# The History of the Concept of Citizenship. Membership and Rights in The Netherlands[1]

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## Abstract

Citizenship is often seen as one of those 'essentially contested concepts' in political science, with liberal and republican notions as the two main contenders. By contrast, this article argues that citizenship is a 'contingently contested' concept with a relatively stable core that has a periphery of historically contingent meanings and connotations. With membership and rights as two sides of the same coin, the politics of citizenship always involves questions of who belongs and which rights are included with the status of citizenship. By following the history of the concept of citizenship in the Netherlands, we can see how both admission rules and civil, political and social rights are returning themes from the late-medieval 'urban' citizenship to the contemporary 'European' citizenship.

## 1 Introduction

Citizenship is an important organizing principle of political life because it assigns individuals to a particular polity and also endows those who qualify as 'citizens' equally with certain rights and obligations. However, citizenship only becomes meaningful within a concrete political situation, albeit the contemporary Kingdom of The Netherlands or the seventeenth century city of Leiden in the confederate Dutch Republic, to give just two examples. For the last two hundred years or so, citizenship has been conceived primarily as a status of full membership of a national state. Yet national citizenship is closely linked to the modern state, and, just like the nation-state itself, it is very much a "historical construction" (Schnapper 1997: 201). Citizenship is also a familiar concept within the setting of the Greek city-state, or the medieval Italian city, and, with the formal establishment of the citizenship of the European Union in the 1992 Maastricht Treaty, we could well witness a new era of 'post-national' citizenship (Soysal 1994).

This paper deals with the history of the concept of citizenship, specifically within the context of the Netherlands. The aim is to establish how the concept of citizenship has developed through time and to analyse whether and how,





besides obvious differences in territorial scope, the idea of citizenship has changed substantially from late medieval times onwards. In taking such a diachronic approach to the understanding of a socio-political concept in a cultural setting, this paper relates to work on the history of concepts or *Begriffsgeschichte* (Brunner et al. 1972-1993; for a discussion, see Richter 1995; Lehmann & Richter 1996), and more particularly to work on the history of the concept of citizenship (e.g., Riesenberg 1992; Walzer 1989; for Germany, see Riedel 1972; for the Netherlands, Kloek & Tilmans 2002). The historical part, unavoidably with a touch of simplification due to the large time period under scrutiny and the limited scope of this contribution, is divided into three sections, concerned with urban, national and European citizenship in the Netherlands, respectively. First, however, an introduction to the concept of citizenship is given from the perspective of more generalized discussions in the historical and political theoretical literature.

## 2 Citizenship: an essentially contested concept?

There seems to be no straightforward answer to the question what citizenship is. It is tempting to agree with Van Gunsteren (1978: 10) who argues that: "one should not assume that one knows – or after some clarification can know – what citizenship is, but rather treat it as an essentially contested concept that refers to a conflictual practice." There are two commonly accepted 'classic' understandings of citizenship: republican and liberal citizenship (cf. Heater 1999: 4-79). The *republican* conception distinguishes citizens from slaves (who have no rights at all) and aliens (who live under the rule of law but have no power to determine this rule) by their right to hold public office and to "rule and be ruled in turn." According to Aristotle (1968: 109): "The name of citizen is particularly applicable to those who share in the offices and the honours of the state." On the other hand, the *liberal* conception defines citizenship as "a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed" (Marshall 1965: 92). These two conceptions exemplify very well the distinction made by Kymlicka and Norman (1995: 284) between, respectively, "citizenship-as-desirable-activity, where the extent and quality of one's citizenship is a function of one's participation in that community", and "citizenship-as-a-legal-status, that is full membership in a particular political community." (See also Walzer 1989: 216.)

Notwithstanding the differences, citizenship refers in both conceptions to a specific relation between the political community and the individual. Republicans, however, emphasize the *res publica* – the public concern – and the importance of participation in the political community (e.g., Arendt 1989;

Barber 1984). The primacy of the political over the private is essential in this conception, and the 'good life' is only possible through active participation in the public sphere. Liberals, on the other hand, stress the *rights* that are conferred on the individual by his or her legal status as a citizen (e.g., Marshall 1965; Rawls 1996). In this conception the meaning of politics for citizenship is diminished to voluntary participation, e.g., passive electoral rights, and the good life is associated primarily with the private sphere.

From the perspective of political philosophy we can conclude, therefore, that citizenship is an 'essentially contested concept' that can be attributed with two contrasting understandings of liberalism and republicanism.[2] Another question, however, is whether a similar conclusion follows from the perspective of historical research, and particularly from the diachronic perspective of a *Begriffsgeschichte*. The dominant view, to be sure, is that there has indeed been an evolution over time from an active-republican conception of citizenship towards a passive-liberal understanding. In line with Koselleck's (1972: XV) theory of the radical changeover of concepts during the *Sattelzeit* (1750-1850), this shift from a small-scale participatory citizenship towards a universal rights-based citizenship is often placed around the French Revolution (e.g., Riedel 1972; Riesenberg 1992).

