A PUBLICATION OF THE ASSOCIATION FOR CANADIAN STUDIES UNE PUBLICATION DE L'ASSOCIATION D'ÉTUDES CANADIENNES

CANADIAN DIVERSITÉ CANADIENNE

VOLUME 6:4 FALL / AUTOMNE 2008

CITIZENSHIP IN THE 21ST CENTURY

INTERNATIONAL APPROACHES

LA CITOYENNETÉ AU XXIe SIÈCLE

APPROCHES INTERNATIONALES

Guest Editor /
Directeur invité :
Daniel M. Weinstock,
Université de Montréal

METROPOLIS

Citizenship and Immigration Canada / Citoyenneté et Immigration Canada

Canadian Heritage / Patrimoine canadien

Support was also provided by the Citizenship Branch of Citizenship and Immigration Canada and the Multiculturalism and Human Rights Branch of Canadian Heritage.
Avec l'appui de la Direction générale de la citoyenneté, Citoyenneté et Immigration Canada, et de la Direction générale du multiculturalisme et des droits de la personne, Patrimoine canadien.

THE METROPOLIS PROJECT

Bridging Research, Policy and Practice

Immigration and Diversity Issues Gaining Prominence

Canada accepts some 250,000 immigrants and refugees annually

- Are newcomers finding jobs and succeeding economically?
- What impact has diversity had on Canada?
- Do newcomers face barriers?
- Why do immigrants settle primarily in our larger cities?
- Are there social and economic challenges? Are we responding appropriately?

Connecting the Research, Policy and Practice

The Metropolis Project Secretariat is the bridge between research, policy and practice

- Supports and encourages policy-relevant research of interest to the Government of Canada
- Increases the uptake of research findings by policy-makers and practitioners
- Manages the international arm of Metropolis

Mobilizing the Network

- **Five Centres of Excellence**, located in Vancouver, Edmonton, Toronto, Montréal and Halifax/Moncton generate policy-relevant research on immigration and diversity
- **Metropolis Conferences** attract 700+ participants yearly
- **Metropolis Presents** is a public forum to discuss research and policy findings on emerging issues
- **Metropolis Conversations** are closed-door sessions of experts that contribute to a more informed debate on immigration policy
- **An Interdepartmental Committee of federal partners** meets quarterly for cross-cutting policy discussion
- **Our publications** transfer research knowledge to policy-makers and practitioners
- **Our award-winning suite of websites** provide access to hundreds of articles and working papers
- **Co-chair of the International Metropolis Project**, the largest immigration network of its kind, bringing together more than 30 countries and international organizations

Our Partnership and Network

Metropolis involves more than 5,500 participants from all over the world

- Social Sciences and Humanities Research Council, Citizenship and Immigration Canada, Canadian Heritage, Human Resources and Social Development Canada, Public Safety Canada, Public Health Agency of Canada, Royal Canadian Mounted Police, Canada Mortgage and Housing Corporation, Statistics Canada, Atlantic Canada Opportunities Agency, Canada Economic Development for Quebec Regions, Canada Border Services Agency and the Rural Secretariat of Agriculture and Agri-Food Canada
- Project-based partnerships with other government departments, provincial and municipal governments, non-governmental organizations, and service-providing organizations in the sectors of immigration and settlement
- Partnerships with countries in North America, most of Europe and much of the Asia-Pacific region, as well as a number of international organizations
- Centres of Excellence involve several hundred affiliated researchers, graduate students and post-doctoral fellows from more than 20 universities across Canada

www.metropolis.net

METROPOLIS

CANADIAN DIVERSITÉ CANADIENNE

Fall / automne 2008
Vol. 6, No. 4

3 INTRODUCTION
The Theory and Practice of Citizenship in the 21st Century: A Few International Trends
Daniel M. Weinstock

7 Citizens on the Move: Democratic Standards for Migrants' Membership
Rainer Bauböck

13 Promoting Immigrant Integration Through Citizenship Policies: The MIPEX Findings for Europe
Thomas Huddleston

17 Dual Citizenship and Transnationalism in Europe
Christian Joppke

21 Citizenship in Australia
James Jupp

24 Austrian Citizenship Law: Will Austria Take the Leap From the Pre-Democratic Roots of the Austro-Hungarian Monarchy to the 21st Century in Europe?
Hans-Juergen Tempelmayr

