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**RIGHTS AND WRONGS ACROSS EUROPEAN
BORDERS: MIGRANTS, MINORITIES AND
CITIZENSHIP**

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Among the key issues in contemporary political debates across Europe are questions relating to migration, to the social and political rights of migrants and minorities and how these questions relate to new forms of citizenship in specific national contexts as well as across Europe as a whole. In this paper we want to explore the changing dynamics of debates about citizenship, migration, inclusion and exclusion in four European countries – Britain, France, Germany and Italy. Drawing on recent research we have carried out in each of these countries we analyse some of the key dimensions of recent debates and their impact on policy agendas, arguing for an analysis that reflects the various types of migration and movements of people that are shaping the current situation in many societies.

Introduction

An important underlying concern of the research we are conducting has been the need to explore the ways in which citizenship and identity have been shaped by migration patterns, and the ways in which migration policies and politics relating to minority and migrant groups have themselves been constructed in response to particular understandings of citizenship and national identity (Lessana 1998). Debates in Europe have tended to revolve around the nature of citizenship: whether national citizenship is being undermined by migration (Bauböck and Rundell 1998; Jacobson 1996; Joppke 1999a), whether it is being superceded by other forms of citizenship (Soysal 1994); its usefulness for migrants as a means acquiring cultural, economic, social and political rights (Castles and Davidson 2000; Cohen 1987; Favell 1998a; Koopmans and Statham 1998); and around its relationship to ethnicity

(Peck 1992; Wieviorka 1998). In addition we have seen related debates emerge about the changing forms of national identity in the context of growing multiculturalism and contrasting claims to rights and representation by both minorities and majorities (Kymlicka 1995; Solomos 1998). Racism, in a variety of manifestations, is an important social and political issue in each of the four states – shaped by and shaping policy relating to citizenship and migration, and relations between communities in the different states.

The analysis in this paper is organised into four interlinked parts. The first explores the changing terms of some of those debates about citizenship and migration in contemporary European societies and outlines four analytical models that have been used to frame accounts of the position of migrants and minorities in the context of the changing role of the nation-state. We then move on to explore the implications of these analytical models for an analysis of the political and policy agendas about citizenship and immigration. This part draws on empirical examples from research in our four case study countries. In part four we take this analysis a step further by looking at the shifting boundaries of citizenship in the contemporary environment. Finally we conclude by highlighting some of the key themes that follow from the substantive parts of the paper, by focusing specifically on processes of exclusion and inclusion.

Conceptual and Research Agendas

We begin by reviewing key conceptual debates that have shaped much of the recent research on the changing dynamics of citizenship, migration and

ethnicity in contemporary Europe. Among other themes, scholars have focused on the role that citizenship can and should play in protecting and including minority and migrant groups within multicultural societies (Gutmann 1992; Kymlicka 1995, 1997; Wieviorka 1998), on the processes of exclusion that accompany the creation and maintenance of the state and of the nation (Zolberg et al 1989; Colley 1992), and hence of citizenship (Peck 1992), as well as the economic, political and social functions of maintaining the distinctions that divide societies (Bovenkerk, Miles and Verbunt 1991; Miles 1994).

Citizenship and migration form part of a matrix with questions of identity, nationality and ethnicity. Within both popular and academic discourse there is growing evidence of concern about how questions of citizenship can be reconceptualised in the context of multicultural societies. Some important elements of this debate are issues such as the political rights of minorities, including the issue of representation in both local and national politics, and the position of minority religious and cultural rights in societies which are becoming more diverse. Underlying all of these concerns is the much more thorny issue of what, if anything, can be done to protect the rights of minorities and develop extensive notions of citizenship and democracy that include those minorities that are excluded on racial and ethnic criteria (Canefe 1998).

This becomes even more clear if we look at specific issues of public policy that frame contemporary debates, such as the role of 'multiculturalism' in

contemporary societies. Christian Joppke, on the basis of a comparative analysis of recent trends in the United States, Germany and Britain has argued that contemporary debates about multiculturalism need to be understood against the background of social movements that demand *equal rights* and *recognition* for a range of social groups (Joppke 1996: 449). It is also clear that multiculturalism is inherently contradictory, both in conceptual and political terms, and is often the subject of intense political conflict and debate. Joppke goes on to argue that multiculturalism may be characterised as a 'politics of difference' that fuses egalitarian rhetoric with a stress on authenticity and rejection of Western universalism (Joppke 1996: 449).

From this perspective debates about multiculturalism in advanced industrial societies can be seen as being partly about (i) the struggle for equality by minorities who are excluded from equal inclusion in society, and (ii) the affirmation of cultural difference through claims to ethnic and racial authenticity. It is precisely this complexity of pressures that has helped to produce often contradictory debates about the role of multiculturalism in different societies.

