



LUND
UNIVERSITY

Department of Political Science

SIMV07
Spring Term 2012
Supervisor: Ted Svensson

Transforming citizenship claims into residence claims

A normative discussion about four theoretical approaches to a citizenship extended to aliens in the context of Scandinavia

Catherine Farestad

Abstract

Noncitizens are excluded from the decision making processes inside the liberal democratic community. The aim of this study is twofold: to identify the premises for a citizenship extended to aliens, and, to identify the most viable approach to a citizenship extended to aliens in the context of the welfare state in Scandinavia. The objects of interest in the study are four theoretical approaches which specifically argue for the granting of political rights to aliens. The alternatives discussed are the approaches by Seyla Benhabib, Nancy Fraser, Saskia Sassen and Linda Bosniak. By juxtaposing these approaches, the similarities and differences have been analyzed. It was found that a variety of memberships detached from nationality are possible. The premises required for these denationalized memberships are shared however: moving away from regarding citizenship and nationality as interchangeable concepts, moving away from regarding citizenship as a fulfilled concept and by invoking a justice perspective. In the selected approaches, justice was defined as the rights of noncitizens to political voice in their new communities' decision making processes. In the context of Scandinavia, it was found that a citizenship extended to aliens is possible if the conditions for membership are based on residence and contribution due to the Scandinavian welfare regime's closed nature.

Key words: denationalized citizenship, noncitizens, exclusion, the welfare state in Scandinavia, political inclusion

Words: 19235

Acknowledgements

Writing a master's thesis is a privilege and an unforgettable experience. I would like to thank my supervisor Ted Svensson for his guidance and constructive comments. I am grateful to discussants in and outside of thesis seminars who challenged me to think from many different perspectives. For this, I would particularly like to thank Wolfgang Muller and Becca Palmer. I am also thankful to Betty Nigianni for proofreading and improving the language of the thesis, making me even more proud of this work. I also appreciate Beyoncé's music, for energizing me before and after long days in front of the computer.

Last but not least, I am deeply grateful for and appreciate all the support I have received from my family, my grandmother in Norway and to those who included me in their prayers through this journey.

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1. Introduction

1.1 Background

Nowadays migration flows have reached unprecedented levels, as many people tend to reside in countries other than those of their origin. Many migrants remain on a long-term or permanent basis in their host countries, and are entitled to certain social citizenship benefits without becoming citizens. The concept of citizenship and its associated rights are no longer connected to nationality in a straightforward manner and open up for discussion claims for whether migrants ought to have the right to political inclusion, that is, to participate in the decision making processes in their new communities. Taking globalization into consideration and the associated changes in practices of residency as manifested by current migration, I believe that a rethinking of the concept of citizenship is necessary in a direction that goes beyond the national scope in its current strict definition. As legitimate members of the host country, migrants are actively involved in the nation-state; yet, simultaneously, they are being relegated to the outskirts of the political community due to their status as non-citizens.

A region where there is hardly any difference between citizens and legal migrants, at least in regards to both their political and social rights, is in the welfare context of Scandinavia, in the countries of Sweden, Norway and Denmark. With the extended commitment to welfare distribution and equality in Scandinavia, legal migrants residing in this area have the right to welfare transfers and the right to participate in the local and regional elections but not to participate in the national elections. According to the law in the Scandinavian countries, only citizens are allowed to participate on the national level of the decision making processes.

In this thesis, I will argue that long-term migrants (defined below) do not differ that much from their host country's full members, the citizens; especially not in the context of the welfare state of Scandinavia. They live and work in the area and enjoy social rights in alignment with ordinary citizens within the welfare state. The main difference lies in that they are excluded from the democratic processes, although they are affected by the political decisions made in their countries of residence. Linking citizenship to nationality, in an exclusive and deterministic way, causes the unfair exclusion of people who are affected by related decision-making processes. This exclusion is unjust on the grounds that citizenship is granted according to a condition an individual is unable to change: the location of one's place of birth. Moreover, it is unjust due to that a migrant will only gain full citizenship rights and become a full member of the society on the condition that he or she naturalizes. This is an imposed, and not by choice, condition. Naturalization is a contradictory activity in a democratic, liberal community (Benhabib, 2004: 50).

I will focus on approaches to citizenship which explicitly argue that long-term migrants should gain membership in the liberal democratic community. The proposition to implement a citizenship for aliens is based on observations of how migrants, who have resided for a long time, or permanently, outside their home countries, are subject to social, economic and political exclusion. If the values of democracy are desirable and the exclusion of aliens implies injustice, my proposition is justified. Migrants have actualized and, at the same time, questioned the exclusionary practices encompassed within citizenship. Therefore, the purpose is: 1) to isolate the underlying forces which hinder inclusion in the democratic liberal community; and 2) to filter out which premises are required for the realization of a new kind of membership and a more inclusionary society; and 3) try to establish an approach to a citizenship extended to aliens that I consider possible in the context of the welfare regime in Scandinavia. The research questions are: *What are the underlying forces which prevent aliens from being considered appropriate candidates*

for being granted citizenship? How can the concept of citizenship be extended to include aliens? What is the most viable option in regards to ways of inclusion of non-citizens who reside in a democratic welfare state of Scandinavia in the decision making processes?

As the reader may have noticed, it is not questioned whether full citizenship rights ought to be granted to aliens, it is already envisioned a citizenship extended to aliens. In a globalized world, it is important to stand up for aliens and to seriously consider their political inclusion; it is desirable to find just solutions in regards to membership, so that the global changes currently experienced can be accommodated, and the democratic community can be protected and sustained.

From my own experience of residing, with my family, as Norwegian citizens within the welfare state of Sweden, we have always been treated as equals to the Swedish citizens. My initial interest in citizenship developed when my friends and I attained the age for voting. Anyone who has resided for three years or longer within the territory of a Swedish municipality is allowed to vote and run in the local and regional elections. However, only citizens can vote in the national election. Although I was aware of this divide, it was a peculiar experience. I had never before been denied any other political, civil or social rights based on which ‘ticket’ I got in the birthright lottery. The exclusion from voting on the national level is contradictory to the ideal of the democratic community. Hence, this thesis sets off from the problematic of the inaccessibility to the democratic processes and institutions, within the political community, which is dependent upon the institution of citizenship as linked to nationality. By comparing and discussing different alternatives, which aim to include aliens as full members in their new communities, the intention in this thesis is to examine whether this inaccessibility can be eliminated.

Therefore, I have chosen to focus on the thinkers: Seyla Benhabib, Nancy Fraser, Saskia Sassen and Linda Bosniak. These thinkers discuss different perspectives on how to include aliens as equal political members in their new societies. These particular four thinkers were chosen due to that they all support the political inclusion of aliens, but argue differently in regards to the reasons how aliens should be included. By juxtaposing their theories, it is expected that each other's strengths and weaknesses will be highlighted, thus enabling a comprehensive analysis in order to develop an argument for a citizenship for aliens. Moreover, these theories will provide conducive discussion points in the discussion of the possibilities and constraints of a citizenship for aliens within the context of Scandinavia.

1.2 Definition of aliens

Whenever the terms aliens or migrants are deployed throughout the thesis, I refer to non-citizens, which can be categorized as long-term residents. Consequently, it is not referred to tourists, exchange students, business visitors, asylum seekers, or other short-term noncitizens.

Instead, I include in this term any non-citizens, who have resided long enough in the host country, in order to have established a life and everyday routines there; and, further to have gained insight in how their new community works. These are arguably the ones whose everyday lives are affected by political decisions, and who accordingly ought to be included in the political decision making processes. Examples of these noncitizens are EU-citizens, non EU/EES citizens, labor migrants, family migrants, refugees, unauthorized refugees, undocumented migrants; basically any non-citizen, regardless of whether he, or she, is legal or not, who has a long-term history in the new society. I will not dwell any more upon the amount of time an alien ought to reside within the community, in order to be regarded as a long-term resident.

This subject would require the writing of a separate thesis and it falls outside the scope of this paper. In Scandinavia, however, according to the law, legal migrants are allowed to vote in the local and regional elections after three years of residence. Elections within the Scandinavian countries are held every fourth year. I would like to propose as an idea in regards to when aliens should be granted the right to vote, that there should be some correlation between the amount of time that corresponds to the framework for when the elections are held and the duration of residency of the noncitizens in the new country. I will leave the discussion open, in regards to whether three years is too short, or too long of a threshold. Nonetheless, this is the amount of time which the constitutions of the Scandinavian countries require, before aliens are allowed to vote; this will function as a guideline for now.

1.3 Delimitations

In the approaches to a more inclusive citizenship, according to Benhabib, Fraser, Sassen and Bosniak, their definitions and views on what citizenship implies are presented and discussed thoroughly. I think it will become clear for the reader the ways that citizenship is defined. Therefore, I will not elaborate on the definition of citizenship separately. I consider that it suffices to shortly state here that the definition of citizenship which these thinkers adhere to is of a political and inclusionary kind, which should further extend to aliens and oppose to a nationalist conception of citizenship.

Throughout the thesis, some noncitizens are sometimes referred to as “illegal”. I am aware of the problematic in terms of discussing these aliens as such. Nevertheless, I found myself using this label, when I had to address the differences which the Scandinavian countries make between their registered and non-registered aliens. So,

the delimitation is that I will not engage in the debate concerning this labeling, since it falls outside of the framework of this study; although it can be argued that it is a related issue.

1.4 Disposition

In this first chapter, the purpose and research questions have been outlined, as well as the background to the research problem. It has also been presented that this study will be a theoretical discussion. Subsequently, in chapter 2, methodological considerations are discussed in regards to normative studies. Here, the guidelines for a normative approach are reflected upon; and it is further discussed how they will be addressed in this thesis. In this chapter, the importance of context when dealing with normative issues is also highlighted. Subsequently, in chapter 3, the context within which I will situate the analysis is presented. Here, I discuss the welfare state in Scandinavia and how this context will be beneficial in the discussion of a citizenship extended to aliens.

In chapter 4, four approaches on how to extend citizenship to aliens are discussed. I start with presenting Benhabib's approach, and then discuss this in the context of the welfare state of Scandinavia. In this discussion, some weaknesses in Benhabib's alternative will be discovered, which Fraser's approach deals with. Therefore, I introduce Fraser's approach after Benhabib's and juxtapose the two. I also situate Fraser's perspective in the context of Scandinavia. Thereafter, a discussion of Sassen's perspective follows. Her approach deals with the weaknesses found in both Benhabib's and Fraser's alternatives. I illustrate their differences in comparison to Sassen and I also apply her approach upon the context of Scandinavia. Finally, Bosniak is included in the analysis. I present and discuss her approach and intertwine Benhabib, Fraser and Sassen within the discussion. Simultaneously, Bosniak's

approach will be situated in the context of Scandinavia as well. Therefore, the reason for presenting the different approaches in this order is that I find it the most logical one, which ensures a systematic way of dealing with the research inquiry. After the examination of these four approaches, a summary of the premises identified in the analysis of a citizenship which includes aliens is presented; as well as the motivations behind these approaches. Finally, a short summary on the possibilities of a citizenship that includes aliens in the context of Scandinavia concludes this chapter.

In chapter 5, the conclusions are presented. Here, I return to the original research questions in order to determine the findings for a citizenship extended to aliens in the comparison of the four thinkers. I also address the implications, which the findings have given rise to, in the context of the welfare state.

2. Method

This thesis will be a theoretical discussion about the boundaries of citizenship and the idea of an inclusion of aliens in the concept of citizenship. However, to state that the status of aliens should be upgraded, that they are the next category to make claims on citizenship, is an idea that many oppose, due to that it is a concept that has become deeply intertwined with nationality. For that reason, many think that a citizenship for aliens is very contradictory. From a justice perspective, it is reasonable to think normatively within the field and investigate some existing options in regards to a more inclusive political space. Accordingly, a research inquiry of normative character paves the way for a normative method.

2.1 Studies of normative character

In the work of Badersten (2006), he discusses the possibilities to scientifically problematize and make a stand in normative issues. Badersten is Senior Lecturer and Research Fellow at Lund University. His concentrations are on political theory, ethics and aesthetics and philosophy of science (Lund University).

Empirical studies focus on how something is rather than on how something should be. Criteria, such as objectivity and neutrality, are central to the empirical researcher. Normative studies, on the contrary, require from the researcher to take a position and to decide on how something ought to be. Lately, this method has become more acceptable within the social sciences but the dominant view has long been that research of normative character does not live up to the expectations of real scientific research. This is due to that the conclusions on value issues in normative science were claimed by empirical investigators to be based on personal opinions, or

expressions of emotions, as opposed to facts (Badersten 2010:123). One can argue that normative science is based on arguments since the method consist of presenting arguments. However, if conducted by applying some methodological features that are not exclusive to empirical research, Badersten states that normative research can provide a meaningful contribution to science (2006:189). Also Beckman (2007: 57) argues that as long as the analysis adheres to the general methodological demands such as sustainability, validity *and* is normatively reasonable, normative research can be conducted.

One requirement of all scientific research is that of intersubjectivity. Intersubjectivity implies that knowledge is accessible and understandable to more people than the researcher alone. It is “knowledge that gives common and mutual meaning” (Ibid 75, author’s translation). For the knowledge to be accessible and understandable for everyone, it must be possible to criticize it. This means that the argumentation must be open and rest upon openly declared principles as opposed to arbitrariness. That is also how I intend to approach the research problem, by clarifying on which grounds I come to the conclusions in the end. This will be done by choosing certain factors that I will prioritize: i.e. in promoting a citizenship for aliens in the context of the Scandinavia, I accept that boundary maintenance is a necessity for the upholding of its welfare regime. By adhering to specific conditions, the research process should be an open and transparent process.

Another criterion for intersubjectivity is that of reproducibility. If the criterion for critiqueability is accomplished, the research process should be easy to follow and the argumentation easy to construct (Ibid 75-76). This will also be accomplished by establishing why I make the choices I make, throughout the whole process, and simultaneously convey these in an accessible manner.

