

# Theorising Noncitizenship

Concepts, debates and challenges

Edited by  
Katherine Tonkiss and Tendayi Bloom



# Theorising Noncitizenship

'Noncitizenship', if it is considered at all, is generally seen only as the negation or deprivation of citizenship. It is rarely examined in its own right, whether in relation to States, to noncitizens, or citizens. This means that it is difficult to examine successfully the status of noncitizens, obligations towards them, and the nature of their role in political systems. As a result, not only are there theoretical black holes, but also the real world difficulties created as a result of noncitizenship are not currently successfully addressed. In response, *Theorising Noncitizenship* seeks to define the theoretical challenge that noncitizenship presents and to consider why it should be seen as a foundational concept in social science. The contributions, from leading scholars in the field and across disciplinary backgrounds, capture a diversity of perspectives on the meaning, position and lived experience of noncitizenship. They demonstrate that we need to look beyond citizenship in order to take noncitizenship seriously and to capture fully the lived realities of the contemporary State system.

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# Contents

<i>Citation Information</i>	vii
<i>Notes on Contributors</i>	ix
1. Theorising noncitizenship: concepts, debates and challenges <i>Katherine Tonkiss and Tendayi Bloom</i>	1
2. Assembling noncitizenship through the work of conditionality <i>Patricia Landolt and Luin Goldring</i>	17
3. Unequal access to human rights: the categories of noncitizenship <i>David Weissbrodt and Michael Divine</i>	34
4. The business of noncitizenship <i>Tendayi Bloom</i>	56
5. Rooted displacement: the paradox of belonging among stateless people <i>Kristy A. Belton</i>	71
6. Citizenship and inclusion: rethinking the analytical category of noncitizenship <i>Paulina Tambakaki</i>	86
7. Contractualization, depoliticization and the limits of solidarity: noncitizens in contemporary Australia <i>Shanthi Robertson</i>	100
8. These fine lines: locating noncitizenship in political protest in Europe <i>Heather L. Johnson</i>	115
<i>Index</i>	131

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# Theorising noncitizenship: concepts, debates and challenges

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## ABSTRACT

Existing political theory, particularly which deals with justice and/or rights, has long assumed citizenship as a core concept. Noncitizenship, if it is considered at all, is generally defined merely as the negation or deprivation of citizenship. As such, it is difficult to examine successfully the status of noncitizens, obligations towards them, and the nature of their role in political systems. This article addresses this critical gap by defining the theoretical problem that noncitizenship presents and demonstrating why it is an urgent concern. It surveys the contributions to the special issue for which the article is an introduction, drawing on cross-cutting themes and debates to highlight the importance of theorising noncitizenship due to both the problematic gap that exists in the theoretical literature, and the real world problems created as a result of noncitizenship which are not currently successfully addressed. Finally, the article discusses key future directions for the theorisation of noncitizenship.

## Introduction

‘Noncitizenship’ is a surprisingly elusive term. While it might simply be defined as the absence of citizenship, such a definition fails to capture the complexities of practices and constructions of noncitizenship, many of which challenge traditional understandings of what it means to be included within a political community or society. Emerging sociological and cultural studies have begun to embrace the challenge of understanding what it is to be a noncitizen and the role of noncitizenship in contemporary societies as a topic in itself, not contingent on citizenship (e.g. Golding and Landolt 2013; Nair 2012; Rigby and Schlembach 2013; Sigona 2015); however, this development has not been mirrored in political theory. As a result, normative theorising – and particularly that which is concerned with justice and rights – tends to be dominated by (a) the core concept of citizenship, and (b) a definition of noncitizenship as simply the negation of citizenship.

This special issue, in response to this gap, explores how liberal political theory can begin to address directly the question of noncitizenship. Bringing together scholars from legal, theoretical, sociological and applied perspectives, the special issue considers the theoretical

problem that noncitizenship presents and how this problem can begin to be addressed with reference to how noncitizenship is conceptualised and the lived experience of noncitizenship. In this introductory paper, we present an examination of the absence of a detailed and accurate conceptualisation of noncitizenship within political theory and the kinds of questions which must be addressed to build the noncitizen into normative theorising effectively. We advance a claim for a more sophisticated approach to the theorisation of noncitizenship and, through our presentation of the papers which comprise the special issue, offer an original and interdisciplinary perspective on the relationship between membership and rights in contemporary societies.

