

Exploring Normative Theories of Democratic Citizenship: The Case of Turkish Emigrants in Germany

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ABSTRACT

Contemporary liberal and critical approaches to citizenship as well as theories of transnationalism point out the disarticulation of the components of citizenship and the decoupling of citizenship from the territoriality of the nation-state, while another strand of the liberal political theory offers normative guidelines to evaluate citizenship claims of migrants as transnational subjects towards their countries of origin and residence. In this context, the aim of this study is to scrutinise, with a focus on Rainer Bauböck's stakeholder principle, whether the assumptions of normative approaches are always present in the complexity of transnational relations. It shall be argued that the very need to assess migrants' citizenship claims will disappear if their choices can be taken as the strongest indicator of their genuine links to respective polities since a liberal perspective must prioritise individual preferences. The case of Turkish emigrants in Germany will be used to show that, in the current constellation shaped by German optional model and Turkish toleration for the transmission of citizenship abroad, the choice of the citizenship of one polity is made under the circumstances of equivalent costs-benefits for both sides, hence, migrants themselves must be seen as the ultimate authority to interpret their objective conditions. After reviewing the literatures of transnationalism and normative theories of democratic citizenship and formulating the central thesis against this background, the empirical parts will present the Turkish-German case emphasising the salience of the (non) recognition of dual citizenship and the decisive role of German citizenship regime. The dissertation will be concluded following a discussion of the applicability of the normative approach to the case.

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TABLE OF CONTENTS

ABSTRACT	I
ACKNOWLEDGEMENTS	II
TABLE OF CONTENTS	III
INTRODUCTION	1
Context of the Study.....	1
Concepts and Categories	8
Research	11
Thesis and Structure of the Dissertation.....	12
I. THEORETICAL BACKGROUND	15
I.1. Transnationalism	15
I.1.i. Basic Characteristics of Transnationalism.....	16
I.1.ii. Transnational Citizenship and Citizenship Constellations.....	19
I.2. Normative Theories of Democratic Membership	21
I.2.i. Democratic Inclusion	22
I.2.ii. Stakeholder Citizenship	25
I.2.iii. Stakeholder Citizenship as a Nonideal Theory of Democratic Inclusion	27
I.3 Conclusion: Limits of the Stakeholder Principle.....	31
II. HISTORICAL BACKGROUND.....	35
II.1. Turkish Migration to Germany.....	36
II.1.i. History of Turkish Migration to Germany	36
II.1.ii. General Characteristics of Turkish Community in Germany	40
II.2. German Citizenship Regime.....	43
II.2.i. Dimensions of German Citizenship.....	44
II.2.ii. Immigration and Citizenship in German Politics and Law	46
II.3. Turkish Citizenship Regime.....	50

II.3.i. Civic and Ethnic Conceptions and Practices	51
II.3.ii. Constitutional Definitions of Citizenship.....	52
II.3.iii. Turkish Citizenship Laws	54
II.4. Conclusion: Salient Topics in Turkish-German Citizenship Constellation	59
III. TURKISH EMIGRANT CITIZENSHIP	61
III.1. Major Characteristics of Turkish Emigrant Citizenship Policies.....	61
III.1.i. Quasi-Citizenship: Pink/Blue Card.....	63
III.1.ii. Institutionalisation of Relations with Emigrants	65
III.2. Comparison of Turkey with Mexico.....	68
III.2.i. Domestic Politics	70
III.2.ii. International Politics.....	72
III.2.iii. Relations between Emigrants and Emigration Countries	73
III.2.iv. Areas of Negotiation.....	75
III.2.v. Constitutional Definition of Nationality and Citizenship	77
III.3. Conclusion: Recognition of Dual Citizenship as the Decisive Factor	79
IV. THE APPLICABILITY OF NORMATIVE THEORIES TO TURKISH-GERMAN CITIZENSHIP CONSTELLATIONS.....	83
IV.1. Denial of Multiple Stakes on Both Sides: 1960-1980	83
IV.2. Conflicting Perspectives on Integration: 1980-2000.....	85
IV.3. Beyond External Determination of Stakes: 2000-present.....	87
IV.4. Conclusion: External Determination of Stakes as a Transitional Necessity	89
CONCLUSION.....	91
Summary.....	91
Discussion and Implications	92
BIBLIOGRAPHY	95

INTRODUCTION

CONTEXT OF THE STUDY

Citizenship has been a widely discussed category, directly or indirectly, in political thought since ancient philosophy, including the classical texts of Aristotle, Machiavelli and Rousseau. While this line of republican tradition has emphasised civic virtues and direct participation in the polity as duties of citizens, the focus of liberal tradition has been civil/negative liberties – a distinction embodied by the terms ‘Liberty of the Ancients’ and ‘Liberty of the Modern’¹ respectively. The latter has been the constitutive element of citizenship in modern Western politics², and the present dissertation will mostly address this dimension. In this context, for mid-twentieth century approaches to citizenship, rights attached to citizenship were the most important problem. In the immediate aftermath of the Second World War, Hannah Arendt defended a universal norm of the right to have rights, i.e. the right belong to a political community³. Probably the most seminal work on citizenship in the post-War era was T. H. Marshall’s conception based on the history of class struggle over rights, leading to the culmination of civil, political and social rights, and finally social citizenship⁴. The debates on the retreat or preservation of social rights towards the end of the century notwithstanding, this period witnessed a revival of academic interest in citizenship, largely due to significant changes in the political reality and discourse⁵. Such more recent works extended the scope of

¹ Constant, ‘The Liberty of the Ancients Compared with That of the Moderns’.

² Pocock, ‘The Ideal of Citizenship Since Classical Times’.

³ Arendt, *The Origins of Totalitarianism*.

⁴ Marshall, *Class, Citizenship, and Social Development*.

⁵ Kymlicka and Norman, ‘Return of the Citizen’.

citizenship studies, from an almost exclusive focus on rights, to other dimensions such as legal status, identity and membership, and even active citizenship⁶.

One of the most influential approaches in this recent literature is developed by Rogers Brubaker who conceives the modern state as an association of citizens, and citizenship as membership in a state, hence a legal status⁷. In this sense, citizenship is both an instrument of closure and the object of closure; it creates boundaries between people, and this boundary creation depends on the idea of nationhood which varies across societies. Nonetheless, an important group of academic works is based on the idea that citizenship is being decoupled from the nation state or losing its relevance as a whole. One of the pioneers of this view, Yasemin Nuhoglu Soysal argues that citizenship is no longer linked to national membership, but to universal personhood⁸. This claim of 'post-national citizenship' is mainly based on the observation that the rights of legal permanent residents are very similar to those of citizens – a phenomenon captured by the concept 'denizenship'⁹. Similarly, Saskia Sassen argues that current developments undermine the predominance of the nation-state, but these transformations take place in large part within its confines¹⁰. In this respect, the institution of citizenship, which has been historically linked to the nation-state, is not immune to these transformations, and it has to evolve towards a de-nationalised form as well. In the same vein, according to Peter Spiro, the institution of citizenship has lost its meaning in the face of globalisation, since it is unable to define a coherent political community¹¹. From a more critical perspective, however, citizenship today has acquired a flexible form which defines the relationship of subjects to neoliberal institutions¹². To put it more explicitly, what the neoliberal state needs is not an organic social body, but a profusion of identities to which it

⁶ Kymlicka and Norman, 'Citizenship in Culturally Diverse Societies'.

⁷ Brubaker, *Citizenship and Nationhood in France and Germany*.

⁸ Soysal, *Limits of Citizenship*.

⁹ Hammar, *Democracy and the Nation State*.

¹⁰ Sassen, *Territory, Authority, Rights*.

¹¹ Spiro, *Beyond Citizenship*.

¹² Cherniavsky, 'Neocitizenship and Critique'.

can make a tactical response; citizens are expected to be visible to the state while the state is elusive to the citizens. Several authors theorised the transformation of citizenship in relation to territoriality and components of citizenship. Aihwa Ong describes this transformation as the disarticulation of its elements, and re-articulation of these elements with universalising criteria of neoliberalism and human rights¹³. Seyla Benhabib identifies two major components of globalisation as ‘de-territorialised law’ and cosmopolitan human rights norms, and citizenship is moving from national association to multiple ties to locality, region and transnational institutions¹⁴. According to Jean L. Cohen, the aggregation of all components associated with citizenship in a single category is incompatible with the changing paradigm, and they should be analytically disaggregated across multiple levels¹⁵.

In addition, an important part of the recent scholarly literature on citizenship has been developed on the liberal critique of current citizenship regimes of western democracies. For instance, Joseph Carens argues that the current situation in which borders are not open contradicts basic liberal principles, and even communitarian premises, hence he questions the fundamental feature of citizenship as allocation of peoples to discrete political units¹⁶. Ayelet Shachar and Ran Hirschl conceptualise citizenship as a form of property, and criticise its transmission exclusively as a birthright through *jus soli* or *jus sanguinis*, comparing this practice to feudal privileges¹⁷. Linda Bosniak argues that liberal-democratic ideals translated into practice through nationalism conceal the dilemmas and ambiguities of citizenship faced by aliens¹⁸. In this respect, citizenship is not sufficient to eliminate discrimination, and the outside and inside borders that demarcate citizenship are not easily separable. From this perspective, it is difficult to conceive a world in which social practices affect persons

¹³ Ong, ‘Mutations in Citizenship’.

¹⁴ Benhabib, ‘Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times.’

¹⁵ Cohen, ‘Changing Paradigms of Citizenship and the Exclusiveness of the Demos’.

¹⁶ Carens, ‘Aliens and Citizens’.

¹⁷ Shachar and Hirschl, ‘Citizenship as Inherited Property’.

¹⁸ Bosniak, *The Citizen and the Alien*.

regardless of citizenship, including the West. In this sense, liberal states still exercise sovereign power on related issues, and the institution of citizenship is still important for problems of integration/exclusion¹⁹. Moreover, despite the universalisation of political identities and liberalisation of citizenship regimes, exclusion in the modern state continues through liberal state mechanisms, and liberalism itself becomes a thick identity²⁰. One of the most important features of contemporary politics which makes these discussions on citizenship so significant is evidently migration, and democratic regimes' responses to migration between liberal values and political constraints²¹.

One useful way of summarising this transformation in the liberal states is to look at three main components of citizenship: on the status dimension access to citizenship has been liberalised, on the rights dimension ethnic diversity has led to increased importance of minority rights, and on the identity dimension citizenship has had to be more universalistic²². Thereby, although citizenship is becoming objectively more valuable in the context of global disparities, its subjective value is decreasing particularly in the sense of being disconnected from nationhood²³. Nonetheless, migration is a two-sided phenomenon which entails both immigration and emigration. In this sense, while extension of citizenship can be seen as liberalisation or 'de-ethnicisation' in the immigration states, its meaning for the emigration states can be 're-ethnicisation'²⁴. More generally, the counterpart of all the aforementioned transformations in the countries of origin requires a special scrutiny.

Taking stock of the disarticulation and re-articulation of the components of citizenship, and changing conceptions of the sites of citizenship, in constant interplay with migration issues, a plausible way to understand the contemporary complexities of citizenship is to put it

¹⁹ Joppke, 'How Immigration Is Changing Citizenship'.

²⁰ Joppke, 'Exclusion in the Liberal State'; Joppke, 'Beyond National Models'.

²¹ Joppke, *Citizenship and Immigration*.

²² Joppke, 'Transformation of Citizenship: Status, Rights, Identity.'

²³ Joppke, 'The Inevitable Lightning of Citizenship'.

²⁴ Joppke, 'Citizenship Between De- and Re-Ethnicization'.

in the context of political transnationalism, in the sense of ‘overlapping memberships between territorially separated and independent polities’²⁵. Its normative implications require the reconsideration of political membership, especially in democratic regimes, since it raises several questions such as dual citizenship and external voting that cannot be addressed by the conventional conception of national citizenship.

In this context, the study of transnational citizenship has to deal with an at least tripartite relationship between immigration state and society, emigration state and society, and migrant community. Thereby, two major questions that come to the fore are plural citizenships and external voting. Dual or plural citizenship has been becoming more and more widespread and acceptable over recent decades despite the reluctance of states as it reflects the reality of complex loyalties and allegiances²⁶. Peter Spiro contends that despite the erosion of the identification between individuals and states, governments have incentives to accept plural citizenship²⁷. However, it is more accurate to understand this trend as the multiplication of national sites of citizenship and the extension of existing citizenship practices, rather than interpreting it as the disappearance of citizenship or national borders²⁸. Indeed, adopting dual or plural citizenship can strengthen state sovereignty and can be used to promote national interest in receiving countries²⁹.

Furthermore, external voting has become a widespread phenomenon although particular systems of external voting varies significantly in several aspects such as the requirements as to who is entitled to vote and the methods to implement voting³⁰. External voting is generally envisioned as a way to increase the legitimacy and accountability of representation, but it indeed raises its own specific questions. To specify, morally grounded objectives of endorsing

²⁵ Bauböck, ‘Towards a Political Theory of Migrant Transnationalism’.

²⁶ Martin, ‘Introduction: The Trend Toward Dual Nationality’.

²⁷ Spiro, ‘Dual Citizenship - A Postnational View’.

²⁸ Bosniak, ‘Multiple Nationality and the Postnational Transformation of Citizenship’.

²⁹ Pogonyi, ‘Dual Citizenship and Sovereignty’.

³⁰ Navarro, Morales, and Gratschew, ‘External Voting: a Comparative Overview’.

external voting can be listed as realising universal suffrage, increasing real amount of participation, enhancing legitimacy and contributing to democratic consolidation³¹. However, three challenges can be identified as deteriorating the fairness of elections and hence against these democratic aspects: first, representation of absentee citizens can be seen as contradictory to universal suffrage, second, elections outside jurisdiction may not ensure transparency and equal competition, and third, resolution of contested results may not be effectively done.

As for the normative side, a primary evaluation may suggest that plural citizenship and external voting can also be legitimate claims while mobilisation of emigrant communities by sending states for instrumental or nationalist reasons is not³². Nonetheless, disenfranchisement of external citizens can be seen as the corollary of residence-based political rights³³. It should be remarked that an important part of citizenship scholars share the moral view that permanent residence in a territory is a sufficient condition for acquiring citizenship of the corresponding polity³⁴. In this respect, one must seek the avoidance of both over-inclusion and under-inclusion. For instance, Ayelet Shachar proposes, against birthright conceptions, the principle of ‘jus nexi’ which requires the extension of citizenship to all those who have a ‘real and effective link’ to the state³⁵. This idea seems related to the concept of ‘genuine link’ which has occupied a remarkable place in legal and academic discourse since the *Nottebohm Case, Lichtenstein v. Guatemala*³⁶. However, the validity and applicability of this concept remains questionable. Another approach is to (sharply decouple the claim to citizenship from the claim to external voting), by distinguishing between nationality and citizenship, which considers plural nationality as legitimate but external voting rights as illegitimate³⁷. To strike

³¹ Nohlen and Grotz, ‘The Legal Framework and an Overview of Electoral Legislation’.

³² Bauböck, ‘Towards a Political Theory of Migrant Transnationalism’.

³³ López-Guerra, ‘Should Expatriates Vote?’.

³⁴ Barbieri, *Ethics of Citizenship*; Bosniak, ‘Being Here: Ethical Territoriality and the Rights of Immigrants’; Rubio-Marín, *Immigration as a Democratic Challenge*.

³⁵ Shachar, *The Birthright Lottery*.

³⁶ Kunz, ‘The *Nottebohm* Judgment’.

³⁷ Rubio-Marín, ‘Transnational Politics and the Democratic Nation-State’.

the right balance between these sensitivities, Rainer Bauböck develops the principle of stakeholder citizenship³⁸. The principle is defined by the suggestion that ‘all those, and only those individuals, who have a stake in the future of a politically organized society have a moral claim to be recognized as its citizens and to be represented in democratic self-government’³⁹. Accordingly, individuals’ stake in the future is assessed by their circumstances of life, i.e. objective criteria⁴⁰.

Therefore, transnational citizenship implies both empirically and normatively significant questions about the situation of migrants with respect to their countries of residence and origin, and the policies of immigration and emigration states. One remarkable advantage of studying sending countries is that this can explain how they utilise the possibilities of ‘reconfiguring the reach of the nation-state through transnational economic, social and political ties with national abroad’⁴¹ despite the privileged place of stronger immigration countries⁴². Interesting forms of political reciprocity and dilemmas emerge from this relationship. On the one hand, states have strong political incentives to tie the emigrants to the home country for mainly economic reasons, but in return, emigrants assert political rights and begin to influence domestic political processes⁴³. On the other hand, the incorporation of emigrants is an enhancing factor for their liberty, but it leads to an imbalance between the rights and duties of citizens and thus deteriorates the democratic quality⁴⁴. Moreover, while the policy tools adopted to reach the emigrants are and need to be usually symbolic, such policies result in real outcomes⁴⁵.

³⁸ Bauböck, ‘Stakeholder Citizenship and Transnational Political Participation’.

³⁹ Bauböck, ‘Stakeholder Citizenship: An Idea Whose Time Has Come?’. (*sic.*)

⁴⁰ Bauböck, ‘The Rights and Duties of External Citizenship’.

⁴¹ Østergaard-Nielsen, ‘International Migration and Sending Countries’.

⁴² Fitzgerald, ‘Nationality and Migration in Modern Mexico’.

⁴³ Barry, ‘Home and Away’.

⁴⁴ Fitzgerald, ‘Rethinking Emigrant Citizenship’.

⁴⁵ Fitzgerald, *A Nation of Emigrants*.

Consequently, the existing works on emigrant citizenship deal with both normative and empirical aspects of transnational citizenship. However, bringing insights from aforementioned theories and democratic theory in a broader sense is needed to develop these accounts theoretically. Additionally, the majority of academic works in this field focus on Latin American and especially Mexican emigrants living in the United States. The empirical scope of this field should also be extended, notably to Western Europe. In this respect, Turkish community in Germany particularly constitutes an excellent case, the study of which can contribute significantly to the literature on emigrant citizenship since the most important factors influencing the amendments to Turkish citizenship law have been concerns for emigrants⁴⁶, parallel to the liberalisation of German citizenship regime as a result of becoming an immigration state⁴⁷. Few existing works, notably those of Eva Østergaard-Nielsen⁴⁸, analyse Turkey as a sending country, but they are concerned broadly with the policies of ‘reaching-out efforts’; a focus on citizenship will result in a fruitful study by incorporating normative perspectives.

In this context, the aim of this study is to develop a thesis that brings together normative-theoretical and empirical studies on emigrant citizenship. Discussing the applicability of a normative approach to the concrete case of Turkish emigrants in Germany will not only contribute to the theoretical debates on citizenship, but also bring new insights to improve the understanding of Turkish-German case.

CONCEPTS AND CATEGORIES

This study will use certain concepts and categories repeatedly, which requires clarification at the outset. The main subject is ‘emigrant citizenship’ by which are meant the citizenship ties

⁴⁶ Kadirbeyoglu, *Country Report: Turkey*.

⁴⁷ Hailbronner, ‘Germany’s Citizenship Law Under Immigration Pressure’; Hailbronner, *Country Report: Germany*.

⁴⁸ Østergaard-Nielsen, *Transnational Politics*; Østergaard-Nielsen, ‘Turkey and the “Euro Turks”’.

of migrants with their countries of origin. The term emigrant citizen can be used interchangeably with external citizen, citizens abroad and expatriates. The ‘migrant community’ or simply ‘migrants’ who are subject to this categorisation is defined broadly: not only those people who actually migrated but also their descendents are considered under this category. As the main focus is on citizenship issues, the main determinant of the scope of this category can be established as individuals who actually are or can potentially become citizens of the country of origin. However, this formulation can also be applied to ethnic groups linked to a kin state. Thereby, a further specification should be added: the emigrant community consists of actual or potential citizens who reside outside the country of origin as a result of migratory flows. For the states and countries, several terms are used to designate similar categories in the literature, sometimes with nuances. Here, the following terms will be used interchangeably: country of origin, home country, sending country/state and emigration state, on the one hand, and country of destination, country of residence/settlement, receiving country/state and immigration state, on the other.