It is also clear, however, that in practice policies that are labelled 'multiculturalist' have arisen in particular historical environments and political cultures. Stephen Castles, writing from a comparative perspective, has shown clearly how policy agendas about multiculturalism are shaped by the socio-economic and political realities of the migration process itself. Drawing on his research in Europe and Australasia he argues that immigrants cannot simply

be incorporated into society as individuals, that a large proportion of immigrants and their immediate descendants cluster together, partly as a result of cultural affinity, but above all as a reaction to experiences of racism and marginalisation (Castles 1996: 54-55).

There are clearly quite divergent perspectives in the present political environment about how best to deal with all of these concerns. A number of commentators have pointed to the limitations of legislation and public policy interventions in bringing about a major improvement in the socio-political position of minorities. Anti-discrimination policies, for example, have had at best a limited impact on the root causes of discrimination in key social arenas such as employment, housing and social services. At the same time the development of new minority communities, e.g. of asylum seekers and refugees in the period since the 1990s, has introduced new issues that have to be confronted in order to tackle contemporary manifestations of racism and racial inequality.

Any rounded analysis of citizenship and of inclusion and exclusion in Europe has to include a discussion of immigration controls, which are inseparable from the grounds for including some and excluding others. It is at the point of entry that distinctions between those who 'belong', who have an absolute right to enter, and 'others' are drawn. Those others may be permitted to enter, but it is at the discretion of the state issuing visas, and different conditions apply to different groups.

Turning to citizenship, seen by many as an important locus of the struggle for inclusion, there are a number of contending approaches. We distinguish very broadly in what follows between those scholars who argue that national citizenship is giving way to a transnational or postnational citizenship, and those who view national citizenship as resilient. These positions are then subdivided into those who view the demise or subordination of the nation-state positively and those who view it negatively. Those who insist on the strength of the nation-state are also similarly divided. This does not exhaust or represent all possible positions on the question of citizenship, just some of those whose work is much discussed at the moment. Additionally, this illustrates the connections between particular views of the current role of nation-states and the representation of migration and migrants in the work of the different authors discussed. It also needs to be emphasised that the work of some of the specific authors discussed under one or other of these positions, link up to other positions. What we have sought to emphasise are the core arguments associated within each position.

The Decline of the Nation-State: A Positive Development

The first position is emblematically associated with the work of Yasemin Soysal, particularly her book on *The Limits of Citizenship: Migrants and Postnational Membership in Europe*. For Soysal: 'Citizenship defines bounded populations, with a specific set of rights and duties, excluding "others" on the grounds of nationality' (1994: 2, 120, 137). Importantly, she goes on to note that within the current national model 'citizenship assumes a single status; all citizens are entitled to the same rights and privileges' (1994:

141). She argues, however, that some of these social, political and economic rights are shared by people resident in national polities who do not have the citizenship of those polities. This leads Soysal to argue that a 'postnational citizenship' is emerging, and that universal personhood, not national citizenship, is the basis of membership in host polities.

Elsewhere Soysal writes that citizenship 'denotes participatory practices and contestations in the public sphere' (1997: 510), and claims that non-citizens resident in European democracies can and do participate in the public sphere. Others such as Brubaker (1989a, 1989b), Cohen (1987), Hammar (1986, 1990), Heisler and Heisler (1990), Morris (1997b) and Layton-Henry (1992) have examined the stratified and differentiated distribution of rights and argued that non-citizens who are resident in and enjoy some rights but not others are more accurately described as helots or denizens, that is, they enjoy a status that is less than citizenship. Soysal, however, rejects this position and argues that by remaining within the confines of the nation-state model, such scholars do not recognise the changing basis and legitimacy of membership or the recent fundamental changes in the relationship between the individual, the nation-state, and the world order (1994: 139). She points, for example, to the ways in which increasingly the 'claims making' strategies of minorities are focused beyond the nation state and address universal notions of human rights.

Soysal's analysis has been influential and remains an important point of reference in the growing literature on migration and citizenship. There are, however, a number of issues that she does not fully address. In particular, she

does not give due weight to (i) the significance of the differentiation between non-EU, and especially non-European citizens, and 'national citizens' or to (ii) the position of a growing population of resident aliens, who because they are not allowed to work legally, do not have access to the rights and privileges she details. These include undocumented migrants and asylum seekers. Soysal does say that 'the national citizenship model is a social construction [that] has reality as a model' (1994: 2 fn). It is her contention, however, that it has been superseded by a postnational citizenship that allows individuals to claim and exercise rights across borders.

Though Soysal is perhaps the best known representative of this position, she is not alone in hailing the rise of a transnational citizenship. Saskia Sassen, for example, accepts that 'the state continues to play the most important role in immigration-policy making and implementation' (1998: 49), but argues that the sovereignty of states is constrained by a range of rights and obligations, internal and external pressures that 'undermine old notions about immigration control' (1998: 57). These limits on state sovereignty are, according to Sassen, imposed by the judiciary in each country, citing occasions when the courts have rejected government restrictions on family reunification or the right to seek asylum (1998: 58). Sassen also refers to the increased prominence of the European Union in 'visa policy, family reunification, and migration policy', implying that the EU exerts a strong degree of influence on national policy in these areas.

