Regional spheres of citizenship
The role of sub-state regional polities in a multi-level citizenship theory

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Vilnius, June 28th 2014

1. Introduction

Citizenship theory has traditionally focused on the link between the individual and the nation-state. As a matter of fact, a large part of this literature has treated the nation as the natural container of citizenship. Indeed, the privileged association of citizenship with the nation-state has had a powerful normative legacy, shaping many of the key contributions over the last decades.

It was only in the last two decades that scholarly research started disputing the assumption that the nation-state is the exclusive conferrer of rights and duties (Keating 2001; Wimmer and Glick Schiller 2002). The role of the state as the most important sovereign political unity of modern history was never contested; however, scholars argued that new phenomena had started to challenge state’s dominance in the field of citizenship policy. Globalization, new forms of transnational migration, the consolidation of supra-national entities, and the development of human rights regimes have provided new ways of decoupling citizenship from the institution of the state. A broad literature on the spheres of citizenship demonstrated the relevance of the concept outside of the setting of a nation-state pure, including transnational (Bauböck 1994), post-national (Soysal 1994) and supranational citizenship regimes (Delanty 1997; Jenson 2007; Shaw 2007). Today, much of contemporary citizenship scholarship can be understood as an on-going debate to explain the reconfiguration of the boundaries of membership and the distribution on rights across multiple levels (Kymlicka and Norman 2000; Bauböck 2003; Maas 2013).

Yet, while scholars have explored the emergence of citizenship regimes above the level of the nation-state, there have been very limited attempts to understand and explain whether and how citizenship has been similarly disaggregated beneath the state. The relationship between the transformation of sub-state political institutional structures and the protection of citizenship rights is indeed an interesting one: debates in citizenship studies on issues such as immigration in sub-state polities in Europe show that regions are spaces where de facto civil, social, and political citizenship is constructed (Keating 2009; Hepburn 2011; Strazzari 2012; Jeffery 2013). While these studies have analysed the politics of regional citizenship, scholarly research has not engaged with a definition of how regional citizenry is defined, nor what consequences it brings for the stability of democratic states, especially in those contexts characterized by strong sub-state nationalist movements. Arrighi and Bauböck laid down the premises for a thorough comparative study of regional citizenship, as
“contextual arguments require a combination of normative with empirical analyses […] We need to find out more how regional citizenship varies across states and why it does so” (2012: 9). With these propositions in mind, this short paper sets out with the following question:

Q1. Under what conditions is the region a meaningful space of citizenship rather than of public administration or government only?

Regional spheres of citizenship are particularly relevant for contemporary political science as a fragmentation of citizenship represents a powerful challenge to the stability of the nation-state. State citizenship has long been a unifying national force and perhaps one of the most effective tools in the hands of twentieth century state builders (Marshall 1949/1977; Martínez-Herrera 2002; Bartolini 2005; McEwan 2006). The question of under what conditions a region is a sphere of citizenship and not a unit of government only is therefore particularly relevant as a part of the effort to understand the transformation of the nation-state and its boundaries.

2. Conceptual framework

Before answering the question the paper asks it is necessary to provide a working definition of the main concepts. This paper is built around two key concepts: citizenship and the region. The first purpose of this section is to provide a definition of each of them. Whilst I do not deny the validity of alternative definitions, I want to circumscribe my use of these concepts to distinguish between what I aim to achieve with my project and what, instead, is beyond my aims. The second purpose of this section is to provide a short review of the existing literature on regional citizenship.

‘Citizenship’ is a multifaceted concept. Scholars in the field of social sciences often refer to it as a set of practices, civic engagement, identity, and loyalty to a polity (Walzer 1983; Miller 2000). By contrast, legal scholars tend to consider citizenship as a formal status constitutionally recognized and granted to the members of a polity (see: Kochenov 2010 for a discussion). In the upsurge of scholarly interest in citizenship, however, there has been recognition of the inadequacy of both a purely sociological and a purely legal definition of the concept. The definition of citizenship used in my project is a middle ground between the two: I define it as a status of full and equal membership in a democratic polity that involves both rights and duties. Just like citizenship, ‘region’ is an elusive concept too (Keating 1998: 9-15). As a general term, it refers to a portion of territory that may be of any size. There are several kinds of region: political, economic, cultural, or climatic. Regions could sometimes stretch beyond the borders of a state to include part of the territory of another state. In international relations regions are sometimes understood as the aggregation of several states into supra-state entities. This paper leaves these definitions aside and borrows from the broad literature on regionalization (Keating 1998; Hepburn 2011a), which conceives regions as territorial tiers of

