Differentiated Citizenship

By Astrid Lorena Ochoa Campo | August 17, 2017

Differentiated Citizenship is defined as "the granting of special group-based legal or constitutional rights to national minorities and ethnic groups" (Mintz, Tossutti and Dunn 2013, 89). However, in the context of globalization studies, the concept of differentiated citizenship refers to the ways in which nation states grant privileges to certain people (nationals or internationals) considered valuable in a market-driven world, while excluding others (considered less valuable) from rights and entitlements. This entry is divided in two sections: the first presents the concept as a positive strategy that benefits minorities (Young 1989, 1999; Smith 2011, 2015; Cattacin 2006; McDonough 2008); the second discusses differentiated citizenship in a globalized market (Ong 1999, 2006; Balta and Altan-Olcay 2016).

I. Universal vs. Differentiated Citizenship

The traditional concept of citizenship has come under pressure in our current globalized world.[1] Under the law, the main goal of citizenship is to ensure equal rights for all citizens (Leydet 2014, 39). However, Iris Marion Young contests the idea of a "universal citizenship" because the principle of equal rights has not translated into social justice and equality for all citizens in the US, as pointed out by contemporary social movements that fight for the rights of African Americans, Latinos, women, gay men and lesbians, the disabled, or the elderly. Therefore, she argues that "differentiated citizenship" is the best way to realize the inclusion and participation of everyone in full citizenship (Young 1989, 251). In the same way, other scholars of citizenship also consider that, especially in urban contexts, differentiated treatment of groups can be a strategy for their full inclusion (Cattacin 2006; McDonough 2008). For this reason, Young advocates for group representation of minorities within a differentiated society, so that members of the groups "participate together in public institutions without shedding their distinct identities or suffering disadvantages because of them" (1989, 273). For Young, special treatment of oppressed group minorities is necessary to guarantee their full participation in important decision-making processes as citizens.

On one hand, differentiated treatment could help minority groups to realize the full potential of their citizenship; on the other, special treatment could accentuate their difference and perpetuate oppression. According to Roger M. Smith, the challenge resides in "achieving forms of differentiated citizenship that help realize meaningful civic equality instead of systemic subordination, oppression, and exclusion" (2011, 240-41). Smith also recognizes that a fully uniform legal construction of citizenship in all societies is not feasible since the reality "will always be differentiated citizenship" (2015, 15). He points out that, in practice, governments in modern democracies treat their citizens differently according to criteria such as age, physical and mental abilities, place of birth, religion, and economics in order to accommodate their needs, and many think this is the right way to govern. While supporting

the necessity of differentiated citizenship, Smith also proposes “that one of the central tasks of democratic governance is to determine on a continuing basis what kinds of differentiated citizenship are and are not appropriate, recognizing that the answers are likely to shift over time and must always be seen as legitimately contestable” (2015, 17). Therefore, Smith and Young regard differentiated citizenship as a legal strategy for inclusion, rather than exclusion.

II. Globalization and Differentiated Citizenship

Aihwa Ong has written extensively about differentiated citizenship in the context of contemporary globalization using the terms “graduated citizenship” (2006) and “flexible citizenship” (1999) to refer to the differentiated treatment of citizens in neoliberal economies. She asserts,

[I]n the era of globalization, individuals as well as governments develop a flexible notion of citizenship and sovereignty as strategies to accumulate capital and power. “Flexible citizenship” refers to the cultural logics of capitalist accumulation, travel, and displacement that induce subjects to respond fluidly and opportunistically to changing political-economic conditions. In their quest to accumulate capital and social prestige in the global arena, subjects emphasize, and are regulated by, practices favoring flexibility, mobility and repositioning in relation to markets, governments, and cultural regimes.(1999, 6)

In her ethnographic studies of transnational Chinese subjects, Ong notices the rise of mobile subject figures who travel easily across borders for business or who hold multiple passports (1999, 19). These are privileged Chinese nationals who are able to claim citizenship-like rights across the globe due to their valorization in capitalist societies, especially in the US. For example, a recent report (2016) by the Asia Society reveals that China has become a leading investor in US real estate:[2] “The investment flow has come into the United States through several channels: residential property, commercial property, development, EB-5 visa program, residential mortgage-backed securities (RMBS), and real estate loans” (Brockinton 2017). Consequently, a “differentiated,” “graduated,” or “flexible” mode of citizenship is exercised here to include Chinese individuals with higher market value who invest in and benefit the US economy, while excluding others of lesser market value.