The EU is a growing and significant player in relation to these issues. It seems

clear, however, that the EU acts not as a supranational entity but as an intergovernmental body. While the Treaty of Amsterdam shifted responsibility for asylum and immigration issues from the intergovernmental 3rd pillar to the communautaire 1st pillar, these issues remain for the time being subject to unanimity voting, ensuring that policy continues to be governed by consensus between the individual states. Furthermore, EU policy in this area is dominated by the more powerful states who transmit their agendas to less powerful states via EU fora (Schuster 2000).

Soysal and Sassen highlight real trends and developments. But, as we shall argue later, it seems to us that they overestimate the benefits of transnationalism and the number of people who enjoy them. There is also a tendency in their work to characterise intergovernmental institutions, where power remains with individual states, as supranational, or above states.

The Decline of the Nation-State: A Negative Development

Sharing the view that the nation-state has declined, but arguing that this is not a positive development are scholars such as David Jacobson (1996) and Horsman and Marshall (1994). Jacobson accepts the argument that we are witnessing a decline in citizenship, and a growth in transnational rights, that is the rights of migrants in their countries of residence. Like Sassen, he cites the impact of regional judicial bodies, 'such as the European Court of Human Rights and the European Court of Justice', which he argues have grown in influence such that 'the judicial tail is wagging the legislative dog' (1996: 13). While Soysal and Sassen see these as positive developments, Jacobson regards

them as dangerous – a hollowing out of what is a fundamental status – citizenship - and a constraint on the sovereign powers of the state. Citizenship, according to Jacobson, fulfills two important tasks: it determines the criteria of membership and ‘the “conversation” between the individual and the state’. He argues that citizenship is being eroded by transnational migration, since ‘social, civil, economic, and even political rights have come to be predicated on residency, not citizenship’ (1996: 9).

For Jacobson, the decoupling of rights from citizenship raises questions about the legitimacy of states, endangering the ‘pact’ between state and citizen and eroding the distinction between citizen and alien (1996: 83). He refers to the relationship between the state and the international order as a dialectical one, in which the state is necessary for advancing and institutionalising human rights, and that as a result state bureaucracy grows. This development is, however, part of a process whereby the state is ‘becoming an institutional mechanism of a transnational order based on human rights’ and authority and legitimacy are being transferred to that transnational order (1996: 14-15, 76), so that though the state is ‘bigger’ it is also less powerful¹.

Horsman and Marshall also argue that the ‘traditional nation-state...is under threat’ (1994: ix). For them, however, migration is only one contributory factor among others and, unlike Jacobson, they are not so much concerned by the loss of something positive, as worried by the absence of an effective candidate to replace the nation-state and the prospect of ‘a period of prolonged instability and uncertainty’ (1994: xi). This instability is due to fragmentation

of the old order – the fall of the Soviet Union and the rise of nationalism and ‘tribalism’, and the erosion of the territorial state. They also argue that it is exacerbated by growing differences, primarily economic, between the core and the periphery. Porous borders that blur the division between core and periphery, allowing refugees and the poor to penetrate a world previously safe within its borders, add to this instability, which ‘may prove even more threatening to the economic system than organised communism and the Soviet threat could ever be’ (1994: 60).

The two broad positions just outlined acknowledge the continuing power of the nation state, but argue that this power is limited both internally and externally. Jacobson focuses more on the internal constraints inherent in liberal democracies, while Horsman and Marshall highlight more systemic threats to the nation-state, in particular from international capitalism. We want to move on now to look at some perspectives that argue that the nation-state remains the key actor in this area.

The Survival of the Nation-State: A Positive Development

The third position is exemplified by the work of Rogers Brubaker (1992 and 1995), though it is also a perspective that is to be found in the work of Gary Freeman (1986, 19995 and 1998), Christian Joppke (1996, 1999a and 1999b) and Lydia Morris (1997a and 1997b) among others. For Brubaker national traditions of citizenship are not as responsive to migration movements as, for example, Soysal would suggest. He is wary of entrenching the differential status of migrants, arguing that the extension of certain rights, but not others to

migrants to encourage integration may in fact trap them in an intermediate status. In essence he sees the nation-state as the key form of political organisation in the contemporary environment, despite the challenges posed by migration and new forms of citizenship rights granted to migrants.

