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Renewing post-national citizenship

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ABSTRACT

This essay explores how the critique of national citizenship has evolved over the past 25 years. Specifically, I focus on the literature which grew out of Yasemin Soysal's seminal work *Limits of Citizenship*. Soysal argued for a post-national model of membership based on observations that rights traditionally associated with citizenship were becoming increasingly separated from the nation. I explore how, while some have taken up the study of post-national citizenship as a cosmopolitan research agenda, many others have subjected this idea to sustained critique on the basis that the empirical observations on which it rests have not materialised. Indeed, the continued hegemony of the national citizenship model suggests that this is not soon to change. However, I look to the literature on acts of citizenship, itself a major thread of research over the past quarter of a century, to argue that there is scope to reclaim post-nationalism as a fruitful lens for the study of citizenship-as-practice.

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Introduction

Published in 1994, Yasemin Soysal's *Limits of Citizenship* is a landmark contribution to the study of cosmopolitan citizenship which has significantly shaped the critical citizenship studies literature over the past twenty-five years. In it, Soysal makes the case that, in the final decade of the twentieth century, citizenship and national identity were becoming increasingly detached from one another to the extent that it was 'universal personhood' (p.136) that mattered more than nationality in the allocation of rights. She termed this dynamic 'post-nationalism'. Over the past quarter of a century, this work has inspired a vast literature on the potential of alternative, non-national forms of membership and solidarity. Yet for many it is also a relic of a past age where the promise of global openness seemed imminent. In an age of new and rising nationalisms around the world, as well as growing scepticism and overt criticism of international human rights regimes, post-nationalism has become the subject of sustained critique on the basis that the empirical observations on which it rests have not been realised.

In this essay I explore Soysal's post-nationalism alongside these critiques. I argue that, in light of the rise of new forms of nationalism and the limits of European integration – about which Soysal's account was centrally concerned – it may seem that post-nationalism is an irrelevance to the study of contemporary lived experience. However, I suggest that understanding post-nationalism through the prism of 'acts of citizenship'

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(Isin 2008) would enable us to observe how the centrality of the nation to citizenship, membership and belonging is being undone through micro-level acts and practices of resistance. This, I suggest, shows that – on the contrary – post-nationalism remains a useful theoretical lens through which to understand regimes of citizenship, as well as resistance to them, with the potential to continue to inspire research for another twenty-five years or more.

The promise of post-nationalism

The central focus of post-nationalism concerns the changing role of national identity in contemporary political communities. Post-nationalism refers to the idea that, under conditions of increasing global inter-connectedness, the citizenship-national identity hybrid brought about by the nation-state model of sovereignty has become to come undone. According to post-national theory, national group membership – for a time the fundamental gatekeeper of the bundle of rights associated with citizenship – no longer plays such a central role in conferring those rights, and as such is losing relevance to the contemporary allocation of rights and experience of inclusion and belonging.

It was Yasemin Soysal's *Limits of Citizenship* (1994) which first brought significant scholarly attention to this idea. Soysal defines post-nationalism as a shift in the locus of citizenship rights, such that 'the logic of personhood supersedes the logic of national citizenship' (p.164). Writing in the final decade of the twentieth century, Soysal's account of post-nationalism is specifically inspired by the creation of the European Union – and with it, European citizenship. This development meant that, for the first time, rights of citizenship were held by virtue of being considered 'European' – that is, a citizen of a member state of the EU – rather than being conferred as a direct result of holding a particular nationality. The European Union also embodied the most celebrated region of cross-border free movement, with the right to live and work in any of the member states free from discrimination on the grounds of nationality central to the Maastricht Treaty.

Soysal's post-nationalism came into being from the observation of developments such as these, as well as from her observation of the emergence of an international human rights regime which also separated core rights from nationality and provided international protections at a remove from the national political community. For Soysal, '... individual rights, historically defined on the basis of nationality, are increasingly codified into a different scheme that emphasises universal personhood', and '[t]he post-war era is characterised by a reconfiguration of citizenship from a more particularistic one based on nationhood to a more universalistic one based on personhood' (Soysal 1994, 136–137). Thus, she argued, we were seeing the emergence of a new post-national era in which nationality played a far less fundamental role in shaping the allocation of rights traditionally associated with national citizenship.

Soysal's theory has inspired a range of scholarship over the past twenty-five years, and has played a central role in the evolution of critical citizenship studies, particularly that concerning cosmopolitan citizenship, in this time. As one of a number of theoretical approaches to what was seen as the shifting nature of membership, rights and belonging, Soysal's work decentred nationalism and inspired scholarship which approached the

study of the relationship between citizenship and national identity from an explicitly critical perspective. Post-nationalism studies have challenged the methodological nationalism of the study of membership across the social sciences by exposing the position and character of nationalism in contemporary orders of citizenship. Research inspired by Soysal's post-nationalism has, for example, interrogated shifts towards post-nationalism within diverse states and also internationally, such as in the form of international human rights norms and the protection of minority rights, the shape and pace of globalisation, and the emergence of trans-state legal and political institutions such as those associated with European integration (for a detailed overview of the post-nationalism literature inspired by Soysal's work, see Tonkiss 2021).