One might think that normative science based on subjectivist standpoints clashes with intersubjectivity. From a relativist perspective, on the other hand, one can argue that an objective realm does not exist. But if this discussion were to be continued, it would lead to the conclusion that no research would be meaningful if everything is relative, according to Badersten. Therefore, privileging critiqueability and reproducibility are desirable goals. However, the demands cannot be as strict in normative research as in empirical research, but, on the other hand, intersubjectivity could be argued to be crucial in normative analysis. It is essential that the analysis is clearly distanced from arbitrariness to be recognized within a scientific setting since as Badersten states, private values cannot be criticized (Ibid 77-78). It is of central importance that the argumentation demonstrates an awareness of these methodological criteria and that the work is permeated by scientific standards.

Moreover, Beckman, professor in political science at Stockholm University (Stockholm University) discusses that political ideas have to be understood by taking their context into account. The beliefs regarding which conditions are the correct ones differ and one difficulty could therefore stem from choosing the relevant circumstances that make out the context. (Beckman 2007:15-16). The context I will focus on is the welfare state of Scandinavia. I will refer to this framework as Beckman's positioning in regards to having a context is plausible; it will strengthen the development of arguments for a citizenship for aliens. By situating the discussion in the context of the welfare state of Scandinavia, it will avoid becoming too abstract. I consider this region to make an interesting context due to its social democratic landscape and commitment to extensive welfare distribution. Choosing this region will be conducive to the development of the idea of a membership for aliens, since political inclusion of aliens on local and regional level already exists. By studying noncitizens in the context of Scandinavia, a good perspective on how to approach the grey zone in citizenship which they actualize ought to be gained.

2.2 Comprehensibility, sustainability, internal accuracy and relevance

Within a scientific setting, argumentation should be conducted in an open, systematic and consistent manner. Badersten discusses four criteria for a good argumentation. These are comprehensibility, sustainability, internal accuracy and relevance (2006:94). Comprehensibility implies that the argumentation must be defined by clarity and precision. Concepts cannot be ambiguous and vague if the goal is to reach scientific standards. It is not necessary that high precision is correspondent to a highly formalized language. The language it is presented in should be accessible and easy to follow for the reader. A much too formal language could lead to a reduction in clarity and even imply an attempt to hide a vague and imprecise reasoning, according to Badersten. The meaning of comprehensibility relates to the criteria of the possibility to criticize reproducibility. In practice, an outsider should be able to reconstruct the reasoning in all stages (Ibid 96).

The criterion of sustainability relates to the setup of the reasoning. To ensure that the reasoning is sustainable, it must be based on logic validity and consistency. This means that the premises on which an idea, or argument, rest upon must be explained and elucidated in such a way so that an outsider can repeat the process and come up with the same conclusion. The requirement of sustainability refers to the road towards the conclusions of an argumentation. It should be easy to differ between premises and conclusions. On the other hand, unsustainable argumentation is defined by contradictions, which lead to an inconsistent reasoning. An example of contradiction in argumentation is: Health care is a human right, everybody should have access to it. Health care is a citizenship right, only those who are national members should have access to it. Here, we can see that these two statements contradict each other as they are mutually exclusive. The problem with contradictions is that something is argued for at one point, but denied at another point. This implies that nothing is being

claimed at all which undermines the whole process of argumentation and signifies imprecise reasoning so that it becomes uninteresting to make a stance to. (Ibid 97-98).

The requirement for internal accuracy and relevance applies to the substance of the discussion. Accurate and relevant deliberation takes its opponents seriously. Here, the subject is more important than the person. Moreover, the goal is to convince the listener through employing rational arguments; not to persuade him, or her, of our personal opinions. This approach aims to overcome prejudice and to create space for reconsidering. Accuracy and relevance are also important in order to stick to the subject and within relevant context, and to avoid losing focus. This could confuse the reader. What is relevant and accurate differs however, depending on a range of things, such as knowledge, experience, values and the context. According to Badersten, arguments can be controversial, or not, depending on the context, and therefore it is of significance to pay attention to which context a discussion is taking place (Ibid 100-101).

Regarding accuracy and relevance, examples of reducing the scientific approach invoke authority; i.e. by referring to a person in order to justify why an idea is valid or not, for example, arguing that citizenship claims should be extended to aliens because many noted scholars says so. This is not a valid argument. Other irrelevant approaches relate to invoking reasons defined by emotions, pleading, or coming up with insinuations. This kind of arguing is the opposite of an accurate and relevant discussion (Badersten 102). Throughout the thesis, my strategy will be to show that I am methodologically aware of these criteria, and that this can only occur by presenting a meaningful discussion recognized by precision, sustainable argumentation, reproducibility, and internal accuracy and relevance.

3. Setting up the context

This section will set the framework for the later discussion, in which it will be deliberated which approach towards an inclusion of citizenship is the most desirable.

3.1 The definition of the welfare state

The term “welfare state” might not correctly address the type of regime referred to in this study, depending on one’s perspective. Rothstein discusses this issue, especially in regards to the US “welfare”, which constitutes a form of aid relief for the poor. He suggests that “social insurance state” would be a more adequate term to describe a welfare state that addresses the entire population (1998: 19). However, the jargon in Scandinavia uses the term “welfare state” when describing the universal approach, therefore, the same term will be used here as well. More precisely, whenever the “welfare state” is mentioned, it is referred to the social democratic welfare regime as defined by Esping-Andersen. In his work, Esping-Andersen has developed a three type welfare typology; the liberal welfare regime, the corporatist-statist welfare regime, and the social democratic welfare regime (Esping-Andersen 1990: 26-27).

Scandinavia is the region that fulfills most of the criteria for classifying into the social democratic welfare regime, according to Esping-Andersen (Ibid 28). This regime is signified by its universalism and its goal is to address the entire population in its distribution of welfare. It is committed to distribute welfare within all imaginable areas of social concern (Esping-Andersen 1990: 20, Kildal and Kuhnle 2005: 14). On the other hand, within the liberal and corporatist-statist welfare regimes, welfare redistribution is mainly for the poor people and not the entire population. In these latter regimes, although welfare benefits make life easier, they simultaneously

reinforce the status of the benefit takers as poor and therefore they have a stigmatizing effect (Esping-Andersen 1990: 25). Consequently, reluctance towards applying for welfare benefits emerges, as there is a feeling of shame attached to relying on the state. In contrast, in the universalist regime, welfare benefits are a given right for everyone, therefore there is less stigma attached to claiming them. The aim of the social democratic regime is to promote cross-class solidarity (Ibid 27). Moreover, the social democratic regime is defined by its commitment to achieve the highest standard of living possible for everyone, as opposed to achieving only the minimum level of standard of living. It aims to eradicate differences between working class and middle class, so that everyone can enjoy similar levels of welfare; therefore, a welfare level corresponding to the standard of living among the middle class (Ibid).

This has been possible by a de-commodification of the individuals in the welfare state, according to Esping-Andersen. De-commodification is realized when the labor market is regulated in such a way that a person's livelihood is not contingent upon the market. A non-dependency on the market occurs, when a welfare state provides alternative resorts to certain given occasions: i.e. maternity leave; paternal leave; pregnancy benefits and children allowances when starting a family; pension when reaching the age for retirement; insurance in convalescence from sickness; unemployment insurance when losing a job; and educational leave when updating one's educational skills. If employees were only to rely upon the labor market for their survival, this would result in the total commodification of these individuals. But the de-commodification makes it possible to opt-out of work, as these services have been turned into rights in the universalistic regime. Equality among all citizens, regardless of background, constitutes the pillar of the system (Ibid 22-23).

Criticism against Esping-Andersen's three worlds-typology (Arts, Gelissen 2002) consists of the argument that this categorization has been too narrow. A fourth, or

fifth, typology could be added. However, this critique does not apply on how Esping-Andersen's concept of the social democratic welfare state will be used in this study. Another critique, coming from gender analytics, argues that Esping-Andersen completely disregards the family as a welfare provider, while it takes into consideration only the state and the market. When a gender perspective was emphasized however, the results contributed to strengthen the Scandinavian countries' classification as social democratic welfare states, with their institutionalizing of caring for elderly and children (Ibid 147).

However, critiquing Esping-Andersen's typology is not the aim in this thesis. Rather, the intrinsic stratifying effect that the welfare state implies is of central interest. Esping-Andersen asserts that "[t]he welfare state is not just a system that intervenes in, and possibly corrects, the structure of inequality; it is, in its own right, a system of stratification. It is an active force in the ordering of social relations" (Ibid 23). Here, the exclusionary nature of the welfare state is highlighted. The system might generate a more equal society, but it will only occur among those included in the welfare state: the citizens. This implies that the welfare state must have clear borders. But as it is driven by a stratifying force, it is pertinent to reflect upon the criteria for membership. Especially examining who is included, inexorably casts light on who is excluded. Who is granted access to welfare redistribution and on what grounds? More important it is to scrutinize the values these grounds rest upon.

In his work (2007), Entzinger affirms that a precondition for the realization of the welfare state and welfare distribution constitutes that the realization takes place within a given community. Borders between insiders and outsiders must be clear, for the reason that all contributors to the welfare state simultaneously constitute potential beneficiaries. In its essence, the welfare state is protectionist, according to Entzinger (119). However, in Scandinavia, welfare distribution is dependent upon residence and income (Palme 1999: 9). This implies mixed definitions of membership which can be

observed in that migrants have some social rights but are denied political rights (Kildal and Kuhnle 2005: 30).

Entzinger (2007) states that another condition for the welfare state to exist is a sense of belonging and togetherness. He claims that outsiders can put a strain on solidarity; particularly if the majority of them are net beneficiaries. By outsiders, Entzinger refers to people who have immigrated into the welfare state. However, from another perspective, Entzinger states that migrants in a contributing role are needed for the continuance of the welfare state. Migrants can be seen as assets as well, and migration policies should therefore be less strict, so that there will be enough people to preserve the welfare state; and i.e. take care of the aging population (Ibid 129).

Here, the core pillar that supports the welfare state is identified: persons are not granted access to the welfare state based on their status as fellow humans. On the contrary, it can be argued that persons are granted access to the welfare state based on their workability. It can be argued that this is how all members of the welfare state are perceived, both citizens and non-citizens. For the welfare state to be a successful project, it is a requirement that as many people as possible within the given community are net contributors, in order to maintain the highest possible standard of living which the welfare state aims to achieve (Södersten 2006: 100). However, sometimes the members in the welfare state are referred to as “all citizens”; other times as “all residents”. This creates an ambiguity in how members of the welfare state are defined (Kildal and Kuhnle 2005: 14); and further challenges the welfare state’s claim to define itself as universal.

3.2 Scandinavia

In this thesis, the discussion will be contextualized in the welfare state of Scandinavia, more specifically the countries of Sweden, Norway and Denmark. Throughout the thesis, they will be referred to as Scandinavia. With this section, the aim is to illustrate the similarities and differences among the Scandinavian countries. One might question why there is an empirical section when the work is of normative character; it is to demonstrate awareness of the countries' differences and for the reader to have an understanding of the context in the discussion later.

In 2010, Swedes comprised the second largest group of immigrants in Norway. Sweden and Denmark were the most popular destinations for Norwegians to emigrate to (Statistics Norway 2012). In 2010, in Sweden, Danes and Norwegians made out the fourth and fifth largest immigrant groups. Most Swedes immigrated to Norway, while Denmark was the fourth most popular destination (Statistics Sweden 2012). In Denmark, Swedes and Norwegians comprised the largest and third largest respectively group of immigrants. The most popular destination for Danes to emigrate to was Sweden. Norway was the fifth most popular destination of emigration (Statistics Denmark 2012).

A unique feature of Scandinavia consists in that there exist special procedures, should one member of the countries wish to change into another Scandinavian citizenship. In Sweden, Nordic citizens can become Swedish citizens, through notification after five years of residence in the country (SFS 2001:82). In Norway, Nordic citizens can give notification for Norwegian citizenship after seven years of residence within the country (LOV-2005-06-10-51). In Denmark, Nordic citizens can gain citizenship by submitting a declaration to a regional Danish state administration after seven years of residence there (LBK nr 422 af 07/06/2004). In addition to the time of residence required in each country, the applicants must have attained 18 years of age and need

to not have been sentenced to imprisonment, or any measure equivalent to imprisonment.

These special regulations and the migration habits among the Scandinavians show a merger of culture and economy. Border maintenance is not a priority and it has become even less so after consenting to the Schengen Agreement, which has made the previous Nordic Passport Union between the countries even less significant. Sweden and Denmark are members of the European Union, Norway is not a member, but participates in the Schengen cooperation. The Schengen Agreement concerns the free movement of persons and the right to work within EU, one of the fundamental principles in European Union law, removing the inner national borders among EU countries, but strengthening the outer borders (EU 2012).

3.2.1 Sweden

Among the Nordic countries, Sweden represents the least strict approach towards non-citizens. To obtain a permanent residence permit, an alien must have resided legally in Sweden for five consecutive years (SFS 2005:716). Non-EU/EEA citizens who hold a permanent residence enjoy almost equal rights as the citizens. They have access to health care (SFS 1982:763), education, and work opportunities (SFS 2005:716). Aliens who are 18 years of age and have been registered in Sweden for more than three consecutive years before the Election Day are also allowed to vote in the municipal and regional elections. EU-citizens, Danish, Norwegian and Icelandic citizens are allowed to vote in local and regional elections, if they are registered in Sweden (SFS 1994:692). Only Swedish citizens can vote and stand in the national election (SFS 1974:152).

Asylum seekers in Sweden are allowed to work if they have established their identity as best as possible to the Migration Board and they have not received a refusal of

entry with immediate enforcement. If they cannot find work, they can apply for daily allowances. The allowances should be sufficient to cover expenses for clothes and shoes, medical care, toiletries, etc. Asylum seekers are offered temporary accommodation while they are waiting for the outcome of their asylum case (SFS 1994:361).

3.2.2 Denmark

On the webpage of the Nationality Division of Denmark, it is stated that “There is no difference between nationality and citizenship. The words mean the same” (New to Denmark 2012a). Legal migrants above 18 years of age are allowed to vote and stand in the local and regional elections, if they have resided for a continuous period of three years in the country prior to the election day. EU citizens, Norwegian and Icelandic citizens may vote and run for the local and regional elections without the imposition of any time limits, as long as they are registered (LBK nr 59 af 29/01/1998). Only Danish citizens can vote in the national election (LOV nr 169 af 05/06/1953).

