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Integrating Immigrants in Liberal Nation-States: Policies and Practices

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This volume surveys a new trend in immigration studies, which one could characterize as a turn away from multicultural and postnational perspectives, toward a renewed emphasis on assimilation and citizenship. Much scholarship in the past fifteen years or so, enticed by the discovery of "globalization," has looked at contemporary immigration as obliterating and undermining some traditional principles of nation-states, such as the congruence of political and cultural boundaries and citizenship. In this new orthodoxy, multiculturalism had replaced assimilation as a mode of immigrant integration, and post- or transnational identities, affiliations, and protections had devalued, perhaps even rendered obsolete traditional citizenship. Immigrants were thus depicted as harbingers of a new multicultural and postnational world, in which the national fixity of identity, rights, and organizational capacity had dissolved (for influential statements, see Soysal 1994 and Basch *et al.* 1994).

This volume challenges this orthodoxy in two directions. One looks at state policies, the other at immigrant practices and adjustments. Regarding the first, states have responded to immigration by either liberalizing their citizenship regimes or upgrading the rights attached to citizenship vis-à-vis inflated non-citizen membership (or "denizenship"). In both cases, citizenship was reaffirmed as the dominant membership principle, and non-citizen membership was either found insufficient or explicitly devalued. In addition, the scope of official multiculturalism policies and programs has either been exaggerated in public and academic perception, or, where such policies have actually been in place, there has recently been a covert or overt move away from them.

Regarding the practices and adjustment of immigrants and their children there is no evidence that assimilation is not occurring. In fact, one can

observe both: adaptation and use of host-society resources *and* the maintenance of "transnational" linkages with the society of origin. Both trends – the resilience of citizenship along with a scaling-down of multicultural policies, and the simultaneity of assimilation and transnationalism – are explored in this volume through comparisons between Europe and the United States.

Let us put more flesh on these propositions. Regarding the revaluation of citizenship, two recent political developments on both sides of the Atlantic force us to rethink the viability of non-citizen membership for immigrants. In its Welfare Reform Act of 1996, the United States has excluded legal immigrants from most means-tested federal welfare programs.[1] This attempt at revaluing citizenship, which has spurred the largest naturalization wave in US history, demonstrates the inherent political vulnerability of "postnational" non-citizen status. In its citizenship reform of 1999, Germany has introduced *jus soli* citizenship for second-generation immigrants, in a radical departure from its tradition of citizenship by descent and ethnocultural nationhood (see Hansen in this volume). These developments, though opposite in their restrictive versus liberalizing thrusts, contradict the postnational hypothesis of citizenship in decline.

Regarding the reversal of multicultural policies, their prevalence in liberal states has always been exaggerated. There is certainly a widespread *de facto* multiculturalism in liberal states, which is grounded in their commitment to the principles of public neutrality, non-discrimination, and protection of individual rights. However, in the few cases where official multiculturalism policies were put in place, these policies have recently come under pressure, and there has been a move away from them. This trend is explored in this volume in the case of the Netherlands (see the chapter by Entzinger), which had once been one of Europe's pacesetters for multicultural policies, and is now stressing the importance of Dutch language training and adoption of liberal host-society values.

Finally, regarding immigrant practices and adjustments, several studies (particularly in the United States where research on immigration and ethnicity is an established and prolific field across a variety of disciplines) have indicated that immigrants and their children are assimilating on several fronts such as intermarriage, educational attainment, and political behavior. New, however, is that transnational identities and involvements, which immigrants have always been enmeshed in, are now considered legitimate and no longer repressed by nationalizing states. As the chapters in the second part of this volume show, this has led to complex amalgam structures and dispositions that combine elements of assimilation and transnationalism.

The remainder of this introduction maps out the changing direction of state policies and immigrant practices.

Liberal nation-states respond to immigration

The ubiquitous notion of "integrating" immigrants is surprisingly little reflected on (an exception is the subtle discussion by Favell 2000). It rests on the premise of an already integrated, bounded society, which faces the risk of disintegration and unbinding due to immigration. The underlying picture is that of a society composed of domestic individuals and groups (as the antipode to "immigrants"), which are "integrated" normatively by a consensus and organizationally by a state.[2] Postclassical sociology, even before the arrival of "globalization," has shown that such a "society" does nowhere exist, except in the imagination of some (especially political) actors. This is not to deny, invoking W.I. Thomas, that this imagination is real in its consequences. However, an academically more adequate picture of modern society is that of a multiplicity of autonomous and interdependent "fields" (Bourdieu 1989) or "systems" (Luhmann 1997), which engage actors only in specific respects, never in their totality. Politics and the state, which are usually the reference point of "immigrant integration," is at best one among a variety of such fields or systems; and, because modern societies have "neither peak nor center", it is not one that could claim to be any more central than the others (Luhmann 1986: 167–82).

From such a systemic, decentered view of society, the very notion of immigrant integration disappears, and the underlying concern for "inclusion" takes on entirely new directions (see Bommes 1999). Immigrants, much like everyone else, are always excluded and included at the same time, excluded as whole persons and included as sectoral players or agents with specific assets and habitual dispositions within specific fields or systems. From such a perspective, the intrinsically polemical and value-loaded notion of "immigrant" (positive for cosmopolitans, negative for nationalists) simply disappears, and immigrants are conceptually assimilated to other individuals and groupings with similar positions on some critical indices or indicators (such as education, income, employment, political participation, etc.). In this view, from the territorial nowhere of macrosociology, the non-integrated immigrant is a structural impossibility, because from the day she sets foot in the new society, she is always already "integrated" and engaged in certain

fields and systems, be it the (in)formal economy, residential area, family, or ethnic group.

Accordingly, the notion of immigrant integration is an imposition by the political system, which, unlike all other spheres of society, differentiates the world according to spatial segments (i.e., states), not non-spatial functions, and includes individuals as whole persons (and not just in specific respects) in a mutually exclusive way (usually one cannot be a member of two states at the same time). This is obviously not to suggest that academics stop researching problems of "immigrant integration" – then there would be no point for this book. Instead, the purpose is to make academics aware that one of their presumed analytical categories ("integration") is really a practical category, taken from the world of politics (on this distinction, see Brubaker 1996).[3] Whatever (critical or apologetic) position they may take, in framing their research as one of "integration", immigration scholars inadvertently contribute to the reproduction of a "regionalist" vision of society as one of bounded nation-states (see Luhmann 1997 I, 166), which is far from the only possible vision, and sociologically even a highly questionable one.

Having thus located the non-academic, political origins of the integration concept, it is worthwhile to elaborate on the polemical alternative against which it has been introduced, which is "assimilation." In a second step, we shall point to the shortcomings of a particularly popular brand of integration research, the distinction between so-called "national models" of integration.

Whoever uses the word "integration" wishes to say what is allegedly not meant by it, "assimilation."[4] The notion of immigrant assimilation was coined during the first wave of industrial-age migration in the late nineteenth century, which occurred against the backdrop of imperialist state rivalry, war, and aggressive nation-building. Assimilation meant that Germans in Wisconsin or Pennsylvania, as enemies in World War I, had to give up their fiercely "multicultural" pretensions of retaining their own language, schools, and social habits (Higham 1955); and that ethnically despised Polish labor migrants in the German Ruhr Valley had to trade in their language and "Germanize" their names as the price for their acceptance (Bade 1984).

After World War II, Western states desisted from such aggressive nationalizing practices. One reason is that the latter were now epitomized and delegitimized by defeated Nazism; another is that these states were now securely sitting on top of thoroughly nationalized societes, as the combined result of successful industrialization, solidarity-forging wars, and infrastructural incorporation by expanding welfare states. The old

nationalizing and assimilationist idiom, in a kind of "cultural lag" (Ogburn 1957), and with important national variations, was carried along until the 1960s; but it remained largely rhetorical, and was mostly not accompanied by related policies. Only when the problem of "integrating" postcolonial, labor, and new settler migrants, and especially their offspring, seriously emerged in the 1970s and 1980s, was the postwar liberalism and human-rights discourse applied to the immigration domain, and the notion of integration was born.

The new notion of integration, as against old-style assimilation, has two connotations. First, integration is seen as always "intransitive" (see Albers 1994). Immigrants are conceived of not as objects of manipulation and control but as subjects of freely willed integration, for which the state can at best set the parameters, but never guarantee a specific result. Secondly, there is no mandate for immigrants to adopt the substantive culture of the receiving society. The essence of old-style assimilation was cultural assimilation, a sort of alchemy through which an immigrant was transformed into a standardized unit of the state-bearing nation. The social movements of the 1960s and following explosion of "life-style enclaves" (Bellah *et al.* 1985) and "individualization" (Beck 1986) destroyed the old notion of a homogeneous majority population in any given Western state. It is no longer clear what substantive culture is shared in State X by a homosexual, a hooligan, a New Age devotee, or an anti-abortion activist, with the concomitant expectation that the immigrant share it too. From a liberal point of view, which became *the* point of view in Western states in the second half of the twentieth century, it is a violation of the dignity and autonomy of the individual, citizen or immigrant, to force a substantive culture on her, except the thin and procedural culture of liberalism itself. Perhaps also in confrontation with the Communist alternative, which sought to impose just such a substantive culture (though not a national one) on its subjects, liberal nation-states after World War II did more than ever before to live up to the "liberal" in their name.

What, then, does "immigrant integration" consist of in liberal states? A representative answer to this may be found in the newest Report on the Situation of Foreigners in Germany, issued by the Federal Commissioner for Foreigner Affairs (2000). In its section on "integration", one can read that there is no "German monolithic culture" (*deutsche Einheitskultur*) that immigrants could be asked to share (p. 228). Instead, German society is said to consist of a "multiplicity of coexisting life styles." This rules out the possibility that "integration" could mean "assimilation." When finally turning from what integration is not to what it might be, only

two "criteria of integration" are mentioned: "Acceptance of the values of the Constitution (*Grundgesetz*) and knowledge of the German language" (*ibid.*). These are also the two key criteria for naturalizating immigrants, according to the new Citizenship Law of 1999, which ratified an ongoing (though little noticed) departure from making cultural assimilation a prerequisite for citizenship acquisition (see Joppke 1999: ch. 6).

The German case is no outlier. The final report of the US Commission on Immigration Reform (1997), which had incensed many a liberal for reclaiming the tainted notion of Americanization ("But it is our word, and we are taking it back", p. 26) (see the debate in Pickus 1998), comes to very moderate conclusions as to what "Americanization" consists of: "the cultivation of a shared commitment to the American values of liberty, democracy and equal opportunity" (*ibid.*), along with a reinforced emphasis on the "rapid acquisition of English" (p. 37). In addition, and in contrast to its tainted predecessor, Americanization this time round is not to be understood as a one-sided imposition of the norms of majority society, but as a mutual and reciprocal process. This implicitly acknowledges that in a liberal context integration cannot but be intransitive: "Immigration presents mutual obligations. Immigrants must accept the obligations we impose – to obey our laws, to pay taxes, to respect other cultures and ethnic groups. At the same time, citizens incur obligations to provide an environment in which newcomers can become fully participating members of our society" (US Commission on Immigration Reform 1997: 28).

The German and American examples demonstrate the thin meaning of immigrant integration in liberal nation-states: language acquisition plus a commitment to the political values that constitute a liberal democracy, independently of its concrete territorial incarnation. However, the abhorring of the old, culture-focused "assimilation" approach had one unfortunate consequence. Understood structurally, as the socioeconomic equalization of the life-chances between immigrants and native population (in employment, income, education, etc.), "assimilation" had to remain the normative horizon of immigrant integration. Only, and reinforced by the difference-oriented rhetoric that proliferated in the 1980s and much of the 1990s, there was no language available to articulate this ongoing concern. If recently there has been a "return of assimilation" in a number of Western states (see Brubaker in this volume), this is because the underlying socioeconomic equality concern had never disappeared.

The popular notion of national models of immigrant integration has obscured the similarities of integration approaches and assimilation

concerns across liberal states.[5] A particularly popular contrast was the one between French assimilationism and "Anglo-Saxon" multiculturalism. There is not much substance to this line of reasoning, in which academics have simply become captive of political surface rhetoric. As Martin Schain (1999) has convincingly shown, the allegedly assimilationist French state became involved in a *de facto* politics of multicultural recognition at the local level, driven by the sheer need to find ethnic interlocutors and sounding-boards for its policies. Moreover, in the new "Republican" consensus emerging in the 1990s, the very notion of assimilation has been discredited, and replaced by that of integration. In doing so, France embraced the liberal Western mainstream approach toward immigrant integration, which is to tolerate cultural difference in private and associational life, but refuse to give it public status. This is encapsulated in the definition of integration suggested by the Haut Conseil à l'intégration (which the French government set up in the early 1990s to find ways out of the notorious "foulard affair", see Favell 1998: ch. 6): "L'intégration consiste à susciter la participation active à la société tout entière de l'ensemble des femmes et des hommes appelés à vivre durablement sur notre sol en acceptant sans arrière-pensées que subsistent des spécificités notamment culturelles, mais en mettant l'accent sur les ressemblances et les convergences dans l'égalité des droits et des devoirs" (Haut Conseil 1993: 8). Admittedly, this amounts to little more than giving a new name to what France had been doing all along (except for a brief interlude of difference-supporting "insertion" in the early 1980s). But the rhetorical move away from the now tainted "assimilation" concept, which France more stubbornly than any other Western state had long subscribed to, is still significant, because its approach now is also nominally indistinguishable from that of most other Western states.[6]

On the opposite side, there has never been a uniform "Anglo-Saxon" multiculturalism. Britain (more precisely England) borrowed some of its race-relations framework from the United States, but then crucially transformed the latter's civil-rights orientation into one of public order, while – among other things – firmly turning its back on US-style affirmative action (see Joppke 1999: ch.7). The United States, which in fact has always taken a hands-off approach in matters of immigrant integration and certainly has never adhered to an explicit "national model", may appear "multicultural" for the very homegrown and political purposes of a French intellectual (e.g., Todd 1994; and critical Fassin 1999). If compared with explicitly multicultural Canada, the US is often taken as the assimilationist opposite (e.g., Kymlicka 1998: 21). Once we abandon

the misleading "national model" talk, we discover only the rather thin and uniform "integration" requisites of liberal states, plus a plethora of context-specific *ad hoc* policies, utterly devoid of an underlying "philosophy" of integration.[7]

We now turn to a discussion of two important recent changes in liberal states' integration policies: the scaling-down of official multiculturalism; and the revaluation of citizenship.