28 Belgium and its Struggle with Citizenship
Dirk Jacobs

32 Le régime canadien de citoyenneté : Une réforme, vous dites?
Marie-Elisabeth Lebrun

38 Citizenship in the Twenty-first Century: The French Case
Catherine Wihtol de Wenden

42 Recent Policy Changes in France: Immigrant Integration and Citizenship: Ambiguities and Resistance
Géraldine Bozec

47 Citizenship and Immigration in Finland: The *Nationality Act* 2003 in Context
Östen Wahlbeck

51 From Ethnic Nationhood to Republican Integration: Citizenship in Germany since the 1990s
Thomas Faist

56 Modern German Citizenship, Jürgen Habermas, and *Der Historikerstreit*
Kamal Dib

62 Allogenis and Homogenis Immigrants: Citizenship and Immigration in Greece
Pratsinakis Emmanouil

67 How Misunderstandings and Distortions Jeopardize our Citizenship Ideals: Secularism in India Today
Rajeev Bhargava

72 Nationality in Israel
Na'ama Carmi

75 Migrants and Italian Citizenship
Ennio Codini

78 Immigration, Citizenship and National Identity: Recent Trends in Japan
Yumi Kishida

82 Citizenship in Korea: From Ethnic Purity to Multicultural Identity?
Eugene Lee

86 Citizenship in the Netherlands: Changing Policies and Concepts
Ben P. Vermeulen and Karin M. de Vries

91 Dutch Approaches to Citizenship: From Multiculturalism to Shared Citizenship
Jeanine Klaver

95 Citizenship in New Zealand: Tougher Criteria for a New Century
Richard Bedford

99 Citizenship and Multiculturalism in Norway
Yngve Lithman

103 Polish Nationality and Polish Citizenship: A Forgotten Dichotomy
Agnieszka Weinar

107 Citizenship and Integration Policies in Portugal: An overview of recent immigration to Portugal
Jorge Malheiros and Ana Paula Horta

111 Spanish Constitutional and Legal Regulation of Citizenship and Immigrants' Public Participation: The Case for Local Suffrage and Naturalization Reform
David Moya

116 Migration and Citizenship in Sweden
Pieter Bevelander and Mikael Spång

121 Variation across Space, Persistence over Time: Citizenship Politics in Switzerland
Marc Helbling

125 Citizenship: The UK Experience
Sarah Spencer

129 Citizenship in the United States and Canada: How Government Policy Matters for Immigrant Political Incorporation
Irene Bloemraad

134 Transnationalism, Integration, and Citizenship in the United States: Then and Now
Nancy Foner

138 Citizenship is the Way a Country Believes in Itself
The Right Honourable Adrienne Clarkson

140 Has it Become Too Easy to Acquire Canadian Citizenship?
Martin Collacott

145 The Adams-Cohen Debate on Canada's Identity and Diversity
Kamal Dib and Ian Donaldson

150 Beyond the Mosaic: Multiculturalism 2.0
Alden E. Habacon

154 Ask What You Can Do for Your Country and Not What it Can Do for You: Is Canadian Citizenship Really Being Taken for Granted?
Jack Jedwab

161 Think Global, Vote Local
Ratna Omidvar

164 Transnationals and Sense of Belonging to Canada: With Glowing Hearts?
Lloyd Wong

***Canadian Diversity* is published by**
***Diversité canadienne* est publié par**

ACS • AEC
Association for Canadian Studies • Association d'études canadiennes

This edition of Canadian Diversity *is supported by the Metropolis Project.*
Ce numéro de Diversité canadienne *a bénéficié du soutien du projet Metropolis.*

METROPOLIS

Metropolis is an international network for comparative research and public policy development on migration, diversity and immigrant integration in cities in Canada and around the world.

Metropolis est un réseau international favorisant la recherche comparative et l'élaboration de politiques publiques sur la migration, la diversité et l'intégration des immigrants dans les villes au Canada et dans le monde entier.