To obtain a permanent residence permit is relatively difficult in Denmark in comparison to Norway and Sweden. Criteria that must be fulfilled are legal residence for at least four years, no serious crimes, no overdue public debts, no public assistance, demonstration of active citizenship for at least 12 months, or passing an Active Citizenship exam, employment for at least 2.5 years, and passing a Danish language exam on at least gymnasium level (New to Denmark 2012b).

The situation for asylum seekers is also more constrained in Denmark in comparison to Norway and Sweden. They may not be allowed to work, unless they have a residence and work permit. However, they can receive three types of cash allowances: a basic cash allowance which covers basic expenses for food and such; a

supplementary allowance, if the asylum seekers live up to their contract with the accommodation centre; and a caregiver allowance, if the asylum seeker has any children. Asylum seekers must attend courses which augment their general skills and their trade or professional skills. They are also allowed to free health care if it is necessary, urgent, or pain-relieving (New to Denmark 2012c).

3.2.3 Norway

Aliens with a residence permit are allowed to work and have access to education and health care. To obtain a permanent residence permit in Norway, an alien must have resided there legally for three years without interruption. In addition, the alien must have completed tuition in the Norwegian language (LOV-1988-06-24-64). Regarding alien's political rights, they can vote in the local and regional elections if they have lived there three years in a row before the election day. Nordic citizens can vote in local and regional elections if they have been registered to live in Norway at least three months prior to the election day (LOV-2002-06-28-57). Norwegian citizens can vote in the national election (Ibid).

Asylum seekers are allowed to work if they have proven their identity, completed an asylum interview, and are at least 18 years of age (LOV-1988-06-24-64). They are offered accommodation at asylum reception centers (Ibid).

Despite national differences among the Scandinavian countries, the prevailing universalist welfare model embodies a distinct approach to welfare, in comparison to other regions (Kildal & Kuhnle 2005: 13). The human rights regime is very strong within the region and signifies a commitment to liberal values that does not solely depend on nationality.

4. Four approaches to a citizenship extended to aliens

In this chapter, the ideas of Benhabib, Fraser, Sassen and Bosniak will be discussed. Seyla Benhabib is a Professor at Yale University. She is a political theorist who focuses on critical theory and feminist theory (Yale University 2010). Nancy Fraser is a Professor at the New School for Social Research (The New School for Social Research 2012). Her concentrations are on social and political theory and feminist theory. Saskia Sassen is a Professor in sociology at Columbia University. Her main work revolves around globalization, immigration, global cities, new networked technologies and changes within the liberal state that result from current transnational processes (Columbia University 2010). Linda Bosniak is a Professor at Rutgers School of Law – Camden. Her specialization is in immigration, citizenship, nationalism and transnationalism (Rutgers School of Law 2012).

These scholars will be discussed one by one by examining what they consider as problematic in regards to the exclusion of aliens, their reasons for an inclusion of aliens as political members, and how they propose that aliens ought to be included in the liberal democratic community. According to my reading of those thinkers, their notions of the liberal democratic community comply with Abizadeh's description (2009: 14): "A state is *liberal* insofar as it respects the rights and interests of the human beings on whom it imposes its might. It is *democratic* insofar as it ultimately attributes sovereignty to the *people*, not to itself". Furthermore, in this chapter, it will be discussed how the positions of these thinkers can be applicable within the Scandinavian context. For further reading by other contemporary scholars within this field, I can recommend: i.e. Brock 2009, Sen 2006, Shanley 2009, Abizadeh 2002, 2008, 2009, Karlsson Schaffer 2011, Bauböck 2009, and Aleinikoff 2009.

4.1 Benhabib: Citizenship claims as a human right

In the work of Benhabib (2004), one of her major points is a contention towards the groups of nations approach, which, as Benhabib asserts, citizenship is characterized by. Benhabib states that viewing citizenship as a right exclusively for a people, in this case nationals, is unjust and excluding. From her perspective, everyone should be seen as individuals as opposed to nationals. It is individuals who should determine the scope of citizenship claims. Therefore, membership ought to be incorporated into the human rights regime and it ought not to be a state privilege (2004: 97). This implies that Benhabib's argument in favor of a membership for all is not based on the view that there is a widespread problem of aliens suffering from oppressive policies. For her, it is irrelevant whether there are many people or just a few people involved; it is not the rising number of oppressed people that should call for justice. As individuals, Benhabib states, everyone is a political and moral being, and on these grounds everyone ought to be granted membership (Ibid 59). Here, Benhabib argues that the grounds on who ought to become a member in the political community, ultimately should rest upon our human intelligence and capability to organize democratic constellations which favor equality (Ibid 60).

Moreover, Benhabib discusses how the contemporary Western lifestyle will have consequences to diverse local communities around the world that we, in the Western world, might not even be aware of. She claims that:

“[a]s the social knowledge expands, we gain moral responsibility as well. When we know for a fact, that our consumption affects others, we cannot neglect it but become intertwined in a moral net of responsibilities when we discover unintended consequences of our behavior” (Ibid 105)

Here, Benhabib asserts that one should not contemplate on whether the Western world should help due to their privileged position, but rather due to the lifestyles which have effects that contribute to the destitution of others elsewhere (Ibid 100). A relevant example could consist of that Sweden has one of the largest warfare industries in the world providing many foreign countries with weapons, whilst at the same time it turns down refugees from war zones when they apply for asylum in this country. Benhabib's perspective implies that people are all one and the same, and migrants ought to be granted membership in their host societies due to that they should be a rightful part of those societies in the first place as fellow humans.

In the context of Scandinavia, Benhabib's standpoint would imply that all migrants, regardless of whether they are documented or undocumented, should be allowed to participate in the decision-making processes. Most importantly, if the vision of Benhabib was to become reality and citizenship issues were incorporated within human rights issues, nobody would be rendered a "non-person" in the first place. By non-person, Benhabib refers to someone not having his or her papers organized which she asserts is a form of "civil death" (Ibid 215).

However, Benhabib recognizes the relationship between human rights and state sovereignty as being the root paradox with regards to membership in the political community. This is due to that, as Benhabib asserts, self-determination is also important and boundaries ought to exist so that representatives can be held accountable to the members of the democratic community (Ibid 219). Nevertheless, not having access to a political state is associated with inward looking states, such as theocracies, authoritarian, and fascist or nationalist regimes, according to Benhabib. She states that liberal democracies should differ from those models, by highlighting the main characteristic of the liberal democratic community: the opportunity to become a member (Ibid 135). From Benhabib's perspective, this would imply that the

exclusion of migrants' political participation is contradictory to the values that the liberal democratic community supposedly adheres to.

In the context of Scandinavia however, legal migrants have the right to participate in the local and regional elections. This situation partly fulfills Benhabib's vision of incorporating citizenship claims within human rights claims and reflects that the region partly distances itself from the idea of groups of nations. On the other hand, that legal migrants are barred from full inclusion due to their non-citizen status, simultaneously shows that there exists a nationalist conviction in regards to membership. From Benhabib's standpoint, that some members of the population are treated differently in Scandinavia, signifies inward-lookingness and contradicts the liberal and democratic values. Furthermore, Scandinavia only allows *legal* migrants to participate in its decision-making processes. It can be argued that, even the existence of the concept of the "illegal" migrant fundamentally contradicts Benhabib's vision of the liberal democratic community. This ought not to take place, as it implies "civil death" (Ibid 215), an anomaly in the liberal democratic community. Consequently, it can be argued that undemocratic forces are operating in Scandinavia, in regards to the existence of the category illegal migrants.

Benhabib opposes the idea that people should be characterized by a common nature, or universal features. Rather, the common feature should be recognized by a perpetual competition between different accounts, so that a present version of the realm is represented. An ultimate community with a fixed narrative in regards to its identity is not desirable, as this would imply exclusion and stagnation. On the contrary, Benhabib envisages an eternal temporality as the desired outcome. Benhabib discusses that, if the collective identity remains a closed group, subgroups inside the collective who have been left without a voice, will never be heard. This suppression will render them invisible, although they are very much affected by the decisions made within the unity. (Ibid 82-84).

Therefore, a central theme in Benhabib's work is the role of democratic iterations and porous borders as a way of keeping democratic life alive. With democratic iterations, Benhabib means discussions, deliberations and argumentations, positioning and repositioning among elected representatives as well as in informal forums (Ibid 180-181). This implies that everyone, regardless of background, should have the right to participate in decision-making processes. According to Benhabib, differences will always occur, not only among groups, but also within groups. A nationalist notion of citizenship is therefore of no use, it is solely an exclusionary practice. Differences on the other hand are positive signs according to Benhabib. Differences are what should signify an open, healthy, lively, and democratic society. Therefore, Benhabib states that a liberal democratic community, which distinguishes between national status and the right to equal civil rights will lead to the revelation, and not the threatening, of the deeper dimensions that underlie democratic values (Ibid 120). Here, Benhabib provides support to the idea of a citizenship for aliens: the political inclusion of aliens would imply that the values of the liberal democratic community are protected and sustained as opposed to being weakened.

However, the nature of the welfare state requires that there is a difference between insiders and outsiders. Therefore, Benhabib's view is too broad, as her solution in granting political membership to everyone is impossible in the context of the welfare state, even though it is for a good cause. The boundaries between insiders and outsiders have to be crystal clear in the welfare state, otherwise it will imply difficulties in maintaining it. On the other hand, citizenship does not have to be based on nationality, which Benhabib argues for by viewing persons as individuals, instead of as belonging to a people. In the Scandinavian context, this is further illustrated by the possibilities for aliens to participate on the local and regional level. However, that aliens are not represented on all levels of the decision-making processes in Scandinavia creates an inconsistency. Moreover, since the situation in Scandinavia

cannot match Benhabib's approach to the incorporation of citizenship claims within human rights claims, this illustrates that the welfare state might contradict its own claim in being universalist.

Benhabib's approach to the matter of the exclusion of aliens is not applicable in the context of Scandinavia, due to the condition of its welfare state regime. However, an inclusion of aliens is possible by viewing all humans as individuals, but not everyone can be included within the context of the welfare state.

4.2 Fraser: The all-subjected principle in a world of global governance

A central inquiry in the work of Fraser (2008) revolves around how global justice can be achieved. Justice, according to Fraser, implies the right to representation: everyone who is affected by decisions has the basic democratic right to participate in political processes on equal terms. To participate on equal terms, Fraser argues, indicates that the social sphere should be arranged accordingly (Ibid 16). By referring to the redistribution and recognition struggles increasingly taking place at the global level, Fraser argues that it is time to expand the justice debate to include the issue of representation. The world is, Fraser claims, moving towards a situation where the boundaries of the nation-state are becoming less justifiable, as political decisions made within one territorial state affect the populations in both neighboring states and further away. She exemplifies by identifying the existence of movements that already transcend borders: governmental and non-governmental organizations, as well as supranational, transnational and international institutions and corporations (Ibid 13). Fraser states that, not only do local movements find resolution and cooperation that transcend borders, but global issues affect the local as well. Therefore, inward-looking answers can no longer be of resort; on the contrary, the situation requires solutions and cooperation beyond nation-state borders (Ibid). Thus, according to

Fraser, as justice claims for redistribution and recognition no longer are an exclusive concern for fellow citizens, a third factor, representation, ought to be scrutinized (Ibid 15).

By highlighting a globalized world, where transnational processes undermine national boundaries, Fraser argues for the inclusion of other political, non-state actors, to be regarded as equal to nation-states. In this case, the concept of its associated membership is also expanded to include that non-citizens are recognized as being entitled to political rights. Here, Fraser presents an aspect which is relevant to the development of a citizenship for aliens. She argues that the nation-state system is too rigid and that a new governance order is necessary to accommodate the challenges brought by globalization. In that case, a membership where nationality is irrelevant ought to be the logical consequence. Thus, an argument which supports a citizenship of aliens, is Fraser's viewpoint on transnational processes as demanding a rethinking of membership outside its nationalist characteristic, in order to ensure just representation in a globalizing era.

Furthermore, Fraser argues that it is important to reflect upon whether people who should be entitled to participate are wrongly excluded from the political community. A person who is wrongly excluded is, according to Fraser, someone who is a member of a community, but is not represented fairly in the community's rule (Ibid 18). "Misrepresentation occurs when the political boundaries and/or decision rules function wrongly to deny some people the possibility of participating on par with others in social interaction" (Ibid 18). Here, Fraser is focusing on the dimension of demarcation in the political. Both members and non-members remain inside the boundaries of a political community, but only members will be taken into consideration in decisions concerning recognition, distribution and political representation. This shows that frame-setting is of fundamental significance with regards to political decision-making, and *misframing* can imply a severe injustice for

those wrongly excluded, according to Fraser. By “frame-setting”, Fraser refers to how the community’s boundaries are drawn (Ibid 19).

Moreover, Fraser discusses that some might be included as subjects in certain contexts regarding justice, but barred from the opportunity to participate as equal members in other contexts, within the same community. Fraser means that this situation exists solely to hinder aliens from rightfully participating in some political processes. However, an even more serious injustice, according to Fraser, occurs when some are rendered stateless; this situation she describes as “political death”. This is the same concept which Benhabib refers to as civil death. Fraser argues that misframing distorts the image of those who are entitled to membership in the political community, so much that in the worst cases, some individuals are turned into non-persons. In those cases, Fraser asserts, the nation-state framework could be viewed as a fundamental source to injustice (Ibid 19).

Within the Scandinavian context, it seems contradictory to exclude legal migrants from partaking in the national elections especially since they are allowed to participate in decision making processes on a local and regional level. Following Fraser’s reasoning, the differences made between migrants and citizens are there simply to deprive the migrants from making justice claims. Moreover, the existence of a distinction between legal and illegal migrants, turns certain individuals into “non-persons”, in Fraser’s words; further implying that these individuals are subject to a severe kind of injustice in the context of a liberal democratic society. Fraser highlights how the nation-state framework actively shapes and legitimizes the political conditions for non-citizens. This implies that the elimination of the risk of becoming a non-person must entail thinking outside the nation-state framework which is exactly what Fraser’s theory offers. Thus, a second argument in developing a citizenship for aliens is to restrict the injustice that a citizenship linked to nationality otherwise bears, by detaching it completely from nationality. By separating

nationality from citizenship, it will no longer be legitimate for states to discriminate against individuals, based on their origins.

