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**Citizenship and Racial Exclusion in West European Nation-States:
Redefining the Constitutive Basis of Political Membership**

By

Evelyne Paradis, B.A. Hons.

A thesis submitted to
The Faculty of Graduate Studies and Research
In partial fulfillment of
The requirements for a degree of

Masters of Arts

Department of Political Science

Carleton University
Ottawa, Ontario, Canada
May 17, 2000

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Chair, Department of Political Science

Thesis Supervisor

Carleton University
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Abstract

The conceptual entanglement of citizenship and nationality is unequivocally at the root of exclusion on the basis of race in Western Europe. Exclusion and marginalization of racial minorities is concomitant to a conception of political membership which assumes commonality understood as homogeneity. The current situation in West European countries calls for a necessary and profound redefinition of such a constitutive basis of political membership in order to end exclusion, discrimination and marginalization on the basis of race. However, if the disassociation of nationality and citizenship appears as an obvious task in order to end racial exclusion, the redefinition of the basis political membership must take into consideration the functions performed by national citizenship. The redrawing of the grounds of political membership should not be done at the expense of a sustainable democratic and sovereign political community but must attempt to integrate human diversity to the very fabric of the political project while ensuring social integration.

Acknowledgments

Many people have helped me to develop and complete this work. I would first like to give my thanks and appreciation to Jill Vickers for her rigorous and thorough supervision, and for encouraging me to push my own limits. I also want to thank Trevor Purvis for motivating me to challenge my ways of thinking and for having helped me to articulate my own ideas. My thanks also go out to all the professors and my fellow students who have, in one way or another, contributed to the articulation of my ideas and who have encouraged me throughout the year.

Un merci tout particulier à mes parents qui m'ont toujours appris à avoir confiance en moi, m'ont offert leur soutien constant et inconditionnel et m'ont donné tous les outils nécessaires pour réaliser mes projets. Merci à mon frère et à tous mes amis, où qu'ils soient, pour avoir partagé tous les bons moments et les rires, et pour m'avoir remonté le moral dans les moments plus difficiles.

Finally, I want to thank Eoin for reminding me at a crucial time of the true purpose of this endeavour.

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INTRODUCTION

I. Thesis Statement

The conceptual entanglement of citizenship and nationality is unequivocally at the root of racial exclusion from the political community in Western Europe and Britain. As the constitutive basis of political membership, the nation has bestowed an aura of homogeneity, naturalness and limited belonging to the inherently *political* identity that is citizenship. Exclusion and marginalization of racial minorities is concomitant to this conception of political membership which assumes commonality understood as similarity and homogeneity. The current situation in West European countries calls for a necessary and profound redefinition of such a constitutive basis of political membership in order to end exclusion, discrimination and marginalization on the basis of race. However, if the disassociation of nationality and citizenship appears as an obvious task in order to end racial exclusion, the redefinition of the basis of political membership must take into consideration the functions performed by national citizenship. The redrawing of the grounds of political membership should not be done at the expense of a sustainable democratic and sovereign political community but must attempt to integrate human diversity to the very fabric of the political project while ensuring social integration.

The tense relationship between political inclusion and racial diversity has been extensively studied, discussed and questioned in reference to mainstream theoretical perspectives of citizenship. The issue of citizenship has mostly been debated as a question of rights versus obligations, liberal versus republican citizenship. I contend that we need to recast the debate in order to understand the issue of racial exclusion in Western Europe

within the framework of theories of nationalism and sovereignty. I argue that the problem of racial exclusion in relation to citizenship in Western Europe does not depend on the tradition of citizenship, whether liberal or republican, as much as it stems from the conflation of citizenship and nationality. Indeed, the comparison of two West European nation-states, France and the United Kingdom, indicates that, although differences in political traditions and national contexts impact on the way states portray, treat and regulate racial difference, legal, political, social and cultural inclusion of racial minorities in the political community is fundamentally linked to issues of belonging, identity, of nationality.

In order to adequately assess and respond to racial exclusion in Western Europe, it is necessary to understand that 'full citizenship', i.e. the exercise and practice of citizenship status, is conditional upon belonging to an assumed 'common culture' acting as the integrative constitutive basis of political membership. The tendency of traditional paradigms of citizenship to overlook this implicit assumption accounts for their failure to adequately address the issue of racial inclusion in the political community. Similar oversight accounts for the failings of recent theories of postnational citizenship which suggest a *de facto* disassociation of citizenship and nationality in the attribution of citizen status. In other words, I contend that the problem of racial exclusion can neither be adequately understood nor addressed unless the basis of belonging and membership is considered in the equation and challenged.

The problem with the constitutive basis of political membership, i.e. the nation, is that it has been construed as homogenous, fixed, limited and pre-political in character. Using the nation as the ground of political membership has effectively justified the

exclusion of individuals on the basis of cultural, religious and physical differences, race acting as a key signifier of the nation. But if, on one hand, the association of nationality and citizenship, which rests on the homogenizing and exclusive assumption of a 'common culture', has *de facto* excluded anyone whose 'identity' constitutes a deviation from the dominant 'common' culture, this assumption of a 'common culture', i.e. a nation, has been articulated in modern West European political thought as a fundamental requisite of a sustainable sovereign and democratic political community because it provides a basis of integration and legitimation.

Consequently, the problematic of citizenship in relation to racial inclusion is articulated as follows : the redefinition of the constitutive basis of membership outside the framework of the nation is necessary to allow for the acceptance and inclusion of racial diversity in the West European political community. The numerous accounts of multicultural citizenship provide insights into the construction of a political identity which includes difference and diversity. However, many multicultural approaches to citizenship overlook the functions traditionally performed by national citizenship in Western European political thought and culture as the guarantor of democracy and popular sovereignty. I argue that recognition of diversity as the basis of membership must be conciliated with provisions to ensure social integration and cohesion in the polity. The issue is thus that, while the 'nation' must be replaced as the constitutive basis of membership in Western Europe, redefinition of a new constitutive basis should seek to reconcile racial difference, democracy and sovereignty. However, conciliating unity, cohesion and inclusion of racial difference constitutes a daunting challenge.

II. Structure of the Thesis

This thesis is divided into five chapters. The first chapter has as a first objective to substantiate my claim that race is a barrier to full citizenship in West European nation-states. Using France and the United Kingdom as my two case studies, I will present empirical evidence to demonstrate that ‘race’ constitutes a barrier to full citizenship in Western Europe. The second goal of this chapter is to demonstrate that, although citizenship laws and practices are inscribed in specific national contexts and traditions which shape responses of the state to racial diversity, in both France and the United Kingdom, citizenship remains intertwined with the idea of nationality which is implicitly ‘white European’. Based on the analysis of the case studies demonstrating a strong relationship between the conceptual association of nationality and citizenship, and exclusion from citizenship and the political community on the basis of race, I will hypothesize that it is this association between citizenship and nationality which results in the exclusion and marginalization of racial minorities in contemporary Western Europe.

The second chapter addresses the issue of defining ‘full citizenship’ which is essential to understand the problem of racial exclusion. In this chapter, I argue that full citizenship implies the attribution of an *effective* status carrying rights and duties, i.e. that it entails the ability to put citizenship status into practice and to actualize it. I contend that the problem with achievement of full citizenship for racial minorities is that the exercise and practice of citizenship status is conditioned by identity components of citizenship, a relationship which is often glossed over in assessments of racial exclusion based on traditional liberal and civic republican accounts of citizenship which claim their universal character. I argue that citizenship regimes fail to adequately address the issue of racial inclusion in the political

community because they overlook the implicit assumption of common culture which lies at the core of standard citizenship paradigms.

In the third chapter, I examine the emergence of a *national* political community and the conflation of citizenship and nationality. I develop the notion of ‘common’ culture in the specific framework of nationality, and explore why the articulation of the ‘nation’ as the constitutive basis of political membership leads to exclusion on the basis of race. The West European nation has been construed as a limited, fixed, homogenous and pre-political unit, using race as a key signifier and boundary. As a result, the European nation has been excluding anyone who was perceived as not belonging to this ‘racialized’ (in terms of culture, religion as well as physical traits) community.

Despite evidence that the entanglement of citizenship and nationality sustains exclusion on the basis of race, the association endures. The fourth chapter seeks to address the reasons for the upholding and longevity of the nation as the predominant form of organization of the political community in Western Europe. I argue that the nation has been normatively construed as the ideal form of political community because it conciliated concerns over unity, cohesion and equality defined by modern West European political theorists as fundamental requisites of a sustainable sovereign democratic community. I thus discuss the roots of unity and cohesion in modern Western political thought, from social contract theorists to liberal democratic theorists, and demonstrate the intricacy of these notions in theories of democracy and sovereignty.

In sum, while it appears imperative to redraw conceptions which define the boundaries of citizenship, political membership and the political community, this should not be done at the expense of a sustainable democratic and sovereign political community.

In the last chapter, I thus raise the question of conciliation of human diversity and social integration and ask « Can 'racially'-inclusive models of citizenship be reconciled with the need for unity and cohesion in the political community ? ». Although a discussion of postnational models, of multicultural and differentiated approaches to citizenship, and of constitutional patriotism, instructs us that no definitive model of citizenship ending exclusion on the basis of race can be articulated, I tentatively identify a number of theoretical elements which would lead to the elaboration of a definition of citizenship respecting human diversity while providing a solution to concerns of social cohesion. My aim in this final chapter is not to provide a clear and definite solution to the inclusion of difference in the political community but to tackle contemporary models and approaches to assess the alternatives to the entanglement of citizenship and nationality, and new models of citizenship which might end exclusion on the basis of race.

In short, the purpose of this thesis is to uncover the roots of exclusion on the basis of race in the political community, to understand the normative roots of the entanglement of citizenship and nationality and to identify new ways of conceiving of membership which would facilitate greater acceptance, integration and inclusion of diversity in the polity.

III. A Note on the Methodology

In order to substantiate my claims and hypotheses about citizenship and racial exclusion in Western Europe, I will root my discussion in the analysis of the situation of racial minorities in two West European nation-states : France and Britain. The choice of these case studies has been informed by two imperatives : the need to establish a

correlation between citizenship and nationality, and the desire to debunk the implicit homogenizing impulse of so-called 'civic' nations.

France and Britain share a number of important features. Both countries are traditional nation-states in the sense that they have enjoyed congruence, either real, created or coerced, of territorial state boundaries and socio-ethnic community, for a century or more. They are both liberal democracies committed to the principles of justice, liberty and equality. Both countries share a colonial past which has informed their relationship with cultural and racial diversity, both had colonial histories of oppression based on race, although their colonial experiences differed somewhat.¹ Finally, both countries' identity have been put to the test in recent years by European integration and massive post-colonial immigration.

At the same time, France and Britain offer some crucial points of contrast. The most important distinctions between France and the UK are their different philosophical and political cultures and traditions. In France, issues of citizenship and race are addressed within the framework of republicanism while in the UK, similar issues are understood within a liberal framework. Differences in approaches to citizenship account for differences in treatment of and responses to racial diversity. But, as will be evidenced in the first chapter, neither the liberal nor the civic republican model of citizenship results in fewer race barriers to citizenship. On the other hand, evidence from both countries shows that citizenship practices and citizenship laws are intertwined with politics of nationhood, thus

¹ British colonial policy did not seek outright assimilation while the goal of the French colonial policy was explicitly to colonize the populations under its domination to French culture and the French language. The differences in colonial policies reflect the different ideological approaches to racial diversity but play a secondary role in the extent of racial exclusion in either country.

supporting the claim that the problem of racial exclusion does not depend on the tradition of citizenship as much as it stems from the conflation of citizenship and nationality.

Moreover, exploration of the relation between citizenship, nationality and racial exclusion in France and Britain, two classic examples of nation-states who define themselves as 'civic' nations, allows me to highlight the implicit exclusionary and homogenizing imperatives which pervade the 'civic' national model. A classic point of comparison in discussion of citizenship and nationality in Western Europe is between France and Germany, this comparison being used to highlight the explicit exclusionary potential of a model of citizenship based on blood.² My thesis is that a civic definition of *national* citizenship is equally exclusive and homogenizing because it rests on similar assumptions about a common culture acting as the constitutive basis of community. In other words, the analysis of racial exclusion in two nations defined in 'civic' terms helps to support the claim that the association of citizenship and nationality, whether blood-based or 'civic'-based, sustains exclusion on the basis of race.

In addition to empirical evidence, I will rely on textual, historical and theoretical analysis to discuss the hypothesized correlation between citizenship, nationality and racial exclusion. Citizenship theory, nationalism theory and social contract theory will all be integrated to shed light on the complex interplay between citizenship, nationality and race in Western Europe.

² Rogers Brubaker's *Citizenship and Nationhood in France and Germany* (1992) is a standard discussion on the relationship between nationality and citizenship, and the difference between 'ethnic' nationalism and 'civic' nationalism.

IV. Definition of Race in Western Europe

Before I take on the discussion of the thesis, it is necessary to define the meaning of 'race' in Western Europe. Over the centuries, the idea of 'race' has changed and has been socially constructed according to various ideologies, histories, socio-political contexts. A constant in European history is that ideas of race have been mostly used to exclude others from privilege while creating inclusive groups on the other hand. Moreover, a brief historical review of the idea of race will show that, in the West European context, race has never solely referred to physical traits and bodily differences, nor does it today. It is important to understand that race refers to culture and religion as much as it does to physical differences. The logic of racial thinking is always the same however : it builds on the assumption that personality, culture and/or religion is somehow linked with hereditary characteristics which systematically vary from one 'race' to another.

The conflation of religion, culture and physical traits under the terminology 'race' runs deep in the intellectual, social and political history of Western Europe. Religion was used as a signifier of difference for many centuries as the identity of Western Europe emerged out of constant confrontations between Christendom and the Muslim world. With European culture and European identity formed around Christianity, the idea of the 'other' in European thought stemmed from religious differences for many centuries. The treatment of Muslims and Jews as outsiders in Western Europe goes back to the Crusades and the Middle Ages.

Although we cannot speak of 'race' in any contemporary meaning during that period, the idea of 'otherness' based on faith already showed signs of conflation of religion and color. The phenomena is made explicit by the situation of Jews and Moors (Arabs) in

15th century Spain . Both groups experienced severe persecutions during the period under the Inquisition, persecutions which culminated in their expulsion from Spain at the *Reconquista*. But the religious persecutions of the 15th century in Spain were not only about faith but also about the *limpieza de sangre*, or purity of blood (Liauzu, 1999 : 22). The notion of purity of blood was at the core of two statutes, in Toledo (1449) and in Cordoue (1474), refusing access to political, military and religious functions to Jews. Thus, before the European Conquest of the Americas and the encounter with Indigenous peoples induced 'race-thinking' in Western Europe based on skin color and bodily traits, 'otherness' was defined predominantly along religious lines, with some early focus on attendant physical characteristics. In other words, some elements of 'racism' predated the Conquest of the Americas.

The Conquest and the colonial experience had a crucial impact on the definition of 'race' in Western Europe. These events strengthened the correlation between physical and cultural differences in European thought, generated notions of hierarchies of races, as well as linking the idea of race to practices of consolidation of power. In the early stages of the Conquest of the Americas, « religion served to justify brutal conduct towards out-groups, as it had during the Crusades and the massacres of Jews in medieval Europe » (Markus, 1994 : 4). Conquerors and early settlers used the missionary rhetoric of the Catholic Church and the duty to convert infidels to Christianity in order to ensure their redemption and to legitimate their power and authority over the new American colonies. They also defended their treatment of indigenous peoples in the Americas on the basis of their being irrational, uncivilized, non-Christian beings in need of Enlightenment and salvation. The definition of the 'other', the 'Indian', the 'Negro' as a being 'in need of enlightenment'

became a powerful instrument of empire which justified the imposition of structures upon indigenous peoples, their subordination, and eventually their enslavement (Williams, 1990 : Introduction).

Despite the initial impulse to define the newly-found 'other' as 'non-Christian', more secular classifications along physical differences were added on to religious patterns of categorization and exclusion. Phenotypic differences such as skin color created a sense of profound distinction between Europeans and Africans and Indigenous peoples in the Americas which facilitated the inhuman and degrading practices of slavery (Liauzu, 1999 : 37). This association of physical and cultural differences did not necessarily develop into racism as we understand it today nor did it imply the idea of innate inferiority (Levine, 1996 : 32). The naturalization of differences developed over time. But early encounters and establishment of colonial authorities provoked a shift in the definition of 'difference' from a predominantly religious-based classification to one emphasizing physical differences. «The appearance of elaborate pseudoscientific theories 'demonstrating' the superiority of the white race to all others came at the same time as the height of European imperialism. That was no accident. But the development of the theories followed the fact of European rule ; they were not ideological constructs necessary to justify conquest, or indeed primarily formulated for that » (Levine, 1996 : 89).

Thus, as a result of the colonial experience and interaction with populations displaying more 'visible' differences, physical traits gained considerable importance in the way one perceived and defined other human beings. Because physical differences corresponded at first to differences in cultures and behaviors, contacts with indigenous populations also strengthened the correlation between bodily traits, religion and culture.

Moreover, the Conquest and colonialism left a lasting imprint on the way 'races' were and are categorized into hierarchies. All these intellectual developments had an impact on the articulation of the idea of the 'other' in Western Europe, contributed to shaping the idea of race as a conflation of culture, color and faith, and ultimately helped Europeans develop a consciousness of their own distinctiveness which was, according to Markus, « a prerequisite for the development of a system of racial types » (1994 : 4).

Providing philosophical rationales and moral justifications for colonialism, slavery and the treatment of Blacks and Indigenous peoples as 'inferior', Enlightenment thinkers and philosophers contributed to the articulation of a new idea of 'race' based on the conflation of physical, cultural and religious differences, and provided theoretical grounds for the notion of a hierarchy of 'races'. Voltaire, for instance, wrote that « there is in every human species, as in plants, a principle to differentiate them. Nature has subordinated to this principle different degrees of genius and rarely changing characters of nations. This is why Negroes are the slaves of other men » (cited in Liauzu, 1999 : 39). Some French Enlightenment thinkers like Buffon and Montesquieu even introduced the idea of immutable natural character, imputing differences between individuals to climate and arguing that human diversity obeys naturally determined characters, which are thus insurmountable and immutable (Liauzu, 1999 : 39).

The doctrines that appeared among the so-called 'Enlightenment thinkers of the 18th century were developed and rationalized by 'scientists', biologists and anthropologists in the following century who naturalized differences in so-called 'scientific' biological theories of race (Levine, 1996 : 93). Biological determinism flourished and became prominent in the 19th century in France, Britain and Germany, especially with the help of

the theories of Gobineau and Lamarck. These theories argued for the correlation of social, psychological, intellectual, moral and cultural differences and physical appearances, as well as for the innate inferiority of certain 'races' (Henry et al., 1995: 34). The idea of an all-powerful heredity determining a person's intellectual capacity led some theorists to speculate that some 'races' were fatalistically bound to remain inferior and never evolve and progress (Liauzu, 1999 : 53). It is important to note that the most severe impact of pseudoscientific racism was not on relations with nonwhites but on relations within Europe with whites, notably Jews. This shows that race relations in Europe were not constructed predominantly as White versus Black but encompassed many forms of differential relationships between cultures, religions, ethnicity.

The political recuperation of these pseudoscientific race theories resulted in Nazi anti-Semitism and one of the most ignoble atrocities in modern Western history. The use of biological determinism to justify the inferiority of the Jewish 'race' and hence its extermination rendered these theories untenable in theory and in public discourse. The legacy of Nazi anti-Semitism is that biological racism became indissociable from the horror of the Shoah and thus was discredited as a valid understanding of race. Yet, even if the Nazi experience invalidated the notion that race has a 'biological and 'scientific' reality, it did not erase the legacy of more than two centuries of 'race-thinking' nor the importance of race as a cultural construct informing people's action. As Frances Henry remarked, « human societies continue to function as if races do exist [and] racial differentiation continues to affect all areas of social interaction » (Henry et al., 1995 : 34).

Even if West European societies have forcefully rejected the condescending, imperialist discourse of inherent biological inferiority of certain races after 1945,

representations of the 'other' which call for exclusion and 'inferiorization' of certain groups and individuals endure. Today in Western Europe, the notion of race generally reverts back to the designation of cultural and religious differences without reference to the inherent biological superiority of one race. However, as Liauzu argues, the shift from physical traits to cultural traits in the representation of difference, with the stress being put on the opposition of religions and/or civilizations more than on color, has not changed the logic which sustained a history of racism (Liauzu, 1999 : 11-12). The conflation of color, faith and culture still characterizes 'race-thinking' in contemporary Europe, building on the assumption that personality is somehow linked with hereditary characteristics which differ systematically between 'races' and assume sociological importance (Eriksen, 1997 : 34). The enduring perception of differences as an immutable essence is illustrated by the comment made by a French woman from Mulhouse in Alsace who asserted that « each race has its morals, its customs and its religions [...] even if they are French, they will always maintain their race as part of themselves» (quoted in Wieviorka, 1992 :11).

Accordingly, racism in Western Europe today rests on a monolithic and uniform conception of identities, on rejection of difference and advocates for the separate development of societies, exclusion of difference. The peculiarity of racial discrimination and racism is that it negates individual originality, reduces individual to their group membership, posits difference as inferiority or threat, and thinks difference as immutable and incompatible with 'our' culture (Liauzu, 1999 : 12). Such a definition of race has profound consequences in the context of national definitions of citizenship as discussed throughout this thesis. In a context in which the national community is perceived as requiring homogeneity and stability, racial diversity is perceived as a challenge, if not a

threat to the viability of communities when the 'immutable' differences are deemed too great. The enduring perception of race - based on skin color, religion or culture - as some natural and fixed trait, in a context where integration and cohesion are justified and prevalent political goals, warrants politics of assimilation, denial of special minority rights, cultural marginalization, strict immigration policies, and other similar practices.