Decline of official multiculturalism

Regarding multicultural policies, one must distinguish between *de facto* multiculturalism, which is required by the logic of liberal states, and official multiculturalism, in which states have deliberately and explicitly recognized and protected immigrants as distinct ethnic groups. *De facto* multiculturalism has become a pervasive reality in liberal, immigrant-receiving states. It has many facets, from the principled protection of rights to pragmatic concessions in the interest of public health or security.

The individual rights and liberties protected by the constitutions of liberal states have allowed immigrants *qua* individuals to find recognition and protection for their distinct cultural practices. Independent judiciaries have been instrumental for this. Consider one typical court decision on a particularly sensitive issue, the physical co-education of Muslim girls. In the Swiss canton of Zürich, usual practice was to excuse from co-educational swimming lessons for religious reasons only more mature (high school) female Muslims. Against this, the Swiss Federal Court decided in June 1993 to grant such excuse already for very young (primary school) Muslim girls. As in all such cases, the Court had to balance in its decision opposite legal and moral principles and interests: the religious and educational freedoms protected by the domestic constitution and the international conventions that Switzerland subscribed to; and the state interest in an orderly public education, which entailed the securing of equal chances for everyone, Muslim girls included. The Court reasoning contains striking, but from our perspective predictable, language:

> Members of other countries and cultures, who reside in Switzerland, are obliged to respect the domestic legal order like any native Swiss. However, there is no legal obligation for them to adopt (Swiss) customs and ways of life. One cannot deduce from the principle of integration a legal rule that forces (immigrants) to restrict their religious or cultural beliefs in a disproportionate (*unverhältnismässig*) way (quoted in Albers 1994: 987).

German courts have reached very similar conclusions on exempting Muslim girls from certain public school requirements, attesting to an "intransitive" (in effect, multicultural) understanding of immigrant integration (*ibid.*).

On the pragmatic pole, states have often resorted to *de facto* multiculturalism in the pursuit of their own interests. Examples are mother-tongue education, which followed the opposite purposes of either keeping the return option open or allowing immigrants to acquire the domestic language and domestic "rules of the game" more easily; foreign language instructions and advisory services in the public health, social service, or penal sectors, for the sake of a smoother public policy implementation; or the recognition and engagement of ethnic organizations as sounding boards for grievances in need of correction by the state (on this, see Schain 1999).

Even at the level of political rhetoric, *de facto* multiculturalism is firmly in place. Consider the case of Quebec, the secessionist French-speaking province of Canada, which shows that in a world of liberal states even an extreme nation-building project must bow to the dominant rhetoric of cultural pluralism (see Carens 2000: ch. 5). Because of its nation-building (and thus monocultural) ambition, Quebec has always rejected the official multiculturalism practiced since the early 1970s by the Canadian government. Moreover, as a partial price for its accommodation within a federal Canada, Quebec has achieved complete authority over policies on immigrant integration. However, the central document underlying Quebec's integration policy, entitled *Vision: A Policy Statement on Immigration and Integration* (1990), is rather modest in scope and tone. It expects immigrants to respect the values of "democracy" and "pluralism," which are obviously not specific to Quebec, but generic to all liberal democracies. This includes the multicultural concession that people in Quebec, immigrant or not, are free to "choose their own lifestyles, opinions, values and allegiances to interest groups within the limits defined by the legal framework" (quoted in Carens 2000: 117). The only expression of Quebec's "distinct society" pretension is the requirement that immigrants (like all others) adopt French as the common language of public life. However, language acquisition is the small rest of distinctly cultural adaption that every liberal state, not just Quebec, demands of its newcomers. As Joseph Carens concludes from the case of Quebec, "any defensible version of liberal democracy today entails a commitment to pluralism that inevitably opens the door to multiculturalism in some form" (*ibid.*, p. 139).

Most liberal states have evidently avoided the opposite poles of "extreme differentialism" and "extreme assimilationism" (Zolberg and Woon 1999: 30), settling instead for a middle position of *de facto* multiculturalism. However, this middle position looks rather different regarding language and religion, perhaps the central multicultural claims in the United States and Europe, respectively. Regarding religion, liberal immigrant-receiving states have shown more inclination toward pluralism than regarding language. The reason is simple: while a differentiation between church and state is possible, and in fact increasingly a reality in liberal states, the state cannot but engage in linguistic choices, leaving less space for pluralism in this domain. At the same time, requiring an immigrant to acquire another language is less demanding than asking her to acquire another religion (or asking her to stop practicing her own), because every individual can speak several languages, but can adhere to only one religion. Language assimilation is therefore more compatible with liberal values than religious assimilation. Liberal states have, in fact, shown themselves adept in providing space for immigrant-imported religions, most importantly Islam, either through prolonging a historically entrenched separation of religion and state (as in France and the United States), or through extending historical church-state linkages to non-Christian religions (as in Germany, the Netherlands, or the United Kingdom) (for Western Europe, see Bauböck 1999). In any case, the accommodation of religious difference epitomizes the inevitable trend toward *de facto* multiculturalism in liberal states: "(T)he constitutional obligations of liberal regimes to respect religious freedom move contemporary possibilities away from assimilation toward the pluralist pole" (Zolberg and Woon 1999: 14).

Official multiculturalism goes beyond *de facto* multiculturalism in engaging the state in the recognition and protection of immigrants as distinct ethnic groups. In contrast to *de facto* multiculturalism, which can be found in every liberal state *qua* liberal state, official multiculturalism has been much less widespread. Prominent examples are Canada, Australia, Sweden, or the Netherlands. Interestingly, the entrenchment of *de facto* multiculturalism contrasts sharply with the precariousness of official multiculturalism, which has come under pressure everywhere, and in Europe is even at the point of disappearing. A number of reasons is responsible for the precarious nature of official multiculturalism.

At the normative level, official multiculturalism is difficult to defend. In Will Kymlicka's version (1998: 38f), official multiculturalism is about "renegotiating" the terms of state-imposed integration. But the meaning of this is unclear. For Kymlicka, individuals need "societal cultures" (which

he defines, much like "nations," by a shared language and territorial rootedness) as context for free and meaningful choices (Kymlicka 1995: 76). States are the guardians of such societal cultures, that is, Gellnerian nation-builders – even today, and even in that part of the world where such nation-building has originated in the age of industrialism, and where it may be presumed to have come to a successful end by now.[8] Key to Kymlicka's defence of multiculturalism is the argument that, contrary to their complacent self-image, liberal states cannot be culturally neutral; however implicitly, the latter must favor the societal culture of the state-bearing nation (for instance, in their language policies). This amounts to a considerable imposition on immigrants, who carry with them (and seek to stick to) their own societal cultures. Because the state cannot be neutral, fairness commands to grant immigrants certain cultural rights, mostly in the form of exemptions from general laws that bear the mark of the majority culture (such as Sunday closing laws). However, in voluntarily leaving their homelands, immigrants have also "waived" the right to their culture, and they have consented to adopt the one of the receiving state and thus to become "integrated" (*ibid.*, p. 96). As Joseph Carens (2000: 57) has remarked, it is not clear from this position "why immmigrants are entitled to any special rights to maintain their distinctive cultural commitments". Accordingly, Kymlicka's defence of cultural rights for immigrants is rather minimalist and *ad hoc*.

This is especially visible in his peculiar defence of Canadian multiculturalism. On the one hand, Canadian multiculturalism policy is presented as "just one small piece of the pie," while "other policies" (on naturalization, education, job training, human rights and anti-discrimination law, civil service employment, health and safety, etc.) are said to be "the major engines of integration" (Kymlicka 1998: 24). On the other hand, this smallish policy ("a drop in the bucket compared with the billions of dollars spent on policies that directly or indirectly promote integration," p. 38) is held responsible for everything positive happening in the integration field since the adoption of official multiculturalism in 1971, such as increasing naturalization and intermarriage rates: "The two countries that lead the world in the integration of immigrants (Canada and Australia) are countries with official multiculturalism policies" (p. 21f). It is unclear how a "drop in the bucket" policy could have made Canada a world leader in immigrant integration.

At the same time, the pressure that Canadian multiculturalism is currently facing is presented as a mere communication failure by the federal government, which, among other things, has been silent on the

"limits of tolerance" (*ibid.*, ch. 4). In Kymlicka's view, Australia has been much better at explicating these limits. The central document of Austrialian multiculturalism, entitled *National Agenda for a Multicultural Australia* (1989), is indeed framed by an "overriding commitment to the nation" (Zappala and Castles 2000: 52), which includes the duty to accept the Constitution and its underlying values and the recognition of English as the national language. However, this has not prevented a new Liberal-National Party Coalition, after their election victory in 1996, to abolish the government's Office for Multicultural Affairs, in response to a populist groundswell against multiculturalism. This shows that official multiculturalism's difficulties must have deeper roots than a communication failure on the part of the government.

Overall, Kymlicka's defence of Canadian multiculturalism is much better at refuting the widespread charge that it has produced ethnic strife and separatism than at showing that it has helped the cause of immigrant integration; this causality, though central to his defence, he does not establish.

In assessing why official multiculturalism is everywhere in difficulties, it is important to distinguish its fundamentally different meanings in the new settler nations of Canada and Australia and in Europe. Multiculturalism in Canada and Australia is directed at everyone, not only immigrants.[9] It provides a national self-understanding for former British colonies, which – in contrast to the United States – lack independent founding myths and which faced a void once a self-definition in terms of British heritage and subjectship was no longer viable. This universal thrust of new-settler multiculturalism is visible in Canada's Multiculturalism Act of 1988, which mandates the government to "recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and (to acknowledge) the freedom of *all* members of Canadian society to preserve, enhance and share their cultural heritage" (quoted in Kymlicka 1998: 185; emphasis supplied). Its linkage with national self-understanding helps entrench official multiculturalism against its current opposition.

By contrast, in Europe official multiculturalism is targeting immigrants only, seeking to transform them into ethnic minorities. This makes official multiculturalism more vulnerable here than in Canada or Australia. This is not to say that such policies in Europe do not flow from national traditions. On the contrary. In Sweden and the Netherlands, the integration of immigrants as officially designated collectivities simply extended their long-engrained corporatist modes of organizing polity and society. However, hypostasizing these policies as "corporatist

membership models" (Soysal 1994: 36–38) overlooks their significant changes over time, in fact, their eventual abandonment.

Sweden started its official multiculturalism policy in 1975, as a high-minded and "progressive" departure from continental Europe's bickering over keeping or sending back its guestworkers. Its three cornerstones were "equality," "freedom of choice," and "partnership." The distinctly multicultural element in this Immigrant and Minority Policy was freedom of choice; it became enshrined in a new paragraph in the constitution, which mandated the state to protect and further the cultural identity of Sweden's ethnic, linguistic, and religious minorities. Every immigrant group whose size exceeded 1000 persons qualified as "ethnic minority," which secured them mother-tongue education, own TV and radio stations, and state support for ethnic newspapers, periodicals, and other cultural activities. Interestingly, this state support for ethnic minorities centered exclusively on cultural affairs, because with respect to welfare and social services immigrants were included as individuals, not as groups, reflecting the universalism of the Swedish welfare state.

The move away from the progressive beginnings occurred in several steps. A parliamentary inquiry in the mid-1980s came to the curious, yet legally correct, conclusion that under international law citizenship status was a prerequisite for official minority status (see the general overview in Jackson Preece 1998). Accordingly, immigrants could be a minority like the native Saami or Lapps only at the price of a radical deviation from international law and practice, which Sweden was not prepared to undertake. This led to the renaming of the Immigrant and Minority Policy as the Immigrant Policy. However, not just legal reasoning was behind this name change. By the mid-1980s, most newcomers were no longer "immigrants" originating from a few Nordic or southern European countries, but "refugees" originating from all corners of the globe. To further increase their already considerable cultural distance from Swedish society by means of state policy came to appear as a strange thing. The parliamentary inquiry therefore concluded that the proper interpretation of the "freedom of choice" clause of the 1975 policy was state neutrality: the state was not to enforce assimilation, but neither was it to oppose such assimilation in principle. At the same time, the source-diversity of the new immigrants led the government to stress the limits of "freedom of choice," and that it had become necessary "to express more clearly the basic views of Swedish society on a number of issues of principle" (quoted in Soininen 1999: 690).

A more decisive turn away from official multiculturalism occurred in the 1990s, against the backdrop of skyrocketing unemployment rates for

immigrants and deepening ethnic cleavages[10] as well as a general questioning of welfarism and retreat of central state planning. In the wake of a parliamentary review of immigrant policy, a new "integration" policy was put in place, along with a renaming of the "immigrant minister" into "integration minister". While the new policy rhetorically sticks to the 1975 framework of equality, freedom of choice, and cooperation, the multicultural thrust of the original policy has all but disappeared. Immigrants are no longer to be integrated as a collectivity, but as individuals, colored by a neoliberal discourse of self-sufficiency. Instead of being set apart as an ethnic minority, immigrants are now to "acquire the Swedish tools which can be needed to manage on one's own in Swedish society" (quoted in Soininen 1999: 692). The message is clear: the earlier stress on cultural pluralism had blatantly ignored the socioeconomic rift opening up between immigrants and the domestic population, and tackling this rift meant making immigrants indistinguishable from the domestic population (in this sense, to "assimilate" them) – witness that the very notion of "immigrant" has practically disappeared in the new Swedish "integration" discourse.

The Dutch move away from official multiculturalism occurred somewhat later, but more extreme than in Sweden (see also Entzinger in this volume). The Dutch "ethnic minorities policy" (*Minderhedennota*) was born in 1983, interestingly, as a simple inversion of the earlier policy to keep the return option open. Eight groups were officially designated as minorities: Turks, Moroccans and Tunisians, Surinamese, Dutch Antilleans, Moluccans, south Europeans, refugees, and Gypsies. Excluding Chinese and Pakistani from this list betrayed the functional nature of this ethnically rather inconsistent mix: only groups "who did not participate on an equal base in Dutch society" (Amersfoort 1999) were included. The key notion in this minority policy was "emancipation", and not within Dutch society, but – in line with the tradition of pillarization – within separate institutions, such as religious schools and ethnic broadcasting, all financed by the state.