Fraser's approach on how to include everyone, who ought to have a political voice in democratic decision-making processes, presents us with the "all-subjected principle" (Ibid 65, 95):

"According to this [the all-subjected, my note] principle all those who are subject to a given governance structure have moral standing as subjects of justice in relation to it" (Ibid 65).

So, in Fraser's membership, the all-subjected principle recognizes those who are subjected to a governance structure, that is, groups of people are not connected according to citizenship but because their interaction is affected by the governance structure they are subject to (Ibid 66). By explicitly referring to all subjects of justice within a certain governance structure, Fraser here aims to avoid any "one-size-fits-all" framing of justice (Ibid 66). She discusses that this principle counteracts the abstract impression that an all-encompassing personhood approach can imply. In addition, the all-subjected principle is better than the all-affected principle, since it could be argued that anyone is affected and interdependent. Furthermore, this principle means that misframing due to membership, or according to nationality and citizenship, is also addressed. By employing this principle, everyone who is a subject within a certain governance structure ought to be included and have political voice (Ibid 66).

From this standpoint of Fraser, the argument for the political inclusion of aliens can find grounds in the all-subjected principle. In the context of Scandinavia, Fraser's "all-subjected membership" implies that aliens should rightfully have a say on those decision-making processes which they are subjected to. It explicitly rejects

membership defined by nationality. Moreover, it implies that subjects outside Scandinavia ought to be included as well whenever the consequences affect individuals outside these borders.

However, although Fraser declares that the all-subjected principle will lead to a more inclusive frame, Fraser presumes that it will lead to “new” exclusions as well. Fraser states that she can never imagine going beyond a frame, where absolutely no one is excluded (Ibid 149). On the other hand, she asserts that it is not good enough to settle with a particular frame, just as any frame will imply exclusions. Instead, as a remedy to the above, she proposes that the remodeling of the framework of justice should be regarded as a continuous ongoing process and changes should be made accordingly (Ibid 149). According to Fraser’s all-subjected principle, all subjects within the governance structure of the welfare state should be included, as well as those outside the welfare state, who might also be affected by the political decision-making processes.

Fraser and Benhabib both share the opinion that decisions will have consequences outside the specific territorial boundaries of a nation that cannot be contained within the nation-state. However, juxtaposing these two consequences shows that Fraser’s theory is critical to Benhabib’s approach. The all-subjected principle is different from Benhabib’s humanistic vision, according to which everyone should have the right to membership. Benhabib’s approach is relatively insubstantial in comparison to Fraser’s, who tries to bring the entire issue down to a more pragmatic level. Fraser’s approach is an alternative, which attempts to compensate for the weakness within Benhabib’s standpoint. Benhabib’s approach in regards to membership for all is not necessarily wrong, but Fraser tries to identify the ‘blind spots’, which an all-encompassing theory must possess. They both agree that everyone regardless of nationality ought to have access to political space, but Fraser goes a little further and

tries to identify and isolate the subjects and further to find some sort of organizational scheme.

Comparing Fraser's to Benhabib's approach, the proposal that everyone should have access to the political processes is not fully developed as decisions are made on many different levels. Therefore, there is a need for different framings, so that, depending on whether decisions are made within a local, regional, national, transnational, or global level, the right frame is applied. The all-subjected principle takes into consideration the social relations between subjects that an all-embracing approach does not. The impending risk in relation to granting everyone political membership is that conflicts might arise regarding issues of representation in concrete governance structures. Therefore, it ought to be better to have a more concrete approach as well, which is what Fraser's theory offers. Fraser's framings do not necessarily present a more just approach, in contrast to Benhabib's, but a more concretized one.

However, in Benhabib's defense, Soysal, Senior Lecturer at the Department of Sociology at the University of Essex (University of Essex 2011), writes that "one has to trust in a vibrant deliberative democracy" (2006: 476) to adhere to Benhabib's approach. Soysal is positive towards Benhabib's approach in focusing on the crisis of the liberal democratic community and its own participation in regards to exclusion. From Soysal's view, blaming exclusion on globalization is a way of projecting the problem as deriving from somewhere else, while they might as well derive from within the liberal democratic community (Ibid 476). This can be seen as a critique towards Fraser's perspective, which solely bases her approach on challenges which she perceives as brought by globalization.

In the context of Scandinavia, the nature of the welfare state render people beyond its external borders subject to exclusion, from Fraser's perspective, since the welfare state does not address them in regards to political rights. In addition, those who are

outsiders inside the welfare state, such as migrants in Scandinavia, are also subject to unjust exclusion. This implies that the distinction between legal and illegal migrants, which the welfare state makes, is unacceptable. Both Fraser and Benhabib agree on that the nation-state system is severely unfair, as it contributes to the non-personification of some individuals.

However, a difference between Fraser's and Benhabib's theory is that the latter does not comment any further upon the constraint between state sovereignty and human rights. Fraser's theory on the other hand, argues for an expansion of the nation-state framework. She claims that otherwise, by viewing the nation-state as the primary actor in the global arena, it follows that its authority will be assumed. When Fraser brings up other actors as potential candidates on the international arena however, the nation-state's role can be questioned. This is an important point as it implies a questioning of the national-global dichotomy, which is what ascribes the nation-state its authority and what Fraser identifies as the source to exclusion and injustice. By maintaining the division between the global and the national, as Benhabib does, citizenship linked to nationality is the alternative today and exclusion is inevitable. As citizenship is linked to nationality, national borders divide between insiders and outsiders.

On the other hand, Benhabib's approach might offer a way to deal with pragmatic issues. Her suggestion to incorporate citizenship rights into the human rights regime can be seen as an attempt to accommodate the contemporary national-global realm. Fraser, on the other hand, bases her solution on the idea of a new political framework, which is more theoretical rather than practical. Their different approaches indicate that the nation-state framework cannot easily be abandoned, or radically changed. A new framework can be envisaged, and it has been widely debated within the social sciences (see e.g. Bartelson 2009, Beck 2006, Calhoun 2002, Delanty 2009, Pheng & Robbins 1998). This merely displays that the normative debate in this issue does not

necessarily have any effect, if the consequences are negative from the state's perspective. The reconfiguring of the nation-state framework implies that the states have to give up some of their power. But which states would voluntarily abandon their privileges? The consequences of the normative debates suggest: that state power ought to be shared with other political actors.

So far, the relation between the nation-state framework and citizenship claims has been dissected. It was identified that it is possible to include noncitizens in decision-making processes by overriding the national-global binary. By questioning the nation-state framework, which citizenship is associated with, a denationalizing of the concept is plausible. However, it was also noted that there are difficulties in changing the nation-state framework.

4.3 Sassen: Internationally regulated migration and a denationalized citizenship

In her work (1999), Sassen discusses actors who should, or should not, have a say regarding migration policies in a globalized world. She argues that migration is deeply intertwined with other major transnational processes which are beyond the power of the nation states. Therefore, Sassen declares, migration should not be addressed as it is nowadays, meaning within the confinements of the state, and as if it occurs only within these confinements and not beyond. From Sassen's perspective, this situation causes great tension with the transnational processes that it relates to. According to Sassen, it is essential that states recognize migration for what it is: a phenomenon that takes place globally and therefore requires global solutions (Ibid 14). Sassen asserts that,

“[b]ecause so many processes are transnational, governments are increasingly not competent to address some of today’s major issues unilaterally or even from the exclusive confines of the interstate system narrowly defined” (Ibid 25).

Here, Sassen claims that nation-states should not be the principal actors to control migration flows, due to that it is not an issue that can be dealt with by single nation-states alone. Instead, her suggestion is that migration flows should be granted freedom and that they should be regulated on an international level in alignment with the global capital market. Nowadays, Sassen highlights, nation-states do not control capital flows. These are freely traversing national borders. The global capital market has acquired so much legitimacy and power that it has become a global institution. As a legitimate global institution, the capital market can now make claims on nation-states regarding their economic policies (Ibid 95). However, according to Sassen, although the current global capital regime has a say on the decision making processes of the nation-states, this has not implicated an end-to-state sovereignty. It has mainly caused a shift on the focus and exclusive power of the state.

Moreover, Sassen discusses that transnational processes create opportunities for non-governmental organizations, supra-national constellations, and private institutions to emerge as new central actors on the international arena (Ibid 95). In this respect, there is an apparent overlap between Sassen’s viewpoint and Fraser’s approach. Sassen asserts that with the changes brought by globalization, specifically the changes in residency as manifested by migration, citizenship needs to be re-appropriated in order to maintain the goal of the inclusion of everyone within the national territory. Sassen argues that equality is central to the modern institution of citizenship, but as long as equality is based on membership, the institution of citizenship results in exclusive politics and identity (Ibid 21).

Moreover, Sassen critiques the concept of state sovereignty from a feminist perspective (Ibid 93). She declares that the concept of state sovereignty is an arrangement that adheres to liberalist norms. Following the strictly liberal principles which distinguish between public and private, it implies that no state can interfere in the internal matters of other states as it secures non-intervention from other states. This can be paralleled to how the state cannot interfere with what goes on within the family. The existence of state sovereignty, Sassen argues, render individuals and groups vulnerable and unprotected against discrimination. Therefore, Sassen states that an ethic of care should prevail, meaning that intervention ought to be allowed if abuse or injustices are taking place, whether it is within the boundaries of the family, or within the boundaries of the nation-state. It ought to be allowed, according to Sassen, as the concept of state sovereignty does not necessarily imply that states are adequate representatives of their populations (Ibid 93-94). Here, Sassen's revelation of potential negative consequences due to the institution of state sovereignty supports her argument for migration regulated on an international level.

Migration regulated on an international level would be possible by implementing a denationalized citizenship. In her definition of denationalized citizenship, Sassen not only refers to a kind of citizenship detached from nationality, but she also envisages citizenship as a transnational process, which becomes internationally recognized, whilst it simultaneously leaves the nation-states intact in line with the human rights or the global capital market (2003: 10-12). By presenting this alternative, Sassen offers an exit out of the "real" problematic of opening up the nation-state framework as opposed to Fraser's approach, which was faced with difficulties. By centralizing the migration issue on the international level, Sassen's proposal implies that the nation-states can be maintained as referents. In the context of Scandinavia, this approach implies that border maintenance would still be possible, while simultaneously, the international regulation of migration would not render anyone illegal.

To support her denationalized citizenship, Sassen refers to the expectations that the notion of citizenship entails and asserts, when the environment changes; citizenship must adapt to live up to its expectations and to maintain the value of equality. Citizenship, Sassen highlights, is an inherited condition, which must be understood from a historical perspective, and not to be taken for granted, as a necessity by nature. In the post-war Keynesian period, Sassen argues, the purpose of citizenship was to ensure that all individuals contributed to the providing state system by paying taxes. Sassen argues that this construction was grounded on beliefs in full employment and nuclear households, as the dominant lifestyle among diverse groups of people (2003: 25). Here, Sassen illustrates how citizenship has been accommodated in the past to suit the requirements of its circumstances.

This implies that when globalization and its associated changes in regards to residency habits occur nowadays, reflection upon the adjustment of citizenship accordingly is necessary. In her development of a proposal for a citizenship for aliens, Sassen has shown that further support for such a proposal can be found in the concept of citizenship itself. Moreover, according to Sassen, citizenship ought not to be seen as a complete and finalized project as its completion signifies stagnation (Ibid 17). Here, in alignment with Benhabib, Sassen is positive in regards to the implementation of continuous changes, so that the liberal democratic community ensures that no one will be rendered invisible. This implies, on the other hand, that if citizenship will continue to be viewed upon as a finished project, it will lead to stagnation and the continuous suppression of those who have been left without a voice, as Benhabib and Sassen would argue. In the context of Scandinavia where the welfare system tries to address the entire population, the inclusion of migrants at all levels of the decision-making processes ought to be a logical consequence. This would ensure the survival of a sense of solidarity, laying the grounds for the welfare state and it would further justify why a citizenship for aliens ought to be desirable in the context of the welfare state.

Moreover, Sassen highlights another transnational regime which has gained enough power and legitimacy in the international arena in order to override state sovereignty: the international human rights regime. Sassen discusses that the concept of personhood has become superior to that of nationality; everyone, regardless of status is a lawful object, and can claim their human rights (Ibid 22). This is central to the idea of the development of a citizenship for aliens. Human rights placing emphasis on personhood, and not citizenship, shows that citizenship implies an exclusionary practice; and a discriminatory division between citizens and aliens. However, with the human rights regime undocumented, migrants, or unauthorized refugees, have been able to claim their rights for protection and courts have ruled accordingly (Ibid 23).

Therefore, similarly to Benhabib, Sassen puts great emphasis on the international human rights regime to support her vision. Although they both promote the human rights approach, their motives differ. For Benhabib, the regime is a central source, from which citizenship claims should take inspiration. Sassen, on the other hand, claims that the transnationality of these rights undermines state sovereignty, which leads her to the conclusion that migration should not be on the agenda of state-politics at all. Since anyone can invoke their human rights today, regardless of citizenship, Sassen asserts that citizenship rights are losing their significance. Consequently, both Benhabib and Sassen's alternatives imply an all-encompassing regime, where no one, at least not formally, can be rendered inalienable. However, they differ in their approaches to membership. Sassen promotes the abolition of formal membership in nation-states, whereas Benhabib promotes a membership for all. It could be argued that they mean the same: Benhabib's membership for all ought to imply a membership for no one, in line with Sassen's perspective. However, if (porous) borders are maintained, as they are with Benhabib's national-global divide, exclusions will be implied; and this is where the two of them differ.

