

BOOK REVIEW

CITIZENSHIP: WHAT EVERYONE NEEDS TO KNOW BY
PETER J SPIRO (OXFORD UNIVERSITY PRESS) 192
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Peter J Spiro's *Citizenship: What Everyone Needs to Know* provides a crisp, accessible overview of the concept of citizenship.¹ With the main text at just over 150 pages, *Citizenship* is pitched to a general audience, but the breadth of its coverage, historical content and occasionally pointed commentary furnish a lucid survey of the subject that could appeal to experts. The book is organised around the 'status fundamentals of citizenship', specifically how citizenship is acquired, how it is lost, the rights and obligations of citizenship and how the rise of various forms of international linkages and memberships has facilitated dual citizenship, altered social solidarities and 'even displace[d] national citizenship' as a defining marker of identity.² With a hint of urgency in the title, the book helps to raise consciousness of citizenship's importance to our most basic understanding of and relationship to the state, and how citizenship is being tested as a 'central organizing principle of modern global society and a primary dimension of individual identity'.³ Spiro acknowledges that *Citizenship* is more focused on the United States and the 'Global North', thus providing only a partial window into developing world practices and the perspective of excluded groups.⁴ Nonetheless, the book succeeds in helping to 'orient critical thinking' on a topic that touches everyone.⁵

Each of the six chapters has a straightforward question and answer format, which is an effective way to enliven and organise the significant amount of historical and technical detail the topic demands. This relatable structure evokes a 'frequently asked questions' brochure or webpage that an immigration ministry might produce to help individuals navigate complex procedures. Spiro is clear, however, that *Citizenship* is 'not offered as a practical guide, but rather as a lens on the past and future of citizenship and ultimately on the state itself'.⁶ Each chapter demonstrates how citizenship is an institution 'that is contingent and constructed as a marker of membership in a state-based association'.⁷

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1 Peter J Spiro, *Citizenship: What Everyone Needs to Know* (Oxford University Press 2020).

2 *ibid* 2–3.

3 *ibid*.

4 *ibid* 4.

5 *ibid* 3.

6 *ibid*.

7 *ibid* 2.

Chapter One covers why and how states provide citizenship through birth, on the basis of place of birth (*jus soli*) and on the basis of parentage (*jus sanguinis*).⁸ While states theoretically could wait to confer citizenship until adulthood, ‘birth citizenship is a practical necessity and an easy mechanism for replicating membership on an intergenerational basis’.⁹ While heavily tilted toward US law and experience, Spiro details the various approaches states have taken and do take in providing citizenship at birth, that birth in a territory can lead automatically to citizenship in some places, while in others territorial birth citizenship depends on parental immigration status or meeting certain residency requirements. He highlights how the US has excluded marginalised groups from birthright citizenship, such as African-Americans and Native Americans in the past, or persons born in the US territory of American Samoa in the present.¹⁰ Spiro also points out the feudal roots of territorial birthright citizenship, whereby ‘individuals were born into the protection of sovereigns, to whom they owed perpetual allegiance in return’.¹¹ This concept introduces an enduring principle of citizenship, that it fundamentally involves an exchange of government protection for an individual’s loyalty. These points help convey to the reader that the extent of government protection and the nature of the claim a state has on personal loyalty are central questions shaping citizenship in law and practice.

Chapter Two covers naturalisation, the granting of citizenship after birth.¹² As Spiro writes, ‘[i]n this migration-centered narrative, naturalization is alternatively considered a reflection of integration into the polity or a tool for perfecting it’.¹³ As states see naturalisation ‘as a way to cement ties with useful constituencies’,¹⁴ naturalisation laws and processes exhibit a wide range of state discretion in determining who to recognise as a member and under what conditions. Unlike birthright citizenship, no state imposes naturalisation by operation of law, thus requiring affirmative efforts and consent on the part of both the state and the individual.¹⁵ While naturalisation historically ‘represented a transfer of loyalty from one sovereign to another’,¹⁶ more recent laws and practices display an array of combinations reflecting different degrees of state protection and personal ties or loyalty. Some past and current laws have applied racial and religious criteria to naturalisation eligibility.¹⁷ Some countries, such as Germany and Spain, grant citizenship to certain groups on the basis of past persecution.¹⁸ Most countries impose residency requirements, typically between five to ten years, as a way to assess character and law-abidingness and to help assure successful sociopolitical integration.¹⁹ Bases for faster naturalisation include special talents in science,

⁸ *ibid* 6.