CHAPTER 1- NATIONAL CITIZENSHIP AND RACIAL EXCLUSION IN CONTEMPORARY WESTERN EUROPE³

Citizenship is a mechanism for establishing boundaries of inclusion and exclusion (Marx, 1998 :5 ; Jenson & Phillips, 1996 : 114). While citizenship is a powerful tool of integration reinforcing a sense of community and commonality (Marx, 1998 :5), it also operates at various levels to exclude those individuals considered strangers to the community. In West European nation-states, the lines of exclusion are still drawn to a significant extent according to race. Exclusion occurs at various levels. First, lines of exclusion are drawn at the 'gates of citizenship' to determine entry to a country, determining who can live, reside, work, study there. These lines regulate legal access to a country and access to legal citizenship once in the country. Second, exclusion occurs within a community at the socio-economic, civil, and cultural level. In West European nation-states, race is a barrier to citizenship at all levels. Racial groups⁴ face exclusion at entry points and access to legal status, social exclusion and discrimination. They also experience profound cultural marginalization, being excluded from participation in major social activities such as work and education.

Using France and Britain as my two case studies, I present empirical evidence to demonstrate that 'race' constitutes a barrier to full citizenship in Western Europe. I examine citizenship and immigration laws, educational policies, as well as policies

³ Western Europe will be used in this thesis to refer to continental West European countries and the British Isles.

⁴ Racial exclusion concerns in overwhelming proportion immigrant groups who do not share the racial characteristics of the majority population, but it also affects internal indigenous peoples like the Roms/Gypsies and religious minorities (such as Jewish communities).

addressing racial discrimination in employment and housing in France and Britain to show that citizenship laws and practices are inscribed in specific national contexts and traditions ; responses to diversity have been shaped by different political cultures and philosophical traditions. But beyond the differences in approaches, policies and philosophies, I will demonstrate that, in both France and Britain, citizenship, at all levels of operation, remains intertwined with the idea of nationality which is implicitly 'white European'. Based on the analysis of the case studies demonstrating a strong relationship between the conceptual association of nationality and citizenship, and exclusion from citizenship and the political community on the basis of race, I hypothesize that it is this association between citizenship and nationality which results in the exclusion and marginalization of racial minorities in contemporary Western Europe.

I. Formal Legal Exclusion

As a system of inclusion and exclusion, citizenship first operates at the level of physical and legal admission into a political community. Formal, legal-based exclusion at what Ruth Lister calls the 'gates of citizenship' occurs through controlled admission to a territory and access to legal status with its associated rights and obligations (1997 : 47). As Lister explains, the gates of citizenship regulate first admission, second right of domicile and residence status, which governs access to social and civil rights, and finally access to formal citizenship and associated political rights (1997 : 47).

What is problematic about the gates of citizenship is the basis on which those gates are regulated and what is said to engender security, health and economic problems. That the gates of citizenship are regulated is not a problematic issue in itself, at least in our

current context which makes issues of security, environment and health, material welfare and responsibility inevitably intertwined with migratory movements. The problem is how regulation of movement of people across political boundaries is linked to notions of what the nation is and/or should be, notions which include racial elements (S.J. Smith, 1993 :50). The fact that in France and Britain citizenship and nationality are still used interchangeably⁵, as both states define their citizenship laws as nationality laws, is an indication that the politics of nationhood are very much played out through citizenship practices in both countries. As the analysis of immigration policies and citizenship laws shows, the 'gates of citizenship' are also constructed as the gates of the nation, and hence are resistant to the admission and integration of individuals whose 'racial' identities challenge national identity.

a. France - Republican Citizenship and the Principle of 'Assimilation'

The issue of racial exclusion and citizenship has to be understood in relation to national identity and political culture based on republicanism and universalism. Republicanism in France is an institutionalized principle which acts as an influential intellectual and ideological framework for French politics. Constitutionally entrenched in Article 2 of the 1958 Constitution instituting the Fifth Republic is the definition of France as "an indivisible, secular, democratic and social republic [which] assures equality before the law of all citizens without distinction as to origin, race or religion [and] respects all beliefs." These principles of unity, indivisibility and equality pervade French political culture and policies.

⁵ The *Code de la Nationalité* constitutes the reference in terms of citizenship in France, while the British laws on citizenship are comprised in the *Nationality Law*.

This unitary republican model which informs immigration and citizenship policies is highly assimilationist. Working on the assumption that pluralism in the public sphere threatens national and social unity, the official and traditional approach of the French state and French institutions has been to avoid and promote reduction of social and cultural differentiation in the polity, and to insist on the equal rights of all individuals which accordingly precludes the institutional recognition of racial, cultural and religious minorities. In other words, the French polity is based on the notion of identical individual citizens and a homogenous political community. In practice, promotion of a 'non-differentiated' and unified community translates into a policy of assimilation to French (cultural) norms⁶ and the occlusion of any 'particularist' identity - differences based on skin color, language, culture, religion - from the public sphere.⁷

In France, the language of exclusion never refers to 'race' explicitly but only to immigrants and foreigners because, in principle, individuals are equal citizens and not members of ethnic or racial groups. An illustration of the unitary and assimilationist character of the French political and institutional culture is the great reluctance to use the term 'race' and 'race relations' in France. As noted in the European Commission against Racism and Intolerance's (ECRI) report on France,

it is difficult to obtain to obtain an exact evaluation of the size of the different ethnic groups in France, because, in accordance with the Republican ideal where every national is a citizen, there is officially no categorization of ethnic or racial groups in the statistics. The main categories used are thus 'foreigners' and 'immigrants'. It is therefore difficult to collect data in order to analyze discrimination based on race, color or ethnic origin (ECRI's Report on France, 1998 : 10).

⁶ As Rogers Brubaker notes, "Political inclusion has entailed cultural assimilation, for regional cultural minorities and immigrants alike" (1989 : 8).

⁷ The oppressive character of the ideal of universal citizenship will be discussed at length in Chapter 2, 4 and 5. See reference to Iris Marion Young in Chapter 2 and 5.

The reluctance to break down official statistics about migration, discrimination and exclusion of members of racial and ethnic minorities compels us to rely on other indicators, notably personal stories and independent research, to demonstrate that exclusion on the basis of race occurs. This being said, the mere fact that this data is not gathered in many cases is evidence in and of itself of the French state's insistence on unity in the polity based on identical individual citizens. It is an indication of the refusal to recognize diversity in the community, each individual being acknowledged as a French citizen and nothing else.

1) Race in Immigration Policies

Recent post-colonial and post-war immigration to France, however, has posed a challenge to the notion of *intégration*, understood as assimilation, and underlined the intrinsic ambiguity of republican ideals. The myth of universal citizenship open to everyone and accepting of everyone, as long as they accepted French cultural norms, faltered with the arrival of a culturally, ethnically and racially diversified immigrant population in the post-World War II era. The presence of individuals whose racial (faith, culture and skin color) background makes it impossible for them to be 'an identical French citizen' raised questions about the limits of assimilation. The immigrant population of North African and African descent and of Islamic faith challenged the core values of the Republic since their cultural values were seen as clashing resolutely with many republican values, notably the secularism of the state, while immigrant populations from Sub-Saharan Africa, the Caribbean and Asia changed the 'ethnic' character of French society. Thus, the post-war immigrant population, increasingly 'different' from the majority population in

France, highlighted the fact that French citizenship and unity rested on a racial, cultural and religious definition of the 'French citizen'.

The acknowledgment that universalism and republicanism, the basis of the French state, were workable only so long as racial and cultural unity was possible led to the progressive ethnic delimitation of French national identity, and the drawing of a distinction between 'assimilable' and 'non-assimilable' immigrants, the latter category referring to everyone who could not be 'an identical French citizen'. Race - as skin color, culture and faith - became a determining consideration at all levels of immigration and citizenship regulations, from admission to the country to access to citizenship status. From the 1970s onwards, increased regulations about and restrictions on entry and residence in France followed waves of identity crisis and concerns over the increased proportion of 'non-assimilable' immigration. During the 1970s, the successive governments of Pompidou and Giscard d'Estaing moved to restrict migration flows, notably from former North African colonies, and to force the departure of unemployed foreigners or those whom the authorities regarded as a threat to public order following a recognition earlier in the decade that temporary immigration had turned into permanent residence (Blatt, 1997 : 42).

The early 1980s saw a momentary easing-up of restrictions against immigrants as the Socialist government of François Mitterand adopted several measures aimed at incorporating immigrants in the political process such as granting the freedom of association to immigrants (Blatt, 1997 :42-43). But the 1980s also saw the rise of Jean-Marie LePen's *Front National* (FN) with its openly racist discourse against Blacks, Arabs and Jews. The rhetoric of the FN was all about presenting the religious affiliation, ethnic

origin and citizenship status of the millions of permanent immigrants as endangering the survival of the nation (Blatt, 1997 : 48). This was the rationale behind the 'threshold of tolerance' theory promoted by the FN which posited that large concentrations of non-European immigrants should be avoided, a theory which achieved wide political currency (Jenkins and Copsey, 1996 : 118).

The 'nationalist' and 'racist' rhetoric of Le Pen and the FN has shaped the debate and the politics of immigration in a significant way. The 'problematization' of non-European, non-white, non-Christian immigration fueled anxieties among the larger population about the effects of non-integration of foreigners on national and social integration, anxieties that the French government has since been unable to ignore (Jenkins and Copsey, 1996 : 118). For the past two decades, the presence of the FN in the political arena has put both left and moderate right governments in a very tenuous political position with regard to immigration. Successive governments in the 1990s have tried to avoid embracing the racist conceptions of the far-right while trying not to appear unresponsive to the concerns about national identity fueled by the FN (Blatt, 1997 : 48). Unfortunately, tougher anti-immigration policies have been adopted in recent years by the French government partly in response to the electoral success of the 'nationalistic' discourse of the FN. Thus, in 1993, Charles Pasqua, the then Minister of Interior, presented a policy of 'zero immigration' and strict measures to slow down family reunions, to hasten expulsions and to give the police extra powers in dealing with illegal immigrants and refugees. The *Loi Pasqua* did meet serious resistance, even bringing the assembly to the brink of constitutional crisis. But most proposed changes were adopted by January 1994, thus signaling that immigration preoccupied more than the extreme right of the political

spectrum (Mitchell and Russell, 1996 : 54). In short, the politics of immigration in France, the policies regulating entry and residence are significantly influenced by the politics of nationhood which places the notion of non-assimilable immigration at the core of immigration policies.

2) Residence and Acquisition of Citizenship

After admission, right of residence is the second important 'gate of citizenship'. In France, residence status grants access to all employment and professional activities and guarantees equal treatment with French nationals with regard to certain non-contributory benefits⁸ (Groenendijk, Guild and Dogan, 1998 : 32). This status constitutes a necessary requirement for future acquisition of formal citizenship.⁹ Conditions restricting the categories of aliens entitled to residence status tend however to affect racial minorities disproportionately. Since 1998, the resident status is issued to an alien who meets the following requirements : three years of lawful residence in France (i.e. residence on the basis of a visa or a temporary residence permit and not representing a threat to the public order), and sufficient income, a notion which remains only vaguely formulated (Groenendijk, Guild and Dogan, 1998 : 31). As will be discussed in the next section, the severe discrimination that racial minorities face in employment and housing renders the financial requirements disproportionately burdensome for these groups in comparison to white immigrants.

⁸ Equal treatment in social security benefits is not restricted to aliens having a residence card, but is normally granted to aliens with temporary residence permits as well (Groenendijk, Guild and Dogan, 1998 : 32).

⁹ To be naturalized in France, a person needs to fulfill the requirement of a 5 years of legal residence, based on the residence status. (Code civil, Chapter 2, Par. 5, Article 21 (17))

Although the requirements are set in principle, acquisition of residence status is subject to the arbitrary power of bureaucrats who determine the 'normalcy' of the alien resident's conduct, income and living conditions (Rosello, 1997 : 242). Evidence shows that, in practice, other requirements tend to offset the residence and economic criteria. Indeed, as reported by a Committee on Migration of the Council of Europe, « few aliens are granted a residence card after three years only, because at that moment it is in the discretion of the administration to grant or refuse the card » (Groenendijk, Guild and Dogan, 1998 : 33). It has further been noted that aliens are granted the residence card either as of right soon after their admission - e.g. following a refugee claim or as a EU national - or after a period to up to 10 years residence on the basis of temporary permits (Groenendijk, Guild and Dogan, 1998 : 33 and 100). Since the majority of aliens are from the Maghreb and other parts of Africa, they are likely the ones who face the greatest hardships in obtaining residence status.

In discussing rights accessible to legal residents, it is important to note a recent positive step taken by the Jospin Socialist government. Many members of government are pushing for political rights for lawful residents who currently do not hold any. Many members, such as the current Minister of Interior Jean-Pierre Chevènement, are advocating the right to vote in municipal elections for foreigners, admitting that exclusion from political participation at the municipal level is both a meaningful and symbolic discrimination (Bernard and Zappi, *Le Monde*, 20 March 2000 : 10). There is even recognition in the discourse of a number of current French ministers of the inherent discrimination in the fact that long-term lawful residents and immigrants are denied the right to vote in municipal elections while it has been granted to nationals of European

Union member states by the 1992 Maastricht Treaty (Zappi, *Le Monde*, 17 November 2000 : 10). As Mr. Chevènement commented, « An Algerian who has been living in France for years should have more the right to vote than a Finn » (Zappi, *Le Monde*, 17 November 2000 : 10).

Race also proves to be a barrier to the last 'gate of citizenship', namely the formal granting of citizenship. In principle, acquisition of citizenship, or *nationalité*, in France is determined by birth or prolonged residence in the country, and is thus relatively open. But many provisions of the French *Code de la Nationalité*, informed by the principle of assimilation and integration *à la française*, prove to be highly resistant with regard to citizenship for those marked by racial difference.

Citizenship can be acquired through naturalization by birth, by expression of will (*manifestation de volonté*), by declaration, or by decree. The first way of acquiring citizenship affects the status and integration of second-generation immigrants. Integration of second-generation immigrants is semi-automatic and meets certain conditions. Citizenship is generally granted to those born in France, but with some residence requirements. Indeed, the current law stipulates that « a person born in France to non-French parents automatically acquires French nationality at 18 years, if at the time s/he has lived in France for at least 5 years after the age of 11 years » (Article 21(7)).¹⁰

¹⁰ A person may also opt for French nationality by way of declaration as soon as s/he is 16 years old (Article 21 (11)). Article 21(11) of Code Civil, Chap.3, Par. 3 'Acquisition de la nationalité française à raison de la naissance et de la résidence en France' : « L'enfant mineur né en France de parents étrangers peut à partir de l'âge de seize ans réclamer la nationalité française par déclaration ... si au moment de sa déclaration, il a en France sa résidence et s'il a eu sa résidence habituelle en France pendant un période continue ou discontinuée d'au moins cinq ans, depuis l'âge de onze ans. » Amendments to Article 21(7) and Article 21(11) of the Code civil introduced by the Act 98-170 of 16.3.1998.

For individuals who were not born in France or born of French citizens, citizenship can be acquired through naturalization by decree, expression of will and declaration. In this case, naturalization will be granted by decision of public authorities to individuals who meet a series of requirements. Some conditions, such as the 5 years of legal residence, are objective. But the discretionary and arbitrary nature of the process needs to be underlined, especially when grounds for attribution of nationality are defined in clear cultural terms by the law. Article 21 (24) of the *Code civil* stipulates that « No one can be naturalized if s/he does not prove his/her assimilation to the French community, notably through a sufficient knowledge of the French language » (Article 21(24)).¹¹ In other words, individuals claiming French citizenship are asked to integrate, to fulfill the residence requirements but more importantly to acquire the necessary cultural characteristics. It means that the individual who is thought not able to be assimilated to French ways, culture, language, can be refused formal citizenship status. *De facto*, this clause leaves great arbitrary power to public authorities to exclude groups who are more obviously different because of the color of their skin, their physical traits, their religion, in other words, individuals and groups who are less 'assimilable'.

In short, immigration and acquisition of citizenship status in France is, in principle, informed by the republican ideal of integration and of a unified 'universal', i.e. identical, citizenry. The notion of the French citizen as one who can assimilate into the larger French community and the concomitant rejection of public recognition of particularism have discriminatory implications for individuals who, because of their faith or skin color, cannot

¹¹ Interestingly enough, a person who belongs to the French cultural and linguistic entity is one who is a national of a Francophone country (or country with French as a, or the, official language), a person's mother tongue is French, who can justify 5 years of schooling into French, can be naturalized without residence requirement. (Article 21(20)).

be made 'identical'. But the real question is « who is this 'identical' citizen ? » and « what do immigrants have to assimilate to ? ». As the debate on immigration in France has shown, the definition of 'assimilable' immigration is significantly restricted to a notion of the White, Christian French citizen. Thus, although the republican conception of citizenship does limit the potential inclusion of different groups and individuals on the basis of their race, the core problem arises when the republican community becomes the French, white, Christian national community, when the gates of citizenship are the gates of the 'French' nation.

b. Britain - Construction of National Identity Through 'Racialized' Citizenship

Prior to decolonization and post-colonial migration, British citizenship, like the French model of citizenship, was based on the principle of universalism in the sense of welcoming everybody under the protection of the British crown on equal footing. Unlike French citizenship however, British citizenship encompassed greater cultural and racial diversity, being granted to most people in the British Commonwealth and Empire. Also in contrast to France, Britain never had a citizenship which was explicitly national before the post-colonial era, indeed not before 1981. This changed however with the massive immigration of the post-war era from Britain's lost empire.

As in France, post-colonial immigration from the liberated colonies forced upon the UK a redefinition of its citizenship, its way of thinking about political and social membership, while shedding light on the inherent paradoxes of its standing policies and philosophies. In the early post-World War II years, *de facto* conflation of socio-ethnic

identity, population and territory¹² had allowed the UK to have a heady vision of itself as the center of a vast multiracial and multicultural Commonwealth of Nations replacing its lost empire. As such, Britain continued the traditional practice of admitting all British subjects, a category which at the time included citizens of the independent Commonwealth countries. Official imperial nationality policy continued to emphasize the universal rights of British subjects, in particular the right to enter the UK which remained secure for all British subjects (Paul, 1997 : 12).

In practice, however, admission and right of residence was, and had been in imperial policy, contingent on a person's racial background. While citizens from the 'white' Old Commonwealth (Canada, Australia, New Zealand) could easily enter to Britain, « new Commonwealth [India, Pakistan, the Caribbean] migrants were accepted only as a last resort ; they were actively discouraged by a range of quasi-legal administrative controls, and even those who came were not expected to stay» (S.J. Smith, 1993 :56). Under the guise of universal citizenship lay a rigid system of discrimination and prejudice. As Kathleen Paul argues, the equality of subjects of color was always compromised throughout the Commonwealth as social relations within the empire were structured according to race (1997 : 13). Free migration within the empire/commonwealth was generally restricted by immigrant poll taxes, literacy and English-language tests (Paul, 1997 : 13). Of course, these requirements applied to all Commonwealth subjects, whether

¹² Prior to post-colonial immigration, the population of Britain was relatively homogenous in racial terms, i.e. skin color. Although differences of religion and language did exist amongst citizens of Britain (between the English, the Irish, the Scots and the Welsh), these differences were not thought of as challenging any idea of Britishness in terms of 'whiteness'.

white Anglo-Canadian or Indian, but it affected in disproportionate ways non-white British subjects who came from non-English speaking countries.

The dismantling of the British Empire made 'race' a determining criterion of admission and residence. As the UK redefined itself as a nation-state and created a national citizenship for the first time in its history (Brubaker, 1989 : 10), it also adjusted its « over-inclusive nationality to an exclusive identity based on 'blood and culture'» (Joppke, 1999 : 641). The philosophy and policy of universal inclusive citizenship was replaced by increasingly restricted application of citizenship rights and increasingly exclusive national identity (Paul, 1997 : 14). In practice, the process of admission to Britain became increasingly restrictive, not only for 'regular' immigrants, but also for all citizens of the Commonwealth, because the UK had to deal with post-colonial immigrants who had the same legal status as the native population (Joppke, 1999 : 641). From the 1960s onwards, immigration policies drew increasingly stark distinctions between persons possessing the same formal status, i.e. citizenship of the UK and Colonies. As the huge population disparity between the independent Commonwealth countries and Britain itself became more obvious, racial and ethnic boundaries of identity were raised more explicitly.

After significant immigration developed from Jamaica, India and Pakistan, stricter and strengthened immigration controls were imposed on citizens of independent Commonwealth countries, Old and New, in 1962 (Brubaker, 1989 : 11). This policy signaled an essential shift in Britain's definition of nationhood. With the government drawing distinctions in immigration law between persons possessing the same formal citizenship status, Britain was in effect abandoning the principle of a legally and politically

defined membership and replacing it by racially and ethnically constructed notions of belonging.

Under ever-increasing internal and external pressures,¹³ British nationhood began to be played out more overtly, leading to a gradual closing of doors to anyone without a demonstrable claim to Anglo-Saxon 'blood' heritage. The Immigration Act of 1962 was accompanied by a series of bureaucratic and administrative measures aimed at keeping out further 'colored immigration' (Paul, 1997 : 175). The 1968 Commonwealth Immigrants Act restricted the automatic right of entry to the UK to UK Commonwealth citizens who were themselves or who had a parent or grandparent born, adopted, registered or naturalized in Britain. The institution of this category, made up mostly of white settlers from Canada, Australia, New Zealand and the United States, is a good illustration of the implicit racialization of British citizenship as well as of the racial bias in favor of 'white' colonials in immigration practices.

Immigration policies in the 1970s made the racial requisites to citizenship increasingly more apparent. The 1971 Immigration Act, a cornerstone of UK immigration law, « effectively 'disemboweled' nationality by removing the right of abode from those who could not establish a 'close connection' with Britain » and made the right of abode available only to those who were 'patrials', i.e. those who had a British-born parent or grandparent (Skellington and Morris, 1996 : 80).¹⁴ By doing so, it marked the end of a transition « from the UK as a country where any Commonwealth citizen had a right to

¹³ Within Britain, racial relations were growing more tense, while pressures to transfer prerogatives to the European Economic Community were suggesting the erosion of state sovereignty.

¹⁴ According to the Immigration Act (1971), women could acquire the right of abode by marriage to a man who had the right of abode. (Skellington and Morris, 1996 : 80)

enter, reside and engage in economic activities indefinitely to a country where only nationals of the European Union members states could aspire to such a right » (Groenendijk, Guild and Dogan, 1998 : 61). By 1976, Britain had tightened its immigration laws to reduce immigration to a minimum, thereby establishing a pattern of strict exclusion which would prove long-lasting.