In response to Benhabib's work, Sassen (2007) discusses the paradoxical contrast between a human rights approach and an approach which maintains the states' self-determination which Benhabib identifies, but struggles to solve. Sassen claims that this paradox exists due to that the binary of national-global is accepted in Benhabib's work. Sassen, on the other hand, explains that the national-global divide ought to be seen as a constructed condition. By working with authority, territory and rights instead, Sassen declares that Benhabib can find a way out of the contradiction between sovereign privileges and human rights (Ibid 437). In comparing Benhabib and Sassen, although they both assert the importance of human rights, Benhabib is more optimistic towards a human rights approach, as her approach incorporates citizenship claims into human rights claims. Sassen on the other hand, by referring to this approach as a framework onto which migration should be upgraded, illustrates a lesser optimism in regards to the human rights regime. By touching upon who invokes this regime, however, it is explained why.

For instance, Kate Nash, Professor at the Department of Sociology at Goldsmiths, University of London (Goldsmiths University of London 2012) discusses when citizenship rights and human rights are being invoked respectively (2009). She observes that there are different kinds of citizens, among them those who can be categorized as "supercitizens" (Ibid 1073). Nash identifies supercitizens as people who enjoy the freedom of movement that comes with globalization, as they constitute the elite, or the frequent fliers. Nash states that should supercitizens encounter any problems while they are traveling, they are more likely to call upon their state to assist them, as opposed to "others", who can only resort to human rights laws. Nash, however, recognizes a contradiction in that supercitizens are the ones who mostly engage in the human rights regime; they work as lawyers, leaders, or other professionals in NGOs, where this regime permeates their professional environment. Nevertheless, in cases where they experience political conflicts, they call upon their

state, primarily relying upon their citizenship to sort out any political predicaments (Ibid 1073).

These habits among supercitizens, according to Nash, in regards to claiming their citizenship status, strengthen the notion of citizenship as an institution that will not fade away. Furthermore, this could be a reason for why Sassen argues for a denationalized citizenship, as opposed to suggesting a similar solution to Benhabib's alternative; which is only used by disadvantaged groups, such as undocumented migrants and unauthorized refugees. Moreover, in Nash's work (Ibid 1069) she criticizes Benhabib's approach for being elaborated on a high level of abstraction and that the habits among supercitizens show that Benhabib is overly optimistic. This supports the argument for why a citizenship for aliens ought to be implemented, rather than that citizenship rights should be incorporated into the human rights regime.

When comparing Sassen and Fraser, Fraser's approach in having flexible boundaries can be seen as a way of solving the weakness of Sassen's approach: to avoid an abstract global who. This is the same critique that Fraser poses to Benhabib. However, Sassen's approach is more concrete in comparison to Benhabib's alternative: if migration flows would be regulated on an international level and the same rules would apply for all migrants, nobody would be rendered illegal, or excluded. Trafficking victims, undocumented migrants, unauthorized refugees; nobody would have to worry about being deported in Sassen's alternative. Therefore, in comparison to Benhabib, Sassen's approach stands stronger against Fraser's, and it could be argued that it proposes an even better solution; Fraser's solution with demarcations could imply unjust exclusions, while Sassen's denationalized citizenship implies that nobody can become a noncitizen. However, a drawback is that Sassen has not concretized any specific strategies in regards to political

representation. Although nobody would be rendered illegal, her approach does not address how to include the relevant subjects in decision-making processes.

In the light of Fraser's all-subjected principle, Sassen's non-membership approach could fall prey for the all-affected principle. If boundaries would not be of significant value, Fraser could have come up with a solution similar to Benhabib's all-encompassing approach, or Sassen's non-membership approach. However, that Sassen does not explicitly deliberate on representation within decision-making processes could be due to that she views equality as the most important goal; that no one should be worried about being chased away from a nation-state territory. Fraser on the other hand, sees democratic justice in decision-making processes as the ultimate goal. Thus, both Sassen and Fraser have tried to eradicate the risk of a migrant becoming a non-person. In Sassen's case, her approach is that no one should be subject to a "political death". However, an implication is that representation is sacrificed instead. Fraser, on the other hand, presents a solution that ought to secure everyone's political rights more concretely; but, simultaneously, the assurance of not rendering anyone as a non-person is sacrificed.

In the context of the Scandinavia, Sassen's approach implies that state authority regarding who is allowed to enter would be overridden and that no one would be categorized as legal or illegal. This is a great strength of Sassen's approach. However, migrants' political rights are not secured in Sassen's solution and the purpose with the thesis was to find a viable option that entails the political inclusion of aliens. Therefore, although Sassen's approach circumvented the nation-states' self-determination, which was the obstacle discussed in the previous section, its non-member approach does not ensure how political representation could be arranged. Since membership is a precondition for the welfare state to exist, some exclusion seems to be necessary. Furthermore, after having discussed the solutions suggested by Benhabib, Fraser and Sassen, and having analyzed their strengths and weaknesses,

Fraser's approach has proven that some kind of membership is necessary in order to ensure political representation. Now, with the last theorist to be presented, the goal is thus to find an alternative of a membership that implies boundaries, not only to accommodate the framework of the welfare state, but also to avoid the implications with the abstractness that a non-membership could imply.

4.4 Bosniak: Citizenship claims as a residence right

In the work of Linda Bosniak (2008), the dichotomy between insider and outsider in the national society is discussed. By insider and outsider, Bosniak refers to the citizen and the alien retrospectively. She highlights how there are two sides to citizenship: the ones who constitute the subjects of citizenship are the members of the nation-state; this is the nationalist perspective. On the other side, the ones who constitute the subjects of citizenship are everybody; this is the universalist perspective. Bosniak argues that the universal aspect of citizenship works to govern the life inside the community borders, whereas the nationalist exclusive aspect operates at the external borders of the community (Ibid 34). However, according to Bosniak, the theoretical knot emerges when increasingly more noncitizens are residing on a long term basis in countries other than their own. She observes that although aliens live side by side with the citizens inside the national society as colleagues and neighbors, they are by definition outsiders and excluded from making citizenship claims. Bosniak illustrates that the exclusion is not confined to the outer borders, but takes place deep inside the political community. (Ibid 4-5).

Thus, Bosniak presents grounds for why the development for a citizenship for aliens ought to be considered. The current notion of membership as a national practice works in disharmony in regards to representing the residing population appropriately

within the democratic community. Bosniak rejects the treatment of the national society as “the total universe of analytical focus and normative concern” (Ibid 2) due to that nationality as a condition for membership confines issues to matters that solely concern the relationships among the members. Instead, Bosniak asserts, the very boundaries that surround citizenship must be put in the center of attention. Only then can the exclusion it practices be understood (Ibid 2). This is a legitimate concern to reflect upon, according to Bosniak, due to the paradox that aliens enjoy many rights normally associated to citizenship within the democratic liberal community.

Aliens, in having the right to work, to education and to health care for example, would be difficult to distinguish from the citizens (Ibid 34). Bosniak identifies the root to this paradox in the concept of citizenship itself; in “citizenship’s internally universalist logic” (Ibid). According to Bosniak, the answer to why aliens can enjoy citizenship rights is due to that the intrinsic universality of citizenship contradicts the exclusivity of citizenship. Citizenship rights are extended to noncitizens based on their personhood and residence within the national territory, which are sufficient to entitle them political and social rights. In these cases, it is solely by definition that aliens are made different from their fellow co-habitants within the national territory (2000: 974). These reflections are especially important to consider in the context of Scandinavia, where aliens are included in local and regional decision making processes, but not on the national level. This division is guarded by national concepts of citizenship, according to Bosniak.

Bosniak addresses a number of arguments which defenders of a nationalist citizenship approach deploy: i.e. that it is only within the institution of the nation-state in which a people, with no interference from “others”, can thrive and develop a shared sense of solidarity; and, another argument, that feeling secure about one’s national identity is essential to a fulfilled human existence. Bosniak claims that these motives are unjustifiable and proof of a double-standard and narrow outlook on moral

obligations. She declares that privileging people, who happen to have the same citizenship, as more deserving our solidarity, against people whom we have other connections with is not defensible (2008: 27-28). Here, Bosniak presents another valid reason for the development of a citizenship for aliens. To claim that some people ought to be prioritized because they *happen* to share the same nationality, could be argued to be based on an imagined sense of solidarity.

In the work of Anderson, (1992), who is Professor Emeritus of International Studies, Government and Asian Studies at Cornell University (Cornell University 2011), the nation is discussed as an imagined political community. Anderson asserts that the sense of belonging among nationals is imagined due to that no one within the population will ever meet, know, or hear, of all of his or her fellow members. It is mainly in their minds that the sense of belonging exists, according to Anderson (Ibid 6). Furthermore, Anderson states that the nation as imagined is limited since there is an end to it; beyond its borders, there are other nations. Lastly, the nation is imagined as a community due to that a deeply embedded institution of brotherhood, or comradeship, prevails despite inequalities or exploitation that might occur there, according to Anderson (Ibid 7). Moreover, Anderson highlights that many have willingly died for the limited imaginations that the nation implies. He discusses the Tomb of the Unknown Soldier and how they are seen as nationals, as opposed to fallen Liberalists, or Marxists. These ideologies do not care about death, and therefore it would be absurd to mention the soldiers as such. On the same note, considering that nationality can only make sense in an imagined community, Bosniak asserts that citizenship “has little meaning except in the context of a state” (2008: 24). She identifies that this is where the large debate is currently focused. The marginalized debate, the one concerning citizenship’s boundaries, Bosniak claims, is what should be of central concern in the context of globalization and the questions of denationalization it has invoked (Ibid 24).

One outlook on how the concept of citizenship could evolve is by implementing a “citizenship of aliens”, according to Bosniak. A person’s residence and the contribution that he or she makes should preferably constitute the grounds for citizenship; not the formal admission to citizenship (2000: 979). Furthermore, Bosniak asserts that citizenship is a product of historical conditions and now it addresses previously excluded groups; therefore aliens ought to be included as well. As an increasing amount of migrants gather in liberal democratic communities, a reconsideration of the scope of citizenship is inevitable. Here, Bosniak’s discussion highlights why it is necessary to construct alternatives beyond the traditional image of who are entitled to become a citizen. From Bosniak’s viewpoint, aliens should also be granted full membership, if citizenship is to maintain its universal nature.

According to Bosniak, the universality of citizenship needs to be confronted with the challenges aliens pose on it today. She opposes that it is taken for granted that “everyone” is included in citizenship theory. Citizenship, Bosniak claims, is not a finished concept that should be discussed in a historical context only where it is advocated how inclusive it is nowadays compared to earlier periods in time (Ibid 970). Bosniak claims that aliens are a group that can be observed to have much in common with other discriminated groups, such as women and ethnic minorities; classes whose full membership in society was also unthinkable in an earlier period in time. Although Bosniak admits that it might be contradictory to discuss aliens as citizens, she argues that this proposition at least will serve as a constructive function in driving the discussion of citizenship forward. Bosniak asserts that this reluctance in itself signals that the deliberation of the concept is pertinent. Viewing citizenship as already all-encompassing is too fast of a conclusion and requires more reflection (Ibid 981).

One could e.g. reflect upon why and what the consequences are in regards to this reluctance to discuss aliens as citizens, or, the consequences an all-inclusive

perception of citizenship implies in contrast to a not-all-inclusive perception of citizenship. The value might be in the deliberation itself, rather than in identifying specific answers, especially in issues which are regarded as “natural”, such as national citizenship, since taken for granted concepts are less often questioned, whereas views that challenge the dominant perception more often receive criticism. Marsh & Stoker (2002) discuss that there is no way of knowing which approach is better than another in regards to normative science but that is precisely why it is important to go down new roads, although one might not know in advance the end result. What is important is that the result will generate discussion. Different approaches will also lead to different conclusions, and this is a good thing, because it is only through dialogue and contrasting perspectives that the area of knowledge as a whole can move forward (Ibid 292-293) On the same note it could be argued that Bosniak’s reasoning in regards to discussing aliens as citizens, despite how contradictory it might feel, is plausible.

Citizenship in practice, Bosniak states, represents a hierarchical arrangement of people. However, the ideal it implies embodies a commitment against hierarchy (2008:1). Bosniak highlights that citizenship as a concept was not national from the beginning, nor is it necessary by nature to remain national; “Citizenship has been, can be, and arguably should sometimes be enacted not merely within national borders but beyond and across them, as well” (Ibid 5). Here, Bosniak highlights that citizenship is a constructed condition. Viewing the concept of citizenship as a constructed condition supports the idea of including aliens as appropriate candidates for citizenship. In a globalizing era, Bosniak states, it is untenable to presume national boundaries as the boundaries for citizenship (Ibid 13). Thus, by drawing attention to the universality that citizenship embodies, an escape route from the national notion of citizenship can be identified. Bosniak has detected that citizenship contains the key to its own transformation. This implies that with an increasingly larger group of migrants

residing inside the national territory, their inclusion ought to be recognized within the concept of citizenship.

In comparison to Benhabib, who tries to merge citizenship with the international human rights in order to deal with exclusion, Bosniak does not advocate that the right to citizenship should be a human right. Bosniak does not mention the international human rights regime at all, she rather advocates moral responsibility for others based on the universality of citizenship. Moreover, in contrast to Benhabib and Fraser, Bosniak does not linger on that national decision making has consequences outside the borders. Her view is focused, instead, on the assertion that everyone inside the national territory should be recognized including aliens. However, Bosniak and Benhabib both seem to adhere to state sovereignty. As discussed before, Benhabib's approach is not to sidestep the state sovereignty, although she identifies the paradox between the sovereign privileges of the state and human rights. Bosniak rather provides another alternative by delinking nationality from citizenship from inside the national territory. She does not advocate that the boundaries of the nation-state framework should be removed or overridden, as Sassen and Fraser do respectively.

Another difference of Bosniak's theory compared to Benhabib's is that she views aliens as a group. As mentioned earlier, Benhabib opposes the idea in terms of groups of nations and advocates instead of the individual to have citizenship rights based on his or her political capability. Bosniak, on the other side, is positive to referring to aliens as a group. By doing so, it becomes clear that they share many similarities with other groups that used to be excluded from citizenship. Bosniak illustrates this by mentioning that there are groups included in citizenship today, which would have not been considered before: women, African Americans, poor people, etc. Although the example of African-Americans having been denied citizenship is in regards to the US context, it still demonstrates citizenship as a malleable concept. Now it is a given that citizenship in liberal and democratic communities implies equality, regardless of

gender, race or socio-economic circumstances. Bosniak shows that just as contradictory as it might feel to discuss a citizenship for aliens today, it must have felt contradictory to discuss women's suffrage during the time in which it was an exclusively male practice. By grouping aliens, their exclusion can be viewed as a structural problem experienced by many in society, as opposed to individuals being discriminated against, which could lessen the severance of the exclusion. For Bosniak, it is an obvious injustice that membership is granted only by formal admission. In the long run it is indefensible that citizens and aliens are divided by mere definition.

