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The Need to Distinguish Denationalized and Postnational

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Linda Bosniak's critical examination of citizenship is a major contribution to the debate about the definition of citizenship.¹ It makes important distinctions and clarifies several difficult issues, thereby allowing us to move ahead. I agree with much of what Bosniak is arguing and with some of her suggestions as to how we can advance our understanding of citizenship and its possible new meanings. My comments will focus on a few particular points where I would engage the question of theorization and interpretation differently.

I. THREE MAJOR CONTRIBUTIONS

While Bosniak's article certainly contains more issues than the ones I single out here, in my reading, the article provides three important contributions to the debate about the definition of citizenship. The first of these is the deconstruction of the category "citizenship," in terms of the multiple elements that have been used, often implicitly or unwittingly, in its treatment—from formal rights to practices and psychological dimensions. This deconstruction allows Bosniak to unveil some of the confusion between normative and empirical logics running through much of the literature on postnational citizenship. Bosniak shows us that there is no objective definition of citizenship "out there" to which we can refer authoritatively to resolve uncertainties about usage of the term.

A second contribution is Bosniak's critical specification that the claim as to citizenship's necessary connection to the national State is, ultimately, a normative one. This point is an enormously important one. As one sympathetic to the postnational project, Bosniak suggests we should start with

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1. Linda Bosniak, *Citizenship Denationalized*, 7 *IND. J. GLOBAL LEGAL STUD.* 447 (2000).

the question of whether national conceptions of citizenship deserve the presumptions of legitimacy and primacy that they are almost always afforded. Posing the question this way denaturalizes conventional political thought. I fully agree with this line of argumentation and have made a similar argument regarding the historicity of both the institution of citizenship and that of sovereignty, especially as their current meanings are destabilized through the new conditions introduced by globalization.

Third, Bosniak shows us that, ultimately, postnational citizenship is an aspiration, even if the literature on it mostly proceeds as if it were an empirical condition. Bosniak emphasizes that there is nothing wrong with this misperception. Citizenship, she writes, is a term with a powerful legitimizing function: To characterize sets of social practices in the language of citizenship is to “honor them with recognition as politically and socially consequential.”² In this respect, the postnational citizenship position is not merely an assertion of fact, but also an act of political advocacy. It represents an effort to claim attention, significance, and legitimacy for certain recent transnational political and social practices that have often been overlooked or otherwise neglected in mainstream political and social thought.³ Bosniak argues that if the postnational citizenship claim can be shown to be intrinsically normative, then so can the claim that citizenship is, by its nature, a national enterprise.

II. LOCATING DENATIONALIZATION

In my reading, Bosniak’s article is actually focusing on two distinct concepts or dynamics which it does not separate. I distinguish, on the one hand, what I would narrowly define as denationalized and, on the other hand, nonnational or postnational, the other two terms used by Bosniak and the only two used in the broader debate. It is precisely in the differences of these two sets of terms that I see the potential for capturing two, not necessarily mutually exclusive, possible trajectories for the institution of citizenship. These trajectories are embedded in some of the major conditions that mark the contemporary era and signal the potential for change in the institution of citizenship.

2. *Id.* at 489.

3. See YASEMIN NUHOGLU SOYSAL, LIMITS OF CITIZENSHIP: MIGRANTS AND POSTNATIONAL MEMBERSHIP IN EUROPE 137 (1994). But see also her recent elaboration of her earlier thesis, *Postnational Citizenship: Reconfiguring the Familiar Terrain*, in BLACKWELL COMPANION TO POLITICAL SOCIOLOGY (K. Nash & A. Scott eds, forthcoming).

The difference between these concepts is a question of scope and institutional embeddedness. In Bosniak's analysis, denationalized citizenship is located partly outside the confines of the national. This perception is also the understanding in the scholarship on postnational citizenship, notably Yasemin Soysal's.⁴ This understanding of denationalized is crucial to Bosniak's critique, as well as to her support of some of the aspirations signaled by the term. In my own work, the focus is on the transformation of the national, including the national in its condition as a foundational ground for citizenship. Thus, it could be argued that postnationalism and denationalization represent two different trajectories.⁵ Both are viable, and they do not exclude each other. One has to do with the transformation of the national, specifically under the impact of globalization and several other dynamics, and will tend to instantiate inside the national. The other has to do with new forms that we have not even considered and might emerge out of the changed conditions in the world located outside the national rather than out of the institutional framework of the national. Thus, Soysal's focus on the European Union is capturing an innovation located outside the national.