The relationship between racial background and admission to Britain was fully established by the British Nationality Act of 1981. The Nationality Act created tiers of British citizenship - British Citizenship, British Overseas Citizenship and British Dependent Territories Citizenship - and effectively abandoned the language of a UK and Colonies Citizenship. By doing so, it consolidated the already existing restrictions for New Commonwealth immigrants by introducing the category of British citizen that alone conferred the right of abode in the UK. The newly institutionalized and legalized categories narrowed down the circle of those entitled to belong and « it ethnicized a previously (quasi-) civic definition of political membership » (Joppke, 1999 : 641).

The British Nationality Act of 1981 defined those individuals who have the right of abode as 'patril' citizens, as those who gained that right through their own birth, registration or naturalization there or through legitimate descent from a parent born, registered or naturalized there (Section 6 (1) of the British Nationality Act). In practice, the Act gives the right of abode to those with UK-born grandparents, almost all white (Skellington and Morris, 1996 : 69). On the other hand, British dependent territories citizens, British overseas citizens, British protected persons and British subjects without citizenship of any Commonwealth country had no right of abode under the Act. « The

majority of people in these categories are of Indian, Chinese, Afro-Caribbean or other non-European descent » (Skellington and Morris, 1996 : 69).

It is important to understand that in the process of creating a national British citizenship and identity, many individuals of Anglo-Saxon heritage got excluded. British citizenship laws which significantly restricted entry of non-European Commonwealth subjects also applied in an equal fashion to whites from former British colonies, making it tougher for white Anglo-Canadians and Australians to get into Britain today. Thus the discourse is one of equal discrimination against all non-Europeans, white or not.

In fact, however, this law provides an excuse for not allowing non-white minorities in under the guise of general fairness to all. It is still tougher for non-whites to get in than it is for whites from former British colonies. While visitors from Canada, Australia or the United States do not have to obtain short-term visas to enter the UK, all other non-European visitors are required to obtain such visas for short-term visits (Skellington and Morris, 1996 : 72). Moreover, according to statistics from 1992, the refusal rate for (longer term) entry to the UK was significantly higher for non-whites than it was for whites. The refusal rate for Guyanese visitors to Britain was 1 to 100 per year, 1 in 99 for visitors from Bangladesh, and 1 in 63 for Jamaicans, compared with a 1 in 3,600 ratio for Norwegians (non-EU citizens), 1 in 3,011 ratio for Americans, and a 1 in 4,616 ratio for Canadians. (Skellington and Morris, 1996 : 72 and 75). According to the Runnymede Trust, while Black and Asian people make up 10% of all visitors to the UK, they form 70% of all refusals (Skellington and Morris, 1996 : 74). As the Runnymede Trust's Commission on British Muslims and Islamophobia remarked, although it is not 'official' policy that Muslims and Blacks should be kept out, the practical consequence of the policy

embodied in the British Nationality Act and subsequent immigration acts is that Muslims and Blacks are disproportionately affected (Runnymede Trust, 1997 :37).

The racial bias in admission rules is further highlighted by contrasting the rights of EU citizens with those of Commonwealth citizens. While restrictions were placed on the right of entry and abode of Commonwealth citizens, residents of EU member states, aliens under British nationality law, gained the right of entry (asserted by the Treaty of Rome (1957) stipulating the freedom of movement within the Union) (Paul, 1997 : 187). Such developments serve to strengthen 'Fortress Europe'. On one hand, internal border controls are loosened within the Schengen area in the name of freedom of movement, and social and political rights are granted to EU nationals as part of the new European citizenship. On the other hand, stricter external controls are imposed, increasingly limiting the number of non-Europeans allowed to enter the EU zone.

As Kathleen Paul argues, the British postwar case suggests that :

formal citizenship matters less than the constructed national identity. In this postwar British case, the formal policy should have rejected the aliens and retained and accepted the citizens, but the informal identity did precisely the opposite : immigrating white aliens were recruited as members and citizens for their perceived potential to become British, and [...] meanwhile migrating citizens of color were rejected as members of British society because they had never been and could never become 'really' British (Paul, 1997 : xv).

In other words, as in France, the 'gates of citizenship' in contemporary Britain are in fact the 'gates of the nation', a nation which is implicitly white. Policies of entry and residence in the UK are exclusive and their 'exclusiveness' is based on a definition of Britishness and national identity determined by skin color.

II. Social Exclusion and Discrimination

Citizenship is a multi-faceted status, one which operates at many levels. Citizenship is experienced and practiced in specific social contexts and is also restricted by social settings. The meaning of citizenship as well as its actualization depends to a significant extent on one's place in society, especially in the national society. As Paul remarked when discussing racial minorities in the UK, « each group experienced Britishness in a different way, their access to material wealth, education, and privilege conditioned by where they were perceived to 'fit' within the hierarchy of Britishness » (Paul, 1997 : xii). In other words, access to full citizenship is conditioned by the level of a person's social inclusion which is in turn dependent on a person's racial background.

The thesis that citizenship status and practice is contingent on socio-economic conditions is perhaps T.H. Marshall's greatest contribution to theories and understandings of citizenship.¹⁵ In his classic post-World War II account of citizenship, Marshall argued that the profound socio-economic inequalities pervading capitalist societies severely undermined the equality of citizens promised by democratic theory and hence advocated an expansion and deepening of citizenship rights to offset the inequalities inherent in the class structure and lead to the attainment of full citizenship. In other words, the political element of citizenship (which implies « the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector ») and the civil element (« composed of the rights necessary for individual freedom - liberty of the person,

¹⁵ Marshall's account of citizenship will be discussed and assessed at length in Chapter 2. This brief introduction is to explain the relevance of social exclusion in the framework of citizenship. The limited understanding of full citizenship in Marshall's account which stops at the social element of citizenship will be contested in the next section of this chapter (under 'cultural marginalization').

freedom of speech, thought and faith, the right to own property, the right to justice ») need to be complemented by a social element (which means « the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being ») for full citizenship to be realized and live up to its pretenses of equality (Marshall, 1950 : 10-11).¹⁶

Although there are many problems with Marshall's formulation of citizenship, his framework does provide useful concepts within which to understand exclusion from within the community. What can be taken from him is the idea that citizenship is not only a formal, legal disembodied status bearing rights and duties, but one which takes its meaning in real political and socio-economic interactions within the framework of a community of individuals. Thus, in assessing racial exclusion from the political community, it is necessary to discuss lines of social exclusion affecting racial minorities which impinges on the effectiveness of their formal citizenship status and social and economic rights granted to immigrants and foreigners. I argue that social exclusion experienced by racial minorities, especially in key areas such as housing and employment, is a result of wide-spread racial prejudice and discrimination.

a. France - Socio-Economic Requisites to Republican Citizenship

Socio-economic exclusion has profound implications in a country whose political culture bestows fundamental value on social and political participation, and constructs involvement in the community, be it local, regional or national, as an essential and central component of citizenship. Access to this form of citizenship depends and is conditioned to

¹⁶ I am aware of the limited scope of Marshall's definition of the elements of citizenship. This will be discussed at length in Chapter 2.

a significant extent by a person's socio-economic status, his/her access to a stable revenue and decent housing, as well as ability to find time and means to get involved. A person who faces long-term unemployment and/or lives in improper conditions, having to struggle to make ends meet, will be less inclined to participate in a community project, or feel compelled to contribute something to the community.

Now, as a study of the Institut national d'étude démographique (INED) of 1992 indicated, racial discrimination towards persons of non-European origins was most manifest in two fields : employment and housing.¹⁷ Immigrant populations, especially certain target groups like North African populations, are said to meet great obstacles in finding a decent place to live and are faced with high unemployment rates. Given the French state's reluctance to categorize ethnic and racial groups in official statistics, it is difficult to support this claim with official data. There is however much evidence in documents produced by international and intergovernmental bodies, independent research and personal accounts which indicate that racial minorities are disproportionately affected by discrimination in housing and employment.

Many people of North African and African origins, many of them legally French citizens, have testified before the UN commissioner that they face severe discrimination in housing (Report of the UN Human Rights Commission, 1996). Often accepted over the phone because of a 'European'-sounding name, they explained that they are rejected once they meet the landlords or owners. Given their oftentimes precarious socio-economic status, many people of immigrant origins need to look at the HLM (*habitations à loyer*

¹⁷ INED (1992) *Enquête MGIS réalisée avec le concours de l'INSEE, Etude sur la mobilité géographique et l'insertion sociale*, Paris, cited in the Report of the UN Human Rights Commission, Document E/CN.4/1996/72/Add.3

modique) for housing.¹⁸ Even when they are dealing with administrators of state-regulated HLM, citizens of immigrant origins and legal residents face severe discrimination. Two Tunisian immigrants, Rachida and Ahmed, after many unsuccessful attempts to find private housing, turned to the *préfecture* who allocated them an apartment in an old office building as a 'temporary' measure. As it turns out, the *préfecture* has not provided any more help since then (Garin, *Le Monde*, 17 December 1999 : 12). In other cases, people are stopped by administrative measures. Many people born in French Overseas Territories and Departments (DOM-TOM) for instance are asked to produce naturalization decrees that they should not have to produce as residents of French territories, and that they often do not have.¹⁹

As the European Commission against Racism and Intolerance (ECRI) remarked in its report on France, « discrimination against immigrants (mainly of northern African origin and Black people) is a difficult issue to tackle » (ECRI's report on France, 1998 :9). Legal provisions exist to protect against discrimination, yet many employers are still reluctant to employ and even accord interviews to a person, citizen or not, of immigrant origin. According to the Report of the UN Human Rights Commission, many studies confirm that the rate of unemployment of young people of North African or African origin is significantly above average. The report claims that skin color and physical appearance, as

¹⁸ HLM are administered and regulated by the state via the *préfecture*. The *préfecture* is the local headquarters of regional and state powers. It delivers permits of all sorts, administers socio-economic policies of the national government.

¹⁹ INED (1992) *Enquête MGIS réalisée avec le concours de l'INSEE, Etude sur la mobilité géographique et l'insertion sociale*, Paris, cited in the Report of the UN Human Rights Commission, Document E/CN.4/1996/72/Add.3

well as family names and addresses (if they are from so-called ‘infamous’ neighborhoods), are important obstacles to employment.²⁰

The racial bias in employment practices in France is exemplified by the case of a young Black man of Caribbean origin named Hervé. A young man with an impressive academic background in law and international commerce, a Francophone with fluent knowledge of English and knowledge of Spanish, Hervé explained that, during interviews, he is always questioned on his intentions to stay in France (he was born, raised and educated in France) and is very rarely questioned on relevant professional issues. On one occasion, he arrived at an interview at the same time as a young white man. The employer immediately mistook the latter for Hervé, as if a person with Hervé’s resume could only be white (M-P. Subtil, *Le Monde*, 17 December 1999 : 12).

As a journalist from *Le Monde* reports, many other similar cases of very qualified young people, born, raised and educated in France, French citizens but of immigrant origins, face years of unemployment, and underemployment while White French youth with equivalent academic background have jobs (M-P. Subtil, *Le Monde*, 17 December 1999 : 12). These stories highlight the fact that socio-economic integration is very limited by race. If generations of citizens of immigrant origins are now ‘francisized’, have been to school and educated as ‘true’ French citizens, they are nonetheless not integrated because of the color of their skin or their physical appearance.

The French state is slowly awakening to the fact that racial discrimination in employment and housing seriously impedes attainment of full citizenship. Although it continues to use the language of immigration as opposed to race, the current French

²⁰ Report of the UN Human Rights Commission, Document E/CN.4/1996/72/Add.3s

government has recognized that young citizens of immigrant origin face higher rates of unemployment and live in harsher conditions than other young citizens (i.e. non-immigrant, European youth). As Minister of Labour and Solidarity Martine Aubry recently commented, the real problem today is the socio-economic integration of second- and third-generation youth of immigrant origin. (Bernard and Zappi, *Le Monde*, 20 March 2000 : 10). It is to address this problem that the Commission Départementale d'Accès à la Citoyenneté (CODAC) was created in 1999, with branches in every major cities and towns with the objective of actively combating 'all forms of discrimination' against youth of immigrant origin (in housing, employment, community involvement, etc.) as an essential step towards access to citizenship.²¹

b. Britain - Racial Discrimination and Racial Violence

The British state's response to racial discrimination in major spheres of society such as employment, housing, social services, is inscribed within the liberal tradition. In contrast to France, the British state does not see as one of its prime duties to fight racial discrimination by actively promoting integration and engaging in efforts at the grassroots levels to help people find jobs and decent housing. But the British state does acknowledge its duty to protect individuals against discrimination and prohibit it as part of a person's basic freedoms and right to equal treatment.

²¹ The mandate of the CODAC is defined as follows : « La lutte active contre toutes les formes de discrimination dont ils sont l'objet en matière d'embauche, de logement, de loisirs, est au premier rang des devoirs de l'Etat. [...] Un effort sans précédent doit être mené pour faire reculer les préjugés et lutter contre les discriminations, qui touchent essentiellement les jeunes nés de l'immigration, la plupart de nationalité française, afin de leur permettre d'exercer leurs droits de citoyens et en remplir les devoirs. » from <http://www.interieur.gouv.fr/actualite/codac/codac.html>.

British policy against racial discrimination is embodied in the Race Relations Act (RRA) of 1976, « one of the most comprehensive body of rules addressing racial discrimination in Europe » according to ECRI (ECRI's report on Britain, 1997 : 7). The RRA was a response to immigration policies which increasingly distinguished among communities of 'Britishness', hence increasing the vulnerability of British subjects of color already in the country (Paul, 1997 : 176). The Act, which brings together previous acts, prohibits incitement to racial hatred and includes anti-discrimination legislation governing public places, including housing and employment. It also instituted the Commission for Racial Equality (CRE) to oversee anti-discrimination cases and provide legal aid and assistance (Favell, 1998 : 107).

Although Britain has one of the most advanced institutional frameworks to combat racism and discrimination, « statistics of racially-motivated crimes and other cases of racial discrimination are not significantly lower than in other European states » (ECRI's report on Britain, 1997 : 7). Nor is the legislation very proactive. In fact, the number of cases the CRE deals with is small, and the amount of discrimination it can actually stamp out is minimal (Favell, 1998 : 107). Wide-spread racial discrimination in employment is reported in the UK, with employment related cases making up the majority of discrimination cases reported to the CRE (ECRI's report on Britain, 1997 : 15). Racial minorities face significantly higher unemployment rates as statistics show. In 1997, for instance, the unemployment rate among white men in inner city areas was 26% and 14% in outer urban areas. In comparison, the unemployment rate among Bangladeshi/Pakistani men was of 47% (inner city areas) and of 40% (outer urban areas), while 41% of Caribbean men living in inner city areas and 30% of those living in outer urban areas experienced unemployment.

These very brief comments on the correlation between racial prejudice and discrimination and social exclusion in France and Britain have sought to bring attention to the social phenomena which leave racial minorities on the social margins of these societies, hence curtailing the effectiveness of their citizenship status. It is important to acknowledge that acquisition of formal citizenship status does not guarantee social integration in a community, especially when social inclusion is dictated by racial biases. The next question to ask is why is racial background a factor in social integration ? This brings us to the issue of belonging and identity which underlies the problem of exclusion on the basis of race in the political community.

III. Cultural and social marginalization

«Migrants should not [...] be considered as a separate and problematic group but rather as an integral part of society as a whole [...] Integration should lead immigrants to develop a sense of belonging to their own society. »

Mr. Dieter Grossen, Chairman of the European Committee on Migration
(*Final Report. Community Relations Project of the Council of Europe*, 1991 :Foreword).

Perhaps the most contentious and contested element of citizenship, but also the most compelling aspect of citizenship in Western Europe today, is the cultural, identity component. While citizenship is traditionally seen as a legal, political and socio-economic issue, the question of racial exclusion instructs us that citizenship in Western Europe is ultimately a question of identity and belonging. Indeed, one of the most significant barriers to full citizenship for racial minorities is cultural marginalization i.e. the limited opportunity for the expression and recognition of their experience and perspective on social events.²² This form of exclusion along socio-cultural lines constitutes one of the most substantial

²² Iris Marion Young calls this situation 'cultural imperialism' (1989 : 261).

obstacles to the inclusion of racial minorities, even of those individuals who enjoy the common rights of citizenship.

The cultural 'racial' underpinnings of citizenship are explicit in education policies and regulations over places of worship. While in principle the French and British states claim neutrality with regard to any cultural self-definition, it is evident that some religions and cultures have precedence if not authority over others. Cases of cultural marginalization reveal the fact that citizenship is rooted in a culturally defined social basis, that it refers to an identity. But more importantly these cases shed light on the close relationship between citizenship and a majority culture and national identity, hinting at the root cause of racial exclusion in Western Europe.

a. France- Republicanism, Religion and the French Nation

In recent decades, French popular culture has become increasingly multicultural, integrating new elements of culture, notably from North Africa, and redefining the image of French culture in movies, literature and music.²³ The proportion of French-made movies in the 1990s featuring actors of immigrant descent, produced by individuals of North African origin or portraying the reality of the *banlieues* (the suburbs) has been significant. Moreover, these movies were well received by the population at large. Another illustration of the increasingly multicultural character of French popular culture is the way the 'multiethnic' French football team who won the 1998 Mondial (football tournament) and its team leader, Zinedine Zidane, a second-generation immigrant from Algeria, were consecrated national heroes. But the visible heterogeneity of contemporary French culture

²³ For more information on the integration of African, Caribbean and Asian cultures into French popular culture, see Hargreaves and McKinney, 1997.

is not paralleled by an end to the social and cultural marginalization of racial and religious minorities.

The French state continues to adamantly reject recognition of minority rights and the expression of cultural diversity in the public sphere, and to advocate an abstract universalism. In practice, this attitude effectively discriminates and marginalizes non-white, non-Christian groups and individuals who do not share in the 'French' universalism. Although in no way do the "Hijab Affairs" constitute an exhaustive illustration of the issue, they epitomize the French attitude towards the expression of difference, especially religion, in the public sphere and highlight the basis of cultural marginalization in France. The first Affair unfolded in September 1989 when three Muslim girls of North African origin were suspended from their public school because their insistence on wearing their Muslim headscarves (the hijab) was judged by the *instituteur* (the teacher) to be in contravention of French laws on secularism in school.

While the then Education Minister Jospin shyly stated that schools should not expel students yet could discourage them from wearing the hijab, the Council of State (France's highest administrative court) concluded that « schools had no obligation to help students to become citizens respectful of others » (Wayland, 1997 : 553). But it stated that « in educational establishments, students wearing signs by which they mean to demonstrate their adherence to a religion is not by itself incompatible with the principle of secularism.» (Wayland, 1997: 553). « In sum, the government at least partially supported the wearing of Muslim scarves in schools but deferred to local authorities to make decisions based on their own circumstances » (Wayland, 1997 : 553). A second episode in 1994 had more radical results. Education Minister François Bayrou told head teachers that 'ostentatious

signs' of religion should be banned from the schools, seemingly condoning small crosses but not headscarves. (Wayland, 1997 : 553)

The Hijab Affairs illustrated the readiness of the French state to designate Islamic cultural markers as a contravention of French laws, often making ungrounded claims and unjust accusations.²⁴ The wearing of the hijab was viewed as an attack on secularity in the schools, as a threat to the French model of integration. Yet the case is easily made that even if it is a religious symbol, the wearing of the hijab does not contravene the principle of secular teachings in the classroom. Moreover, this form of religious expression can certainly be defended on constitutional grounds, article 2 of the Constitution guaranteeing respect of all beliefs.

The debate over the expression of Islam in public schools is not as much about secularism itself as it is about pluralism in the Republic, the wearing of the hijab acting as a constant signifier of the presence of difference in the public sphere. Islamic claims to the right to culture constitute a serious challenge to republicanism. Expanding rights in this direction leads to the development of something obviously very alien to the French political system, i.e. political pluralism, sectarian bargaining for rights and resources by self-interested sub-groups of the polity. But more importantly, Islamic identities present the issue of a minority which does not share the common purpose set by the French state.

As an essential instrument of the republican state, one of the central purposes of the republican school system is to reduce social differentiation and instill republican values of undifferentiated citizenship and formal equality of individuals. As the perpetrator of

²⁴ The specificity of French-Muslim relations was consequential in the outcome of the Affairs. France's colonial history in North Africa, ongoing civil strife in Algeria and the perceived incompatibility of Islam and secularism all had an impact on the cases.

republican ideals, public education has always been the milieu where social differentiation was to be reduced. It has been defined according to the principles articulated by key theorists such as Condorcet, philosopher of the republican school system, who conceived of the new educational principles in terms of reason and common interest. Indeed, it was believed that the majority will had to be inscribed within the rational sphere for only through reason can one grasp the universal. Thus, through public education or “instruction”, reason is educated thereby allowing a growing awareness of the common good.

The underlying issue is what that common good is and how has it been defined. Is the republican school, as well as the republican polity, really the ‘home’ of universal reason and secularism ? Or is it the cradle of a ‘French’ nation, implicitly white and Christian ? In fact, the educational system has always been seen as a fundamental and essential tool of nation-building in France. The curriculum and schedules which are to be implemented throughout the country are designed by the *Ministère de l'Education Nationale*, while many teachers still consider themselves to be *fonctionnaires*. The school is still celebrated as the place where generations of immigrant children have been allowed to integrate into ‘French’ society as the declaration of President Valéry Giscard d’Estaing in 1981 shows : “ it is the educational system of the last century which had ensured the cultural unity of France ; today, France has ceased to have a common cultural and one of the greatest tasks to come will be for the educational system to give back to the French their cultural unity” (cited in Lelièvre, 1996 : 7).

b. Britain - Multiculturalism and Anti-Racism

Cultural marginalization takes on a different form in Britain than it does in France. Multiculturalism has been accepted as a policy in many public domains such as housing and employment but it is been most prevalent in education. Since the late 1970s, numerous reports and commissions (such as the 1977 'Education in Schools' Report and the 1985 Swann Report) have increasingly insisted on the need to celebrate cultural diversity in the schools and have supported cultural pluralist conceptions of educational reform. An explicit illustration of multiculturalism in Britain is the case of Sikhs with turbans being accepted in a school in Birmingham in the early 1980s (Favell, 1998 :214). In this respect, the British state and British institutions have left more room for the preservation of particularist identities in the public realm than France has.