The paper is structured as follows. After first locating the noncitizen in current literatures on citizenship, justice and rights, we highlight the problems inherent in treating noncitizenship as merely the negation of citizenship and the critical omissions from scholarly work that this has driven. We then utilise insights drawn from the papers featured in the special issue to set out the value of recognising a richer definition of noncitizenship within liberal political theory, before finally setting out an agenda for future work on the theorisation of noncitizenship, one which can also drive the inclusion of noncitizenship in policy considerations. In particular, we advocate a normative theoretical approach which embraces rich real world studies of the evolving nature of noncitizenship and its multiple forms in different geographical regions, as well as its intersections with cross-cutting social divisions such as gender and race.

### **The citizen–noncitizen binary**

It is trivial, from an etymological perspective, to state that citizenship and noncitizenship are related concepts. And indeed, we do not deny that they are interrelated. It is our argument in this section, however, that the relationship between the two concepts is far more complex than political theory has tended to presume. Primarily, we reject the idea that noncitizenship needs to be derivative, theoretically, from citizenship, instead viewing them both as foundational concepts.

Scholars typically draw attention to three interrelated attributes of citizenship (Bloemraad, Korteweg, and Yurdakul 2008; Cohen 1999). The first aspect of this is legal, that citizenship is a status which grants rights to the holder while expecting her to meet obligations to the State in return. According to this dimension, citizenship status confers the ‘right to have rights’ in Hannah Arendt’s famous words (1968), with the status of citizenship acting as a gateway to a range of civil, political and social rights (Marshall [1950] 1992). The second attribute is political – that citizenship denotes active participation in the governance of the State in which the individual holds the status. This is the classical Greek definition of citizenship, and indeed also reflects a republican notion of political membership in contrast to being a subject of a sovereign (e.g. Dagger 1997). The third is identity-based – that citizenship confers on an individual the identity of membership in the citizenry (Joppke 2007).

While the western conceptualisation of citizenship was constructed prior to the emergence of the nation-state system, with traditions of citizenship rooted in Ancient Greek and Roman societies, in the modern world the two have become so deeply linked that ‘national citizenship’, as citizenship of the nation-state, is a virtually hegemonic idea, challenged only by emerging transnational citizenship regimes such as the European Union (Habermas 1995; Isin and Turner 2007). However, scholars are increasingly questioning the national

citizenship compound given that (a) international migration has increased and intensified, and (b) an international human rights regime has emerged (Abizadeh 2002; Habermas 1998; Soysal 1994). These dynamics have meant that, while still a very significant factor, membership of a national group is playing a less pronounced role than it once did in determining place of residence and access to core rights. As a result, these developments have altered the ability of a State to control membership of its community through the projection of membership criteria based on national membership (Joppke 2007; Kofman 2005). The contemporary politics of migration control are shaped by this erosion of nation-state control and national identity in an increasingly globalised and interconnected world.

This questioning of the national model of citizenship has led to something of a decentring of traditional theories of citizenship. The Marshallian vision of citizenship has come under increasing critique as a result of the decreasing relevance of homogeneous national identity to citizenship (cf. Bloemraad, Korteweg, and Yurdakul 2008; Isin and Turner 2007; Turner 2001). Citizenships are viewed as co-existing in multiple forms and at multiple levels of political integration, and as intersecting with different forms of social division such as gender, class and race (Lister 2007; Yuval-Davis 2007). As a result, citizenship is recognised as a practice (or an 'act') in addition to a status (Isin 2008), and citizenships beyond the State are increasingly explored as a result of the apparent paradox between nation-state citizenship and the more post-national, transnational and cosmopolitan realities of international migration practices and multi-national and diasporic communities (Kaldor 2003; Müller 2007; Soysal 1994; Tonkiss 2013).