⁹ *ibid*.

¹⁰ *ibid* 15. Other native-born groups excluded from citizenship, such as the Bidoons in Kuwait and the Rohingya in Myanmar, are discussed in Chapter Five on citizenship deprivation and statelessness: at 131.

¹¹ *ibid* 8.

¹² *ibid* 25.

¹³ *ibid*.

¹⁴ *ibid* 26.

¹⁵ *ibid* 51.

¹⁶ *ibid* 25.

¹⁷ *ibid* 27–29.

¹⁸ *ibid* 56–58.

¹⁹ *ibid* 30–31.

education, culture, or sports; military service; and substantial financial investment.²⁰

Spiro highlights how these faster forms of naturalisation, along with civics tests and language requirements, can challenge liberal values. He cites Ayelet Shachar, who argues that investor citizenship undermines ‘the basic egalitarian and participatory thrust of political membership as we currently know it’.²¹ A question arises as to whether other, or even all, preferential approaches to naturalisation have a similar effect, to the extent they could be construed as unequal and arbitrary. Spiro refers to a naturalisation application in a German state that asks applicants for their opinions on a woman’s right to be alone in public or to dress as a German woman as ‘anti-Muslim’ and ‘discriminatory’.²² However, that characterisation is in tension with the questions’ apparent intent to affirm liberal values of gender equality and freedom of expression. In this way, naturalisation practices illuminate the contestability of acceptable and unacceptable conditions for inclusion and exclusion.

The third chapter addresses rights and obligations of citizenship.²³ While it is substantially concerned with US law, the chapter raises a number of issues of general interest, such as the rights of noncitizens and the relevance or not of territorial presence on the rights and obligations of citizens abroad. Somewhat oddly, Spiro does not directly ask or answer what the unique rights of citizenship are. Rather, nearly half the questions concern the rights of noncitizens, with citizens’ rights clarified secondarily. The text suggests that the extent of rights available exclusively to citizens varies so much over time and geography that there are almost no universalised citizenship rights. For instance, while voting is commonly understood as the right of citizens only, noncitizens in the US who had started naturalisation processes were able to vote in every presidential election until 1924.²⁴ European Union member states allow residents from other member states to vote in local elections, and New Zealand and Chile allow permanent residents to vote in national and local elections.²⁵

The discussion of the ‘distinctive obligations of citizenship’ is only two sentences long, with Spiro noting ironically that ‘[f]or all the talk of the “obligations of citizenship”’, the only obligation of US citizenship is the duty to serve on juries when called.²⁶ Other jurisdictions or social and political norms around citizenship beyond legal rules are not mentioned, though other core obligations are noted with respect to noncitizens. For instance, Spiro clarifies that while obligations of military service and taxes were traditionally seen as hallmarks of citizenship, they are no longer. Some states have abandoned military service requirements, while some extend them to permanent residents and ‘most taxes are imposed on a territorial basis regardless of citizenship status’.²⁷

Chapter Three leaves the reader with the impression that, at a general level, rights and obligations of citizenship increasingly lack distinctiveness from rights and obligations of noncitizens. International human rights apply — at least

20 *ibid* 48.

21 *ibid* 46.

22 *ibid* 55.

23 *ibid* 61.

24 *ibid* 73.

25 *ibid* 74.

26 *ibid* 72.

27 *ibid* 71–72.

aspirationally — to all individuals regardless of legal status,²⁸ while rights and obligations of citizenship vary considerably across time, space and jurisdictions. This indeterminacy of rights and obligations relating to citizenship complicate understanding how citizenship actually is ‘a marker of equality’ in the modern world,²⁹ or of how meaningful it is to have citizenship at all.