Thus, Bosniak deconstructs the national concept of citizenship by referring to earlier periods in time when citizenship was applied to other groups, privileged in a way similar to how citizenship privileges nationals today. By highlighting the different parts that citizenship is constituted of, Bosniak then offers a reconstruction of the concept within which aliens are included. Her approach to include aliens follows the argument that citizenship claims ought to be granted according to one's residency and contribution to the community. That Bosniak bases her idea of citizenship for aliens on one's residence *and* contribution however, does involve some risks. It could involve the risk that residents, who do not contribute to the community, could be forced to deportation. Thus, the risk of being deported is not removed in Bosniak's approach, but merely relocated to other grounds for membership. Bosniak does not delve on what one's contribution ought to be.

However, in the context of Scandinavia, the solution could revolve around issues with one's capability to work and to contribute to the maintenance of the welfare state. Instead of risking being deported on the grounds of not belonging to the citizenry, a risk for deportation could derive, in a most extreme case-scenario, from one's inability to work. This kind of membership could possibly imply an even lesser security than the one offered by citizenship linked to nationality. A citizenship, once

acquired, cannot be taken away from an individual, but the individual cannot be completely in control of his or her employment situation. New questions thus arise in regards to what would count as sufficient contribution: the amount of time one has to work; whether the monetary value of one's contribution is significant; how unpaid work would be valued; would still the maintenance of a maximum level of standard of living be possible; what could this imply in regards to the sense of solidarity, etc.

According to the most generous case-scenario on the other hand, the concept of contribution does not only have to imply paid work as the only way of contributing to the maintenance of the welfare state. It could, on the contrary, involve deeds and activities, which cannot be valued in monetary terms such as: volunteering, helping the elderly, being there for fellow citizens in need, etc. It could be argued that these contributions will be sufficient, considering that Bosniak asserts the importance of one's social relations, in regards to whom one should show solidarity to as opposed to basing solidarity on relations one happens to share with others. Considering this argument, although one is not working for wages, one could still contribute to the community. Moreover, one's consumption could also be seen as a contribution, as consumption is driving production (Entzinger 2007: 127). Therefore, Bosniak's approach to base membership on contribution is arguably a vague condition.

Considering these potential implications, it can be argued that Bosniak's approach both agrees with and opposes to Benhabib's approach. They both agree that aliens should have political rights and that nationality is an unfounded condition which membership should depend on but their answers to the problematic imply differing effects. Benhabib's approach could be seen as more idealistic, in the sense of striving for an open and better world with porous borders. Bosniak's vision, on the other hand, is grounded on the realm of the current nation-state system, but with a lot of faith in the citizenship ideal.

In Bosniak's approach, the intrinsic values of the citizenship ideal can provide an end to the exclusion by opening up the territorial borders from within. Regarding the outer national borders, however, Bosniak does not necessarily advocate a membership or inclusion of people beyond them. This is where Bosniak differs from Fraser. Fraser's all-subjected principle implies that national borders should be traversed whenever decision making affects people outside these borders. She is concerned with the consequences that decisions might have, and that everyone who is subjected to the effects of these decisions should have a say. Bosniak on the other hand, adheres to the nation-state borders and is more concerned with granting political rights to everyone who resides within them rather than with the consequences that national decisions might have elsewhere. Comparing Bosniak's to Fraser's principle, it can be argued that the latter is more just, since it involves all subjects within a governance structure. On the other hand, it is a complex proposal and it could still imply exclusion; if some, despite being subjects in a decision making process, happen to remain unacknowledged.

Bosniak's approach is explicitly more unfair on a global level, but it harmonizes with the realm of the contemporary nation-state. Implicitly however, Bosniak's solution also suggests exclusion within the national territory. Although the exclusion is no longer based on nationality, the requirement of having to contribute in some way to the community, would in the context of Scandinavia possibly exclude individuals based instead on their inability to work. Compared to Fraser's vision, this proposal is uncomplicated in the sense that the conditions determining who constitutes a subject within the governance structures are clear. On the other hand, Bosniak's citizenship for aliens implicates the exclusion of outsiders in two aspects: firstly, it implies the exclusion of people beyond the welfare state's external borders. This is already the situation with citizenship linked to nationality today, which Fraser's approach attempts to solve. Fraser's membership involves the traversing of national borders when necessary, so that all subjects can have a say in decision-making processes that

affect them. In this respect, Fraser's approach allows for a more accurate representation compared to Bosniak's approach. Secondly, Bosniak's solution also implies the exclusion of people who do not reside legally within the welfare state's territory. In other words, a continued exclusion of those already excluded.

In the context of Scandinavia, Bosniak's approach could imply that mainly aliens attributed with characteristics valued within the welfare state, would be included in her construct of a citizenship for aliens. Arguably, those preferred characteristics could be one's capacity as a contributor whilst those who might be classified as beneficiaries of the welfare state could be less preferable. Those not meeting the criteria of Bosniak's citizenship for aliens could be excluded. Taking these issues into consideration, Bosniak's citizenship seems nonetheless to be applicable in Scandinavia. The nature of the welfare state there requires clear borders between insiders and outsiders, which Bosniak's approach offers.

There are two positive aspects to Bosniak's alternative: one advantage is that aliens can be included in her reconstructed definition of citizenship. By referring to the universality of citizenship, Bosniak finds a way to detach citizenship from nationality, and to link it to residency instead. Thus, incorporating citizenship claims into residence claims implies the inclusion of aliens. Another advantage is that Bosniak's approach also seems to be incorporable with the welfare state. This is due to the second criterion of Bosniak's citizenship for aliens; the condition to contribute somehow. Bosniak does not specify what she means by granting citizenship claims according to one's contribution; but it can be argued that, by contextualizing this claim within Scandinavia, one's role as a contributor to the welfare state as opposed to the role of a beneficiary can apply. As discussed above, the concept of contribution could be narrowly or broadly defined.

In Bosniak's citizenship for aliens, it could arguably become legitimate to exclude "non-contributors" which is similar to how the current national-global dichotomy legitimizes the exclusion of noncitizens. Although the exclusion of aliens would not be on the basis of nationality, exclusion would still remain. If this was to be the consequence of Bosniak's approach, the situation would greatly diverge from the values of the liberal democratic community.

The similarities between Bosniak and Sassen consist in that they both agree on a citizenship delinked from nationality and that the nation-states should still remain. However, they have different visions on how to deal with the exclusion of aliens. Sassen's denationalized citizenship that is regulated on an international level sees no borders. Ultimately, it can be argued that nobody can be defined as a noncitizen, due to that there will be no citizens to compare with in Sassen's approach. Bosniak's citizenship for aliens, on the other hand, is created in such a way that everyone who resides within the national territory and who contributes to the community is equal regardless of origin. Bosniak does not advocate that the external boundaries of the nation-state framework should be removed, or overridden; what is central in her idea is that the national-global divide stops operating inside the territory.

It can be argued that Bosniak's conditions are more connected to the political realm, as her approach tries to accommodate the nation-state framework. On the other hand, Sassen's conditions can be argued to derive from the political realm just as much as Bosniak's, as her approach fully commits to the transformations which the concept of citizenship has already gone through. Sassen's vision of a denationalized citizenship is based on the changes that have already undermined state sovereignty, but without simultaneously having forsaken the nation-states as referents: the prevalence of EU-citizenship and dual nationalities. This is an aspect that Bosniak pays relatively little attention to.

Regarding political rights however, Sassen's approach, although it renders everyone legal, does not specify how aliens can be granted political rights as discussed earlier. With no specific approach in how to ensure the political inclusion of aliens, the risk involved could be that aliens will remain left out from the political space. For example, if nothing would change except for that all aliens could move, or reside freely within Scandinavia, the national-global divide could arguably still be sustained; and in turn render the granting of political voice to aliens unthinkable. Moreover, membership is a condition for the existence of the welfare state and Sassen's approach is possibly too all-encompassing. But if her vision would be implemented, the consequences would be that all migrants were allowed to stay within the Scandinavian territory without being rendered illegal. This is a great advantage in comparison to Bosniak's perspective. The disadvantage however is that their access to the decision making processes is not secured as clearly as in Bosniak's alternative. Therefore, considering that the purpose of this paper was to establish a viable approach for a citizenship that includes aliens, and not to establish an approach that eliminates the risk of becoming a "non-person", Sassen's approach does not seem to hold the answer to the research inquiry.

However, Sassen's feminist argument against state sovereignty on why migration should be regulated on an international level is pertinent. She discussed that sovereignty could imply that people inside a nation-state territory can be subject to abuse, with no expectations of intervention from other states. Sassen claimed that an ethic of care ought to prevail and her proposed solution can be argued to be influenced by this. By an ethic of care, Sassen states that it ought to be allowed to intervene when nation-states subject individuals within their territory to abuse or injustice. Her solution secures equality for all people without resorting to state interventions, by centralizing the regulation of migration on an international level instead. By letting nation-states alone manage migration on the other hand, no one can intervene in how migrants are treated. Here, Sassen delineates how the

maintaining of the national-global dichotomy contains and hides injustice that people might be subjected to. The national-global dichotomy also implies that possible state interventions will concern the nation-state's citizens in question, overlooking that noncitizens also reside there which shows that this dichotomy renders them invisible.

Sassen's reservation against state sovereignty supports her vision of why migration ought to be centralized. However, it simultaneously undermines her conviction in the international human rights regime. On the other hand, Sassen's approach can be viewed as a pragmatic way of dealing with migration issues, considering that the human rights are accepted by many nation-states; only formally and not in practice. This can be observed in that noncitizens, in the worst cases relating to justice claims, can be subjected to "political death", as stated by both Benhabib and Fraser. With Bosniak's solution though, some noncitizens will continue to be excluded. Although this implies negative consequences from a justice perspective, the disadvantages with Bosniak's approach do not seem to conflict with the welfare state: there, on the contrary, the drawbacks are transformed into advantages. That Bosniak bases her citizenship on residence and contribution opens up for the welfare state the possibility to accept this approach, as it implies that membership can still be maintained and a clear line can be drawn between members and non-members.

Moreover, that Bosniak's approach includes aliens implies a more just alternative than the one that citizenship linked to nationality offers due to that Bosniak's re-appropriated notion of citizenship has dealt with the injustice that a citizenship linked to one's origins. The downside remains however, that those who are now categorized as illegal within the welfare state will probably continue to be illegal. Here, it can be argued that Sassen adheres to the equality that citizenship implies, whereas Bosniak focuses more on the dimension concerning universality within the concept of citizenship. They both find the key to citizenship's transformation in the concept of citizenship itself; however, universality and equality can be constructed to imply two

different meanings. If Bosniak had picked equality, as opposed to universality, she would have struggled to defend her requirement for contribution as a criterion to extend citizenship claims to aliens.

4.5 Three premises for a citizenship extended to aliens

Reviewing the four approaches to ways of inclusion of aliens in citizenship, three major premises have become crystallized. The first premise indicates a move away from viewing citizenship and nationality as being equivalent to each other. By fixing the discussion into the national-global binary, it is not possible to conceive a citizenship for other people other than the nationals; and, one must naturalize in order to be able to claim citizenship rights. The previous discussion of the four thinkers has revealed that the national-global dichotomy is an underlying force, which actively legitimizes, shapes, and conditions the exclusion of aliens. By breaking out from this dichotomy, however, new conditions for membership could be promoted, so that aliens are included and are given a voice in the political decision-making processes.

A citizenship detached from nationality calls for deliberation on which other criteria should apply instead. Benhabib advocated the political capabilities possessed by all human beings, as well as addressing everyone as an individual, as the new conditions for membership which would include migrants too. Fraser proposed that everyone, who is a subject and has moral standing within a certain governance structure, should have the right to make citizenship claims. Sassen asserted that membership always implicates exclusion, and therefore suggested a centralization of migration on an international level, which implies a denationalization of citizenship. In this way, no one would be excluded, or rendered illegal. Bosniak's membership was conditioned on residence and contribution. These four approaches demonstrate that other types of

membership are possible beyond the constraint of the national-global divide and its associated membership based on nationality. By questioning the conception of citizenship as a national practice, and by thinking beyond those constraints, it has been possible to imagine a citizenship extended to aliens.

The second premise is intertwined with the first: a distancing from viewing citizenship as a possibly finished project. If the concept is viewed as complete, or perfect, nobody will be inclined to pursue it. The new premise is, therefore, that we ought to view citizenship as a product of its circumstances and those circumstances are prone to change. It is a constructed condition. According to the four thinkers, in their highlighting of the democratic community, citizenship ought to never be identified as a finished project, but as something that is malleable and able to change.

Bosniak referred to citizenship as a male activity before women were allowed to vote; Sassen referred to it as primarily an instrument to collect taxes in the postwar period. Additionally, a point was made in that citizenship was regarded as an activity among the privileged before the poor could vote; and a white privilege before the blacks could vote. Citizenship is literally a product of other alienated groups from political space and ought to be viewed as such, as opposed to a completed project. It was further argued that the risks involved in viewing the nationalist character of citizenship as equivalent to all-encompassing; or in viewing the contemporary notion of citizenship as all-inclusive for that matter would lead to stagnation and undermine the democratic values. Here, Benhabib stated that deliberation and debate always ought to take place in the democratic community, in order to ensure that its associated values are protected and sustained. Moreover, Fraser asserted the importance of representation; further arguing that representation needs to be reviewed when the circumstances change, so that misframing is prevented and everyone's basic democratic right to have a political voice and to be heard in decision-making processes is ensured. These approaches, in ascribing to democratic values contrast

with the citizenship linked to nationality which becomes ascribed with injustice and exclusion from the perspectives of the new memberships.