However, the pillarization of immigrants – from the start a strange rehash of a long dead mode of social organization (see Lijphart 1968) – did not work as foreseen (see Entzinger 2000: 19f). First, assigning public status to ethnic minorities is fine as long as there are only a few of them. Once the source countries multiplied, particularly after the onset of mass asylum-seeking, it became impossible to provide all of them with an own infrastructure. Moreover, state funding for ethnic minorities only helped feed a small elite of ethnic activists, along with infights and factionalisms, while doing little to improve the lives of ordinary

immigrants. Secondly, the old (and by now defunct) pillarism had rested on elite cooperation, which in turn was enabled by a sense of being members of one nation. This element of consensus-building was neglected by the ethnic minority policy. Accordingly, Dutch official multiculturalism yielded only "segregation" and "exclusion" (Entzinger 2000: 20).

As in Sweden, diversifying migrant profiles and increasing socioeconomic disparities moved Dutch policy away from official multiculturalism, toward a "policy of obligatory integration" that by far outpaled the Swedish development (Entzinger 1998: 115). It rests on a new understanding of multiculturalism as a social fact, rather than a goal to be achieved by means of state policy. Instead of being fuelled by statist official multiculturalism, the centrifugal forces of *de facto* multiculturalism are to be countered by a centripetal emphasis on civic communalities. An expression of this is the Law on the Civic Integration of Newcomers, passed in 1998. Already before that, most programs specifically targeting immigrants were either discontinued, or made accessible to disadvantaged people in general, not only immigrants. Tellingly, the few remaining programs that explicitly target immigrants are not "multicultural", but designed to insert immigrants in Dutch society. The 1998 law imposes 600 hours of mandatory civics and language classes on all new non-EU migrants. In the words of Han Entzinger, who helped bring it about, the new law reflects the idea "that the multicultural society can only function on the basis of some minimal convictions shared by all of its members" (Entzinger 1998: 116).[11]

Revaluation of citizenship

The Dutch policy of obligatory integration made *inburgering*, in the sense of civic integration, the focus of state policy regarding immigrants. The German translation of the Dutch word *inburgering* – *Einbürgerung* – refers to a closely related concern: to make immigrants citizens. For many years, European states, Germany and the Netherlands included, pursued a strategy of approximating the status of alien to that of citizen, thus minimizing the privileges attached to citizenship. In the Netherlands, this was part of the progressive *Minderhedennota* of 1983, and materializing – among other things – in the granting of local voting rights to foreigners in 1985. In Germany, this strategy was more implicitly and defensively pursued in order to protect its ethnically exclusive citizenship regime (see Joppke 1999: ch. 6).

Some scholars have concluded from the upgrading of alien status in postwar European states, to a certain degree also in the United States,

that national citizenship has become less relevant for the integration of immigrants.[12] In Soysal's (1994: 3) concise formulation, guestworkers in postwar Europe have become integrated, not as "citizens" but as "persons," on the basis, not of national norms and legitimatory discourses but of a global human rights regime: "This new model, which I call post-national... derive(s) from transnational discourse and structures celebrating human rights as a world-level organizing principle."

While its general assumptions are questionable (see Joppke 1998, 2002), the postnational membership model has a limited empirical relevance for first-generation immigrants, for whom the upgrading of alien status was originally devised, also with an eye on keeping their return option open. And it adequately reflects the spirit in which European states particularly have sought to integrate immigrants through the 1980s. However, once the problem of integrating the second and third generation of settled guestworkers moved to the fore, the deficits of postnational membership became obvious. The violent outbursts against "foreigners" in postunity Germany did not distinguish between asylum-seekers and "Turks" born and raised in Germany. The increasing association between crime and immigration, very much a phenomenon of the 1990s, moved some populist governments, like the conservative *Land* government of Bavaria, to simply send back inconvenient young delinquents, even though they may have never seen the country they were sent back to – no postnational membership could come to their rescue, because protection from expulsion has everywhere remained the privilege of citizens. In short, the problem of integrating second- and third-generation immigrants has launched a massive trend toward the revaluation of citizenship in European states, which cannot be accommodated within the postnational membership model (see the overview in Hansen and Weil 2001).

While happening on both sides of the Atlantic, the current revaluation of citizenship has taken rather opposite directions in each (see Joppke 2000). In the United States, the trend has been toward the tightening of citizenship, in the context of a historically inclusive citizenship regime. One expression of this is the attempt to restrict the access to citizenship – abolish *jus soli* for the children of illegal immigrants, prohibit dual citizenship, tighten the naturalization requirements, etc. Interestingly, all these campaigns have failed. Why? One reason is that a more exclusive citizenship regime would violate contemporary liberal norms; a second is that exclusive citizenship would mean the uprooting of a national tradition, and challenge America's self-understanding, uncontested since the mid-1960s, as a nation of immigrants.

More successful has been a second expression of the American trend toward the tightening of citizenship, the tying of more substantive benefits and privileges to the status of citizen. This is the thrust of the 1990s welfare reform, which excludes legal immigrants from most federal (and some state) welfare programs.[13] It reverses a universal trend in liberal states toward approximating the status of alien to that of citizen. However, this particular way of revaluing citizenship is specific to the United States, because no other liberal state disposes of an equivalent to the "plenary power" doctrine that immunizes the immigrant-related policies of the federal government from judicial scrutiny. The exclusion of immigrants from welfare is US-specific in yet another sense: it reinvigorates the traditional view of immigrant admission as a "covenant" between immigrant and American society, whose sustained openness is exchanged against requesting immigrants to be self-sufficient.[14] The "deeming" provision of the 1996 Illegal Immigration and Immigrant Responsibility Act is, after all, no novelty of the 1990s, but a (mostly dormant) part of federal immigration law since its inception in the 1880s.

In Europe, the revaluation of citizenship has taken the opposite direction, toward more inclusive citizenship, in the context of historically exclusive citizenship laws.[15] Throughout the 1990s, most European states have reformed their citizenship laws, to make it easier for long-settled migrants and their children to acquire the citizenship of the host society. With the exception of Austria, Greece, and Luxembourg, all member states of the European Union now provide a right to citizenship for second-generation immigrants (see Hansen 1998). Germany, previously the paragon of "postnational" immigrant integration, had been a member of this club already before its wholesale reform of citizenship law in 1999 (see Joppke 1999: ch. 6).

The burgeoning literature on immigration and citizenship is marked by two extreme theoretical positions. Brubaker (1992), who started the entire genre, was an argument in favor of citizenship traditionalism, according to which there was persistent divergence between states' national citizenship laws and policies. Soysal (1994) argued that national citizenship was in decline everywhere, and that there was convergence across states toward postnational membership schemes. As opposite as they seem, in certain cases (such as pre-unity Germany) both theoretical positions may well complement one another (see Joppke 1999: ch. 6).

However, the current revaluation of citizenship, particularly in Europe, proves both of these extreme positions wrong. Instead of simply reaffirming national citizenship traditions or of devaluing citizenship as

such, the postwar immigration experience (among other factors) has launched a trend toward the de-ethnicization of citizenship. This means that citizenship in Europe is becoming a bit like citizenship in America, attributed by birth on territory and constituted by political values rather than by ethnicity.

One element of de-ethnicized citizenship is the resurgence of territorial *jus soli* citizenship in Europe. Pioneered by revolutionary France, ethnic citizenship, attributed at birth *jure sanguinis*, had once been associated with the modern invention of democracy and nationhood, replacing the feudal principle of *jus soli*, according to which the products of the soil, be it crops or people, were the property of the lord. This preference for ethnic citizenship was reinforced in the Age of Empire, in which sending states had an interest in maintaining links with the millions of settlers and emigrants overseas. In the postwar context of immigration, however, *jus sanguinis* rules, which keep labor migrants out of the citizenry over generations, created a severe deficit of democratic inclusiveness (see Koslowski 2000: ch. 4). This is why previously exclusively *jus sanguinis* states came to complement their *jus sanguinis* rules with *jus soli* rules, examples being Spain, Belgium, the Netherlands, and most recently Germany.[16] This has important long-term implications for the underlying ideas of nationhood. To the degree that mere birth on territory confers citizenship, the state-constituting citizenry (i.e., the nation) can no longer be conceived of in ethnic terms. Instead, the latter is being transformed into a politically constituted, territorial body, *à l'américaine*.

A second element of de-ethnicized citizenship is the increasing toleration of dual citizenship in Europe. This is expressed in the Council of Europe's new nationality convention of 1997, which permits the signatory states to tolerate dual nationality in the interest of better immigrant integration. The old nationality convention of 1963, whose outlawing of dual nationality was binding only among its European signatories and thus allowed these states to retain or even build dual nationality provisions with a plethora of extra-European (mostly postcolonial) states, had become patently anachronistic in the age of European unification. It is important to realize, however, that dual citizenship is an ambivalent and contested phenomenon, fiercely rejected by some states (Denmark, Austria), rhetorically rejected but tacitly tolerated by others (Germany, the Netherlands), and openly endorsed by a third group of states (United Kingdom, France). And it is a Janus-faced phenomenon: what appears as de-ethnicization from the perspective of immigrant-receiving states, means re-ethnicization from the perspective of sending states, such as Mexico, Turkey, Columbia, Equador, or the Dominican Republic,

all of which have recently endorsed dual citizenship in order to maintain links with their ethnic diasporas abroad. This ambivalence is well captured by Rey Koslowski: "Dual nationality may just as easily signify the retention of homeland political identity as political incorporation into the host society, just as easily signify the possession of multiple political identities or the lack of any political identity at all" (Koslowski 2000: 154).

A third element of de-ethnicized citizenship is the relaxed attitude toward minority identities and ways of life in liberal states, which we discussed above as "*de facto* multiculturalism." To be a citizen of a liberal state no longer connotes membership in a particular cultural community; the only "culture" that citizens are asked to share is the "political culture of liberalism itself" (Perry 1995: 114). An expression of this is the "thinning" of naturalization requirements in liberal states. Germany, for instance, which until recently had subjected even its German-born applicants to an excruciating individual assimilation test, in the early 1990s lowered the threshold to certain generic residence and schooling requirements, granting citizenship as-of-right if these requirements were fulfilled. Interestingly, however, the lowering of the hurdle for as-of-right naturalization from fifteen to eight years of residence in the 1999 Citizenship Law was accompanied by a tightening of the language requirements, and advocates of the old assimilation idea – like the state government of Bavaria – have tried to save the latter through making the language hurdle exceedingly difficult to pass.[17]

Germany, in fact, which is still today considered by many as the proverbially ethnic state, much like Israel or Japan (e.g., Coleman and Harding 1995: 51), is a prime example of de-ethnicization, introducing conditional *jus soli* for second-generation immigrants in its new Citizenship Law of 1999, tacitly tolerating dual citizenship in administrative practice (though not in official political discourse), and rejecting the idea of a German *Leitkultur* (dominant culture) to which immigrants had to adjust.[18]

De-ethnicized citizenship is certainly not happening everywhere. It is an exclusively Western phenomenon, reflecting the emergence of a North-Atlantic "security community" (Deutsch *et al.* 1957). Its true galvanizer is not so much immigration as the transformation of the North-Atlantic region from a Hobbesian zone of war into a Lockean zone of trade. The development of citizenship was historically tied to the development of nations as war-making bodies, and in certain parts of the world (like the Middle East or south-eastern Europe) this linkage has remained disturbingly vital. With the end of war in the Lockean

zone, the "national" component of national citizenship, rather than disappearing, is undergoing a transformation, from ethnic to civic-territorial. In a word, citizenship is everywhere becoming "Americanized," constituted by political values rather than by confrontation with a hypostasized Other. Citizenship is one domain in which liberal states are finally getting serious about the "liberal" in their name.

Transnational immigrants: De-anchored or integrating?

Turning from state policies to migrant practices and adjustments, we take issue with some claims raised in the recent literature on "transnational" migration. The first is this: "One of the major changes in migration patterns is the growth of transnational populations anchored (socially and culturally as well as physically) neither at their places of origin nor at their places of destination" (Vertovec and Cohen 1999: xiii). According to the proponents of the new transnationalism thesis, present-day immigrants' regular engagement in social, cultural, and political "transnational spaces" that transcend or escape nation-state boundaries is a phenomemon without precedent in the history of cross-border migrations – the result of, and contributor to, the accelerated globalization of the contemporary world.

A second, related claim is that the location of immigrants' commitments in translocal spaces above and beyond the boundaries of the receiving state effectively undermines the assimilation model of incorporating newcomers and their children (or "ethnics").

Thirdly, this transnationalism "from below" is said to work in tandem with globalizing forces "from above" that have been weakening the controlling and legitimating powers of the receiving state.(Good overviews of these arguments can be found in Vertovec and Cohen 1999 and Hirschman *et al.* 1999).

As we shall demonstrate in the remainder of this chapter, none of these claims raised by the new transnationalists is supported by evidence; or, more accurately, each of them requires a significant qualification that changes the thrust of the argument. First, present-day immigrants' transnationalism is not as new as its proponents represent it – in fact, in many important aspects it resembles economic, social, and political translocal involvements of past cross-border travelers. Secondly, transnational commitments of immigrants or ethnics do not preclude and actually often coexist with their economic, political, and cultural integration into the host society. Finally, rather than being disempowered by the transnational participation of its foreign-stock population, the receiving state continues to influence the intensity, forms, and directions of transnationalism.

The new-old immigrant transnationalism

Although they did not call it "transnationalism," immigration historians have extensively documented the enduring bi-national socioeconomic and political involvements and cultural identities of nearly all American immigrant groups in the nineteenth and early twentieth centuries. Historical evidence shows that the new transnationalists' claims about the novelty of multinational connections of present-day immigrants is inaccurate on at least three accounts. First, the view is incorrect that, unlike present-day multiple, circular, and return migrations, turn-of-the-twentieth-century international travels, also across the Atlantic, were singular journeys from one sedentary space to another. Secondly, the perception is unfounded that, as one-way transplants, earlier migrations were permanent ruptures with home-country affairs, irrevocably dividing past and present lives of the immigrants, whereas present-day shuttlers' lifeworlds span their home and host societies in new transnational spaces. The majority of migrants across the European continent (the bulk of cross-border movement in that period) were repeat seasonal travelers, and no fewer than 35–45 percent of south and east Europeans who crossed the Atlantic returned home at least once (Wyman 1993). Both temporary migrants and those who settled abroad permanently maintained close economic, social, and cultural ties with their home-country communities. Thirdly, the view is inaccurate that the emergence of these new transnational spaces has created a complex new sphere of politics, supposedly nonexistent in the past, in which political leaders in the home countries and immigrants in the transplanted communities abroad engage each other and the host-country establishment. Turn-of-the-twentieth-century sending states in south and east Europe actively involved immigrant communities abroad in their nation-building projects: positively by supporting (home) national associations and the encompassing national identity formation, and negatively by attempting to control the emergence of national consciousness and organizations among immigrants. (For these "new transnationalist" claims see, e.g., Basch *et al.* 1994; also Lie 1995; Portes 1997; for historical rebuttals, see Gerstle 1997; Guttierez 1997; Foner 1997).