Though argued from a rather different starting point, for Gary Freeman too the nation-state remains perhaps the main actor in this arena. He argues forcefully 'that there is little justification for declaring that migratory regulatory regimes are on the verge of catastrophic breakdown or that they have little meaning these days' (1998: 93). He points out that the ability of states to control migration varies from country to country, and that migration that occurs outside legal channels is hardest to control, not least because of the increasing sophistication of those who traffic in migrants. Nonetheless, Freeman argues that state controls are also increasingly sophisticated though incomplete (1998: 96-97). For Freeman, these controls are necessary (1986). He insists that the welfare state is dependent on boundedness and the particular claims of citizens. He argues that empirically the welfare state must be bounded and moreover that it depends on kinship 'because a community with shared social goods requires for its moral base some aspect of kinship or fellow feeling' (1986: 52). Migration must therefore be controlled and channelled to preserve the rights and welfare of the citizenry. While the state's controls are imperfect (1998: 97), Freeman argues that the struggle to maintain control is one that must and should continue.

A modified model that includes elements of the position of Brubaker, as well

as Soysal, is at the core of Christian Joppke's analysis. He argues that 'immigration...revealed citizenship in a new, post-Marshallian light, as a legal status and identity that excludes rather than includes people' (1999: 630). Joppke consciously tries to situate his position as one that goes beyond what he sees as the limitations of both the 'transnational' and 'nation-state' models of analysis, and makes a claim to moving beyond the limitations of both Soysal and Brubaker in his comparative analysis of trends and policies towards migrants in Britain, Germany and the United States of America.

Taking a somewhat different position, Lydia Morris has 'noted a number of limitations to what are popularly perceived to represent postnational or global trends' (1997b: 200), especially the means used by the European states to preserve rather than pool their sovereignty within the EU. She is persuaded by arguments that EU citizenship is derivative of, and dependent on the nation-states of the Union (1997b: 198). Morris's analysis focuses particularly on the use of legal instruments - Maastricht, Amsterdam, European Commission declarations and recommendations - in shaping migration, rights and membership within EU states. But she also argues forcefully that 'international rights for migrant populations are narrowly defined and not easily realised in practice' (Morris 1997a: 207).

While all of these authors are sensitive to the challenges faced by nation-states, each insists on the continuing power and rights of those states to regulate, however imperfectly, entry into their territory and membership of their collectivities. This is seen as essential to the survival of nation-states,

which are seen as the best providers of stability and welfare for their populations. In the next section, this positive evaluation of the nation-state is disputed.

The Survival of the Nation-State: A Negative Development

The final position we want to briefly outline here is closest to our own thinking. The proponents of this position acknowledge constraints on nation-states – not least as a result of the state system of which they are members, but highlight the continued power of states in relation to their own populations and would-be entrants and the negative impact of the exercise of that power on minorities, migrants and potential migrants. This position shares with Freeman and Joppke the argument that the nation-state plays the key role in shaping citizenship rights, though the impossibility of maintaining complete control of borders is also acknowledged.

In ‘Racism, Migration and the State’, Bovenkerk, Miles and Verbunt (1990) contended that the influence of the state 'on the social, economic and political position of migrants is far greater than has been recognised by scholars who have studied the migration process so far' (1990: 480). The state in this account is understood as a contradictory complex of institutions such that policy relating, for example, to migration control and social inclusion or exclusion is a result of conflict and contestation between the institutions of the state. Bovenkerk et al argue that ‘The escalation of intervention to regulate international migration...provides an excellent illustration of increasing state power’ (1991: 481). They go on to point out that ‘the economic and social

circumstances of the population living within the boundary of the nation are no less determined by state decisions' (1991: 482).

Stephen Castles (1996; see also Castles and Miller, 1998 and Castles and Davidson 2000) also acknowledges the continued significance of the nation-state. Castles' main concern is to investigate the extent to which migrants are still denied significant rights. While he does not question the trend towards globalisation he also seeks to show that 'nation-state citizenship' is still an important determinant of the everyday experiences of 'non-citizens'. Much of Castles work has been organised around the ways in which societies as diverse as Australia, Britain and France have responded to the challenges that ethnically and culturally diverse populations pose for the nation-state model of the citizen as a national (Castles and Davidson 2000). He acknowledges the importance of the growing number of transnational communities who live in more than one society, and have multiple identities. But he also argues strongly for the need to link the analysis of citizenship to an account of the role of national, local and transnational processes in shaping the everyday experiences of migrant communities and ethnic minorities.

These examples illustrate but do not exhaust the different conceptual approaches with which we engage. They can best be seen as an attempt to outline the broad contours of current academic debates, which in themselves do not fully capture the complex political and ideological debates about citizenship and immigration that are shaping contemporary European societies. It is to these debates that we now turn, drawing on some elements of

our recent research in order to give some substance to the themes that we have touched upon from a conceptual angle above.

Political and Policy Agendas on Migrants and Minorities

We now turn to an examination of the situation in the countries where we have focused our own empirical research, namely Britain, Germany, France and Italy. During the course of the research in 1999 and 2000 we carried out 80 interviews in these four countries with representatives of minority and migrant organisations, campaign and lobby groups, government officials and civil servants. In addition we carried out interviews in Brussels in order to explore developments at the level of the European Union. Our primary goal was to uncover the changing terms of public debate in each national situation. Linked to this overarching concern we also want to see whether the public debates link up to the concerns of the academic and theoretical controversies we have been discussing.

