

# GLOBAL CONSTITUTIONALISM

## *Citizenship and its Discontents*

Yale Law School

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### INTEGRATIVE MATERIALS\*

#### Chapter I. CITIZENSHIP AND ASSIMILATION: THE TURN AGAINST MULTICULTURALISM

##### 1. *Multiculturalism and Minority Rights*

- a. Will Kymlicka, *The New Debate over Minority Rights, and Id., Liberal Culturalism: An Emerging Consensus?*, both in Will Kymlicka, *POLITICS IN THE VERNACULAR: NATIONALISM, MULTICULTURALISM AND CITIZENSHIP* (2001)
- b. Suzanne Daley, *Swedes Begin to Question Liberal Migration Tenets*, *New York Times* (February 26, 2011)

##### 2. *Minority Rights in France*

- *Ordre Public and the Veil* (see also I-32)
- a. French Conseil d'Etat, *ÉTUDE RELATIVE AUX POSSIBILITES JURIDIQUES D'INTERDICTION DU PORT DU VOILE INTEGRAL* (2010) - Summary (in French)
- *Naturalization and Religious Freedom*
- b. Conseil d'État, judgement no. 286798/2008, *Faiza*, Juin 27, 2008 (in French)

#### Chapter II. CITIZENSHIP AND THE CONSTITUTION OF IDENTITIES

##### 3. *Citizenship without Borders?*

- a. Arash Abizadeh, *Liberal Egalitarian Arguments for Closed Borders: Some Preliminary Critical Reflections*, *Ethics and Economics* 4 (1), 2006

##### 4. *European Citizenship and Rights Regime: How to Make Illegal Immigrants Legal*

- a. European Court of Justice, Grand Chamber, C-127/08, *Metock et al.*, 25 July 2008 (excerpt)

#### Chapter III. THE RIGHTS OF UNAUTHORIZED MIGRANTS

##### 5. *Arizona-style regimes in Europe? What Remains of Border Checks in the Schengen area*

- a. European Court of Justice, Grand Chamber, Joined Cases C-188/10 and C-189/10, *Melki*, 22 June 2010 (excerpt)

##### 6. *Extraterritoriality and Aliens' Rights: The Italian "Push-back" Practice*

- a. UNHCR Submission in the European Court of Human Rights Case *Hirsi and Others v. Italy* (Application no. 27765/09)

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\* Materials selected by Professor Mario Savino, Tuscia University of Viterbo (§ 1-9) and Professor Lorenzo Casini, University of Rome "La Sapienza" (§ 10).

## Chapter IV. FROM EXPATRIATION AND DENATURALIZATION TO SECURED AND MULTIPLE CITIZENSHIP?

7. *Denaturalization in the European Union: a limited power of the State? On the Rottmann Case* (see IV-43)
  - a. Mario Savino, EU Citizenship: Post-National or Post-Nationalist? Revisiting the *Rottmann* Case through Administrative Lenses, 23 *European Public Law Review* (2011), forthcoming.
8. *Deportation as Anti-Terrorism Tool? The Italian case*
  - a. European Court of Human Rights, Grand Chamber, *Saadi v. Italy*, February 28, 2008 (*Application no. 37201/06*)
  - b. Mario Savino, "Enemy Aliens" in Italy? The Conflation between Terrorism and Immigration (2011 – Draft)

## Chapter V. THE LEGAL STRUCTURE AND POLITICAL SIGNIFICANCE OF CITIZENSHIP

9. *Citizenship in Crisis?*
  - European Citizenship and Members States' (Double) Nationality Regimes
    - a. Dimitry Kochenov, Double Nationality in the EU: An Argument for Tolerance, 17 *European Law Journal* (2011) 323-343
  - Nation-State Citizenship in a Globalizing World
    - b. Andreas Fahrmeir, Citizenship, Individualism and Globalization (1970s-2000s), in *Id.*, *CITIZENSHIP: THE RISE AND FALL OF A MODERN CONCEPT* (2007) 202-227
10. *Citizenship in Global Sports Law*
  - a. Ayelet Shachar, Picking Winners: Olympic Citizenship and the Global Race for Talent, 120 *Yale Law Journal* (2011) 2088
  - b. Gerard-René de Groot, Remarks on the Relationship Between General Legal Nationality of a Person and His 'Sporting Nationality,' 3 *International Sports Law Journal* (2006)
  - c. Court of Arbitration for Sport, Ad hoc Division – Games of the XXIX Olympiad in Beijing, CAS arbitration N°CAS OG 08/02, award of August 1 2008 (Simms Case)
  - d. Court of Arbitration for Sport, Arbitrage TAS 92/80 B. / Fédération Internationale de Basketball (FIBA), sentence du 25 mars 1993
  - e. Court of Arbitration for Sport, Arbitration CAS 2010/A/2071 Irish Football Association (IFA) v. Football Association of Ireland (FAI), Daniel Kearns and Fédération Internationale de Football Association (FIFA), award of 27 September 2010 (operative part issued on 22 July 2010)