Although not a new phenomenon in the history of international migration, contemporary immigrant transnationalism, of course, is not an exact replica of the old, but shaped by a different configuration of circumstances. First, because of rapid advances in communication and

transportation technology – the so-called "global compression of time and space" – present-day transnational connections maintained by immigrants are more dense and intense than those in the past. Second, these connections are much more varied or plural in form and content because contemporary immigrants themselves are much more diverse in regional origin, racial identification, gender, and home-country socioeconomic background. In the host society, immigrants also differ in their legal status, the sector of the economy in which they are employed, and their mode of acculturation to the dominant society. Third, the public discourse and juridical systems of both the sending and receiving states are today much more tolerant of diversity than they were in the past. Earlier-wave immigrants and their children were "closet transnationalists," subject to exclusionary demands from home and host states regarding their national commitments. By contrast, legitimate "public" options for identities and participation, ranging from global to transnational, national, local, and different combinations thereof, are available to their contemporary successors.

Assimilation and transnationalism as coexistent processes

Past immigrants' maintenance of diverse transnational connections with people, symbols, and institutions in their countries of origin did not prevent their gradual integration into the host society (see Morawska 2001a for a review of historical studies). Immigration historians have called this process *ethnicization*, a mixing and blending of old- and new-country identifications and behaviors, depending on the particular circumstances in which this mixing was taking place (see Greene 1975; Sarna 1978; Morawska 1994).

Although it is today more intense and is publicly displayed with much greater ease than in the past, contemporary immigrants' engagement in transnational spaces has not precluded their identification and involvements with the host society. As they are educated in the host society's schools, participate in its popular culture, and enter its workforce, native-born children of immigrants become part of the former while they maintain economic, social, or cultural ties with, and political interests in, their parents' country or region of origin.

For contemporary immigrants and ethnics, however, incorporation into the host society has been more varied, twisted and uneven, even within the same immigrant group, than the trajectory prescribed by the conventional assimilation model (which posits the progressive abandonment of old-country ways in favor of the internalization of the dominant mainstream identity and lifestyle of the receiving society).

(On present-day ethnics' multitrack, "bumpy" assimilation and its "paradoxes," see Gans 1992; Alba 1999; Perlmann and Waldinger 1999).

Depending on citizenship and immigration policies of the receiver countries (see Koopmans and Statham in this volume), the economic location of immigrants and their children in the host society, their racial similarity to the members of the dominant group(s), the "fit" of their sociocultural capital with host life orientations and coping strategies, and the scope and intensity of their in-group involvements, three major integration trajectories can be distinguished. These trajectories include the conventional or upward path into the middle class of the host society; downward or segmented (also called oppositional) assimilation into the lower cultural and economic segments of the host society; and the ethnic or bi-cultural path of integration. (Empirical illustrations of these different paths can be found, e.g., in Waters 1999; Jones-Correra 1998; Rumbaut 1994; Laguerre 1998; Min 1998 for the United States; and Modood *et al.* 1998; *Migration und Emanzipation* 1995; Shadid and Van Koningsveld 1996; Van Hear 1998; Rath *et al.* 2001 for Europe.)

In the first type of incorporation immigrants and their children integrate into the mainstream economy, assimilate the host middle-class's cultural values and lifestyles, develop strong and weak social ties (Granovetter 1973) with the native-born members of the mainstream society, and participate in host political life (citizenship and local involvement). Existing data show steady increases (differently paced for different groups) in host language proficiency, gradual residential dispersion, and naturalization rates among new immigrants, which suggests progress toward rather than a retreat from or stalling of incorporation. Certainly, a large proportion of new immigrants' children are still too young to fully assess their progress or decline in mainstream receiver societies. But they have the opportunity, unavailable to past immigrants, for effective public action and protest against barriers to integration, which is carried by contemporary ethnic immigrant organizations and sanctioned by the norm of "just pluralism" in most Western societies. In view of these countervailing circumstances, the proponents of mainstream assimilation, understanding the latter as a multitrack, uneven "general direction toward similarity" (Brubaker in this volume) or as a gradual "convergence around the mean" (Perlmann and Waldinger 1997), argue that not enough time has passed for the eventual pattern to reveal itself – that "the judgment is still out".

The second type, downward incorporation, applies mostly to lower-class immigrants' children who are racially or religiously "othered" by the host society and whose upward mobility is blocked by structural disadvantage

and racial or religious discrimination by host-country people and institutions. It implies assimilation into the "adversarial culture" of the underclass based on a willful rejection of mainstream sociocultural norms, values, and role models which, in turn, further entraps these people in their circumstances. (See Portes and Zhou 1993 for the paradigmatic statement of the segmented assimilation thesis.) Mexicans in Los Angeles, North African "beurs" in France, or "opt out" groups of young Turkish "denizens" in Germany represent this type of assimilation which incorporates also elements of ethnic adaptation. (See, e.g., Vigil 1988; Leveau 1997; Kastoryano 1996: 133–58, on adversarial *cum* ethnic assimilation patterns in these three cases.)

The third, ethnic path of integration into the host society involves the coexistence or "doubling" (Gans 1997) or fusing into new forms (Foner 1997) of (1) assimilation into common host cultural orientations and behavioral patterns and economic, social and political memberships, and (2) retention or transformation of immigrant traditions and lifestyles, including transnational identities and participation. This pattern of adaptation through intra-group mixing and blending in different proportions of old- and new-country identificational and behavioral elements has been called by historians the *ethnicization* trajectory, and by immigration sociologists a *parallel-path* or *adhesive* assimilation (see, respectively, Sarna 1978; Hurh and Kim 1984).

The ethnic trajectory of adaptation has been reported among upwardly mobile immigrants who remain within the boundaries of their ethnic niche in order to better their chances for socioeconomic advancement. It has also appeared as a counter-strategy against downward assimilation whereby, instead of adopting mainstream "underclass" dispositions, immigrants' children retain ethnic identities and social affiliations as a means of individual or group defence against discrimination and rejection by the host society. (On the former, see Morawska's 1990 review of studies in the United States; Body-Gendrot and Martiniello 2000 for Europe; on the latter, see Smith and Guarnizo 1998 for the United States; Vertovec and Rogers 1998 for Europe.) An interesting variety of ethnicization is the development of panethnic identities and organizations, e.g., Asian-American, Hispanic or Latino in the United States, North African in France. Based on shared regional origins, language or religion, such encompassing trans-group identities are usually situationally mobilized for purposes of public protest or political lobbying by immigrant/ethnic groups that consider themselves mistreated by the host society (see Espiritu 1992; Itzigsohn and Dore-Cabral 2000; Vertovec and Rogers 1998 for empirical illustrations of panethnic identities and mobilizations).

Each of these different trajectories of integration into the host society can coincide with the maintenance of different forms of identificational and participatory transnationalism. The forms and outcomes of this coexistence depend on specific historical – that is, time- and place-variant – constellations, including the economic and geopolitical positions and interests of sender and receiver countries, their civic-juridical systems and national cultures, and the political, socioeconomic, and racial makeup of particular immigrant groups and their relations with members of the host society.

The ethnic pattern of adaptation has fused most naturally and most closely with transnational, old-country involvements of immigrants and their offspring. Mainstream or upward assimilation has coexisted, on the one hand, with the symbolic ethnicity (Gans 1992; Waters 1990) or the voluntary maintenance by otherwise assimilated individuals of regular, active interests and participation in the country of origin's art, history, cultural customs and events, often combined with repeated visits; on the other hand, it went along with the situational mobilization of sentiments and transnational civic-political involvement in home-country or regional matters (as in the transnational mobilization effects of the Gulf War on the otherwise assimilated middle-class Arab population in France, see Lewis and Schnapper 1994).

However, the coexistence of assimilation and sustained transnational identities and participation has often caused tensions in the lives of immigrants and their children. As reported in the United States and in Europe, discomfort has been most common, and most painful, for members of non-white immigrant groups as the result of the contradictory effects of assimilation and racial integration into the host society. For these immigrants and their offspring, integration into the host society entails also loss of the social status associated with non-white racial or non-Western (i.e., Judeo-Christian) religious membership and the blocking rather than opening of advancement opportunities. As Mary Waters observes in the US case, "this turns the basic assumption of the assimilation theories [that host-country identity bestows the higher status] on its head," because acquiring the identity of the receiving society now implies downward mobility (Waters 1999: 93; for a similar situation in Europe see Wrench and Solomos 1993; Baumgartl and Favell 1995).

Immigrants and their children from low-status minority groups can cope with this situation in several ways. They can challenge their predicament, either as an ethnic immigrant group or in solidarity with native non-whites, under the banner of the host nation's ideology of just pluralism and equal opportunity for all citizens. They can "retreat" into their

transnational, homebound identities and participation to ease or avert the loss of status and to relieve the traumas of racial prejudice and discrimination experienced in the host society. They can adopt the dominant host society's negative stereotypes of native non-whites as a way to distance themselves from this group. Or, as often happens, they can combine these coping strategies. In either case, the intertwined assimilatory and transnational practices are usually accompanied by feelings of hurt or disappointment. (The above-cited studies of undocumented Mexicans in Los Angeles, North African Moslem "beurs" in France, and young Turkish denizens in Germany document these different strategies; see also Morawska 2001a on the tensions between African Americans and black West Indians in New York, Los Angeles, and Miami; Bonilla *et al.* 1998 on US Latinos; Chin 1996 on Chinatown gangs.)

Immigrant transnationalism and the nation-state

The new immigrant transnationalism was originally conceptualized as a strategy of resistance "from below" by members of marginalized and underprivileged racial or ethnic groups from (semi-)peripheral parts of the world against the hegemonic powers of the "core" structures of white receiver societies. Immigrants and their offspring born in these societies escape the latter's control by engaging in transnational spaces, thereby contributing to the general decline of the nation-state's prerogatives to contain and regulate their economic, political, and symbolic activities and commitments. Recently, calls have appeared in the new transnationalism literature to modify this view and to "bring the [sender and receiver] state back in" as an important influence on the forms and scope of immigrant transnationalism. (For an overview of these arguments, see, for example, Geddes and Favell 1999; Faist 2000; Hollifield 2000). Of concern here, the host nation-state's policies at both national and local levels are now being recognized as influencing the intensity, endurance, and, importantly, the consequences of transnational engagements for the integration of immigrants and their children into the receiver society.

The receiver states' legal-administrative control of the "belonging and not-belonging" (Barats-Malbrel 1999) of immigrants and their offspring shapes their transnational social and political practices. As Ruud Koopmans and Paul Statham (in this volume) demonstrate, different national citizenship regimes in Germany, Great Britain, and the Netherlands differently shape immigrant transnational (homeland-related) politics in the societies of settlement. In particular, the denial of citizenship to immigrants and, in the countries whose citizenship laws and policies

are informed by *jus sanguinis*, their native-born children sustains their identification with their home countries and constrains, or channels into an oppositional trajectory, their incorporation into the host society. Conversely, the acceptance or, as is more often the case, tacit tolerance of dual citizenship by the receiver state encourages immigrants or ethnics to engage in bi-national practices, contributing simultaneously to their attachment over time to the host society and to the preservation of transnational commitments. (For empirical illustrations of these effects see, e.g., Hagan 1994 ; Van Hear 1998; Faist 2000; Shain 1999.)

Next to political rights, participation in social citizenship or inclusion in the economic and welfare life of the receiver polity matters. In highly regulated welfare states, such as Germany, immigrant groups that do not enjoy full citizenship are excluded from participation in policy decisions of vital importance to their advancement opportunities, such as job training programs. More market-based welfare states, such as the United States, where paths from school to work are much less regulated by public policies, allow more space for immigrants to incorporate themselves "on their own" by applying their cultural and social capitals. (See Faist 1995 for a comparative analysis of immigrant social citizenship in Germany and the United States.)

Receiver states' educational policies influence the form and "contents" of cultural assimilation or ethnicization of immigrants (if they arrive young enough to attend receiver-society schools) and their children. The proportioning and representation of national and multicultural components of school programs regulated by public policies can – contingent on immigrant students' socioeconomic position, political status, and racial membership – either encourage their mainstream symbolic assimilation to the host society or motivate them toward cultural integration along an ethnic or bi-national path. As in the case of social entitlements, the political pressure by immigrant groups on national or, more often, local political institutions on behalf of their interests, can influence the outcomes of these educational policies. (See, for example, Bleich 1999 and Tyack, forthcoming, for illustrations of these effects in Europe and the United States, respectively.)

Not only domestic but also foreign policies of the receiver state influence immigrants' or ethnics' transnational involvements. The host state's geopolitical interests have incited or discouraged sustained transnational engagements of some immigrant groups and, thus, legitimized or stigmatized the ethnic or bi-national path of assimilation among their members. For example, because of the US government's foreign policy interests during the prolonged Cold War with the Soviet Union and,

specifically, its attempts to weaken the latter on its own territory, it overtly encouraged transnational political lobbying by East European ethnic leaders and organizations to pressure communist governments on human rights issues and persecuted groups or individuals, to broadcast uncensored information and anti-Soviet propaganda into Eastern Europe, to solicit material help for dissident groups, and so on. The Cuban refugee community in Miami received support from the US government for its transnational anti-communist propaganda in Cuba, and the former also received significant assistance by the Cuban Refugee Program and other federal initiatives to facilitate the adaptation of Cuban emigres in the United States. (On "transnational politics" of East European and Cuban Americans and its support by the US government see, e.g., Jacobson 1995; Cohen 1997; Shain 1999; Portes and Stepick 1993.)