During the course of the interviews we carried out we focused on three broad themes: citizenship, integration² and entry. We decided not approach the interviewees with particular definitions of each of these terms, but instead to explore during the interviews what is understood by the terms. In each case we were anxious to make explicit both the similarities and the differences between the different national discourses, as well as the differences and similarities that exist between academic, political and activists' discourses and

those of the migrant groups.

Citizenship

What seems clear initially is that in each of the four national states, citizenship is a key term in debates about minorities and immigration though in quite distinctive ways. In Germany, for example, discussions on citizenship have focussed overwhelmingly on the Turkish minority and dual citizenship, that is, on whether or not long-term residents should be allowed access to all of the rights enjoyed by German citizens. As one Turkish German citizen explained, German citizenship (acquired through marriage) meant that he could be politically active, could be critical of the German state without worrying about being deported. That the German constitution extends this protection *de jure* (Art.19 [4]), if not *de facto*, to citizens and non-citizens alike seems not to have reassured members of a community that have been in Germany for generations in some cases.

According to Ismail Kosan, a Green MP in the Berlin City Parliament, while the new law might be a major psychological step for the Germans, it will not make a huge difference to non-Germans. Because it is only granted to children born in Germany of parents legally³ resident there for a minimum of eight years, and can be forfeited at twenty-three if the second citizenship is not renounced, it is not as secure as 'real' German citizenship. Nonetheless, it would mean that (as happened in 1999) a thirteen year old born in Bavaria could not have been deported to Turkey, a country he had seldom visited, whose language he did not speak, because of his 'delinquency'. The fall in the

number of applications for naturalisation can, however, be taken as evidence that the new law is seen as regressive by migrant communities.

In Britain, by contrast, the debates surrounding citizenship have focused primarily on a move in the opposite direction. Successive Acts of Parliament (the 1962 and 1968 Commonwealth Immigrants Acts, the 1971 Immigration Act and the 1981 British Nationality Act) have sought to define a national citizenship by excluding groups of people who previously had automatic rights to citizenship (Cohen 1997; Dummett and Nicol 1990). The purpose of these changes has been to remove from certain categories of people a fundamental right of citizenship – that of entry to the state. This process began with commonwealth immigrants, East African Asians and continued with British Hong Kong citizens. The end result was a menu of different citizenship statuses, each with a greater or lesser range of rights.

In Italy, which has a more recent history of immigration, differentiated access to citizenship was introduced in 1992. Prior to that date legal residence for five years was necessary for naturalisation, but the new law reduced this period to three years for ‘ethnic’ Italians, while increasing it to ten years for other applicants. In Italy, citizenship is generally understood as a legal status rather than as a bundle of rights in the Marshallian sense, though according to Ferruccio Pastore, of the Centro Studi di Politica Internazionale, this latter use of the word is now beginning to surface (*Interview*, 10 November 1999).

In France, it is not the acquisition of citizenship that is at stake, but its

meaning and the demands it places on those who acquire it. Until the Pasqua laws *Ius Soli* guaranteed that anyone born in France automatically acquired French citizenship, and though the ‘Pasqua laws’ have been superseded by the Debré and Chevenement laws (Lessana 1998), the automatic and irrevocable nature of French citizenship has been altered⁴.

In popular discourse in Britain, France and Germany, there is an idea that the acquisition of citizenship by ‘foreigners’ is a conscious strategy to exploit a valuable commodity, and that somehow national citizenship is thereby devalued, especially when, as is frequently assumed in the press, there is little desire to integrate.

Integration

The question of integration represents symbolically a complex set of issues, often closely linked to questions of citizenship. For example, Guido Menghetti, of the Citizenship Section in Italy’s Ministry of the Interior, argued that Italy’s 1992 citizenship law had been framed with a view to promoting integration⁵. He claimed that, as in Germany, there were ideological divisions on the place of naturalisation in the integration process with those on the left, especially the far-left, seeing it as a first step, while those on the right present it as the goal of an integration process, ie the final step.

In Germany there are also clear contrasts between the positions of political parties vis à vis integration and citizenship, linked to their ideological perspective. As Christian Senft of the CDU in Berlin explained, the German

Union parties also see citizenship as the end-point of integration, a reward for assimilation. The SPD, the Greens/Bündnis 90 and both the Türkische Gemeinde zu Berlin and the Türkischer Bund in Berlin-Brandenburg saw it as a necessary though not sufficient means to integration. In France, too, there was an expectation that people should ‘integrate’, though in both cases, when the word ‘integration’ was used, it was often difficult to distinguish it from ‘assimilation’, and a third term ‘insertion’ was used in both France and Italy. However, the dominant discourse in all four countries, even Britain with its celebrated ‘multicultural’ model, is of the need for newcomers to adapt to host society norms of behaviour, though these are not easy to identify.