An alternative view would be to understand citizenship as a concept with a relatively stable core that has a periphery of historically contingent meanings and connotations (Kloek & Tilmans 2002: 1), which gives rise to the description 'contingently contested' rather than 'essentially contested' concept.[3] A citizen, says Walzer (1989: 211), "is, most simply, a member of a political community entitled to whatever prerogatives and encumbered with whatever responsibilities are attached to membership" (see also Bauböck 1998: 2). In Walzer's (1989) view, the French Revolution was indeed very important, but must be understood as a (largely unsuccessful) attempt to reassert citizenship from a more active-republican perspective against the background of the longstanding tradition of a status-based liberal citizenship that is still dominant in Western democracies of today. "Jacobin radicalism represented a full-scale revolt against the early-modern version of this passive citizenship" (1989: 216). It is true that there have been times when the exercise of ancient virtues was more at the foreground than is currently the case, but there is no such thing as a linear semantic development from republican to liberal citizenship (cf. Kloek & Tilmans 2002: 1).

In ancient Greece the city-state was the main locus of political identification, and its relatively limited territorial scope allowed for a participatory citizenship. Later the concept of citizenship obtained a more passive, indeed 'imperial' meaning within the geographically enormous setting of the Roman Empire. Citizenship became a status that could be extended and granted to conquered peoples (Heater 1990: 2-35; Riesenberg 1992). Under the





subsequent political patterns of the Middle Ages, characterized by feudal and religious loyalties, "citizenship was temporarily almost lost as a political concept" (Heater 1990: 20). The concept of citizenship was revived, however, within the towns and city-states of late-medieval and early-modern Europe. Since the seventeenth century, and especially with the French Revolution at the end of the eighteenth century, citizenship has been understood more and more as membership of a modern state in the same form as we know it today. Such national citizenship has been far from a purely passive, rights-based institution as, particularly under pressure from the ideology of nationalism, a more active and emotional side evolved simultaneously (Habermas 1996: 135; Heater 1990: 171).

The modern state in its classic Weberian definition is "a human community that successfully claims the monopoly of legitimate physical force in a particular territory" (Weber 1980: 506; cf. Habermas 1996: 131). Central to this understanding is the notion of *sovereignty* denoting the extent to which the state is the principal regulator of relations between its subjects and may interfere in a civil society (internal sovereignty), but also the competence of state representatives to act in international relations on behalf of the population (external sovereignty). Hobbes formulated the idea that the sovereignty of a state, embodied in the Leviathan, is derived from "a covenant of every man with every man" (Hobbes 1997: 132). The sovereignty of a state is thus ultimately derived from the sovereignty of the people, and often laid down in a constitution symbolizing a contract between all members of the political community. This 'contract theory' has become one of the pillars of modern political thinking, and was clearly expressed, for example, in the preamble of the 1949 Basic Law of the Federal Republic of Germany when it stated that, "the German People (...) have enacted, *by virtue of their constituent power*, this Basic Law" (emphasis added).[4]

Although the "covenant of every man with every man" is, of course, a metaphor (and not necessarily referring to an actual historical event) for the derivation of the state's sovereignty from the people's sovereignty, citizenship is quintessentially a recognition of this constituent role of the people in the form of a privileged status assigned by the state to its members. Those individuals who qualify as citizens are no longer slaves, mere subjects, or aliens; they are full members of the national community endowed equally with certain rights and obligations. National citizenship is thus a "distinctively modern institution through which every state constitutes and perpetually reconstitutes itself as an association of citizens, publicly identifies a set of persons as its members, and residually classifies everyone else in the world's population as a non-citizen, an alien" (Brubaker 1992: xi).

When looking more closely at the concept of citizenship, defined as a status of full membership of a political community, we can distinguish two main

dimensions of citizenship: membership and rights (Bauböck 1994: 23-31). First of all, citizenship is necessarily limited to a bounded group of persons that is identified as *members* of the polity, and secondly, citizenship as *full* membership becomes manifest through equally endowing citizens with civil, political and social rights. Membership and rights, although analytically distinct aspects of the concept of citizenship, are nevertheless two sides of the same coin that cannot be separated in practice. This can be clarified as follows. If citizenship is only a nominal status empty of any specific content (membership without rights), or if all the citizens' rights can also be enjoyed by non-citizens (rights without membership), then citizenship becomes obsolete (cf. Schnapper 1997: 217). Citizenship is thus always a kind of membership as well as a package of rights (Bauböck 1994: 23).

The first aspect of citizenship, *membership*, in its modern conception refers to the legal bond between a person and a state. Citizenship in this regard has an important organizational function for the international political system in that it orders all individuals into parallel sets labelled with the name of a state (although in practice the phenomena of statelessness and multiple citizenship obfuscate this ideal-type organization). The German term *Staatsangehörigkeit* (membership of a state) expresses this nominal character of citizenship very well; being a German citizen means being a member of the Federal Republic of Germany. Citizenship in this conception is often used synonymously with the juridical concept of nationality,[5] even though this may be confusing because nationality in a more sociological conception refers to belonging to an ethnic or cultural group (in German *Volkszugehörigkeit*, or 'belonging to a people'). For example, a Dutch passport states that the holder has the Dutch nationality, whereas an American passport states the holder's citizenship.