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1 This definition builds on Marshall’s essay, which more than any other had a pervasive influence on the field of citizenship scholarship. Marshall expounded the development of civil, political, and social rights in post-war Britain to trace a “national history of citizenship” (1949/1977: 9). In reality, however, this conceptualization may be applied to other democratic polities too, including the region.
government directly below the state that have a further level of government below it (e.g. local). Interestingly, although regionalization has profound implications for citizenship, the very broad literature on the topic has been only rarely been couched in terms of citizenship.

3. Citizenship and the region: historical connections

It is surprising that in the large literature on citizenship there are few references to specific forms of membership in local and regional polities. Although the dominant narrative of a homogeneous state-based citizenship today often obscures examples of regional citizenship in theory and practice, macro-historical sociology provides many of such examples. The origins of citizenship, for a start, can be found into aggregations that were constructed within relatively small territorial sites. From the early polis of ancient Greece to the Italian renaissance cities, the Austrian and German Heimatrecht, and the late-medieval Swiss Bürgergemeinde, localized forms of citizenship survived over time until the rise of sovereign statehood and market economy. These two processes, which emerged all over Europe from the second half of the 18th century onward, signified a subordination of local and regional forms to sustain the nation as the only sovereign political community.

There are many influential theories of European political development that seek to make sense of such long-historical trends. The theory of Stein Rokkan (1999), in particular, explains the internal sources of political development through which the modern states of Europe were established. The process of state-building, according to Rokkan, is the outcome of the long transformation of the feudal structures inherited from the disintegration of the Roman Empire. Rokkan suggested that state-building is a process that concerns the neutralization of free-riding and defection options. A crucial component of this process was, therefore, the cancelation of territorial particularism in order for the unitary modern state to become the main space of collective life. Of course, the existence of strong cities and regions with a tradition of distinctive cultural and political autonomy, as well as economic independence, hindered centralized unification. The construction of state citizenship involved a slow and fragile process of fusion of different institutional frameworks for social protection, which were centralized in the hands of a unitary state. The Italian city-states and the German city-leagues long competed against the state to establish an alternative form of political rule; but eventually they crumbled. Marshall described this as a process of “geographic fusion” (1950). This basic mechanism was trenchantly showed by a famous metaphorical sketch of Ernest Gellner (1983: 139-140), who described this transition as one from Kokoshka’s to Modigliani’s pictorial styles, that is from a map of Europe that looks like a mess of coloured dots to one in which sharply demarcated surfaces are neatly separated by thick black lines representing political boundaries. Indeed, “the transfer of the locus of sovereignty from crown to nation coincided with the transfer of the locus of citizenship from municipalities to the nation” (Fahrmeir and Jones 2008: 244).

Yet, the dream of complete uniformity was never fully attained. Unitary state citizenship is the historical exception rather than the rule (Maas 2013). Elements of the early modern tradition of urban and regional citizenship survived in many contexts. In Spain, the fueros, that are charters of
rights of certain regions including the Basque Country, Navarra, and Catalonia, never disappeared. The French provinces of Alava and Navarre retained their economic privileges over time. Scotland preserved distinctively regional institutions in the field of education. Nearly everywhere in Europe, the removal of local boundaries and the standardization of legal frameworks encountered numerous difficulties and the unification of the administrative territory of the state, based on the principle of equal citizenship, could proceed only very slowly (Rokkan 1999). These highly differentiated traditions left institutional residues that were bound to re-emerge over time (Bartolini 2004; Ferrera 2006). For a start, regional forms of allegiance showed that it was possible for sub-state territories to be conceived as spaces of citizenship without necessarily reversing their integration into states. After the 1970s, the growing importance of territorial variations and regional-scale policies suggests that the state has to some extent been recast as “a more complex multilevelled form of political organization that needs to respond to the demands of distinctive regional political communities as well as the political community as organized at the state-wide scale” (Jeffery et al. 2013: 305). While the state remained the privileged location for the rights of citizens, the widening and deepening of regional policy responsibilities might have had a significant transformative effect on citizenship. Rights have become progressively detached from the state as the only protector; and the existence of territorially specific duties has been linked to regional forms of citizenship that exist as nested memberships in multilevel polities. As Stjepanovic (2012: 6) put it: “there is ample evidence that sub-state polities are not just messy relics of the pre-national European past but omnipresent expressions of modern democratic citizenship”. This resilience of regional forms of citizenship in democratic contexts serves in itself as strong evidence for the argument that regional citizenship deserves to be thoroughly studied as part of any theory of citizenship (Bauböck and Arrighi 2012: 24).