A distinction can be made between citizenship and nationality. These terms are inherently linked and can be used to designate similar categories in some contexts. For the purposes of this study, citizenship will be used to cover all aspects established in the previous chapter, most fundamentally status and rights, especially political rights, and identity to some extent. On the other hand, nationality will be used to designate only the status aspect of citizenship which may potentially constitute the basis for the rights. Nationality can also be understood in relation to the identity aspect; however, the meaning attributed to it in this study is not exclusively ethno-national. This distinction is only made to avoid possible confusions in the upcoming chapters, and one should be aware that this terminology may not be as useful outside the confines of this study⁴⁹.

⁴⁹ This choice is influenced in large part by the Mexican constitutional definition of nationality and citizenship. For details, see Section III.2.5.

Such a distinction is closely related to disaggregation and re-aggregation of components of citizenship discussed in the previous chapter. A natural result of partial re-aggregation is various forms of 'quasi-citizenship'. By this term, it is meant a category of relationship between the individual and the polity which displays certain features and which serves certain functions of citizenship but which is not full citizenship. In this sense, nationality can be seen as a form of quasi-citizenship. Two other forms of quasi-citizenship are crucial for this study. First, denizenship describes the status of people who are not citizens of their country of residence but who enjoy a significant portion of the rights associated with citizenship; they are generally entitled to civil and social rights but not to political rights, at least at the national level. Another category which does not have such a well-established name is emigrants who acquired the citizenship of their country of residence but who are still legally linked to their country of origin in a manner short of citizenship. The scope of the rights that they possess requires empirical research, but they are not expected to be entitled to any kind of political rights. For the sake of simplicity, quasi-citizenship will be used to designate this category throughout this study, as distinct from nationality and denizenship, unless it is stated otherwise.

Further remarks should be made concerning the empirical parts. The case study will focus on the citizenship policies formulated and implemented by the Republic of Turkey towards the Turkish emigrant community living in Germany. The system constituted by the sum of such policies will be referred to as 'citizenship regime'. Thereby, the specific set of policies at the centre of this study is Turkish emigrant citizenship policies in the broader context of Turkish and German citizenship regimes. Moreover, in line with the general understanding of emigrant community, the category of Turkish community in Germany will be used in a neutral way to designate people who are linked to Turkey with actual or potential citizenship and who reside in Germany as a result of migratory flows. It must be remarked

that Turkish migration to Germany is not only labour-based; refugees will also be included under this category. Turkish community in Germany is also heterogeneous along ethnic, religious and political lines inter alia. Yet no identity-based distinction is made to define its scope and it includes ethnic Turks and Kurds⁵⁰. Taking stock of these remarks, the following discussions will try to be as sensitive as possible to acknowledge the internal heterogeneity.

RESEARCH

This dissertation relies extensively on a bibliographical research of existing literature. The literatures on citizenship and migration in general and Turkish-German case in particular are quite large, and this study has reviewed important and relevant sources in these fields. The major aim has been to utilise these works in order to bring new insights to the study of emigrant citizenship. This bibliographical research was conducted in two university libraries: Central European University and Bogazici University⁵¹ which also provided access to online databases and rich collections. The author's incompetence in German, on the other hand, in addition to the corresponding unavailability of German sources can be seen as a limitation. However, since the focus is on Turkish policies, and since German politics is only taken in its interactions with the former, the rich body of literature in English on German citizenship and migration policies is sufficient to make this study reliable.

Additionally, empirical parts of the study are supplemented by a minor research on primary sources. First of all, laws related to citizenship, and regulations related to state institutions working on issues of citizenship and migration have been carefully studied. The

⁵⁰ The term 'Turkish' can still be seen as an ethnic category, and using it as if it is neutral may not do justice to Kurdish identity claims. However, it is difficult to propose a neutral term in the English language. In Turkey, many liberal intellectuals recognised 'Türkiyeli' as such a neutral term which means 'from Turkey' or 'from the origin of Turkey'. On the other hand, the nuance between Turkish and Turk is not accommodated by other simple adjectives in the Turkish language. Thus, 'Turkish' will be used here in the sense of 'from Turkey', or as the adjective form of Turkey as a country and state, with the hope that this shows enough sensitivity towards Kurdish ethnic identity.

⁵¹ Related sources, especially in Turkish, in Bogazici University Library were studied during two weeks in early April 2012 as part of the research trip funded by Central European University. Electronically scanned copies of sources are also used thanks to the cooperation of the author's colleagues studying in Istanbul.

debates behind the drafting of these documents were also studied through an analysis of parliamentary minutes provided by a thesis recently submitted to Bogazici University on the Turkish governments' changing perceptions of emigrants⁵². Finally, the research trip also included a visit to the state department which specialises about emigrants (Republic of Turkey, Prime Ministry, Presidency of Turks Abroad and Kin Communities)⁵³, and consultations conducted with two specialists have been instructive for learning about official views and better understanding the legal system and the functioning of official practices.

THESIS AND STRUCTURE OF THE DISSERTATION

Building upon the reviewed literature and research as outlined above, the present study seeks to contribute to theoretical debates of citizenship by discussing the applicability of normative approaches to the case of Turkish migrants in Germany. Two theoretical strands that constitute the background of this study are transnationalism and liberal-democratic inclusion and membership. Transnationalism is conceived as overlapping spaces of membership, hence the simultaneous relevance of the citizenship regimes in host and home countries to address migration-related issues. For the normative theories, stakeholder principle of citizenship will be put forward as the central approach which needs moral grounding in broader democratic theory and support from other approaches to democratic membership in an eclectic manner. Having established these background interpretations, it will be shown that, in the first place, the normative evaluation of the emigration state policies requires the consideration of the situation in the immigration state as an inevitable determinant. The central thesis will be developed upon a critical reconsideration of the assumptions of the normative theories, especially stakeholder principle, and through showing that these assumptions may not always

⁵² Artan, 'From Village Turks to Euro Turks'.

⁵³ The original name in Turkish: T.C. Basbakanlik Yurtdisi Türkler ve Akraha Topluluklar Baskanligi. The official website: <http://www.ytb.gov.tr/> (last access on 04 May 2012). The website is currently available only in Turkish.

be fulfilled within transnational relations. For instance, it is assumed by the existing normative approaches that emigrants will claim home country citizenship, that these claims may be morally justifiable or not, and that sending state policies should be evaluated accordingly. However, a liberal perspective must give priority to individuals' preferences, unless they contradict with more fundamental principles such as the avoidance of unnecessary inclusion. In this respect, it will be argued that the morality of home country citizenship claims may be self-legitimised as a result of the complexity of citizenship constellations which rules out the possibility of unnecessary inclusion of emigrants.

The most recent citizenship constellation in the Turkish-German case will be used to support and illustrate this argument. The morality of claims to Turkish citizenship may need assessment by an independent criterion if they stem from the perceived benefits of Turkish citizenship without any significant cost. However, with the optional model introduced in Germany, migrants are expected to choose between Turkish and German citizenships; thereby, the cost of choosing Turkish citizenship is German citizenship, i.e. another entitlement to citizenship. Therefore, the claims of the migrants who are ready to pay such a significant cost in order to keep ties with their home country should not be denied on the basis of limitations derived deductively from normative principles. In this case, the larger principle to prioritise individual preferences has a greater moral leverage than introducing predetermined constraints against unnecessary inclusion.

The central argument as explained above will be developed in four parts⁵⁴. The first part will present the theoretical background in separate chapters for transnationalism and normative theories. The first part will also ground the argument by concluding on intertwined citizenship regimes and offering a more detailed critique of normative theories, particularly stakeholder principle. The second part will initiate the empirical analysis by presenting the

⁵⁴ The main headings of the main body are named as 'part', parts consist of 'chapters' and chapters consist of 'sections'. These names are used for in-text references with unique numbers: parts with uppercase Roman digits, chapters with Arabic digits and sections with lowercase Roman digits.

historical background. Each chapter of the second part will focus on one actor of the transnational triangle: Turkish migrants in Germany, Turkish citizenship policies and German citizenship policies. Within the context of flexibilities and constraints and their transnational relations, the present constellation is shaped by the tension between migrants' claim to dual citizenship and the support of Turkish government, and German government's reluctance and alternative optional model. The third part will show that whether or not dual citizenship is recognised by both immigration and emigration states is the key to understand emigrant citizenship policies. In this part, first, major characteristics of Turkish emigrant citizenship will be scrutinised, focusing on quasi-citizenship and institutionalisation of relations. Then, Turkish case will be placed in the emigrant citizenship literature through a comparison with Mexico. This part will show that Germany is the decisive actor in Turkish-German case, and that German citizenship regime, especially the non-recognition of dual citizenship, is the main determinant of the space of possibilities for Turkish policy making. The fourth part will go back to normative theories and discuss their applicability in different periods of the history of migration which correspond to particular constellations. The conclusion will summarise the study, speculate about the future of Turkish citizenship regime, and provide insights for further theoretical debates and research in the field.

I. THEORETICAL BACKGROUND

The present dissertation seeks to contribute to the debates surrounding issues of citizenship and migration. For this reason, this part will discuss two major strands in social and political theory that form its background. The first chapter will elaborate on the concept of transnationalism which will explain the context in which both the normative debates and the empirical findings should be understood, that is, overlapping spaces of membership and complex interdependencies of polities. The second chapter will focus on normative theories, develop a review of stakeholder principle as the central perspective of the normative approach that will be discussed. The concluding chapter will offer a critique of this approach and formulate the central thesis on this basis.

I.1. TRANSNATIONALISM

The major aim of this chapter is to explain in detail transnationalism as the context in which contemporary complexities of citizenship are to be placed. By doing so, it will also shed light on the argument of this dissertation and the subsequent parts of empirical analysis. In this respect, the first section will present the basic premises of transnationalism established in the literature, and the second section will focus on the aspect of citizenship drawing specifically on Rainer Bauböck's works. The second section will be concluded on the interconnectedness of polities which requires the consideration of other actors as an integral part of the analysis of one country.

I.1.i. Basic Characteristics of Transnationalism

The term ‘transnationalism’ became a popular academic field in early nineties. It has been proposed by Nina Glick Schiller and her associates as a new analytic framework that contemporary migration studies need⁵⁵. They define transnationalism as ‘the processes by which immigrants build social fields that link together their country of origin and their country of settlement’, and designate these migrants as ‘transmigrant’⁵⁶. The main reason for considering them as transmigrant is that they develop and maintain relations that span national borders. In their account, transnationalism is able explain what bounded social scientific concepts cannot account for and the inherent links to the changing conditions of global capitalism, among others⁵⁷. One debated issue that followed this conceptualisation was that transnationalism was not a new phenomenon at all. Against such claims and examples that illustrate cross-border activities that have been existing for a very long time, scholars put forward the view that what makes transnationalism novel is the contemporary conditions and people’s responses that attracted scholars’ attention in an unprecedented way and that cannot be captured by former theories and concepts of social science⁵⁸. One important challenge is, thereby, to conceptualise transnationalism clearly in order to establish its significance and novelty. For its significance, at least three observations can be made: first, although transnational practices are limited in scope at the moment, they can be plausibly expected to grow significantly in the near future; second, these are extremely important for questions related to the migrants’ integration; and third, these are crucial for sending country development, especially in the form of remittances and returning migrants’ investments⁵⁹.

⁵⁵ Schiller, Basch, and Blanc-Szanton, ‘Transnationalism: A New Analytic Framework for Understanding Migration’; Schiller, Basch, and Cristina Szanton Blanc, ‘From Immigrant to Transmigrant’.

⁵⁶ Schiller, Basch, and Blanc-Szanton, ‘Transnationalism: A New Analytic Framework for Understanding Migration’, 1.

⁵⁷ *Ibid.*, 5.

⁵⁸ Portes, Guarnizo, and Landolt, ‘The Study of Transnationalism’, 227.

⁵⁹ Portes, ‘Introduction’, 187–190.

As for the distinguishing characteristics of transnationalism, the points of convergence in the literature on transnationalism can be summarised as follows. First of all, transnational migration is not completely new but significantly different from its precedents because of economic, political and technological conditions that shape the contemporary context⁶⁰; or transnationalism should be seen as a novel perspective rather than a novel phenomenon⁶¹. Moreover, transnationalism must not be defined too broadly, and for this reason, several ways of delimiting the concept have been proposed. For instance, it should be noted that not all immigrants are transnational, the scope and form of transnational practices are context-dependent, and the influence that states are exerting should not be underestimated⁶². A further methodological remark that needs to be made in the same vein concerns ‘methodological nationalism’. Accordingly, one should be careful about not essentialising and reifying transnational communities as externally bounded and internally homogeneous⁶³. However, this precaution entails the risk of developing excessively fluid approaches of which researchers should also recognise the dangers⁶⁴.

Another useful conceptualisation of transnationalism focuses on social spaces. In this sense, a distinction between geographic space and social space can be made; what is specific to transnationalism is the changing relationship between them⁶⁵. It should be noted that geographic space and social space had been congruent over recent centuries, and this congruence has been an important feature of nation building efforts of nineteenth and twentieth century⁶⁶. Their decoupling is what lies behind the formation of transnational social spaces, defined as ‘configurations of social practices, artefacts and symbol systems that span

⁶⁰ Levitt, DeWind, and Vertovec, ‘International Perspectives on Transnational Migration’, 569.

⁶¹ Portes, ‘Conclusion’, 874.

⁶² These points are selected from the observations made in the introductory and concluding articles of the *International Migration Review* special issue on transnationalism (Fall 2003): Levitt, DeWind, and Vertovec, ‘International Perspectives on Transnational Migration’; Portes, ‘Conclusion’.

⁶³ Wimmer and Schiller, ‘Methodological Nationalism, the Social Sciences, and the Study of Migration’, 598.

⁶⁴ *Ibid.*, 600.

⁶⁵ Pries, ‘The Approach of Transnational Social Spaces: Responding to New Configurations of the Social and the Spatial’, 5.

⁶⁶ *Ibid.*, 15–17.

different geographic spaces in at least two nation-states without constituting a new ‘deterritorialized’ nation-state or being the prolongation of one of these nation-states’⁶⁷. The main factors specific to late twentieth century that explain the expansion of transnational social spaces are technological developments, especially in transportation and communication, and globalisation, especially in terms of movements of people, in addition to global economy, universalisation of human rights, and expansion of social networks⁶⁸.

With a view to narrow down the scope and clarify the focus of transnationalism studies, a distinction between transnationalism from above and transnationalism from below has been proposed. While Michael P. Smith and Luis E. Guarnizo draw attention to the importance of grassroots movements, they also observe that transnationalisms from above and below interact in a dialectical way⁶⁹. They remark that state power, ‘a material force that cannot be ignored’⁷⁰, still matters, and that the site of transnational practices is not an imaginary space ‘abstractly located “in between” national territories’⁷¹. Within this context, they underline that sending states play an important role in reproducing the transnational subjects with dual citizenship and multiple political ties in order to redefine their role and to ensure their survival in ‘the new world order’⁷². Broadly framed, development of transnational practices corresponds to transformations in social, political and economic fields. In the social domain, a perceptual transformation has paved the way for the maintenance of strong links with the place of origin in terms of sentiments and usually economic exchange; in the political domain, a conceptual transformation with real effects has led to remarkable changes in the understanding of issues related to membership, territoriality, sovereignty, and rights and duties; and in the economic domain, the flows of remittances and investments, which have

⁶⁷ Ibid., 18.

⁶⁸ Ibid., 6; Smith and Guarnizo, ‘The Locations of Transnationalism’, 4.

⁶⁹ Smith and Guarnizo, ‘The Locations of Transnationalism’.

⁷⁰ Ibid., 9.

⁷¹ Ibid., 11.

⁷² Ibid., 8–9.

always been important for migrants' relations with countries of origin, have taken a more institutionalised form⁷³.

To summarise the basic characteristics of transnationalism in relation to migration, new conditions, notably brought about by globalisation and technological developments, and the parallel decoupling of social spaces from geographic territory of nation-states have resulted in the emergence and development of transnational communities as crucial actors engaging in a dialectical relationship with states. However, one should be careful about over- or under-estimating the importance, boundedness and homogeneity of both. Moreover, transnational practices have real and remarkable effects in many salient spheres of life, and the next section will discuss such influences with specific focus on citizenship.

I.1.ii. Transnational Citizenship and Citizenship Constellations

In 1994, Rainer Bauböck published a book titled *Transnational Citizenship* which has soon become a seminal work of the citizenship literature. The book covers both aspects of membership and rights, and both political philosophical and empirical questions. In the preface of this comprehensive work, the author states that '[c]itizenship will have to become transnational by reaching beyond boundaries of formal membership as well as territorial residence'⁷⁴. One initial motivation behind this definition is to develop an approach which does not rely on a 'radically cosmopolitan perspective'⁷⁵. In the ideal end state of cosmopolitan thought, membership loses its significance: where everyone is a member, there is no need for anyone to identify him/herself as a member. In other words, if membership in a political community is considered to be a significant category that deserves social scientific attention, alternatives to cosmopolitanism should be devised. In this respect, Bauböck tries to conceptualise transnational citizenship as 'the liberal democratic response to the question of

⁷³ Vertovec, 'Migrant Transnationalism and Modes of Transformation'.

⁷⁴ Bauböck, *Transnational Citizenship*, viii.

⁷⁵ Ibid.

how citizenship in territorially bounded polities can remain equal and inclusive in globalizing societies'⁷⁶.

He identifies three reasons for the choice of the term transnational: first, liberal normative principles contradict the exclusionary character of national citizenship; second, certain forms of inter-state citizenship can be observed (e.g. EU citizenship); and third, human rights are gradually becoming an element of international law albeit with insufficient enforcement mechanisms⁷⁷. The first reason defines indeed the greatest challenge to understanding transnationalism as a liberal democratic response, and this is the point where the major strength of cosmopolitan thinking is derived from⁷⁸. About the second reason, although European integration fosters cross-border activities and EU citizenship is one of its tools, its categorisation as transnational per se is problematic, as Bauböck later prefers to name it as supranational⁷⁹. As for the third reason, it is interesting to see that by observing the same developments as what Yasemin Nuhoglu Soysal bases her arguments on, Bauböck prefers the term transnational rather than post-national⁸⁰. This is probably due to the difference in the underlying views on universal human rights which manifests itself in the distinction between conceiving rights as derived from universal personhood and as protected by international law hence implemented by nation-states. In this respect, the choice between two terms can be reduced to the assumptions and concerns about over- or under-estimating the role of nation-states and the present study opts for the transnational perspective, not for its moral superiority, but for its capacity to reconcile a normative-liberal perspective with real circumstances.

⁷⁶ Ibid. (*sic.*)

⁷⁷ Ibid., 20–21.

⁷⁸ This is normative question par excellence, and will be discussed in the light of Bauböck's later works which particularly focus on the normative aspects of citizenship in the next chapter; for this reason, the accuracy of his responses to this dilemma is not discussed here.

⁷⁹ Bauböck, 'Towards a Political Theory of Migrant Transnationalism', 704–705.

⁸⁰ Cf. Soysal, *Limits of Citizenship*, chap. 8. Saskia Sassen also emphasises the role of international human rights norms to justify the concept of 'denationalization', but she draws attention to their implementation by the nation-states to substantiate the view that such transformations take place within its confines; see Sassen, *Territory, Authority, Rights*.

The specificity of transnationalism is put forward by Bauböck as creating ‘overlapping memberships between territorially separated and independent polities’⁸¹. Thereby, political transnationalism means not only cross-border political activities, but also the transformation of the boundaries of membership towards more overlapping spaces⁸². Such overlapping boundaries of membership evidently create sites through which formally separate polities are becoming more and more interconnected and necessarily interactive – phenomenon well captured by the concept ‘citizenship constellations’⁸³. Recalling the basic characteristics of transnationalism established in the previous section, especially transnational social spaces as opposed to geographic space, and the claims about the disaggregation of the elements of citizenship mentioned in the initial literature review, the population and the territory need not overlap any more, and the sovereign authority of nation-states has to generate different policies with respect to transnational communities and other sovereign states. In other words, any policies concerning citizenship and migration have to take into account the triangular relationship between these actors, and the study of these policies requires the incorporation of their policy preferences as variables in complex relationships with each other.