All the transformations that citizenship has undergone implicate that citizenship is an adaptable project, which should never be viewed as finished; especially not in the liberal democratic community. There, development and advancement should be the expected consequences and accordingly, the concept of citizenship should also be regarded as a never-ending project. Viewing citizenship as a product of different circumstances demonstrates that it is a malleable project, and not a national activity by nature. As a result it ought to be possible to conceive of a citizenship where aliens are included.

The third premise is a goal which sets the foundation for the other two: it must be clarified on which value grounds citizenship rests upon. *Just* inclusion has been a central theme in three of the four approaches. For Benhabib, just inclusion meant the inclusion of everyone. She asserted that receiving nation-states have a shared responsibility in the outcome of migration flows. Therefore, membership ought to be a human right, according to Benhabib. This showed to be problematic however as it clashed with self-determination, which Benhabib also found important. Fraser's notion of just inclusion was according to the all-subjected principle. Her model is narrowed down to counteract the abstractness that the inclusion of "everyone" could imply as concrete governance structures require concrete subjects. According to Sassen's approach, just inclusion implied a denationalization of citizenship. In this alternative to a non-membership, no one could be excluded. Nevertheless, although no one has to worry about deportation, or about becoming a non-person, if Sassen's alternative is pursued, the political inclusion of migrants is still not ensured.

With Bosniak, it could be argued that contribution has been given prominence on the expense of a completely just inclusion. This is where Bosniak's approach differs from

the others. She focuses on the inclusion of everyone who resides within the national territory and somehow contributes to the community. Consequently, everyone outside this community would be excluded. Moreover, the risks involved with the criterion for contribution could also imply an exclusion of non-contributing individuals inside the community. Bosniak's alternative implies that some people, who rightfully ought to have a say in the political space, are excluded. On the other hand, this approach implied citizenship's detachment from nationality, which arguably can be a more just alternative compared to the nationalist view of membership. In Bosniak's approach, the requirement to contribute as a prerequisite in gaining citizenship, is a condition that one can influence; as opposed to one's location of birth.

Based on these three premises, a proposition for a citizenship inclusive of aliens can be put forward. If one adheres to the national-global binary, however, and continue addressing citizenship as a finished project, a citizenship extended to aliens would be inconceivable. This, in turn, would imply injustice and would cause the unfair exclusion of certain individuals.

4.6 Noncitizens in the context of the welfare state – the paradox

Although a citizenship which includes aliens is possible, it is not without restrictions in the context of the welfare state. The nature of the welfare state requires strict borders between insiders and outsiders. This did not exclude aliens from having the right to political inclusion on all levels of the decision making processes in Scandinavia but it still implied exclusion. Firstly, it implied the exclusion of everyone outside the welfare state's external borders. This implies that individuals, who might be affected by the decision making processes, are left out. Especially from the perspective of Fraser, this is a sign of injustice. Fraser's approach aimed to include those who ought to have a political voice within governance structures, in which they

have a moral standing. This exclusion does not necessarily have to disagree with Benhabib's approach however, since she argued for the importance of self-determination. Nonetheless, the conditions of the welfare state also imply exclusion inside its borders. This implies that people within the territory of Scandinavia might be excluded; a situation which both Fraser and Benhabib reject. According to their approaches, everyone inside the Scandinavian territory ought to have access to the political space, since they are arguably affected by the decision making processes there. Moreover, the welfare state claims to be universal; therefore it ought to live up to its own claims accordingly, since the idea of the welfare state is based on solidarity.

On the other hand, the idea of the welfare state is also based on its population's capacity to work and to contribute to the welfare distribution. This implies a clash between a potentially completely open immigration society, and the transparency of boundaries between insiders and outsiders that the welfare state requires. However, a citizenship extended to aliens does not have to preclude the external borders of the welfare state. In the review of Benhabib, Fraser, Sassen and Bosniak, three of the approaches were identified to be difficult to implement in Scandinavia due to the requirement of clear boundaries. Benhabib's approach to include everyone within the community as soon as they set foot there is not a viable alternative. Membership as a human right clashes with the closed nature of the welfare state. Additionally, Fraser's approach implies an opening up of the welfare state's border whenever necessary in political processes, which works in disharmony with the welfare state. Sassen's proposal, on the other hand, to regulate migration on an international level could be combined with the welfare state. Her alternative does not demand a removal of the Scandinavian borders. However, in her denationalized citizenship, political representation is not secured. This has been precisely the whole point of this thesis: to find a viable citizenship separated from nationality in the context of the welfare state.

In contrast to these three approaches, however, Bosniak's approach crystallized as a viable option, as it did not require the traversing of the borders, whilst securing political representation. In her approach to a reconstructed citizenship, Bosniak discussed that citizenship claims ought to be extended to those who reside in and contribute to the community. Therefore, it can be argued that this approach will not jeopardize the existence of the welfare state, but it will rather collaborate with the existing conditions, so that the welfare state remains: clear boundaries and a population that can preserve the welfare state.

In Scandinavia, Bosniak's membership could imply that legal migrants would have the right to participate in the decision making processes on all levels; as opposed to the current situation, where they are barred from partaking in the national political processes. However, those aliens who have been "non-personed" could remain excluded from Bosniak's alternative. This signals the injustice that both Benhabib and Fraser addressed and which Sassen also tried to prevent: to limit the political voice of some, who rightly deserves it, is a sign of inward-looking states and signals that undemocratic forces are at play. In this study, when trying to establish the different approaches of a citizenship detached from nationality, the universal welfare state has struggled in regards to its aim to address the entire population within its territory. When the approaches implied an interference with the membership in a way that would remove the differences between members and non-members inside or outside its territory, this clashed with the protectionist characteristic of the welfare state. Including aliens in the scope of citizenship, however, would render the welfare state intact. This can be observed in that legal migrants in Scandinavia already do enjoy some political rights there.

This is the paradox: everyone cannot be included in the welfare state despite its universalist claims due to that the very nature of the welfare state must make a difference between insiders and outsiders. However, the difference does not have to

be between nationals and aliens. Therefore, although Bosniak's approach is probably not the most just approach compared to the other approaches discussed in this thesis, the proposal of a membership, nonetheless, based on residence and contribution implies that aliens should have the right to participate in decision making processes. In Scandinavia, this should imply that consistent conditions to participate in decision making on all levels are possible and that aliens therefore, from a justice perspective, ought to have the right to partake in the decision making processes on the national level as well.

5. Conclusions

The purpose of this thesis was to isolate the underlying forces which hinder the political inclusion of aliens in the democratic liberal community and to filter out which premises are required to create a more inclusionary membership. During the undertaking of this study, as the premises for a more inclusionary citizenship crystallized, the underlying forces which prevent these premises were identified as well. The three premises that were recognized as essential in order to move away from the nationalist conception of citizenship were the condition to move away from the national-global dichotomy and the condition to move away from regarding citizenship as a finished project. These two premises were further built upon the condition of just inclusion. Just inclusion implied that the concept of citizenship could be ascribed new meaning in which it no longer would be an interchangeable synonym to nationality. Instead, citizenship would be seen as concept which strives to remain democratic by being open and adaptable to changes.

Furthermore, the purpose of the thesis was to contextualize this normative debate in Scandinavia. In this context, it was more of a struggle to imagine a citizenship extended to aliens. Because of the closed nature of the welfare regime in Scandinavia, three of the approaches were not applicable due to their non-membership characteristics. This implied that Benhabib's, Fraser's, and Sassen's alternatives were difficult to apply, since they interfered with both the external and internal borders in Scandinavia. These approaches could probably further imply the fragmentation of the welfare state. The characteristics in Bosniak's alternative to membership harmonized better with the conditions that Scandinavia is lined up with. Her membership was based on residence and contribution as conditions which had to be fulfilled in order for aliens to be granted citizenship rights. The condition regarding contribution

however was identified to be prone to exclusion and Bosniak's approach was not judged to be the most just approach of the four in regards to political inclusion.

Contemplating on what a generous principle of contribution could look like however, the line regarding contribution could be drawn in a manner which secures that no one would be rendered a "non-person" at least. This could possibly be conceived if Sassen's approach, which does not render anyone invisible by regulating migration on an international level, and Bosniak's approach, would be combined. In the context of Scandinavia, this would imply that borders are still maintained *and* a distinction still made between insiders and outsiders. Simultaneously, since the issue of non-personification is removed, outsiders inside the community ought not to be rendered invisible. This kind of membership extended to aliens would imply that all three premises are fulfilled whilst self-determination of the welfare state remains intact despite the occurrence of a change in its scope.

From a global perspective, if migration were to be centralized on an international level, this would demand transnational cooperation. This requirement would further imply that nation-states would not be driven by their own interests but would prioritize the political rights of the population inside their territories. This ought to be rational in the case of liberal democratic communities, whose very foundations are supposedly built upon democratic values and principles which declare that the nation-state is for its people - not that the people are for the nation-state. Therefore, when the constellation of the population changes, membership ought to adapt so that it represents its current residents and not its history.

Moreover, if aliens were allowed to participate in the political decision making processes, specifically on the national level, the consequences could potentially be that decisions are more based on openness and consideration to relations with other

states and regions as opposed to be driven by national interests. What is emerging nevertheless is that, in a globalizing world, we ought to reflect upon whether it is necessary to think and act from nationalist perspectives, and if so, why; at least in regards to transnational issues, such as the issue of some people being rendered invisible and subject to non-personification due to the national-global dichotomy. This reveals that the current citizenship linked to nationality is not only unjust, but also unsustainable. In an ever more interconnected world, which arguably demands cooperation across the borders, this also calls for the right for aliens to have a political voice inside the nation-state's borders, in order to ensure that justice is protected and sustained in the liberal democratic community. A citizenship based on residence offers a more accurate representation of the members inside the community and would in itself signal affirmation of democratic ideals in a globalizing era in comparison to a citizenship based on nationality.

Executive summary

Nowadays migration flows have reached unprecedented levels, as many people tend to reside in countries other than those of their origin. Many migrants remain on a long-term or permanent basis in their host countries, and are entitled to certain social citizenship benefits without becoming citizens. The concept of citizenship and its associated rights are no longer connected to nationality in a straightforward manner and open up for discussion claims for whether migrants ought to have the right to political inclusion, that is, to participate in the decision making processes in their new communities.

A region where there is hardly any difference between citizens and legal migrants, at least in regards to both their political and social rights, is in the welfare context of Scandinavia, in the countries of Sweden, Norway and Denmark. With the extended commitment to welfare distribution and equality in Scandinavia, legal migrants residing in this area have the right to welfare transfers and the right to participate in the local and regional elections but not to participate in the national elections. According to the law in the Scandinavian countries, only citizens are allowed to participate on the national level of the decision making processes.

In this thesis, the focus has been upon approaches to citizenship which explicitly argue that long-term migrants should gain membership in the liberal democratic community. The proposition to implement a citizenship for aliens is based on observations of how migrants, who have resided for a long time, or permanently, outside their home countries, are subject to social, economic and political exclusion. If the values of democracy are desirable and the exclusion of aliens implies injustice, the proposition is justified. Migrants have actualized and, at the same time, questioned the exclusionary practices encompassed within citizenship. Therefore, the

purpose is: 1) to isolate the underlying forces which hinder inclusion in the democratic liberal community; and 2) to filter out which premises are required for the realization of a new kind of membership and a more inclusionary society; and 3) try to establish an approach to a citizenship extended to aliens that I consider possible in the context of the welfare regime in Scandinavia. The research questions are: *What are the underlying forces which prevent aliens from being considered appropriate candidates for being granted citizenship? How can the concept of citizenship be extended to include aliens? What is the most viable option in regards to ways of inclusion of non-citizens who reside in a democratic welfare state of Scandinavia in the decision making processes?*

Whenever the terms aliens or migrants are deployed throughout the thesis, it is referred to non-citizens, which can be categorized as long-term residents. Consequently, it is not referred to tourists, exchange students, business visitors, asylum seekers, or other short-term noncitizens. Instead, it is referred to long-term migrants such as labor migrants, family migrants and undocumented migrants; basically any noncitizens who remain in a country other than their own for an extended period of time.

The thesis is a theoretical discussion revolving around four approaches on how to include aliens in the concept of citizenship. The perspectives discussed are the ones proposed by Seyla Benhabib, Nancy Fraser, Saskia Sassen and Linda Bosniak. To answer the third research question, these approaches are placed in the context of the welfare state of Scandinavia.

The Scandinavian welfare regime is signified by its universalism. Its goal is to address the entire population in its distribution of welfare. The aim is to promote cross-class solidarity and to eradicate differences. This implies that there has to be clear boundaries between insiders and outsiders. Therefore, the Scandinavian

“welfare system is not just a system that intervenes in, and possibly corrects, the structure of inequality; it is, in its own right, a system of stratification” (Esping-Andersen 1990: 23). Equality is only assured among those included. However, the Scandinavian welfare distribution is based upon residence and income. This implies mixed definitions of membership. In regards to social rights, it is referred to “all residents” which apply to migrants as well in the context of Scandinavia. However, in regards to political rights, “all citizens” constitute the definition of membership. Here, aliens are excluded.

In the work of Benhabib (2004), she proposes that citizenship claims should be incorporated into the human rights regime: that membership ought to be for all fellow humans. To support this perspective, Benhabib promotes a thinking of people as individuals as opposed to thinking of people in terms of nations. By viewing everyone as individuals, Benhabib claims that everyone is a political and moral being. On these grounds everyone ought to be granted membership. Ultimately, membership should rest upon the human intelligence and capability to organize democratic constellations which favor equality. However, Benhabib also asserts the importance of self-determination. Boundaries ought to exist so that representatives can be held accountable to the members of the democratic community. The clash between the human rights and state sovereignty is what Benhabib identifies as the root paradox with regards to membership in the political community.

In the context of Scandinavia, Benhabib’s approach would imply that there would be no difference made between documented and undocumented migrants. The risk of becoming a “non-person”, that is, not having one’s papers organized and being relegated to “civil death”, would be eliminated. That the phenomenon of becoming a non-person exists is a severe flaw in the democratic liberal community, according to Benhabib. To base membership on individuals as opposed to nationals is possible in

the context of the welfare state. However, a membership for everyone clashes with the closed nature of the welfare state.