Yet, the official multicultural education policy and official recognition of cultural diversity does not signal the end of racial marginalization in Britain. Responding to mounting racial tensions, the policy of multicultural education offered a recognition of cultural diversity, which is consistent with the liberal principle of toleration, in an attempt to ease confrontations and respond to claims of immigrants. But the cultural policy essentially served to mask many unattended divisions based on skin color and religion which are at the core of race relations and exclusion in Britain.

As many observers and advocates of an anti-racist education have argued, the multicultural approach in education conflates racism and cultural prejudice and ignores color-based discrimination as well as the intricacy of the racial bias in educational structures. Anti-racists have been promoting the development of « a wide range of organizational, curricular and pedagogical strategies which aim to promote racial equality

and to eliminate attendant forms of discrimination and oppression, both individual and institutional » (Troyna and Carrington, 1990 : 1). This approach has met serious resistance from the British state and education authorities. Many groups of the New Right in the late 1980s, groups such as the Hillgate group, argued in a liberal fashion that the obligation of the state is to offer protection to individual liberties and therefore to ensure that black pupils are not subjected to explicit forms of racial discrimination and violence. They conceded that the state should provide black pupils with the opportunity to become functionally competent in English. But they argued that, beyond that, no other concessions are necessary nor should be offered. As Troyna and Carrington conclude, the position of such groups is an assimilationist approach stipulating that « black pupils should be treated as 'trainee whites' » (1990, 9).

This 'assimilationist' approach, which ignores racial differences, is not marginal in the British education system today. In fact, it has evolved alongside the official recognition of cultural diversity. Marginalization in education thus occurs in the way policies bypass race-related matters. For instance, 95% of teachers in the UK are white (Skellington and Morris, 1996 : 184). We can question what idea the absence of black, Indian, Pakistani role-models conveys to young children of immigrant origin in terms of their place in British society. Furthermore, evidence shows that racial prejudice often intervenes in admission to schools and that minority ethnic group pupils are disproportionately represented in official figures on school exclusions (Skellington and Morris, 1996 : 193). Even more telling is the fact that, in recent years, the national English curriculum has emphasized studies of Christianity, the English language and English history and literary heritage (Skellington and

Morris, 1996 : 193). In 1995, for instance, the twelve authors listed on the national curriculum were all British and all male, with the exception of one.

Moreover, it is important to note that exclusion on the basis of religion remains effectively outside the realm of legal protection and state policies as the RRA does not cover discrimination on the basis of religion. Similarly, Muslim education is available for those who wish it in Britain's 58 full-time independent Muslim schools but these schools do not receive any state funding (Runnymede Trust, 1997 : 47). As the Runnymede Trust argues, « it is difficult to avoid the suspicion that anti-Muslim prejudice has played a part in the rejections [of state funding for Muslim schools], since the official reasons given by the Government have seemed generally unconvincing » (Runnymede Trust, 1997 : 47). The European Commission Against Racism and Intolerance concluded that this absence of protection and/or endorsement by the state is a problem for any community whose distinctive traits are perceived as essentially linked to religious practices or beliefs (ECRI's Report on Britain, 1999 : 11).

Multiculturalism as a policy is reconcilable with the liberal principle of toleration of diversity and thus constitutes a valid response according to the British state to the increasing diversity and tensions which arise from time to time. But in fact, multiculturalism does not end marginalization but sustains racial marginalization by masking racial divisions under the terminology of culture. It hides Britain's own myth of national unity and national boundedness which is deeply linked to skin color. The failure to systematically address race-related matters in education is not incidental. If the British state can reconcile multiculturalism with its national identity, it is more difficult to promote multi-ethnicity in schools, especially when schools remain « places where a nation is made

or unmade » (Runnymede Trust, 1997 : 43). In other words, « though Britain is a multi-racial society, it is still a long way from being a multi-racial nation » (Gilroy, 1987 : 46).

Many barriers stand between racial minorities and access to full citizenship in West European nation-states. As evidence in France and Britain shows, entry and residence in a country, access to formal citizenship status, decent housing conditions and employment, recognition and protection of a person's culture and religion, are all conditioned to a significant extent by a person's racial (either as culture, faith or skin color) background. In other words, race is a key factor in the determination of a person's inclusion at the legal, political, socio-economic and cultural level in West European political communities.

The comparison between France and Britain indicates that differences in political traditions and national contexts impact on the way states portray, treat and regulate racial difference. But the comparison also shows that legal, political, social and cultural inclusion of racial minorities in the political community is fundamentally linked to issues of belonging, identity, of nationality. Although, civil and social rights, and with some limitations political rights, are increasingly granted to all those who live and work in a particular country, regardless of their national citizenship, the effectiveness of those rights remains largely contingent on one's national identity and racial background. In other words, the root cause of exclusion on the basis of race from the political community is that citizenship is enduringly conceived as synonymous with nationality and that it remains perceived as the guarantor of a nation.

The apparent correlation between the association of citizenship and nationality on one hand, and exclusion on the basis of race on the other, raises a number of important theoretical questions. Why have citizenship and nationality been entangled conceptually ?

Why does this association sustain exclusion and marginalization of racial minorities ? If the entanglement of citizenship and nationality results in racial exclusion, why does this association endure ? The following chapters will address these questions and shed light on the profound ambiguity and complexity of the association of citizenship and nationality which renders the task of redefining political membership to end racial exclusion a challenging one.

CHAPTER 2 - WHAT IS CITIZENSHIP ?

Before I address the questions raised in Chapter 1, it is necessary to ask what is citizenship for it is indeed a problematic and contested concept. As noted in Chapter 1, citizenship regimes (institutions, laws and practices) in West European nation-states are founded on different paradigms of citizenship (theoretical and conceptual understandings of citizenship), the predominant paradigms being liberal and civic republican. Although the 'ideal-type' of liberal or republican models of citizenship do not exist in reality, citizenship regimes in different states tend to be instructed by one model or the other. France's citizenship regime for instance is overwhelmingly rooted in the republican tradition, while the prevalence of liberal notions of citizenship is evident in the United Kingdom's construction of citizenship.

The differences in understandings of citizenship account for differences in assessment of and approach to the problem of racial exclusion in both countries. Yet, as I have concluded in the first chapter, neither regime results in fewer race barriers than the other. In both countries, racial exclusion endures despite the acquisition of social and civil rights, and the implementation of laws and policies regulating discrimination. Why do the French state and the British state, despite different traditions of citizenship arrive at the same end result, i.e. racial exclusion ? Why does the assessment of the situation of racial minorities based on standard West European citizenship paradigms fail to explain the problem of exclusion on the basis of race and fail to adequately and effectively respond to exclusion ?

In order to understand the problem of racial exclusion, we must understand the meaning of 'full citizenship'. Full citizenship implies the attribution of an *effective* status

carrying rights and duties, i.e. it entails the ability to put citizenship status into practice and to actualize it. The problem is that the exercise and practice of citizenship status is conditioned by identity components of citizenship. The relationship between citizenship as status, bearing rights and obligations, and citizenship as membership and identity, is often glossed over in assessment of racial exclusion based on traditional liberal and civic republican accounts of citizenship which claim their universal character. I argue that citizenship regimes fail to adequately address the issue of racial inclusion in the political community because they overlook the implicit assumption of common culture which lies at the core of standard citizenship paradigms. Thus, in this chapter, I discuss the definition of 'full citizenship' in predominant West European paradigms of citizenship to argue that full citizenship needs to be problematized beyond rights-based and duty-based conceptions of political inclusion, and that the assumption of a common culture which acts as the basis of community needs to be discussed.

I. 'Full Citizenship' in the Predominant West European Paradigms of Citizenship

The bases of political inclusion have been conceived along different lines in the liberal and in the civic republican models of citizenship. The different understandings account for a different assessment of and approach to the problem of racial exclusion. But ultimately how both paradigms envisage 'full citizenship' fails to provide an adequate response to exclusion on the basis of race. This section seeks to tackle these two points : What is full citizenship according to the models and why does it not translate into reality ?

a. Liberal Approach to Citizenship and Marshallian Citizenship

The liberal model of citizenship stresses individual rights and freedoms as well as equal treatment. In the liberal tradition, equality of citizenship status implies that inequalities deriving from gender, ethnicity, class « are *not* supposed to be of relevance to the status of citizenship as such » (Yuval-Davis, 1997 :70). The liberal school also emphasizes the great importance of rights which guarantee individual freedom to define and redefine one's own purposes, as long as one acts according to law (Beiner, 1995 : Introduction). While classic liberals confine citizenship rights to the civil and political spheres, those in the tradition of Marshall now include social rights considered necessary to the promotion of a more positive notion of freedom (Lister, 1997 : 15).

Liberal definitions of citizenship confine existing bonds between citizens to a shared legal status carrying rights which ensure equal treatment. In a liberal society governed by the rule of law, legal status and rights are thus seen as the most consequential and meaningful means of inclusion in the political community. In this context, denying political, civil and social rights to a person results in and/or aggravates a person's political, civil and social exclusion from the community. *A contrario*, recognition of rights constitutes a crucial step in providing legitimacy to the claims made by oppressed individuals and/or groups and promoting their inclusion in the community. According to this understanding of political inclusion, a citizenship regime which recognizes civil and social rights of citizens and non-citizens alike offers a chance at inclusion regardless of a person's racial background. Attribution of rights, however, cannot be considered a sufficient indicator of equality nor of achievement of full citizenship. As Stuart Hall and David Held contend, rights can be vacuous and be « mere paper claims unless they can be practically enacted

and realized, through actual participation in the community» (1989 : 175). Indeed, effective enjoyment and practice of citizenship status constitutes an essential component of full citizenship.²⁵ The question is : what, according to liberal theorists, determines effective enjoyment of rights ?

In his classic postwar account of citizenship, T.H. Marshall argued that social and economic inequalities were key impediments to the effective exercise of political and civil rights, and that giving institutional footing and guarantees of social rights would be sufficient to ensure that political and civil rights were effectively enjoyed and practiced. He defined full citizenship as «a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed» (1950 : 28-29), recognizing that full membership was contingent on more than just the legal attribution of status. The key to Marshall's argument is that he acknowledged that equality of status was hampered by the inequalities inherent in the class structures of capitalist societies. He contended however that the expansion and deepening of citizenship rights to include social rights could lead to achievement of greater social justice as well as attainment of full citizenship (1950 : 30). Therefore, according to Marshall's often-cited model of linear progression of the substantive content of citizenship,²⁶ full citizenship is not limited to civil and political rights

²⁵ Citizenship as practice is understood differently in the liberal tradition and in the civic republican tradition. In the former, practice means the capacity to enjoy rights effectively, to be able to 'practically enacted and realized' rights. In the latter, citizenship as practice implies involvement and participation in civic and political affairs.

²⁶ The implicit evolutionism of Marshall's model needs to be qualified in light of the fact that women were granted political citizenship in the Anglo-American democracies before they achieved full civil citizenship (Valentine and Vickers, 1996 : 166), and that guest-workers in many West European states today have social rights but only limited political rights (Yuval-Davis, 1997 : 75). What must be taken from Marshall is that the substantive

but includes social rights which compensate for the class inequalities which often thwart the effective enjoyment of political and civil rights. In sum, a full citizen or a full member of a community is a person who, through the effective enjoyment of all those rights, stands in effective equality of status with the other citizens.

Marshall's recognition that citizenship needs to be negotiated in the face of persistent material and tangible inequalities is certainly compelling as it signifies an understanding that the set of legal rules which make up citizenship status is enmeshed in a set of social relations between the individual, the state and the community. The problem with Marshall's model is that he only attends to the class divisions which impact on the attainment of full citizenship, overlooking the impact of gender, race and other divisions on the attainment of full citizenship (Lister, 1997 : 68). Racial minorities however face obstacles to the enjoyment of their rights which cannot be accounted for by referring to social class or appealing to social rights, and their experience is evidence that attainment of full citizenship and effective enjoyment of rights are contingent on much more than class and legal status (Habermas, 1992 : 270). Indeed, despite recognized socio-economic rights guaranteeing equality of treatment and of opportunity, numerous citizens of immigrant origins and members of racial minorities in both France and the United Kingdom are effectively excluded from the community by undue and disproportionate discrimination in housing and employment, a discrimination which offsets the effectiveness of their socio-economic rights (cf. Chapter 1 - Section 2). As Will Kymlicka argues, these groups are not excluded from full participation solely because of their socio-economic status, although

rights of citizenship include political, civil and social rights, and not that one category of rights necessarily follows the other.

they are often materially deprived, but also because of their socio-cultural identity. Thus, « providing material benefits will not necessarily ensure their integration into a common culture, or develop a sense of shared loyalty to a common civilization » (Kymlicka, 1995 : 180).

Marshall acknowledged the 'cultural' aspect of political integration to a certain extent, contending that « a direct sense of community membership[is] based on loyalty to a civilization which is a common possession» (Marshall, 1950 : 41). But, as Purvis and Hunt commentated, we have to ask « 'Common' for whom ? 'Civilized' by whose standards ? And 'possessed' by whom ? » (1999 : 468). According to Marshall, membership is truncated only in terms of class structure, the 'cultural' exclusion, based on material inequality and integration, thus being ensured by the legal provision of material benefits.²⁷ Considering that « some members of racial minorities still feel excluded from the 'common culture', despite possessing the common rights of citizenship » (Kymlicka, 1995 : 180), we must recognize the many forms of 'cultural' exclusion which intervene in the development of full-fledged citizenship. We should, however, ask whether there are not many inequalities which exist within these social relations which cannot be corrected by the mere ascription of citizenship status, and which, when ignored, are simply transposed into citizenship regime and hence can become institutionalized.

Liberal accounts of full citizenship, including Marshall's model, fail to ensure inclusion of racial minorities because they do not account for the assumption of common membership and common culture which is implicit in the liberal political community (cf.

²⁷ The implicit assumption of a racially and culturally homogenous community in Marshall's model has been underlined by many theorists such as Bottomore (1992 : 65) and Yuval-Davis (1997:76).

Chapter 4). This is not to say that rights-based conceptions of political integration *per se* are problematic, although we might question their limitations,²⁸ but that they provide incomplete understandings of political inclusion and fail to take into consideration the socio-cultural underpinnings of political membership which constitute the principal impediments to integration of racial minorities in the political community.

b. Civic Republican Approach to Citizenship

Political inclusion according to the civic republican model is based on obligations and duties rather than rights. In the republican tradition, citizenship is constructed « not only as a status but also as a means of active involvement and participation in the ‘determination, practice and promotion of the common good’ » (Yuval-Davis, 1997 : 71). Accordingly the virtuous citizen is actively involved in political and civic affairs, the will and capacity to participate constituting one’s civic virtue as well as a condition of citizenship. It ensues that ‘republican’ citizens are constructed as members of the same political community sharing ‘civic’ bonds, in contrast to ‘liberal’ citizens who are constructed as strangers to one another who only share a legal status. (Yuval-Davis, 1997 : 71).

Civic participation has been interpreted in many different ways from general obligations of citizenship - which include payment of taxes, national contributions, military service, and especially today, work - to political obligation and active engagement in

²⁸ Some contemporary liberal theorists have promoted the expansion of substantive citizenship rights to include cultural rights in recognition of the forms of exclusion which stem from ethnic, cultural, linguistic and religious belonging. We can however question whether the extent of citizenship rights to cultural rights can adequately address exclusion based on identity. (cf. Chapter 5, Section 2).

citizenship (Lister, 1997 : 18-24). Even the latter notion of active citizenship has taken on different meanings from classic civic republicanism which stipulated the duty to take part in government to modern civic republicanism which emphasizes community service and participation in the affairs of one's community. The notions of obligation, participation and active citizenship have been and are promoted by civic republicans as a response to what they consider is « an impoverished version of citizenship in which individual citizens are reduced to atomized, passive bearers of rights whose freedom consists in being able to pursue their individual interest » (Lister, 1997 : 23). But more importantly, civic republican appeals to civic duty and the submission of individual interest to that of the common good respond to a conception of citizenship which defines political activity and the goal of pursuing the 'public' or 'common good' as the essence of political inclusion (Lister, 1997 : 23). In other words, according to the civic republican model, inclusion in the political community is contingent on one's participation in the affairs to the polity, the community.

A duty-based conception of political inclusion presents significant obstacles to the incorporation of a number of groups in the community. Some of the limits of a notion of citizenship based on participation and political involvement become evident when confronted with the case of people with disabilities. As Fraser Valentine and Jill Vickers argue, « People with disabilities cannot simply be integrated as a new category of citizen because the characteristics and duties implicit in the theories and practices of modern citizenship cannot be achieved or performed by many people with disabilities» (1996 : 156). For many people with disabilities, meaningful participation in political decision-making beyond the right to vote is not possible (Valentine and Vickers, 1996 : 166). This is an important argument to consider when discussing participatory forms of democracy

and citizenship. By insisting too much on participation, a duty-based notion of inclusion may lead to *de facto* exclusion of those who cannot participate e.g. the disabled.²⁹ Emphasis on citizenship obligations has also traditionally excluded women or at least significantly limited their inclusion in the political community. From defining military service as key to citizenship to paid employment, a form of inclusion based on such obligations has effectively left women, who take on more 'private' nurturing and care-taking roles, outside the public sphere.

If duty-based conceptions of citizenship, whether based on political obligation or work obligation, reveal limitations for the inclusion of women and people with disabilities, it also carries important exclusionary implications for racial minorities. As discussed in Chapter 1, wide-spread racial discrimination in employment seriously hampers the ability of members of racial minorities to find (legitimate) work, thus strengthening the perception of immigrants and racial minorities as dependents on the state and second-class citizens. Furthermore, the often precarious socio-economic conditions of members of racial minorities which ensue from poor or non-existent employment status often preclude them from actively participating in the community (Chapter 1, p.38). And it is important to remember that these precarious socio-economic conditions are to a significant extent contingent on other forms of prejudice based on race.³⁰ In addition, placing value on active

²⁹Despite the contentions about participation, a number of feminist theorists have been re-articulating many ideals of civic republicanism and promoting active citizenship in recent years. This is the case of Iris Marion Young and Anne Phillips who have been attracted to the potential of collective deliberation in the public sphere for the articulation of the interests of women and minority groups and for the debating and confronting of differences (Young, 1989 ; 1990 ; Phillips, 1993). This issue will be further developed in Chapter 5.

³⁰ The French state recognized that racial minorities are particularly vulnerable to discrimination in employment, and that, in turn, unemployment has repercussions on members of racial minorities' capacity to fulfill their civic duties and hence achieve full

citizenship and/or political participation also assumes that individuals have the necessary political rights to participate, which are denied to members of racial minorities under many circumstances (cf. Chapter 1, section 1). In other words, many socio-cultural factors intervene in restricting political and/or economic participation of racial minorities and hindering their ability to fulfill their civic responsibilities, factors which are not taken into consideration in duty-based conceptions of political inclusion.

The outstanding question is, if racial minorities have the material, political and legal resources to participate in the affairs of the community, can a duty-based conception of citizenship really make for an inclusive community? Can a civic republican approach to citizenship offer adequate grounds of political inclusion for racial minorities? In order to answer these questions, we must consider how civic republicanism has constituted the political community and defined the qualities necessary for active participation in it. In the republican tradition, the existence of bonds uniting individuals into an active citizenry is assumed to be concomitant on the exercise of citizenship obligations. The contingency of civic duty on adherence to a commonly shared 'public' good significantly limits the boundaries of inclusion to those individuals who share, or are perceived to share, the 'common good'. As will be discussed in Chapter 4, the definition of this 'common good' in classic civic republicanism has been highly exclusionary.

In light of the discussion of liberal, rights-based, conceptions of citizenship and civic republican notions of citizenship in relation to the political inclusion of racial minorities, we find that there is a need to problematize what full citizenship means beyond the

citizenship ; this is why the state established the CODAC to combat discrimination against immigrants in housing and employment in the hope of facilitating attainment of full citizenship (cf. Chapter 1, p. 39).

dichotomized understanding of citizenship as rights versus duty. The practice of citizenship status, either through effective rights or active participation, is difficult not so much because the status is deficient but because it works on the premise of a common belonging, a common culture. The inherent paradox of the idea of citizenship is that, while it seeks to be universal, i.e. to eventually include everyone, it has also worked in association with exclusionary mechanisms of identity. The limits posed to an effective citizenship status for racial minorities stem from the assumption of a common culture acting as the constitutive basis of citizenship identity. This assumption is obscured in liberal and civic republican treatments and understandings of political inclusion, even though, as will be discussed in Chapter 4, it implicitly lies at the core of their respective conceptions of citizenship. The assumption of common culture is a fundamental notion which must be tackled in this discussion of racial exclusion in Western Europe.

II. Common Culture as the Basis of Membership

Political membership in the liberal and the civic republican paradigm is implicitly construed on the ideal of a 'universal' citizenship, i.e. it is based on the notion that inclusion of everyone in full citizenship under the equal protection of the law is possible (Young, 1989 : 250). Pretenses of universality of citizenship, in the sense of citizenship of all, are emphasized in the predominant West European paradigms of political inclusion, i.e. that inclusion of all under one common political identity is possible.³¹ Yet, feminist theorists such as Pateman and Young have shed critical light on the falsehood of this

³¹ The universalist notion of citizenship prevails in most, but not all, West Europe nation-states (Jackson and Wolczuk, 1997 : 16). Some states, like Germany for instance, cannot be included in the category of universalist citizenship regimes. Germany never pretended to have a universal citizenship.

universal ideal of citizenship, arguing that the postulate of universalism has been effectively translated into a conception of a homogenous 'public' that relegates all particularity and difference to the 'private', a practice and discourse which effectively excluded (and continues to exclude in many respects) on the basis of gender, race and sexuality (Pateman, 1989; Young, 1989 ; Phillips, 1993).³²

As Young contends, « the universality of citizenship in the sense of citizenship for all implies a universality of citizenship in the sense that citizenship status transcends particularity and difference » (1989 : 250). Universalism has been understood differently in the liberal and the republican traditions but it has, in both cases, postulated the need to transcend particularity. In the republican tradition, « the ideal that the activities of citizenship express or create a general will that transcends the particular differences of group affiliation, situation and interest has in practice excluded groups judged not capable of adopting that general point of view » (Young, 1989 : 251). The liberal tradition, on the other hand, justifies an 'undifferentiated' citizenship by way of the principle of equal treatment : in order for everyone to be treated equally, differences in culture, values, capacities cannot be taken into consideration. These understandings of universalism result in, or intensify, exclusion. In the first instance, the idea of citizenship as expressing a general will has a tendency to enforce a homogeneity of citizens (Young, 1989 : 251), hence leading to the rejection of whoever is too different. In the second instance, «where differences in capacities, culture, values, and behavioral styles exist among groups, but

³² It is one of the most important contributions of feminist theory to citizenship theory to have debunked the definition of the 'citizen' and the role of the citizen as a construction based on the masculine image. There is only one more step to take to highlight the fact that the 'citizen', in classic citizenship theory, is also 'white'.

some of these groups are privileged, strict adherence to a principle of equal treatment tends to perpetuate oppression or disadvantage» (Young, 1989 : 251).

