular state. The forced

denaturalization or renunciation of dual citizenship may be indicative of a state that is

either intent on or susceptible to creating 'buffered' selves. When states deny the

possibility of acquiring or maintaining dual state membership they act as *exclusive*

normative systems to which only citizens are directly accountable, which, in turn, may

foster the idea that citizens themselves have no important obligations to non-citizens.

Of course, the state as a sovereign normative system must enjoy *some* control over the composition of its citizenry, and if any such control is justifiable, it will surely be in the face of challenges to the stability of the system. Whether there are compelling reasons for endorsing a morally robust form of political agency exercised simultaneously in multiple polities, and, thus, whether nation-states have reason to pursue dual citizenship as a matter of progressive public policy will thus be relevant to a broad range of practical and conceptual issues. My point here is that the moral basis for allowing or tolerating dual citizenship is not whether it is a perfect mechanism for unifying one's moral identity with any particular state, but whether it is valuable for states and their citizens. The moral claim that we need to reduce or abandon dual citizenship issues from the worry that dual citizenship is parasitic on the *value* of citizenship as such. To say that dual citizenship cannot be a practical identity or that it fails to generate an account of moral commitment is one thing; to say that it must be abolished is something else. Thus the value of dual citizenship lies not in maintaining a kind of unity of personhood, but, rather, on the value of political disunity, which, although not intrinsically valuable for moral persons as such, is a value for the *demos*. Thus, dual citizenship is not to be understood as a *source* of autonomy or political liberation as Frank (1999), Blatter (2011), and others (e.g. Bauböck 1994; Spiro 2010) suggest; rather, it is a sign of a state's legitimacy and, to this extent, of indirect interest to individuals.

To say that dual citizenship is *indirectly* valuable to citizens is important for two reasons. First, in tolerating dual citizenship, states do not necessarily endorse dual citizenship as a normative/political *ideal*. For example, states may simply be interested in, or justify their tolerance of dual citizenship in the expectation of, material gains.

Second, it is unclear what role, if any, dual citizenship plays, or might play, in the cultivation or adoption of actual critical capacities by individuals. Here it's important to emphasize that the legal status of dual citizenship does not protect one from being used by states. Indeed, dual citizens may be susceptible to particular forms of state abuse in virtue of their double membership. The case of 'Prisoner X', a dual Australian-Israeli national who was detained by Israeli forces, and later committed suicide in an Israeli prison, has, for example, brought critical international attention to the Mossad's (Israel's National Intelligence Agency) morally dubious practice of using of dual nationals in covert spy operations.[33] But the precariousness of this position has virtues as well. Mikhail Khodorkovsky, the Russian oligarch turned political dissident, funds approximately ten Russians annually to study at Oxford on the condition that they return to Russia to work. Kordokovsky has reasoned that membership (even temporary membership) in a different political community is conducive towards the kind of reflection that is required for internal reform of illiberal state practices (Sakwa 2009). Thus, the acceptance of dual citizenship may be considered an indirect form of state-sanctioned criticism of state-held authority and thus may be a signal to citizens that their state values and officially legitimizes a political *identity* which encourages a critical stance towards the norms and procedural practices of the state.

There remains an important assumption about the value of political disunity which we need to expose if we are to show that there is really no *a priori* justification for liberal states to reject dual citizenship on moral grounds. To show this, I will contrast the value of the political condition of dual citizens with that of stateless persons.

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[33] Peter Beaumont, 13 February 2013. "Israel admits it was holding Prisoner X after court eases gagging order," *The Guardian.*

3.3 The Political Value Citizenship

The preamble of the 1930 *Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws* makes a remarkable normative claim: that dual citizenship and statelessness should be treated as problems demanding *equal* recognition and international attention: "the ideal towards which the efforts of humanity should be directed…is the abolition of all cases both of statelessness and of double nationality", and that "the general interest of the international community [is] to secure that all its members should recognise that every person should have a nationality and should have one nationality only." This equivalency is striking, in part, because of the differences in the relative conditions of statelessness and dual citizenship. It might be argued that dual citizenship is a form of political agency *par excellence*, while statelessness is a form of political bankruptcy. Dual citizens who are deeply dissatisfied with the norms of a particular states may 'opt-out' of that relationship without having to resort to civil disobedience or violent revolution. They are therefore less susceptible than "those whose only political choice is between obedience and disobedience" (Quinton 2004: 298). Stateless persons, by contrast, in being deprived of the preconditions necessary for the exercise of political identity and choice (or the 'right to have rights') may easily (if not altogether accurately) be regarded as deeply lacking in political autonomy. Indeed, as a moral/political issue, dual citizenship seems barely comparable to the plight of stateless persons. Dual citizens enjoy positive opportunities for political association and rights-based freedoms that stateless persons can scarcely consider. In this respect, statelessness and multiple citizenship appear less as polar opposites, separable by vast degrees, than as states of political existence that are different in *kind*.