In comparison, the transnational engagement by Arab Americans in Middle Eastern politics on behalf of Arab interests has met a very different response from the US government. The Middle Eastern conflict and, in particular, the Palestinian *intifada* in Israeli-occupied territories reinforced panethnic solidarity and mobilized politically a highly diverse and contentious community of Arab Americans. A significant part of this community articulates its support for the Palestinian cause in "assimilatory" terms of American values of human rights, freedom, and self-determination. Even though the Palestinian is thus presented as the patriotic American cause, because of its foreign policy commitments in the Middle East the US government has discouraged, if not stigmatized, this transnational commitment of Arab Americans. As a result, despite the official ideology of pluralism and tolerance for transnational involvements in the United States, American Arabs' bi- or pan-national commitments have come to resemble the old type of closet transnationalism of earlier immigrants. (For Arab American transnational politics and resulting tensions with US foreign policy interests, see Shain 1999.)

Another configuration of receiver state policies, transnationalism and integration characterizes the case of Haitian immigrants in America (see Vickerman 1999; Stepick 1996; Shain 1999). The Haitian American community's transnational engagement in 1980–81 on behalf of deposed President Aristide's democratic opposition in Haiti and for the admission of the Haitian boat refugees who had been isolated in camps and threatened with deportation was snubbed by the US government, which viewed Aristide and his supporters as too radical for its foreign-policy interests in the region. The support offered by the African-American leadership (the NAACP), whose political lobbying under the banner of racial solidarity eventually moved the US government to admit the

Haitian refugees, had the effect of enhancing Haitian immigrants' political association with American black society. It did not eliminate, however, the earlier noted status-distancing by Haitian immigrants from native blacks. The political solidarity of native blacks with Haitian immigrants, combined with the latter's distance to African Americans in terms of home-country identities and cultural superiority, has yielded among Haitians a unique blend of transnationalism and incorporation, which is different from that of American Arabs.

Overview of the book

The first part of this book deals with liberal immigrant-receiving states' renewed emphasis on citizenship and assimilation, the second with immigrants' straddling between assimilation and transnationalism.

Rogers Brubaker opens the first part with a provocative survey of the "return of assimilation" in France, Germany, and the United States. This is no simple return to the nationalizing state of the past, because "assimilation" has taken on novel features – from cultural to structural, from organic to abstract, from transitive to intransitive. Han Entzinger discusses why one of Europe's paragons of multiculturalism policies, the Netherlands, has recently turned its back on them. In a comparison of recent nationality reforms and debates in Europe, Randall Hansen shows that immigrant integration remains both nationally bounded and dependent upon national citizenship. Alex Aleinikoff makes a similar argument regarding the United States, where the "postnational perspective" fails to give an accurate depiction of US models of rights and membership. The recognition of rights for non-nationals in the US is not based on "global" norms transcending the nation-state, but is a core attribute of American constitutionalism since the founding period.

Ewa Morawska begins the second part of the book with a comparative discussion of the different constellations of transnationalism and assimilation among immigrants and their children in the United States, mapping the different circumstances that generate these varieties, and proposing a three-step research strategy to account for the simultaneity of assimilation and transnationalism. In her multicase study of immigrant communities in Boston, Peggy Levitt demonstrates that increasing numbers of immigrants "keep feet in two worlds," but the particular forms of their integration into American society and of their transnational engagements vary with the institutional arenas of immigrants' participation and with their class and life-stage positions. Turning to three European cases (Britain, the Netherlands, and Germany),

Ruud Koopmans and Paul Statham show that national citizenship regimes, instead of being devalued or bypassed by transnationalism, have actually shaped the way transnational migrant claims are expressed. Their data reveal that transnational ("homeland") claims are strongest in the (until recently) most exclusive citizenship regime, Germany's. This suggests that, as citizenship regimes in liberal states (including Germany) are becoming more inclusive, transnational claims-making might become "less rather than more frequent... in the years to come."

Notes

1 Access to many of these programs has subsequently been restored (see Freeman 2001).
2 See the good critique of the premises of "normative consensus" and "state-centrism" underlying the notion of immigrant integration by Phalet (2000).
3 The concept of "integration", of course, has deep roots in the classical sociology from Durkheim to Parsons, which sought to provide answers to the question, "How is social order possible?" However, as such it remained territorially anonymous. In its territorial (or "national") specificity, the notion of (immigrant) integration is a practical category, originating in the political sphere.
4 Even in France, the notion of assimilation has officially been discarded (see Haut Conseil à l'intégration 1993). But see its academic resurrection by Tribalat (1995), and the discussion by Brubaker (this volume).
5 Examples are Schnapper (1992), or Todd (1994). The most sophisticated versions are Soysal (1994: ch. 3) and Favell (1997).
6 Interestingly, and misleadingly, the Haut Conseil couched its nominal joining of the liberal mainstream in an anachronistic persistence of "national models," distinguishing the French "logique d'équalité" from the "logique des minorités" allegedly in force in Britain and the Netherlands (Haut Conseil 1993: 35f). For the obsolescence of the "minority" approach in the Netherlands, see Entzinger's chapter in this volume.
7 This critique of the "national model" notion is not to deny significant institutional variations of integrating immigrants across states, which reflect historically particular state- and nation-building experiences (on this, and their impact on migrants' "claims-making", see Koopmans and Statham in this volume). However, these persistent institutional differences are to be distinguished from explicit "philosophies" of integration, which – to the limited degree that they exist at all – are increasingly converging across liberal states (or so is our claim).
8 Our notion of de-ethnicized citizenship (see below) presumes the weakening of nation-building pretensions in contemporary liberal states.
9 This difference is of course nil to the degree that Canada and Australia are nations of immigrants.
10 In 1996, 30.6 percent of non-Nordic citizens were unemployed (as against 7.3 percent unemployment among Swedes) (Soininen 1999: 694).

11 The Dutch model of mandatory integration courses for newcomers is about to be adopted in Germany as well (*Frankfurter Allgemeine Zeitung*, 10 May 2001, p. 4).
12 For Europe, see Soysal (1994); extending this argument to the United States, Jacobson (1996: ch. 5).
13 Yet see note 1.
14 The "covenant" idea is also invoked in the 1997 final report of the US Commission for Immigration Reform: "[T]he ideal of a covenant between immigrant and nation still captures the essence of Americanization" (p. 27).
15 An exception is the United Kingdom, with its common-law based jus soli regime, and former colonial powers (such as, in addition to the UK, France and the Netherlands), with their inclusive and preferential citizenship schemes for the members of their former colonies.
16 Italy's left-wing government under G. Amato announced a similar reform in December 2000, with the promise of delivering before the next national elections in May 2001 ("Piu facile diventare italiani," *la Repubblica*, 22 December 2000, p. 1); predictably, the reform was never heard of since, presumably becoming stalled in Italy's byzantinic political process.
17 "Sprachtests erschweren die Einbürgerung," *Frankfurter Allgemeine Zeitung*, 31 December 1999, p. 3.
18 Even the conservative opposition party (CDU), which in the course of Germany's current reopening toward new labor migration loudly propagated the existence of a German *Leitkultur* that immigrants would have to adjust to, has in the meantime dropped this contested notion (CDU 2001).

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4

Citizenship and Integration in Europe

Randall Hansen

For many scholars, citizenship has been devalued as a tool of integration.[1] Large-scale migration, laid against the globalization of capital, commodity and service markets, has undermined the logic of national citizenship by breaking the link between it and the nation-state.[2] As social and economic entitlements are legitimized not by nation-states and national policy but by the discourse of "universal personhood," international norms and treaties, the traditional association between citizenship and rights, between the national state and the individual, has been broken. The most robust (and least modest) version of the thesis is presented by David Jacobson in *Rights Across Borders*. According to Jacobson,

> Transnational migration is steadily eroding the traditional basis of nation-state membership, namely citizenship. As rights have come to be predicated on residency, not citizen status, the distinction between "citizen" and "alien" has eroded. The devaluation of citizenship has contributed to the increasing importance of international human rights codes, with its premise of universal "personhood"... Social, civil, economic, and even political rights have come to be predicted on residency, not citizenship (with some national variations). Citizenship, consequently, has been devalued in the host countries: aliens resident in the United States and in Western European countries have not felt any compelling need to naturalise even when it is possible.[3]

For the postnationalists, integration occurs independently of national citizenship: the complex of social and economic rights enjoyed by permanent residents affords them the opportunity to work, attend school, join political parties and/or other associations, lobby politicians

and so forth without national citizenship. Decentered, rational choosers, they can pick their level of attachment – "Kreuzbergers," Berliners, Northern Germans, (though it is unlikely) Germans or Europeans – without the psychological, administrative or financial costs of acquiring a national passport. Conversely, they are free to adopt no identity linked with the welcoming state or the larger entity in which it rests (the European Union, North America) and simply to avail themselves of the extensive entitlements afforded legal, and sometimes illegal, permanent residents. Deriving its normative justification from "transnational discourse" and the institutionalization of human rights as a world-level organizing principle, postnational membership "confers upon every person the right and duty of participation in the authority structures and public life of a polity, regardless of their historical or cultural ties to that community. A Turkish guestworker need not have a 'primordial' attachment to Berlin (or to Germany, for that matter) to participate in Berlin's public institutions and make claims on its authority structures."[4]

Such arguments refract history's judgment of German and French nationality law. As Joppke put it with reference to Germany, postnationalists have undertaken a "positive reinterpretation of the guestworker experience, transforming the vice of second-class membership into a virtue."[5] Germany, the *bête noire* of nationality law, was in fact ahead of its time, according extensive social and economic rights while being indifferent to political ones. The country was a model of postnationalism in that the socio-economic rights accorded resident third-country nationals were among the most extensive in the world.[6] France, the traditional *écolier modèle* of nationality law in that it emphasizes assimilation and the liberal grant of citizenship, places excessive emphasis on political citizenship's importance and, in granting it automatically to Algerians at the second generation, and all others at the third, without their consent, practices a sort of identity imperialism.[7]

As events of the last decade have caused policymakers and intellectuals to reconsider the basis and aims of nationality law throughout Europe and the US, its trajectory provides the basis for questioning the postnational Orthodoxy. In all cases, there has been what Peter Schuck has called a "revaluation" of citizenship.[8] In the United States, France, Germany and Britain, there has been robust public debate about what it means to become American, French, German, or British. In Germany, the debate has been about making citizenship more easy to acquire and about tolerating dual citizenship;[9] in France, about revoking, then restoring, the automatic acquisition of citizenship by an acculturated second generation; in Britain, about imbuing a thin definition of citizenship

with a more meaningful content (for all three, see below); and, in the United States, about making the possession of American citizenship a prerequisite for social and economic rights.[10] American developments were the most striking, as they seemed to contradict directly the predictions of postnationalism, but all cases attest to the centrality of citizenship in public debate.

The fact that people everywhere are reconsidering citizenship is not, in itself, evidence of its importance in integration policy. There are rather two further, and harder, indicators of its importance, one retrospective and one prospective. First, in the German case, postnationalism was an absolute failure; in its original conception, it was premised not on a desire to facilitate social and economic integration but to discourage integration *tout court*. The result, apparent from the 1980s and growing worse in the 1990s, was an ever-growing number of individuals without national citizenship, without voting rights, and without access to some of the most important occupations. In a shorter time horizon, France's temporary removal of *automaticité* in the grant of citizenship to the second generation had broadly similar exclusionary effects. At the same time, varying fertility rates between the German and non-German resident population meant that the country also faced a declining native population. Germany's restrictive citizenship policy and low naturalization rates pointed, quite literally, to a Germany without, or with fewer and fewer, Germans.

As these developments became clear, both nations (re-)turned to integration (Brubaker: this volume). Germany adopted liberalizing citizenship reforms in 1990 and 1993, and in 1998–99 the SPD/Green coalition launched a major reform of that country's citizenship law. In France, the government reversed restrictive nationality legislation designed to satisfy restrictionist voters and to siphon voters away from the *Front National*. The restrictionist reform's consequence was to exclude individuals born in France from political citizenship denying them the right to vote and rendering them eligible for deportation. Following its (somewhat unexpected) victory in the 1997 parliamentary elections, the socialist/green/communist government quickly commissioned a report on nationality law and adopted, within a year, another nationality law reform restoring a right to citizenship for the second generation. Germany turned and France returned to integration through citizenship.

In what follows, I briefly trace developments in nationality law in France, Germany, and to a lesser extent the UK. Particular attention is given to Germany, but the other two cases reinforce the point. Germany is especially important because, as noted, if postnationalism had a home

in Europe, it was a German one, and because Yasemin Soysal's seminal text on postnationalism[11] drew particular inspiration from the experience of Turks in Germany. The UK is added only in a cursory manner at the end, as an illustration of a renewed concern for citizenship beyond the French and German cases.

Germany: The origin of German nationality law

The ethnic origins of Germany's nationality law are well known; indeed, it is one of the few aspects of postwar Germany with which casual observers are familiar. The 1913 *Reichs-und Staatsangehörigkeitsgesetz* provided only one access point to nationality: through birth to a citizen. To understand why the law was maintained after 1945, one has to examine Germany's *Stunde Null*.

Like so many contemporary German social arrangements, pre-1993 nationality law was a product of the exigencies of the Federal Republic's early years. Two political aims motivated the decision to maintain the 1913 law, and to incorporate such a definition into Article 116 of the Basic Law. First, the German constitution was adopted during *die Vertreibung*, when some 12,000,000 Germans were expelled from territories east of the Oder-Neisse line, which were given to Poland, and from Eastern Europe. Nationality law was a formal mechanism legitimizing their entry into the Federal Republic (FRG).[12] The very language of Article 116 reflects the concern for expellees:

> Unless otherwise regulated by law, a German within the meaning of this Basic Law is a person who has German citizenship or who is an expellee or refugee of German descent (*Flüchtling oder Vertriebener deutscher Volkszugehörigkeit*), or the spouse or descendant of such a person, who has secured access to the pre-31 December 1937 borders of the German Reich (Article 16, my translation).[13]

Maintaining an ethnic concept of citizenship was a means of supporting the Federal Republic's claim to be the nation-state of all Germans. Practically, it legitimized the immediate grant of a passport to East Germans who were able to breach the Berlin Wall; symbolically, it served as a constant rejection of the GDR's claim that it spoke for another German people. As Mary Fulbrook notes, the one policy on which West Germany (FRG) refused to compromise, after two decades of *Ostpolitik*, was a recognition of East German (GDR) citizenship.[14] "Two States, One Nation" was not only a deft formula enabling Brandt to pursue his *Ostpolitik* against a skeptical opposition; it reflected an underlying policy, institutionalized in nationality law, that remained unchanged until unification.[15] One of the key impediments to a liberalization of nationality law before unification, which blocked a number of reform proposals, was the divided nation itself. There had been pressure for a liberalization of nationality law before then, but it was checked by the fear that any modification of the 1913 definition of nationality might have touched the issue of FRG versus GDR nationality.[16]

There were few reforms to nationality law in postwar Germany; the arrival of guestworkers was, of course, negotiated outside the framework of nationality legislation. Strictly speaking, there was no policy on naturalization, and power over it rested with the *Länder*. In 1977, the Federal Minister of the Interior issued "guidelines" on naturalization, which are technically only non-enforceable instructions to the *Länder*.[17] These contain the restrictive "requirements" frequently mentioned in the press and scholarly literature. Those applying for naturalization should have lived in the country for at least ten years (s. 2.1); they must have been "voluntarily and lastingly oriented towards Germany" (s. 3.1); they should not have been members of an emigrant political organization; they should not have lived for most of their time in Germany in "alien communities," such as hostels or hotels allocated to aliens (s. 3.2.1). In all cases, the naturalization had to be in the interest of Germany, not the migrant. In addition, steep fees were charged for naturalization. As these were only guidelines, ultimate discretion rested with the *Länder*, leading to a bizarre outcome in which acquiring national citizenship was easier in Berlin than Munich.