Universalism in all cases acts as an abstraction which serves to hide the fact that political membership is linked to assumptions of a common culture acting as the constitutive basis of political membership. Occlusion of differences of race, gender and sexuality are not incidental to the construction of citizenship but are fundamental to conceptions of political community which rest on assumptions of common membership understood as similarity and homogeneity (for reasons which will be explored in the next two chapters). Citizenship provides the identity which marks our common membership in a political community but it has done so by insisting on a homogenous definition of citizenship and on the occlusion of differences of race, gender and sexuality

Herein lies the great paradox of citizenship : traditional paradigms of citizenship have emphasized a universal citizenship within the reach of everyone through rights and duties, but they have, simultaneously, acted on assumptions of commonality of culture which are inherently exclusive. As Purvis and Hunt argue, « a critical theory of citizenship quickly reveals that citizenship has always operated in tandem with assumptions about who are valid political actors and what are the appropriate boundaries of community » (Purvis and Hunt, 1999 : 461). In the West European context, membership has been defined along national lines, defining 'nationals', i.e. those who share 'essential' cultural, ethnic, racial characteristics, as the appropriate actors in the community. In other words, citizenship has marked common membership by « obscuring the persistence of other social relations and thereby undermining recognition of the alternative identities arising therefrom » and has done so « in conjunction with other assumptions about what constitutes a 'competent'

political actor and/or the 'naturalness' of the social community that the state is presumed to administer » (Purvis and Hunt, 1999 : 464).

My point is that the real problem with citizenship in Western Europe is the fact that political membership, and thus political inclusion, rests on a constitutive basis defined as common to all, as a finite universal. The failure of traditional paradigms to provide adequate assessment of the issue of racial exclusion stems from their strict adherence to the ideal of an infinite universal when the latter is in fact offset by the assumption of a constitutive basis of membership which is presumed common and homogenous. In the words of Purvis and Hunt :

The problem is not [...] rooted so much in the concept of citizenship itself, but rather in a series of unduly restrictive conceptions of the political, particularly those which fail to take (adequate) account of the cultural dimensions of the political. It is a failure to understand the place of citizenship in hegemonic projects, and relatedly its complex articulation with other social and political concepts, an articulation too often assumed and too seldom problematized (Purvis and Hunt, 1999 : 462).

CHAPTER 3- CITIZENSHIP AS NATIONALITY

« ...the truth is that race-thinking entered the scene of active politics the moment the European peoples had prepared [...] the new body politic of the nation»
(Arendt, 1951 :161).

« Citizenship today means membership of a nation-state »
(Brubaker, 1989 : 3).

Racial barriers to full citizenship are not inherent in the definition of citizenship but stem from the existence of a constitutive basis of political membership which is defined as a 'common' culture. The root cause of racial exclusion in Western Europe is this association of citizenship identity with cultural belonging to a particular community, i.e. the nation. In this chapter, I examine the emergence of a *national* political community and the conflation of citizenship and nationality. I develop the notion of 'common' culture in the specific framework of nationality, and explore why the articulation of the 'nation' has the constitutive basis of political membership leads to exclusion on the basis of race.

In order to understand the potency and implications of the conceptual entanglement of the idea of citizenship and the idea of the nation, specific questions will be raised : 'Why is the political community, the body politic, defined as the nation ?' 'How was the nation defined' and 'How were its boundaries defined ?'. I argue that citizenship's exclusionary tendencies in relation to race stem from the construction of citizenship as the main instrument of demarcation of the boundaries of a state-bearing and state-justifying nation. As the constitutive basis of political membership, the 'pre-political', pre-ordained nation has bestowed an aura of homogeneity, naturalness and limited belonging to the inherently *political* identity that is citizenship making political membership not a voluntary act but the virtue inherited attachment to the community. Herein lays the reason why 'race' is such a potent barrier to full political membership.

I. The Association of Citizenship and Nationality³³

In order to gain an understanding of the context in which the idea of nationality and nationhood emerged, we need to have a brief look back at the emergence of the European state. The process of state formation took place over a few centuries, finding roots in the medieval system (Eisenstadt and Rokkan, 1973 ; Elias, 1978) or the inter-state system of violence and war (Tilly, 1975 ; Giddens, 1985). More proximate sources of the modern state however are absolutism and the inter-state system it initiated (Held, 1996 : 72). The state itself did not imply democracy and nationhood. State structures in 17th century France and England for instance were bureaucratic and administrative structures led by absolute monarchs. Yet other ideas were emerging in relation to the formation of the state which forced a broader redefinition of the political community around state structures.

Paralleling the emergence of the state were the rise of capitalism and ideas of individual liberty and individual thought. Entangled in the Protestant Reformation, Enlightenment thought, and liberal capitalism, individualism and rationality challenged standing conceptions of power and sovereignty, positing individual freedom as the source of sovereignty in lieu of divine power. The implications for the basis of the legitimacy of state structures were tremendous. The absolute sovereignty of the monarch legitimized by the divine came under mounting contestation. Denying the legitimacy of absolute 'divine' power left theorists to question where to find legitimacy in the political community.

³³The purpose of this section is not to explain the rise of nationalism and assess the importance of different factors (industrialism, print capitalism, colonialism, etc.) in the process of nation-building but to explore why citizenship and nationality came to be associated.

The question of political legitimacy was addressed in an extensive and influential manner by such thinkers as Locke and Rousseau - as will be discussed in Chapter 4. The question was especially important granted that, « in modern Western political thought, the idea of the state is one linked to the notion of an impersonal and privileged legal or constitutional order with the capability of administering and controlling a given territory. » (Held, 1996 : 73) If the absolute power of the monarch is rejected, there is a conceptual vacuum in terms of sovereignty. New normative underpinnings were thus articulated by social contract theorists who developed grounds for ascending sovereignty, for political legitimacy based on consent, in social contracts. Liberal and civic republican theorists envisaged different 'sovereign' communities : while Rousseau replaced divinely-ordained royal power with secular sovereignty, Locke advocated the sovereignty of 'civil society' made up of individual property owners. Despite their different definitions of the sovereign body politic, both concluded that the modern sovereign community requires social cohesion, unity and some form of homogeneity to hold.

As will be discussed at length in Chapter 4, the idea of the nation emerged out of republican insistence on commonality of interests and on 'popular' (limited) sovereignty, liberal individualism and democratic pressures. The nation was imagined and defined as a bridge between the state and its basis of legitimacy, i.e. the 'sovereign' people, and hence as the constitutive basis of political community. As a modern form of collective identity, the nation had a catalytic function to perform in the transformation of the early modern state into a more democratic-based republic or monarchy. As Jurgen Habermas contends, « the national self-consciousness of the people provided a cultural context that facilitated the political activation of citizens » (Habermas, 1996 : 284). The association of nation and

state provided a mode of legitimation to state structures, as well as a basis of integration between individuals who had, until then, only been united by shared subjection to a common royal authority (Habermas, 1996 : 284). As Habermas argues, «only the awareness of a national identity, which crystallizes around common history, language and culture, only the consciousness of belonging to the same nation, makes distant people spread over large territories feel politically responsible for each other » (1996 : 286).

It is thus in the context of an emerging state structure seeking legitimacy in popular sovereignty which required, according to social contract theories, a self-aware and cohesive body of individuals, that the nation came to be defined as « the popular loyalty of a population held together in being obliged to serve and be served by the state» (Marx, 1998 : 4). Herein lies the uniqueness of modern European national identity : inherently political in function, this identity located its source « within a 'people', which is seen as the bearer of sovereignty, the central object of loyalty, and the basis of collective solidarity» (Greenfeld, 1992 : 3). The association of nation, popular sovereignty and democracy cannot be underestimated. In formulas such as Ernest Renan's « the existence of a nation is a plebiscite of every day »³⁴, lies this idea of the nation's powerful normative hold on the way the West has conceived of the political community.

The predominant role played by the idea of the nation in the articulation of theories of democratic states and popular sovereignty is crucial in understanding how nationality and citizenship became theoretically intertwined, and synonymous in practice. On one hand, citizenship was conceived as a means of securing the political identity and solidarity

³⁴ « A nation is a great solidarity [...] it resumes itself in the present by a tangible fact : the consent, the clearly expressed desire to continue life in common. [...]The existence of a nation is a plebiscite of every day . » (Renan 1882, cited in Kohn, 1965 : 139)

of the sovereign body politic. Yet, with the conflation of political community and nation, citizenship also became an essential means of construction of a national people and a national collective identity. The close conceptual association of nation and democracy imparted to citizenship the double role of defining membership in the political community and defining membership in the nation.

Citizenship figured centrally in the project of consolidation and integration of the nation. It was construed as the secular source for legitimation as well as a mediator of solidarity among those admitted as members of the political community. As an expression of national membership, language, culture, territory, symbols and myths were assigned to citizenship. Thus, unlike previous and other forms of citizenship, modern European citizenship was not only defined as a legally ascribed organizational membership. It « gained the additional political and cultural meaning of an achieved belonging to a community of empowered citizens who actively contribute to its maintenance » (Habermas, 1996 :285).

The conceptual association of the concept of citizen, the idea of the nation, and the institutions of the modern state «has helped to lend to citizenship some of its ambiguity, not to mention some of its more unappealing practical manifestations » (Purvis and Hunt, 1999 : 464). As a result of this association, citizenship was endowed with the task of social closure, of enforcing the boundaries of the nation. Identity, status and rights of citizenship, the enjoyment of rights and participation in affairs of the community became contingent upon national membership. The problem then is that citizenship's pretenses of universalism and inclusiveness are severely undermined as citizenship becomes the guarantor of a nation conceived as inherently immutable, pre-political, ethnically homogenous, consequently

marginalizing and excluding 'deviant' citizens. In the words of Rogers Brubaker, « domestic closure against non-citizens rests on this understanding and self-understanding of modern states as bounded nation-states - states whose telos it is to express the will and further the interests of distinctive and bounded nations, and whose legitimacy depends on their doing so, or at least seeming to do so » (Brubaker, 1992 : 28).

II. A Limited, Pre-political, Homogenous Nation

Through the conceptual association of national identity and citizenship, the latter became the expression of membership and a means of negotiating the lines of definition of the nation. Thus, in order to understand how citizenship came to be impermeable to racial differences, it is essential to understand how the modern West European nation has been defined and why it is exclusionary. While nations which citizenship helped construct took on various and numerous forms, they all had in common qualities which called upon exclusion. In Western Europe, national identity has been understood as culturally-bounded, homogenous and pre-politically constituted.

Citizenship and nationality have converged in different ways, informed as they were by different traditions of nationhood. These traditions are often opposed in a dichotomized understanding of nationhood in Western Europe between a state-centered, civic model and an organically rooted ethnocultural nation, the standard representatives of each tradition being France and Germany (Brubaker, 1992). Although the homogenizing imperatives of the ethnic model are explicit, citizenship status being limited to those people who meet

strict ethno-cultural criteria.³⁵ As Purvis and Hunt contend, « in practice [...] the civic-national model, for all its talk of openness, is also generally shot through with assumptions about national culture and language » (1999 : 465).³⁶

Indeed, the so-called 'civic' nation requires the same homogeneity of its citizenry as the 'ethnic' nation, although it is defined in different terms, and works on similar assumptions of 'common' culture binding all members of the community. The case of the French nation constitutes a good example of a civic nation postulating common religion, language and culture as necessary underpinnings to membership, and constructing citizens as identical (cf. Chapter 1, p.19). In other words, as Craig Calhoun explains, whether 'civic' or 'ethnic', nations have been commonly :

conceived of as categories of like individuals rather than as webs of social relationships. This places an emphasis on sameness which often makes nationalism an enemy of diversity. It also provides the basis for arguments that national identity should take precedence over other competing identities - regional, familial, gender, interest-group, occupational and so on (Calhoun, 1993 : 387).

³⁵ Acquisition of citizenship in Germany is still overwhelmingly determined by the principle of *jus sanguinis*, i.e. blood, a principle which significantly limits the inclusion of residents of Germany who are of immigrant descent, even when they have lived in the country for more than one generation.

³⁶ Against assertions that the 'civic' model is more accepting and tolerant than the 'ethnic' model, Claude Liauzu present evidence that the ideological roots of the 'civic' universalist French nation were highly exclusionary. He explains that, at the time of the French Revolution, when key republican principles were institutionalized and pretenses to universalism formally articulated, a 1793 decree stipulated that « foreigners who obtain a certificate of hospitality will be required to wear on the left arm a tricolor ribbon on which the word 'hospitality' will be written, as well as the name of the nation where they are from ». As Liauzu comments, although this text was not implemented, it nonetheless expresses the exclusionary tendencies of French patriotism, tendencies to identify the 'foreigner', the 'other' (1999 : 18). As he argues, « universalism is not above all suspicions when it only accepts equality in similarity, integration in the subjugation or assimilation of minority and dominated identity » (1999 : 11).

The premise of homogeneity which is constitutive of the West European nation's character is rooted in modern European political thought, in social contract theory and liberal democratic theory, as will be discussed in Chapter 4. What is important here is that the notion of homogeneity of membership and of common culture, whether based on blood and descent or a myth of enduring attachment which results from common history, represses diversity of cultural expression and presence in the polity.³⁷

Assumptions about commonality of culture, of origin are especially repressive and exclusionary as they imply a pre-ordained conception of membership. Implicit in definitions of the European nation based on common culture is an understanding of inherited or ascribed traits which characterize all those born into it. This understanding is of course in tension with a voluntary, universalistic understanding of a nation of citizens. But, as Habermas explains, the so-called *political* and *civic* concept of the nation needed to borrow connotations from its twin *pre-political* concept in order to generate cohesion and a sense of communal belonging.³⁸ « Nationalism confers [...] on the actual composition of the political community, an aura of imitated substance and inherited legitimacy. The naturalized nation can thus symbolically fasten and fortify the territorial and social integrity of the nation-state » (Habermas, 1996 : 288).

³⁷ The nation represses diversity of cultural expression but also a variety of alternative bases of personal identity which might compete with the nation (Calhoun, 1993 : 405). We can for instance mention the antagonism of nationalism to the autonomy and equality of women, nationalist having valued the family as the source of the nation's continuity in time and seen women primarily as mothers ensuring the survival of the nation (Calhoun, 1993 : 405).

³⁸ As Habermas notes, the tension between « the universalism of an egalitarian legal community and the particularism of a cultural community bound together by origin and fate » is constitutive of most European nations (1996 : 287).

The pre-ordained character of the nation, its primordiality, is a contested concept which has been much debated in the context of studies of nationalism. Primordialists, such as Clifford Geertz, Edward Shils and Pierre van den Berghe, have argued for a natural, even biological essence to the nation, a notion seriously challenged by modernists and perennialists. Indeed, conceptualizing the nation as a given, unitary, natural unit fails to recognize that it is constructed through political and social interactions, through power relations, that it is a unit which emerged out of particular political and social circumstances and historical context. « Nationality is not primordial but constructed » holds Calhoun. And « it is moreover a construction specific to the modern era » (1993 : 395). The modern nation is a social construct serving the purpose of legitimacy and sovereignty of the state.

That the nation is a social construct does not mean that it does not take roots in some deep-seated meaning or ties. That nations are imagined communities does not prevent people from feeling that their membership in the nation is 'natural', not chosen, especially as it takes forms in many institutions, symbols, practices.³⁹ In the words of Calhoun, «nationality is not more real than many other identities which people may claim, or feel, or reproduce in their social relations. The nationalist claim is that national identity is categorical and fixed, and that somehow it trumps all other sorts of identities, from gender to region, class to political preference, occupation to artistic taste» (Calhoun, 1993 : 395). This, he adds, is what is very problematic.

The ability to « impose fixed and stable meanings about who belongs and who does not belong to the nation, and thereby to distinguish a specific political community - the inside - from all others - the outside » has been fundamental to the definition of the nation

(Doty, 1996 : 122).⁴⁰ The problem is that, conceived as fixed, natural and pre-political, national unity rejects any difference which cannot be subsumed to its 'original' construction. Differences, especially racial and ethnic differences, « acquire the character of an anomaly, a pathological deviation which threatens the community » (Yuval-Davis, 1997:73). Fixed, naturalist and pre-political descriptions of the nation therefore provide roots for intolerance and exclusion of cultural and racial diversity as they allow it to uphold an unchanged image of itself (Habermas, 1996 : 286). The imposition of fixed meaning constitutes a serious challenge for any evolution in terms of inclusion of new identities. Seen as fixed and stable, the nation's identity cannot consider the challenge posed by new identities or any difference, unaccounted for in the original meaning of the nation, which troubles its apparent stability. Thus the difficulty for citizenship, when intertwined with nationality, to negotiate difference. As the guardian of the boundaries of the community, citizenship must protect its homogeneity and identity.

In sum, although « there is no single, definite and fixed 'peoplehood' which can be assumed in advance of political discussion » (Calhoun, 1993 : 407), as the constitutive basis of the political membership, the nation has bestowed an aura of homogeneity, naturalness and limited belonging to the inherently *political* identity that is citizenship. Political membership in a national community is therefore not completely voluntary or a matter of choice, but is bound together by 'enduring attachment', which often is a result of

³⁹ As Benedict Anderson remarked, « To put it another way, precisely because such ties are not chosen, they have about them a halo of disinterestedness » (Anderson, 1991 : 143).

⁴⁰ Roxanne Lynn Doty explains that the inside and outside boundary of the nation-state is partly territorial and based on political authority understood as the right to determine the governing rules and policies within this territory. But she adds that it is also largely a function of the state's discursive authority to impose this fixed meaning. (Doty, 1996 : 122)

a myth of common origin and is clearly bonded by a myth of common destiny. Exclusion and marginalization of racial minorities is concomitant to this conception of political membership which assumes commonality understood as similarity and homogeneity, guaranteed by the drawing of boundaries using 'race' as a prevalent signifier.

III. 'Racialized' National Boundaries : Race, Social Cohesion and Sovereignty

The bounded, immutable and pre-political qualities ascribed to the nation in Europe justified exclusion of individuals who did not share the relevant characteristics attached to the nation. Why these qualities came to incorporate race is another issue. The question remains 'How can we explain the prominence of 'race' as a symbolic boundary of national identity?'. The process of unifying and integrating the political community presupposed, as I have explained above, the constitution of a stable, homogenous basis which would be compelling and rally individuals. The question was 'where to find such a basis?'.

Ethnicity, or the representation of populations « in the past or in the future *as if* they formed a natural community, possessing of itself an identity of origins, culture and interests which transcends individuals and social conditions » (Balibar, 1996 : 140) offers an integrative impulse more potent than the inculcation of political values. As Etienne Balibar contends, « fictive ethnicity is not purely and simply identical with the *ideal nation* which is the object of patriotism, but it is indispensable to it, for, without it, the nation would appear precisely only as an idea or an arbitrary abstraction [...] it is fictive ethnicity which makes it possible for the expression of a preexisting unity to be seen in the state » (Balibar, 1996 : 140). And so, although no nation possesses an ethnic base naturally (Balibar, 1996 : 140), the nation, in order to perform its integrative function, was ethnicized (Fitzpatrick,

1995 : 4). In other words, « the naturalization of belonging and the sublimation of the ideal nation are two aspects of the same process » (Balibar, 1996 : 141).

The notion of ethnicity which imparts an immanent character on the 'people' can refer to many traits. But its main characteristic is that it roots populations which are historically and politically constituted in a fact of 'nature', thereby giving them a sense of continued existence transcending its contingency. 'Race' has acted as a signifier of national ethnicized identity in most European nations (Anderson, 1991 : 143 ; Balibar, 1996 : 141), although it has meant different things depending on the particular historical and national contexts. As Anthias and Yuval-Davis comment, there are different types of identity, religion, culture, genealogical origin, which can be racialized (1992 : 58). The common thread to the use of 'race' as a boundary between those who can and those who cannot belong to a particular construction of collectivity is that it founds membership on « immutable biological or physiognomic difference which may or may not be seen to be expressed mainly in culture or lifestyle but is always grounded on the separation of human populations by some notion of stock or collective heredity traits» (Anthias and Yuval-Davis, 1992 : 2). Thus, the idea of race implies a filiation between individuals, which is biological and/or spiritual, which inscribes them in a common temporal community of kinship.

As mentioned in the introduction, 'race' is a social construct and has thus taken on different meanings in different times in European history. Similarly, the 'racialized' West European nation has changed its definition over time, especially in relation to other nations and communities, for as Calhoun contends « no nation exists alone. Each is defined in relation to others and exists within a web of social relationships that traverse its

boundaries» (1993 :393). In order to understand specific racial definitions of the nation, we need to look at the relationship between the emergence of the nation-state and European colonialism and imperialism, as well as at the emergence of a European system of nation-states.