The growing acceptance of dual citizenship, addressed in Chapter Four, reflects the reduction of citizenship obligations over time. In this chapter, Spiro conveys how social and political changes have loosened long-held insistence that dual nationality was ‘a threat to morality and to the international order’, to the point of becoming a source of state conflict.³⁰ As state power depends less on military manpower,³¹ as competition among nation-states becomes less zero-sum,³² as people increasingly marry and find livelihoods across borders, and as more countries allow citizenship to descend through fathers *and* mothers, dual citizenship has grown.³³ According to one database, just ‘25 percent of countries continue to terminate citizenship upon naturalization in another country, down from over 60 percent in 1960’.³⁴

However, dual citizenship remains contentious, with Asian and African states, for instance, either upholding strict prohibitions or limiting restrictions under a range of circumstances. In China, while dual citizenship is illegal, it is not well-enforced, as ‘many Chinese hold two passports’.³⁵ Japan has upheld a strict prohibition on dual nationality, with persons born with mixed nationality parentage having to choose one or the other when they turn twenty-two.³⁶ Well over half of African states allow dual citizenship in limited cases.³⁷ These practices reflect tensions between, on the one hand, an ongoing need to cement national identities following ‘arbitrary colonial boundary drawing’³⁸ or possibly amidst national competition within some regions, and on the other, recognition of economic benefits of dual nationality, such as remittances,³⁹ and a desire to uphold cultural ties across borders. In practice, Spiro finds that dual citizenship has limited negative effects on equality norms, possible exceptions being in cases where citizens whose citizenship is ‘globally undervalued’ attain a ‘premium’ citizenship, or investor citizenship.⁴⁰

Chapter Five examines the phenomena of citizenship deprivation and statelessness. Loss or absence of citizenship occurs in different contexts, sometimes compelled and sometimes voluntary. Spiro recounts the twentieth-century development of strong norms against citizenship deprivation, particularly to avoid statelessness, which, as US Supreme Court Justice Warren articulated, involves the ‘the total destruction of the individual’s status in organized society’.⁴¹

28 *ibid* 63.

29 *ibid* 62.

30 *ibid* 87.

31 *ibid* 88.

32 *ibid* 98.

33 *ibid* 97.

34 *ibid* 107–8.

35 *ibid* 106.

36 *ibid* 106–7.

37 *ibid* 107.

38 *ibid*.

39 *ibid* 104.

40 *ibid* 110.

41 *ibid* 119, citing *Trop v Dulles*, 356 US 86, 101 (1958).

In the 1920s, the League of Nations issued documentation to hundreds of thousands of refugees and stateless persons dispersed throughout Europe in the wake of the Bolshevik Revolution and Armenian genocide.⁴² While these ‘Nansen passports’ (named for the Norwegian diplomat appointed to handle refugee affairs) did not confer citizenship rights, they ‘protected individuals from deportation and extended re-entry rights’.⁴³ In the US, no citizen can lose citizenship against their will, adopting a default position in which persons retain US citizenship when naturalising in another country.⁴⁴ Some countries — such as the United Kingdom, Australia, Denmark and Canada — have adopted measures to expatriate persons (usually dual nationals so as to avoid statelessness) implicated in terrorist activities.⁴⁵ This practice harkens back to the earliest principles allowing for expatriation on the basis of serving in hostile foreign forces, but risks of abuse and discrimination arguably outweigh the actual utility of preventing terrorism.⁴⁶ In recent years, Bahrain has terminated citizenship of hundreds of political dissidents for terrorism-related offenses.⁴⁷ According to Spiro, ‘[n]o country appears to expatriate individuals for common criminal activity’.⁴⁸ With respect to gender equality, the 1979 *Convention on the Elimination of All Forms of Discrimination against Women* affirms nondiscrimination in the application of nationality laws, in contrast to the ‘near-universal practice’ prevailing in the nineteenth century of terminating the nationality of women who married foreign men.⁴⁹ In some cases, however, women can still lose their original citizenship if they naturalise in another state through marriage.⁵⁰

Spiro also provides in Chapter Five a concise and comprehensive overview of statelessness, ‘the condition in which an individual lacks formal citizenship in any country’.⁵¹ He describes and provides examples of causes, such as conflict of nationality laws; state dissolution and state succession; and discrimination on the basis of religion, ethnicity or gender. He notes positive steps to combat statelessness, such as increased ratifications of statelessness treaties and stronger initiatives undertaken by the United Nations High Commissioner for Refugees in the last two decades.⁵² Arguably missing is a rough sense of the extent of the problem of statelessness — the Institute of Statelessness and Inclusion estimates the number to be at least 15 million — and why states and international bodies

42 *ibid* 117.