Secondly, what needs to be specified is the *content* of the relation between the citizen and the polity, or in other words, what does the status of citizenship entail? The core function of citizenship, apart from the above-mentioned international, organizational function of allocating each individual to a state, is basically the institutionalization of equality by granting equal rights to all citizens (Balibar 1988: 723). When we study the concept of citizenship over time from this angle, we need to look at the number and range of liberties and entitlements included with the status of citizenship (Walzer 1989: 217). Most famously, Marshall (1965: 78) has described the development of English citizenship practice from the mid-seventeenth to the mid-twentieth century, and he noticed an extension of citizens' rights over the eighteenth, nineteenth and twentieth centuries with respectively civil, political and social rights. Following this triad, all citizens should equally enjoy personal liberty, freedom of speech, the right to justice, etc., (civil rights), the right to participate in the exercise of political power (political rights), and the right to a modicum of





social welfare (social rights). In the following section of this contribution, we will look at the history of the concept of citizenship in the Netherlands, paying attention to both of these aspects: membership and rights.

## 3 The history of the concept of citizenship in the Netherlands

The Dutch concept of citizen (*burger*) can be traced back to the late tenth or eleventh century Latin word of *burgensis*, a term which refers to an inhabitant of a *burgus* or urban area, and can be considered a counterpart to the classical concept of *civis* (Boone 2002: 34). It was first used in Flanders as an equivalent for the French *bourgeois*; the Dutch term *burger* (or *borger*) was not used until the thirteenth century. In the northern Netherlands the term *poorter*, derived from the Latin *portus* (harbour, harbour town or just town), was frequently used as an equivalent for *burger* (Santing 1998: 35). Before the eighteenth century there were no Dutch citizens in the contemporary meaning of the word and a truly national citizenship did not exist (cf. Van Geuns 1853: 172; Kuijpers & Prak 2002: 113).

### 3.1 Urban citizenship

While the terms *burger* and *poorter* were both originally used in a broader sociological context to contrast the class of wealthy inhabitants and craftsmen of a town with the clergy and the nobility (and the rest of the working population), since the fifteenth century the term citizen has referred explicitly to a legal status (Dorren 1998: 61). Urban citizenship distinguished citizens from residents (*ingezetenen*) and aliens (*vreemdelingen*) by making them full members of the urban community and endowing them with rights and duties.

Generally there were four ways of acquiring citizenship: first, by descent (except for Jewish children who always had to purchase it); second, by purchasing it (usually when taking up residence in a new town); third, by marriage (only for women); and fourth, as a gift (it was often granted to specialized craftsmen, merchants or preachers). These requirements did not change much from medieval times onwards, although in the course of time it became more habitual to grant citizenship to strangers at no cost. This was mainly for economic reasons: newcomers often brought useful crafts to the towns or fulfilled public functions (Dorren 1998: 62; Van Geuns 1853: 107-112, 275-278). Another instrument that was used to attract economically useful immigrants, or to limit the number of citizens, was to decrease and increase the payment that aspiring citizens had to make. In Antwerp, this ranged from seventeen day's wages to become a citizen in 1459, to as much as

sixty-eight day's wages in 1544 (Boone 2002: 50). In Amsterdam, the 'entry payment' (*intreegeld*) was decreased from fifteen to eight guilders in 1578, but thereafter was gradually increased to thirty (in 1630), forty (in 1634) and, finally, fifty guilders (in 1650). This tariff was maintained until the end of the eighteenth century (Kuijpers & Prak 2002: 12).

Substantial obligations were tied up with urban citizenship, and if one could not, or did not, fulfil these obligations this led to a repeal of the legal status and the rights. The most important of these obligations was the requirement that one resided habitually with one's family in the city of which one was a citizen. Urban taxes were obviously obligatory, but guard duties also had to be fulfilled, the citizen's militia had to be served, and the urban canals had to be kept clean of ice (Van Geuns 1853: 113-124, 278-280). The significance of night-time patrolling by burghers should not be underestimated. In Amsterdam in the 1660s there were approximately 300 lightly armed citizens on duty each night, which explains why the police staff needed to be just eighteen persons for a population of almost 200.000 inhabitants (Israel 1998: 620, 680). However, regular inhabitants generally also had to fulfil these civic duties, not just the citizens (Dorren 1998: 64; Kuijpers & Prak 2002: 118). Because all inhabitants had to serve the defence of the town, not just the citizens (though they could not always fight with the militia as they could not afford the expensive equipment), and they also had to fulfil most of the other civic duties, the distinction between citizens and residents became less clear in the course of time. Except for the political rights, over time residents were given more and more citizens' rights (Van Geuns 1853: 171).