In the work of Nancy Fraser (2008), justice is central. For her, the definition of justice means the right to representation. Therefore, she proposes a membership according to the “all-subjected principle”. “According to this principle, all those who are subject to a given governance structure have moral standing as subjects of justice in relation to it” (Fraser 2008: 65). With this principle, Fraser tries to avoid any “one-size-fits-all” framing of justice and to counteract an abstract impression which an all-encompassing personhood approach can imply. This approach is also better than the “all-affected-principle”, according to Fraser, since anyone can argue to be affected by governance structures and claim interdependence. Moreover, with this approach, exclusion based on nationality and citizenship is addressed.

From Fraser’s perspective, globalization has revealed *misframing*. Misframing distorts the image of those entitled to membership so much that some are rendered state-less and wrongly excluded. Those wrongly excluded are, according to Fraser, someone who is a member of a community but not represented fairly in the community’s rule. In comparison to Benhabib, it could be argued that Fraser projects the exclusion taking place on globalization while it might as well derive from within the liberal democratic community. However, Fraser’s approach deals with the abstract notion which membership as a human right can imply. Moreover, in Fraser’s approach the national-global divide is overridden whereas it is maintained in Benhabib’s approach. They both agree on that “non-persons” is a severe injustice. In addition, from Fraser’s perspective, the exclusion of legal migrants’ full political inclusion in the context of Scandinavia is also unjust. The nation-state framework is a fundamental source to injustice, according to Fraser. However, due to the nature of the welfare state, Fraser’s all-subjected principle cannot be accommodated in

Scandinavia as it implies the overriding of its borders whenever decisions affect people outside its boundaries.

In the work of Saskia Sassen (1999, 2003, 2007), she proposes a denationalized citizenship to sustain its equality ideal. Sassen claims that citizenship needs to be reappropriated to maintain the goal of the inclusion of everyone within the national territory. It ought not to be viewed as a finished project since this would imply stagnation. Instead, Sassen promotes the idea of citizenship as a transnational process in alignment with the international human rights regime or the global capital market. These are institutions which have become internationally recognized while simultaneously left the nation-states intact. Although they have lost some of their sovereignty, they have far from lost their significance. Instead, Sassen argues, it is citizenship that has lost its significance. Nowadays, aliens can invoke their human rights in countries other than their own in their claims for justice. Moreover, Sassen argues that nation-states cannot handle migration as if it is taking place only within their boundaries and nowhere else. It is a global issue which requires global measurements. Therefore, Sassen argues for migration to be regulated on an international level. Another motive for supporting this approach which Sassen puts forward is that state sovereignty hides and contains abuse. People are subject to injustice due to the non-intervention rule which implies that states cannot interfere with other states' internal matters. Here, Sassen identifies the same paradox which Benhabib also discusses: human rights are secondary to state sovereignty.

In the Scandinavian context, Sassen's approach would imply that no one would become "non-personed" in line with the approaches of Benhabib and Fraser. State authority regarding who is allowed to enter would be overridden and no one would be categorized as legal or illegal. Sassen's approach also deals with problematic of the global "who", which Benhabib encounters, and addresses any misframing, with her non-membership approach. However, migrants' political rights are not secured in

Sassen's solution and the purpose with the thesis was to find a viable option that entails the political inclusion of aliens. Therefore, although Sassen's approach circumvents the nation-states' self-determination yet maintains the national-global divide, its non-member approach does not ensure how political representation could be arranged. Since membership is a precondition for the welfare state to exist, some exclusion is deemed to be necessary.

In the work of Linda Bosniak (2000, 2008), her approach to a new membership is based on residence and contribution. She claims that membership based on nationality is not representing the residing population accurately in the liberal democratic community. Bosniak's membership implies that exclusion based on origins would not exist at least. This implies that aliens could be granted citizenship claims. However, the condition that one must contribute somehow to be granted membership requires discussion. What is contribution? From a most extreme case-scenario, it could imply one's workability in the context of the welfare state. This would imply that those who are unable to work would be excluded. This shows that Bosniak's approach is not removing exclusion but merely relocating it from non-nationals to non-contributors. On the other hand, from a most generous case-scenario, contribution could be argued to be any deeds or acts conducted by a person which fellow citizens value, although it might not be in monetary terms. Bosniak does not deliberate on how contribution should be defined.

In the context of Scandinavia, Bosniak's approach with a membership based on residence and contribution would be possible. This approach clearly distinguishes between insiders and outsiders and maintains the external borders of the welfare state. The approach also implies that no difference will be made between aliens and citizens but instead between contributors and non-contributors. Bosniak's approach can be accommodated in Scandinavia due to that it does not focus on human rights or tries to include "everyone". This shows that the welfare state's claims to be universal does

not add up in practice. However, a citizenship extended to aliens is possible in the Scandinavian countries if we move away from regarding citizenship and nationality as interchangeable concepts and if we move away from regarding citizenship as a finished project. Bosniak's membership might not be the most just approach of the four, but when the constellation of a population changes, her membership at least represents its current residents and not its history.

References

- Abizadeh, Arash, 2002. "Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments", *The American Political Science Review*, vol. 96, no. 3, pp. 495-509.
- Abizadeh, Arash, 2008. "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders", *Political Theory*, vol. 36, no. 1, pp. 37-65.
- Abizadeh, Arash, 2009. "If moral duties apply to domestic noncitizens, they apply to all noncitizens", *Boston Review*, vol. 34, no. 3, pp. 14.
- Aleinikoff, Alexander T., 2009. "Legalization has its costs, but they are outweighed by the benefits; pragmatic arguments may, in the end, be the most persuasive", *Boston Review*, vol. 34, no. 3, pp. 11.
- Anderson, Benedict - Torhell, Sven-Erik, 1993. *Den föreställda gemenskapen: reflexioner kring nationalismens ursprung och spridning*, Daidalos, Göteborg.
- Arts, Wil - Gelissen, John, 2002. "Three worlds of welfare capitalism or more? A state-of-the-art report", *Journal of European Social Policy*, vol. 12, no. 2, pp. 137-158.
- Badersten, Björn, 2006. *Normativ metod: att studera det önskvärda*, Studentlitteratur, Lund.
- Bartelson, Jens, 2009. *Visions of world community*, Cambridge University Press, Cambridge.
- Bauböck, Rainer, 2009. "Global Justice, Freedom of Movement and Democratic Citizenship", *European Journal of Sociology*, vol. 50, no. 1, pp. 1-31.
- Beck, Ulrich, 2006. *The cosmopolitan vision*, Polity, Cambridge.
- Beckman, Ludvig, 2005. *Grundbok i idéanalys: det kritiska studiet av politiska texter och idéer*, Santérus, Stockholm.

- Benhabib, Seyla, 2004. *The rights of others: aliens, residents, and citizens*, Cambridge University Press, Cambridge.
- Bosniak, Linda 2000. "Universal citizenship and the problem of alienage", *Northwestern University Law Review*, vol. 94, no. 3, pp. 963.
- Bosniak, Linda 2008. *The citizen and the alien: Dilemmas of Contemporary Membership*, Princeton University Press, Princeton.
- Brock, Gillian, 2009. *Global Justice*, Oxford University Press.
- Calhoun, Craig, 2002. "The class consciousness of frequent travelers: Toward a critique of actually existing cosmopolitanism", *South Atlantic Quarterly*, vol. 101, no. 4, pp. 869-897.
- Cheah, Pheng - Robbins, Bruce, 1998. *Cosmopolitics: thinking and feeling beyond the nation*, Univ. of Minnesota Press, Minneapolis.
- Columbia University 2010. Columbia University's website. Profile Saskia Sassen. [Electronic] Available: http://cgt.columbia.edu/about/committee/sassen_saskia/ Download date 16-05-2012
- Cornell University 2011. Cornell University's website. "Long Live Shame! The Good Side of Nations and Nationalism", Jessie and John Danz Lecture [Electronic] Available: <http://seap.einaudi.cornell.edu/node/8791> Download date 20-05-2012
- Delanty, Gerard, 2009. *The cosmopolitan imagination: the renewal of critical social theory*, Cambridge University Press, Cambridge, UK.
- Entzinger, Han 2007. "Open borders and the welfare state" in Pécoud, Antoine - Guchteneire, Paul, F.A. de., *Migration without borders: essays on the free movement of people*, UNESCO Pub, New York.
- Esping-Andersen, Gösta, 1990. *The three worlds of welfare capitalism*, Princeton University Press, Princeton, N.J.
- EU 2012. European Union's website. Summaries of EU Legislation [Electronic] Available:

http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133020_en.htm Download date 16-05-2012

Fraser, Nancy, 2008. *Scales of justice: reimagining political space in a globalizing world*, Polity, Cambridge.

Goldsmiths, University of London 2012. Kate Nash [Electronic] Available: <http://www.gold.ac.uk/sociology/staff/nash/> Download date 20-05-2012

Karlsson Schaffer, Johan, 2011. "The boundaries of transnational democracy: alternatives to the all-affected principle", *Review of International Studies*, vol. 38, no. 2, pp. 1-22.

Kildal, Nanna - Kuhnle, Stein, 2005. *Normative foundations of the welfare state: the Nordic experience*, Routledge, London.

LBK nr 59 af 29/01/1998 Bekendtgørelse af lov om kommunernes styrelse, Denmark

LBK nr 422 af 07/06/2004 Bekendtgørelse af lov om dansk indfødsret, Denmark

LOV nr 169 af 05/06/1953 Grundlov, Denmark

LOV-1988-06-24-64 Utlendingsloven, Norway

LOV-2002-06-28-57 Valgloven, Norway

LOV-2005-06-10-51 Lov om norsk statsborgerskap, Norway

Lund University 2012. Lund University's website. Personlig hemsida Björn Badersten [Electronic] Available: http://www.svet.lu.se/Dynamic/personal_page/Personal_homepage.lasso?-token.kod=BBA Download date 16-05-2012

Marsh, David - Stoker, Gerry, 2002. *Theory and methods in political science*, Palgrave Macmillan.

Shanley, Mary L., 2009. "Enable citizen children to keep their families together", *Boston Review*, vol. 34, no. 3, pp. 18.

Nash, Kate 2009. "Between Citizenship and Human Rights", *Sociology*, vol. 43, no. 6, pp. 1067-1083.

New to Denmark 2012a – Danish Immigration Service´s website. Nationality – how to become a Danish national. [Electronic] Available: http://www.nyidanmark.dk/en-us/coming_to_dk/danish_nationality/nationality_how_become_dansish_national.htm
Download date 19-05-2012

New to Denmark 2012b - Danish Immigration Service´s website. Permanent residence permit. [Electronic] Available: http://www.nyidanmark.dk/en-us/coming_to_dk/permanent-residence-permit/permanent-residence-permit.htm
Download date 19-05-2012

New to Denmark 2012c – Danish Immigration Service´s website. Conditions for asylum seekers. [Electronic] Available: http://www.nyidanmark.dk/en-us/coming_to_dk/asylum/conditions_for_asylum_applicants/conditions_for_asylum_applicants.htm
Download date 19-05-2012

Rothstein, Bo, 1998. *Just institutions matter: the moral and political logic of the universal welfare state*, Cambridge Univ. Press, Cambridge.

Rutgers School of Law 2012 – Rutgers School of Law´s website. Biography Linda Bosniak [Electronic] Available: <http://camlaw.rutgers.edu/directory/bosniak/>
Download date 16-05-2012

Sassen, Saskia, 1999. *Globalization and its discontents: essays on the new mobility of people and money*, New Press, New York.

Sassen, Saskia. 2003. "The Participation of States and Citizens in Global Governance", *Indiana Journal of Global Legal Studies*, vol. 10, no. 1, pp. 5-28.

Sassen, Saskia, 2007. "Response", *European Journal of Political Theory*, vol. 6, no. 4, pp. 431-444.

Sen, Amartya, 2006. *Identity and violence: the illusion of destiny*, W. W. Norton & Co, New York.

SFS 1974:152 Kungörelse om beslutad ny regeringsform, Sweden

SFS 1982:763 Hälso- och sjukvårdslag, Sweden

SFS 1994:361 Förordning om mottagande av asylsökande m.fl., Sweden

SFS 1994:692 Lag om kommunala folkomröstningar, Sweden

SFS 2001:82 Lag om svenskt medborgarskap, Sweden

SFS 2005:716 Utlänningslag, Sweden

Södersten, Bo, 2006. *Den problematiska tryggheten: välfärdsstaten under tre decennier*, SNS förlag, Stockholm.

Soysal, Yasemin, N., 2006. "Diversity and Democratic Inclusion: In Defense of Conflict", *European Journal of Sociology*, vol. 47, no. 3, pp. 472-476.

Statistics Denmark 2012. Statistics Denmark's website. [Electronic] Available: <http://www.statistikbanken.dk/statbank5a/default.asp?w=1024> Download date 11-04-2012

Statistics Norway 2012. Statistics Norway's website. Høyeste innvandring noensinne May 2011 [Electronic] Available: <http://www.ssb.no/emner/02/02/20/innvutv/arkiv/> Download date 12-04-2012

Statistics Sweden 2012. Statistics Sweden's website. Folkmängden närmar sig 9.5 miljoner Feb 2011. [Electronic] Available: http://www.scb.se/Pages/PressRelease____308293.aspx Download date 11-04-2012

Stockholm University 2012. Stockholm University's website. Ludvig Beckman, professor, deputy head of department [Electronic] Available: http://www.statsvet.su.se/homepages/ludvig_beckman.htm Download date 16-05-2012

The New School for Social Research 2012. The New School for Social research's website. Fraser, Nancy [Electronic] Available: <http://www.newschool.edu/nssr/faculty.aspx?id=10288> Download date 16-05-2012

University of Essex 2011. University of Essex's website. Dr Yasemin Soysal Oct 2011 [Electronic] Available: http://www.essex.ac.uk/human_rights_centre/staff/profile.aspx?ID=255 Download date 20-05-2012

Yale University 2010. Yale University's website. Seyla Benhabib Dec 2010 [Electronic] Available: <http://www.yale.edu/polisci/people/sbenhabib.html> Download date 16-05-2012