Post-nationalism critiqued

Writing in the second decade of the twenty-first century, more than twenty-five years since Soysal's seminal work was published, the idea that nationalism is playing less of a role in determining the allocation of citizenship rights appears naïve. The election of Donald Trump as President of the United States in 2016 on an overtly populist-nationalist ticket, and whose administration systematically eroded the rights of migrants and people living in the US with irregular status, is perhaps the most emblematic instance of this resurgent nationalism. In the UK, the 2016 'Brexit' referendum led to a vote in favour of the UK leaving the European Union – the culmination of an overtly nationalist, anti-immigration campaign which hinged on the idea of re-asserting national sovereignty by 'taking back control' from the European Union. This marked, for British citizens without the prospect of any form of dual European nationality, the loss of EU citizenship. And in India, the Hindu-nationalist Bharatiya Janata Party has continued to gain political ground since its ascendancy to power in 2014. Under its rule Muslims have faced increasing levels of discrimination, most recently facing statelessness as a result of exclusion from the National Register of Citizens. Indeed, many countries around the world have witnessed the emergence of new nationalisms with the link between national identity and citizenship reinvigorated as a result of robustly anti-immigration politics.

These observations of the persistence of nationalist logics in domestic and international politics have been echoed in a range of literature critical of the relevance of post-nationalism to contemporary social and political realities. Research has drawn attention to the centrality of the national citizenship model in countries around the world, as well as to the struggles of the European Union. In Soysal's account Europe is celebrated as the most advanced post-national project, but it has struggled to weather nationalist storms including 'Brexit' and other nationalist movements such as those led by Viktor Orban in Hungary and Matteo Salvini in Italy. It has also highlighted the obstinate failures of the international human rights regime to protect minorities. Scholars critical of post-nationalism draw on such observations to argue that the promise of post-nationalism simply has not been realised, and that it lacks relevance to lived experience as a result. For example, Ruud Koopmans (2012) offers

a comprehensive critique of Soysal's theory from the perspective of immigration rights. He argues that, within the EU, the extent of rights enjoyed by migrants varies across member states, and indeed that this variation increased in the ten years prior to his study. As such, he maintains that the post-nationalisation of immigration rights has not been observed in the European context, despite the laudable commitments of European integration.

Critiques such as those posed by Koopmans have presented a significant challenge to post-nationalism, a challenge that the theory has struggled to address, with interest in its central tenets waning considerably over time. Yet Soysal herself, in her original account, acknowledges the persistent centrality of the nation-state. She describes post-nationalism as one part of a dialectical relationship with nationalism, where 'apparent paradoxes' emerge from the 'institutionalised duality between the two principles of the global system: national sovereignty and human rights' (Soysal 1994, 157). In other words, Soysal envisages post-nationalism as existing alongside – or rooted in – nationalism. Here her account intersects with another branch of post-nationalism located in normative political theory. In this branch, Habermasian theorists imagine post-national political communities as open-ended projects rooted in nationalism itself. They envisage post-nationalism as a continuous process of critiquing and decentering nationalism through discursive contestation over core human rights commitments (see, for example, Lacroix 2009).

If we were to take the other view, that post-nationalism should involve a complete break with nationalism and therefore that trans-state integration is one of its primary indicators, there would still be reason to question these critiques. Specifically, it can be argued that European integration was never genuinely 'post-national' in these strongest of terms. Rather than a project of trans-state integration rooted in universal personhood instead of national sovereignty, the European Union is a system of member (nation-)states choosing to cooperate in certain ways while retaining national sovereignty. Even EU citizenship depends on holding national citizenship of one of the member states. Perhaps, then, the utility of Soysal's account is in its potential as a critical appraisal of the European Union as a faltering post-national project – particularly in light of the UK's withdrawal from European integration and resurgent nationalist movements in many of the member states.

It is this notion of post-nationalism as a lens of critical analysis that I wish to pursue in the remainder of this essay. Assessing the evolution of the debate concerning post-nationalism – from the perspective of both its proponents and its detractors – over the past twenty-five years, it is clear that it has been understood as centrally concerned with the development of post-national legal and political institutions, with the locus of empirical studies tending to focus on top-down, macro-political change. Such dynamics are fundamental to understanding the relevance of post-nationalism to contemporary societies, as in the brief critique of the European Union set out above. After all, bestowing rights of citizenship in virtue of personhood rather than nationhood requires vast transformation at a state level and beyond. However, focusing solely

on this level has also meant that micro-level practices that may be associated with post-nationalism, and which may underpin these macro-institutional changes, have been overlooked.