There were five categories of rights attached to citizenship and these did not change fundamentally from medieval times onwards, although one of the oldest urban privileges – the right to grant citizens the freedom from serfdom, to become literally 'freemen' – became irrelevant in the course of time. Legal privileges was the second category of rights. A citizen could only be tried by a judge from his own town, he had to be released when he could bail out, and there was a limit on the possessions that could be confiscated from a citizen. In the course of time these rights also applied to habitual residents. Thirdly, citizens enjoyed social privileges. The civic orphanage (*Burgerweeshuis*), in particular, was an important instrument of social security (Kuijpers & Prak 2002: 115). The fourth category of privileges was economic. Citizens and their merchandise enjoyed the freedom from customs duty ('toll-freedom'). This was probably one of the most important reasons for acquiring citizenship, since merchants who did not have citizenship were not usually allowed to sell their merchandise at the town market. Citizens also enjoyed the right to exercise those professions that were regulated by the guilds, the associations of craftsmen; only a citizen could become a guild member. There was often an extra requirement: the aspirant had to have possessed citizen status for a certain





number of years before he could acquire guild membership. By changing the period required, the guilds could use citizenship as an instrument to regulate the markets (Dorren 1998: 63-64; Van Geuns 1853: 127-168, 285-289).

The fifth right open to citizens was that of holding public office. A person needed to have been a citizen for a certain number of years – usually five or ten – before he could become a member of the town council, a governor or a magistrate. In a number of towns some public offices were only open to those who had been citizens since birth or were 'grand citizens' (Van Geuns 1853: 288).[6] Active political rights, such as voting people into public office, did not exist; citizens only enjoyed passive political rights. Administrative positions were allocated amongst the ruling elite, which, although never formally defined as such by birth or social status, formed a firm oligarchy where family ties were extremely important. For example, in Amsterdam, of the 36 council members who were appointed for life by the Holland Stadholder in 1578, eight were replaced by their sons after their death, seven by their sons-in-law and one by his brother-in-law. Of the other twenty council members, one was not married, two died childless, one left town, one died insolvent and five were Catholics. Of the 36 members, there were consequently only nine who for no obvious reason did not pass their seat on to their descendants. The 17 city governors who held office between 1578 and 1590 is another example of the Amsterdam regent oligarchy. From nine of them, 13 sons or sons-in-law became city governors themselves at a later time (Elias 1903: XLII). Despite a population of around 60.000 inhabitants, the most important civic offices were thus accessible only to a small group of wealthy citizens (Kuijpers & Prak 2002). This oligarchic city government did not change fundamentally when the Amsterdam population grew to around 200.000 in the 1670s, and there are no signs that the situation was any different in other Dutch towns.

### 3.2 National Citizenship

The Dutch Republic (1579-1795) was a decentralized system of government that guaranteed substantial autonomy for the sub-national administrative bodies. The sovereignty of the Republic was always in the hands of the 'United Provinces' and their assembled delegates, and the provinces themselves were dominated by the most important cities. The key province was Holland because it included the most important and richest cities, such as Amsterdam, Haarlem and Leiden. Holland dominated the politics of the Republic, but was itself dominated by the merchant city of Amsterdam. The cities were not only the key players in the politics of the Republic, but also the political community that had the most direct linkage with its citizens. In this sense, more than a

precursor of contemporary national citizenship, citizenship in the Dutch Republic was a continuation of late-medieval urban citizenship.

In reality the Dutch Republic was substantially more unitary than in theory. The control over the general army was usually delegated to the provincial governor (*stadhouder*) of Holland. This granted substantial political power to one person and the fact that Holland was 'first among equals' in the assembly of the Republic also granted the governors of Holland substantial might. The Orange family – descendants from the 'father of fatherland' William the Silent, who led the armed revolt against the Spanish in 1572 – therefore assumed monarchical tendencies, even though the Netherlands did not officially became a monarchy until 1813 under King William I. Patriotism was also quite common before the eighteenth century, yet remained a relatively weak and ambiguous phenomenon. The concept of fatherland was attributed a different meaning by the competing Orangist and republican parties, and was therefore a source of both unity and disunity (De Bruin 1999). Also, the republican ideology of 'True Freedom' (*Ware Vrijheid*), sometimes associated with Dutch nationalism, referred to republican ideas – to civilian control of the army and to the self-rule of the provinces – rather than to the idea of a common fatherland (Israel 1998: 700-738). It was only in the 1780s that this vague national consciousness was transformed into a modern nationalism and became manifest in the so-called "patriotic revolution" (Kossman 1978: 36). This, however, together with the entry of French revolutionary troops, brought about the downfall of the Dutch Republic in 1795, and the rise of the Batavian Republic (1795-1813).

The first codification of Dutch *national* citizenship can be found in the Napoleonic Code for the Kingdom of Holland (*Wetboek Napoleon, ingerigt voor het Koningrijk Holland*) that was effective from 1 May 1809 until 1 March 1811, and which had been derived from the *Code Civil*, the French code of civil rights. This code of law was 'exported' first to the Southern Netherlands, an area corresponding to what is currently Belgium and the Dutch province of Limburg, when it became part of the French Empire in 1804. In 1810 the Northern Netherlands also became a province of the French Empire, and on 1 March 1811 the *Code Civil* became effective in more or less the whole territory that currently encompasses Belgium and the Netherlands.

The French period officially ended when the Kingdom of The Netherlands was proclaimed in 1813. Yet, even after the unification on 16 March 1815 of the Southern and Northern Netherlands, the French code of civil law remained effective until it was replaced by Dutch codification. Nevertheless, the new constitution of 1815 included some provisions on citizenship and stated a number of public offices that were only accessible to Dutch residents. The latter were defined as those who had been born within the Kingdom or its foreign possessions, to parents who were residing there. If they were born





to parents who officially resided on Dutch territory but were travelling abroad in the service of the country, Dutch citizenship was also granted. Although descent hence remained very important for the acquisition of citizenship, as in former times, the importance of residence reveals a strong influence of the French *ius soli* (see Brubaker 1992: 85-113).