4. A political theory of regional citizenship

Although marginalized by the narrative of state-based citizenship, multilevel forms of citizenship abound in history and they powerfully undermine “the whole idea of the state as a continuous legal space defined by equality of status and of treatment” (Maas 2013: 13). The most developed contemporary literature on multilevel citizenship is situated in Europe (Bauböck 2007; Shaw 2007). At the level beneath the state, scholars have made a case for disconnecting urban from state citizenship and endowing cities with the capacity to impact on citizenship (Bauböck 2003; Sassen 2003; Maas 2013). Yet, while scholars have explored the emergence of these new spheres of citizenship, the literature falls short of providing a comprehensive theory on how regional spheres affect multilevel citizenship. The argument of my paper is that citizenship can be disconnected from the corresponding encompassing constitutional concept by looking at citizen’s enjoyment of rights and subjection to duties as linked to a status of membership in a political community.

It is important to bear in mind that different kinds of membership boundaries exist. Bartolini (2005) identifies four domains of boundary building: the economic, cultural, coercive and politico-administrative. Regions have been traditionally understood as providers of cultural or economic
boundaries. Cultural boundaries were constituted through territorial concentration of language, religious, or ethnic differentiation within otherwise relatively culturally homogeneous nation-states (such as Catalonia and Basque Country in Spain, Flanders in Belgium, Quebec in Canada, Tibet in China, Crimea in Ukraine); economic boundaries were constituted mainly through sectoral specialization (such as Baden-Württemberg in Germany, Lombardy and Veneto in Italy). These boundaries were defined and reinforced by the continuous interaction in the geographical space with the cultural and economic equivalent. While regions provided a basis for the cultural and the economic boundaries, the modern nation-state successfully integrated all four boundary-building processes: in the twentieth century, crossing the boundary of the state one passed, at the same time, into a different economic market, into a different cultural community, into a different coercive force and into a different set of political jurisdictions. Globalization has partially blurred these boundaries above the nation-state, for instance by creating common economic markets. At the same time, however, new boundaries have been created and reproduced beneath nation-states. In the remnant of the paper I will discuss the creation of political boundaries beneath the state and I will try to show that in some cases, some regions should be seen as citizenship jurisdictions on their own.²

I would like to argue that the sub-state unit is a salient provider of political boundaries within the nation-state when the rights and duties are contingent to the region: what you get as a citizen depends, at least in part, on where you live in the state. This broad definition can apply to regions whose competitive differentiation strategies can be re-interpreted as profitable strategies of boundary-building, or as the creation of new spaces characterized by public policies to favour insiders and attract outsiders that can bring benefits to the regional community (Bartolini 2005). Lansbergen suggests that practices of region building are linked through citizenship via “the reflexive process of integration and differentiation that characterises asymmetric federations” (2012: 13). Nonetheless, a mere territorial subdivision of powers and responsibilities of states does not automatically imply that the regional level is salient for citizenship rather than just for public administration.