Canadian Diversity is a quarterly publication of the Association for Canadian Studies (ACS). It is distributed free of charge to individual and institutional members of the ACS. *Canadian Diversity* is a bilingual publication. All material prepared by the ACS is published in both French and English. All other articles are published in the language in which they are written. Opinions expressed in articles are those of the authors and do not necessarily reflect the opinion of the ACS. The ACS is a a voluntary non-profit organization. It seeks to expand and disseminate knowledge about Canada through teaching, research and publications. The ACS is a scholarly society and a member of the Canadian Federation of Humanities and Social Sciences.

Diversité canadienne est une publication trimestrielle de l'Association d'études canadiennes (AÉC), distribuée gratuitement aux membres de l'AÉC. *Diversité canadienne* est une publication bilingue. Tous les articles émanant de l'AÉC sont publiés en français et en anglais. Tous les autres articles sont publiés dans leur langue d'origine. Les collaborateurs et collaboratrices de *Diversité canadienne* sont entièrement responsables des idées et opinions exprimées dans leurs articles. L'AÉC est un organisme pancanadien à but non lucratif dont l'objet est de promouvoir l'enseignement, la recherche et les publications sur le Canada. L'AÉC est une société savante et membre de la Fédération canadienne des sciences humaines et sociales.

CANADIAN DIVERSITÉ CANADIENNE

EDITOR / RÉDACTEUR EN CHEF
Jack Jedwab

MANAGING EDITOR / DIRECTRICE À LA RÉDACTION
Marie-Pascale Desjardins

PRODUCTION
Llama Communications • 819-776-6888 • www.llamacom.ca
Cover Illustration / Illustration de la page couverture : Robert Neubecker

ADVERTISING / PUBLICITÉ
mp.desjardins@acs-aec.ca

DISTRIBUTION
Disticor Direct
695 Westney Road South, Unit 14
Ajax (Ontario) L1S 6M9

ACS ADDRESS / COORDONNÉES DE L'AÉC
1822a, rue Sherbrooke Ouest, Montréal (Québec) H3H 1E4
514-925-3096

RUN OF 10,000 COPIES / TIRAGE DE 10 000 EXEMPLAIRES
CONVENTION POSTE PUBLICATION, 41006541

COMMENTS ON THIS EDITION OF CANADIAN DIVERSITY?
WE WANT TO HEAR FROM YOU. WRITE TO:
Canadian Diversity - Letters
ACS, 1822a rue Sherbrooke Ouest
Montréal (Quebec) H3H 1E4
Or e-mail us at allison.anderson@acs-aec.ca
Your letters may be edited for length and clarity.

DES COMMENTAIRES SUR CE NUMÉRO?
ÉCRIVEZ-NOUS À :
Diversité canadienne - Lettres
AÉC, 1822a, rue Sherbrooke Ouest
Montréal (Québec) H3H 1E4
Ou par courriel à allison.anderson@acs-aec.ca
Vos lettres peuvent être modifiées pour des raisons éditoriales.

INTRODUCTION: THE THEORY AND PRACTICE OF CITIZENSHIP IN THE 21ST CENTURY

A Few International Trends

DANIEL M. WEINSTOCK

Daniel M. Weinstock holds the Canada Research Chair in Ethics and Political Philosophy in the Département de philosophie of the Université de Montréal. He is also the Founding Director of the Centre de recherche en éthique de l'Université de Montréal. He has written several dozen academic articles on the management of diversity in multicultural societies, and has consulted on numerous occasions with federal bureaucracies charged with immigration and citizenship policy. He is presently writing a book on Multiculturalism and Citizenship in Canada for Oxford University Press. His work has been recognized by several prestigious prizes, including the Pierre Elliott Trudeau Prize in 2004, and the Prix André Laurendeau in 2006.

The articles assembled in this issue of *Canadian Diversity* bear witness to a striking fact. All over the world, states are rethinking immigration, naturalization and integration (hereafter INI) policies. The combined effect of the changes that come about as a result of this process might be a great deal more *convergence* among states, both as regards the kinds of policies that they adopt and the problems that they will have to face in the years to come.