The French *Code Civil* was not replaced by a new Dutch civil code (*Burgerlijk Wetboek*) until 1838, which dealt with citizenship in a way that was more or less similar to the earlier French codification. With respect to the citizenship of married women the *système unitaire* was taken from the *Code Civil*. This meant not only that a foreign woman marrying a Dutch man automatically acquired Dutch citizenship, but also that a Dutch woman marrying a foreigner automatically lost her Dutch citizenship. Consequently, married women did not have an independent position under Dutch citizenship legislation. Dutch citizenship was lost by permanent residence or naturalization in another country, and also by serving in a foreign army or working for a foreign public service without royal permission.

After Belgium had become *de facto* independent from the Kingdom of The Netherlands in 1830, but which was not acknowledged *de jure* before the constitutional changes of 1840 (Kossmann 1978: 180), the next important constitutional moment came in 1848. In that revolutionary year the Netherlands became a constitutional monarchy *with* ministerial responsibility, in other words a parliamentary monarchy (Daalder 1991: 63; cf. Thorbecke 1872). From a citizenship perspective, the crucial innovation was the change from indirect to direct election of the Lower House of Parliament (*Tweede Kamer*). Before 1848 the members of this House had been appointed by the provincial parliaments, which consisted of representatives from the nobility, the cities and the countryside. However revolutionary this change may have been – for the first time there was a directly elected body of national representatives – it did not involve immediate universal electoral rights for the whole adult population. These active political rights were gradually extended by lowering financial (the so-called *census*) and other criteria, which implied that, for a long time, Dutch citizens (from the age of thirty) could be elected in the Lower House even though they did not have active electoral rights. It was not until the constitutional amendment of 1917 that a universal electoral right was granted for all male Dutch citizens from the age of twenty-five. In 1919 this right was also granted to women (Daalder 1991: 54-57).

The 1848 Constitution stated that one had to be Dutch to enjoy the rights of citizenship, and that anybody with Dutch citizenship, but only such a person, might be employed in public service. In this way citizenship legislation was connected with public law, and the 1848 Constitution is therefore an important milestone in the history of Dutch citizenship policy (De Groot & Tratnik 1998: 57). Notwithstanding the consequences of citizenship

becoming partly a matter of public law, the definition of citizenship remained vested in the code of civil law. This was problematic, because not all the people defined as Dutch by the 1838 civil code were meant to enjoy public rights. To limit the scope of the earlier citizenship provisions that were quite inclusive – well in line with its French origins – a new citizenship law became effective on 28 July 1850.

It is important to note that this citizenship law did not replace the 1838 civil code. This led to the confusing situation of double citizenship: a 'political citizenship' as defined by the 1850 public law, and a 'civil citizenship' as defined by the 1838 civil code. Mock (1890: 81) goes as far as to state that for this reason the 1850 law is one of "the least fortunate products of law-making" (see also Heijs 1995: 32-33). Whereas the 1838 citizenship provisions in the code of civil law had a distinct French connotation, the 1850 citizenship law marked a turning point. The discourse around the Dutch 1850 citizenship law was considerably more exclusionist compared with France, where an expansive reform of citizenship law in 1851 met little ideological opposition (Brubaker 1992: 93-94).[7]

This change in the conception of Dutch citizenship, particularly regarding the membership aspect, became more distinct in 1893 when a new Nationality Act was adopted that replaced Articles 5-12 of the 1838 civil code and the 1850 citizenship law. Dutch citizenship policy became primarily characterized by the (German) system of *ius sanguinis*, which meant that descent (blood) became more important than residency (territory). Besides the paradigmatic about-turn, the new act made an end to the confusing situation that had lasted since 1850 and instituted one univocal Dutch citizenship, which survived until a new act in 1985, and more or less until today (see De Groot & Tratnik 1998: 59-61 for a more detailed summary).

Although citizenship in principle implies *full* membership of a state, for a long time Dutch citizenship knew some differentiation in status, especially with regard to the enjoyment of political rights. We have already noted the gradual inclusion of the male and female populations until 1919, but another discussion concerns people from the Dutch overseas territories. The explanatory note of the 1850 citizenship law, for example, states that foreigners and "aboriginal or coloured people" living in the colonies, as well as people accidentally born in the Netherlands and who choose to continue to reside there, have to be excluded from 'political citizenship'.[8] This implied that – besides obvious limited political rights – they could not settle freely on Dutch territory in Europe. In 1893 the new citizenship law granted Dutch citizenship to all those who would formerly have been regarded as Dutch citizens under the 1838 civil code or the 1850 citizenship provisions. The children of Dutch residents of the colonies now also obtained full Dutch citizenship. However, this transitional arrangement explicitly excluded the indigenous people of the colonies.