When I first conceptualized a specific set of dynamics as denationalization in the 1995 Schoff Lectures,⁶ I meant to capture processes that take place inside the national State. For me, then, the key issue distinguishing the novel condition was not that it took place necessarily outside, beyond the confines of the national State but rather, my concern was to specify the particular ways in which the development of a global economy necessitated a variety of policies that had to be implemented in national economies through national institutions. Further, I argued that denationalization captured processes that were to be distinguished from older notions of extraterritoriality. Particular cases I focused on included a variety of national State agencies and committees, which have emerged as the institutional "home" inside the national for the implementation of various new rules of the game necessary for the development and maintenance of a global economic system.⁷

4. *See id.* at 136-62.

5. In this regard, Bosniak's conclusion contains both of these notions, but conflates them when she asks whether denationalized citizenship can ultimately decouple the concept of citizenship from the nation State. *See Bosniak, supra* note 1, at 508-09.

6. *See SASKIA SASSEN, LOSING CONTROL? SOVEREIGNTY IN AN AGE OF GLOBALIZATION* ch.1 (1996).

7. I was engaged in a particular debate wherein my position was to argue that globalization is partly endogenous and, unlike the prevailing view, cannot simply be seen as external to the national. *See id.*

I would, then, distinguish the concept of denationalization from that of postnational. With denationalization, I tried to capture precisely something that remains connected to the national, as constructed historically, and is indeed profoundly imbricated with it, but is so on what we can define as historically new terms of engagement. Incipient and partial are two qualifiers I usually attach to my use of denationalization.

Thus, my disagreements with Bosniak are of a somewhat rarefied nature and concern specific moments in the trajectory of her argument. In the next two sections, I develop these divergences in interpretation and theorization. I do so by taking one of the many aspects analyzed by Bosniak, the question of the national, and use it as a lens through which to examine the issue of denationalization versus postnational citizenship.⁸

III. CITIZENSHIP THROUGH THE LENS OF THE EVOLVING NATIONAL

Much theorization about citizenship assumes its national location *a priori*. Bosniak explores another analytic strategy, one that takes as its starting point the notion of citizenship as a political concept conventionally used to designate a variety of different social practices and experiences and then asks whether these are in fact confined to the national sphere. Put this way, the relationship of citizenship to the national State needs to be established rather than presumed.

Bosniak states that there is a reasonable case to be made that

the experiences and practices conventionally associated with citizenship do in some respects exceed the boundaries of the territorial nation-state—though the pervasiveness and significance of this process varies depending on the dimension of citizenship at issue. Neither the organization of formal status, the protection of rights, the practice of political participation, nor the experience of collective identities or solidarities are entirely confined to the territory or community

8. A focus on these two dimensions can clearly incorporate the distinctions made by Bosniak regarding the many ways in which the concept of citizenship is used—rights, practices, aspirations, and norms. Space limitations make it impossible to elaborate on finer points in this regard. I have now introduced a longer discussion of Bosniak's work in a larger research project in progress. See Saskia Sassen, *Governance and Accountability in a Global Economy* (unpublished manuscript, on file with author).

of the nation-state (if they ever were), but are sometimes, and now increasingly, enacted beyond it.⁹

I find this stance an entirely persuasive way of proceeding. Indeed, in my own work I have followed a similar analytic strategy on the matter of sovereignty and its location. My argument was not that sovereignty is disappearing or even necessarily declining, but, if we define it, at least partly, in terms of the practices and the authorities that have historically constituted it, then we can see that today some of these practices and authorities have been relocated to other spheres—supranational, subnational, as well as private institutional domains.¹⁰ Hence we see the emergence of “private authority,” which entails a relocating of some components of “authority,” authority being a property that had been presumed and constructed as specific to the public domain, that is the domain of the State.¹¹

Returning to Bosniak’s discussion of citizenship, I would argue that while I support the analytic strategy she deploys, I do not agree with the results she posits, and hence with the argument she produces. Bosniak posits that some will interpret these transformations not as postnational citizenship, but rather as the decline or displacement of citizenship in the face of other forms of collective organization and affiliation, as yet unnamed. She responds by asserting that we are faced with a choice: we can either presume that citizenship is necessarily a national affair so that these new developments cannot be captured in the language of citizenship by definition, or we can approach the question of where citizenship is enacted as one to be determined in light of developing social practice.