Though INI regimes are not the only policy tools at the disposal of governments seeking to mold a diverse society into a tolerably cohesive citizenry, their centrality has been increasingly recognized all over the world, since it is through these policies that governments can set the terms defining admission to citizenship. Indeed, as I have argued elsewhere, citizenship can be thought of as *status*, *identity* and *practice*. INI policies police the first of these dimensions of citizenship, in that they set the terms of admission to the status of "citizen." Though several articles in this collection deal with these other aspects of citizenship policy, I will focus these introductory remarks on INI policies. In this way, I will centre the discussion on the commonalities that I see emerging in countries that one would until recently not have mentioned in the same sentence in thinking about the management of diversity.

Two distinct paths

Until quite recently, the globe could be quite conveniently (though always somewhat simplistically) split between *immigration* and *non-immigration* societies. The former, among which Canada, Australia, and the United States figured most prominently, have long made it an article of faith that their economic and demographic health depends on attracting people from other countries, not as temporary workers but as permanent, full-fledged members of society. Though these countries have obviously modified their INI policy regimes over time (most notably in broadening the range of countries from which immigrants could be drawn), they have been shaped to a significant degree by the following characteristics:

- *Jus soli* rather than *jus sanguinis*: Membership in the society depends on where you are rather than on where your ancestors came from. (Note that this statement is ambiguous: it can mean that membership depends on facts about your *birth*, or about your *residence*).

- *A fairly thin national identity*: A corollary of the juridical emphasis on *jus soli* has been the adoption of a fairly thin *cultural* definition of what it means to be a citizen. Clearly, if a country wants to attract persons from a variety of other countries to its shores, it had better not make "thick" cultural markers such as religion, ethnicity, and shared history, conditions of acceptance. Membership rests upon the acceptance of liberal-democratic values and practices, and on a commitment to sharing a future rather than on a common past.

- *Multiculturalism*: Many, and perhaps even most people who move from one country to another do so to better their lives, and that of their children. But they do not generally do so out of a desire to erase their previous identities. Countries of immigration have by and large adopted one or another set of policies commonly lumped together under a "multiculturalism" rubric. Though these policies are actually quite different from one state to another, they share at a minimum a commitment to allowing immigrants to maintain some aspects of the traditions and practices of their countries of origin.

- *Easy naturalization*: Since immigrant societies are looking for new *members* as opposed to individuals performing exclusively economic roles, they have made access to citizenship rather simple, and have actively encouraged landed immigrants to acquire citizenship.

- *Multiple citizenship*: A natural corollary of the foregoing three features is a fairly tolerant attitude toward individuals who hold more than one passport. For one thing, it makes it quite a bit easier to attract people to become members of a country if you do not require of them that they abandon all allegiance to their country of origin. For another, if citizenship betokens not some deep set of cultural or religious affiliations but rather a "shallower" commitment to the values that characterize a decent liberal-democratic society, the possession of multiple citizenships need not be seen as raising the fear of disloyalty.

"Non-immigrant" societies can be seen – again with some simplification – as having made the opposite choices in terms of their INI policy regimes. They define citizenship by blood rather than by soil. They have a much "thicker," or more defined, conception of what a citizen is, which includes references to a common past, sometimes even to a particular religious heritage. They have accordingly been very resistant to accepting the idea and the practice of multiculturalism, and have either discouraged or prohibited the practice of holding more than one citizenship. They have made naturalization difficult, if not impossible.

[A] dialogue on best practices and policies is going to become possible among countries that until recently had very little to converse about, as far as INI is concerned….As INI regimes come to differ more as a matter of degree than of kind, common problems, and perhaps even common solutions, might begin to emerge.

Convergence?

In recent years, shifts in policy have brought these two categories of societies somewhat closer together. On the one hand, immigration societies have at least begun to debate limiting the generosity and "undemandingness" of their INI policy regimes. They have done so for a variety of reasons. I will highlight three of these:

- *Fear*: The "elephant in the room" in all debates about these issues is the fear that followed the wave of terrorist attacks, beginning with the attack on the United States on September 11, 2001. Many began to fear that liberal immigration policies were bringing enemies to our shores, and that policies of multiculturalism were fostering the development and maintenance of pockets of non-integrated citizens with illiberal values and problematic transnational political allegiances. This reign of fear has led to calls to the relatively generous multicultural policies that had been adopted by countries such as Canada and the Netherlands, the thought being that they had perhaps erroneously disregarded the cultural dimensions of integration and citizenship.