I.2. NORMATIVE THEORIES OF DEMOCRATIC MEMBERSHIP

As it has been noted above, from a moral philosophical point of view, long-term residents of a territory have a moral claim to citizenship of their country of residence⁸⁴. Yet the normative side of transnational citizenship requires closer scrutiny. For instance, parallel to this conception, and in line with the observation of the disaggregation of the elements of citizenship, the legitimacy of non-resident citizens’ voting rights is questionable. Among the

⁸¹ Bauböck, ‘Towards a Political Theory of Migrant Transnationalism’, 700.

⁸² *Ibid.*, 703.

⁸³ Bauböck, ‘Studying Citizenship Constellations’. The term ‘citizenship constellations’ will be used to refer to the triangular relations between the sending state, the receiving state and the migrants, throughout this dissertation.

⁸⁴ See ‘Context of the Study’ under Introduction.

reasons that substantiate this claim, one can see the fact that the construct of external citizenship reasserts the national character of citizenship, and their political involvement in the sending country can raise doubts about their legitimate status in the country of residence, and more importantly, as a result of the extension of voting rights to external nationals, emigrants would be able to participate in political processes which they are not subject to⁸⁵. Thereby, the normative question of citizenship claims, in the context of liberal democracies, is part of the larger question of who is entitled to political participation, hence broader democratic theory. Next section will discuss several accounts of democratic inclusion⁸⁶; the subsequent sections will present the principle of stakeholder citizenship as the central perspective of the normative approach that will be discussed in the following chapters.

I.2.i. Democratic Inclusion

The democratic theory of inclusion is positioned against a minimalist conception of democracy, as Robert Dahl defends the view that democracy should include all citizens with minor and reasonable exceptions⁸⁷. Yet this view does not account for who is to be a citizen in its own right, and Dahl proposes the ‘the principle of affected interests’ as probably the best general principle of inclusion defined by the assertion that ‘everyone who is affected by the decision of a government should have the right to participate in that government’⁸⁸. A useful distinction to be noted here comes with the principle of all subjected persons which suggests that everyone under the rule of a government should have a say in the decision making processes of this government⁸⁹. The implied difference from all-affected principle is that an all-subjected principle assumes a pre-existing political unit with its boundaries. It can be

⁸⁵ Rubio-Marín, ‘Transnational Politics and the Democratic Nation-State’.

⁸⁶ The same problem has been addressed by different terms in democratic theory, such as constitution of demos, enfranchise, boundary problem, unit problem, etc. Here, these terms will be used interchangeably and democratic inclusion is taken as a generic term, while underlying nuances taken into consideration. For a discussion of such nuances between these terms see Goodin, ‘Enfranchising All Affected Interests, and Its Alternatives’, note 1.

⁸⁷ Dahl, *Democracy and Its Critics*; Cf. Schumpeter, *Capitalism, Socialism, and Democracy*.

⁸⁸ Dahl, *After the Revolution?*, 49.

⁸⁹ Näsström, ‘The Challenge of the All-Affected Principle’, 117.

easily remarked that many of the aforementioned residence-based normative approaches to citizenship assume implicitly or explicitly all-subjected principle as the valid moral grounds⁹⁰. However, although all-subjected principle can be seen as a more realistic perspective, transnationalisation of political rule and citizenship gives enough reason to question the reduction of being subjected to territoriality.

Nonetheless, there are also problems inherently linked with the all-affected principle. First, the group of persons who are affected often depends on the particular decision, thus the principle leads to an excessive proliferation of political entities; second, persons are not always affected equally by a decision; and third, being affected by a decision may be subjective⁹¹. Despite all these difficulties, Dahl argues that this is still a good principle to begin with. A fierce proponent of the all-affected principle, Ian Shapiro comments on similar aspects by turning them into grounds for defending the principle, asserting that it corresponds to the disaggregation of decision-making in which the demos is best defined and franchise is best achieved activity by activity, decision by decision, rather than people by people⁹². In this context, the problem of excessive proliferation is the challenge for inclusive participation, defined as the necessity of coming up 'with decision rules that can reconcile the purposes of different activities with the best possible democratic control of the power relations that structure them'⁹³. With respect to the difficulty of determining the affected, he claims that, first, this is as controversial as determining who is to be a member, and second, institutional mechanisms which can assess the claims of being affected are already available in several areas of social and political life⁹⁴.

⁹⁰ For a brief discussion of these accounts, see Owen, 'Transnational Citizenship and Rights of Political Participation'.

⁹¹ Dahl, *After the Revolution?*, 49–51.

⁹² Shapiro, *Democratic Justice*, 235; Shapiro, *The Moral Foundations of Politics*, 221–222.

⁹³ Shapiro, *Democratic Justice*, 237.

⁹⁴ Shapiro, *The Moral Foundations of Politics*, 223.

A critical account of the all-affected principle is developed by Frederick Whelan⁹⁵, while he recognises that it is a plausible principle for two reasons: first, it provides people with the theoretical means to protect themselves against non-democracy and to demand democracy, and second, it is founded upon solid moral premises. He identifies both practical and logical problems with the principle. First, the principle cannot be perfectly realised in the context of the state as it is conventionally understood, i.e. ‘previously delimited political unit’; accordingly, in the real world of territorial states, democracies function as all members of the political community participate equally even if the decision to be made is about a particular group. Second, the deeper logical difficulty is the problem of infinite regress: for each political decision, a prior decision as to who is affected is necessary, but if this prior decision is to be made democratically, the same requirement must be dealt with in advance. With this perspective, implementing the principle of all affected interests becomes ‘a logical as well as a procedural impossibility’. Considering the fact that none of alternative accounts of boundary making provides morally grounded answers, and that accepting the solution by history does not offer a normative principle⁹⁶, Whelan concludes that democracy can be practiced only if the demos is already defined, that the demos cannot be democratically defined, and thus, that the unit problem constitutes the inherent limitation of democratic theory.

On the other hand, Robert Goodin develops a more constructive account of the all-affected principle⁹⁷. To begin with, he also notes the logical incoherence of determining the demos by ordinary democratic means; it is impossible, for instance, to vote on the question as to who should vote. However, adapting a principle without such ordinary means does not constitute a relevant problem insofar as the principle is compatible with our settled views

⁹⁵ Whelan, ‘Prologue: Democratic Theory and the Boundary Problem’. Following review of Whelan’s arguments are summarised from this source, unless otherwise stated.

⁹⁶ Dahl, *Democracy and Its Critics*, 122; Whelan, ‘Prologue: Democratic Theory and the Boundary Problem’, 16. Whelan describes this situation by noting that unit question remains a political and indeed the most political issue.

⁹⁷ Goodin, ‘Enfranchising All Affected Interests, and Its Alternatives’. Following review of Goodin’s arguments is summarised from this source, unless otherwise stated.

about what is collective decision making in a democratic way. One should remark that alternative criteria for constituting the demos, such as territory, history or nationality, can only be approximations of what is really important; yet when these criteria are assessed normatively, the standard of evaluation is always the principle of all affected interests. To specify the meaning of the problem, it obviously does not refer to actually affected interests; otherwise, we encounter another logical incoherence since the state of being actually affected comes after the political decision which affects. On the other hand, while possibly or probably affected interests can account for logical coherence and moral grounds, it leads to the inclusion of everyone as the first step, since we cannot know exactly who is going to be affected by a particular political decision beforehand, especially under the circumstances of increasing global interdependence. Yet, it should always be preferable to err on the side of over-inclusion rather than under-inclusion.

Based on this last point, global democracy and cosmopolitan citizenship seem to be required by this normative principle. Although this may be true, it is also possible to reconcile moral requirements with empirically observable constraints such as the prevalence of territorial states. For instance, Goodin proposes that an alternative to world government is developing mechanisms of compensation for lack of inclusion in the international law. In this respect, the challenge for this work is to conceive a normative theory of citizenship which can at least approximate the principle of all affected interests. Stakeholder citizenship will be discussed below for this purpose.

I.2.ii. Stakeholder Citizenship

Stakeholder principle of citizenship is defined by the suggestion that ‘all those, and only those individuals, who have a stake in the future of a politically organized society have a moral

claim to be recognized as its citizens and to be represented in democratic self-government⁹⁸. Yet this definition requires specification about what ‘having a stake in the future’ means. Above all, the choice of the term ‘stake’ is due to an emphasis on observable facts, but not on individual choice. First, stakeholding means having not only an interest in the outcome but also a moral claim to membership which is valid if one’s future is linked to a polity by circumstances of life⁹⁹. Second, a ‘stake in the future’ exists if two conditions are met: individual’s autonomy or well-being should depend on political institutions, and citizens should collectively shape the future of the polity¹⁰⁰. Here, what people have a stake in can be conceptualised by the term ‘common good’, albeit controversial, and circumstances of life may be referred to as ‘qualifying conditions’. Following these ideas, stakeholder citizenship takes the form of a ‘principle of inclusion’: ‘self-governing political communities should include as citizens those individuals whose circumstances of life link their individual autonomy or well-being to the common good of the political community’¹⁰¹.

Another remark is concerned with the problem of the centrality of the future. In this sense, indicators in the present and in the past are needed, and Bauböck proposes two criteria for this purpose: dependency and biographical subjection¹⁰². According to the first, echoing Arendt’s famous phrase of ‘right to have rights’¹⁰³, individuals should depend on the political community for the protection of their rights. According to the second, individuals should have been subjected to the authority of the political community for a significant period. Therefore, to summarise what has been said so far, stakeholder citizenship is a normative principle the aim of which is to assess the moral claims based on objective criteria, and the reference point of which is the future based on past and present indicators. To make more specific

⁹⁸ Bauböck, ‘Stakeholder Citizenship: An Idea Whose Time Has Come?’, 4. (*sic.*)

⁹⁹ Bauböck, ‘Stakeholder Citizenship and Transnational Political Participation’, 2421.

¹⁰⁰ Bauböck, ‘The Rights and Duties of External Citizenship’, 479.

¹⁰¹ *Ibid.*, 479.

¹⁰² *Ibid.*

¹⁰³ See Arendt, *The Origins of Totalitarianism*.

recommendations, attempting to strike the right balance between over-inclusion and under-inclusion, birthright to external citizenship should be determined according to generations, and under normal circumstances it should be limited to the first generation born abroad¹⁰⁴. As for the rights of external citizens, the rights to diplomatic protection and the right to return should be unconditionally attached to this status. Moreover, on political rights, persons with multiple stakes have the legitimate right to multiple votes, but this should also be differentiated with regard to generations as the strength of stakes varies between them.

The present dissertation will take the stakeholder principle as the central perspective of the normative approach scrutinised in this study. Bauböck himself defends his own account as superior to others; for instance, he claims that stakeholder principle is a strong alternative to Bosniak's approach because it can accommodate transnational citizenship links, and also to Shachar's approach because it can account normatively for membership as birthright¹⁰⁵. Bauböck also positions his theory as distinct or in opposition to many other alternatives including several approaches of democratic inclusion in almost all of his relevant works¹⁰⁶. The present thesis will propose and rely on an alternative conception of relationship between stakeholder principle and liberal democratic inclusion, and the normative validity of the former will be grounded on its compatibility with the latter.

1.2.iii. Stakeholder Citizenship as a Nonideal Theory of Democratic Inclusion

Significant similarities and differences can be observed between stakeholder principle and accounts of democratic inclusion, especially the principle of all affected interests. The aim of this section is to deconstruct the differences in order to show that stakeholder principle can

¹⁰⁴ Bauböck, 'Stakeholder Citizenship and Transnational Political Participation'; Bauböck, 'The Rights and Duties of External Citizenship'.

¹⁰⁵ Bauböck, 'Boundaries and Birthright'.

¹⁰⁶ This positioning is expressed in almost all of his relevant works: Bauböck, 'Expansive Citizenship'; Bauböck, 'Stakeholder Citizenship and Transnational Political Participation'; Bauböck, 'Stakeholder Citizenship: An Idea Whose Time Has Come?'; Bauböck, 'Global Justice, Freedom of Movement and Democratic Citizenship'; Bauböck, 'The Rights and Duties of External Citizenship'.

derive its moral validity from larger normative democratic theory. To begin with the similarities, some ideas discussed above can be revisited. First, it can be easily remarked that Bauböck names his principle as one of inclusion, and thus two principles converge on their upmost end. Second, the qualifying conditions are taken as circumstances of life which may not be discernible from affected interests in many cases. Third, both basing moral claims upon objective criteria and basing the future claims upon past and present indicators are an attempt to solve a dilemma similar to determining possible/probable affected interests. In addition, it is interesting to see that Bauböck also states inclusiveness as the preferred error in a case where an easy judgment cannot be made¹⁰⁷.

Yet Bauböck distances his theory from alternative criteria of political membership. These include ethno-nationalist, and liberal, where liberal alternatives are the principles of all affected interests and all subjected persons¹⁰⁸. Narrowing down the scope, the main distinction between two liberal alternatives is that all-subjected principle takes the pre-existing political units as given while all-affected principle does not¹⁰⁹. The major weakness of these principles is that they can only provide legitimacy in terms of the output of political processes, while the alternative conception of pre-political community of nationalist view is not compatible with liberal democracy although it could provide input legitimacy¹¹⁰. It cannot be objected that the stakeholder principle does not rely exclusively on a pre-political community in a way comparable to the ethno-national conception. However, the claim that it is superior to the principle of all subjected persons in not assuming ‘an already established political authority’ is not obvious; in spite of the emphasis on the initial authorisation by the stakeholders, the core idea of the principle embodied in the phrase ‘having a stake in the

¹⁰⁷ Bauböck, ‘Stakeholder Citizenship and Transnational Political Participation’, 2437.

¹⁰⁸ Bauböck, ‘Expansive Citizenship’, 685–686; Bauböck, ‘Global Justice, Freedom of Movement and Democratic Citizenship’, 16–21.

¹⁰⁹ Näsström, ‘The Challenge of the All-Affected Principle’, 117.

¹¹⁰ Bauböck, ‘Global Justice, Freedom of Movement and Democratic Citizenship’, 20–21.

future of a political community’¹¹¹ does not refer to the formative moment of that community. If we talk about the future of a community, and not about a future community, then that community must be already present. If we assume that the introduction of the stakeholder principle is the formative moment, as a citizenship law or a constitutional clause, for instance, determining those who would take part in their drafting leads to an infinite regression similar to that of the principle of all affected interests as discussed above¹¹².

Against this background, the principles of stakeholder citizenship and all affected interests can be contrasted. True, stakeholder principle differs from all-affected principle in that the former provides criteria for membership in a polity and rights attached to it, while the latter fails to do so and focuses on particular decisions instead of membership¹¹³. However, this distinction also supports the claim that stakeholder principle assumes a polity which individuals can be members of, and thus does not provide sufficient means to assess the legitimacy of the existing polity. On the other hand, taking political decisions as the reference point makes the principle of all affected interests incompatible with communities stable over time, but it is able to provide moral bases for political communities. In this sense, the fact that stakeholder principle does not want to fall back to pre-political conceptions but needs political communities available for membership makes its normative validity questionable. In sum, the principles of all affected interest and stakeholder citizenship share several characteristics with respect to their large aspirations; however, the comparison of stakeholder principle with alternative criteria has remarkable implications: given that it is not concerned with the formation of communities, it is in an uneasy situation between pre-political and post-political conceptions, and membership-based and decision-based standards. Thus, becoming a liberal

¹¹¹ Ibid., 21; Bauböck, ‘The Rights and Duties of External Citizenship’, 480.

¹¹² Owen, ‘Transnational Citizenship and Rights of Political Participation’, 21.

¹¹³ Bauböck, ‘Stakeholder Citizenship and Transnational Political Participation’, 2422; Bauböck, ‘Stakeholder Citizenship: An Idea Whose Time Has Come?’, 5; Bauböck, ‘Global Justice, Freedom of Movement and Democratic Citizenship’, 21; Shapiro, *Democratic Justice*, 235.

normative principle requires approaching a post-political conception of community which can mean a retreat from membership-based claims.

One interpretation that can be drawn from the above discussion is that the principles of stakeholder citizenship and all affected interests are different not categorically but in degree. An appropriate framework for understanding such differences is the distinction between ideal and non-ideal theories¹¹⁴. Accordingly, while the ideal theory establishes general principles without assuming any constraints, the non-ideal theory is concerned with its implementation under ‘less than favourable’ conditions. In the present case, the principle of all affected interests can be explained as part of an ideal theory, and stakeholder citizenship as part of non-ideal/realistic theory. Such considerations for the implementation under less than favourable conditions are apparent in Bauböck’s works. For instance, he feels the need to emphasise that stakeholder principle ‘is not a utopian idea’¹¹⁵. Moreover, in contrasting stakeholder citizenship to the principle of all affected interests, he draws attention to the difficulties of applying the latter¹¹⁶. Elsewhere, he urges that normative models should be ‘minimally realistic’¹¹⁷.

Therefore, stakeholder principle can be seen as a principle which translates the principle of all affected interests by taking account of real circumstances. The most obvious and general constraint is the fact that the world is divided into discrete territorial states¹¹⁸. A further condition to which normative principles should be adapted is that democracies are representative in character, and hence they need clearly defined populations which are stable over time¹¹⁹. Thereby, citizenship in the democracy of a nation-state has a ‘sticky quality’: it

¹¹⁴ The distinction between ideal and nonideal theories is most famously used by John Rawls. See, for his uses of this distinction, e.g., Rawls, *A Theory of Justice*; Rawls, *Political Liberalism*. See, for a recent discussion of ideal-nonideal distinction, e.g., Simmons, ‘Ideal and Nonideal Theory’.

¹¹⁵ Bauböck, ‘Stakeholder Citizenship: An Idea Whose Time Has Come?’, 11.

¹¹⁶ Bauböck, ‘Stakeholder Citizenship and Transnational Political Participation’, 2420.

¹¹⁷ Bauböck, ‘Political Boundaries in a Multilevel Democracy’, 90. The term ‘minimally realistic’ is borrowed from Allen Buchanan, see: Buchanan, ‘Theories of Secession’.

¹¹⁸ Carens, ‘Realistic and Idealistic Approaches to the Ethics of Migration’, 158.

¹¹⁹ Bauböck, ‘Stakeholder Citizenship and Transnational Political Participation’, 2420.

is acquired only at birth or through naturalisation¹²⁰. As for the principle of all affected interests, in the direction that Dahl suggested, we can start with the principle and question its inclusiveness by considering difficulties of application. It can be remarked that these limitations are also discussed by all different approaches to all affected interests cited above, being concluded by the need to devise alternative mechanisms. Goodin's compensation argument may be plausible, but it is not an answer to the question of membership. Meanwhile, Bauböck argues that those persons whose interests are affected by a decision have a moral claim to be heard, but this does not necessarily entail membership¹²¹. At this point, a distinction between political membership and national citizenship can be made¹²². Accordingly, if political membership is conceived as the category of those who should be heard, national citizenship defines those who constitute the demos stable over time. In other words, the distinction between nationality covering only the status aspect, and citizenship which adds the aspect of political rights is still useful to conceive a morally grounded principle of citizenship together with empirical constraints.

To summarise, stakeholder principle of citizenship responds to the need for a guiding principle which can be implemented in real world conditions. Its context of application is the territorial state with representative democracy which requires stable demos. While the principle of all affected interests provides the normative basis to extend the scope of participation, hence the category of political membership in its broader meaning, stakeholder principle contextualises this basis into territorial representative democracy.

I.3 CONCLUSION: LIMITS OF THE STAKEHOLDER PRINCIPLE

Having established stakeholder principle as the central perspective around which a liberal approach of democratic membership can be developed, its main tenets can be summarised by

¹²⁰ Ibid., 2430.

¹²¹ Bauböck, 'Global Justice, Freedom of Movement and Democratic Citizenship', 21.