In a similar way, Evren Balta and Özlem Altan-Olcay conducted a study of privileged Turkish couples that traveled to the US to give birth, so that their children would receive US citizenship. Balta and Altan-Olcay argue that this practice generates inequalities in citizenship and “signif[ies] the ability of privileged minorities in the Third World to generationally transmit their privileges and bolster them with the global advantages of US citizenship” (2016, 940). Some of the anticipated advantages include access to higher education in the US in the future without obtaining a Green Card or sending their children to boarding schools.[3] These parents also think “that a US passport would enable children to work seamlessly, not only in the USA, but anywhere in the world” (Balta and Altan-Olcay 2016, 947). Therefore, for these Turkish couples, US legal citizenship is considered a type of global citizenship in that it allows their holders a worldwide mobility.

Responding to the realities of flexible citizenship, Ong uses the term “graduated citizenship” to explain the distinct treatment of individuals in neoliberal societies. Her examples are mainly drawn from her ethnographic studies of South Asian countries where “neoliberalism

as exception" allows nation-states to establish their norms while also "giving corporations an indirect power over the political conditions of citizens in zones that are differently articulated to global production and financial circuits" (2006, 78). In this way, the global market dictates the inequalities in treatment of individuals.

For example, Ong describes the inequalities among individuals in Malaysia. Privileged Malays benefit from increased economic prosperity due to their association with foreign corporations (especially from the US) and even have access to political power that allows them some tax breaks (Ong 2006, 82). Unlike these privileged Malays, "most of the workers, who keep the economy flourishing, are strictly controlled and enjoy very limited rights" (Ong 2006, 82). The graduation of governance of territories according to market demands allows the corporations an indirect power over citizens, as pointed out by Ong.

Because global markets govern these mechanisms of inclusion and exclusion, differentiated treatment of workers is also seen in other nations around the world. For example, since signing the TLC agreement in 2011 with the US (*tratado de libre comercio*), the Colombian government has continued to offer many benefits to foreign investors even to the detriment of its own citizens: a new Canadian-based mining company, operating in the Pacific Coast of Colombia, hires highly-skilled Colombian and Peruvian employees. While the locals earn their salaries in Colombian pesos, Peruvian workers earn higher salaries in dollars. The difference in the income of workers reflects the power of corporations to establish their conditions upon investing in Colombia and the flexibility that the Colombian government has developed in order to attract foreign investment. Under neoliberal economies and societies, this inequality is the result of the indirect power granted to corporations by governments trying to keep pace with global market demands.

Conclusion

This entry has provided a brief discussion on the concept of differentiated citizenship as studied by scholars of globalization and citizenship studies. While it has been pointed out by Iris Young that differentiated citizenship could be implemented to benefit minorities who need special rights and treatment, the main focus has been the way nation states have become too flexible to accommodate the needs of people deemed valuable according to neoliberal market logic, while excluding others less valuable according to these nations' economies. Whether it is to improve the conditions of minorities' lives or to grant permanent residency in wealthy countries to foreign investors, it appears that, under economic and social pressures, nation states find it difficult to warrant equal treatment for all and therefore continue to see differentiated citizenship as the viable solution. Nonetheless, a continued critical discussion of its consequences is necessary.

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[1] For an extended discussion on the meaning of citizenship, see the entry on Citizenship in the Stanford Encyclopedia of Philosophy.

[2] The full report can be found here.

[3] For comparative purposes, see information about Chinese women coming to the US to give birth in Matt Sheehan's article "Born In The USA: Why Chinese 'Birth Tourism' Is Booming In California" (2015).

About the Authors

Astrid Lorena Ochoa Campo is a PhD student in the Department of Spanish, Italian and Portuguese at the University of Virginia. She holds a MA in Spanish (2010) from the University of North Carolina at Greensboro, and a B.Ed. from the Universidad del Atlántico in Barranquilla, Colombia. Her research interests include contemporary Latin American women writers, feminist theory, Latino studies, cultural Studies and the Global South.

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