In 1910 the indigenous people of Netherlands India (current Indonesia), and in 1927 those from the Netherlands Antilles (Curaçao) and Surinam became so-called 'non-national Dutch subjects' (*Nederlandse onderdanen niet-Nederlanders*). Basically this meant that they obtained Dutch citizenship not in the way of the 1892 citizenship law –which would have guaranteed them political rights and the right to settle in the Netherlands – but in a much more restricted way. They did not have full citizen rights and were, indeed, mere subjects and not citizens. These indigenous peoples saw their legal status only changed after the independence of Indonesia (1949), New Guinea (1962) and Surinam. People from the Netherlands Antilles and Aruba have had the status of Dutch citizens since 1951, which means, for example, that they have the right to travel within the Kingdom, as well as full political rights within their own territory.[9]

### 3.3 European Citizenship

After the Belgian Foreign Minister Van Elslande argued for the necessity of "establishing European citizenship" in 1972 (quoted in Wiener 1998: 68), the concept of citizenship evolved within the European Community and within the European Union. However, the concept of citizenship did not appear in the EC Treaty until it was brought in at the negotiation stage of the Maastricht Treaty as a proposal by the Spanish government "to make a qualitative jump which allows an area of essentially economic character to be transformed into an integrated area which would be at the direct service of the citizen."[10]

The direct economic objective of the Treaty establishing the European Economic Community (EEC Treaty), signed in Rome in 1957, was to establish a common market between Belgium, France, Germany, Italy, Luxembourg and the Netherlands, and to remove all obstacles to the free movement of goods, persons, services and capital. Yet in the preamble of the same Treaty of Rome the six founding member states also expressed their determination to "lay the foundations of an ever closer union between the peoples of Europe."

Since the beginning of European integration there has been fundamental disagreement on the nature of the European Community as a polity. Basically this disagreement boils down to the question of whether, in the end, the process of European integration is about national states pooling and delegating powers only within limited fields and with a central role for member state governments (intergovernmentalists), or about national states pooling and delegating powers within an increasing number of policy areas and with an increasingly central role for supranational institutions (supranationalists or federalists). These political debates on the nature of European integration have

essentially survived to this day, although they generally arise now on concrete policy issues and not (anymore) that much in terms of two clashing paradigms. The political debate on Europe's future was actually revived again at the end of the 1990s, urged not in the least by the proposed enlargement of the EU with ten or eleven new member states from Central and Eastern Europe. A Convention on the Future of the European Union was installed in December 2001 to pave the way for a new treaty (or even a 'constitution'), which is due in December 2003.

Notwithstanding this indeterminate political status, five years after the signing of the Treaty of Rome in 1957, the European Court of Justice (ECJ) made it clear that a transfer of sovereignty also implies a direct link between the Community and its citizens. Community law becomes part of the 'legal heritage' of citizens, and citizens may directly claim these rights, i.e., without depending on implementation at the level of the member state. According to the ECJ:

> The EEC Treaty is more than an agreement which merely creates mutual obligations between the contracting states. This view is confirmed by the preamble to the Treaty which refers not only to governments but to peoples. It is also confirmed more specifically by the establishment of institutions endowed with sovereign rights, the exercise of which affects member states and also their citizens. (...) The conclusion to be drawn from this is that the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only member states but also their nationals.[11]

Since the 1992 Treaty on European Union (TEU) came into force on 1 November 1993, all citizens from the fifteen Member States formally enjoy the status of 'citizen of the European Union'. Does this imply that a European citizenship has existed since 1993, or perhaps already in incipient form since 1957? The answer to this question depends on the presence of the two crucial aspects of citizenship, as defined before: membership and rights.

With regard to membership, Union citizenship is conferred on "every person holding the nationality of a Member State" (Article 17(1) EC Treaty). Germans, French, English, etc., are not only citizens of their national state but also European citizens. Some have argued that this implies that Union citizens now possess a kind of 'multiple citizenship" (Heater 1999: 126-131). Yet at the same time, Union citizenship is also crucially a derivative from national citizenship, because "the question whether an individual possesses the nationality of a member state shall be settled solely by reference to the national law of the member state concerned."[12] The member states are hence sovereign in determining who are their citizens, and *a fortiori* control the admission to European citizenship. In practice this means, for example, that around eleven





million 'third-country nationals', residing in the EU on a long-term basis, remain largely excluded from European citizenship. As long as Europe has not affected the membership dimension of (national) citizenship, clearly we cannot speak of a truly European citizenship.

Concerning the dimension of rights, the Maastricht Treaty grouped a number of old and new rights together in the citizenship title. First of all, every Union citizen enjoys the right to move and reside freely within the territory of the member states, which is undoubtedly the most important right connected to Union citizenship. Essentially this right is a codification of already existing migration rights under EC law (Hall 1995: 8). Moreover, Union citizens are entitled to vote and stand as a candidate in municipal and EP elections in their member state of residence, to be protected by the diplomatic or consular authorities of any member state, to petition the EP, to apply to the Ombudsman, and to write to any of the EU institutions in their own language and have an answer in the same language (Articles 18-21 EC Treaty). The Charter of Fundamental Rights of the European Union finally adds the right to good administration by European institutions and access to European documents (Charter, Chapter V 'Citizenship').

Both the extension of free movement and political rights crucially represent a departure from the paradigm of national citizenship, at least symbolically, since we have seen that under urban and national citizenship, these rights were the prerogatives of citizens.