¹²² Owen, 'Transnational Citizenship and Rights of Political Participation', 12–13.

the following statements. First, the moral entitlement of migrants to the citizenship of home and host countries can be evaluated by the strength of their stakes in the home country polity. Second, such stakes can be measured by objective criteria, such as socialisation into a culture associated with home or host countries. Third, it can be deduced from these criteria that actual migrants after a reasonable period of residence and their descendents are entitled to home country citizenship by virtue of permanent residence. Fourth, actual migrants after a reasonable period of residence and the first generation still have strong stakes in the home country polity as well, thus they are entitled to dual citizenship. Fifth, the second and further generations have a significantly weak stake in home country polity, thus they are not morally entitled to home country citizenship, but only to host country citizenship. In the transnational context of overlapping spaces of membership, the realisation of stakeholder principle depends on the legal and political arrangements in both countries. In this sense, the implications of the principle for emigration and immigration states can be derived as the following. For actual migrants after a reasonable period of residence and the first generation, both host country is expected to grant them citizenship, and home country is expected to allow them to keep their citizenship. For second and further generations, either host country is expected to require renouncement of home country citizenship, or home country is expected to limit the transmission of citizenship so that they cannot acquire it¹²³.

The implications for actual migrants and the first generation are quite straightforward: both states should recognise their multiple stakes hence dual citizenship. However, implications for the subsequent generations are open to criticism. Above all, it is assumed that migrants' stakes can and must be measured. This is probably due to the fact that retaining home country citizenship does not entail significant costs, and emigrants may claim it because of its perceived benefits although they do not have sufficiently strong stakes in the home

¹²³ The second alternative is more plausible; hence, the normative evaluation of the sending state policies is a more appealing task.

country polity. For this reason, the stakeholder principle tends to introduce a limitation, but the line between the first and second generations can also be criticised for being arbitrary, at best intuitive. Therefore, the key to understand whether emigrants claim home country citizenship simply because they prefer more citizenship to less or because they have a real stake in the home country polity is the existence of significant costs of choosing that citizenship.

To be sure, this kind of choice is only possible if dual citizenship is allowed. In cases where dual citizenship is not allowed, the inability to accommodate multiple stakes notwithstanding, migrants have to choose only one citizenship, that of home or host country. In such situations, the cost of choosing home country citizenship is host country citizenship and vice versa¹²⁴. This balance may be disturbed in favour of home country citizenship if the acquisition of host country citizenship requires additional naturalisation procedures such as integrations courses, tests or language requirements. However, if migrants are entitled to birthright citizenship of host country by *jus soli* and of home country citizenship by *jus sanguinis*, this choice would be made on equal footings. Therefore, even if the logic of stakes linked to objective conditions of life is accepted, this choice should be the most important indicator of the stakes regardless of generations, because the individual should be seen as the ultimate authority to interpret his/her objective conditions and to decide about his/her stakes under the circumstances of equivalent costs-benefits associated with home and host country citizenships. Consequently, there is no need for a theory to draw lines between generations according to predominantly single stakes under the circumstances of disallowance of dual citizenship. Turkish-German citizenship constellation has become such a case where the

¹²⁴ In fact, non-citizen residents (*denizens*) enjoy many elements of citizenship in their country of residence. If a special status is offered by the country of origin (quasi-citizenship), those who renounce home country citizenship will also continue to enjoy many elements of citizenship. In this sense, the real cost of this choice is the difference between full citizenship and *denizenship* or quasi-citizenship.

choice of single citizenship is self-legitimising, and the upcoming chapters will present this case.

II. HISTORICAL BACKGROUND

Following the discussion of the argument based on theories of transnationalism and democratic membership, this part will take a step back and present the fundamental information concerning Turkish migrant community in Germany. They constitute an excellent example of the transnational social space¹²⁵, and in this sense this part will present the details of the historical process and the outcomes of transnationalisation. The following chapters will focus separately on three main actors of the triangular transnational relations with a focus on citizenship policies: the migrant community, the receiving state and the sending state. Thus, in line with the suggestions of the transnationalism literature¹²⁶, while acknowledging the heterogeneity of the migrant community, this part will emphasise the importance of sending and receiving state policies, migrants' dialectical relations with them, their links to both states in terms of socio-cultural, political and economic connections, and the resulting overlapping spaces of membership which link two polities in an unprecedented way. The first chapter will begin with a brief history of migration, and proceed to the migrants' living conditions and forms of organization. The second chapter will review the history of German citizenship regime as well as immigration policies. The third chapter will lay down the general characteristics Turkish citizenship regime with a focus on the link between domestic and transnational politics. The concluding chapter will summarise the salient characteristics, drawing attention to the tension regarding dual citizenship.

¹²⁵ Kaya, 'Transnational Citizenship'.

¹²⁶ Based on the review offered in the chapter I.1.

II.1. TURKISH MIGRATION TO GERMANY

2011 was the 50th official anniversary of Turkish migration to Germany. Today, Turkish migrants in Germany have become a community that cannot be ignored by either German or Turkish authorities. According to official statistics, 2.485 million people with current or previous Turkish citizenship live in Germany, corresponding to 15.78% of people with immigrant background¹²⁷. Among them, 1.607 million are aliens, that is, without German citizenship, corresponding to 22.32% of total aliens in Germany¹²⁸. According to these numbers, approximately 878,000 citizens of Turkish origin live in Germany, corresponding to 1% of total population with 2% additional potential citizens¹²⁹. However, these official statistics do not include several categories such as people with one parent of Turkish origin without any previous citizenship of Turkey. According to certain unofficial estimations, Turkish population in Germany is as large as 4 million¹³⁰ which correspond to approximately 5% of total German population. In any case, Turkish community constitutes the largest group with immigrant background in Germany which requires specific attention. In this view, the following sections will provide information about the history of Turkish migration and their general characteristics such as forms of organisation, living conditions and identity issues.

II.1.i. History of Turkish Migration to Germany¹³¹

The context of Turkish migration to Europe in general and to Germany in particular is the rapid post-war industrialisation in Western and Northern Europe, resulting need for labour,

¹²⁷ DESTATIS, *Bevölkerung Mit Migrationshintergrund*, 64. Total number of people with immigrant background in a strict sense is 15.764 million.

¹²⁸ DESTATIS, *Ausländische Bevölkerung*, 32. Total number of aliens is 7.199 million. The difference between the ratio in citizens with immigrant background and ratio in aliens indicates the lower rate of acquiring German citizenship among Turkish migrants.

¹²⁹ Total population of Germany is taken as 81.752 million based on statistics from above mentioned reports.

¹³⁰ Warner, 'Turkey Is Facing Great Challenges'.

¹³¹ This section is summarised from Abadan-Unat, *Bitmeyen Göç*, 29–69, unless otherwise stated. For the English-language edition, see Abadan-Unat, *Turks in Europe*.

and the presence of excess labour in its periphery¹³². This kind of movement of labour across borders was expected to be to the benefit of both sides, as the peripheral economies were facing the problems of unemployment, lack of skilled labour and foreign exchange reserves. Turkey was no exception in the sense that it was following the dominant development strategy of the period, that is, import substitution industrialisation (ISI)¹³³, requiring skilled industrial labour force and foreign exchange. However, as governments and scholars realised in following decades, emigration of the labour force reinforces and reproduces the underdevelopment of the periphery, and creates a new kind of dependency, as evidenced by the fact that migrants rarely return and reliance on remittances creates more serious problems especially in times of crisis. Such problems were also prevalent in the history of Turkish migration.

In this regard, Turkish authorities opted for encouraging and organising labour export in collaboration with German government in early 1960s, followed by other European countries. Emigration in the 1950s, before officially organised schemes, was pioneered by individual attempts and special intermediaries, in the framework of, for instance, traineeship programmes. One extremely relevant development in 1961 was the drafting of a new constitution, following the military intervention of 1960, which secured the freedom of travel of Turkish citizens to foreign countries¹³⁴. The first bilateral agreement for labour exchange was signed between Turkey and Germany to come into effect on 1 September 1961. Migrants were considered as ‘guest workers’ (*Gastarbeiter*) by both countries as it can be seen in Turkish state development plans. Therefore, the initial logic was ‘rotation’ with limited terms spent abroad and return in due course. The vast majority of migrants were planning to return

¹³² It should be noted that the major source of labour migration for Germany was Southern Europe including countries like Spain, Italy, Greece, Turkey and Yugoslavia. Germany differs from other Western European countries which could receive large flows of migrants from former colonies.

¹³³ For a review of ISI policies in Turkey, see: Barkey, *The State and the Industrialization Crisis in Turkey*, chap. 5.

¹³⁴ 1961 Constitution is considered to be the most democratic and liberal constitution of the history of modern Turkey, although it resulted from a military coup d'état. Freedom of travel should be taken as part of general extension of liberties rather than specific policies to facilitate labour emigration.

as well. Their families were not allowed and they were lodged in dormitories; their living conditions were not designed to involve them in the larger society. In this phase, German trade unions were not interested in migrant workers, and instead, Social Democratic Party (SPD) took the responsibility. First Turkish migrant organisations were also formed in 1960s. 1966-67 recession in Germany, which especially hit the car industry, caused job losses, but this recession did not last long time and migrants soon returned to their jobs. One important result of this experience was that migrants realised the importance of union membership which provided unemployment benefit, and unionisation rose significantly thereafter.

1970s corresponded to a period when both governments started to realise that migrants would not return due to both workers' and employers' unwillingness. This led to further bilateral agreements about social security issues. 1973 Oil Crisis was an important turning point for migration policies. Europe had to face stagflation, and high unemployment led to policies intending to stop the inflow of new migrants and encouraging the return of existing migrant workers. Despite radical measures, the population of migrants increased mainly through family unification. Radical measures also paved the way for illegal migration, as workers were coming to Germany as tourists and seeking jobs, mostly staying with their relatives who had arrived legally. Most of the illegal workers of this phase were later legalised. Another way of circumventing restrictions discovered by Turkish workers who wanted to emigrate was asylum-seeking with the help of German lawyers since German Constitution was facilitating asylum claims. The political environment of Turkey, atmosphere of insecurity in late 1970s and military regime in early 1980s, was also a factor contributing to asylum-seeking, and some refugees' claims were sincere. However, after 1980, they were put into special camps without social security and right to work, which led to a decrease in the number of refugees.

German social policy reforms to reduce the costs in this period introduced a system of child benefits with counter-intuitive results. This system favoured children living in Germany, including migrant families, as opposed to migrant workers' children living in their country of origin. Thus, migrants brought their children to Germany and fertility rates increased. Consequently, 40% of Turkish population in 1980 were under the age of 18. Thus, education became one of the most important problems in 1980s, and German education system failed to respond to the needs of this generation.

Another important turning point in German politics was the victory of the Christian Democratic Union (CDU). Three migration-related items in their agenda were stopping the inflow of migrants, encouraging return and full integration of those who stay. In other words, migrants had to choose between full economic and social integration and return, and integration meant adaptation to German society without necessarily acquiring citizenship. In 1992, the new Law of Aliens defined the acceptable citizen as those who are not a burden to the state and who have a perfect ability to integrate¹³⁵. A new era in the 1990s started with the fall of Berlin Wall and re-unification of Germany. An ethno-cultural conception of German nation was on the rise, embodied by the slogan 'we are one people'¹³⁶. On the other hand, negative views on people coming from ex-communist societies diffused discriminatory social practices, which led to even graver discriminations against non-Germans. Therefore, xenophobia and racism have been one of the most serious problems that Turkish community was facing in 1990s, and this still continues to be the case to some extent today. In 1999, the coalition of SPD and Greens passed a new law of citizenship liberalising German citizenship regime without recognising dual citizenship, which led to a certain increase in the naturalisation rates of people from Turkish migrant background¹³⁷.

¹³⁵ This law will be discussed more in detail in the section II.2.ii.

¹³⁶ In German: 'Wir sind ein Volk'

¹³⁷ This law will be discussed more in detail in the section II.2.ii.

II.1.ii. General Characteristics of Turkish Community in Germany

Today, most of the members of Turkish community in Germany who actually migrated are retired, and most of them reside in Germany as opposed to their initial plans to return¹³⁸. Younger generations are more and more integrated and better educated; thus, an upward social mobility can be observed¹³⁹. Turkish community does not consist of workers exclusively anymore; a remarkable group are self-employed, particularly in food sector, and they display successful cases of entrepreneurship as well, although some of them are oriented toward their own ethnic niches¹⁴⁰. However, Turkish migrants are usually considered as a rather closed community. It has been argued that the dynamics of their living conditions have led them to choose to live and stay together, and language factors can be seen among these problems in addition to the preference for feeling at home as opposed to feeling as a foreigner, and the sense of protection provided by closed communities¹⁴¹. Although this can be seen as a phenomenon prevalent across Europe, specific circumstances of each country created different living conditions. For instance, in France, politics centred on laïcité, state-church relations and a civic conception of nationhood alongside with universalist ideology results in either identification with Islam or assimilation into French culture as dominant forms of reaction or integration, whereas in Germany, the ideal unity of political community in terms of identity and the legacy of struggle against racism, combined with multicultural and corporatist politics, result in national identification with Turkey as the dominant form of reaction¹⁴².

In the same vein, it has been argued that the socio-political context in which migrants have to live is shaped by the tension between the urge of Germans to be cosmopolitans open

¹³⁸ Abadan-Unat, *Bitmeyen Göç*, 316.

¹³⁹ *Ibid.*, 317.

¹⁴⁰ *Ibid.*, 318–319.

¹⁴¹ Koç, 'Turks in Austria and Germany', 110.

¹⁴² Kastoryano, *Negotiating Identities*, 138.

to diversity and the reluctance to recognise immigrants as equally German¹⁴³. Similarly, the responsibility for such problems can be attributed to the discourse of integration and multiculturalism used to conceal ethnic Germans' continued hold on power¹⁴⁴. Consequently, it is commonplace to blame either Turkish community or German state and society for the absence of willingness for integration. By the same token, the culture of migrants is usually described as traditional, backward, degenerative, or at best in-between; yet, this should be understood as a new culture which combines an imagined Anatolian authenticity, a desired German life style and elements of global culture¹⁴⁵. The same phenomenon is also reflected in Turkish migrants' view on Europe and the European Union: their hyphenated identification with both Europe and Turkey is at the same level as the average of their countries of residence and higher than the population of Turkey, and their views on Turkish accession to the EU are more positive than both¹⁴⁶.

Nonetheless, a division between two groups within Turkish community can be described broadly as, on the one hand, pro-integration Euro-Turks or German-Turks whose main focus is on dual citizenship and voting rights, and on the other, a more isolated or radical group who are not very interested in German society and rather oriented toward Turkey¹⁴⁷. Yet internal divisions of Turkish community are much more complicated. Three main lines of division are party-political/ideological, religious and ethnic¹⁴⁸. Party-political/ideological divisions mostly correspond to the political scene in Turkey, as Turkish community in Germany is mostly divided between leftists, nationalists, Kemalists and conservatives. Homeland Turkish political parties have also tried to contact and mobilise emigrants.

¹⁴³ Mandel, *Cosmopolitan Anxieties*.

¹⁴⁴ Lanz, 'Behind the Fantasy Screen of Multiculturalism', 8.

¹⁴⁵ Kaya, 'Citizenship and the Hyphenated Germans: German-Turks'.

¹⁴⁶ Kaya and Kentel, *Euro-Türkler*. For an English-language working paper resulting from the same study, see: Kaya and Kentel, 'Euro-Turks'.

¹⁴⁷ Abadan-Unat, *Bitmeyen Göç*, 224–225. Contrary to the general caution against using the word 'Turk' because of its ethnic connotations, the terms 'Euro-Turk' and 'German-Turk' are used here as they are directly taken by Abadan-Unat's and Kaya and Kentel's works.

¹⁴⁸ Østergaard-Nielsen, *Transnational Politics*, 47–63. The following description of the homogeneity of Turkish migrants is summarised from this source, unless otherwise stated.

Religious cleavages occur between Sunnis and Alevis, including radical and moderate variants, and these are also linked to the debates in Turkey concerning religion and secularism¹⁴⁹. In addition to the works of the Directorate of Religious Affairs¹⁵⁰, religious issues have been linked to Turkey through other religious groups and organisations. Finally, ethnic divisions are visible in Kurds' identity claims against official discourse in Turkey which is strongly connected to the dominance of the ethnic identity of Turks. Such claims are also related to Turkish politics, as so-called 'Kurdish Issue' is one of the major problems it has been facing. The expression of these claims in the German political environment adds a new dimension to this challenge.

This heterogeneity is of course reflected in the patterns of organisation. As noted above, Turkish migrants started to form their own organisations as early as 1960s. At first, these organisations were only meeting places, sometimes established according to the place of origin, but later, they started to deliver several services including courses and seminars¹⁵¹. One particularity of Turkish organisations was that they both enhanced the participation of migrants in German social life and enabled them to protect their cultural identity¹⁵². From 1980s onwards, following the period when the divide between political right and left in Turkey was also reflected in the organisations in Germany, they attempted to redefine their role as representatives of immigrants regardless of particular camps¹⁵³. However, they remained divided, and the attempts to form umbrella platforms and a unified political movement to represent Turkish community in German politics failed¹⁵⁴. While they have always been concerned with Turkish politics, they adapted to German political discourse and

¹⁴⁹ Ibid., 55–60.

¹⁵⁰ In Turkish: 'Diyanet Isleri Baskanligi'. According to Turkish secularism/laïcité, the state is religiously neutral, but assumes the role of providing religious services as a social duty, but by doing so, it also aims at utilising religion. Directorate of Religious Affairs is instituted for this purpose. It should be noted that Alevi beliefs were not endorsed under this scheme until recently, though it is still not sufficiently fair towards them, while non-Muslim religious affairs are left to minority communities.

¹⁵¹ Adigüzel, 'Turkish Organizations in Germany and Their Views on the European Union', 471.

¹⁵² Ibid., 472.

¹⁵³ Østergaard-Nielsen, *Transnational Politics*, 47.

¹⁵⁴ Ibid., 67–69.

formulated their homeland political agenda as migrant politics¹⁵⁵. The historical legacy of organising under SPD and trade unions also has remarkable effects as their political preferences generally favour SPD¹⁵⁶.

II.2. GERMAN CITIZENSHIP REGIME

1990s witnessed a remarkable transformation of German citizenship regime towards liberalisation especially after 1999 amendments of German Citizenship Law. Yet, compared to other European countries, Germany lags behind their pace and its transformation can be seen as a unique case of ‘partial liberalisation’¹⁵⁷ in the context of converging citizenship regimes towards liberalisation¹⁵⁸. Following a logic similar to Rogers Brubaker’s path-dependent understanding¹⁵⁹, this reluctance to liberalisation can be attributed to the German conception of nationhood as a community of descent¹⁶⁰. On the other hand, citizenship policies are also shaped by the forms and goals of governments in each period¹⁶¹, and for this reason, the conception of nationhood should not be taken as the only determinant. Evidently, a predominantly ethno-cultural conception of nationhood and citizenship impedes the integration of immigrants. For this reason, the following section will discuss the leverage of ethno-cultural component of German citizenship, and the subsequent section will review legal and political changes in order to evaluate its evolution toward a more open regime with its limitations.

¹⁵⁵ Ibid., 79.

¹⁵⁶ Ibid., 90.

¹⁵⁷ Howard, *The Politics of Citizenship in Europe*.

¹⁵⁸ Weil, ‘Access to Citizenship’.

¹⁵⁹ Brubaker, *Citizenship and Nationhood in France and Germany*.

¹⁶⁰ Koopmans et al., *Contested Citizenship*.

¹⁶¹ Nathans, *The Politics of Citizenship in Germany*.

II.2.i. Dimensions of German Citizenship

The idea of internal homogeneity played a significant role as a guiding principle for citizenship in the history of Germany from German Reich onwards, and it is commonplace to see German conception of nationhood and corresponding citizenship as ethno-national; however, this is only one dimension of political membership and the range of options creates different opportunities for policy-making¹⁶². Therefore, a careful analysis of German citizenship requires scrutinising those other aspects. Klusmeyer defines five such dimensions as complementary but also conflicting¹⁶³. First, the international dimension manifests itself in the recognition of universal norms of human dignity and human rights in the Basic Law, becoming party to the European Convention on Human Rights (1953) and accepting the role of European Court of Human Rights, and becoming a member of the European Community/Union. Second, the federalist dimension is visible in the strong historical legacy of Germany's formation out of constituting units which was reflected in its first Citizenship Law of 1913. One important feature of federations is the distribution of power between national and sub-national units which influences the character of federal citizenship to a significant extent¹⁶⁴. In this respect, although the authority to legislate on citizenship-related issues lies at the national level, Länder governments have the authority and duty to implement these laws usually with considerable discretion¹⁶⁵. Accordingly, Peter F. Bultmann observes a great variation between German Länder in terms of naturalisation rates, and studying bureaucratic correspondence explains this variation with flexible or restrictive interpretation of the laws¹⁶⁶.