The colonial experience shaped in very important ways European notions of membership, nationhood and identity. Colonialism is only one factor in the racialization of national boundaries, but it is undeniably a pivotal one in the self-identification of European nations as white and Christian. As Benedict Anderson suggests, nationalist discourse in certain colonial experiences was exported to Western Europe and thence re-exported (1991). This is not to say that nationalism is strictly a product of colonialism but that the dynamics of race and nation-building in colonial states and settler societies certainly had an impact on the conception of dynamics between different 'ethnic' and 'racial' groups within Europe. In settler societies, selective racial exclusion on the basis of skin color was central to how social order was maintained (Marx, 1998 : 3). As Anthony Marx contends, «nationhood was institutionalized on the basis of race ; the political production of race and the political production of nationhood were linked. » (1998 :24). The ensuing colonial and imperial practices helped to reinforce the idea of 'white' superiority in Europe and reinforced certain ideas about the 'other' in terms of industriousness, progress and civilization, both in relation to 'outside' and within Europe. All of this helped to shape European nations' identities in terms of ethnicity and race, distinguishing them from the 'colonial' or 'colonized'

But it should be noted that the dynamics of race relations and nation-building in Western Europe were somewhat different. Skin color and physical traits were not the

primary determinants of national membership. Within Europe, differences in culture, religion and descent became prevalent markers of national identity as they united national communities against each other's domination.⁴¹ The interaction between European nations and their efforts to consolidate their sovereignty against each other were key in bringing culture and descent to the forefront as ethnic markers. If the 'ethnicized' nation provided a cohesive basis of community, it was also fundamental in asserting the sovereignty and the uniqueness of European nations in relation to each other. As Liah Greenfeld explains, the meaning of the 'nation' changed from being 'a sovereign people' to being 'a *unique* sovereign people' as it became applied to an increasing number of countries and peoples which also had some political, territorial and/or ethnic qualities to distinguish them, and became associated with such geo-political and ethnic baggage (Greenfeld, 1992 :8). Given that all European nations shared relatively similar physical' traits, distinction in skin color being more subtle, race became more linked to differences in culture, language, religion, and attached to myths of common descent and/or common destiny.

Race as culture and religion became a prominent signifier of national boundaries as a need to justify state power over a specific territory. Referring to a pre-political essential cultural community sharing a myth of common descent, common language, and common destiny allowed the nation to uphold a determined image of external sovereignty » (Habermas, 1996 : 286). As Calhoun argues, « the bounded nature of all political communities and the embeddedness of all claims to constitute a distinct and autonomous

⁴¹ The limitations of the impact of colonialism on racialized nation-building are best illustrated in reference to Germany which had no significant colonial experience. The German nation was not constructed to keep people out (i.e. 'colored' peoples, non-Christian) but, as Hannah Arendt suggests, « German race-thinking was invented in an effort to unify the people against foreign domination » (Arendt, 1951 : 165).

political community in relationships of contraposition to other such communities or claimants » are as constitutive of the European nation as the democratically-induced appeal for internal social integration. (1993 : 390).

Racial thinking in Western Europe developed along many different lines : dark-skinned versus light-skinned, Catholics versus Protestants, Christians versus Jews, English versus Irish , Northern and Germanic populations versus Southern populations and Slavs, white Europeans versus non-white Europeans. Race is finally an invention, a social construct which has meant different things at different times of the development of the European nation. Self-categorization, strongly influenced by physical, geographical and socio-ethnic contexts, has been in constant adjustment. But 'race', as an immutable biological difference expressed mainly in culture or lifestyle, has remained a constant signifier of national boundary.

The demarcation of boundaries constitutes an inescapable step in the process of collective formation both for purposes of internal cohesion and external assertion of sovereignty. 'Race' has been a prevalent marker of collective identity in Western Europe because it provided grounds for the enduring attachment uniting members of the community to appear natural and primordial, thus providing a basis of integration and external legitimacy of sovereignty. The problem is that access to the 'racialized' nation is of course inherently limited and exclusive, the determining characteristics of attachment and belonging being perceived as immutable character. This is why exclusion and marginalization of racial minorities is concomitant to a national definition of citizenship.

By being associated with nationality, citizenship also took on the ambiguous meaning of the nation : an integrative basis of social cohesion based on naturalized, particular

belonging resulting of a myth of common origin or common destiny. It also took on 'racialized' meaning as 'race' was used as a key signifier for this essential unit that the nation was construed to be. The entanglement of nationality and citizenship provided for a basis of political membership less than voluntary but indeed largely contingent on the demarcation of identity and the necessity to ensure maintenance of the constructed *national* community, the upholding of social cohesion and the assertion of sovereignty in relation to the exterior.

CHAPTER 4 - NORMATIVE UNDERPINNINGS OF THE MODERN POLITICAL COMMUNITY

Race is a barrier to citizenship because the latter has been conceived as the tool of political integration of a pre-political, homogenous *national* entity, and because political membership in Western Europe has been equated to national membership. The association of these concepts justifies the exclusion and marginalization of those individuals who do not belong to the common cultural (and racial) community underpinning the political community. Yet, even if the correlation between this association of ideas and racial exclusion is manifest, citizenship continues to retain its *national* character in Western Europe. The question is why does the association of citizenship and nationality endure ?

As briefly mentioned in the previous chapter, the conceptual association of body politic, political community and the nation was a response to the emergence of new political structures, namely to democracy, individualism and capitalism. The nation was essentially construed as a way to provide legitimation to new political structures and to provide a constitutive basis to the political community. The question is why was it defined as unified, cohesive ? Why does it emphasize homogeneity of membership ? Perhaps more importantly, why are unity and cohesion, epitomized in the nation, key organizing principles of political community in Western Europe ?

In order to understand why the nation became the constitutive basis of political community, we must look at the pillars of modern West European thought and explore the normative and theoretical roots of the nation and national citizenship. The nation reached great potency in Western Europe because it provided a framework within which to conciliate unity, equality and cohesion identified as fundamental requisite of a sustainable

sovereign community. Despite significant differences in their views of the 'political', thinkers from the classic liberal, the civic republican and the liberal democratic traditions all agreed on the importance of unity and cohesion in a sovereign political community. It is the definition of the nation as the embodiment of all the key requirements of a modern sovereign community which bestowed on it the quality of the ideal constitutive basis of political membership, and hence allowed it to retain its powerful hold on political thinking in Western Europe.

The great paradox of the nation and more generally of modern European conceptions of the political community and political membership is that the theorization of unity and cohesion came at the expense of difference and heterogeneity. As the discussion of Rousseau's and Locke's theory will show, exclusion of 'difference' is concomitant to social and political cohesion. The intricacy of homogeneity and cohesion is embedded in modern European political thought, providing an explanation for the need to define the nation and the political community even today in homogenous terms.

I. Social Contract Theory and the New Requisites of Community : Unity and Cohesion

The liberal and the republican traditions understand sovereignty and community in different terms, yet they both characterized the sovereign political community as cohesive and unified. As the textual analysis and interpretation of Rousseau and Locke, respectively considered founding figures of modern civic republican tradition and mainstream liberal tradition, will illustrate, both traditions rely on these notions of unity and cohesion as keystones in the articulation of their thought.

a. Rousseau : A Unified General Will and An 'Homogenous' Polity⁴²

One of the most striking features of Rousseau's civic republicanism is the centrality of the inalienable sovereignty of an indivisible general will in the construction of the political community. The core notion in Rousseau's *On the Social Contract*, the general will provides the basis for political legitimacy and sovereignty through unity of purpose and interests. As Rousseau argues, «the general will alone can guide the forces of the State according to the end for which it was instituted, which is the common good » (*On the Social Contract* , Book II, chap. i). According to Rousseau, legitimacy comes from the social covenant in which each citizen « puts his⁴³ person and all his power in common under the supreme direction of the general will » hence becoming « an indivisible part of the whole» (*On the Social Contract*, Book I, Chap. vi). In other words, the polity is legitimate only if it is governed by the general will.

For the general will to operate, each member of the polity must be committed to a common purpose, otherwise the general will is merely the 'will of all'. As Rousseau contends, «either the will is general or it is not. It is the will of the people as a whole, or of only a part» (*On the Social Contract*, Book II, chap. ii.). The general will is not the same as the will of all because the former 'considers only the common interest' while the latter

⁴² The importance of Rousseau's political thought can be measured against the endurance of his ideals in contemporary political cultures. The essence of Rousseau's ideals is still resounding in institutionalized republican models such as the one in place in France where the clauses of the social contract have been translated into a definition of a unitary French nation-state dedicated to shared universal values.

⁴³ Reference to 'man' instead of 'persons' and/or individuals highlights the fact that these theorists were writing about a community of men, incidentally possessing certain cultural and social characteristics, and racial and cultural distinctiveness, as it will be discussed later on. Women were excluded from Rousseau's polity. Only men were considered potential citizens.

‘considers private interest, and is only a sum of private wills’ (*On the Social Contract*, Book II, chap. iii). And this general will is assumed to be unified since it can create socially binding obligations if and only if it is general both in its source and its object. As Rousseau writes : « Properly understood, all of these clauses come down to a single one, namely the total alienation of each associate, with all his rights, to the whole community » (*On the Social Contract*, Book I, Chap. vi). Thus, he asserts that the general will is truly a commonly-shared public notion of the good, and that unity is inherent in the general will.

The importance of unity and cohesion for the expression of the sovereign general will implies a very minimal acceptance of difference and diversity. The assumption that the social covenant is effectual if and only if it is general leads Rousseau to be intransigent towards non conformity with the general will. Rousseau argues that no « partial society in the State » can be tolerated if the general will is to be well expressed, for « when factions, partial associations at the expense of the whole, are formed, the will of each of these associations becomes general with reference to its members and particular with reference to the State » (*On the Social Contract*, Book II, Chap. iii). If unanimity cannot be reached, factions and minorities should at least always rally with the majority for « the votes of the greatest number always bind the rest».

The assumption that unity is not only a goal of political action but also the starting point of a viable and legitimate political community has profound implications for the definition of the ‘citizen’, i.e. the member of the political community, as understood by Rousseau. His concept of an act of the general will presupposes an egalitarian community in which each citizen has a vote and in which the actions of the political community have an equal effect on every one of them. In the words of Rousseau, an egalitarian community

tends to reduce cleavages which might endanger the social contract and to ensure cohesion in the polity because « since the condition is equal for everyone, no one has an interest in making it burdensome for the others » (*On the Social Contract*, Book I, chap. vi).

Now, equality in Rousseau's political thought implies the 'non-differentiation' of political membership, a radical separation of public and private identities and ultimately an emphasis on 'sameness'. He argues that each citizen alone cannot hope to have his private will prevail and recognizes that if everyone voted according to his passions there would be no order in the polity. As Rousseau remarked, « each individual can, as a man, have a private will contrary to or differing from the general will he has as a citizen. His private interest can speak to him quite differently from the common interest » (*On the Social Contract*, Book I, chap. viii). Yet, while individuals have full freedom to preserve and develop private interests and identities, they must do so only in the private spheres and subordinate private interest to the public interest. But in public, there is only one accepted relevant identity which is that of the citizen. In other words, unity in the polity entails a common public identity, i.e. a 'universal' egalitarian citizenship to which private identities are subordinated.

The first implication of the distinction between private and public spheres is the homogenization of opinions and faiths. Those opinions, faiths, cultures which are considered particular need to be relegated to the private spheres and cannot make up the identity of the citizen. The citizen has to abide by the 'falsely' universal culture. In theory, membership is open to all who agree to take on the identity of the citizen, not only as the most important one, but as the only one significant in public. The problem is that some differences cannot be simply 'relegated' to the private, personal spheres. Differences of

gender, race and physical ability cannot be easily overcome and subordinated to a 'common' public identity because they are linked with bodily physical traits. The demands of formal equality thus discriminate against those who cannot detach themselves from many constitutive elements of their identity. Anyone who cannot *be* equal or be made equal because of gender, race, or disability must be excluded from membership in the political community, from citizenship.

Moreover, bodily physical traits provide grounds for exclusion from political membership because of the association of body and irrationality. Now rationality was posited as a key prerequisite of political membership by Rousseau who believed it to be necessary to surmount inequalities wrought by social life (*Discours sur l'origine de l'inégalité*) and to discern the common interest or the common good. The emphasis on rationality and independence of mind, which has been coupled with material and social independence, has served to justify the restrictions of political membership to adult white men (Ignatieff, 1995 : 57). As Carole Pateman argues, according to Rousseau's logic, « women must be subject to men because they are naturally subversive of men's political order » (Pateman, 1988 : 96). While men are capable of becoming masters of themselves and thus become able to participate in the social contract, women lack the capacity to sublimate their passion. This is why they must « be subjected either to a man or to the judgments of men and they are never permitted to put themselves above these judgments » (*Emile*, Book 5 : 370).

Like women who are banished to the private realm because they do not display the qualities required of a citizen nor the capacity to adopt citizen identity, racial 'others' are systematically excluded from the political community for similar reasons. Indeed, the idea

of an egalitarian political sphere governed by reason is at the root of what Roberta James has called 'the entanglement of liberal democracy and racism'. She explains how Rousseau's argument that the leaders of civil society are those who have the capacity to define dominion and possession has led him to differentiate between the 'civil' and the 'natural' man based on « archetypal descriptions of socio-cultural evolution and European colonial race relations » (James, 1997: 55). While the stereotyped categories of the 'noble savage' and the 'civilized man' began life as a discursive device about civil/white men's own contemporary conditions of civil/white being, it nonetheless became a natural category in liberal discourse (James, 1997 : 55). Like women, the racial 'other', assimilated to 'savages' not considered 'capable' of reason, was assumed to require protection and guidance from the enlightened, and moreover assumed unfit to take part as participant in the social contract.

Rousseau's definition of the citizen rests on a paradoxical understanding of equality in relation to rationality and bodily physical traits. Many of these notions of women's inherent inferiority and 'black' innate inferiority are no longer theoretically tenable. But if many of Rousseau's assumptions are now obsolete, we cannot overlook the way in which they shaped civic republican conceptions of political membership nor the way in which they were integrated in discussions of political legitimacy and popular sovereignty. Although the denial of human plurality was a starting point in Rousseau's construction of the political community, the case Rousseau made in favor of a common will providing political legitimacy is a compelling notion which has informed the construction of the European nation, the definition of modern Western democracy and continues to generate debates and new theories of democracy. If we have the obligation to consider the

exclusionary underpinnings of his theory with a critical eye, we also need to carefully ponder the importance of the 'general will' in the definition and evolution of modern citizenship in Western Europe.

b. Locke : Unity in Liberal Civil Society

Standing at the very beginning of the liberal tradition, John Locke articulated political membership and the idea of political community around fundamental liberal values such as freedom of choice, reason and toleration in the face of tyranny, the absolutist system and religious intolerance (Held, 1996 : 74). He defined the goals of the political as the protection and enhancement of basic human freedom and the sovereignty of civil society, understood primarily as the market, both fundamental underpinnings of the natural individual right to property. In fact, Locke construed the role of the state and government as ensuring freedom of the individual property owner by guaranteeing the relations of civil society while refraining from unwarranted intervention (Purvis and Hunt, 1999 : 464).

Locke's definition of membership in the political community was thus informed by a property-based conception of inclusion and what C.B. MacPherson called 'possessive individualism'. Much of Locke's theory was based on the assumption that « man is free and human by virtue of his sole proprietorship of his own person, and that human society is essentially a series of market relations » (MacPherson, 1988 : 270). In the words of Locke, 'every Man has a Property in his own Person' (*The Second Treatise of Government*, par. 27), meaning that all 'individuals' are owners, everyone owns the property in their capacities and attributes (Pateman, 1988 : 13). Thus men come together in civil society on

the basis of their being proprietors which, in Locke's theory, meant property of one's own capacities, although property later became linked to material wealth.

Locke's 'possessive individualism' did not make him oblivious to other forms of social relations nor emphasize individual rights at the expense of the larger community. As MacPherson contends, Locke did give great power to the political community (his 'civil society') as against individuals to ensure the basis for political obligation (1988 :195). Indeed, by virtue of coming together in civil society for the preservation of property (*The Second Treatise of Government*, par. 88), individual owners become obliged to civil society. As Locke argues, a 'Political' or 'Civil' society exists « [w]herever any number of Men are so united into one Society, as to quit every one his Executive Power of the Law of Nature, and to resign it to the Public » (*The Second Treatise of Government*, par. 89). Thus, the members of Locke's civil society were not only 'men of property' but individuals with political obligations who sustain the social contract and the existence of civil society.

Now the existence of Locke's civil society rests to a significant extent on its capacity to act in a coherent, unified way. Locke argues that « it is necessary the Body should move that way wither the greater force carries it, which is the *consent of the majority* : or else it is impossible it should act or continue one Body, one *Community*, which the consent of every individual that united into it agreed that it should ; and so every one is bound by that consent to be concluded by the *majority*» (*The Second Treatise of Government*, par.96). The majority must prevail, « for where the *majority* cannot conclude the rest, there they cannot act as one Body, and consequently will be immediately dissolved again » (*The Second Treatise of Government*, par.98, lines 16-18).

Locke's notion of unified Body politic differs however from Rousseau's in the sense that it is not 'collectivist' and 'homogenous'. He stipulates consent of the majority and not of the whole (*The Second Treatise of Government*, par. 98).⁴⁴ Locke equates majority consent with individual consent arguing that it is merely in the rational self-interested will of men to submit to the will of the majority of rational property-owners which is necessary for the existence of civil society. It is nonetheless important and significant that the existence of Locke's civil society is contingent on the idea of cohesion around majority consent and the idea of a common interest where « the Judgments of the Commonwealth [...] are [man's] own Judgments » (*The Second Treatise*, par.88).

The importance of unity, cohesion and common interest in Locke's theory becomes evident when we consider who is effectively included as a citizen and a member of civil society. Membership is accessible only to those who will ensure the preservation of property. As MacPherson explains, even if Locke considered the state to consist both of property-owners and of the whole population, only the former have full political rights and are full members of civil society for « if the men of no property were to have full political rights, how could the sanctity of existing property institutions be expected to be maintained against the rule of the majority ? » (MacPherson, 1988 : 252). Unity of interest, i.e. property, thus constitutes a key prerequisite to the civil society, the Body politic, without which the latter could not endure.

⁴⁴ Locke advocates consent of the majority as the preferable rule considering that consent of the whole is next to impossible and that considering, « the variety of Opinions, and contrariety of Interests, which unavoidably happen in all Collections of Men », any Body seeking such consent would be of a very short duration (*The Second Treatise*, par. 98, 1-13). According to Locke, « Political society is formed by the unanimous agreement of its members to make one community ; but although every political society is founded on the basis of unanimity, no such unanimity can be expected in other matters » (*The Second Treatise*, par. 96).

Lack of property acts as ground for exclusion from civil society according to Locke for another reason. Property and rationality are linked in Locke's thought. Individuals all have the same natural right to property needed for subsistence but only the more industrious individuals can rightfully acquire more than others (MacPherson, 1962 :231). For Locke, this signals a difference in rationality which is not inherent in men but is socially acquired by virtue of different economic positions. This association of property and rationality justifies the dependency of the 'propertyless' on the proprietors, the former needing the support of the latter for their livelihood (MacPherson, 1988 :231). Thus, as MacPherson contends, although there was no question in Locke's mind that the 'propertyless' were part of the political community, « there was equally no doubt that they were fully subject to the state. And the state was entitled to deal with them in this way because they would not live up to the moral standard required of rational men» (MacPherson, 1988 :223). In other words, full membership in civil society only falls on those who share the same interests and those who are deemed rational individuals, hence proprietors.

It is important to note that cultural and religious differences are not matters of exclusion in Locke's community. In fact, he argues that 'difference' can exist in the public and political sphere but that it is not of relevance to matters of the polity. He stresses the importance of impartiality of the public sphere as a condition for equality, explaining that «...all private judgment of every particular Member being excluded, the Community comes to be Umpire [...] indifferent, and the same to all Parties, [...] decides all the differences that may happen between any Members of the Society, concerning any matter of right » (*The Second Treatise of Government*, par.87). Moreover, in *A Letter Concerning*

Toleration, Locke explicitly speaks out in favor of tolerance of religious differences saying that «[t]he toleration of those that differ from others in matters of religion, is so agreeable [...] to the genuine reason of mankind, that it seems monstrous for men to be so blind as not to perceive the necessity and advantage of it » (*Letter Concerning Toleration* : 171). Yet, although Locke does not effectively exclude individuals from the community on the basis of religious and cultural differences, his notion of toleration and impartiality has subsequently proven discriminatory. As Iris Young argues, where differences of values, cultures and capacities exist, strict impartiality and equality of treatment tends to perpetuate oppression or disadvantage (1989 : 251).

The theories of Rousseau and Locke are filled with ambiguous meanings, exclusionary assumptions and paradoxical assertions, as both theorists premised the sustenance of a sovereign community on the exclusion of 'difference'. Despite the obvious idiosyncrasies of each theory, we must recognize that Locke and Rousseau share a similar logic : both thinkers developed the notion of unity of interests and commonality of goals as necessary requisites of a sustainable community of sovereign individuals. Moreover, both theorists saw unity and cohesion emerging out of homogeneity of membership, a notion which justified exclusion from the political community of whoever does not correspond to the 'ideal' member of the polity or of civil society. Herein lays one of the greatest paradox of modern European political thought, one of its greatest challenges, and also the theoretical roots of the ambiguities of the nation.

II. The Nation as the Ideal Constitutive Basis of Community

The theoretical and historical emergence of the nation is not incidental in the civic republican nor the liberal tradition but grew out of the civic republican and democratic ideal of Rousseau and the liberal principles established by Locke. The idea of the nation conciliates the need for unity, cohesion and commonality of interests by providing a basis of like individuals who are said to share a history, a culture, a religion, or even in some cases, blood lineage. The idea of the nation is embedded in both the republican and the liberal/liberal-democratic traditions because it provided a constitutive basis of community which responded to the requisites set by Rousseau and Locke, and subsequent liberal-democratic theorists.

The equation of citizenry and the 'nation' is explicitly inscribed in Rousseau's political thought. In the *Social Contract*, he equates his united body politic with 'the people'. He explained that the members of the Body politic « take the name of *People* collectively, and individually are called *Citizens* as members of the City or participants in the sovereign authority, and *Subjects* as subject of the laws of the State» (*On the Social Contract*, Book 1, chap. vi). But it is in his essay on *The Government of Poland* that Rousseau develops the idea that *national* citizenry is the way to ensure stability, self-government and sovereignty of the political community. Writing on Polish government and politics, he argues that the only way for Poland to achieve stability is to « infuse into the entire nation [...] the spirit of your confederates, and to establish the republic in the Poles' own hearts, so that it will live on in them despite anything your oppressors may do » (*The Government of Poland*, 31). He goes on to say that « [t]here is one rampart that will always be readied for [Poland's] defense [...] and that is the virtue of its citizens, their

patriotic zeal, in the *distinctive* cast that national institutions are capable of impressing upon their souls » (*The Government of Poland*, 31 ; emphasis added).