The future of post-nationalism studies

The politico-legal institutionalist focus of post-nationalism has meant that its relevance to studying lived experience and agency has been subject to far less intense scrutiny in Soysal's work and that which has been inspired by it. This is perhaps unsurprising given that Soysal herself describes her work as concerned with 'the reconfiguration of the institution of citizenship' (Soysal 1994, 163). Yet such an approach has underpinned the normative theoretic branch of post-nationalism, where an orientation towards micro-level lived experience has always been present.

Shaped by the Habermasian conceptualisation of discursive contestation, these normative accounts place actors within existing social and political systems at the centre of the development of post-nationalism. This means that nationalism is intrinsic to the inception of normative post-nationalism because it is theorised as rooted in the current social and political order. The individual actors situated within this context practice post-nationalism through reflexivity about their membership in a national group and their relationship to their national identity, and through participation in processes of democratic contestation concerning the interpretation of universalistic human rights within the specific institutions and political cultures of the communities in which they live. These might be national, but they might also be local or trans-state. As such, in this normative branch, the development of the universal personhood envisaged by Soysal, embodied in a conceptualisation of universal human rights, is rooted in discursive struggle in particular social and political contexts. These practices of contestation are not imagined as reaching a prescribed ideal or set of institutional arrangements. Rather, post-nationalism is embodied by the processes and practices themselves, where the struggle for change itself constitutes post-nationalisation.

Returning from the normative to the empirical, this parallel, alternative understanding of post-nationalism intersects closely with the literature on acts of citizenship, itself a major thread of research over the past twenty-five years. Here, an act of citizenship is understood as 'a rupture of the given' (Isin 2008, 25), in contrast to the traditional focus of citizenship studies on those given orders of citizenship. According to Isin, '[a]cts constitute actors who claim and assert rights and obligations and '[enact] themselves as activist citizens ... Acts of citizenship are those acts through which citizens, strangers, outsiders and aliens emerge not as beings already defined but as beings acting and reacting with others' (p.39). In other words, an act of citizenship can be understood as the practice through which citizenship itself is created, and this may be in relation to a relationship with the state as it currently exists, or it may be in the form of resistance to national citizenship orders. Acts are oriented by justice, but not necessarily to the law.

From the perspective of acts of citizenship, then, we might come to imagine an empirical theory of post-nationalism focused on post-national acts of citizenship, as a means through which to capture the micro-level practice of post-nationalism beyond its traditional narrow focus on institution-building. In this approach, the post-national focus on exposing and decentring the role of the national would be brought into dialogue with the focus of the citizenship acts literature on citizenship as micro-level practice. These acts could be understood as undertaken by ordinary people engaging in practices of resistance against nationalism which serve to ‘unproduce’ the nation (Nowicka, 2021). Examining such acts can help us to begin to uncover and understand the micro-politics of post-nationalism as involving practices of resistance to national citizenship orders. This might include turning a post-national lens on environmental activism such as the ‘Fridays for Future’ climate strike movement which decentres nationality to bring together young people globally, and of course on migrant solidarity movements which involve activism across borders and within the state against restrictions imposed by nationally defined borders. For example, in a recent study I applied a post-national framework to activism to end the detention of child migrants, and in doing so exposed the post-national dynamics at work while also bringing into stark relief the fragile character of that post-nationalism and its limitations in addressing intersecting oppression related to race and gender (Tonkiss 2021). Post-nationalism thus understood provides a critical lens through which to examine these practices, at once capturing the functioning of post-national practices in contemporary societies and subjecting those practices to critical interrogation.

Conclusion

Post-nationalism has been a significant, if often under-celebrated, thread of scholarship within citizenship studies over the past twenty-five years. Yasemin Soysal’s seminal account of post-nationalism in Europe has inspired a wide-ranging post-nationalist literature, while also attracting an array of critiques. While it is undeniable that these critiques of the empirical relevance and utility of Soysal’s work ring true in the second decade of the twenty-first century, it is also clear that this debate has remained relatively narrowly focused on an institutionalist understanding of post-nationalism, and from a zero-sum dynamic between nationalism and post-nationalism rather than from an understanding of the dialectic relationship between the two. The parallel normative-theoretic literature on post-nationalism, as well as the literature on acts of citizenship, on the other hand, point to the potential fruitfulness of renewing post-nationalism by adopting a focus on the micro-politics of post-nationalism. This would enable us to observe how the centrality of the nation to citizenship, membership and belonging is being undone through micro-level acts and practices of resistance. Such an approach to post-nationalism places a renewed emphasis on the duality of Soysal’s original account, in which post-nationalism exists in a dialectical relationship with nationalism, and bridges the normative theoretic tradition which articulates post-nationalism as an open-ended process of change – a practice.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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