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How ethnicist are citizenship rules in European Union countries

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Ethnicism

- Preliminary concern: preferentialism for 'by-birth', 'natural' 'original' persons
- Ethnicity- fuzzy concept (descriptive, explanatory, justificatory)
- Inconsistent reference in comparative citizenship literature (e.g. dichotomy, swallowed within general trends)

Ethnicism as normative illness

- a. reference to ascriptive criteria related to non-chosen facts of birth (descent/soli)
- b. discrimination on ascriptive grounds related to birth
- c. disregard of normative constraints pertaining to membership in a democratic political community (sufficient and effective link, bounded-ness)



Aim & strategy

- Focus on ethnicist (nativist!) features (not on 'ethnic' or plain illiberal)
- Go beyond master trends (e.g. liberalization, restrictive turn)
- Wide array of rules:
 1. acquisition at birth
 2. (regular) naturalization
 3. dual citizenship
 4. loss of citizenship
 5. re-acquisition and facilitated naturalization for ethno-cultural relatives
- Considerable number of cases (27) (Thanks EUDO Citizenship!)



I. Acquisition at birth

-Birthright principle- structural need of continuity of political community

-Ius sanguinis v ius soli

Ethnicist rules:

1. perpetual ius sanguinis abroad

(15) automatic: AT, BG, CZ, EE, EL, HU, IT, LV, LT, LU, MT, NL, PL, RO, SK; (7) quasi-automatic: BE, CY, FR, IE, PR, SI

2 no soli

(18) AT, BG, CY, CZ, EE, DK, FI, EL, HU, IT, LV, LT, MT, PL, RO, SK, SI, SE

3. differentiated birthright: (4) DE, IE, UK, FR



II. (Regular) naturalization

- Reinforcing ethnicism
- ‘illiberal’- difficult, obscure, intrusive, virtue-based

(Reinforcing) ethnicist rules:

1. long (‘real’) minimum residence
(6) over 10 years: DK, EE, DE, HU, LU, SI
2. demanding language tests
(6) > A2 CEFRL: DK, EE, FI, DE, LV, LU
3. intrusive clauses and general discretion
(13) BG, CZ, DK, EE, FR, DE, HU, IE, MT, NL, PL, PT, UK



III. Dual citizenship

- Pro/Con DC- ethnicist-neutral (despite different liberal credentials)
- Differentiate treatment

Ethnicist rules:

1. applicants to naturalization v (children) citizens by birth
(10) AT, BG, CZ, DK, EE, LV, NL, PL, SI, ES
2. applicants to naturalization v citizens who naturalize
(7) BG, IE, LV, LT, NL, PL, SI
3. citizens by birth v other citizens when naturalize
(4) EE, IE, ES, UK (reversed)



IV. Loss of citizenship

-Illiberal v ethnicist-neutral

-Typical ethnicist rule- privileging original citizens

1. Differentiation among citizens

(4) extra-protection for 'original' citizens: BE, BG, EE, RO

(6) conditional naturalization (crime/residence): CY, FR, IE, MT, ES, UK



V. Re-acquisition and facilitated naturalization for ethno-cultural relatives

- Former citizens (descendants), emigrants and ethno-cultural relatives
- Mixed; equal normative scrutiny

A. Re-acquisition of citizenship

- Restitution (justice) v regular re-acquisition

Ethnicist rules:

1. insufficient conditions and/or with unjustified privileges
(9) FR, DE, IE, IT, LT, LU, PT, RO, ES
2. differentiation among former citizens (typical ethnicist)
(9) BE, DK, EL, IT, IE, LT, LU, MT, ES



V. Re-acquisition and facilitated naturalization for ethno-cultural relatives

B. Facilitated naturalization for ethno-cultural relatives

- 'ethnic' *par excellence*
- acknowledge relatedness- limited facilitations (residence, integration)

Ethnicist rules:

1. unjustifiable exceptions with regard to residence and dual citizenship
(8) non-residence: BG, EL, IE, IT, LT, PT, SI, ES
(4) exceptional dual citizenship: DE, BG, IE, PT
2. differentiation between different categories of 'relatives'
E.g. EL

Conclusions

Ethnicist rules

When unqualified in scope:

-vertical (across generations) e.g. ius sanguinis

-horizontal (across subjects) e.g. differentiation among applicants

Survey

-no ranking, 'final' labelling
dotted map

-no 'innocent' case
(Sweden v Ireland, Spain)

-no East/West cleavage

Limitations

Concept? Selectivity? Accuracy?



	I Birthright			II Naturalization (reinforcing)			III Dual citizenship			IV Loss of citizenship	V Facilitated re/acquisition for state 'relatives'			
	Perpetual sanguinis	No / inadequate soli	Differentiated birthright	Long (real) residence	Difficult language test	Good character/discretion	Applicants v children-citizens by birth	Applicants v citizens (when naturalize)	Citizens by birth v other when naturalize	Differentiated treatment among citizens	Former citizens		Ethno-cultural relatives	
											Insufficient conditions and unjustified privileges	Differentiated treatment	Unjustified exceptions residence & dual citizenship	Differentiated treatment
AUSRIA	X	X					X							
BELGIUM	X								X			X		
BULGARIA	X	X				X	X	X	X					X
CYPRUS	X	X							X					
CZECK R	X	X				X	X							
DENMARK		X		X	X	X	X					X		
ESTONIA	X	X		X	X	X	X		X					
FINLAND		X			X									
FRANCE	X		X			X			X	X				
GERMAY	X	X	X	X	X									X
GRRECE	X	X				X					X	X	X	X
HUNGARY	X	X		X		X								
IRELAND	X		X			X		X	X	X	X	X	X	
ITALY	X	X									X	X	X	
LATVIA	X	X			X		X	X						
LITUANIA	X	X						X			X	X	X	
LUXENBOURG	X	X		X	X						X	X		
MALTA	X	X				X			X			X		
NETHERLANDS	X					X	X	X						
POLAND	X	X				X	X	X						
PORTUGAL	X	X				X					X			X
ROMANIA	X	X							X	X				
SLOVAKIA	X	X												
SLOVENIA	X	X		X			X	X						X
SPAIN	X						X		X	X	X	X	X	
SWEEDEN		X												
UK			X			X			X	X		-		