

The Price of Selling Citizenship

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Malta's decision to sell citizenship triggers strong reactions in many of us. It appears to wrongfully connect the awarding of citizenship to ability to pay. And as Ayelet Shachar's contribution points out, it disregards the other things that theorists often emphasise as key to citizenship acquisition: rootedness in a community, interaction with its institutions, long-standing residence, or participation in its political life.

On the other hand, we might ask, can these other things *always* be necessary criteria for awarding citizenship? Imagine that our country is waging a desperate war of self-defence. Just when defeat – and the collapse of our community – appears inevitable, a force of foreign volunteers enters the fray and swings the result in our favour. These volunteers have performed a tremendous service to our community – perhaps the greatest service we can imagine.

Imagine, next, that we decide to thank the volunteers by offering them citizenship in our country. Would this be morally repugnant? Far from it: the decision would, I think, be perfectly appropriate. What, then, of rootedness, interaction, residence, or participation? If giving citizenship to our imaginary volunteers is appropriate, then those things cannot be as important as we thought. Perhaps a massive, one-off contribution to the polity can be enough.

We might think the Maltese example is very different, of course. Perhaps what we object to here is the *selling* of citizenship, because this rides roughshod over the morally significant connection between citizen and community. Perhaps such 'deals' should never be made.

I'm not so sure. We can tweak the war example so that volunteers are not forthcoming, and our country still faces annihilation. We then *ask* for volunteers, promising to grant citizenship as a reward for their services. Obviously, this looks less palatable than the original example, because instead of a selfless sacrifice we now have a rather self-interested deal. Still, would it be wrong for our country to offer this deal? It seems to me that, though it might make some of us uncomfortable, the answer is no. Perhaps a country can be

in such dire straits that such deals are, all-things-considered, an acceptable way of proceeding. But if *that* is true, what if the straits are financial ones, and the deal in question is, simply, the selling of citizenship?

I suspect that selling citizenship is perhaps not *always* wrong, even if it often will be. In the rest of this response I set out five reasons, though, for restricting the sale of citizenship. Some of these concerns can be avoided. Others remain genuine worries. But the *way* they ought to concern us is interesting, because they suggest that what is *wrong* with selling citizenship also applies to other instances of citizenship acquisition. Perhaps, then, selling citizenship is just the most visible case of a wider phenomenon. Perhaps, for all its blatancy, it is not even the most important case.

1. What if selling citizenship has not been democratically authorised (or, as Shachar suggests, it is veiled in secrecy), whereas if ‘the people’ had been properly consulted, they would not have endorsed such a policy? (A survey shortly before the Maltese decision showed 53 per cent disapproval.¹) We know that citizens often feel their views are very poorly represented in policies on immigration. Then again, putting great weight on popular views about immigration may be unwise: those views are often hostile to immigration *in general*, and also, at the same time, often very badly informed. But regardless, this objection is a contingent one, and leaves open the deeper question: if the public *did* authorise selling citizenship, would there be anything wrong with doing so?

2. Perhaps admitting the kind of people who can afford to spend hundreds of thousands of Euros buying citizenship is unwise. Those (rich) people will probably turn out to wield disproportionate influence on domestic politics. I believe that we have every reason to fear their influence. But if this is so, it is not an objection to *selling* citizenship. It is an objection, surely, to *granting* citizenship to very rich individuals whether they pay for it or not. It would apply just as strongly to a policy which made it *easier* for rich individuals to access citizenship (free of charge). Less obviously, liberal democracies standardly grant automatic citizenship to the children of native citizens, some of whom also happen to inherit great wealth. Isn’t *their* wealth a problem too? Isn’t it just as large a danger to democracy? If so, what should we do?

¹ ‘MaltaToday survey – Malta says yes to Budget, no to sale of citizenship’, *Malta Today*, 11 November 2013, available at https://www.maltatoday.com.mt/news/data_and_surveys/31360/maltatoday-survey-budget-citizenship-20131111#.WtMg7HK-nZs

3. Perhaps it is unfair to allow people to buy citizenship, because other less fortunate outsiders are thereby disadvantaged. The playing-field is simply not even. If so, the same response follows: this is an objection not to *selling* citizenship, but to making it easier for *anyone* to obtain citizenship merely because they are wealthier or, indeed, because they possess ‘desirable’ skills. Selling citizenship is only a very visible instance of wider distributive unfairness in allocating citizenship. It may not be the most important example.

4. Perhaps selling citizenship cheapens that ‘good’, and, as Shachar rightly points out, sends a terrible signal to existing citizens about what makes a good citizen. This is, I agree, a profound concern, but we can respond in the same way as to the last objection. *Any* policy which makes it more likely that some, rather than others, will be admitted to citizenship sends such a signal. A policy which makes it easier for wealthier or more highly-skilled people to obtain citizenship sends just the same signal. If the objection is a good one, its implications ripple beyond the mere selling of citizenship.

5. Finally, we might object that what Malta is doing is unfair to other EU member states, since all of those states potentially bear the *costs* of granting citizenship to outsiders, but only Malta reaps the *benefits*. This, I suspect, is at the heart of much of the resistance to what Malta is doing. But several responses can be made. First, this objection obviously applies only to EU-member states, and not to states more generally. Second, for an EU member state to link citizenship to buying property or investing in their country should be equally objectionable. Third, and more importantly, we can point to ripple effects again. If it is wrong for one state to pursue a citizenship policy which delivers benefits to itself but imposes costs on others, what *else* might fall foul of that principle? What about countries that attract wealthy citizens of other states by offering them lower taxes and which thereby make it more difficult for progressively-minded states to pursue egalitarian policies? What if state competition for those wealthy individuals always imposes externalities, making progress towards a more equal world more difficult? Selling citizenship might then be, as Peter Spiro observes, merely the tip of a very large iceberg. And not necessarily the worst part.

I am not sure, in the end, that I agree with Shachar that selling citizenship is always wrong. Perhaps it is safer to say that it *usually* is, though we can imagine situations where the reverse is true. But either way, selling citizenship, even if it (often) appears repugnant, pales in comparison to many of the other inequities attendant on the ordinary transmission of citizenship, as Shachar’s own work has forcefully hammered home. I am tempted to

conclude precisely this: for all that selling citizenship troubles us, it might do us the considerable service of forcing us to think (more) about the way in which many people already obtain citizenship, and the way in which citizenship practices more broadly both feed off, and make it harder to tackle, underlying global inequalities. As Spiro observes, writing better citizenship laws can only be part of the solution to that problem. There are many other important ways of tackling global inequalities that deserve at least equal attention.

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