Rousseau's citizen, the true republican, is thus « a man who imbibed love of the fatherland, which is to say lover of the laws and of liberty » (*The Government of Poland*, Ch.IV). The citizen is a patriot and nothing else for « that love makes up his entire existence : he has eyes only for the fatherland, lives only for his fatherland » (*The Government of Poland*, Ch.IV). It is important to interpret these comments in light of the discussion on Rousseau in the first section of this chapter. The 'fatherland', the 'nation', provides a common goal and a common origin guiding wills and opinions ; it provides a commonly-shared public identity and soul shaped by civic education⁴⁵ while being egalitarian, for all 'citizens' are equal in their love for the 'nation'. Thus, Rousseau's nation appears as the actualization of the unified, cohesive, egalitarian body politic he described in the *Social Contract*. In this sense, the nation as a chief organizing principle of the political community is embedded in the roots of the civic republican tradition.

It is important to note that Rousseau's notion of the nation bears the same ambiguities and exclusionary implications as the ones described in the previous section. His idea of the 'nation' is characterized by equality amongst fellow countrymen (not women) paralleled by contempt for whatever does not belong to it, and especially for foreigners (Todorov, 1993 : 181). Thus, according to Rousseau, if the Poles want to act as citizens and patriots, they need to manifest their « instinctive distaste for mingling with the peoples

⁴⁵ Civic education has as its primary function the inculcation of patriotism in Rousseau's theory, a concept which is still echoed in today's France. Rousseau wrote : « It is education that you must count on to shape the souls of the citizens in a national pattern and so to direct their opinions, their likes, and dislikes that they shall be patriotic by inclination, passionately, of necessity » (*The Government of Poland*, 33).

of other countries » (*The Government of Poland*, Ch. III). As Tzvetan Todorov contends, this exclusive patriotism expressed by Rousseau constitutes an inherent ambiguity and paradox of universalism in the republican tradition (1993 :181). It also illustrates how unity and equality as fundamental underpinnings of the exercise of popular sovereignty went hand in hand with the exclusion of difference and heterogeneity - be it gender, race, or 'nation' based.

The idea of the nation as an exemplary framework of political organization did not appear in Locke as it did in Rousseau. In fact, if Locke's theory significantly informed the foundations of the later development of the idea, the liberal tradition had to undergo an evolution from the classic liberalism to liberal democracy before it got to the nation. With the 19th century bourgeois revolutions, the emergence of popular sovereignty and the democratic franchise, class-based political inclusion was no longer tenable at least in principle, the conditions for political obligations having shifted to a more broader understanding of political membership.⁴⁶ These democratic pressures thus challenged Locke's basis of cohesion and unity that was the cohesion of the possessing class.

The liberal democratic thought which emerged in the early 19th century tackled the problem of sustenance of a liberal society in a 'democratic' era in which the liberal civil society became the basis of political sovereignty. It thus became imperative to tie individual interests to a new common interest. Many thinkers addressed the issue of political disinterestedness and cohesion in the context of individualism and democracy, trying to find a solid basis for political obligation of the free self-interested individual. Indeed, many theorists worried that individualism presented a tendency to sever the bonds

thought to be fundamental to the survival of democracy. How to have a community of conscious and self-aware individuals who are also apt at acting as members of a collectivity ? (Held, 1996 ; Van de Putte, 1998 : 172-173) In social contract theory, the characteristics which really matter, that need to be taken into account are rationality, reasonableness, freedom and equality (Van de Putte, 1998 : 165).⁴⁷ The issue was how to ensure that the citizens act as one people and not as an aggregate of individuals, that their wills are directed to the general interest. John Stuart Mill, among others, developed the argument that nationality constitutes the ideal basis of political integration, tying individual interests to the interests of countries, and that the national community can generate a new kind of connection between persons who had been strangers to each other so far.

Mill's argument was that, in order for self-interested individuals to feel obliged to the broader good of the community and thus ensure popular self-rule, they have to feel they are part of 'a people', i.e. a nation. Feelings of nationality, of commonality in Mill's mind stem from either language, history, race and descent, religion, geography, or of all of these characteristics. In other words, the nation provides common ground and common loyalty on which political obligation sustaining popular sovereignty and democracy rests. But, Mill adds, in order to be for cohesion to be real and the united public opinion to be expressed, nationality has to be common to all members of the community. Thus, Mill's contention that « free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak

⁴⁶ We must remember of course that democracy was still very much an ideal, and a limited one. For both in theory and in practice, early democratic thought only included white men.

⁴⁷ As André Van de Putte explains, the idea of the nation actually conciliates individual reason and social cohesion for this idea implies that individuals are capable of the reasonableness necessary to recognize the bonds of solidarity within the nation (Van de Putte, 1998 : 165).

different languages, the united public opinion, necessary to the working of representative government, cannot exist » (*Considerations on Representative Government*, Chapter XVI).

Mill was key in the development of the notion, not only that the nation constitutes an ideal basis of the liberal democratic community, but also that the boundaries of the political community and of the nation have to correspond. He wrote : « it is in general a necessary condition of free institutions that the boundaries of governments should coincide in the main with those of nationalities » (*Considerations on Representative Government*, Chapter XVI). He recognized that there are many obstacles to that end, one of them being the presence of different nationalities on a same territory. Yet, he argued, « experience proves that it is possible for one nationality to merge and be absorbed in another : And when it was originally an inferior and more backward portion of the human race, the absorption is greatly to its advantage » (*Considerations on Representative Government*, Chapter XVI). Thus, we find that Mill's nation rests on a homogenous body of individuals sharing common values, languages, and many more characteristics, making for a highly exclusive community.

Alexis de Tocqueville also wrote on the appeal of the nation as a solution to the problem of 'unwarranted' individualism and mere collection of rights in a liberal democratic society. Tocqueville was concerned by the danger that each individual may be exclusively preoccupied with his own interests and that citizens may no longer aspire to any collective ideal. In his opinion, revitalizing national pride was the only remedy against 'a taste of material well-being' and 'the gradual softening of mores, the abasement of the mind'. As he wrote, «it is necessary that those who march at the head of such a nation [a

democratic nation] should always keep a proud attitude, if they do not wish to allow the level of national mores to fall very low » ('Lettres à J.S. Mill, cited in Todorov, 1993 : 196).⁴⁸

The trials of the principle of nationality are well-known. The notion of a common nationality shared by all members of the community justified exclusion of foreigners, of the non-nationals, exclusion of the basis of culture, religion and race. The nation, whether defined by Rousseau, Mill or Tocqueville, is profoundly exclusive in cultural and racial terms as they all implicitly accept that culture, and more importantly a unique culture, provides the constitutive basis to the liberal democratic and/or republican political community. But these theorists also postulated the nation as the basis of democracy and popular sovereignty, hence correlating commonality of culture and sustainable democracy. If social contract theorists already bestowed great importance of unity, cohesion and homogeneity as requisites of a sovereign community, liberal democratic theorists substantiated these ideas by linking nationality and democracy. It is thus as the bearer of sovereignty and democracy that the nation was introduced in normative thought in Europe, and it is this notion which renders the disassociation of political community and nation so arduous.

In short, the entanglement of citizenship with concerns about establishing a unified and cohesive constitutive basis of community runs deep in the civic republican, the liberal and the liberal democratic traditions of political thought in Western Europe. The result has been definitions of political membership premised on commonality understood as

⁴⁸ It should be noted that Mill was aware of the hazards of the national ideal. In a letter he wrote to Tocqueville, Mill recognized that some national feelings may be worthy of respect while others are not and he reminded Tocqueville not to let nationality supersede a universal ideal (Todorov, 1993 : 197).

sameness, homogeneity, providing lasting justification for exclusion on the basis of gender, race, disability. Yet, we must remember that the principles of unity, cohesion and equality were not advocated with the sole intention of excluding women, Blacks, Jews, the disabled and many others from the community of citizens. These principles were articulated as legitimate underpinnings deemed necessary to sustain a community of sovereign individuals.

Herein lie the ambiguities of the national definition of citizenship, and the explanation of its endurance in Western Europe. So on one hand, it is imperative that the basis of political membership be redefined to end exclusion on the basis of race. On the other hand, it seems difficult to imagine a definition of community, membership and citizenship that does not aim at integration and cohesion. Thus we are left with the following questions : can racially inclusive citizenship be reconciled with unity, cohesion and equality in the political community ? Can unity and cohesion be interpreted in a way that will allow 'difference' in the political community ?

CHAPTER 5 - NEW GROUNDS FOR MEMBERSHIP IN THE POLITICAL COMMUNITY

The conceptual association of membership in the political community and membership in a pre-political exclusive cultural entity has served to justify and sustain race barriers to citizenship in West European nation-states. An obvious normative conclusion is that, in order to end racial exclusion, citizenship must be rid of the ambiguities and exclusionary implications of nationality. On the other hand, the integrative and legitimating function played by *national* citizenship cannot be overlooked nor dismissed. While it appears imperative to redraw conceptions which operate boundaries of citizenship, political membership and the political community, this should not be done at the expense of a sustainable democratic and sovereign political community. The question however is whether human diversity can be respected while providing solution to concerns of social integration. Can 'racially'-inclusive models of citizenship be reconciled with unity and cohesion in the political community ?

Many new approaches to citizenship have tackled redefinition of political membership. Postnational models of citizenship have explored the formal, legal disassociation of citizenship and nationality, arguing for a new basis of attribution of citizenship rights. However, these models do not attend adequately to the cultural underpinnings of political membership. It will be argued that these need to be complemented by approaches which challenge a homogenous conception of the constitutive basis of citizenship and develop grounds for recognition of diversity. However, the multicultural and differentiated approaches to citizenship provide inadequate responses to the query of unity and cohesion. This is why other models of citizenship

which have attempted to respond to the dilemma by theorizing an inclusive ‘civic’ or constitutional patriotism based on democratic political principles will be explored.

My aim in this final chapter is to explore new ways of conceiving of membership in the political community. The reconciliation of difference, democracy and sovereignty is a daunting issue. I do not pretend to be able to provide a clear and definite solution to it. But I will tentatively explore the postnational models, multicultural approaches and agonistic visions of citizenship to assess and consider how they could potentially provide ‘solutions’ for West European societies. I want to tackle contemporary models and approaches to begin to assess the alternatives to the entanglement of citizenship and nationality, and new models of citizenship which might end exclusion on the basis of race.

I. ‘Postnational’ Citizenship : The Formal Disassociation of Citizenship and Nationality

Any attempt to redefine the grounds of citizenship in Western Europe in order to overcome race barriers needs to start with the formal disassociation of nationality and citizenship. A number of theorists have argued that political and economic integration in Europe coupled with financial globalization and international migration have rendered the disconnection of nationality and citizenship inevitable. The *de facto* disassociation of citizenship and nationality in the attribution of citizen status promoted in the postnational model of citizenship could appear as a solution to problems of racial exclusion, the conflation of formal and substantive citizenship being washed away according to this model. The current state of affairs in most West European societies, however, suggests that it does not suffice to formally and legally distinguish between nationality and citizenship to solve the issue of racial exclusion.

The postnational model of citizenship has been articulated in a clear and eloquent manner by Yasemin Soysal. The fundamental postulate of postnational citizenship is that the determining factor in the attribution of rights is no longer formal citizenship or national membership but universal personhood. As Yasemin Soysal argues, « contemporary membership formations have superseded the dichotomy that opposes the national citizen and the alien, by including populations that were previously defined as outside the national polity. Rights that used to belong solely to nationals are now extended to foreign populations, thereby undermining the very basis of national citizenship» (Soysal, 1994 : 137-8).

Soysal maintains that the shift in the basis of rights attribution from shared nationhood to universal personhood signifies the emergence of a form of political membership which accommodates intersecting complexes of rights and duties as well as different identities (Soysal, 1994 :166). Founding her claims on the study of the incorporation of guestworkers, she contends that, «in the postnational model, the boundaries of membership are fluid », that a guestworker can become a member of a national polity without national citizenship (Soysal, 1994 :141). In other words, Soysal assumes a political community devoid of a specific national identity to which non-citizens can have access on the basis of extended social and civil rights.

Soysal claims that these new patterns of citizenship might 'improve' the situation of previously excluded individuals, such as those individuals dismissed on the basis of their racial background. Indeed, it is a fact that European legal standards (instituted through the European Union [EU] and the Council of Europe) as well as various international legal standards grant to European citizens and non-European residents alike a number of social

and civil rights : provisions against discrimination in education, social security, employment, living conditions, the right of free movement and residence (Soysal, 1994 : 148). European citizenship, which according to Soysal «clearly embodies postnational membership in its most elaborate legal form » (Soysal, 1994 : 148), thus offers some rights and protection for individuals formally excluded from the political community.

It must be noted, however, that, for all the positive implications of such new patterns of rights attribution, the protection and potential inclusion offered to excluded individuals is of limited significance in Western Europe today. As Elizabeth Meehan explains, « the position for foreigners and Community nationals whose origins lie outside EU countries is very complicated and, depending on their circumstances, their rights very greatly » (1993 :141). Despite the protection it provides to guestworkers, the European citizenship can by no means be considered analogous with ideal open and inclusive citizenship nor does it constitute a move away from national citizenship. For one thing, rights attributed at the level of the EU are not granted independently and regardless of nationality. On the contrary, rights such as the right to vote in municipal elections and the right to stand as candidate throughout the European Union are contingent upon national citizenship. Moreover, at the national level, most migrants enjoy very limited political rights (cf. the case of legal residents who are still refused the right to vote in municipal elections in France, p.24).

Beyond the limited applicability and effectiveness of the postnational model of citizenship in Western Europe today, the postnational model presents other considerable limitations in terms of placing full citizenship within the reach of racial minorities. As a legalistic and procedural understanding of citizenship, Soysal's postnational citizenship

does not adequately attend to the identity component of citizenship. Citizenship is more than a bundle of rights, privileges and duties. In fact, as argued throughout this thesis, these are contingent on belonging to a common identity, a common culture. Thus immigrants may be granted citizenship rights, or even formal citizenship status. But when they do not 'belong' to the dominant cultural, religious and racial community, their 'difference' taints the way they are treated by the state as well as by 'rightful' citizens and members of the dominant culture, and the extent to which they are able to enjoy their status. The case of Hervé, the young 'Black' French citizen who could not find a job despite an impressive background and despite legal protection against racial discrimination (cf. Chapter 1, p.38), and the case of young British pupils who cannot receive Muslim teachings in schools (cf. Chapter 1, p.48) are good illustrations of the contingency of an effective citizenship status on racial and cultural belonging.

The postnational model does not attend to the profound racialization of citizenship boundaries which, in fact, the model upholds. Indeed, attribution of rights to non-citizens creates a dual citizenship: the citizen, who enjoys both status and identity of the community of which s/he is part, and the 'denizen' who possesses substantial rights and privileges but without enjoying membership (Tomas Hammar, cited in Soysal, 1994 : 138). This status of 'denizen' only creates a system of two-tier citizenship in which immigrant populations live alongside the community of citizens without having effective access to it. In no way does this model improve the situation of the Tunisian family living in France who has experienced discrimination in housing for years (cf. Chapter 1, p.37), nor marginalization of Islam in the British and French school systems (cf. Chapter 1, pp. 41-48). On the contrary, this model only reinforces the idea of a dominant *national*

community of citizens and a community of second-class citizens. Thus, not only does the 'dual' postnational citizenship model constitute a superficial and temporary way of addressing the issue of racial exclusion as well as an easy escape from the momentous task of redefining the political community, it condones discrimination and racialization of citizens on national grounds.

Nationality has to be challenged not only as the determining factor in the attribution of rights but also as the basis of political membership, social integration and solidarity within the political community. As it stands, the postnational model does not change the definition of membership in a substantial manner. Soysal herself recognizes that, if national citizenship is no longer a significant construction in terms of its translation into rights and privileges, as an identity, it still prevails and it still expresses particularity (1994 : 159). To be complete, the disassociation of citizenship and nationality thus requires a profound redefinition of the identity of the citizen which will allow every individual irrespective of his/her racial background to take part in the community of 'citizens'. As long as the nation stands as the basis of political identity and membership, the identity of the citizen will be fixed along the racial, cultural, religious lines which define the nation.

Ultimately the limits of postnational models of citizenship are the ones of any understanding of citizenship which overlooks its identity and membership components and the definition of the constitutive basis of community. The greatest impediment to the political, social and cultural inclusion of racial minorities remains the definition of the political community in cultural homogenous, essentialist, pre-political terms. As Will Kymlicka and Wayne Norman have pointed out, race minorities, marginalized ethnic and religious groups, women, gays and lesbians, or the disabled still feel excluded despite

possessing the common rights of citizenship «not only because of their socioeconomic status but also because of their socio-cultural identity - their 'difference'» (1995 : 302). This absence of a sense of belonging experienced by these groups is not addressed by a mere endowment of rights. In other words, in order to construct a model of citizenship which encompasses racial difference, it is imperative to question and eventually redefine the contours of the constitutive basis of community and the identity of the citizen.

II. Multicultural and Differentiated Citizenship : Recognizing Difference in the Polity⁴⁹

There is something inherently hostile to 'difference' in the way the political community, political membership and hence citizenship has been conceived in West European political thought. The premise of a 'universal', understood as homogenous, political community, historically grounded in and expressed by the nation-state, has sustained the exclusion and marginalization of many individuals and groups, even when they have equal citizenship status. The construction of a political and public identity which is inclusive of racial difference needs to start off by challenging the homogeneity of citizen identity and the public sphere. Membership based on a common culture, a common racial background and a common religion which are characteristic of a 'national' political community needs to be debunked. But more importantly, the idea of a 'universal' membership and citizenship which stipulates a single, unique identity for all citizens and the principles which legitimate a homogenous, pre-political body politic need to be questioned. Multicultural and differentiated approaches to citizenship have done so by promoting a

⁴⁹ It is important to remember that most theorists of multicultural and differentiated models of citizenship have based their ideas on studies of settler societies (Canada, Australia, and the United States) and, hence, that their concerns, considerations and approaches differ from those of West European theorists in certain respects.

citizenship based on recognition of diversity and a political membership which accounts for the fact that a person's racial background (and his/her gender, sexual orientation, health) will impact on his/her relationship with the state and with the community as a whole.

According to a number of theorists, the attempt to realize an ideal of universal citizenship, epitomized in the form of the nation, has been key in the oppression and exclusion of race, as well as gender. As Iris Marion Young argues, appeals to impartiality, generality and equal treatment have in fact sustained the hegemony of the dominant culture and dominant 'race'. « In a society where some groups are privileged while others are oppressed, insisting that as citizens persons should leave behind their particular affiliations and experiences to adopt a general point of view serves only to reinforce that privilege ; for the perspectives and interests of the privileged will tend to dominate this unified public, marginalizing or silencing those of other groups » (Young, 1989 : 257). Thus, from this perspective, the upholding of a single culture as the basis of political membership keeps out individuals who do not belong to that racial community. This refusal to recognize the differentiation of the public sphere, Young contends, amounts to oppression. Indeed, she asserts that oppression occurs when a group is marginalized, i.e. when individuals « are excluded from participation in major social activities » (marginalization) or when « as a group [individuals] are stereotyped at the same time that their experience and situation is invisible in the society in general, and they have little opportunity and little audience for the expression of their experience and perspective on social events (cultural imperialism) » (Young, 1989 : 261).

Whether occlusion and marginalization of racial difference amounts to 'oppression' or not, it appears necessary to recognize that, as Young contends, « [p]eople necessarily

and properly consider public issues in terms influenced by their situated experience and perception of social relations. Different social groups have different needs, cultures, histories, experiences, and perceptions of social relations which influence their interpretation of the meaning and consequences of policy proposals » (Young, 1989 : 256-257). Theoretical models which do not attend to racial bias in definitions of political membership and do not integrate some form of recognition of difference will inevitably overlook the unjust and discriminatory implications of social practices and policies on racial minorities. This is why, after the fashion of Young, I argue that « a democratic public should provide mechanisms for the effective recognition and representation of the distinct voices and perspectives of those of its constituent groups that are oppressed or disadvantaged » (1990 : 184 ; also in 1989 : 261).

New grounds of political membership which account for and recognize 'difference' in the political community have been tentatively articulated by proponents of multicultural and differentiated approaches to citizenship. Theorists such as Iris Young and Anne Phillips stress the potential of collective deliberation in the public sphere for the articulation of interest of minority groups (Young, 1989 ; 1990 ; Phillips, 1993). Phillips argues that the introduction of differentiation and particularity cannot be effective if it remains a 'politics of ideas' taken in isolation from the 'politics of presence'. Political presence, she contends, is necessary to « deal adequately with the experiences of those social groups who by virtue of their race or ethnicity or religion or gender have felt themselves excluded from the democratic process » (Phillips, 1993 : 141). Young develops the idea of 'presence' in somewhat different terms by advocating 'group representation' as

« the best antidote to self-deceiving self-interest masked as an impartial or general interest » (Young, 1989 : 263).

Other theorists, such as Will Kymlicka, have promoted group-differentiated rights as the way for various minorities « to feel accepted by the community, and experience the 'direct sense of community membership based on loyalty to a civilization which is a common possession' which Marshall saw as the basis of citizenship » (Kymlicka, 1995 : 181). The peculiarity of Kymlicka resides in his distinction of the different forms of group-differentiated rights. He distinguishes national minorities from ethnic and racial minorities who have different claims. In the case of racial minorities, mostly made up of immigrants, he argues that they have the right to the recognition of their cultural differences, and that they may rightly ask not be discriminated against, to be exempted from laws and regulations that unjustly disadvantage them, to be allowed to retain their mother tongue. Yet, he adds, their concern is or should be to integrate into mainstream society (Kymlicka, 1995 : Chapter 2 ; 1997, 73-74). It is important to note that Kymlicka's model of group-differentiated rights stresses culture as the basis of recognition over race understood as bodily traits and thus tends to overlook exclusion on the basis of 'race' as physical traits.