- *Concerns about "instrumental" citizenship*: In Canada, the costly evacuation of Canadian nationals from Lebanon in 2006, and to a lesser degree, the realization that many Hong Kong immigrants who came to Canada in the wake of the Chinese takeover in 1999 never really intended to stay in this country, but merely desired to obtain Canadian citizenship as an insurance policy in case the new administration became repressive, led some to believe that Canada had been too generous in its naturalization policies. Easy naturalization would, in the view of some critics (represented in this collection by Martin Collacott), lead to a devaluation of the currency of Canadian citizenship. Though I use Canadian examples here to illustrate this tendency, the article included herein by Richard Bedford makes plain that such concerns are also present in an immigrant society such as New Zealand.

The ambiguity that I pointed to earlier in the *jus soli* conception between citizenship in virtue of *birth* and in virtue of *residence* becomes relevant here: though there is no suggestion among critics of excessively "multicultural conceptions of citizenship" that countries such as Canada or the United States should adopt *jus sanguinis*, the thought is that the residency requirement of citizenship may have been given short shrift. Should individuals who have not lived in the country for years and even decades still enjoy the rights associated with citizenship in an affluent and stable liberal democracy?

- *Distributive justice*: Though this concern may at present be found mainly among academic observers of immigrant societies, it is nonetheless worth mentioning the fear expressed by some progressive critics of excessively liberal policies in the area of immigration, naturalization and integration that the diversification of society would over time lead to an erosion of the kind of economic solidarity that a shared identity makes possible. The fear is that the institutions of distributive justice that characterize some immigrant societies such as Canada and Australia might become unsustainable. A call for "less multiculturalism and more cultural integration" can thus be heard from social-democratic voices.

On the other hand, many erstwhile non-immigration societies have significantly liberalized their INI policies. I will highlight two factors that have contributed to this process.

- *Gastarbeiters* (guest workers): Many erstwhile non-immigration countries have realized that while remaining monocultural *de jure*, they were in fact increasingly multicultural *de facto*. The case of European countries such as Germany and Italy are exemplary here

(and they are discussed in these pages in articles by Faist and Codini). Having brought great numbers of temporary workers in to occupy economic roles that nationals of these countries no longer wanted to perform, but without the intention of ever including them as full members, they have found themselves with communities of "temporary" economic migrants who were temporary in name only. They have had children, and now often grandchildren, and have in many ways established themselves as *de facto* members. This has given rise to the perception that both for practical and for ethical reasons a path to full inclusion had to be traced for these hundreds of thousands of people. As pointed out in several papers here, this has led to the integration of elements of *jus soli* to INI regimes that were previously almost entirely based on the principle of *jus sanguinis*. It has also given rise to a timid affirmation of some degree of multiculturalism in countries that had previously viewed the idea as anathema.

- *Europe*: The emergence of Europe as a political entity has, for a variety of reasons, caused countries to move away from the kinds of INI policies that characterized "non-immigration" societies. First, and most obvious to anyone who casually strolls the streets of Paris, London, Madrid and other great European cities, the almost complete elimination of borders between European countries and even more so among countries within the Schengen space has led to a great deal of internal migration, so that these countries are, to a significant degree, transnationally European, at least in their urban cores. Second, countries aspiring to EU membership have had to adopt, as a condition of acceptance, regimes of minority rights. The irony of countries that until very recently would never have considered such policies, and that (at least in the case of France) only apply them extremely meekly within their own borders, yet impose such demands on candidate countries, has been pointed out by more than one commentator. It remains that this is another way in which the rise of Europe has contributed to the erosion of non-immigration INI regimes. Finally, the erosion of national borders means that, as it were, all European countries at least inherit *de facto* the INI regimes of the EU's least demanding Member States. Indeed, as any person acquiring citizenship in a European country acquires, as a result, European citizenship, the prohibition of multiple citizenships will become difficult, if not impossible, to enforce.

> Families have been torn asunder….And brain drains have been caused by the realization on the part of many developed countries that it is cheaper to import fully trained professionals from other countries than to train them domestically. So while there is significant migration from developing countries, it is most often the migration of desperation rather than of choice.