The failure of German postnationalism

Whatever the historical justification for Germany's restrictive nationality law, its consequences were clear by 1990: the country's naturalization rate was less than 1 percent, one-half that of Britain and one-third lower than that of France.[18] The latter two countries' figures also underestimate the extent of naturalization, as neither France's double *jus soli* nor Britain's 1948–62 extension of British citizenship to its colonies are included.[19] In the context of a continuing migration (Germany accepts 200,000–300,000 net migrants per year),[20] and a higher birth rate among foreigners (in 1996, 13.3 percent of all births were to non-citizens),[21] Germany faced a demographic time bomb. From 1971, births to foreigners were disproportionate to their percentage of the population, and from 1990 to 1999 foreigner births in Germany averaged 100,000 per year.[22] In other words, even in the context of zero immigration

(unthinkable in the German context), Germany's foreign population would have continued to grow. In the context of substantial yearly net migration, the percentage of foreigners in the country was expected to rise to 20 percent by 2030.[23]

These figures lay against broader indicators of poor integration. From 1980, the gap between foreigners' and citizens' unemployment rates began to grow; from 1993, the figure has hovered between 15 and 20 percent (1997), resting at 16.4 percent in June 2000.[24] The rate is approximately double that for Germans (though the same as for East Germans).[25] Breaking the figures down by nationality, Turks had the highest unemployment rate (21.2 percent), followed by Greeks (16.1 percent) and Italians (15.2 percent); Yugoslavs, Spanish and Greek nationals had a rate of over 11 percent.[26] Put another way, the employment rate of non-Germans was 53 percent, compared with a German rate of 67 percent.[27] In 2000, some 26 percent of foreigners received social assistance; the figure for non-EU foreigners in Germany is slightly lower: 23.5 percent.[28] The professional difficulties of Germany's ethnic minority communities are exacerbated by low naturalization rates. The status of *Beamter* (broadly, civil servant, but imbued with much more meaning in Germany) is restricted to German citizens. The result is that a broad range of the most appealing, secure, prestigious and well-paid positions – as university professors, lawyers, judges and bureaucrats in the Anglo-American sense – are closed off to Germany's large resident foreign population.[29]

In the crucial area of language acquisition, results are also mixed. Although some 87–90 percent of young foreigners in Germany claim to speak German well,[30] a more refined look at patterns of language acquisition reveals some worrying trends. A 2000 study by the *Deutsches Jugendinstitut* (DJI) revealed that only 65 percent of foreigners in the 5–11 age group speak German exclusively with their friends, whereas another 26 percent speak German and their mother tongue.[31] Although it might be the case that the latter results in perfect bilingualism, it might also result in a perfectly adequate grasp of spoken German but substandard written German, the latter of which is crucial for academic and professional success. The problem is compounded by the fact that large numbers of German citizens do not speak German: of the hundreds of thousands of *Aussiedler* entering Germany between 1990 and 1994, only 8 percent speak exclusively German at home.[32] When the tendency of migrants to concentrate in cities is added, the effects on language skills is hugely deleterious: a study in Wedding, a central Berlin neighborhood made up of some 30 percent foreigners, showed that a staggering 75 percent

of first-grade students required extra tuition simply in order to keep up; 40 percent required intensive tuition.[33] The result is clear: approximately 25 percent of German Turks leave school without any type of completion certificate, compared with 10 percent of the German citizens.

On one level, German policymakers have no one but themselves to blame for these results. From the 1970s until very recently, many German *Länder* were either relatively indifferent to foreigners' acquisition of German language skills or actively encouraged the opposite. Language training in the migrants' mother tongue was provided, and in some cases – such as Saxony – foreigners could take examinations in their native language. The goal, as a report of the Federal Commissioner for Foreigners noted, was to further contact with the homeland and to leave open the possibility of return.[34] Policymakers in Europe's most advanced postnational state had a distinctly national vision.

In sum, Germany's postnationalism was, by the 1990s, a failure. Restrictive nationality laws meant a demographic trend towards an ever larger number of foreigners in Germany; public policy failed to encourage the acquisition of German language skills; and resident foreigners had disproportionately high levels of unemployment and recourse to social assistance. In all areas, but especially in nationality law, Germany has since reversed its previous policies.

Reforming Germany's nationality law

Within a year of unification, the developments leading to the easing of citizenship acquisition were set in motion. Under legislation guided through Parliament by Interior Minister Wolfgang Schäuble, foreigners born in Germany were for the first time granted a privileged channel to naturalization, and an application deadline of December 31, 1995 was set.[35] In 1993, the reform was taken further, and naturalization for those born and educated in the country, and those with substantial periods of residence there, became a legally enforceable entitlement.[36] Aliens resident in Germany between the ages of 16 and 23 had the *right* to naturalize if they fulfilled the following conditions: (1) the renunciation of previous citizenship; (2) normal residence in the Federal Republic for at least eight years; (3) the completion of six years' full time education, at least four of which at the secondary level; and (4) an absence of criminal convictions.[37] In addition, those ordinarily resident in Germany for 15 years had an entitlement to naturalize if they (1) renounced their previous citizenship; (2) had not been convicted of a criminal offence; and (3) were able to support themselves without claiming unemployment benefit or income support.[38] At the same time, the fee for naturalization

was reduced from a crushing 5000 marks (2556 euro) to 100 marks (51 euro).

The reform received relatively little attention at the time, mostly because interest focused on the decision, taken in the same year, to restrict Germany's extremely generous asylum laws. There was a certain irony in this, as the asylum reform was tied up with the naturalization reform. As asylum was entrenched in the 1948 Basic Law, its reform required a two-thirds majority in the *Bundestag* and *Bundesrat*, and thus the support of the SPD. In the run-up to the 1992 Asylum compromise, the SPD explicitly made its support conditional on an institutionalization of the 1990 provisions on naturalization.[39]

The 2000 reform

Before unification, in the context of a divided nation, all nationality reform was conducted strictly through the foreigners' law (*Ausländergesetz*); there was little question of reforming the 1913 imperial citizenship law (*Reichs-und Staatsangehörigkeitsgesetz*). After 1989, this essential block was removed. At the same time, the focus of nationality reform efforts came to be dual citizenship. There was near consensus among most parties that German nationality law required reform; only sections of the CDU, and above all the CSU, remained adamantly opposed to further reforms to nationality. Dual nationality became a particular concern because the 1990/1993 reforms did not lead to a dramatic increase in the naturalization rate,[40] and because there was widespread recognition that dual citizenship was and is a major obstacle, especially in the first generation, for those contemplating acquiring German citizenship. In 1993, the parliamentary group of the SPD proposed a bill, based on the resolution of the 1992 all-party Congress, amending the 1913 Nationality Act and the Aliens Act.[41] When the Greens and the SPD formed a coalition agreement following their victory in the 1998 election, they immediately turned to reforming nationality and aliens' law on the basis of it.

The new measure involved a compromise reform of, first, aliens' law and, later, nationality law. Its nationality core was made up of three propositions:

1. Granting citizenship at birth to those born of someone born in Germany (*double jus soli*) or someone with a legal residence permit.
2. Fully accepting dual and multiple nationality.
3. Reducing the residence requirement for naturalization by entitlement, for those living but not educated in Germany, from 15 to 8 years.

The measure was to apply retroactively to anyone living in the country legally for 10 years or more.

The parliamentary group argued at the time that such a relaxation of naturalization would promote the full integration of permanent residents living in Germany,[42] and this view informed the 1998 proposal.

The new law appeared on course for easy passage, until the CDU/CSU, led by the latter and above all the Bavarian premier Edmund Stoiber, launched a cynical and legally meaningless petition against dual nationality,[43] the most controversial element of the measure. As late as February 1999, the government was determined to stay on course.[44] That month, however, the SPD lost the *Land* elections in Hesse, during which the CDU politicized nationality, making opposition to immigration and dual nationality the centerpiece of its campaign. The coalition was thus robbed of its *Bundesrat* majority and could no longer ensure the legislation's passage. To the bitter disappointment of the reform's advocates, and the opposition of the Greens, Chancellor Schröder withdrew the law and sought a compromise. Picking up a FDP proposal of some years ago, the parties agreed on a reform package that extends *jus soli* but limits dual nationality. From January 2000, individuals born in Germany of individuals resident for eight years and in possession of one of two residence permits are citizens at birth;[45] in this sense, the law is as liberal as that of the UK. They will be entitled to acquire a foreign nationality at the same time, but they will be obligated, at the age of 23, to decide between them. The citizenship is thus conditional, a legal status that exists nowhere else in Europe.[46] It is, however, doubtful that this compromise will prove stable, as dual nationality is extremely difficult to control under any circumstances (even now, there are some 2,000,000 dual nationals in Germany), and it is unclear how the renunciation requirement will be enforced when the choice is to be made. Predictions remain dangerous, but it is almost certain that the trend will be towards a further expansion of dual nationality in Germany, and perhaps even its eventual acceptance. A constitutional court challenge, against the whole Bill or simply the dual nationality portion, is also possible.[47]

The reform reflected a shift, emerging over the last two decades, in Germany towards viewing naturalization as an integrative mechanism. In 1984, responding to a SPD criticism of administrative obstacles to naturalization, the CDU/CSU/FDP government argued that naturalization should not be an instrument of integration, but rather the consequence of its successful completion.[48] A decade later, responding to the 1993 SPD parliamentary group Bill, the same government expressed its agreement

that the facilitation of naturalization promotes integration.[49] These shifting strains of thought are above all noticeable in the language of successive legislations. The 1993 law is explicitly aimed at "[s]ecuring, on the basis of clear legal provisions, the integration of these aliens who had been living for a long time in the Federal Republic including Berlin (West) and who wish to stay here."[50] Parliamentary and political debates surrounding this legislation confirm a shift, though not a universal one,[51] in favor of the view that integration requires easier naturalization.[52] The 2000 measure, both in its substance and aims, confirms and extends this turn to integration. The coalition agreement between the SPD and the Greens devotes a section to "integration" alone, and states that

> [w]e recognise that an irreversible process of immigration has taken place in the past and set our hopes on the integration of those immigrants who live here on a permanent basis and who accept our constitutional values. *The focal point of our integration policy will be the creation of a modern nationality law* (emphasis added).[53]

The reform was driven in large part by demographic pressures. In conditions under which 7.3 million aliens reside permanently in Germany; under which Frankfurt/Main, Munich and Cologne have a resident alien population of over 30 percent; and under which foreign birth rates are higher than the German rate; under which 50 percent of all foreigners had been in the country for more than a decade; and under which there would otherwise have been a fourth generation in Germany without citizenship, the parties were left with the choice of tolerating such a development or liberalizing nationality law.[54] Recognizing that integration would not come by itself, they hesitantly and partially turned, but turned nonetheless, to nationality law as an instrument of immigration. It may not have been, as Rittstieg suggested, Germany's "first tentative step into the legal recognition of a multiethnic society, whose unity is no longer determined by völkisch homogeneity and exclusion . . . but through the process of political democracy,"[55] but it was a definitive break with past practice and modes of thinking. Fitfully and incompletely, Germany is turning to integration, and a key component in integration is the acquisition of national citizenship.

The link between citizenship and broader integration concerns has been reinforced by the German government's subsequent immigration and integration policy efforts. Despite having its fingers burned by the immigration/foreigners issue, the coalition looked in spring 2000 to expanding immigration policy. In May, the government announced its

"Green Card" program granting visas to 20,000 foreign workers over three years. Although modest, relative to American or Canadian programs, it was the first time in over 25 years that the German government welcomed immigrants. In late September 2000, the Federal Ministry of the Interior, Otto Schily, went further and appointed a Commission led by Christian Democrat Rita Süssmuth. The Süssmuth Commission reported in July 2001, and made four key recommendations:

1. Approximately 50,000 economic migrants should be brought to Germany, on the basis of a quota system, per year.
2. An immigration bureau should be instituted at the federal level.
3. The right to asylum should not be touched.
4. Integration efforts should be increased.

In early August 2001, Schily announced the government's plan, hoping to secure a multiparty agreement before presenting legislation. It proposes allowing a set number of skilled applicants to migrate to Germany each year, according to a quota and Canadian-style points system, but avoids specifying any number. The skilled migrants would be offered permanent residence. In an important development, both the commission's report and the Interior Ministry's proposal emphasized the importance of ensuring the new migrants' integration, above all through the acquisition of the German language.[56] At the time of writing (March 2002), the legislation has passed the *Bundestag*, but there are doubts about whether it will pass the CDU-dominated *Bundesrat*. Whether it does or not, demographic and economic pressures will force a new openness in immigration policy. *Deutschland ist ein Einwanderungsland.*

The final section turns to developments in France and Britain. Although there has nowhere in Europe been a debate about citizenship and integration as divisive as the German, policy developments in both countries provide evidence for the reinvigorated link between citizenship and integration. In France, they took the form of a failed experiment in decoupling citizenship from integration; in Britain, they involve a debate, currently under way, about imbuing the country's traditionally thin citizenship with greater substance.