Multicultural and differentiated approaches to citizenship offer useful insights on how to counterbalance the oppression, exclusion and marginalization which stems from the ideal of universal citizenship. But we need to assess the difficulties in elaborating a group-differentiated conception of citizenship. Group representation as envisaged by Young presents the danger of freezing identities and of 'group closure' so that change and the development of wider solidarities are blocked (Phillips, 1993 : 14). This danger flows from what Chantal Mouffe calls Young's « essentialist notion of 'group' » which takes as given

and unchangeable group identity and interests (1992 : 380). Kymlicka does not avoid similar criticisms for, as Yuval-Davis contends, he « naturalizes the groups' boundaries and does not differentiate between people with specific power positioning within the group and 'the group' » (1997 : 77).

Essentialism is a critical issue, especially with regard to 'race'. Reifying and essentializing physical traits, cultural behaviors and religious beliefs is precisely what 'racism' is about. By organizing representation on a racial basis or granting rights on the basis of culture and/or faith, there is the possibility of entrenching elements of identity, thus of promoting the reproduction of lines of exclusion and discrimination rather than reinventing new ones (Wieviorka, 1998 :903). The representation of shared experiences of oppression and exclusion must avoid the trap of implying any deterministic quality to a specific group. Moreover, group-based differentiation should be careful not to entrap individuals in a single 'racial' and cultural 'category' when identities are fluid and multiple, nor to compel them to identify with a group 'against their will'.

Beyond the issue of essentializing identities, as Phillips points out, group differentiation raises the question of 'developing wider solidarities' which is crucial to our discussion of citizenship in Western Europe. As the notion of differentiated and/or multicultural citizenship challenges traditional conceptions of community and fraternity, we are compelled to ask what remains in common amidst the proliferation of group interests. Can the political community remain united and integrated outside the framework of the nation and universal citizenship ?

Kymlicka and Young offer very different responses to this question. On one hand, Young rejects the idea of a unified polity which only promotes the particular standpoint of

the privileged, and hence dismisses the notion that the repoliticization of public life requires the creation of a unified public realm (1989 : 258). She insists that « conception of justice which challenges institutional domination and oppression should offer a vision of a heterogeneous public that acknowledges and affirms group differences » (Young, 1990 : 10). Young's sharp and repeated condemnation of any form of universalistic claim limits the 'applicability' of her approach in West European nation-states and clashes with the view promoted by such leading European theorists of multiculturalism as Michel Wieviorka who asserts that multiculturalism « must provide a mode of conciliation of universal principles - rights and reason - and specific values, while avoiding the impasse of abstract universalism, which negates differences » (Wieviorka, 1998 :900).

Kymlicka, on the other hand, argues that differentiated rights are consistent with the long-term requirements of a stable liberal democracy including the requirement of a shared civic identity (1995 : 173). His contention is that the existence of a common culture can be reconciled with differentiated 'polyethnic' rights, granted that these rights provide an integrative impulse. He argues that, although many commentators fail to see it because of racial prejudice and xenophobia, « there is strikingly little evidence that immigrants pose any sort of threat to unity or stability of a country » (Kymlicka, 1995 : 178-179). The problem is that Kymlicka solves the tension between social unity and differentiation by promoting integration of minorities to a common 'societal culture' defined in pre-political terms. As a result, we have to question the usefulness of his model to solve the issue of racial exclusion.

The 'societal culture' which Kymlicka constructs as the basis of integration and membership does not solve key problems posed by *national* forms of citizenship.

Reverting to a pre-political conception of community, he defines 'societal culture' as an « intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history » (Kymlicka, 1995 : 18 ; also in 1997 : 75). He justifies the promotion of such a 'cultural' community by contending that cultural membership is necessary for liberal freedom and equality. He asserts that cultural membership gives individuals a sense of identity, facilitates mutual intelligibility, promotes mutual solidarity and trust (Kymlicka, 1997 : 75). As « a domain of freedom and equality, and a source of mutual recognition and trust, which can accommodate the inevitable disagreements and dissent about conceptions of the good in modern society », national groupings are thus, according to Kymlicka, appropriate units for liberal theory (1995 : 105-106).

Kymlicka's assumption that differentiated rights are consistent with social unity only if they lead to integration in a historically constituted liberal 'societal culture' raises a number of questions. By upholding the pre-political and historically defined nation as the basis of social integration, and what can be termed « a highly debatable essentialist and primordialist view of culture and identity » (Martiniello, 1998 : 914), Kymlicka renders the integration of 'new comers' and of other minorities conditional on their ability, capacity and willingness to adopt the dominant culture, which is a challenge for racial 'others' as discussed in previous chapters. He therefore homogenizes all cultures and reduces their diverse modes of self-understanding and self-appropriation to a single liberal model (Parekh, 1997 : 60). He justifies the promotion of a single liberal culture by saying that the liberal model provides « the sort of cultural context of choice that supports individual autonomy » (Kymlicka, 1995 : 101).

This 'societal culture' promoted by Kymlicka proves extremely problematic for the integration of what he call 'non-liberal' cultures, such as Islamic cultures. Although the line delimiting what is acceptable or not in liberal-democratic societies is tenuous, a strict liberal interpretation of state-church relationship leads to a rejection of Islamic theocratic notion of political membership and hence the effective marginalization of Islam from West European liberal-democracies. The unchallenged adoption of a liberal-based hegemonic societal culture has a very real potential for the marginalization of other understandings of culture, and therefore does not constitute a progression towards inclusion.

The fact that Kymlicka upholds a form of nationalism does not constitute an adequate and positive step either. Indeed, he supports national forms of membership, positing however that « national membership should be open in principle to anyone, regardless of race or color, who is willing to learn the language and history of the society and participate in its social and political institutions » (Kymlicka, 1995 : 23). This definition is to all ends and purposes a form of civic nationalism, which is, as I have argued in Chapter 3, exclusionary, especially considering that Kymlicka's definition of a national community does not depart from some of the most perverse characteristics of the European nation. Kymlicka's idea of the nation implies a pre-politically constituted basis of integration, of limited access to new comers who do not share the myth of origin nor share the historical kinship.

Multicultural and differentiated approaches' great contribution is their argument that we need to recognize the plurality of understandings and experiences amongst members of the political community in order to put an end to oppression, exclusion and marginalization. But it proves difficult to balance out unity and differentiation. Young, on

framework of a common liberal cultural basis which he defines in pre-political and rather homogenous terms. Although his acknowledgment that social unity is a valid concern renders his model more 'applicable' in West European states, we have to question whether what he is advocating will solve the issue of exclusion and marginalization on the basis of race. What he promotes is little more than a 'civic' nationalism which is already at the root of the problem of racial exclusion. Therefore, it appears that many points of contention remain unresolved according to multicultural and differentiated approaches to citizenship.

III. Constitutional Patriotism : Re-articulated Democracy as the New Basis of Integration

Multicultural and differentiated approaches to citizenship challenge the 'false' universalism of traditional citizenship conceptions by introducing the differentiated nature of political membership. According to these models, differentiation is accepted either if universalism is abandoned as a goal or if it is to be integrated in a dominant cultural membership. Other models of citizenship have attempted to respond to the query over unity, cohesion and inclusion of difference by theorizing an inclusive 'civic' or constitutional patriotism based on democratic political principles and oriented toward strengthening the universalism of an egalitarian legal community, while avoiding the trap of a homogenous and exclusive form of membership.

Constitutional patriotism, as articulated by Jurgen Habermas, addresses the contentions about the homogeneity of national membership by articulating a new constitutive basis of membership defined as *political*⁵⁰ and *unresolved*. For Habermas, the

⁵⁰ The term 'political' is used here as Sheldon Wolin defined it, i.e. as «an expression of the idea that a free society composed of diversities can nonetheless enjoy moment of commonality when, through public deliberations, collective power is used to promote or protect the well-being of the collectivity » (1996 :31).

oppressive homogeneity and exclusivity of national membership stemmed from the assumed finality of the European nation. As he contends, the idea of the nation sustained the notion of a homogenous citizenry by reverting back to a pre-political fixed fact, to the quasi-natural features of a historical community, to «something given independently of the political opinion and will-formation of the citizens themselves » (Habermas, 1996 : 287). Thus, to include difference, the basis of political membership must transcend the notion of a pre-political entity, of fixity and move towards a non-naturalist definition (Habermas, 1996 : 287).

The inclusion of 'difference', according to Habermas, thus does not come through group-differentiated rights or representation but through the elaboration of a truly shared political culture, 'politically' constituted by a greater number of its constituents. It is to be defined by « the constitutional principles of human rights and democracy [which] give priority to a cosmopolitan understanding of the nation as a nation of citizens over and against an ethnocentric interpretation of the nation as a pre-political entity» (Habermas, 1996 : 287). The articulation of such a constitutive basis of community presupposes that « [t]he majority culture must be de-coupled from a political culture all can be expected to join » (Habermas, 1996 : 289). Indeed, Habermas contends that the coexistence and interaction of different cultural, ethnic and religious subcultures on equal terms with the same political community depends on the majority culture giving up « its historical prerogative to define the official terms of that *generalized* political culture, which is to be shared by all citizens, regardless of where they come from and how they live» (Habermas, 1996 : 289).

In order to develop a non-essentialist conception of the citizen and identity formation and to articulate a shared political culture, Habermas has elaborated the notion of a 'communicative ethic' which emphasizes the crucial role of free and open public communication and deliberation between citizens as the basis of democratic political legitimation. (Habermas, 1987 ; 1992). Habermas explains that « only if such an interplay between institutionalized processes of opinion and will formation and those informal networks of public communication occurs can citizenship today mean more than the aggregation of pre-political individual interests and the passive enjoyment of rights bestowed upon the individual by the paternalistic authority of the state» (Habermas, 1992 : 270). Thus, contrary to multicultural and differentiated approaches, Habermas does not advocate rights as the means to give voice to 'difference' but the creation of a public and free process of decision-making in which everyone has a voice.

Habermas' notion of 'communicative ethics' is a compelling one which allows for a *political* understanding of identity formation, the participation of members of the community themselves in shaping the shared civic culture, and recognizes the plurality of subjects. This notion has appealed to many theorists, among them Iris Young. She endorses the idea of justice shifting from « a focus on distributive patterns to procedural issues of participation in deliberation and decision-making » arguing that it is just for everyone who follows a norm to have an effective voice in its elaboration (Young, 1990 : 34). But the absence of differentiated rights in Habermas' model raises some important practical issues. Given the open space of dialogue, Habermas believes that rights are not necessary because everyone has a right to speak. Although this is theoretically a useful

concept, we have to question how it can be achieved without attribution of special rights and representation to groups and individuals who have had, traditionally, a lesser voice.

Habermas' *political* conception of the constitutive basis of citizenship constitutes a compelling attempt at providing ways to counteract the oppressive upholding of one dominant culture over others as he acknowledges that the 'cosmopolitan' understanding of political membership can only be so if it reflects and actively includes the diversity of its foundation. What he suggests is the reconstitution of the social aspect of political life to be more inclusive, the need for constitutional principles which will allow for new political spaces to emerge. In his words, membership must be based on a shared political culture acting «as the common denominator for a constitutional patriotism which simultaneously sharpens an awareness of the multiplicity and integrity of the different forms of life which coexist in a multicultural society » (Habermas, 1992 :264).

The question is how different is such a conception of membership from Kymlicka's model in terms of postulating a common cultural underpinning, and how different is it from civic nationalism. Indeed, Habermas' commitment to dialogue and his recognition of the plurality of subjects is deeply rooted in the republican notion of 'the' general interest, i.e. he does not abandon the notion of a universal standpoint. This argument constitutes Young's most prominent point of contention with Habermas (Young, 1990: 7, 106 and 117). Habermas' model, like Kymlicka, implies « the existence of some generalized consent to the 'rules of the citizenship game' » (Purvis and Hunt, 1999 : 473). This idea raises the same problems that Kymlicka's model did, i.e. what to do with minorities, such as Muslims, who do not agree with the basic principles ? This problem is serious as Habermas stipulates that an inclusive public sphere « cannot be organized as a whole ; it

depends rather on the stabilizing context of a *liberal* and egalitarian political culture » (Habermas, 1992 : 269). In other words, people can be included as long as basic constitutional rights and ideas are upheld. However, the main difference in Habermas' model is that, unlike Kymlicka, he does not assume some pre-politically constituted entity acting as a basis of membership. This is a central and key notion in the development of a more racially-inclusive citizenship.

Constitutional patriotism, like multicultural and differentiated approaches to citizenship, presents limitations in its attempt to conciliate recognition of difference and unity, respect of diversity and cohesion. The notion of a shared civic culture, 'politically' constituted through free and open public communication and deliberation, stands as a valuable concept with great potential for inclusion of a great variety of individuals. It constitutes a compelling alternative to a 'universal' political membership which assumes sameness and singularity of identity. But we might question how, in practice, the hegemony of dominant 'cultural' groups may be offset if 'traditionally' disadvantaged and excluded groups have no particular political or legal recourse. In this sense, appeal to some form of group-differentiated rights and/or representation may be necessary to ensure expression of minority voices, at least at an initial stage of redefinition of the constitutive basis of community.

IV. Theoretical Elements for a New Basis of Citizenship

The various models and approaches discussed above all contribute to our understanding of the tension between unity and cohesion and diversity, and ultimately of the complex nature of citizenship. The above discussion also instructs us that no definitive

model of citizenship ending exclusion on the basis of race has been articulated, that the debate is still open. As Anne Phillips asserts, «the greater challenge is to come to terms with a complex unity constructed out of different and potentially conflicting solidarities, a unity that is then fragile and perhaps always and inevitably incomplete » (Phillips, 1993 : 8). Through my assessment of postnational models, of multicultural and differentiated approaches to citizenship, of constitutional patriotism, I have however identified a number of theoretical elements which would lead to the elaboration of a definition of citizenship respecting human diversity while providing solution to concerns of social cohesion.

First, communication and deliberation can act as means of integration of difference in the constitution of new basis of membership and community. As Hannah Arendt argued, the very starting-point of politics is in the fact that we are plural beings and the virtue of a social covenant is to bridge over the space between individuals rather than trying to make that space disappear. If the new basis of political membership is to be truly different from previous ones, citizens from all 'races', genders, occupations, sexual orientations and physical abilities, « need to be able and willing to engage each other in discourse about the social arrangements which hold them together and order their lives » (Calhoun, 1993 : 406). The key is thus to conceive the basis of community as a true *political* space, after the fashion of Habermas, and to develop a 'communicative ethics' and a framework for free and open deliberation and participation.

The goal of public deliberation should be to avoid the trap of a 'false' universalism, masking the unchallenged hegemony of the dominant group. This is why, as Kymlicka and Young have argued, some form of group-differentiated rights and representation appears to be an inescapable formula. Yet, differentiation should not be articulated at the expense

of wider solidarities and social cohesion. Unlike Kymlicka, I do not believe that the attribution of differentiated rights should not be premised on the integration to an unchallenged pre-existing, historical cultural society. Rather, as Chantal Mouffe argues, « the aim of a radical democratic citizenship should be the construction of a *common* political identity that would create the conditions for the establishment of a new hegemony articulated through new egalitarian social relations, practices and institutions » (1992 : 380, emphasis added). This however cannot be achieved without the transformation of existing subject positions and this is why group-differentiation favored by Young can be seen as a first stage toward the implementation of a radical democratic politics (Mouffe, 1992 : 380).

Any form of differentiation should also avoid the trap of essentialism at all cost, for freezing identities runs the danger of merely reproducing lines of exclusion and marginalization rather than promoting the articulation of a new citizen identity encompassing difference. Similarly, the new constitutive basis of community should be defined in non-essentialist and *political* terms. As Ruth Lister contends, a 'politics of solidarity in difference' «requires a non-essentialist conceptualization of the political subject as made up of manifold, fluid, identities which mirror the multiple differentiation of groups» (1997 : 81). In other words, it should not be overlooked that individual and collective 'identity formation' is an ongoing social process.

The outstanding question is 'are universalist claims still valid and possible?'. My answer is that universalism can be a valid goal. The first problem with the ideal of universal citizenship in Western Europe, in relation to racial minorities, was that its inclusive potential was offset by assumptions of common culture, especially of common nationality

and ethnicity. Granted that the constitutive basis of community is redefined to attend to the deep-seated heterogeneity of society, what stands in the way of a true universal citizenship ? The essential contention about the ideal of universal citizenship *per se* in Western Europe is the concomitant assumption of impartiality understood as homogeneity, i.e. the conception of universal citizenship as a superseding identity occluding all differences. This latter notion needs to be challenged and eventually re-articulated if we want to be able to aspire to universalism while respecting differences.

As Lister maintains, « rejecting the ‘false universalism’ of traditional citizenship theory does not mean abandoning citizenship as a universalist goal. Instead we can aspire to a universalism that stands in creative tension to diversity and difference and that challenges the divisions and exclusionary inequalities which can stem from diversity » (Lister, 1997 : 66). Such an alternative, pluralist conception of community can, instead of obscuring diversity, division and difference, build in difference to the very fabric of the political project, and be seen as ‘multiple and open’ rather than fixed and eternal’ » (Lister, 1997 : 84). Young is skeptical that such a conception of community would be appropriate, given that ‘most articulations of the ideal of community carry the urge to unity’ (Young 1990, 320). But, after the fashion of Lister, I contend that a ‘universality of moral commitment’ and equal moral worth and participation and inclusion of all persons cannot be rejected (Lister, 1997 : 88). « Without the promise of the universal, against which the denial of full and genuine citizenship to women and minority groups can be measured and claims for inclusion can be directed, the concept of citizenship loses its political force » (Lister, 1997 : 88).

However, as Mouffe contends, we must ultimately recognize that « a fully inclusive political community can never be realized », that «there will always be a ‘constitutive outside’, an exterior to the community », that the universal will always be challenged by someone (Mouffe, 1993 : 379). This is actually the very ‘essence’ of a *political* identity, that it is not fixed but constantly changing and being redefined, in relations of hegemony and counter-hegemony. Providing a definitive answer to the query between unity and cohesion and diversity constitutes a work-in-progress. It is a question to which only tentative elements of response can be submitted. In this respect, Anne Phillips’ statement is certainly compelling. She wrote:

I seem to circle with ever-increasing anxiety around the same set of questions, trying to hold together what I half fear are incompatible ends. Prominent among the worries are my sense that the universality that flattens our difference was none the less a great inspiration to progressive politics and thought, and that the heterogeneity which welcomes variation can carry with it a disturbing fragmentation and closure (Phillips, 1993 : 6).

In the end, finding a way to put an end to exclusion on the basis of race in the political community requires that all members of West European political communities accept the fact that the definition of the constitutive basis of community is an unresolved issue.

CONCLUSION

Race is a barrier to full citizenship in Western Europe, and the entanglement of citizenship and nationality is unmistakably at the root of this problem. Through its association with nationality, citizenship has taken on the additional political and cultural meaning of an achieved belonging to a community of sovereign citizens. Consequently, the limits posed to an effective citizenship status for racial minorities stem from the assumption of a common culture acting as the constitutive basis of citizenship identity and membership, and using race, linked to culture, religion and physical traits, as one of its predominant boundaries. Thus, the practice of citizenship status, either through effective rights or active participation, is difficult not so much because the status is deficient but because it works on the premise of a common belonging, a common culture. This is why I have argued that assessments of full citizenship for racial minorities need to be problematized beyond rights-based and duty-based conceptions of political inclusion and attend to the implicit assumption of common culture which lies at the core of standard citizenship paradigms and on which depends achievement of full citizenship.

The correlation between full citizenship and cultural belonging leads to the fundamental issue of what is the constitutive basis of membership in the political community, and how is it defined ? The problem of racial exclusion in relation to national forms of membership in Western Europe has been revealed to be a complex one. On one hand, the association of nationality and citizenship, which rests on the homogenizing and exclusive assumption of a 'common culture', has *de facto* excluded anyone whose 'identity' constitutes a deviation from the dominant 'common' culture. On the other hand,

the assumption of a basis of integration and legitimation defined in homogenous and unified terms has been articulated in modern West European political thought as a fundamental requisite of a sustainable sovereign and democratic political community.

A new definition of political membership needs to be articulated to include diversity in its premise. To put an end to exclusion, discrimination and marginalization on the basis of race, the constitutive basis of membership needs to put difference at the core of the political project and build on diversity instead of occluding it. A more racially-inclusive definition of membership needs to define itself as multiple and open rather than fixed and perpetual. This can be done while preserving social cohesion. But the character of the constitutive basis of membership needs to be redefined, and it needs to construe unity and cohesion in terms other than sameness, homogeneity and constancy. Unity and cohesion can be preserved through communication and deliberation, a 'communicative ethics', which aims at constructing a new common *political* identity, one which develops a 'politics of solidarity through difference'.

Putting an end to exclusion on the basis of race in the political community is a daunting issue, one which does not have any definite answer. But of fundamental importance for any assessment of the problem is the definition of the constitutive basis of political membership, the question of 'who belongs ?' and 'on what grounds ?'. Arguably this basis is not fixed nor is the ideal model of inclusion ever achieved for the political community, after all, *is* political. Grounds of membership are constantly redefined depending on the circumstances and power relations between the different actors in the community. Therefore, we may question whether the most important lesson is not that, as

Chantal Mouffe contends, « a fully inclusive political community can never be realized » (1993 : 379).

The unresolved character of citizenship and basis of membership opens up many issues which would require further in-depth research. The question of putting into practice a new conception of political membership which rests on diversity and accepts its ever-evolving character is a challenging one. What form can the mechanisms of open deliberation and communication take ? How to ensure that democratic deliberation truly becomes an open and inclusive space for racial minorities, but also for women, people with disabilities, and many minority groups ? How can we deal, in practice, with the fact that citizenship will never be all-inclusive ?

In a more contextualized framework, the question of redefinition of the constitutive basis of membership should also be tackled in relation to the process of European integration. I have argued that, to put an end to racial exclusion in Western Europe, membership needs to be grounded in more *political* terms. An interesting question would be to question whether the process of European integration lead to a more inclusive and deliberative definition of national political communities and provide grounds for a new form of citizenship, or if, on the contrary, the 'European Union' is not falling into the same traps of constituting itself and its citizenry on the basis of a shared common culture. Can European integration provide the necessary impetus to recast political membership in more *political* terms, or will it recreate a new basis of membership on the assumption of a common culture and a reconstructed definition of race supporting the idea of a 'white Christian' Europe ?

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