The question of language was perhaps most important in Germany as a key element in the discussion about integration. For politicians from across the German political spectrum, the answer to the challenge represented by this growing number of marginalised and ‘dangerous youth’ is language training and education, but none are prepared to finance more than token projects. For the community leaders and the people they represent, integration is dependent on equal rights, something they do not enjoy and that they cannot begin to enjoy without citizenship rights – political as well as economic.

In France the discussion has a different shape and cuts sharply across party ideology. The opposing ‘ideal’ models are Republican integration or Anti-Republican multiculturalism and elements of both are found in the main parties. However, this simplistic dichotomy is much more complex on the ground. Multiculturalism is not generally regarded positively – citizenship

means full membership in the Republic, and migrants are expected to become fully integrated – assimilated (Weil and Crowley 1994). In which case, it makes no sense to speak of minorities, since all are equally French – according to the official discourse (Martiniello 1998). The British model of a multicultural society with different and distinct minority groups, and political mobilisation of those groups is seen as divisive and politically dangerous.

Entry

In political debates and much academic discourse, integration is tightly allied to entry controls. In France, for example, commentators refer to a dual policy of stopping immigration and promoting integration (Lessana 1998: 126). In Britain, in parliamentary debates on the 1993 and 1996 Asylum and Immigration Acts, the dependence of good race relations on strict entry controls was stressed. The violent attacks on foreigners in Germany were explained by Germany's failure to control the entry into its territory of large numbers of asylum seekers. In both France and Italy, much of the discussion in relation to migration relates to so-called 'clandestine' migration. And yet, the closure of borders to migrants makes irregular entry inevitable – a fact accepted by Italy and Spain, who have both introduced legal channels of migration – even though their unemployment rates are higher than those of Britain, France and Germany.

One of the concerns we have about current debates in sociology and politics about integration, multiculturalism and the rights of non-citizens, is that they have tended to focus on those legally resident within the state (Hollifield 1992;

Cornelius *et al* 1994; Soysal 1994; Koopmans and Statham 1999), rather than on undocumented migrants and asylum seekers, whose position is steadily worsening, and would-be migrants who are denied access. There are exceptions to this general trend (Morris 1997b; Castles and Miller 1998; Castles and Davidson 2000), but on the whole, the marginal and vulnerable position of asylum seekers, who are stigmatised as bogus or abusive claimants, and of undocumented workers, described as illegal and hence criminal, is skimmed over in the texts dealing with migration, or are not adequately integrated into the wider context, or are the subject of studies that treat them as completely distinct from migrants.

It is not possible to ignore the importance of entry controls when examining migration, citizenship or integration. Entry controls by their very nature are selective, distinguishing between those who have the right to enter and those who don't, between welcome and unwelcome visitors. To argue that integration and societal harmony are dependent on entry controls is to ignore their divisive function (Solomos 1993; Cohen 1987; Castles and Miller 1998), and enable governments to continue to focus on restrictions, to the detriment of policies to include minorities and migrants.

The Changing Boundaries of Citizenship

What do the debates analysed above tell us about the changing boundaries of citizenship in contemporary Europe? Citizenship is of enormous importance in enabling groups to claim economic and political rights. In Italy and Germany, for example, the battle for easier naturalisation is a focus for mobilisation

among migrant communities. But in France and Britain the possession of formal citizenship has not led to substantial equality with the white majority population. Providing testimony to the distinctions that are made on the basis of colour⁶ regardless of citizenship is the degree of support enjoyed by the Far Right in France who demand the repatriation of non-assimilable 'Beurs', the continuing high level of racist attacks against foreigners in Germany and a series of racist murders such as Stephen Lawrence's in Britain.

In all of these countries, racism intersects with class so that, for example, decisions on who may enter are taken on the basis of the – usually economic – contribution that an individual can make to the host society. The hostility directed at newcomers, especially those from Albania, Bulgaria, and Rumania is as much a response to their poverty as to their perceived otherness. This is why it is important to explore and reflect the different agendas of different groups (and classes) in each country, and to ask whether parallel agendas are to be found in the different countries and if not, why not. In this section of the paper we want to explore the shifting boundaries of citizenship at a number of different levels.

Global

If citizenship is to be understood as a 'bundle of rights' *pace* Marshall, then Human Rights are the concomitant of a global citizenship. The difficulty with this idea is that, without a state to enforce them, human rights can remain largely a rhetorical device. The idea of a global citizenship may have some resonance, but in reality it remains trapped in the web of national sovereignty

and dependent on resources. Those who truly enjoy global citizenship are those whose wealth allows them to pass quickly and efficiently through the inconveniences of immigration control, for example.