France: Two steps back, one forward

Historically, France's naturalization policy corresponded to a broader philosophy of assimilation. The chief mechanisms were the army and the school, and French citizenship was either granted at birth (to

third-generation migrants) or at the age of majority (to second-generation migrants).[57] According to the assimilationist model, national differences are to disappear by the second generation.[58] For second-generation migrants, nationality was attributed after the individual was raised in French society, and following the completion of school and obligatory military service.[59] After a post-revolutionary period of *jus sanguinis*,[60] French nationality law has gradually evolved, leaving aside the Vichy regime,[61] in an inclusive direction.[62] The centre of these efforts was *double jus soli*, institutionalized in 1889. By granting citizenship automatically and without right of refusal to those born of people born in France, French nationality law, among other things, ensured that immigrants were subject to the assimilatory influence of both school and army.[63]

Nationality law and the politics of nationality in the 1980s and 1990s

As in the rest of Europe, nationality law was largely a non-issue in the early decades of postwar France. Rapid guestworker and colonial migration created pressing problems of housing and unemployment, and they led to heated debates about the merits of integration versus encouraged (or forced) return,[64] but these were not widely perceived to be problems of nationality. If nationality law was given any thought at all, it was assumed that the children of those who stayed would benefit from nationality law and the complex of assimilation mechanisms linked with it. One aspect to explaining why nationality became such a divisive political issue in 1980s France is accounting for why nationality law was thrown off its original integrationist course. Of particular importance were, first, a perception that Muslims present intractable integration problems, and, second, the rise of the *Front National*.

By the 1980s, Islam had challenged French policymakers' and intellectuals' heady confidence in their country's capacity to assimilate aliens through culture, language and national citizenship. Islam threatens assimilation *à la républicaine* because of its basic commitment to a public role for religion and the obedience of religious dictates, thus violating the core value of *laïcité*. There is nothing particularly new about this contradiction; it simply spilled out into the public domain in the late 1980s in the *affaire du foulard*. The affair broke out when three Muslim girls were banned from school for refusing to take off their religious headdress. Coinciding with the bicentenary of the French Revolution, it led to a defiant and quasi-hysterical defence of the Headmaster who expelled the girls and of the republican principles that justified his actions. Intellectuals portrayed nightmarish visions of an Islamic infiltration of France and

enslavement of French women, and five leading figures, including Régis Debray and Alain Finkielkraut, characterized the affair – apparently seriously – in an open letter to *le Nouvel Observateur* as the "Munich of Republicanism."[65] The affair furthered a shift, already underway in 1989, in favor of a new emphasis on assimilation.[66] A few years later, this belief would be expressed in new voluntarist provisions of nationality law.

Of greater importance was the *Front National*.[67] From 1988 until 1998, the *Front National*'s support nationally stabilized at 15 percent; its fourth mayoral candidate succeeded in 1997,[68] and 1998 was a banner year for the *Front*. In March, five UDF candidates were elected to the presidency of regional councils, on the second ballot, with votes of *Front National* candidates. Since then, owing to a division fostered by Bruno Mégret, the *Front National* seems to have gone into decline; from the late 1980s to the late 1990s, however, it terrified France's center-right.[69]

The 1993 Pasqua Law

The Chirac government, elected in 1986, quickly drafted restrictive nationality legislation. A concerted lobbying effort and President Mitterrand's tactical intervention against the legislation, along with the government's contemporaneous difficulties adopting legislation on educational reform, led to the deferral of the measure and the appointment of a Nationality Commission. Reporting in 1988, the Commission put forth a set of recommendations that were similar to those of the government, recommending the introduction of a voluntaristic element into French nationality law.[70] The Bill, published in July 1993 and effective from January 1, 1994, made three main changes:

1. Most importantly, automatic acquisition of French nationality at the age of majority (with a right of refusal one year before naturalization) was ended. To acquire citizenship, second-generation immigrants had to express their willingness (*manifester leur volonté*) to be French between the ages of 16 and 21. If they did not do so by 21, they could no longer naturalize under Article 44.
2. *Double jus soli*, the real target of the right-wing reformers, was modified somewhat. To acquire citizenship automatically at birth, third-generation aliens had to be born of parents living in France for five years.
3. The extension, in a 1973 nationality law reform, of *double jus soli* to all former French colonies was rescinded.

The law was accompanied by a series of measures, before and after, designed to restrict immigration. The first Pasqua Law, passed in 1986,

toughened entry requirements for aliens, including visas on all non-European aliens,[71] and increased police powers to demand identity cards and search suspected aliens on French soil. The menacing police-phrase "*tes papiers?*" is a common feature of everyday life for black residents and citizens of France.

The government's effort to use nationality law to deflect the *Front National* had to fail. The rise of *Front National* support was a complex mix of crude racism, a reaction to worsening economic conditions, the absence of alternatives among the mainstream parties and a desire to limit the entry of immigrants (which may or may not itself be racist). None of these factors could be addressed by the nationality reforms. The racist core of the *Front National* would be satisfied with nothing less than the complete expulsion of France's non-white citizens and resident aliens. Nationality law obviously could do nothing to remedy France's economic difficulties. Finally, the reforms could not even seriously reduce the number of aliens entering France, much less those already there. The foundation of the reforms was the demand to *manifester la volonté*, which served only to discourage the naturalization of aliens who would, in almost all cases, continue to reside in France in any event. The rest could only be tinkering. The Conseil d'Etat had rejected Giscard d'Estaing's program for removing resident aliens in 1980, and henceforth such programs had to be limited to the offer of aid for those who voluntarily wished to return. No more than 1000 resident aliens volunteered yearly, and increasing the amount offered was unlikely to alter this result. Judged solely with reference to their own aims, reforms to nationality law were a bad idea. They could not limit the *Front National*'s support – it only fell when the *Front* itself split – and they served to undermine nationality law's integrating role.

The inadequacy of the 1993 law was recognized by the socialist/green/communist opposition, and when the *gauche plurielle* surprised everyone by winning the 1997 parliamentary elections, Jospin's government quickly sought to reform nationality law. Jospin commissioned Patrick Weil, a historian and sociologist, to write a report that would serve as the basis of the law. Weil identified, broadly speaking, two inadequacies of the 1993 law: those of principle, and those of pragmatism.[72] In the former, the law broke with the tradition of *le droit du sol*, which held that socialization, as guaranteed by school and military service, was more fundamental to French nationality than an act of will.[73] In the latter, a wide range of anomalies had been created by the law: individuals with a right and interest in expressing their *volonté* understood the procedures poorly; large numbers who had the right to become

citizens only learned of it once it was too late; the available information and rate of *manifestation de volonté* varied greatly between departments.[74] Thus, looking at figures from the department of Alsace alone, Mulhouse recorded a "manifestation rate" of 68 percent, whereas the figure was only 42 percent in Strasbourg; the difference between the two could only be explained by ignorance of the procedure.[75] As a result, the law reversed a long tradition of transforming foreigners into Frenchmen, transforming those who were sociologically, linguistically and culturally French into foreigners.

The law closely followed the Weil report, abolishing the requirement of a *manifestation de volonté* and granting second-generation immigrants automatic naturalization at the age of 18, if they have lived in France for at least five years from the age of 11. They can also acquire French nationality at the age of 13 if they have lived in France since the age of 8, though in this case the parents' consent is required.[76] In short, although French nationality law was temporarily blown off its inclusive course, it has returned to its integrationist path.

The United Kingdom: Filling out a thin citizenship

The United Kingdom has a liberal, but thin, definition of citizenship. British citizenship as it exists today dates only to 1981. From the seventeenth century until 1948, Britons were simply British subjects, which meant that entitlements flowed from an individual relationship with the monarch rather than the possession of a common citizenship.[77] From 1948 until 1981, Britons shared an overarching imperial citizenship with citizens of Britain's colonies – citizenship of the United Kingdom and Colonies – though they alone had from 1962 rights we today associate with citizenship.[78] One of the results of this history is that there is little clarity in Britain about the content of British citizenship (many still believe that they are British subjects). Likewise, there are few obligations attached to British citizenship. Military service (which still exists in Germany) ended in the 1950s, and there is no obligation to vote (as in Australia). When naturalizing, there is no citizenship oath, often no interview, and the United Kingdom is perfectly indifferent to dual or multiple citizenship.[79]

The British government is now reconsidering its cavalier attitude to integration. Following a series of high-profile riots in Oldham, Burnley and Leeds in the summer of 2001,[80] the Home Secretary, David Blunkett, commissioned a White Paper on immigration, nationality and asylum. The White Paper recommends measures to ensure a more robust sense

of citizenship among naturalizing Britons: more rigorous language tests and training, citizenship oaths and examinations on British history and institutions.[81] Arguing that the acquisition of citizenship has until now been little more than a bureaucratic process, the Paper concludes that

> Becoming British ... is – or should be – a significant event. It can be seen as an act of commitment to Britain and an important step in the process of achieving integration into our society. Yet, in spite of this, some applicants for naturalisation do not have much practical knowledge about British life or language, possibly leaving them vulnerable and ill-equipped to take an active role in society ... We need to develop a sense of civil identity and shared values, and knowledge of the English language (or Welsh language or Scottish Gaelic) ... can undoubtedly support this objective.[82]

It is too soon to know what sort of measures will make their way into legislation, but the country in Europe that thought least about citizenship is beginning to think more about it today.

Conclusion

In Germany, France and the United Kingdom, debates about immigration and integration have become debates about citizenship. They provide an ideal opportunity to reflect on the postnationalism's claim that political citizenship is largely immaterial to meaningful integration. Before considering this issue, it is worth reflecting on the content of postnational arguments. As I have argued elsewhere,[83] postnationalism entails at least two arguments: an empirical and a causal. The empirical argument is that permanent residents enjoy a broad variety of rights without citizenship, such that their lives differ little from those of citizens, and that, as a result, identity and rights have been decoupled: one can be a Berliner without being a German, lobby Congress while holding a Turkish passport, be committed to civic participation in Boston and the Dominican Republic and so on.[84] The causal argument, however, is different: this postnational outcome, so to speak, resulted from an internationalization of human rights legislation and/or from the emergence of a universal human rights discourse (though postnationalists, it should be noted, are often not entirely explicit about causality).

The causal claim has been challenged by recent research. A number of scholars have argued that, though it is undeniable that legal residents in Europe enjoy a greater degree of security than previously, the sources of this security are domestic, not transnational. Socio-economic rights do not derive from the discourse of universal personhood or from international norms, but rather from the institutions of the liberal democratic state, above all the courts, which articulated, through a series of legal decisions, the rights of residents on the basis of *national* constitutions.[85] Postnationalism, in effect, got the causality backwards: the rights of the resident *qua* resident or *qua* human being were not in the main the product of international treaties, still less of international discourse on human rights; rather, this discourse and these treaties were the (not entirely successful) result of the postwar effort by a handful of Western states to institutionalize their liberal national values at the international level. It is thus unremarkable that the rights of legal aliens (and even those of illegal aliens) are best protected in the liberal West.

The empirical argument is on surer, though not perfectly solid, ground. The decoupling of rights and citizenship is a largely postwar development, and it has rendered the once-clear link between citizenship, identity and rights problematic. Still, the argument is robustly applicable only to Europe. In 1996, the US Congress passed a welfare reform measure limiting social rights previously enjoyed by legal permanent residents to citizens.[86] Some of these have been restored, but only to individuals who entered the country before 1993. In the US, political citizenship is once again increasingly a precondition of social (though not economic) rights.

More importantly, the fact that rights and identity no longer (if they ever did) overlap (one can hold a British passport while "feeling" Jamaican) says little about political citizenship's importance for integration. This point is supported by the French, German and British cases. In the first two, the demands of integration have forced a reversal of restrictionist nationality measures; in the latter, it is encouraging a revaluation (in Schuck's words) of citizenship. In Britain, where citizenship had little content, there is an active effort to link citizenship with specific values and obligations.

This revaluation of citizenship is intrinsically connected with actual integration challenges; this is clear from both the French and German cases. In France, where citizenship has long had a robust content, the partial and brief turn away from a policy of integration founded on a liberal grant of citizenship violated the tradition of the *droit du sol* and led to a series of *effets pervers*: inconsistent information, missed deadlines through ignorance, and sharply varying naturalization rates. It also violated, across generations, basic principles of equality: current, (mostly) non-white migrants' children were treated in a less privileged manner than previous generations of Italians and Poles. Had the law been maintained, a growing portion of French residents, with

a technical right to citizenship subject to the *manifestation* requirement, would have remained foreigners, stripped of political rights.

In Germany, postnationalism was by all accounts a failure; Germany's foreign population was large and destined to increase; non-citizens had higher levels of unemployment, lower levels of education and inadequate German language skills. What's more, these problems seemed to be getting worse. To be sure, citizenship is but one element in integration, but political and policy developments in the 1990s made clear that Germany needed an active integration policy, and such a policy required an open, inclusive citizenship policy.

In constructing their thesis, postnationalists aimed at the wrong target. The fluidity of identities, which has no doubt increased with migration and globalization, does not preclude or even implicate the acquisition of national citizenship. Individuals are free to develop attachments to smaller entities within the nation-state, to larger ones outside it, or even, consistent with the law, to other nation-states. Naturalized citizens may speak a third language at home, send their children to school in their mother tongue and move comfortably between two or more cultures and societies. To the degree that such contacts broaden understanding, encourage respect for other cultures and perhaps promote the liberal state's values abroad,[87] such developments should only be encouraged. To suggest that naturalization in the primary country of residence prevents or even discourages any of these attachments is to make the same mistake as the French center- and far-right in imbuing national citizenship with more meaning than it merits. Rights and identity are decoupled, but citizenship remains a prerequisite to full rights.

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Notes

1 In this chapter I define integration as the process through which immigrants and other non-citizens achieve in law and in practice the same entitlements as non-citizens, and through which they secure the recognition of and respect for particular religious or cultural requirements. It is a two-way process in that it also requires non-citizens to accept as minimum conditions liberal democratic commitments to political liberalism and procedural tice. In Germany, France and the United States, these commitments are delineated in national constitutions; in the United Kingdom, they are a matter of precedent.

2 M. Feldblum, "Reconfiguring Citizenship in Western Europe," in C. Joppke ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*. Oxford: Oxford University Press, 1998; S. Sassen, "The *de facto* Transnationalizing of Immigration Policy," in C. Joppke ed. *Challenge to the Nation-State;* Y.N. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994).