From where I look at these issues, there is a third possibility, beyond the two she identifies. It is that citizenship, even if situated in institutional settings

9. Bosniak, *supra* note 1, at 488.

10. See SASSEN, *supra* note 6, at 1-30.

11. This is clearly a large subject with many different theoretical versions. In what one could broadly define as the liberal tradition, the private sphere (households and markets) is not represented as one where operations of power take place. Feminist analyses of the household and of patriarchy have shown us that operations of power, and hence questions of authority, do indeed also find a location in the private sphere. The new critical theoretical literature on the domain of markets and firms also has shown us that operations of power are indeed present in the private sphere; a particular component of this analysis is the new scholarship that investigates the construction of “private authority” as an increasingly important element of governance in the global economy. See, e.g., PRIVATE AUTHORITY AND GLOBAL GOVERNANCE (Thomas J. Biersteker et al. eds., forthcoming 2000); Saskia Sassen, *Embedding the Global in the National: Implications for the Role of the State*, in STATES AND SOVEREIGNTY IN THE GLOBAL ECONOMY (David Smith et al. eds., 1999).

that are “national,” is a possibly changed institution—if the meaning of the national itself has changed. For me, one empirical question, then, is whether the bundle of transformations we associate with globalization has changed certain features of the territorial and institutional organization of the political power and authority of the State, and hence may entail changes in the components of citizenship—its formal rights, its practices, and its psychological dimension—even if these remain centered in the national territorial State.¹²

Bosniak seems to have grasped some of this concern when¹³ she asserts that for some, like myself¹⁴ and David Jacobsen,¹⁵ there is a devaluing of citizenship, but that this devaluing still has the nation-State as its referent, and in that regard is not a postnational interpretation. The national certainly remains as a referent in my work, though perhaps in a different manner from Jacobsen, whom I read as more engaged with identifying nonnational locations of citizenship. But, clearly, for me it is a referent of a specific sort—it is, after all, the national’s change that becomes the key theoretical feature through which it enters my specification of changes in the institution of citizenship. Whether this devalues citizenship or not is not immediately evident to me at this point, partly because I read the institution of citizenship as having undergone many transformations in its history, precisely because it is to variable extents embedded in the specifics of each of its eras.¹⁶

IV. CITIZENSHIP THROUGH THE LENS OF RIGHTS

Bosniak asserts that if we assume that the enjoyment of rights remains as one aspect of what we understand citizenship to be, then we can argue that the “national grip on citizenship has been substantially loosened,” notably by the

12. I have argued previously that this territorial and institutional transformation of State power and authority has indeed produced operational, conceptual, and rhetorical openings for subjects other than the national State to emerge as legitimate actors in international and global arenas. See generally *Toward a Feminist Analytics of the Global Economy*, 4 IND. J. GLOBAL LEGAL STUD. 7 (1996). See also the recent work by Yasemin Soysal, e.g., *Identity and Transnationalization in German School Textbooks*, 30 (No. 2) BULLETIN CONCERNED ASIAN SCHOLARS 53-61 (1998).

13. See Bosniak, *supra* note 1, at 467.

14. See SASSEN, *supra* note 6, at 8-16.

15. See DAVID JACOBSEN, *RIGHTS ACROSS BORDERS: IMMIGRATION AND THE DECLINE OF CITIZENSHIP* (1996).

16. In this regard, I have emphasized as significant the introduction, in the new constitutions of South Africa, Brazil, Argentina, and the Central European countries, of a provision that qualifies what had been an unqualified right (if democratically elected) of the sovereign to be the exclusive representative of its people in international fora. See *id.* at 31-58.

emergence of the human rights regime.¹⁷ Again, from where I look at the question, it seems to me that this is not solely because of the emergence of nonnational sites for legitimate claim-making, as the postnational conception posits. While I agree with this formulation, I would add two other elements that show that this loosening grip is also related to changes internal to the national State.¹⁸

First, and most importantly in my reading, is the strengthening (including the constitutionalizing) of civil rights which allow citizens to make claims against their States and allow them to invoke a measure of autonomy in the formal political arena that can be seen as a lengthening distance between the formal apparatus of the State and the institution of citizenship. The implications, both political and theoretical, of this dimension are complex and in the making; we cannot tell what will be the practices and rhetorics that might be invented.

Secondly, I add to this strengthening of civil rights the granting, by national States, of a whole range of “rights” to foreign actors, largely and especially, economic actors—foreign firms, foreign investors, international markets, and foreign business people.¹⁹ Admittedly, this is not a common way of framing the issue. It comes out of my particular perspective about the impact of globalization and denationalization on the national State, including the relationship between it and its own citizens, and it and foreign actors. I see this grant as a significant, though not much recognized, development in the history of claim-making.

For me, the question as to how citizens should handle these new concentrations of power and “legitimacy” that attach to global firms and markets is a key to the future of democracy. My efforts to detect the extent to which the global is embedded and filtered through the national (e.g., the global city, and now in my current research on the State, the question of “denationalization” as I define it) is one way of understanding whether therein lies a possibility for citizens, still largely confined to national institutions, to

17. See Bosniak, *supra* note 1, at 470.

18. This interpretation also affects my reading of Bosniak’s various comments on location as a criterion for specifying citizenship. See *id.* They are rendered problematic insofar as I argue that some components of the “nonnational” are embedded in the national and hence we would need to decode what is national about the national. Similarly, on the question of the territorial base, the meaning of the territorial has changed. See SASSEN, *supra* note 6, at 1-30. An added element here is the emergence of digital space as significant for a whole variety of activities, from economics to citizenship practices.