The inclusion of political rights in the concept of European citizenship is, however, rather ambiguous. In countries such as Sweden and the Netherlands the right to vote in municipal elections had already been granted to long-term resident aliens in the 1980s. In Denmark and France, on the other hand, the right for Union citizens to vote in local elections threatened the constitutionally safeguarded link between the national state and its citizens. The traditional prerogative of citizens to elect democratic representatives, to participate in politics, has been much more cherished in these countries. In a unilateral declaration to the Maastricht Treaty, Denmark even stipulated that "citizenship of the Union is a political and legal concept which is entirely different from the concept of citizenship within the meaning of the Constitution of the Kingdom of Denmark and of the Danish legal system."[13] A similar reservation towards the scope of European citizenship can be found in the 1997 Treaty of Amsterdam, which added the following phrase to Article 17(1) EC Treaty: "Citizenship of the Union shall complement and not replace national citizenship." On the whole, the concept of European citizenship seems to have more of a symbolic than practical value, and the paradigm of the nation-state is probably more suitable for the interpretation of contemporary citizenship politics (Eijsbouts 2002; Vink, 2002).

## 4 Conclusion

If we study the history of the concept of citizenship in terms of membership, there are obviously differences related to the territorial scope of citizenship in ancient Greece, the Roman Empire, and the modern nation-states. As the social dimension of citizenship became increasingly important in the twentieth century, due to the development of the welfare state (Marshall 1965: 71-134), states became more sensitive with respect to the question which people could be admitted permanently to their territories with a view to distributive justice. This 'exclusivity' in a way challenges the universalistic aspirations that were often ascribed to citizenship after the French Revolution. Citizenship is *a fortiori* both an instrument and an object of social closure (Brubaker 1992: 62), and displays the deepest meaning of communal self-determination because it is about "a group of people committed to dividing, exchanging, and sharing social goods, first of all among themselves" (Walzer 1983: 31).

Rules for admission and inclusion have been a returning theme for urban, national and European citizenship as the history of the concept in the Netherlands shows. Analysing the substantial changes in the concept of citizenship from the late Middle Ages to today, it is clear that citizenship has become more universally accessible. Looking at the history of citizenship we can see a process of democratization, with the inclusion of blacks, women, Jews, workers and even foreigners. The range of rights that is included has also expanded substantially, mainly with political and social rights. Citizenship always involves dilemmas of inclusion and exclusion because the exercise of sovereignty demands a polity to regulate the entry to its territory, to decide over the scope of rights for non-citizens, and to adopt rules for the distribution of membership. Citizens generally have free access to their state's territory, whereas the entry of non-citizens (aliens) is always conditional. Once on the territory, citizens enjoy a privileged status and are able to take part fully in political and economic life, whereas aliens often enjoy neither full political rights nor the automatic right to welfare and access to labour markets. Finally, the admission to citizenship involves dilemmas of inclusion because the formal status itself is not freely available; it is restricted to a limited group of persons. Contemporary politics of inclusion hence revolve around three issues: citizenship acquisition, free movement and rights for non-citizens.

The most principal way of including non-citizens in a polity is obviously by formally granting them citizenship. Citizenship policy (or nationality legislation) is thus at the heart of the politics of inclusion. Citizenship of a state is most commonly acquired automatically at birth according to rules that differ for each country, often a mixture of *ius soli* (birth within the territory) and *ius sanguinis* (by descent). However, citizenship can also be obtained by option (for example by second or third generation adult migrants who were born in a country but did not acquire citizenship by birth), or by naturalization (for





those who wish to obtain citizenship after having resided in a certain state for a minimal number of years – often five or seven – or after having married a citizen). The question of whether naturalized migrants may retain their former citizenship, and thus choose for multiple allegiances, was at the forefront of political debates in the 1990s (for the Netherlands, see Vink 2001).

The inclusion of non-citizens in nation-state politics is also achieved by decreasing the prerogatives for citizens, and thus by treating citizens and non-citizens more equally. For example, voting rights are traditionally the exclusive privilege of citizens, but since the 1970s it has been more and more common to allow long-term resident aliens to vote for local elections. Non-citizens generally remain exempt from the right to vote for national elections, although advocates for migrant inclusion initiate discussions concerning this matter now and again (in any case in the Netherlands). Long-term residency is also replacing formal citizenship status more and more as the requirement for entering the labour market and receiving social security. This is why one commentator has introduced the concept of 'denizen' to denote the new category of semi-citizens (Hammar 1990). Community nationals residing in an EU/EEA member state that is not their own embody this privileged status *par excellence*, but immigrant worker families and their offspring enjoy similar 'postnational membership' (Soysal 1994).

