



The politics of citizenship in divided nations: Policies and trends in Germany and China



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ABSTRACT

Looking at how divided states competed against each other in the arena of citizenship since 1949, this research observes a number of common trends. The German and Chinese case studies manifested a shared trend in large part because they faced comparable challenges and responded with similar citizenship strategies in their quest for national legitimacy and diplomatic recognition. The policy effectiveness depended on the intensity of inter-state rivalry, the Cold War diplomacy, and the global nationality trends. The tight bipolar system and the strong international cooperation on nationality in Europe (among the socialist and non-socialist blocs) explain why both German states were in more favourable circumstances in asserting their citizenship claim. These two aspects are missing in the Asian context, which explain the absence of the role of the international community in legitimising or supporting the Chinese citizenship rivalry. This paper concludes that citizenship policies in the two German states were shaped in response to one another. As compared to the German case, the Chinese and Taiwanese policies exhibited a more pragmatic and independent character.

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1. Introduction

“Conflict” is the defining characteristic of relations between states within divided nations (Gu, 1995). Interstate rivalry takes place when the rival states compete for diplomatic recognition and for representation in international organizations. In their quest for international legitimacy, they form alliances with the superpowers, and engage in domestic reforms to improve their international image (Lebow and Henderson, 2006; Metzler, 2001; Yung, 2000; Gu, 1995; Chiu, 1981). Competition between divided states has presented peculiar problems for the international community and it affected the rights of the population in the divided states with regard to diplomatic protection in a third state, the right to return and resettlement, dual citizenship, political rights and travel restrictions to communist or non-Communist countries (Hilf, 2004; Hofmann, 1998; Simma, 1985; Tseng and Wu, 2011; Wang, 2004). While interstate conflicts within divided nations have been subject to a considerable research effort, the examination of citizenship conflicts has not been given the same attention in a comparative perspective. Nationality in divided nations has been neglected in international law since international law provides no legal framework for divided nations to deal with their nationality problems. Chang (1990, p. 267) asserts that nationality in a divided nation presents “peculiar legal problems which have as yet been largely neglected and thus still remain unexplored”. In his words, the phenomenon “possibly gives rise, in the field of nationality, to some sort of de facto dual nationality” (p. 258).

Citizenship in divided nations, thus, should be treated differently from citizenship in non-divided nations. The citizenship issue is a question of national existence. In terms of functionality, citizenship in divided nations has been

“instrumentalised” to achieve goals of national unification. Citizenship is one of the important arenas of competition to control the national population, including those in their rival state. Gaining the allegiance of the population is vital since the interstate rivalry over the control of population is closely related to the issues of state's legitimacy and sovereignty. In fact, the battle for influence and control over nationals abroad is one of the areas of rivalry in the quest for national and international legitimacy. Effective control over population and territory is one of the criteria used by the international community to assess a government's international legitimacy, which in turn decides its acceptability by the international community (Gu, 1995).

Scholars have sought to interpret the citizenship dynamism in divided nations by referring to the ideological framework (Nathans, 2004; Von Koppenfels, 2002; Zieger, 1971; Riege, 1982; Damm, 2007; Chiu, 1990; Suryadinata, 1997), the state understanding of nationhood (Brubaker, 1992; Preuß, 2003), and the pragmatic considerations (Choe, 2006; McKay, 1998; Palmowski, 2008; Eley, 2008). Single country study approach – based on individual German, Chinese, and Korean case studies – have provided excellent empirical works and theoretical grounds for a comparative undertaking. Comparative case studies are important to trace the variation across the countries while single case-study approach allows us to dwell into the dynamic of individual citizenship policy (Howard, 2005: 705). Empirical comparison of citizenship policies in divided nations has been undertaken by Choe (2006), using the People's Republic of China (PRC) and the Republic of Korea as two case studies. Challenging Brubaker's hypothesis (on the German case) that citizenship is a “politics of national identity”, Choe (2006) suggests that citizenship is a “politics of national interests”. Political and economic interests have shaped the legal definition of citizenship in divided nations. In his words, “My research challenges the culturalist argument which takes ‘national identity’ as the central determining factor in nation states' decisions about citizenship. I argue that citizenship, as a political institution, is determined more by political and economic factors than by cultural factors such as national identity in the cases of China and Korea” (p. 86).

A literature gap identified is the lack of a systematic cross-national analysis of the common trends. What explains the common reaction, response, and policy formulation? There are some systematic factors explaining the similar developments (though with some degrees of variation) of each regime. The special “intra-national” relationships between divided states (Gu, 1995), and the Cold War diplomacy of “divided dynamism” (Metzler, 2001) do affect the citizenship conflicts. Furthermore, the developments were responsive the broader regional and global citizenship trends, taking place in the socialist and non-socialist blocs (Sipkov, 1962; Koslowski, 1998). Taking into consideration of these three factors, this paper examines five converging trends in the divided the German and Chinese states since 1949:

- When the divided states experienced high hostility in their inter-state relations at the beginning of the Cold War, their nationality competition was intense (1949–1954).
- As the global nationality trend moved towards the prevention of dual nationality, the divided states followed the trend by implementing the single nationality principle (1955–1970).
- As a result of the détente between capitalist and socialist blocs, the divided states strengthened their citizenship rivalry by competing for international recognition (1971–1989).
- The changed diplomatic atmosphere complicated the question of identity construction in East Germany and Taiwan. The GDR attempted to create a separate statehood by ‘de-Germanising’ the East German population and developing a socialist identity. The ROC legitimised Taiwanese statehood by cultivating a local Taiwanese consciousness distinct from Chinese identity and by engaging in democratization (1971–1989).
- When most countries reformed their nationality laws to facilitate the inclusion of immigrants, the divided states also undertook a similar reform (after 1990).

This paper is interested in how divided nations define their citizenship. There are two main research objectives. First, the research aims to identify the decisive factors determining the direction of the nationality policy of divided states. Second, to what extent, if at all, can one identify similar stages of nationality rivalry in the German and Chinese cases?

2. Conceptualising citizenship in divided nations

There are three main definitions of citizenship based on three different citizenship theories. Liberalism sees citizenship as a matter of rights; republicanism views citizenship as practice; and communitarianism regards citizenship as identity. Liberal theories of citizenship place emphasis on individual rights and they are based on the objective of maximising individual liberty (Schuck, 2002). Republicanism strongly emphasizes citizenship duties. Citizens are required to cultivate civic virtue and a commitment to participate in public affairs (Dagger, 2002). For communitarianism, the importance of citizenship as a shared identity is highly valued. Citizenship functions to preserve the cultural identity of a community (Delanty, 2002). In this paper, I focus on the function of citizenship as a political instrument to gain national and international legitimacy. The objective of national unification determines how the states define their political membership.

The German and Chinese citizenship regimes are also comparable within the wider context of Cold War diplomacy. First, they provide an ideal opportunity to analyse the influence of ideological rivalry on their nationality laws. Both German states

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