Over the past few decades European societies have experienced a wide range of migration patterns. Bovenkerk, Miles and Verbunt distinguished four analytically distinct migration movements since 1945: '(i) of owners of wealth, along with managerial and technical staff of international companies; (ii) of (industrial) workers; (iii) of colonial subjects; and (iv) of refugees' (1990: 478-479). Given this diversity, it is worth emphasising that the bundle of rights enjoyed by these four groups are also distinct. If we identify the most significant rights attached to *global* citizenship as, for example, free movement, representation and protection by and from states (the issue of welfare rights is dealt with below), then global citizenship would appear to be a status enjoyed by a limited number of people, in particular those belonging to the first group identified above. Though the other three groups can and do move around the globe – it is with progressively less ease, their interests are less well represented (if at all) and they enjoy progressively less protection by and from states. For the majority of the world's population, global citizenship has little substantive reality. Of more significance, however, in contemporary debates is the issue of European citizenship.

European

Europe is sometimes offered as an example of a postnational (and postmodern) polity (Diez 1996), of a quasi-state with a distinctive citizenship

complete with passports. Postnationalists such as Soysal see the strengthening of the supranational level as a gain for migrants and an indication of the direction in which citizenship can and should evolve. Part of the argument is that European Citizenship confers rights that national citizenship does not – for example, the right to work in other EU member states and to access welfare benefits. An underlying argument here is that if EU citizenship was extended to non-EU citizens, this would give them access to European Courts and free mobility within the EU. With the exception of Britain, Denmark and Ireland, non-EU citizens legally resident in any of the other 12 states already enjoy this right. According to this account, borders are becoming less significant and migrants are increasingly accessing the rights previously reserved for national citizens.

Others see this as a threat to national citizenship, a trend that should be resisted because it blurs the distinction between citizen and non-citizen, loosening the ties that bind citizens together and that make membership of a state meaningful. The argument here seems to be that if there is no longer any distinction between them and us, if the state provides *them* with all of the benefits (especially welfare benefits) to which *we* are entitled, why should we owe any special allegiance to our state?

In our research in each of the four states, we were anxious to test these hypotheses against the experiences of these bearers of postnational rights. We began first in the capital of this postnational polity, namely Brussels. Taha Mellouk of the Migrants Forum in Brussels⁷, raised the issue of a European

citizenship, not tied to particular national citizenships. He argued that a goal of the Migrants Forum is the acquisition of European citizenship for non-EU citizens and that this might be a way of guaranteeing certain rights to long-term residents as a way-station on the road to full citizenship. However, though this question was raised with representatives of migrant groups in the four *national* contexts, none of them saw this as a way forward and certainly not as an alternative to national citizenship.

Richard Lewis, of the Task Force charged with promoting cooperation in the fields of Justice and Home Affairs within the EU warned that European and national citizenship were quite different and should not be confused⁸. European citizenship is still wholly dependent on citizenship of an EU member-state, that is, national citizenship. European citizenship adds little to the privileges already enjoyed by the citizens of EU states. Its primary function seems to be facilitate the free movement of European workers and managers within the Union. It has no relevance to asylum seekers or undocumented workers. For those non-EU citizens legally resident in an EU state, it is not European citizenship that allows them to move between countries, but intergovernmental agreements such as Schengen.

Non-European workers enter the member states of the EU by virtue of bilateral agreements with, for example, Italy and Spain (France and Germany too, though to a lesser extent today). Whatever rights they enjoy, they enjoy because of their citizenship of a nation-state, or because of their membership of trade unions. While former colonial subjects had access to, for example,

Britain and France, increasingly the right of entry is reserved for those in possession of *national* citizenship. For protection, most still have recourse to the state whose citizenship they hold – as for example when Algeria threatened to stop sending workers to France in the 1970s or more recently when Morocco voiced concern about the attacks on migrant workers in the south of Spain (*The Guardian*, 14 February 2000). Though the EU has affirmed its commitment to anti-discrimination, so far only Britain and the Netherlands have anti-discrimination legislation in place.

National

In the current environment national citizenship remains the single most important means of protecting migrants and minorities within Europe from being excluded or expelled from a European state. Only citizenship guarantees the right of access to the territory of the state and protection from deportation. Only citizenship guarantees at least a degree of representation, the right to stand in elections and to hold public office. Recent research has shown that legal status is the most significant factor in the integration of people into the host society (Bloch 2000). This is because it offers a degree of security that non-citizens do not have.

This is not to suggest that the acquisition of citizenship will resolve all, or even most of the problems facing minorities and migrants. The experience of Britain and France is clearly a case in point. Minority groups in both countries are, in the words of Michel Wieviorka⁹, included civilly, but socially excluded. Nonetheless, within the current system, national citizenship remains

an indispensable weapon in the struggle for equality. This is not an argument for the retention of nationally and territorially bounded citizenship, rather it is recognition that national and territorial boundaries are important sites of inclusion and exclusion. We began the previous section by arguing that issues of citizenship, integration and entry were closely linked and it is at the border that they meet. It is at the border that distinctions are drawn between the holders not just of EU and non-EU passports, but between the citizens of Western and Eastern European states, new and old Commonwealth states, between the citizens of rich and poor states and between rich and poor generally.