A third issue in the politics of inclusion is the question of territorial admission. As already stated above, citizens generally have unrestricted access to their state's territory, whereas non-citizens only conditionally enjoy the right to enter a foreign state. Immigration officers may demand a proof of sufficient means before issuing a tourist or transit visa (in order for aliens not to become dependent on welfare institutions) or a proof of employment before issuing a residence permit. And even Community nationals, who generally do not need residence permits to reside legally in one of the member states, may be refused entry – or even expelled – on grounds of public policy, public security or public health. Free movement is vitally important for access to citizenship because long-term residency is often a crucial prerequisite for both the acquisition of formal citizenship status by naturalization (the residence requirement) and the enjoyment of political and socio-economic rights. Applying for asylum as well as reuniting a family have been the most common ways of seeking territorial admission, and thus access to citizenship, in Western Europe in the 1990s. Current political debates in Europe revolve very much about the salient question to which extent asylum and family reunion rights should be restricted (or expanded), and the use of economic arguments and populist sentiments strongly resonates citizenship debates as they have taken place since late-medieval times of urban citizenship. Besides the fact that these debates underline the notion that citizenship is always about the protection of a relative privilege, they show most importantly that – in the past as well as today – membership and rights are the defining aspects of citizenship.

## Notes

1. An earlier draft of this paper was presented in June 2002 at the Master course 'History of Concepts: Comparative Perspectives', organized by the *Huizinga Institute* (Amsterdam). Parts of this paper draw on Perczynski and Vink (2002). The author gratefully acknowledges comments by Terence Ball, Ido de Haan, Herman van Gunsteren, Dora Kostakopoulou, Piotr Perczynski and Melvin Richter.
2. One should remember, however, that the space between liberal and republican conceptions of citizenship is in fact a continuum and many authors take a position somewhere in the middle, which means that the difference between republicanism and liberalism is not always obvious. Pettit (1997), for example, calls himself a republican, but proclaims a conception of citizenship as "freedom from arbitrary interference" that has distinctive liberal connotations (compare also Van Gunsteren's [1998] neo-republicanism). Dagger (1997), on the other hand, advocates a republican liberalism that stresses not only individual rights but also civic virtues.
3. I owe this point to Terence Ball.
4. See also Article 20(1) of the Basic Law: "All state authority emanates from the people. It shall be exercised by the people by means of elections and voting and by specific legislative, executive, and judicial organs."
5. The 1997 European Convention on Nationality, for example, states that, "for the purpose of this Convention 'nationality' means the legal bond between a person and a State and does not indicate a person's ethnic origin" (Article 2a).
6. The exception to this rule was Nijmegen, where the distinction between small and grand citizens was not relevant for public office, but only distinguished those who had the right to do business outside the city limits, as a merchant or as a skipper (Schimmel 1966: 4).
7. The French inclusive policy towards foreigners living on French territory had a primarily pragmatic background, i.e., to get more conscripts for the army.
8. *Ontwerp van wet, strekkende ter uitvoering van Artikel 7 der Grondwet, Memorie van Toelichting,* Bijlagen Handelingen Tweede Kamer 1849-1850, XXXIV, no. 3, p. 396. Cf. De Groot and Tratnik (1998: 58); Heijs (1995: 35).
9. On 1 January 1986 Aruba became an autonomous territory besides the Kingdom in Europe and The Netherlands Antilles, and obtained a *status aparte.*
10. Spanish proposal on 'European citizenship'. *Europe Documents*, No. 1653, 2 October 1990, p. 4.
11. Case 26/62, *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration* [1963], ECR 1. Emphasis added.
12. Declaration on Nationality of a Member State, OJ 1992, C191/98.
13. Declaration on citizenship of the Union, OJ 1992, C384/4, Annex 3.





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# The Intricacy of Social Capital Research

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Oscar Gabriel, Volker Kunz, Sigrid Roßteutscher and Jan van Deth, *Sozialkapital und Demokratie. Zivilgesellschaftliche Ressourcen im Vergleich*. Universitätsverlag, Wien 2002. 282 pages. ISBN 3-85114-571-2.

Robert Putnam (ed.), *Democracies in Flux. The Evolution of Social Capital in Contemporary Society*. Oxford University Press, Oxford 2002. 516 pages. ISBN 0-19-515089-9.

One of the clearest indications that a science field has reached maturity is the gradual disappearance of bold statements, which can be considered a typical feature of the starting phase of any new major research effort. Clearly, the field of social capital studies has now reached maturity, with the result that, in most of the more recent studies, the sweeping statements that dominated the field ten years ago have been replaced by a more careful analysis, paying more attention to the small intricacies of the topic. Since the early 1990s, studies on the origins and consequences of social capital have become a burgeoning research industry. A quick look at the *Sociological Abstracts* shows that there has been a continuous rise in the number of scholarly publications using the concept since1993, and that currently more than 200 articles are being published each year on the subject of social capital. 1993 was, of course, the year in which Robert Putnam published his seminal volume *Making Democracy Work*, which discussed civic traditions in modern Italy. It was this volume, rather than the earlier work by James Coleman (1990), that caused the subsequent rise in social capital studies. Although Coleman's work can certainly be considered as scientifically rigorous and important, it somehow lacked the creative challenge, which seems a prerequisite to spark off a new academic subdiscipline. Coleman convincingly demonstrated, for example, that schools with a concentration of children from high social capital backgrounds (i.e., highly educated and well-connected parents) outperform schools that have a more restricted access to social capital resources. This is indeed a major finding, but it hardly comes as a surprise. While the Coleman approach has been a source of inspiration for replication research in various areas (among others, school attainment and professional careers) it does not