These developments have led to the emergence of works of normative political theory which challenge traditional understandings of the scope of justice – or to what extent and to whom justice and/or rights should apply. In response to John Rawls' presumption of the limits of the State as the limits of justice, where it is only relationships between co-citizens, or indeed heads of households, of the same State which are relevant in considerations of justice (1971, 1999), theorists have sought to explore the extension of Rawlsian principles of justice beyond the State, and thus to extend the argument beyond co-citizens (Beitz 1979; Pogge 1989, 2002), while others have proposed more radical options such as the construction of global institutions and a global citizenship regime (Cabrera 2004, 2010; Held 2004). Still others have argued that the rights typically associated with citizenship apply more widely than this specific category (Weissbrodt 2009) and have explored how the rights of citizenship could be extended beyond traditional models, offering justifications for liberal migration rights and more open access to citizenship for those born outside the State (Benhabib 2004; Carens 2013). This shift includes, crucially, the development of critiques of the persistence of citizenship based on 'birthright', challenging dominant models (Nyers 2006; Shachar 2009).

These theorists seem to be primarily concerned with noncitizenship, inasmuch as non-citizenship is defined as the absence of citizenship. In a more mobile and interconnected world where citizenship is increasingly deterritorialised and memberships recognised as multiple and overlapping, these theorists ask: how should we conceive of the rights of those without access to citizenship, and how should citizenship be transformed as a result? Their answers support the extension of citizenship beyond its traditional limits, and propose more inclusive and fluid forms of citizenship; or at the other extreme, lament the challenges of increasing transnationalism for constructing the robust binding sentiment of national identity which, it is suggested by these critics, is necessary for a robust and active citizenship to emerge (Miller 2000; Tamir 1993; Walzer 1983).

While it is vital to critique to existing limits of citizenship, in these approaches it seems that the theorisation of justice and rights affecting noncitizens is only thought about in relation to the conceptualisation of citizenship and *its* relationship with justice and rights, a problem which is also compounded by the privileged position of political theorists who themselves hold citizenship of affluent States (noted by Cole 2014). Noncitizenship is defined as an absence, which is *prima facie* logical, but we would contend that this is too simplistic and that noncitizenship is a membership category in its own right. The decentring of citizenship has revealed its contingent and constructed nature, as well as its intersections with other social divisions, and has led to much critique of the status quo. Yet this decentring has not been extended to noncitizenship, and this is problematic. Moreover, noncitizenship should not be seen as a migratory category. Many instances of noncitizenship arise from migration, as is reflected in much of the literature pertaining to noncitizenship, and indeed the formal recognition of noncitizenship as a positive status beyond the simple absence of citizenship, which is for the most part tied to a form of migration (giving rise to statuses such as: economic migrant, asylum seeker, undocumented migrant and so forth). Yet in fact the category is wider, including persons who participate in a noncitizenship relation in a State without crossing international borders. Indeed, this is brought out in some of the contributions to this volume (discussed below).

Noncitizens also have diverse experiences and belongings, which are shaped by intersections with other social divisions. A definition of noncitizenship as the negation of citizenship overlooks these critical dynamics. Exploring these in detail before reconstructing noncitizenship presents the potential for a conceptualisation of noncitizenship as a category of membership which is capable of shaping theorising about membership and rights in contemporary societies. In other words, before we can effectively theorise how justice and rights should be extended to noncitizens, we need a full, robust and accurate conceptualisation of noncitizenship.

Some traditional ways of understanding noncitizenship, in the form of 'denizen', 'resident' and 'dhimmi' are noteworthy for their use in imagining statuses beyond that of citizen. However, these do not quite achieve what is intended by the term noncitizenship in this paper. Denizen, from the medieval French for 'inhabitant', was a legal status something like 'resident' in medieval Britain.<sup>1</sup> Its recent uses have been more problematic, when members of certain groups were considered ineligible for full citizenship, and so were given the status of denizen. As such, residency and denizenship can be seen as intermediaries or stand-in statuses where there should properly be citizenship, rather than a way of understanding noncitizenship. While the experience of persons given this sort of status may be a form of noncitizenship, such a status cannot encapsulate the noncitizenship described here. *Dhimmi*, though etymologically different (deriving from the status of conquered peoples in relation to their conquerors), has had similar uses to denizen in Islamic political theory and practice (e.g. Shoukri 2011 from 58) and as such, it also does not provide the notion of noncitizenship being sought here.

The task of constructing a full and accurate conceptualisation of noncitizenship is critically important for two reasons. Firstly, the lack of attention to, and inadequate conceptualisation of, noncitizenship has given rise to a problematic gap in liberal political theory. It is not possible to develop comprehensive political theory when the concerns of a significant proportion of persons are excluded from these considerations (e.g. discussed in Cole 2000). We argue that theorists have been unable so far to respond to this difficulty because the