¹⁶² Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, 30–31, 37–49.

¹⁶³ *Ibid.*, 3–29. The following discussions on each dimension are summarised from these pages, unless otherwise stated.

¹⁶⁴ Schuck, 'Citizenship in Federal Systems', 213–215; Jackson, 'Citizenship and Federalism', 137–144.

¹⁶⁵ Hueglin and Fenna, *Comparative Federalism*, 62.

¹⁶⁶ Bultmann, 'Dual Nationality and Naturalisation Policies in the German Länder'.

Third, the civic/political dimension, parallel to the international dimension, can be seen in the constitutional guarantee of a wide range of rights and a broad non-discrimination clause which accompany them. However, the Basic Law is also the basis of continuing clear distinction between the nationals and the aliens. Fourth, the social dimension is established in the constitutional definition of the German state as a 'social federal state'. Yet, its history shows that the social state presupposes a logic of closure, hence a system limited to nationals providing lesser benefits to aliens, because public support for redistribution depends on a shared identity even when aliens contribute more than they receive. Fifth, the ethno-national dimension is at the centre of the tension between the recognition of human dignity as a universal principle and the ascription of rights to the co-nationals. By looking at who are considered and admitted to German citizenship, one can see that ethnicity is an important albeit not necessary criterion.

Even though ethno-national dimension is not the only one by which German citizenship should be analysed, it is probably the most salient. This is parallel to one of the most important problems for German immigration policy that for a long time German authorities claimed that Germany was not an immigration country, which is obviously far from the truth¹⁶⁷. This denial of becoming an immigration country impeded the development of positive integration strategies and the possibility to derive benefits from immigration, and it is quite obvious that the idea of national homogeneity is not a viable principle any more¹⁶⁸. A shift in official position towards the recognition of this fact can be observed by looking at recent legislation while the basic rules did not change substantively and the transformation is limited in many respects. This absence of substantive transformation can be defended by putting forward the immigrants' lack of willingness to integrate; yet, this claim ignores the fact that integration does not occur rapidly and takes several generations, and that it is a two-

¹⁶⁷ Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, xii.

¹⁶⁸ *Ibid.*, xiv, 49.

way process that requires changes on the part of government since otherwise it is only suppressive assimilation¹⁶⁹. On the other hand, while acknowledging that such recent transformations have been toward an assimilationist direction, it is possible to see these as a relatively more benevolent form since they politically recognise, legally constitute and symbolically emphasise commonality rather than difference¹⁷⁰. Legal changes in citizenship-related laws and corresponding increase in naturalisations are central to this process. The next section will look at these changes with a brief review of political and legal developments.

II.2.ii. Immigration and Citizenship in German Politics and Law

The 1913 Citizenship Law of German Reich had constituted the basis for the German citizenship regime throughout Weimar Republic, Nazi Regime and Federal Republic¹⁷¹. The first wave of important changes was made under Nazis: abolition of Länder citizenship, deprivation of Jews and other target groups from citizenship, collective acquisition by ethnic Germans in the invaded territories, and making citizenship a tool for racial hierarchies and war¹⁷². The interwar period was marked by the rise of minority rights in Europe, but the use or abuse of these rights by the Nazi Germany led to the emphasis on universal human rights as overriding the former¹⁷³. This was also reflected in the Basic Law of the Federal Republic, but still, it was envisaged as a homogeneous country and the homeland for all Germans, especially with regard to the Democratic Republic of Germany, which meant a protective attitude towards German minorities in other countries (*Aussiedler*) and citizens of the Democratic Republic (*Übersiedler*)¹⁷⁴. Federal Republic based its citizenship regime on the

¹⁶⁹ Ibid., 35–36.

¹⁷⁰ Brubaker, 'The Return of Assimilation?', 539.

¹⁷¹ Hailbronner, *Country Report: Germany*, 1. He notes that using 'Nationality Law' instead of 'Citizenship Law' is more convenient to distinguish between 'Staatsangehörigkeit' and 'Staatsbürgerschaft'. In order to avoid confusions about the terminological distinctions made in this dissertation, Citizenship Law will be used to refer to 'Staatsangehörigkeit'.

¹⁷² Ibid., 2; Nathans, *The Politics of Citizenship in Germany*, 217–227.

¹⁷³ Claude, *National Minorities*, 52–53.

¹⁷⁴ Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, 72–73.

1913 Law with amendments made under the supervision of Allies, in addition to a series of amendments in 1950s, in order to return citizenships of those who had been deprived, to abolish collective acquisitions under Nazi auspices and to establish gender equality¹⁷⁵. Given the preference for ethnic Germans, the integration of *Aussiedler* and *Übersiedler* was much easier compared to that of guest workers until 1989, but this has changed after 1990 as the government withdrew its support and the new comers' language competency was lower¹⁷⁶.

Germany's history of imported labour dates back to late twentieth century when Prussian model implemented a strict regulation of temporary work and mandatory return. The Nazi Regime also implemented policies of recruiting foreign workers (*Fremdarbeiter*), but in the form of forced labour. Federal Republic, in need of work force to reconstruct its economy, wanted to avoid any comparison with Nazi system, but did not opt for a model similar to Prussian one; they called them guest workers rather than foreign workers, but the initially planned rotation system did not work. Following migrant inflows after bilateral agreements starting with Italy in 1955 and then extended to Spain, Greece and Turkey, when presence of guest workers became a salient policy issue, Foreigners Law was adopted in 1965. One important characteristic of this law was the discretionary power given to the administration. Throughout 1970s and 1980s, the official position denying that Germany had become and immigration country continued, and although naturalisation became an item in the political agenda, it was still seen as an exception rather than rule. 1980s witnessed the rise of the idea of multiculturalism, defended especially by Greens with strong opposition by the Right. Debating multiculturalism can be seen as an important step towards the recognition of the reality of immigration, but it must be noted that it focused almost exclusively on identity issues rather than legal and social dimensions. 1980s also saw the increase in the negative perceptions about immigrants and the victory of Conservatives with their anti-migrant rhetoric

¹⁷⁵ Hailbronner, *Country Report: Germany*, 2; Nathans, *The Politics of Citizenship in Germany*, 235.

¹⁷⁶ Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, 85–107. The following description of developments in German politics and law is summarised from this source, unless otherwise stated.

as mutually reinforcing developments¹⁷⁷. Despite their conservative discourse, Kohl government could not create a substantive change because they were facing a difficult dilemma: the circumstances were disabling them to implement radical alternatives, but they had to compromise their rhetoric in order to develop an inclusive integration policy; consequently, they postponed a real solution, further politicised immigration and halted the possibility of a broad consensus.

A positive development was 1990 Aliens Act which facilitated naturalisation of the young people if they meet the conditions of renouncing the previous citizenship, having lived in Germany permanently and lawfully for eight years, having attended a school in Germany for six years, and having no criminal record, and that of older generations with the conditions of 15 years of residence, renouncing previous citizenship, no criminal record and being able to live without recourse to public benefits¹⁷⁸. There were some exceptions to the requirement of renunciation if the home country government was making it impossible or imposing considerable difficulties. However, this new law can be seen as nothing more than the codification of previous rulings of the Constitutional Court¹⁷⁹. It must be remarked that, as in many cases, the Court has been a central agent of reform with the support of European Court of Human Rights and European Court of Justice, since it is not reasonable to expect political mobilisation for the citizenship of immigrants who do not possess necessary political rights¹⁸⁰. Moreover, the law was unable to bridge the large gap between the citizen and the alien, and to compensate for the time lost in 1980s¹⁸¹. Still, it visibly encouraged naturalisations especially after 1993 amendments.

¹⁷⁷ By this, it is meant that popular views on immigrants were not independent of the politicisation of the 'migration issue'.

¹⁷⁸ Hailbronner, *Country Report: Germany*, 4.

¹⁷⁹ Joppke, *Immigration and the Nation-State*, 84.

¹⁸⁰ Joppke, 'The Legal-domestic Sources of Immigrant Rights'; Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, 119–125.

¹⁸¹ Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, 104.

After almost two decades of the political environment dominated by the conservative discourse, the victory of SPD in 1998 and its coalition with Greens¹⁸² brought important changes, though they fell short of initial plans and expectations¹⁸³. Two major novelties of the reform legislated under this government were the introduction of jus soli and easier naturalisation¹⁸⁴. About the former, the new law adopted a system which provides the entitlement to German citizenship for those whose one parent had legally been resident and who were born in the territory, instead of double jus soli¹⁸⁵. This was an optional model in the sense that those persons had to choose between the citizenships of home country and Germany after the age of majority and before 23. 10-year-old children in 2000 were eligible for this model; thus, the first eligible age group would choose their citizenship between 2008 and 2013. Easier naturalisation procedures reduced the legal residence requirement to eight years, keeping the conditions of having no criminal records, ability to earn a living, and renunciation of previous citizenship. The law also introduced new exceptions to the renunciation requirements; immigrants are not expected to renounce their previous citizenship if home country imposes considerable financial costs or if they are coming from a country which is in the framework of reciprocity, i.e. EU countries. Two further legal changes, 2004 Immigration Act and 2007 amendments to Citizenship Law, introduced higher requirements for naturalisation such as competence in language, integration courses and citizenship tests¹⁸⁶.

Before the 1999/2000 reform, German citizens were allowed to acquire a new citizenship if they were residents; this is not possible any more. In fact, during a certain period, many former Turkish citizens re-acquired their home country citizenship with the help

¹⁸² The official name: Bündnis 90/Die Grünen (Aliens '90/The Greens).

¹⁸³ Klusmeyer, *Immigration Policy in the Federal Republic of Germany*, 252–255.

¹⁸⁴ Hailbronner, *Country Report: Germany*, 7.

¹⁸⁵ This is the system which provides the entitlement to citizenship if one or two parents were born in the territory.

¹⁸⁶ Hailbronner, *Country Report: Germany*, 8–10.

of favourable Turkish legal system and Turkish authorities¹⁸⁷. The law sought to prevent the abuse of this loophole to have dual citizenship and to implement the clause backwards, asking these dual citizens to make their choice between the two, and depriving them from German citizenship if dual citizenship is discovered. This particular concern with dual citizenship acquired with the help of Turkish citizenship regime and authorities is one of the most obvious examples of the interactions between Turkey and Germany with respect to citizenship issues¹⁸⁸.

II.3. TURKISH CITIZENSHIP REGIME

Turkish citizenship regime has been subject to ongoing political debates over recent decades, which resulted in important changes in laws and policies. Today, parallel to the public discussions centred on drafting a new constitution, the major topic concerning citizenship is its identity aspect with a view to create a conception of ‘constitutional citizenship’ or to insist on the currently dominant Turkish identity. On the other hand, the main determinant which led to significant changes in the citizenship laws has been the concern for emigrants¹⁸⁹. It is not very clear whether transnational questions of citizenship are inherently linked to such a predominantly domestic issue. In order to provide a general picture of Turkish citizenship, the following sections will discuss this question, focusing on the civic and ethno-cultural elements. After a review of arguments on this subject, the second section will analyse the constitutional definitions of citizenship, and the third section will look at the evolution of citizenship laws.

¹⁸⁷ Ibid., 22. The details of Turkish laws are discussed below in section II.3.iii

¹⁸⁸ Rumpf, ‘Citizenship and Multiple Citizenship in Turkish Law’.

¹⁸⁹ Kadirbeyoglu, ‘Changing Conceptions of Citizenship in Turkey’.

II.3.i. Civic and Ethnic Conceptions and Practices

One possible framework to understand the link between national identity debates in domestic politics and policies towards emigrants is Christian Joppke's distinction between de-ethnicisation and re-ethnicisation of citizenship as a result of immigration and emigration respectively¹⁹⁰. However, expecting re-ethnicisation of citizenship in order to reach out people living abroad but culturally linked to the home country is plausible if policies that create a new group of citizens are pursued. For instance, Italian policies to grant citizenship to the Italian diaspora who are not necessarily linked to the Italian state with citizenship bonds for generations can be seen as an example for re-ethnicisation¹⁹¹. This kind of ethnic connections to a kin-state can also result from borders crossing people, rather than people crossing borders. Hungarian policies to establish links with Hungarian minorities in the neighbouring countries can be seen as an example of this category, and in this case, the re-ethnicisation of citizenship is much more visible¹⁹². However, Turkish citizenship policies towards emigrants should be seen categorically different from kin-state politics, and different in degree from older emigration state policies, since a vast majority of Turkish emigrants either actually hold Turkish citizenship or are children of Turkish citizens.

A more plausible explanation is to emphasise the 'monolithic' character of Turkish citizenship in the sense that it is based on the assumption of or the goal of creating a unique culture and identity¹⁹³. Thereby, the monolithic conception of citizenship may face problems related to accommodating ethnic diversity and non-resident citizenship. However, this identity is not necessarily ethno-national. Instead, the tension between civic and ethnic conceptions of citizenship has been the determinant of its evolution. In broad terms, citizenship in Turkey is

¹⁹⁰ Joppke, 'Citizenship Between De- and Re-Ethnicization'.

¹⁹¹ For a review of Italian state-diaspora relations see: Smith, 'Diasporic Memberships in Historical Perspective'.

¹⁹² For dual citizenship policies towards national minorities and the case of Hungary, see: Bauböck, 'The Trade-off Between Transnational Citizenship and Political Autonomy'; Kovács, 'The Politics of Dual Citizenship in Hungary'.

¹⁹³ İçduygu, Çolak, and Soyarik, 'What Is the Matter with Citizenship?'.

constituted on state-centric and republican premises¹⁹⁴. In this respect, it gives the people political rights, but at the same time demands ‘normative primacy to the national interest over individual freedoms, to duties over rights, and to state sovereignty over individual autonomy’¹⁹⁵. However, citizenship in Turkey is not completely neutral but culturally embedded in the national identity¹⁹⁶. Indeed, Turkish citizenship was more civic than ethno-cultural in the first decades of the Republic, but it has moved towards a more ethno-cultural conception through political developments and respective legal changes, in large part as a result of reactions to the Kurdish movement¹⁹⁷. Furthermore, inconsistencies with the civic conception of Turkish citizenship are not limited to ethnicity; since the early years of the Republic, certain practices which manifest themselves in granting citizenship to immigrants and refugees visibly favour Muslim, and even Sunni-Hanefi individuals from former Ottoman territories, although rejection of Ottoman and Islamic heritage and emphasis on secularism are much clearer than civic national identity¹⁹⁸. In order to understand better this tension between the civic definition and ethno-cultural practices, a review of Turkish constitutional texts will be useful.

II.3.ii. Constitutional Definitions of Citizenship

The history of citizenship in Turkish legal system can be traced back to late nineteenth century as a product of Ottoman modernisation. The first citizenship law predates the first constitution of modern Turkey which entered into force in 1876¹⁹⁹. Article 8 of this constitution states that all individuals subject to Ottoman State are considered as Ottoman

¹⁹⁴ Keyman and İçduygu, ‘Introduction: Citizenship, Identity, and the Question of Democracy in Turkey’.

¹⁹⁵ *Ibid.*, 8.

¹⁹⁶ Kadioglu, ‘Can We Envision Turkish Citizenship as Non-membership?’.

¹⁹⁷ Soyarik-Sentürk, ‘Legal and Constitutional Foundations of Turkish Citizenship’.

¹⁹⁸ İçduygu, Çolak, and Soyarik, ‘What Is the Matter with Citizenship?’; Kasaba, ‘Kemalist Certainties and Modern Ambiguities’; Kirisci, ‘Disaggregating Turkish Citizenship and Immigration Practices’.

¹⁹⁹ The name of this constitution is *Kanun-i Esasi* which literally means ‘fundamental law’.

regardless of their religion and denomination without exception²⁰⁰. The rights of non-Muslim subjects had already been guaranteed by two proto-constitutional texts in 1839 and 1856²⁰¹. The constitution thus institutionalised the equality of subjects under the category of citizenship. A similar formulation is adopted in later constitutions to define citizenship by attributing a name and identity to the citizens²⁰². Article 88 of 1924 Constitution of the Republic states that, in Turkey, without discriminating religion and race, everybody is called ‘Turk’ with regard to citizenship. The significance of this formulation is that, by incorporating a non-discriminatory clause, it clearly strips the adjective ‘Turk’ from its religious and racial connotations. However, this civic conception was not perfectly implemented in citizenship practices.

Two later constitutions of Turkey were products of military interventions in 1960 and 1980. Although 1960 Constitution has been considered as the most democratic and liberal constitution of the history of modern Turkey, its article 54 on citizenship moved semantically to a more ethno-cultural conception, stating that everybody linked to Turkish state with citizenship bond is Turk. The same formulation is protected in 1982 Constitution. First, by not emphasising non-discrimination, this article paves the way for interpreting it through an ethnically exclusive identity. Second, by replacing ‘is called’ with ‘is’, the article establishes being Turk as something more than a legal definition, as if it refers to an external reality. This formulation has been one of the central topics of debates, especially with respect to Kurdish identity claims. Some opponents put forward the view that ‘Turk’ still designates a civic conception of citizenship without any ethno-cultural connotation. Regardless of the strength of these claims, the very existence of such debates and the apparent difficulty of concluding

²⁰⁰ Here, the term ‘subject’ is translated from ‘tabiiyet’ which was used for ‘citizenship’, but its literal meaning is closer to subjecthood and allegiance. In modern Turkish, the term ‘vatandaslik’ or ‘yurttaslik’ is used for ‘citizenship’, which is derived from ‘sharing the land’, with a meaning close to ‘compatriot’.

²⁰¹ *Gülhane Hatt-ı Serif’i* (Imperial Edict of *Gülhane*) and *Islahat Hatt-i Hümayun’u* (Imperial Reform Edict).

²⁰² The second constitution is considered ‘*Teskilat-i Esasiye Kanunu*’ (1921) (Law on Fundamental Organisation), but its function was adapting the previous constitution to the conditions of war-time and the regime in transition.

them with a definite answer show that Turkish citizenship carries a significant degree of ambiguity in terms of its position in the civic-ethnic spectrum.

Still, the consequences of ethno-cultural component of Turkish citizenship for emigrants are hard to discern. Its monolithic character can be seen in the constitution-makers' insistence on naming the citizens and attributing an identity to them. Whether ethno-national or not, the state which sees its citizens as connected to it through identity ties should have greater incentives to ignore their place of residence. Moreover, the ambiguity between ethno-national and civic conceptions creates a space of flexibility which makes alternative policies possible.

II.3.iii. Turkish Citizenship Laws

As noted above, the legal history of Turkish citizenship can be traced back to 1869 Ottoman Citizenship Law²⁰³ which recognised all residents who were formerly divided in terms of religious community membership as Ottoman citizens, and which was based on *jus sanguinis* while allowing the application for citizenship to children born in the territory. 1924 Constitution and the subsequent 1928 Citizenship Law²⁰⁴ adopted *jus sanguinis* but also involved *jus soli* with the aim of extending Turkish citizenship to more people since Turkey was suffering from depopulation after approximately 10 years of almost uninterrupted warfare²⁰⁵. 1934 Law on Settlement²⁰⁶ also introduced special clauses for the acquisition of citizenship by immigrants coming from Turkish descent and committed to Turkish culture. This is a clear expression of the ethno-cultural conception, and in practice, other Muslim groups such as Bosnians and Albanians also benefited from this law, as discussed above.

An important novelty of 1961 Constitution was the guaranteeing of the freedom of travel which corresponded to the same period as the first waves of emigration. A new

²⁰³ Original name in Ottoman Turkish: *Tabiiyet-i Osmaniye Kanunu*

²⁰⁴ 'Türk Vatandaşlığı Kanunu', law no 1312 date 18/05/1928, Official Gazette 04/06/1928.