In the following paragraphs I will argue that two conditions are necessary for the region to be a sphere of citizenship and not a unit of government only. The first condition is necessarily linked to the existence of a regional legislative assembly. Legislative assemblies represent a crucial feature of regional citizenship regimes for at least two reasons: first, they provide a regional constituency to symbolically represent ‘the people’ or “the citizens of the region” (Hepburn 2011a); second, they provide deliberative power to organize the public discourse around rights and duties rather than around merely functional administrative decisions.³ The key function of regional legislative assemblies is that of attributing meaning to the region as a democratic polity. Political representation is “a highly productive symbolic force” (Lacey 2013: 63; see also Saward 2010). Similarly, the election

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² A further question that could be addressed is whether the existence of strong, internal political boundaries poses a threat to the stability of the nation-state: in some cases, when cultural or economic boundaries have become politicized, they have represented springboards for the independence of the region, as it recently happened in the case of Crimea in Ukraine and Kosovo in Serbia. Similarly, the existence of political boundaries within nation-states can represent part of self-determination strategies. I will not address the question in this paper, but it is useful to bear this problem in mind for further research on the topic.

³ Both federal solutions and autonomy arrangements have been used to bring about the power of make laws for territorially circumscribed entities at the sub-state level (Suksi 2011). It must be noted, however, that although federalism and autonomy have profound implications for citizenship, previous writings on these topics have been only rarely been couched in terms of citizenship theory (Beaud 2002; Cantillon et a. 2011; Strazzari 2012).
of regional assemblies constitutes a crucial part of the process of community formation, that “a politically organized society or community with its own institutions for making collectively binding decisions for a specified group of persons and/or within a bounded territory” (Bauböck 2003: 1). Autonomous regions in Spain, for instance, have built identification with the political communities they govern through their own assemblies (Martínez-Herrera 2002). Also in Scotland and Quebec there is compelling evidence to suggest a consolidation of citizenship at the regional level through the creation of new forms of political representation and participation in devolved institutions (Hepburn 2011a and 2011b). The grounding of democracy beyond, and indeed beneath the confines of the state has been called “a major contemporary challenge” (Fossum and Poirier 2009). The procedural devices to open up the institutions of political decision making to the input of individual citizens through the ballot are, therefore, a crucial part of citizenship. Directly elected legislative assemblies, in short, confer symbolical strength and a coherent democratic space to the region providing representation to ‘the people’ or ‘the citizens’ of the region.

There is a second condition, however, for the region to be a sphere of citizenship: regional assemblies need to have the capacity to legislate in social, civil, and political areas. This is not always the case: regional assemblies sometimes have merely regulatory powers. In other cases, “as regions are granted increasing control over a large number of policy areas, claims to these services and freedoms become regionally based” (Hepburn 2011a: 508). Having the power to legislate in crucial citizenship areas, regional assemblies have a direct impact on citizens’ rights and duties. Thus conceived, forms of regional citizenship consist of the entitlement to specific rights and duties to be determined on the basis of specific criteria set by the regional legislative body. Regional parliaments can legislate in matters of civil liberties (i.e. freedom of use of a language in public spaces, right to own properties, right to be exempted from military service) social assistance (i.e. right and duty to have a public regional insurance scheme, exemption from university fees, right to poverty subsidies, social housing benefits), and political participation (i.e. alien enfranchisement, right to vote from other parts of the country, right to vote from other countries). Decisions taken by regional assemblies affect the territorialisation of citizenship (the extent to which regional rights and duties differ from the rights and duties provided by state citizenship in the country), as well as its boundaries (who is entitled to be granted regional rights and be subject to regional duties).

In conclusion, I have argued that there are two necessary conditions for a region to be a sphere of citizenship: first, a regional voting space and, second, the capacity of the regionally elected assembly to legislate over social, political, or civil. These two conditions suffice for shares of citizenship to be located at the level of the region4.

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4 Not all the regions in the EU have a regionally elected legislative assembly. In total 74 regions from 8 countries have elected regional assemblies. Together these regions represent more than 200 million inhabitants. The list includes both the entities that have a specific territorial status within an otherwise unitary state (e.g., the Åland Islands in Finland) and the entities that have a functional regional status within a multi-layered system (e.g., the autonomy of a federal state to make certain decisions independent of the federal government). In practice, the regions that would be included in this list would be: the Spanish autonomous communities; the Italian regional councils; the assemblies of the Belgian regions and communities; the parliaments of both the Austrian and the German Länder; the autonomous parliament of Åland (Finland); the regional assemblies of the Azores and Madeira (Portugal); and the ones of Scotland, Wales and Northern-Ireland (the United Kingdom). How different their powers may be, it always concerns regional parliaments that have two things in common: they are part of the EU and they have legislative power.
5. Stronger and weaker spheres of regional citizenship

While a regionally elected assembly with legislative powers is a necessary pre-requisite for regional citizenship to exist, its presence alone does not say much about the strength of regional citizenship. What is missing in the definition of regional citizenship regime that I have provided so far is the strength, which should be understood as the relative measure of the salience of the region as a space of citizenship for individuals. There are two main dimensions of regional citizenship strength: territoriality and membership.