Local

It is arguable that it is at the local level that most progress has been made. As yet our research in this area is still in its early stages. Nonetheless, in the interviews that we have so far conducted certain tentative impressions have been made. The concept of local citizenship – voting and or standing in local elections, becoming a local business leader, developing community associations that link up with the host society – is a very important means of inclusion. Though this kind of local citizenship does not confer rights that can be exercised, embeddedness within the local community does offer an avenue for political mobilisation and community based action and a minimal form of protection.

In the British context, for example, local political institutions became an important focus for minority political mobilisation during the 1980s and 1990s

(Solomos and Back 1995). This has not been possible to the same extent elsewhere. Very few representatives of different minorities have managed to gain access to regional parliaments in Germany, and most of these have been members of the Green party¹⁰. But at community and district level, political activity, according to some of our interviewees offered the possibility of making small, but important concrete gains. As Sabour Zamani of the Afghan Cultural Centre¹¹ pointed out, groups such as his had little hope of influencing national policy, and it therefore makes more sense to concentrate on the local level.

Conclusion

The analysis outlined above has suggested the need for a sustained rethinking of questions about citizenship, immigration and ethnic inclusion and exclusion in contemporary European societies. We began by looking at some of the key theoretical perspectives that have emerged in recent years and attempted to link these debates to trends and developments in our four case study countries. Given the exploratory nature of the analysis we want to conclude our discussion in this paper by reflecting on some of the main arguments that seem to emerge from both our theoretical explorations and empirical research.

There is a need for an analytical framework that allows us to think through the various types of migration and movements of people that are shaping our social and political environment. Processes of inclusion and exclusion of migrants and minorities are varied and can and do occur through different mechanisms. In addition it should be evident from the above analysis that

some people experience more than one kind of exclusion. It is important to be able to account for the political, social, economic and physical patterns of exclusion if we are to provide a rounded analysis of the contemporary situation in European societies.

The postnational model of citizenship stresses the importance of economic rights, and certainly until the 1970s rights to equal pay and contribution based benefits in Germany played a role in integrating migrants workers into Germany society. But this group enjoy these rights *qua* workers, not human beings. Whatever its shortcomings, it could be argued that the national citizenship model still has greater empirical, legal and political reality than Soysal's postnational model.

Political, social and economic exclusion culminate in physical exclusion. This occurs most obviously at the border, either with a refusal of permission to enter as is frequently the case, or deportation. The importance of not being physically included can be seen in the high price that some pay to enter European states. The reports in the press of those frozen to death in the undercarriages of aircraft, asphyxiated by immigration officers while being forcibly deported or committing suicide while in detention awaiting deportation are increasing. It is also clear that asylum seekers and refugees are increasingly being physically excluded within the territory of nation-states – in detention centres, for example.

Not all migrants suffer these extremes. The trends identified by some

commentators towards globalisation of labour and the emergence of transnational citizenship are real enough for some. It is also clear, however, that for everyone who can claim to enjoy global citizenship, there are many more who are shut out from every aspect of citizenship. These different forms of exclusion emanate from the nation-state. They stunt the development and impede the advancement of sizeable minorities within our societies and are the reason why it is important to develop an analysis of contemporary trends and developments that is sensitive to what is happening at the level of nation-states, localities and regions as well as the European Union as a whole. It is only through such an analysis that we can begin to understand the nature of political debates about citizenship, immigration and minorities and the possible dangers that lie ahead.

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Notes

¹ The judiciary enables the claims-making of individuals and non-state actors against states.

² Subsequently, we chose to follow Bovenkerk et al, substituting the terms inclusion and exclusion for integration. A more detailed discussion of this process will be found in a paper we are currently preparing – ‘Citizenship, Migration and In/Exclusion: Some Conceptual and Methodological Problems’.

³ But there is legal and legal. There are thousands of asylum seekers in Germany who have had children and been legally resident for eight years or more, but have only an ‘Aufenthaltsgestattung’ or ‘Aufenthaltsbefugnis’. Only an ‘Aufenthaltserlaubnis’ actually counts even though anyone in possession of the lesser status is nonetheless legally in Germany.

⁴ Naturalisation is a great deal easier in France than in Germany (length of residence is five, not ten years), though some conditions are similar (knowledge of the language and stable financial resources).

⁵ Interview, Rome 4 November 1999

⁶ This is not to suggest that racism is solely a black and white phenomenon. In Germany, Britain and Italy, East Europeans, especially Roma, have been subject to virulent attacks in the media and violent attacks on the streets.

⁷ Interview, Brussels 18 May 1999

⁸ Interview, Brussels 12 May 1999

⁹ Interview, Paris 14 June 1999

¹⁰ These include a Yemeni MP in Hessen, a Polish and 2 Turkish MPs in Berlin, and an Assyrian and a Palestinian in Nordrhein-Westfalen.

¹¹ Interview, Berlin 26 June 2000

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