19. See SASSEN, *supra* note 6, at 31-38.

demand accountability of global economic actors through national institutional channels.

In this regard, while I agree with the substance of Bosniak's argument when she writes²⁰ that accentuating the national is a handicap in terms of democratic participation, in view of the gap between the increased globalization of segments of reality and the confinement of the national State to its territory, I would argue that it is not an "either/or" condition precisely because of this partial embedding of the global in the national.²¹ The prevailing wisdom in this realm is to view the national and the global as two mutually exclusive domains—for theorization and for politics. I find this a highly problematic proposition even though I recognize that each of these domains has specificity.²² Bosniak speaks of the importance of cultivating forms of participatory politics that decenter, and sometimes transcend national political life, and the importance of learning how to practice democracy across borders.²³ I think this point is extremely important and in that sense I share Bosniak's support of the political project represented by postnational citizenship. I would just add to this that we can also engage in democratic practices that cross borders and engage the global from within the national and through national institutional channels.

I should clarify that none of the above prevents me from fully agreeing with Bosniak's argument that the question as to whether citizenship's range of reference can extend to practices and experiences located beyond the nation-State is fundamentally political, not just empirical or logical. "The debate over the term's scope of application is, consequently, a debate over the scope and extent of recognition we will accord various nonnational forms of collective life."²⁴ This point is an enormously important one.²⁵

20. See Bosniak, *supra* note 1, at 508.

21. See Alfred C. Aman, Jr., *The Globalizing State: A Future-Oriented Perspective on the Public/Private Distinction, Federalism, and Democracy*, 31 VAND. J. TRANSNAT'L L. 769, 870 (1998).

22. See Saskia Sassen, *Spatialities and Temporalities of the Global: Elements for a Theorization*, PUB. CULTURE: SOC'Y FOR TRANSNAT'L CULTURAL STUD.

23. See Bosniak, *supra* note 1, at 504-05.

24. *Id.*

25. In this same regard, I would agree with Bosniak when she posits that the idea of citizenship beyond the nation State is normatively defensible (e.g., human rights and cross-border political activity that is democratic ensure that activities that exist beyond the bounds of the national State can be subjected to democratic practice). See *id.* This point has become crucial in my analysis on governance and accountability in a global economy. Aman also has emphasized the importance of national States learning how to participate in the global arena. See Aman, *supra* note 21, at 870. Similarly, Bosniak's observation on negative aspects of denationalized identity as represented by the international capitalist and managerial class is one I share and have done considerable research

CONCLUSION

Once we accept (a) that the institution of citizenship is embedded and hence marked by this embeddedness, and (b) that the national State is undergoing significant transformations in the contemporary era (due to a partly overlapping combination of globalization, deregulation, and privatization), we can posit that the nature of citizenship will sooner or later incorporate at least some of these changes in at least some of its components even if it could remain contained within the national. Strictly speaking, this particular dynamic leaves open the question, both empirically, operationally, and theoretically, as to whether this would also produce postnational forms of citizenship. While this distinction may seem, and indeed may be, unnecessary for certain types of argumentation, it is an illuminating one if the effort is to tease out the changes in the institutional order within which the institution of citizenship is embedded. It puts the focus on the national rather than on the nonnational settings within which some components of citizenship may eventually be, and to some extent already are, denationalized. One of the concerns for me has been to understand the embedding of much of what we call the global in national institutional settings and territories (e.g., my model of the global city). A related concern has been to understand how this embedding transforms the national, and how it does so often in ways that we do not recognize or do not represent as such and continue to code, or see, as national. This concern brings with it the need to decode what is national in some of the institutional and territorial settings we continue to see or represent as national. Along these lines of inquiry, the embeddedness of citizenship in the national produces its own specific task of decoding. I would differentiate this task from that of identifying the ways in which citizenship—for instance in its psychological dimension and in its practices—may be evolving toward nonnational locations. Further, the relation and possible interaction between (a) this particular shift of citizenship to locations outside the national territorial state (i.e., “postnational” citizenship), and the partial denationalization of the national institutional locations within which citizenship remains largely embedded (i.e., “denationalized” citizenship), and (b) the partial denationalization of the national location within which citizenship is embedded, and the partial shift of citizenship

on. See Bosniak, *supra* note 1, at 493. “The point is that citizenship beyond the nation is neither desirable nor dangerous *per se*.” *Id.*

to locations outside the national territorial State, is itself a subject for research and theorization.