Territoriality is about the extent to which regional provisions on the territory of the region differentiate regional rights and duties from those that are normally provided for by the state across the three components of citizenship. Differentiation, of course, is a comprehensive term. It includes additions, exceptions and modifications of state rights and duties. The differentiation of social and civil components from those normally provided by the state introduces additional strength to regional citizenship regimes. Of course, there are regions that, such as Scotland, differentiate individuals’ rights along all the three components of citizenship. Nonetheless, while the existence of an autonomous political dimension is a necessary feature for regional citizenship to exist, regions do not necessarily differentiate along all the three components of citizenship. For example, Flanders as a part of Belgium does not have separated civil citizenship, but does possess a social legislation that is substantively different than the rest of the Belgium. Another example is the Åland Islands in Finland, whose inhabitants are subject to the social provisions of the state, but their civil rights vary greatly from those of the citizens of the rest of the country. These examples of differentiation of regional rights from those normally provided for by the state illustrate the fact that individuals can be subject to different political conditions depending on their membership in a sub-state polity. The element of territoriality in regional citizenship is about how much of what you get as a citizen depends on where you live in the state. An instance of how this measurement item could work is provided below, with a series of examples of how regional legislation can differentiate state legislation across the three components of citizenship.

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<tr>
<th>Civil</th>
<th>Political</th>
<th>Social</th>
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<tbody>
<tr>
<td>Rights</td>
<td>Regional institutions granting the right to be exempted from military service</td>
<td>Regional institutions granting the right to vote in regional elections, right to stand as a candidate in regional elections, right to start a referendum, right to vote in regional referendum</td>
</tr>
<tr>
<td>Duties</td>
<td>Duty to know the regional language to be entitled to own land and start a business in the region</td>
<td>Duty to vote in regional elections, duty to vote in regional referendum</td>
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The second feature of regional citizenship regimes is the autonomous determination of membership. As in Rogers Smith’s analytic framework (2004), which was focused on identity politics and its role in the construction of membership in polities, regions construct categories of members by offering different groups of individuals alternative bundles of rights and duties. The question is to which extent regions are autonomous in determining eligibility for differentiated rights and duties. If regional citizenship was merely derivative upon state citizenship, then its application would be extremely limited. Regions, however, often disconnect the status of membership from parallel state-level institutions, either creating a more encompassing polity including non-citizen residents and residents living abroad or narrowing down the pool of eligible members excluding from the polity all those individuals who have not resided for a long period in the region. By doing so, regional institutions disconnect the body of citizens of the region from the body of citizens of the nation-state: the sum of the regional citizens does not result in the total of state citizens.

There are two ways in which regional boundaries of membership can be expanded. First, they can be open to specific categories of individuals who do not live within the region, but are linked to it. Somehow paradoxically, individuals can gain access to the territorial rights of the region though not living there. The most famous case is that of Basque descendants, who are entitled to vote in Basque elections and to be awarded scholarships from the Basque regional government. In some cases, external regional rights apply also to individuals temporarily living outside the region. In some Austrian Landers, for instance, individuals living abroad are entitled to vote in regional elections. Secondly, regional boundaries can be open to individuals who do not possess state citizenship, but who reside on the territory of the region. Regions adhering to this approach challenge the assumption that regional citizenship is necessarily derivative from state citizenship. In many regions, second country nationals can vote to regional elections and are granted access to social subsidies. In Scotland, Wales, and Northern Ireland, commonwealth citizens are entitled to the same privileges. Azores and Madeira implemented privileged status for citizens from Brazil. These are all instances of how regions can affect the principles of eligibility normally established by the state.