²⁰⁵ Aybay, *Vatandaşlık Hukuku*, 45.

²⁰⁶ 'İskan Kanunu', law no 2510 date 14/06/1934, Official Gazette 21/06/1934.

Citizenship Law was also introduced in 1964²⁰⁷, which tried to codify contemporary international norms which suggested that everyone should have a citizenship, that everyone should have only one citizenship, and that the individual should be free in choosing and changing his/her citizenship²⁰⁸. Parallel to the expectation that emigrants would return, dual citizenship was not considered within the framework of this law. However, dual citizenship was recognised earlier than many other states in 1981 with an amendment to the citizenship law. This amendment also facilitated and regulated renunciation of citizenship. This is clearly related to the realisation that emigrants had settled permanently in the host countries. A strong opposition to dual citizenship might be expected under normal circumstances; however, this amendment was made by the military government which had come to power with a coup d'état in 1980, without public or parliamentary deliberation but in a secret session. An interest in citizenship law was also due to the deserting of political activists whom the military regime was targeting, as evidenced by the facilitation of depriving individuals of their citizenship. In 1986, an amendment in the law on elections²⁰⁹ was only concerned with the emigrants, and the issue of external voting was debated. However, it is difficult to see the amendment as the introduction of external voting since it was based on the government's draft which foresaw installation of ballot boxes at border gates.

However, both dual citizenship and voting rights were ineffective for emigrants living in Germany, since they were unable to acquire German citizenship without renouncing Turkish citizenship, and coming to borders was costly unless elections coincide with their ordinary visits²¹⁰. For this reason, during 1990s alternative solutions were sought. First, a third status between citizen and alien, or a status of privileged aliens was designated for those

²⁰⁷ 'Türk Vatandaşlığı Kanunu', law no 403 date 11/02/1964, Official Gazette 01/07/1964.

²⁰⁸ Aybay, *Yurttaşlık (Vatandaşlık) Hukuku*, 30.

²⁰⁹ 'Seçimlerin Temel Hükümleri ve Seçmen Kütükleri Hakkında Kanun' (The Law on the Fundamental Principles of Elections and Electoral Registries), law no 298 date 26/04/1961, Official Gazette 02/05/1961, amended by the law no 3270 date 28/03/1986.

²¹⁰ Ballot boxes were available for a 70-day period before the elections.

who renounced Turkish citizenship to acquire a foreign citizenship. This status of quasi-citizenship, which was introduced in 1995²¹¹ with an amendment to the citizenship law and which later came to be known as pink/blue card, ascribed a great deal of rights to certain former Turkish citizens²¹². For this status, Rona Aybay, a prominent scholar specialising on citizenship law and aliens law who took active part in the drafting of the amendment on quasi-citizenship, rejects the objections by some German scholars who claim that this status is not compatible with general legal principles, and argues that there is no international legal norm that prevents a state from vesting rights in some aliens²¹³.

Another issue was enfranchising emigrants through effective external voting, which was discussed throughout 1990s²¹⁴. During negotiations for the implementation, Germany declared that they would not allow installation of ballot boxes and suggested voting by mail. Accordingly, 2008 amendments to the law on elections created four methods of voting for emigrants: at borders, at the consulates, by postal mail, electronically. However, the Constitutional Court cancelled the option of voting by mail since it contradicts with the principle of secrecy. 2008 amendments also instituted a council for elections abroad. Yet, in 2011 elections, the only method available for emigrants was voting at borders again. The parliament is currently debating a new legislation to better institutionalise external voting which does not include voting by mail. If ballot boxes cannot be installed in consulates in Germany as a result of diplomatic negotiations, the implementation of external voting will be susceptible since Turkey has no experience of electronic voting and similar arguments of secrecy can be made against this method.

²¹¹ Law no 4112 date 07/06/1995, Official Gazette 12/06/1995.

²¹² The details of this status as well as later amendments in 2004 and 2009 will be discussed in the section III.1.i.

²¹³ Aybay, 'Türk Hukukunda 'Çifte Vatandaşlık' Bir Hak Mıdır?', 159. During the author's consultations with civil servants, they also mentioned that their German counterparts were seeing this status as 'light citizenship'.

²¹⁴ Artan, 'From Village Turks to Euro Turks'.

In 2009, a new Citizenship Law²¹⁵ was passed, and this constitutes the central legal text of the current citizenship regime. The new law cancelled many clauses which cannot respond to contemporary needs and which cause contradictions, adopted changing conceptions of today, and adjusted to the European Convention on Nationality to a considerable extent²¹⁶. Accordingly, it abolished the requirement of permission for plural citizenship and cancelled most of the deprivation clauses. Apart from that and some reorganisation, it did not make many substantive changes. In view of these, the loss and re-acquisition of citizenship are especially relevant for the citizens abroad. In this framework, the loss of citizenship can occur in four forms: renunciation, deprivation, cancellation and loss by choice. Cancellation only concerns acquisitions of citizenship and it is applied in cases of dishonesty and fraud. The reasons for deprivation are limited to a narrow range which includes activities close to treason.

The most important category for the purposes of the discussion of this study is renunciation²¹⁷. First of all, Turkish citizens are required to have permission if they want to renounce their citizenship. There are certain conditions for renunciation: being above majority age, having acquired a foreign citizenship or being able to show convincing evidence about potential acquisition in order to prevent statelessness, not being inquired about for a crime or military service, and not being restrained financially or criminally. There are two types of documents concerning renunciation: certificate of permission for renunciation and certificate of renunciation. The former is given to those who have to start the procedures of renunciation in order to acquire a foreign citizenship, and the latter is given to those who can certify the acquisition of a foreign citizenship. In the previous law, a second type of permission was for the acquisition of dual citizenship; in the present law, dual citizenship is not subject to

²¹⁵ 'Türk Vatandaşlığı Kanunu', law no 5901 date 29/05/2009, Official Gazette 12/06/2009.

²¹⁶ Tiryakioğlu, 'Yeni Türk Vatandaşlığı Kanunu'nun Eleştirel Analizi', 66. The following description is summarised from this chapter.

²¹⁷ In Turkish 'çıkma' can be translated literally in numerous ways such as leaving, exit, breaking away or going out. Renunciation is chosen here as the most appropriate word for citizenship procedures.

permission. Another important category is loss of Turkish citizenship by choice. This category is primarily designated for the children of one Turkish parent and one foreign parent; yet, under the German optional model, children who acquired Turkish citizenship by *jus sanguinis* and German citizenship by *jus soli* can also be included in this category, since both citizenships are acquired by birth. However, this should be seen as an exemption from the procedure of permission for renunciation while the latter is still a valid way²¹⁸.

The law makes an important distinction between those who renounced, on the one side, and those who are deprived or who lost their citizenship by choice, on the other. In this framework, those who renounced or their children who did not use their right of choice can re-acquire Turkish citizenship without any residence requirement, whereas those who are deprived or who chose another citizenship have to reside in Turkey for three years in order to re-acquire citizenship²¹⁹. Therefore, if the older (before 2000) system was in place in Germany, or a similar system is introduced, former Turkish citizens would re-acquire Turkish citizenship very easily but those who were born in Germany and opted for German citizenship after majority age under the procedure of losing citizenship by choice would have to reside in Turkey for three years for dual citizenship. Consequently, this latest legislation shows, on the one hand, Turkey's tendency to accept members of Turkish community in Germany or elsewhere to citizenship, on the other hand, a movement that may ease German authorities' complaints and that makes citizenship acquisition of younger generations more difficult. In any case, under the present German citizenship regime, dual citizenship can only be possible if renunciation in Turkey becomes impossible, very difficult or costly, to become an exception

²¹⁸ Only those who renounced Turkish citizenship with permission are entitled to Blue Card. For this reason, migrants can be expected to opt for renunciation rather than choice; given Turkish authorities' positive attitudes towards migrants' acquisition of foreign citizenship, the procedures that renunciation entails can be neglected.

²¹⁹ This can be seen as another reason for preferring the procedure of renouncing with permission rather than choice.

to renunciation requirement of German citizenship law²²⁰. Indeed, some Turkish organisations in Germany which advocate dual citizenship ask Turkish government to take such a step²²¹. Yet, Turkish authorities seem reluctant to push dual citizenship at the expense of preserving the liberal character of the citizenship law.

II.4. CONCLUSION: SALIENT TOPICS IN TURKISH-GERMAN CITIZENSHIP CONSTELLATION

To summarise, the fact that Turkish and German regimes are marked by several dimensions or components is instructive about both the flexibility and constraints that shape decision makers attitudes towards migrants. One of the most important developments was the realisation that migrants were indeed permanent residents. German recognition of being an immigration country has come later than this realisation; still, in spite of the prevalence of ethno-national conception of German citizenship, Germany developed positive integration strategies. On the other hand, neither the state-centric and monolithic character of Turkish citizenship nor the existence of ethno-cultural elements of citizenship has been an obstacle against Turkey's early recognition and encouragement of migrants' acquisition of foreign citizenship while retaining Turkish citizenship if possible.

Consequently, the current constellation is marked by a tension between, on the one hand, migrants who claim dual citizenship and Turkey which supports these claims, and on the other hand, Germany which does not recognise dual citizenship. However, Turkish government's support is not without reservation; although migrants would like to be considered under the category of exceptions for dual citizenship and Turkey sees such as exceptions as double standard, Turkish authorities do not intend to make renunciation of citizenship impossible, difficult or costly. Instead, the latest citizenship law aims at better

²²⁰ During the author's consultation with civil servants, they described such exceptions recognised to some states as a double standard, also mentioning the privileged place of EU countries.

²²¹ Kadirbeyoglu, 'Changing Conceptions of Citizenship in Turkey', 299.

regulating acquisition and loss, and blue card is put forward as the alternative to dual citizenship. On the other side, optional model seems to be the best substitute that Germany can offer at present and for the near future. Despite these diverging attitudes, the major characteristic of the evolution of both regimes can be identified as the central importance attached to the migrants, which has been the strongest driver of political and legal changes.

III. TURKISH EMIGRANT CITIZENSHIP

One of the main conclusions of the previous discussion is that the main concern for Turkish citizenship policies over recent decades has been emigrants. Focusing on this aspect, this part will examine Turkish emigrant citizenship in detail. The aim is to show that, more than the broad interest in emigrants, non-recognition of dual citizenship by Germany has been the major factor which has driven specific strategies of Turkish authorities, and in this sense, Germany has been the decisive actor in the German-Turkish constellation. For this purpose, the first chapter will present the general features of Turkish emigrant citizenship, with an emphasis on quasi-citizenship and institutionalisation of relations with emigrants. The second chapter will contextualise it within the emigrant citizenship literature through a comparison with Mexico. The concluding chapter will discuss the specificities of Turkish emigrant citizenship regime, drawing on the findings of the comparison, and focusing on dual citizenship and the decisive role of Germany.

III.1. MAJOR CHARACTERISTICS OF TURKISH EMIGRANT CITIZENSHIP POLICIES

Three major initial aims of the Turkish authorities in deciding to allow, encourage and organise emigration were reducing unemployment, increasing human capital with returning migrants, and expanding foreign exchange reserves with remittances and returning workers²²². Migrants did not return and the expectation about the development impetus that they would

²²² Sayari, 'Migration Policies of Sending Countries'.

initiate was not met. However, their mere departure was a simple solution to reduce unemployment and remittances followed. Today, Turkey is not expecting any more unemployment reduction through emigration or human capital upgrade through return. Although remittances still contribute positively to the economy, changing development strategies and growing economy reduced their relative importance. Accordingly, the meaning of emigrants for Turkey has changed significantly, in a way that Eva Østergaard-Nielsen depicts as ‘from remittance machines to Euro-Turks’²²³. Currently, potential or actual political power of the Turkish community in Europe is much more important for Turkey, especially in terms of its bid for accession to the EU to which Germany is one of the main opponents. So it is not surprising that Turkey tries to reach out its emigrant citizens and mobilise them, and citizenship policies become the main tool for that.

Three major fields in which emigrant citizenship policies operate are dual citizenship, external voting and quasi-citizenship. Section II.3.iii has shown that dual citizenship and external voting are not questioned harshly in Turkish politics. Indeed, Turkish authorities encourage dual citizenship of emigrants, and this is especially visible in contrast to earlier official attitudes. For instance, a prominent German politician of Turkish origin, Cem Özdemir, draws attention to his experience of being treated like a betrayer when he was renouncing his Turkish citizenship, but today, Turkish state promotes the acquisition of the country of residence citizenship²²⁴. On the other hand, the problems of external voting are related to legal requirements and a general concern with the fairness of elections while there is no substantive rejection of the incorporation of emigrants. It remains to see the details of the quasi-citizenship status which will be discussed in the next section. The subsequent section will provide useful information about the institutionalisation of relations with emigrants

²²³ Østergaard-Nielsen, *Transnational Politics*; Østergaard-Nielsen, ‘Turkey and the “Euro Turks”’.

²²⁴ See his auto-biography: Özdemir, *Ben Almanyalıyım*. One should remark the name of this book: ‘I am from Germany: the first Turkish-origin MP in German Parliament’. Probably, the choice of this name emphasises ‘being from Germany’ not necessarily ‘German’, and being ‘of Turkish origin’ not necessarily Turk or Turkish.

which is becoming well-organised after unstable attempts of the preceding decades, and which illustrates Turkey's attempts to strengthen political ties with emigrants.

III.1.i. Quasi-Citizenship: Pink/Blue Card

An important view that was raised during the consultations with state officials was that their final aim is dual citizenship and political incorporation of citizens, and the practice of blue card is only a temporary measure under current circumstances. Accordingly, blue card is designed as a status to serve the state's aim of promoting foreign country citizenship without losing ties with emigrants, and the emigrants' aim of acquiring the citizenship of the country of residence without losing connections with home country. The card vests a set of rights on its holders which put them in a privileged alien status²²⁵ or a status of quasi-citizenship. The possibility of losing inheritance and property rights in Turkey was thought to be the biggest disincentive for renunciation of citizenship, but the status entailed a much larger set of rights. In its early formulation of 1994, article 29 on alien status of Citizenship Law was amended as follows:

In accordance with this law, persons who lost Turkish citizenship are treated as aliens starting with the date of loss. However, those who obtained Turkish citizenship by birth and who acquired the citizenship of a foreign state by having received the permission of renunciation from the Council of Ministers and their legal inheritors continue to benefit identically from rights recognised to Turkish citizens on matters like residence, travel, work, inheritance, acquisition and abandonment of movable or immovable property, with the reservation of provisions related to the national security and public order of the Republic of Turkey.²²⁶

Two major criticisms can be directed to this formulation²²⁷. First, legal inheritors of a former Turkish citizen may not be related to Turkey at all, especially after several generations. Second, the expression 'on matters like' is vague and ambivalent. Thus, the status recognised by this law can be transmitted like citizenship, and the rights attached to it is open to a broad

²²⁵ In legal terms, non-citizens are by definition aliens, hence, according to law, this status is concerned with aliens.

²²⁶ The author's translation from Law no 4112 date 07/06/1995, Official Gazette 12/06/1995.

²²⁷ Tarman, 'Türk Vatandaşlığından Ayrılan Ve Yurtdışında Yasayanların Özel Hukuki Statüsü', 218–219.

interpretation which can be very close to actual citizenship. This controversial situation was partly fixed by an amendment in 2004. The new version was the following:

In accordance with this law, persons who lost Turkish citizenship are treated as aliens starting with the date of loss. However, those who obtained Turkish citizenship by birth and who received the permission of renunciation of citizenship from the Ministry of Internal Affairs, and their non-adult children registered in the certificate of renunciation continue to benefit identically from rights recognised to Turkish citizens except the duty of military service, the rights of voting and running for elections, admission to civil service and importing vehicles and household goods with exemptions, though keeping their gained rights related to social security subject to the provisions in the concerned law for the use of these rights, with the reservation of provisions related to the national security and public order of the Republic of Turkey.²²⁸

Apparently, two major problems identified above are corrected. First, the term ‘legal inheritors’ is replaced by the ‘children registered in the certificate of renunciation’, thus children who are born after the loss of citizenship will not be entitled to the blue card. Second, the expression ‘on matters like’ is replaced by a negative enumeration of rights, which make the extent of the rights clearer. The latest Citizenship Law largely adopted 2004 formulation, only changing the definition of those entitled to blue card by removing the specifications about the Ministry of Internal Affairs and by replacing ‘registered in the certificate’ with ‘treated with them’ (their parents). The scope of rights attached to this status may not have changed significantly in its application, since the problem with the former version was ambivalence. However, the new version is evidently much narrower with regards to the transmission of status to further generations. The previous version was so generous that it could be objected for granting de facto citizenship. Assuming away external voting, in practice, the rights that blue card holders can enjoy are the same as they were enjoying as citizens: they cannot enter into civil service or serve in the army when they are abroad, and they do not import their vehicles and household goods if they do not move to Turkey

²²⁸ The author’s translation from Law no 5203 date 29/06/2004, Official Gazette 06/07/2004.

permanently²²⁹. Hence, transmission or non-transmission is the most important criterion to distinguish citizenship and quasi-citizenship in terms of their effects.

However, the demand for pink/blue card has not been as high as expected. This could be attributed to the crucial difference of non-transmission, but this was not the case between 1995 and 2004. After 2000, optional model in Germany may be another reason for the lack of interest, but not before. Thereby, it is questionable whether pink/blue card created an additional incentive for the acquisition of German citizenship. In this sense, for many emigrants, single Turkish citizenship seems to be more valuable than the combination of German citizenship and Turkish quasi-citizenship. Observing that in Germany naturalisation rates are higher in categories of migrants eligible for dual citizenship than others, Ayse Caglar explains the failure of pink card to foster naturalisation by maintaining that citizenship is more than rights but it is not reducible to identity either²³⁰. She also argues that citizenship bonds are not only vertical between the state and the individual, but also horizontal among individuals, especially for a community living abroad in an environment which they see as culturally foreign²³¹. It should be added that the durability of institutions is doubtful and the pink card provides a very ambivalent status²³². In short, no matter what kind of ties quasi-citizenship established, opting for this status puts the individual in a situation perceived as outside the community understood as nation at large or emigrant community in particular.

III.1.ii. Institutionalisation of Relations with Emigrants

The need for institutionalising relations with emigrants was noticed as early as 1960s. The initial steps were taken by the Ministry of Labour. In 1967, a department dedicated to emigrants was established, and took the name of 'Problems of Workers Abroad General

²²⁹ Import with exemption refers, non-commercially, to their vehicles and goods for livelihood.

²³⁰ Caglar, 'The Discrete Charm of Dual Citizenship', 248–253.

²³¹ See also: Offe, 'How Can We Trust Our Fellow Citizens?'.

²³² Caglar, 'The Discrete Charm of Dual Citizenship', 258.

Directorate'²³³. In the following decades, this department was re-organised and re-named several times, taking the form of 'Foreign Relations and Workers Abroad Services General Directorate' under the Ministry of Labour. Yet, the real need has been coordination between other state departments which are also concerned with emigrants. Moreover, in later periods, the existence of emigrants has been much more complicated than labour issues. Today, the duties of the special department under the Ministry of Labour are limited mostly to working conditions, social security and employment.

The need for coordination was addressed by the assignment of one state ministry to the issue of citizens abroad²³⁴. During 1990s, some MPs called for the establishment of a new ministry which deals exclusively with matters related to citizens abroad²³⁵. However, none of the governments took such a step. Instead, special councils chaired by the Prime Minister or State Minister assumed the duty of coordination. One interesting development was the establishment of Consultation Council the aim of which was the representation of citizens abroad in Turkish politics. The competence of the Council was of course only advisory. Moreover, during the announcements of the application for the representative posts of the Council, Turkish authorities bypassed Turkish NGOs in Germany which had been advocating such a system²³⁶.