Understanding the value of dual citizenship may be a significant factor in critically addressing concerns, for example, about its apparent unfairness, particularly with respect to the way it confers economic and political advantages (e.g., double-voting) (Aleinikoff and Klusmeyer 2002: 31-32). I do not wish to claim that these concerns are baseless. However, if citizenship is sometimes a *disvalue*—then, presumably, whether dual citizenship is an advantage depends on the basic and more relative conditions of each political community. Appeals to abolish dual citizenship on account of considerations of fairness may be predicated on inequalities between members of particular states. However, in many cases (especially those involving dual citizens who are members of southern and northern states) it could be argued that the concept of equality ought be broadened to include global conditions of distribution which may not only sanction cases of dual citizenship, but positively require it. These suggestions are relevant to broader questions about whether, or to what extent, nation-states ought to pursue dual citizenship as a matter of progressive policy.

Both stateless persons and dual citizens are agents for whom a particular state is not a definite normative system of reference and thus, not a unifying moral/political identity. In focusing on the different opportunities conferred by the legal statuses of statelessness and dual citizenship we may overlook the *political* opportunity conditions of statelessness and dual citizenship as conditions of negotiation, deliberation, and powerful expressions of political will.

In summary, the value of dual citizenship is not predicated on the value of the unity of personhood or its contribution to an account of moral commitment, but on the value of political *disunity*—the capacity for self-reflection on the norms and

commitments of internal state membership. The importance of political disunity is

particularly evident in the face of potential manipulation or abuse of citizens at the hands

of the state, and the potential for citizens to identify too closely with the state as an

inherently good, or faultless normative system.

Conclusion

Here I summarize the main arguments of the thesis referring the reader to its main contributions. To recap: dual citizenship raises two questions that are important when we come to consider the limits of moral agency (understood in the 'wide sense' of duties, rights, attitudes and expectations) attributable to citizens as members of distinct nations: what is it to be a *full* citizen in multiple nations; and, what is it to be a fully *responsible* citizen with multiple state membership? I argue that to be a full dual citizen is to adopt the constraints imposed by two distinct normative/political systems, frustrating attempts to give a coherent account of moral commitment. So dual citizenship breaches the limits of our moral agency; it is not a practical identity that individuals can choose to endorse (to borrow Korsgaard's term) as autonomous, self-respecting moral agents. Luckily, the value of dual citizenship does not depend on its capacity to contribute to the formation of a coherent moral identity, but, rather, on its capacity to legitimate states' internal normative authority.

My aim has been to demonstrate that dual citizenship is not merely an issue of public policy or international relations; it is also an important practical *moral* issue for dual citizens themselves. An agent-centred account of dual citizenship highlights the important relations between individuals and states and, as such, brings together a more complete understanding of the normative agency of citizens. I have also tried to show that the problem of dual citizenship amounts to more than the somewhat prosaic observation that rights conflict, that duties divide us, or that moral life is complex. The question of whether dual citizens are capable of maintaining a unified moral identity, one that is consistent with the notion of a citizen as an autonomous, self-respecting political

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agent, is worth addressing, in part, because it does not depend on the strength of my two fundamental assumptions: that states are capable of functioning as practical normative systems designed in the service of very different substantive visions of the good; and, that certain liberal democratic states are politically *legitimate* normative systems. Indeed, it is precisely because of the value of political legitimacy that dual citizenship is a moral problem. Dual citizens subscribe to different normative systems simultaneously, so the more legitimate each system is, the more those commitments will be appear to bind us, to be worthy of our commitment, and to divide us against ourselves. The problem of maintaining a basic set of moral commitments under such conditions is exacerbated by one's success as an integrated member. The deeper one's attachments to each community, the more one feels as though they truly 'belong' to both, and the more keenly this tension will be felt in the form of an increasingly intractable inner conflict between rival conceptions of the self. The suggestion then is that to be a full dual citizen is to be a kind of double agent: an individual who brandishes (or conceals) inimical identities in each body politic.

The thesis thus identifies the fundamental moral issue of dual citizenship as an issue first and foremost for individuals. I began with the premise that states are normative systems (i.e., the represent specific legal and constitutional political institutions that are authoritative in a particular territory). Citizens are persons who agree to take these institutions collectively as (procedurally) normative for themselves and, thus, as guiding. Citizenship is thus a normative ideal and a practical identity through which we can make commitments and through which we can *make sense* of different goals and desires in a way that allows us to see ourselves as unified persons. Being a

dual citizen is not a practical moral identity because it is incompatible with an account of moral commitment as such, which requires that we be able to show which basic sets of normative principles are ultimately guiding for us. Whether states should adopt, tolerate, or promote dual citizenship depends, in part, on whether individuals can endorse dual citizenship. If citizens cannot be dual citizens without becoming moral double-agents, then there is at least *some* reason for states to prevent such occurrences in the interest of these citizens. At the same time, states cannot arbitrarily choose to regulate or impose our identities on us. This would be a violation of our basic autonomy as persons and an indication of the illegitimacy of states as normative systems worthy of our consent. The best a state can do is appeal to its constituents as a legitimate normative system that their members can and ought to endorse. The ideal of full, dual citizenship is thus representative of a struggle in the political realm in which the desire to be a self-respecting moral agent induces one to adopt a practical identity, which entails the authority of the state as a basic normative system, but which does not allow one to relinquish their capacity (and their responsibility) for cultivating a reflective distance on the merits of the system.

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