Regional boundaries can also be contracted. The most common case is that of regions requiring criteria of long-term residence in the region prior to granting membership or by requiring individuals to meet specific conditions. A minimum period of legal residence is sometimes required to exercise political and social rights. The assembly of South Tyrol has approved measures requiring individuals to reside in the region for four years before being granted voting and social rights (e.g. housing). Åland applies the same provision, only longer (five years), and adds a mandatory test on the knowledge of Swedish before granting regional citizenship. An instance of how this measurement item could work is provided below, with a series of examples of how regional legislation can expand or contract the boundaries of membership across the three components of citizenship.
Table 2. Regional citizenship: membership differentiation

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<th>Civil</th>
<th>Political</th>
<th>Social</th>
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<tbody>
<tr>
<td><strong>Expansion of the</strong></td>
<td>Access to regional civil protection through</td>
<td>Access to regional voting rights through residence or</td>
<td>Access to regional welfare benefits through residence</td>
</tr>
<tr>
<td><strong>boundary</strong></td>
<td>residence or historical connections with</td>
<td>historical connections with the region</td>
<td>or historical connections with the region</td>
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<td></td>
<td>the region</td>
<td></td>
<td></td>
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<tr>
<td><strong>Contraction of the</strong></td>
<td>Access to regional civil protection</td>
<td>Access to regional voting rights conditional to long-</td>
<td>Access to regional welfare benefits conditional to long-</td>
</tr>
<tr>
<td><strong>boundary</strong></td>
<td>conditional to language/civic knowledge</td>
<td>term residence or language capacities</td>
<td>term residence or language capacities</td>
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<td></td>
<td>capacity</td>
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The two tables presented in this section allow us to trace profiles of regional citizenship in different contexts. Not only they serve as a first attempt to measure the strength of regional citizenship: they also allow researcher to understand whether a specific regional citizenship sphere is more about providing rights or enforcing duties upon individuals, or whether it is more about expanding or contracting the boundary. Furthermore, regional citizenship can be measured either within states, to check the relative strength of the regions of the same state, or as an aggregate measure to compare the average strength of regional citizenship across different nation-states. All these measures provide information on the direction and the evolution of regional spheres of citizenship, which in turn can be used to question the impact of these political boundaries and their effect on the stability of nation-state institutions.

6. Conclusion

Citizenship theory has long relied on the fallacious assumption that there is no citizenship beyond the state. This paper started from the premise that regions can constitute spheres that modify the elements of territoriality and membership normally provided by state citizenship. For the region to be a sphere of citizenship, I have identified two crucial conditions: the existence of a directly democratic constituency that elects a regional assembly with legislative powers. Regional spheres of citizenship can therefore be conceptualized as those regional territories where a directly elected assembly has the power to autonomously legislate over political, social, or civil rights and duties of individuals. This definition helps to identify those regions that are more than just units of government and administration.

The conceptualization of regional spheres of citizenship as does not, however, provide the tools to measure the strength of regional citizenship in different contexts. For this to be done, I have suggested it is necessary to take into consideration two further aspects of the regional citizenship sphere. First, the extent to which regional provisions on the territory of the region differentiate regional rights and duties from those that are normally provided for by the state across the three components of citizenship – social, political, and civil rights. This is what I have called the territorial
dimension of regional citizenship: a strongly territorial regional citizenship sphere breaks the equality that is implicit in state citizenship by assigning different rights and duties to individuals of the same state depending on the region where they live. Secondly, the strength of regional citizenship depends on the capacity of regional institutions to disconnect the status of membership from parallel state-level institutions, either creating a more encompassing polity including non-citizen residents and residents living abroad or narrowing down the pool of eligible members excluding from the polity all those individuals who have not resided for a long period in the region. This is what I have called the membership dimension of regional citizenship. These two dimensions taken together provide a measurement of the strength of regional citizenship, either as an aggregate of individual regions within a state or as relative to each other within the same state.

It is now often the case that regional institutions not only imagine but also construct the political boundaries of their democratic polity in a manner that does not necessarily overlap with the nation-state. Distinct logics and philosophies are certainly possible in a coherent multilevel architecture, but they have to meet some democratic challenges. The question how a coherent multilevel citizenship architecture could be reconciled with the stability and equality of nation-state institutions is a promising agenda for future research.

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