With the recent reforms in the government organisation and cabinet system, a new coordination department has been established in 2010. The Presidency of Turks Abroad and Kin Communities is instituted under Prime Ministry through vice Prime Minister. One interesting feature of this new body is obviously bringing together Turkish citizens and

²³³ Official website, The Ministry of Labour and Social Security:

<http://www.csgeb.gov.tr/csgebPortal/diyih.portal?page=genelmudurluk&id=2> (access: 12/05/12).

²³⁴ In the former cabinet system of Turkey, state ministry were flexible divisions which could be assigned special duties with representation in the Council of Ministers.

²³⁵ Artan, 'From Village Turks to Euro Turks', 120–121.

²³⁶ Østergaard-Nielsen, 'Turkey and the "Euro Turks"'.

communities considered to be of Turkic or Turkish descent in ethnic terms²³⁷, which can be seen as more than ordinary re-ethnicisation. However, this political choice is not necessarily related to citizenship; during consultations with state officials, they asserted that kin community relations are not considered as an issue linked to citizenship acquisition, but related to the improvement of economic, social and cultural ties by virtue of ‘common descent’.

The definition of the tasks of the Presidency is stated as planning, coordination, supervision and evaluation of policies related to citizens abroad and kin communities, without intermingling with the competences of other concerned departments²³⁸. The departments under the Presidency include those of citizens abroad, cultural and social relations, and foreign students. The duties of the Department of Citizens Abroad involve coordinating other public institutions, ensuring the protection and improvement of their social, cultural and economic relations with Turkey, providing solutions to their problems, enabling their participation in social life with losing their own culture, and collaborating with and financially supporting their civil society organisations in order to strengthen their social status and ameliorate the image of Turkey in foreign countries²³⁹. A parallel organisation scheme of the Presidency consists of three councils: Citizens Abroad Consultation Council, Cultural and Social Relations Coordination and Evaluation Council, and Foreign Students Evaluation Council. Thus, Consultation Council is incorporated into this new body. Members of this Council are, in addition to representatives of the Turkish community abroad, representatives of a number of ministries and some other state departments, and its tasks include the

²³⁷ These categories include both Western-Turkish-speaking communities such as Turkish minorities in Greece and Bulgaria, and people living in Central Asia.

²³⁸ Official website of the Presidency: <http://www.ytb.gov.tr/index.php/en/kurumsal/hakimizda> (access: 12/05/12).

²³⁹ Law no 5978 date 24/03/2010, Official Gazette 06/04/2010.

formulation of opinions on emigrants' participation in social and economic life, and their problems, needs and possible solutions²⁴⁰.

It should be noted that both the Department and the Council concerned with citizens abroad also incorporate blue card holders as representatives of the emigrant community. The provisions of the law and regulations distinguish them since their legal statuses are different, but include both categories as their subject. Moreover, the Presidency attaches a particular importance to the promotion of the blue card. They try to raise awareness of blue card abroad, and to resolve the problems that card holders face in their relations with official or non-official institutions. As for relations with civil society organisations, according to consulted civil servants, they are currently making a comprehensive list of NGOs, their types, sizes and activities. They try to increase collaboration through financial aids, and the activities organised for the 50th anniversary of migration strengthened the ties as well. In short, the Presidency seems more systematic than its predecessors, yet it is too young to provide fully effective institutionalisation of relations with citizens abroad and blue card holders, which also depends on the preferences of the emigrants.

III.2. COMPARISON OF TURKEY WITH MEXICO

Emigration state politics has been a relatively less studied and emerging field in the literatures of citizenship and migration, and some studies considered it under the category of relations between diasporas and home states²⁴¹. A great deal of existing literature focuses on the migrants in the US, especially of Latin American origin, and a considerable part of this is related to Mexican migrants. In this respect, the best way to locate Turkish policies within the larger literature of emigrant citizenship is to compare it with another case which displays

²⁴⁰ Law no 5978 date 24/03/2010, Official Gazette 06/04/2010.

²⁴¹ Østergaard-Nielsen, *International Migration and Sending Countries*; Bauböck and Faist, *Diaspora and Transnationalism*. The former edited volume offers examples from different categories, and the latter provides a comprehensive and recent analysis of diasporas from transnational perspective.

important commonalities. Mexico and Turkey share many similarities in terms of size, economic power, relations with their large neighbours, the US and the EU. In this sense, a comparison between the emigrant citizenship policies of two countries will bring insights for understanding Turkish politics better. A large part of the following discussion will justify the comparability of two cases by the method of difference²⁴², thus the significance of Turkey as an emigration state.

The strategy will be to derive an analytical framework from the existing literature of emigrant citizenship and emigration state politics, which will also provide necessary information about the Mexican case. Two works propose several dimensions along which the comparison can be developed: José Itzigsohn identifies as three major factors integration of peripheral countries to the world economy, the rise of competitive party politics in the emigration state and the presence of strong migrant organisation in the immigration state²⁴³; and Robert C. Smith focuses on the emigration state's relations with global system, its domestic politics and migrants political ability²⁴⁴. Combining these two approaches, the framework adapted here will define three main dimensions: domestic politics of immigration and emigration states, their positions in international relations, and the relationship of emigration states to emigrant communities. A special emphasis will be put on the latter dimension of the nature of the relations between emigration states and emigrants. With respect to this dimension, cases will be compared in terms of how government and society in the country of origin view emigrants; how emigrants view, react to and participate in homeland politics; and the institutional structure of relations between them. Moreover, Kim Barry identifies three areas of negotiation between emigration states and migrants: economic

²⁴² The comparison will try to show that Mexico and Turkey can be seen as most similar cases where few differences will be used as the explanatory variables, with maximum expected efficacy of controlling for other variables.

²⁴³ Itzigsohn, 'Immigration and the Boundaries of Citizenship'.

²⁴⁴ Smith, 'Diasporic Memberships in Historical Perspective'.

interests, legal status and political incorporation²⁴⁵. These areas refer to emigration state interests in reaching out emigrants, dual citizenship and external voting with regard to what has been discussed so far²⁴⁶. In this sense, the comparison between Mexico and Turkey will be first developed along the dimensions of domestic politics, international politics and emigrant-homeland government relations, and then these relations will be discussed in three areas of negotiation.

III.2.i. Domestic Politics

Mexican emigration policies oscillated from attempts of restriction to active promotion, and these can be explained by domestic situation as well as foreign policy options²⁴⁷. One domestic factor is the management of demographics. At times when Mexico was seen as an under-populated country, the government sought to prevent outflow of population, roughly until 1940s. Such attempts largely failed due to the lack of control over county policies within Mexico and the US's welcoming of the crossers. When labour shortage in the US became a serious problem during and after the World War II, Mexico had the negotiating power and the ability to control migration by choosing the migrants. These 'Bracero Agreements' continued until mid-1960s, and Mexican government failed to renew those in the subsequent decades, as a result of the US's unwillingness, when population growth made emigration a viable option for demographic management. Illegal migration continued during the implementation of these agreements and in their aftermath, and the difficulty of controlling such flows created the option of following the 'policy of not having a policy' leaving the burden of restrictions on

²⁴⁵ Barry, 'Home and Away'. The term 'negotiation' is taken directly from Barry. This can be understood as actual or hypothetical negotiation. The point is to draw attention to the levels of compromise from aims, interests and demands on both sides.

²⁴⁶ The area of economic interests of Barry's formulation will be taken as a broad area of practical interests including political interests.

²⁴⁷ Fitzgerald, 'Inside the Sending State'; Fitzgerald, *A Nation of Emigrants*. The following description of Mexican policies is summarised from these works, unless otherwise stated.

the US²⁴⁸. Emigration was a policy option for relieving the pressure on the federal government and also for managing the internal political tensions. Early in the twentieth century, before the consolidation of the regime, opposition from abroad was a serious threat and attempted restrictions on emigration were compatible with political interests of the government. However, during following decades, opposition from within or outside the country channelled through democratic means reduced this threat, and emigration as an exit option contributed to the political stability. Still, undemocratic character of the regime and the inability to reform the system are among the factors why Mexico could not develop a successful migration policy²⁴⁹.

Turkey was also facing challenges of under-population and regime consolidation in the early twentieth century but it did not need serious emigration restrictions since there was no attractive destination country which could be easily reached through illegal ways²⁵⁰. Yet restrictions on the freedom of travel were valid until 1961. Similarly to Mexico, Turkey experienced emigration through intergovernmental agreements with Germany which was suffering from labour shortage, and the period of controlled migration ended as the receiving country's demand for labour ceased. Additionally, illegal migration became more widespread after migration through official programmes, and Turkish government shifted to passive policies while German government increased restrictive measures. Another important category of emigrants were political refugees, especially those who fled in late 1970s and after 1980 military coup. It is difficult to claim that exit option for dissidents was also serving government interests since punishing political activists was among the main goals of the military government and opposition from abroad is still seen among the major motivations for

²⁴⁸ Martinez-Saldana, 'Los Olvidados Become Heroes: The Evolution of Mexico's Policies Towards Citizens Abroad'.

²⁴⁹ Ibid.

²⁵⁰ Turkey was not bordering directly potential destinations such as Germany, and other ways of reaching such places were extremely costly. Today, Turkey is indirectly bordering Germany through Schengen Area which was not the case either.

reaching out the emigrant community²⁵¹. Still, this shows that the instability of the regime and interruptions of democracy were among the factors that shaped Turkish policies towards emigrants.

III.2.ii. International Politics

Emigration displays the asymmetrical relationship between the sending and receiving countries. Although this is largely due to the level of economic development, it has remarkable political consequences. As discussed in the previous section, bilateral agreements ended when receiving states wanted to stop migratory flows in both cases. This asymmetry implies that, on the one hand, receiving states are in a position to determine the extent of controlled migration, on the other hand, the burden of regulating illegal migration can be left to them when sending states opt for a passive migration policy. Another important aspect of emigration states' relations to the larger international context is their changing positions and perceptions with regards to the global system. Policies of trade liberalisation and the interest in regional economic integration led Mexico to be a proponent of NAFTA and Mexican-Americans came to constitute an important political asset to be mobilised for this aim²⁵². A similar relation can be discerned with respect to Turkey's aim of accession to the European Union. Although Turkey's position towards the EU is different from Mexico's position in NAFTA²⁵³, and although accession to the EU has greater perceived benefits, the view of 'Euro-Turks' as a political source to support Turkey's EU cause points out a further similarity between two countries.

²⁵¹ Østergaard-Nielsen, *Transnational Politics*.

²⁵² Goldring, 'The Mexican State and Transmigrant Organizations'.

²⁵³ Mexico's aim was the formation of NAFTA and thus becoming a constituting member of this regional organisation, as opposed to Turkey's efforts to become member of an already existing organisation with a longer history.

III.2.iii. Relations between Emigrants and Emigration Countries

The image of the emigrants in their countries of origin is neither stable over time nor the same from the viewpoints of the government and the society. Mexican emigrants who crossed the border by evading government restrictions were not considered to be good citizens, but with ongoing changes in the political context, they came to be depicted as ‘heroic citizens’ who support their country from abroad²⁵⁴. However, their image in the society has not become so positive; terms such as *pochos* or *pachucos* have derogative connotations to describe those who abandoned or lost their Mexican culture. These attitudes refer to the frustration with assimilation into American culture as much as dissimilation from Mexican culture, hence the creation of a subculture which is neither American nor Mexican. The negative image of emigrants who abandoned their country, perceived as betrayers, is absent in the Turkish context since emigration despite restrictions imposed for national interests did not happen in Turkey. However, similar features of contempt exist in society; the term *almanci*²⁵⁵ usually carries derogative connotations, and the subculture of emigrants is seen as traditional, backward, degenerative, or at best ‘in-between’²⁵⁶. From the official perspective, emigrants are expected to represent modern and secular Turkey, and their traditional background of Anatolian villages upsets such expectations²⁵⁷. In Mexico, an understanding of economic contributions at the price of cultural loss exists²⁵⁸, which apparently has not developed in Turkey at the social level, whereas the state perspective cares about the economic contributions that migrants make.

As for emigrants’ views on the reaching out efforts of the sending states, both Mexican and Turkish emigrants display mixed attitudes of support and opposition. Mexican-

²⁵⁴ Fitzgerald, *A Nation of Emigrants*; Martinez-Saldana, ‘Los Olvidados Become Heroes: The Evolution of Mexico’s Policies Towards Citizens Abroad’.

²⁵⁵ Almanci literally means ‘German-er’ or ‘doing German’.

²⁵⁶ Kaya, ‘Citizenship and the Hyphenated Germans: German-Turks’.

²⁵⁷ Østergaard-Nielsen, ‘Turkey and the “Euro Turks”’.

²⁵⁸ Fitzgerald, *A Nation of Emigrants*.

Americans' feelings for Mexico as a nation are positive, but their attitudes towards Mexican government are generally critical and they have little interest in Mexican politics²⁵⁹. Accordingly, although they can influence policies concerning Mexico, the basis of their actions will be their interests but not abstract national attachments to the homeland. The case of Turkish emigrants show that heterogeneity along ethnic, religious and political lines reinforce the complexity of the overall response to homeland government efforts, and they are cautious about not becoming or being perceived as a 'fifth column'; Turkish government can mobilise the emigrant community when there is an overlap of interests, but it cannot control them to serve its unilaterally determined aims²⁶⁰. In the case of Turkish accession to the EU, a clear overlap between the interests of the emigrants and the state can be expected, since this will directly influence the realisation of their demands for dual citizenship.

Mexican emigrant organisations in the US are based on the model of hometown associations which emerged from internal migratory flows of Mexico, and the Church plays a remarkable role in establishing relationships through such organisations²⁶¹. These are also important contact points for government action which established its own structures such as Institute of Mexicans Abroad²⁶², and for party politics. Moreover, these hometown associations have the capacity to act politically within the frameworks of both Mexican and American politics. In the case of Turkey, it is difficult to observe an equivalent of the Church although Directorate of Religious Affairs is used by the government and there are other religiously framed organisations which connect emigrant groups to Turkey. In addition, although the place of origin plays a role in organisation patterns, it is not clear whether this has remarkable effects on relations with the country of origin in political terms. Similarities with Mexico can be discerned in terms of homeland governmental structures such as the

²⁵⁹ Garza and DeSipio, 'Interests Not Passions'.

²⁶⁰ Østergaard-Nielsen, 'Turkey and the "Euro Turks"'.

²⁶¹ Fitzgerald, *A Nation of Emigrants*.

²⁶² In Spanish: Instituto de los Mexicanos en el Exterior.

Presidency of Citizens Abroad and Kin Communities, activities of Turkish political parties in Germany, and combining homeland politics and political activities in Germany.

III.2.iv. Areas of Negotiation

The first area of negotiation between emigrants and emigration states is taken as concerning the latter's practical interests. Three major aims of sending countries can be identified: securing economic resources, mobilising political support and enhancing upward social mobility in the country of residence²⁶³. Economic resources and especially remittances are one of the most important bases of bargaining power of Mexican emigrants. In the case of Turkey, remittances are not as important as they used to be, as Turkey's changing perceptions of emigrant citizens from 'remittance machines' to 'Euro-Turks' manifests, and the relative contribution of remittances to Turkish economy is smaller than Mexico²⁶⁴. However, Turkey's interest in accession to the EU makes the political support of emigrants much more valuable than that of Mexican emigrants for Mexico-US relations. Thus, on balance, the perception of emigrants as assets for economic and political aims is prevalent in both countries. On the other hand, while seeking economic or political support from emigrants depends on their voluntary cooperation, providing protection or upward social mobility for them is an area of common interest; however, ironically, this can be achieved through recognition and promotion of dual citizenship²⁶⁵. In other words, acquisition of host country citizenship is an important step towards political participation which reduces the vulnerability of emigrants. For instance, anti-immigration legislations in the US such as California Proposition 187 dated 1994 contributed to the acceptance of Mexican constitutional amendments to allow dual citizenship in order to provide emigrants with political means to protect themselves through

²⁶³ Østergaard-Nielsen, 'International Migration and Sending Countries'.

²⁶⁴ For economic indicators regarding remittances, see: Migration and Remittances Factbook of the World Bank, available at <http://econ.worldbank.org/> (access: 12/05/12).

²⁶⁵ Barry, 'Home and Away'.

participation in American or state-level politics²⁶⁶. Turkish government had already made this amendment in 1981, perhaps pre-emptively, and in the face of Germany's reluctance to recognise dual citizenship, the introduction of pink card as a quasi-citizenship status can be seen as a further effort to offer alternatives for emigrants to naturalise in their country of residence.

These efforts illustrate the relevance of the second area of negotiation, dual citizenship as legal status. In addition to what has been said above, an important aspect is emigrants' demand for dual citizenship. Jones-Correa's work shows that the recognition of dual citizenship in the country of origin increases naturalisation rates in the country of residence²⁶⁷. To be sure, this is only possible if the country of residence has already recognised dual citizenship, and while Mexican emigrants are included in this study, it cannot be repeated for Turkish emigrants in Germany. Still, the increase in naturalisations during and after the reform of German nationality law which facilitated naturalisation through introduction of *jus soli* implies that dual citizenship would be a much more widespread practice if it were readily available. Finally, acceptance and promotion of dual nationality strengthens emigrants' claim to political incorporation in their home country, which is the third area of negotiation. Arguments in favour of extending political rights include the assertions that emigrants are entitled to political participation since they contribute economically and that they do not have any political right at all if they are not citizens of their country of residence. However, these arguments are contested since 'market citizenship' is illiberal and resonates with 19th century conception of property-owner citizenship, and participating in decisions which they are not subject to is incompatible with democratic principles²⁶⁸. There are also institutional limits to

²⁶⁶ Castañeda, 'Roads to Citizenship'.

²⁶⁷ Jones-Correa, 'Under Two Flags'.

²⁶⁸ Fitzgerald, 'Rethinking Emigrant Citizenship'. One should remark that Fitzgerald's arguments rely on a simplified conception of the normative theories discussed in the section I.2.i.

organise elections abroad in a fair way²⁶⁹. Mexico accepted and started to implement external voting but the controversy caused by the case of ‘Tomato King’ who was elected to an office without being a resident in Mexico illustrates such limitations²⁷⁰. Turkish government also declared intention to extend voting to citizens abroad but judiciary authorities prevented its implementation so far to protect the fairness of elections.

III.2.v. Constitutional Definition of Nationality and Citizenship

One additional dimension can be the major legal principles concerning citizenship. In this respect, an important characteristic that differentiates Mexico is that Mexican Constitution distinguishes between nationals and citizens, and limits jus sanguinis transmission abroad to the first generation. Article 30 asserts that nationality can be acquired by birth or by naturalisation, and defines nationals with a strong jus soli element as:

- I. Those born on the territory of the Republic, regardless of the nationality of their parents.
- II. Those born abroad, children of Mexican parents born in the national territory, of a Mexican father born in the national territory, or of a Mexican mother born in the national territory.
- III. Those born abroad, children of Mexican parents by naturalisation, of a Mexican father by naturalisation, or of a Mexican mother by naturalisation.
- IV. Those born in Mexican ships or aircraft, merchant or war.²⁷¹

The following article (31) enumerates the obligations of nationals. On the other hand, citizens are defined in the Article 34 as Mexicans who meet the criteria of being at least 18-year-old and having an honest way of living. It is the citizens’ prerogative to vote in elections, to be elected or appointed to public offices, to participate in the political affairs, and to serve in the military (Article 35). In other words, consistent with the distinction made at the beginning²⁷², nationality refers to a status while citizenship refers to this status and rights attached. There is

²⁶⁹ For a comprehensive analysis of such limitations, see: Thompson, ‘The Implementation of External Voting’.

²⁷⁰ For description of the ‘Tomato King’ case, see: Castañeda, ‘Roads to Citizenship’.

²⁷¹ The author’s translation from the original text of the Political Constitution of the Mexican United States.

²⁷² See above ‘Concepts and Categories’ under Introduction.

no such distinction in Turkish legal system. However, the invention of quasi-citizenship has very similar effects in practice.