3 D. Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore: The Johns Hopkins University Press, 1997), p. 9.

4 Soysal, *Limits of Citizenship*, p. 3.

5 C. Joppke, Challenge to the Nation-State, p. 25.

6 Soysal, *Limits of Citizenship*, ch. 7.

7 A charge that was made by Algerian migrants and Algeria itself. See A. Sayad, "Les immigrés algériens et la nationalité française," in S. Lacher, *Questions de nationalité* (Paris: Editions l'Harmattan, 1987).

8 P. Schuck, "The Re-evaluation of American Citizenship," in Joppke, ed. *Challenge to the Nation-State;* Schuck, "Plural Citizenships," in R. Hansen and P. Weil eds., *Dual Nationality, Social Rights and Federal Citizenship in the US and Europe* (Oxford: Berghahn, 2002).

9 S. Green, "Beyond Ethnoculturalism? German Citizenship in the New Millennium," *German Politics*, 9/3 (2000), 105–24; Green, "Citizenship Policy in Germany: The Case of Ethnicity over Residence," in R. Hansen and P. Weil, *Towards a European Nationality: Citizenship, Immigration and Nationality Law in the EU* (Basingstoke: Palgrave, 2001).

10 S. Martin, "Social Rights and Naturalization: The U.S. Experience," in R. Hansen and P. Weil eds., *Dual Nationality*.

11 Soysal, *Limits of Citizenship*.

12 S. Green, "Citizenship Policy."

13 This reading is confirmed by G. Neuman, "Nationality Law in the United States and the Federal Republic of Germany: Structure and Current Problems," in R. Münz and P. Schuck, *Paths to Inclusion: The Integration of Migrants in the United States and Germany* (Providence, RI: Berghan Books, 1998), 269–70. An early postwar study of German nationality law placed great emphasis on the importance of Article 116 for German expellees from east of the Oder-Neisse line. See Franz Maßfeller, *Deutsches Staatsangehörigkeitsrecht von 1870 bis zur Gegenwart* (Frankfurt: Alfred Metzner Verlag, 1957).

14 M. Fulbrook, "Germany for the Germans? Citizenship and Nationality in a Divided Nation?" in D. Cesarani and M. Fulbrook, *Citizenship, Nationality and Migration in Europe* (London: Routledge, 1996).

15 Brubaker discusses both the expellees and the question of a single German citizenship, but views them both as a confirmation of the ethnocultural basis of German nationality. See Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992), 168–71.

16 C. Martini, *Citizenship and Naturalisation in Germany: Legislation, Political Discussion and Administration Practice 1870–1995* (Report prepared for the *Centre d'Études de la politique d'immigration, d'intégration et de la citoyenneté*, IEP, Paris, July 1995), part 3, 13. Thus, when an MP proposed a wholesale reform of nationality law during 1955 discussions surrounding the repeal of collective naturalizations executed by the Nazis, he was told by the Interior Minister that questions of nationality could not be discussed under the conditions of a divided Germany (*ibid.*, 14).
17 *Guidelines on Naturalization*, Circular of the Federal Minister for Foreign Affairs, July 1, 1977.
18 Soysal, *Limits of Citizenship*, 25.
19 On this, see R. Hansen, *Citizenship and Immigration in Postwar Britain* (Oxford: Oxford University Press, 2000), ch. 2.
20 P. Martin, "Germany: Reluctant Land of Immigration," undated, *http://www.agecon.ucdavis.edu/faculty_pages/martin/Germany/Germany.htm* (consulted February 15, 2002).
21 Green, "Citizenship Policy," 29.
22 *Die Beauftragte der Bundesregierung für Ausländerfragen* (2000a), "Geburten," website: http://www.bundesauslaenderbeauftragte.de/daten /tab7.pdf (consulted February 20, 2002).
23 Martin, "Germany."
24 *Die Beauftragte der Bundesregierung für Ausländerfragen* (2000b), "Entwicklung der Ausländerarbeitslosigkeit und Ausländerbeschäftigung," http://www.bundesauslaenderbeauftragte.de/daten /index.stm (consulted February 20, 2002).
25 The figures illustrate sharp fluctuations both upwards and downwards, broadly coinciding with boom (1990/1991) and bust (1981) years in Germany.
26 R. Süssmuth, *Zuwanderung gestalten, Integration fördern. Bericht der Unabhängigen Kommission Zuwanderung* (Berlin: Bundesministerium des Innern, 2001), 219.
27 W. Seifert, *Geschlossene Grenzen – offene Gesellschaften? Migrations- und Integrationsprozesse in westlichen Industrienationen* (Frankfurt/New York: Campus, 2000), 179.
28 *Die Beauftragte der Bundesregierung für Ausländerfragen* (2000c), "Sozialversicherungspflichtig-beschäftigte Ausländer in der Bundesrepublik Deutschland nach Staats- und EU-Angehörigkeit" http://www.bundesauslaenderbeauftragte.de/daten/tab24.pdf (consulted February 20, 2002).
29 I owe this point to Simon Green.
30 R. Süssmuth, *Zuwanderung*, 212.
31 R. Süssmuth, *Zuwanderung*, 212.
32 R. Süssmuth, *Zuwanderung*, 212.
33 R. Süssmuth, *Zuwanderung*, 213.
34 *Beauftragte der Bundesregierung für Ausländerfragen* (2001), "Mehrsprachigkeit an deutschen Schulen: ein Länderüberblick."
35 Green, "Citizenship."
36 Green, "Citizenship."
37 s. 85, 1993 *Ausländergesetz*; Green, "Citizenship."

38 s. 86, 1993 *Ausländergesetz*. In 1994, following the center-right's victory in the elections, a further reform was proposed: third-generation immigrants born in Germany of parents who had lived there for ten years were given the status of *Kinderstaatszugehörigkeit*. This gave them most of the rights of German citizens, if their parents had lived in the country for ten years and were without criminal records. At the age of 18, they would have to decide between their nationality and that of their parents (Martini, *Citizenship*, 14).
39 Interview with an official from the *Bundesministerium des Innern*, Bonn, February 1999.
40 Although increasing three-fold from 1990–96, it rested at a modest 1.5 percent in 1998. Green, "Beyond Ethnoculturalism?", 106.
41 Doc. 12/4533, 10.3 1993.
42 Martini, *Citizenship*, 17.
43 Though not all CDU members were in favor of it. See "In Kreuzberg fallen die Strassenaktionen aus. Die geplante Volksbefragung der CDU zur doppelten Staatsbürgerschaft stösst bei der Parteibasis auf Skepsis," *Süddeutsche Zeitung*, January 12, 1999.
44 Interview with an official from the *Bundesministerium des Innern*, Bonn, February 1999.
45 Either an unlimited residence permit (*unbefristete Aufenhaltserlaubnis*) or a residence entitlement (*Aufenhaltsberechtigung*). The former available after five years, the latter after eight. As Green points out, only 38 percent of foreigners hold these permits (though 56 percent have been in the country for more than eight years). Green, "Beyond Ethnoculturalism," 114. Nonetheless, 40 percent of foreigners will now give birth to German citizens, a substantial improvement on past practice.
46 I owe this point to a conversation with Patrick Weil.
47 Subject to the usual caveats about predictions, it is highly possible that a challenge against the dual nationality provisions would strike down the renunciation requirement at 23; it is difficult to imagine the *Bundesverfassungsgericht* upholding legislation stripping individuals of German citizenship. The ghosts of the 1930s walk through the court, as they do through all of Germany.
48 Martini, *Citizenship*, 16.
49 Martini, *Citizenship*, 18.
50 Bill on the Regulation of Aliens Law, Legislative Intent (Slightly Abridged Version), Section II.
51 Manfred Kanther recently claimed, rather implausibly, that nationality was liberally reformed in 1993 because of the success of integration; naturalization cannot, he argues, improve integration. *Rede von Bundesinnenminister Manfred Kanther im Deutschen Bundestag zum Thema "Staatsanehörigkeit"* (Bonn: Das Bundesministerium des Innern, 9. 2. 1995).
52 See, for example, the argument presented in A. Böger, *Die Diskussion über ein Einwanderungsgesetz* (Bonn: Wissenschaftliche Dienste des Deutschen Bundestages), especially section 3.
53 "Coalition agreement between the SPD and the Alliance 90/Greens," signed in Bonn on October 20, 1998 (official translation). I thank the German interior ministry for providing me with a copy of the agreement.

54 Statistics taken from *Survey of the Policy and Law Concerning Foreigners in the Federal Republic of Germany* (Bonn: Federal Ministry of the Interior, March 1998) [official translation], 12–26.
55 H. Rittstieg, "Dual citizenship: Legal and Political Aspects in the German Context," in: R. Bauböck, ed. *From Aliens to Citizens* (Avebury: Gower, 1994).
56 Süssmuth, *Zuwanderung*, 199–265, especially at 217.
57 E. Weber, *Peasants into Frenchmen: The Modernization of Rural France* (London: Ghatto & Windus, 1977).
58 P. Weil and J. Crowley, "Integration in Theory and Practice: A Comparison of France and Britain," in M. Baldwin-Edwards and M. Schain (eds.), *The Politics of Immigration in Western Europe* (London: Frank Cass, 1994), 111; P. Lagarde, "Le droit français de la nationalité," in B. Nascimbene (ed.), *Nationality Laws in the European Union/Le droit de la nationalité dans l'union européenne* (London: Butterworths, 1996), 313.
59 F. Dubet and D. Martucelli, *À l'école: une sociologie de l'expérience scolaire* (Paris: Seuil, 1996). Military service played an important role in socialization earlier this century, but has recently been viewed as less effective [M. Long, *Affaiblissement du lien social. Enfermement dans les particularismes et intégration dans la cité, Rapport du Haut Conseil à l'Intégration* (Paris: la documentation francaise, 1997)].
60 Marceau Long, *Etre français aujourd'hui et demain* (Paris: La documentation française, 1988), p. 21, Jacques Trémolet de Villers *et al.*, *Immigration et nationalité: quelles réponses?* (Paris: ICTUS, 1990), 18.
61 Paul Lagarde, "Le droit français de la nationalité," in B. Nascimbene (ed.), *Nationality Laws in the European Union/Le droit de la nationalité dans l'union européenne* (London: Butterworths, 1996), 313. Legislation in 1940 required the administrative review of naturalization, resulting in the denaturalization of some 15,000 individuals, including 6000 Jews. Brubaker, *Citizenship and Nationhood in France and Germany*, 215 (fn 120).
62 The *lois du 7 février 1851, du 16 juillet 1874, du 14 février 1882, du 26 juin 1889* and *du 22 juillet 1889* re-introduced *ius soli* as a basic element in French nationality law. Other reforms have addressed discrimination against women in nationality law: the *loi du août 1927* allowed French women marrying an alien resident in France to retain her French nationality, while the *loi du 9 janvier 1973* abolished all distinctions between men and women for the acquisition, attribution and retention of French nationality. Lagarde, "Le droit français de la nationalité," 310–12.
63 Brubaker, *Citizenship*, 108.
64 R. Schor, *Histoire de l'immigration en France: de la fin du XIXe siècle à nos jours* (Paris: Armand Collin, 1996), ch. 9; P. Weil, *La France et ses èrangers: l'aventure d'une politique de l'immigration de 1938 à nos jours* (Paris: Gallimard, 1995), especially ch. 2–4.
65 Adrian Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain* (Basingstoke: Macmillan – now Palgrave Macmillan, 1998), 154.
66 See R. Brubaker, this volume, and Favell, *Philosophies*, ch. 3 and 5.
67 Interview with Paul Lagarde, member of the *Conseil d'état*, Paris, April 9, 1999.
68 Toulon, Orange, Marignane and Vitrolles.

69 For a discussion of the sources of FN support, see A. G. Hargreaves, *Immigration, "Race" and Ethnicity in Contemporary France* (London: Routledge, 1995), P. Perrineau, *Le symptôme Le Pen: Radiographie des électeurs du Front National* (Paris: Fayard, 1997), and M. Schain, "The National Front in France and the Construction of Political Legitimacy," *West European Politics*, Vol. 10, No. 2 (1987), 229–52.
70 Long, *Être français*. On the whole, the Commission was more liberal than the original bill. The requirement of an oath of allegiance, for example, was rejected by the Commission as an American import alien to the French democratic tradition.
71 These visas were easily obtained by Americans and Canadians, but were obtained only with great difficulty by Africans (Weil, *La France*). They were later dropped altogether for North Americans.
72 P. Weil, *Mission* d' étude de la législation de l'immigration et de la nationalité française (Paris: la documentation française, 1997).
73 Weil, *Mission*, 19–20.
74 Weil, *Mission*, 26–30.
75 Weil, *Mission*, 29.
76 For visitors needing visas, the law also replaced the controversial requirement, adopted by a 1997 law of a lodging certificate (*certificat d'hébergement*) signed by the Mayor with a letter of invitation (*attestation d'accueil*) from the individual lodging the visitors. See *Le Monde*, "Les dispositions adoptées en première lecture," December 1, 1997 and "La majorité se divise sur l'immigration," December 19, 1997.
77 See R. Hansen, *Citizenship*, ch. 2.
78 Hansen, *Citzenship*.
79 R. Hansen, "From Subjects to Citizens," in Hansen and Weil eds., *Towards a European Nationality*; Hansen, "The Dog that didn't Bark: Dual Citizenship in the United Kingdom," in R. Hansen and P. Weil eds, *Dual Nationality*.
80 Simon Parker, "Race Riots Sparked by 'Public Service Failures'," *The Guardian*, December 11, 2001.
81 *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (London: HMSO,CM 5387, 2002), ch. 2.
82 *Secure Borders*, 32.
83 R. Hansen, "Migration, Citizenship and Race in Europe: Between Incorporation and Exclusion," *European Journal of Political Research* 35 (1999), 415–44.
84 Levitt, this volume, Soysal, *Limits of Citizenship*.
85 See G. Freeman, "Modes of Immigration Politics in Liberal Democratic States," *International Migration Review*, 29(4), 1995, 881–902; G. Freeman, "The Decline of Sovereignty?," in C. Joppke (ed.) *Challenge to the Nation-State*; C. Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics*, 50(2), 1988, 266–93; C. Joppke, *Immigration and the Nation-State: the United States, Germany, and Great Britain* (Oxford: Oxford University Press, 1999); see also Hansen, "Migration".
86 S. Martin, "Social Rights".
87 On the last point, see P. J. Spiro, "Dual Nationality and the Meaning of Citizenship," *Emory Law Journal*, 46/4 (1997), 1412ff.