43 *ibid* 117–18.

44 *ibid* 121.

45 *ibid*.

46 *ibid* 122–23.

47 *ibid* 119. See also Fatiha Belfakir, ‘Activists: Bahrain Continues to Revoke Citizenship of Dissidents’, *VOA News* (6 November 2018) <<https://www.voanews.com/extremism-watch/activists-bahrain-continues-revoke-citizenship-dissidents>>.

48 *ibid* 119.

49 *ibid* 115; *Convention on the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

50 *ibid* 117.

51 *ibid* 129.

52 *ibid* 133.

have yet to eliminate the problem despite clear, long-standing norms against citizenship deprivation and statelessness.⁵³

The final chapter summarises some of the questions raised by citizenship's past and present and explores alternatives to citizenship. These themes broadly relate to how citizenship relates (or does not relate) to equality and nondiscrimination, the possibilities of local citizenship, and meanings for citizenship that go beyond the state. For instance, Spiro notes that while citizenship may not be allocated in an inclusive manner or does not guarantee equality, 'it has supplied a valuable aspiration' to equality,⁵⁴ at least in constitutional democracies. 'In recent history', Spiro points out, 'citizenship has been a necessary, if not sufficient, condition for fuller recognition of rights within national communities'.⁵⁵ In this sense, citizenship provides a basis for rejecting inequality or 'second-class citizenship', and it provides a framework through which to question who can be included and why. Spiro questions how 'global mobilities and frictionless communication'⁵⁶ might diminish social solidarities that traditionally mapped onto territories and national citizenship. Nationalist political constituencies might revive traditional notions of citizenship while further undermining social solidarities, as they alienate and polarise fellow citizens with diverse political views and cultural identities.⁵⁷ In turn, citizenship at the local level, along with investment in local governance, may intensify. At the same time, regional identities such as European Union citizenship have grown in value and meaning, despite political and cultural divisions.⁵⁸ For Spiro, global citizenship in a formal sense remains unlikely given the impracticalities of global governance for representative democracies. On the other hand, human rights culture speaks to a global community of shared values that protects human dignity.⁵⁹ Additionally, Spiro does not explicitly take into account how global challenges demanding international cooperation — such as climate change, nuclear security or protracted refugee crises — might favour global citizenship. In any case, the state will likely remain a central organising principle for citizenship and global society.

In short, Spiro's *Citizenship: What Everyone Needs to Know* is a rich overview of citizenship for a general audience seeking critical reflection. As noted, because of its (nonexclusive) emphasis on the US and the 'Global North', concerns and perspectives in developing contexts are given less consideration. Including more of these perspectives could, among other issues, shed more light on how citizenship can actually work to reduce inequality and discrimination, which has sometimes resulted in statelessness.⁶⁰ *Citizenship* nonetheless models an inquiry into the many facets of citizenship for various national and international contexts.

⁵³ *The World's Stateless: Deprivation of Nationality* (Report, Institute on Statelessness and Inclusion March 2020) 14 <https://files.institutesi.org/WORLD%27s_STATELESS_2020.pdf>. Noting the many challenges in collecting data on statelessness, the organisation states that this figure is 'based on a review of UNHCR's statistical reporting, supplementary and alternative data sources', including persons who are displaced (refugees and internally displaced persons), plus Palestinian refugees affected by statelessness.

⁵⁴ Spiro (n 1) 136.

⁵⁵ *ibid* 137.

⁵⁶ *ibid* 140.

⁵⁷ *ibid* 141.

⁵⁸ *ibid* 150.

⁵⁹ *ibid* 154.

⁶⁰ See, eg, Lindsey N Kingston, *Fully Human: Personhood, Citizenship, and Rights* (Oxford University Press 2019).

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In this regard, this work provides a practical, timely foundation on which to build global understanding of the fundamentals of citizenship and crucial issues the topic raises. In doing so, the book itself affirms the old-fashioned value of 'good citizenship,' with a forward-looking regard for the questions that evolutions in legal status increasingly pose to the state and beyond.