Although in the Mexican system citizenship does not require residence, Mexicans living in the US, in the absence of external voting rights (until 1996), are de facto non-citizens while continuing to be nationals. In addition, for the Mexican state, it was possible to allow dual nationality without extending political rights, i.e. without recognising dual citizenship²⁷³. Turkish blue card holders are also somehow tied to Turkish state in legal terms without political rights. Additionally, this status is designed to enable the possession of German citizenship at the same time. Thereby, Mexican nationality can also be seen as a form of quasi-citizenship. However, there are considerable differences between two cases. First of all, quasi-citizenship is conceptualised here as partial re-articulation of previously disarticulated elements of citizenship in the context of transnationalisation. However, Mexican nationality status predates this disaggregation and is not designed to address such problems, whereas blue card is an invention specifically envisaged after Turkey's experience of emigration. Second, Mexican nationality is the fundamental status recognised by international law and norms, and citizenship is built upon it. On the other hand, Turkish citizenship is the fundamental status and blue card holding is something less. In other words, if nationality is under-privileged citizenship, blue card holding is only privileged non-citizenship, and at the end of the day, nationals carry passports but blue card holders do not. Probably the most important implication of this is that nationality can be transmitted between generations, though it is also limited by Mexican Constitution, but blue card holding cannot.

²⁷³ In fact, Mexican authorities legislated external voting immediately after the recognition of dual nationality, but legislative and administrative regulations postponed its final approval to 2005 and first implementation to 2006.

III.3. CONCLUSION: RECOGNITION OF DUAL CITIZENSHIP AS THE DECISIVE FACTOR

To summarise the comparison, despite many similarities between the experiences of both countries in the post-war era, Mexico displayed reluctance to accept dual citizenship for a longer time than Turkey. One common explanation offered for such reluctance is ethno-cultural conception of nationhood which Chapter II.2 critically approached in the case of Germany. It is evident from the constitutional definition of nationality in Mexico that it is strongly grounded in *jus soli* with the remark 'regardless of the nationality of parents'. Yet this reluctance can be explained by the fact that Mexico has a longer experience with emigration: predated official regulations and bilateral agreements. This could have added an element of betrayal to the negative images of emigrants in the home country. In the absence of such a history and a corresponding image, it was easier for Turkey to recognise dual citizenship as soon as it was realised that emigrants had settled permanently and they could still provide important economic and political benefits. In the case of Mexico, the magnitude of perceived benefits of emigrant incorporation had to be greater, for instance with respect to the country's position in international politics. Today, this dissimilarity between two countries has lost its relevance in the face of both states' recognition and encouragement of dual citizenship, although Mexico limits *jus sanguinis* transmission abroad to the first generation.

Both intuition and research show that it is naive to expect emigrant mobilisation solely based on cultural links; there must be an overlap between interests, and the home state should be ready to compromise its preferences in the face of emigrant demands. Institutionalisation of relations with emigrants is needed for effective accommodation of such demands. In the relations between emigrants and home states, Mexican and Turkish cases display similarities of organisational structures: special official bodies, political party relations, religious groups, a divided emigrant community, etc. Still, Mexican policies are more experienced the outcome

of a longer experience and probably more efficient. However, this also means that Mexican state should be more sensitive to emigrant demands; it must be for this reason that attempts to legislate external voting started immediately after the recognition of dual nationality. In Turkey, on the other hand, recognition of dual citizenship came before the rise of emigrant demands²⁷⁴. Yet, as the concern for emigrants with respect to political priority and resulting effectiveness of organisation increase, external voting has also been institutionalised in Turkey. Thereby, both countries display a tendency toward making emigrants full citizens in legal and practical terms.

Nonetheless, a remarkable dissimilarity lies in the differing statuses within emigrant communities. In the Mexican case, the distinction between nationals outside and inside the territory is vanishing, since nationals abroad start enjoying full status and rights of citizenship, and aliens of Mexican origin are entitled to return to citizenship. On the other hand, in Turkey also the distinction between citizens outside and inside the territory is disappearing, but a distinction between a category of aliens of Turkish origin holding blue card and external or internal citizens is emerging and widening. This situation points out the role of receiving country politics in determining citizenship relations. Mexico has been dealing with the US citizenship regime where dual citizenship has been recognised for a long time, at least in practice, despite the apparent contradiction of the procedure of citizenship acquisition with an oath²⁷⁵, whereas Germany is still refusing dual citizenship. In this sense, in the Mexico-U.S. relations, Mexico was the decisive actor in the transition from single citizenship to dual citizenship for migrants, whereas in Turkey-Germany relations, Turkish policies could only facilitate dual citizenship through legal loopholes (until 2000) and offer an alternative status of quasi-citizenship, without a genuine transition to dual citizenship for which Germany is the decisive actor.

²⁷⁴ It should also be remembered that the military government which legislated dual citizenship did not feel any need to negotiate the issue with any actor within or outside the country.

²⁷⁵ Bloemraad, 'Much Ado About Nothing?'.

In short, the scope of commonalities between Turkey and Mexico indicates that Turkey displays a large number of characteristics that existing studies on emigration states and emigrant citizenship reveal. Nonetheless, the most salient specificity of the Turkish case is that, in spite of its early recognition and promotion, dual citizenship is not a real possibility for Turkish emigrants because of German reluctance to recognise it. In this sense, Turkish policies operate in the space limited by the fact that Germany has the position of decisive actor. By the same token, the normative evaluation of emigration state policies should also take into account the situation in the immigration state. The next part will discuss the implications of not only the non-recognition of dual citizenship, but also the alternative optional model that Germany has introduced.

IV. THE APPLICABILITY OF NORMATIVE THEORIES TO TURKISH-GERMAN CITIZENSHIP CONSTELLATIONS

Preceding empirical parts as well as the general discussion of transnationalism have shown that in the transnational context political areas which were previously considered to be exclusively domestic are increasingly intertwined. In this sense, it is inevitable to include the domestic politics of another country as a determinant for the politics of the concerned country. This is especially true for citizenship policies in countries which face large populations of immigrants or emigrants. In this regard, normative theories which deal with similar issues should also take account of this interdependence, and approach the policies of one state in terms of its position within the citizenship constellation. The following chapters will evaluate three citizenship constellations of the Turkish-German case which correspond to different periods. In line with the central thesis of this study, the last constellation will be discussed to show the non-applicability of a normative perspective which prescribes limits on the transmission of citizenship abroad. The concluding chapter will provide a holistic picture of these stages.

IV.1. DENIAL OF MULTIPLE STAKES ON BOTH SIDES: 1960-1980

After the beginning of large-scale regulated migration in early 1960s, there was an expectation that migrants would eventually return to Turkey on the part of both German and Turkish governments and the migrants themselves. Even after the renewals of contracts at the

end of the first cycle of projected rotation, it is difficult to claim that permanent settlement was the ultimate end of migrants. It should be noted that these renewals were due to the employers' demands as much as migrants' willingness. Although approximately five years of residence can be seen as a sufficient duration for entitlement to home country citizenship and the failure of the rotation system is indicative of permanent settlement, the lack of policies to foster the acquisition of German citizenship cannot be criticised from a normative perspective in this early period when migrants did not express a strong intention. Encouragement of Turkish organisations, incorporation in trade unions and the interest shown by SPD were among the major attempts to integrate migrants into German social and political life. On the other hand, external voting was not a widespread practice in 1960s to make Turkish authorities consider it. Indeed, non-inclusion of migrants could be seen as a temporary and insignificant cost of the expected social and economic benefits for both parts. In any case, granting German citizenship would be a successful pre-emptive strategy for integration, but in the absence of migrants' claims, German government cannot be blamed for not granting citizenship.

However, starting with 1970s, migrants' intention to stay permanently became clear. Although they might want to return eventually, such plans were generally made for a distant future, probably after retirement, though return migration at any stage has remained marginal compared those who stay. This can be seen as a clear indicator of multiple stakes. Yet, dual citizenship still was not claimed rigorously by the migrants. The absence of this claim can be attributed to several factors. First, migrants could be lacking organisational capacity to formulate clear policy preferences, in addition to constituting an internally heterogeneous community. Second, dual citizenship was not in the agenda of German and Turkish politics, and migrants might have perceived it as an impossible goal. Third, social and economic aspects of integration might have priority over dual citizenship. Above all, migrants did not

have the necessary political power in both countries. In this respect, the task of adopting citizenship policies to the new context was up to the governments. However, both states chose to see migrants as Turkish citizens only. Consequently, assuming that multiple stakes existed but not expressed because of migrants' inability, governments' negligence of this fact and the resulting insistence on single citizenship regimes could be criticised from a liberal normative perspective.

IV.2. CONFLICTING PERSPECTIVES ON INTEGRATION: 1980-2000

The first actor that broke this vicious cycle was Turkish government in 1981 by recognising dual citizenship. This might have had immediate effects in other places where dual citizenship is also recognised and acquisition is not extremely difficult, but in the case of Germany, this remained symbolic since only a small number could naturalise by renouncing Turkish citizenship. The dominant discourse of integration in Germany, expressed by the CDU, was encouraging a choice between return and full integration, and the latter was understood in a sense closer to assimilation. In this environment, although 1990 changes could be seen as a positive step to regulate naturalisation, standards were still too high compared to other Western European countries. Realising that dual citizenship would not be possible in the near future, Turkish authorities introduced pink card to facilitate the acquisition of German citizenship by emigrants while retaining their ties and rights in Turkey.

During 1980s and 1990s, migrants began to express their dual attachments, hence their claims to dual citizenship. The first generation had also become an important group of the emigrant community. It should be remarked that Turkish community in Germany was quite young in 1980s as a result of children who came from Turkey at an early age or who were born in Germany. However, the first generation did not have any kind of jus soli right to German citizenship even if they were willing to renounce Turkish citizenship; instead, they

had to go through naturalisation procedures. In this sense, the claim to dual citizenship was part of the larger claim to easy acquisition of German citizenship for which Turkish citizenship was the major cost.

Evidently, Germany did not meet a very fundamental standard that has been put forward by normative theories as it did not recognise the automatic acquisition of citizenship by immigrants who spent a long time of residence in the country or who were born in the territory, but required naturalisation with additional criteria. Moreover, the requirement of renouncing previous citizenship clearly contradicts with the accommodation of multiple stakes. On the other side, by recognising dual citizenship and encouraging the acquisition of German citizenship, Turkish state took a very important step to accommodate multiple stakes of emigrants. However, by not limiting the *jus sanguinis* transmission of citizenship abroad, it left open the possibility of unnecessary inclusion of further generations. Yet, Turkish emigrant citizenship policies should be evaluated by taking into account the constraints introduced by the situation in Germany. First, in practice, Turkish recognition of dual citizenship with unconditional transmission is not effective in the German context²⁷⁶. Second, and more importantly, Turkish citizenship laws have been keen about not creating statelessness. Thereby, if the acquisition of German citizenship is not guaranteed, Turkish laws are right in not introducing limitations on the transmission of citizenship. Yet, the lack of such a guarantee could be formulated as an exception to limitations. Consequently, German citizenship regime in 1980s and 1990s was not compatible with the requirements put forward by normative theories; Turkish citizenship regime was also not compatible with the general statement of stakeholder principle; but if the nonideal circumstances shaped by German non-compliance are considered, Turkish citizenship regime could be seen as compatible in practice whereas better laws could have been drafted.

²⁷⁶ This can still be criticised in other contexts, such as the status of emigrants in France.

IV.3. BEYOND EXTERNAL DETERMINATION OF STAKES: 2000-PRESENT

A new era has been opened by the legislation of a new citizenship law in Germany under SPD-led coalition in 1999/2000. Qualified jus soli right to citizenship as well as easier naturalisation were important steps towards liberalisation. However, dual citizenship was not recognised in spite of exceptions for EU countries and other states which imposed restrictions on renunciation. Turkish migrants would not be considered as a case of exception, thus, they would not be entitled to dual citizenship. In addition, so-called illegal dual citizens who had re-acquired Turkish citizenship by utilising a loophole in the previous law were expected to renounce Turkish citizenship; in other words, the unavailability of dual citizenship for Turkish migrants was more prevalent than before. Meanwhile, Turkey adapted its citizenship law to the contemporary standards, regulating provisions of loss, acquisition and re-acquisition, and modifying quasi-citizenship clause to avoid certain confusions. Yet, it did not make any improvements regarding jus sanguinis transmission abroad.

Probably the most important difference of this period from the previous is the introduction of optional model as a mechanism to provide jus soli acquisition without dual citizenship in Germany. Accordingly, as explained above, children who were born in the territory after 1990 with a non-citizen parent who had resided legally for eight years can retain both citizenships during their childhood, but they are expected to choose one between ages of 18 and 23. In this respect, the subject of this new system is mostly second and further generations though younger cohorts of the first generation may also be involved. For the actual migrants and the first generation in general, observations made in the previous chapter still holds with some improvements in degree as a result of the aforementioned liberalisation.

Therefore, this latest period corresponds largely to the category of single stakes of the normative approach. If it is accepted that the second generation cannot have significantly

strong stakes in the home country polity, then the disallowance of dual citizenship by Germany results in normatively desirable outcomes even though it is at the centre of non-compliance with normative standards for older generations. On the other hand, Turkish inaction about the unconditional transmission of citizenship can be seen as incompatible with the normative approach. Nonetheless, German optional model does not necessarily result in establishing host country citizenship for these generations and breaking their ties with the home country. In fact, it is difficult to imagine measures for a liberal democracy to enforce the acquisition of its citizenship at the expense of previous citizenship unless the home state imposes limitations. Instead, new German citizenship law leaves the choice of single citizenship to individuals, and the allowance of transmission by the Turkish citizenship regime makes this kind of choice possible. Moreover, if the value of German citizenship is seen as the rights added to the status of denizenship, the availability of quasi-citizenship of Turkey reduces the cost of renouncing Turkish citizenship to a limited set of rights, levelling the gains of German citizenship.

The main question for this study is, thereby, whether the normative approach analysed here is right in insisting on associating single stakes with the country of residence. As the central thesis of this dissertation suggests, if the choice of home country citizenship entails significant costs, then this choice should be seen as the genuine and ultimate indicator of the stake in it. In this case, the cost of choosing home country citizenship is host country citizenship which is supposed to be at least equally valuable since it brings to possibility of participating in the decision making of the political community in which one actually lives. Therefore, the individual choice of the citizenship of one polity should be seen as overriding the interpretations about the strength of stakes in different generations. In other words, the normative approach should be restrained from determining the stakes externally where individual preferences are themselves revealing.

IV.4. CONCLUSION: EXTERNAL DETERMINATION OF STAKES AS A TRANSITIONAL NECESSITY

To summarise the stages of Turkish-German citizenship constellations, the normative approach was irrelevant during the initial periods since all actors were confident about migrants' return to Turkey. In the absence of claims to citizenship, there was no need for a normative assessment to judge the morality of claims. This was followed by a period of non-consideration of dual citizenship although migrants' permanent settlement became clear. The lack of active policies in both countries can be criticised by the normative approach since they fell short of accommodating clearly multiple stakes. The subsequent stage witnessed Turkish recognition and encouragement of and German reluctance to dual citizenship. German citizenship regime can be criticised since it did not recognise citizenship based on long term residence, whereas Turkish citizenship regime can be praised for its efforts to accommodate multiple stakes although it did not put any limitation on possible unnecessary inclusion. The latest constellation that was marked by German optional model and continuing Turkish toleration for transmission abroad has gone beyond a case where stakes should be assessed externally since individual preferences are genuinely indicative of stakes.

In short, the story of Turkish migration to Germany and corresponding citizenship constellations have begun and ended with two kinds of irrelevance of the normative approach. The future is of course open, and if dual citizenship becomes possible for Turkish community in Germany, the discussion of limitations on transmission of citizenship will once more become quite important. On the other hand, if this constellation stays in place for a long time, the application of the optional model to only second and further generations would probably be more desirable than theoretically deduced suggestions. Yet, it should be remarked that this transitional relevance of the normative approach is specific to the Turkish-German case, stemming from a unique combination of two citizenship regimes.

CONCLUSION

SUMMARY

The world has arguably been experiencing transnational politics for at least a few decades. In this context, sovereignty, population and territory, that is, three main components of the modern state have been decoupled. In a parallel manner, components of citizenship which were conventionally associated with national membership have also been disarticulated from each other and from the nation-state, and re-articulated in new sites. Embodied in migration, such transnational spaces connected polities to each other in an unprecedented way. The bonds of the occupants of these spaces, migrants, have been one of the central problems of citizenship studies. Liberal normative political theory also provided insights about the morality of citizenship claims of migrants. Drawing on interdependent, intertwined and interactive polities identified by the theories of transnationalism, and on a normative approach centred on the stakeholder principle, this dissertation has argued that in specific citizenship constellations, suggestions made by such a normative approach may become irrelevant. More specifically, in cases where individual choices can be seen as the genuine and ultimate indicator of migrants' commitments to one political community, externally determined and assessed stakes should not override preferences of individual migrants.

Turkish migrants in Germany offer a good case to justify and illustrate this claim. Initially expected to return by both states, and planning to return themselves as well, Turkish migrants have eventually become the centre of debates surrounding citizenship in Turkey and Germany. Germany sought alternative ways of integration without dual citizenship, and

Turkey promoted dual citizenship, also offering quasi-citizenship. Especially from 1980s onwards, emigrants have become the main reasons behind the changes in the policies of citizenship. The biggest challenge and the determinant with the greatest effect was the non-recognition of dual citizenship by Germany alongside a considerable liberalisation. Thus, Turkish and German citizenship regimes have become increasingly interactive with respect to issues centred on dual citizenship. In this context, the latest citizenship constellation shaped by the German optional model and continuing Turkish toleration of transmission of citizenship abroad prepared the grounds on which individual preferences could be seen as the best indicator of the morality of one's claim to citizenship.

DISCUSSION AND IMPLICATIONS

One point that must be underlined while concluding is that the criticism which this thesis has offered to the normative theories and especially stakeholder principle has only focused on certain suggestions, not the underlying logic. The initial discussion of stakeholder principle in broader democratic theory is still preserving its validity. It should be noted that the terminology of stakes has been used in all stages of the normative evaluation, even in sections which claim the irrelevance of the normative approach. In this sense, this thesis should not be taken as an outright refusal of this theory, but as an attempt to improve an extremely useful theoretical outlook. One possible implication would be caution about the applicability of the theory to different constellations, that is, limiting its scope of application.

A more productive implication would be appropriating the optional model as an alternative, and perhaps a better alternative, for deciding citizenship on the basis of stakes. For instance, the normative approach can be perfectly applied to the Mexican-American case where dual citizenship is recognised by both states with limitations on transmission imposed by Mexico. At this point, there seems to be a mechanism that allows limited transmission

according to the expected strength of stakes. However, the limitation to the first generation born abroad is a constraint on the transmission of not only dual citizenship, but also Mexican citizenship. In this context, if a child of a Mexican-American dual citizen wants to retain Mexican citizenship and if he/she is ready to renounce American citizenship for this end, the normative approach does not find any problem in his/her inability to realise this goal. The next challenge for the political theory of citizenship would be the accommodation of genuine individual choices together with the logic of stakes.

This is of course a situation that can be encountered if such claims to home country citizenship are made. In this case, a further implication would be the justification of dual citizenship for the second and further generations. Noting that entitlement to citizenship based on long term residence and *jus soli* is taken as evident by most normative theories, claim to home country citizenship under optional model does not necessarily mean that migrants do not have a stake in their country of residence. Therefore, if this hypothetical supposition materialises, claim to home country citizenship under option model would mean the existence of strong multiple stakes, hence entitlement to dual citizenship. The problem is, however, that optional model can apparently function only if dual citizenship is not allowed. In this sense, another challenge for the political theory of citizenship is to develop criteria according to which individual preferences can be indicative of entitlement to dual citizenship.

Furthermore, it remains to see whether a significant number of migrants will opt for Turkish citizenship. This study could not be substantiated by such an empirical research because the real results of the optional model will start to be visible after 2013, and more time will be needed to observe the tendencies of different cohorts. This constitutes an important subject for future research: if a significant number of migrants choose Turkish citizenship, this indicates the existence of multiple stakes for younger generations, hence justifies their claim to dual citizenship, but if this tendency remains marginal, then the suggestions of the

normative approach about the transmission of citizenship limited to the first generation can be empirically supported. In any case, the optional model will provide individuals with the possibility of making their own choices without assuming a uniform preference of the entire community.

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