The concerns that have led immigration societies to begin contemplating a certain retrenchment of their INI regimes have also been present in many non-immigration societies. Thus, the trends that have just been described have not been unilateral. I would argue, however, that opening INI regimes among (formerly) non-immigration societies constitutes the *tendance forte* that has been at work in these countries.

Towards a global conversation?

This very crude and simplistic picture suggests that a dialogue on best practices and policies is going to become possible among countries that until recently had very little to converse about, as far as INI is concerned. (Indeed, this issue of *Canadian Diversity* might be seen as the beginning of such a conversation.) As INI regimes come to differ more as a matter of degree than of kind, common problems, and perhaps even common solutions, might begin to emerge. As an example of what such common solutions might look like, I would like to refer to Rainer Bauböck's article on citizenship as "stakeholding." It is possible that as immigration societies try to counter the trend that according to some has led to a cheapening of the value of citizenship, they will come to emphasize the "residency" component implied in the notion of *jus soli* to a greater degree than they presently do. Short of stripping people of rights if they do not reside in the country that granted them citizenship, they might come to see citizenship as a bundle of rights and obligations that do not all have to go together. Absence might legitimately warrant the temporary removal of certain rights, such as the right to vote. (Many countries already place a time limit on the right to vote for non-resident citizens). Similarly, erstwhile non-immigration societies that are at present arguably saddled with unstable and perhaps even incoherent congeries of *jus soli* and *jus sanguinis* may come to give pride of place to residency as a determinant of the rights of citizenship. And though residency is not synonymous with the notion of "stakeholder" put forward by Bauböck, it seems clear that that notion at least encompasses those persons who reside on the territory of a state. (At what point a person should be taken to merit the designation of "resident" is obviously a difficult issue that will have to be taken up by policy-makers and theorists alike).

Similar debates on the meaning of citizenship and on the requirements of social solidarity will also become possible as the terms of debate are understood in the same way by an ever-increasing number of countries.

A cautionary note

Having painted an optimistic picture of the prospects for dialogue on INI regimes, I must, however, end on a downbeat. It will not have escaped attention that with the exception of Rajeev Bhargava's essay on India (which deals with India's dizzying internal diversity rather than with diversity brought about through international migration), all of the essays included in this collection have to do with countries of the developed world. Despite misgivings that some in these countries (and among the authors collected here) might have about specific aspects of INI policy in this or that country, it would take some willful blindness to deny that these countries have been net beneficiaries of the international migration that has characterized our globalized planet. They have benefited economically in myriad ways, bringing in workers at all levels of the economic ladder, from unskilled Turkish *gastarbeiters* to highly trained Kenyan doctors. And they have benefited culturally as well, through the dynamism and creative tension that the infusion of new ideas and ways of doing things invariably brings about.

But this trend has arguably left many countries in the developing world worse off. Families have been torn asunder. In the case of the Philippines, significant gender imbalances have been created by the mass exportation of caregivers to developed countries. And brain drains have been caused by the realization on the part of many developed countries that it is cheaper to import fully trained professionals from other countries than to train them domestically. So while there is significant migration from developing countries, it is most often the migration of desperation rather than of choice, brought about by famine, poverty, civil war, and natural disasters. While these migrations do undoubtedly cause cultural difficulties, the expenditure of intellectual energy to resolve them seems a luxury given the urgency of the basic unmet needs of so many of the developing world's refugees.

The massive global inequalities that exist between countries of the developed and developing worlds with respect to the costs and benefits of widespread migration is surely an issue that must capture the attention of scholars and policy-makers wanting to understand the ways in which globalization, and global migrations, continue to shape our world in ways both good and bad.

Observers of the evolution of citizenship around the world will want to pay careful attention to developments in the poorest countries of the world. Mass migrations occurring there are giving rise to increasing numbers of refugee populations with no clear membership in *any* polity. If we agree with Hannah Arendt that the right to citizenship is the most fundamental of all rights because it is the right to *have* rights, this trend will appear to be a very worrying one indeed.

Conclusion

I have focused in this short introduction on an aspect of citizenship that has been at the core of dramatic changes both in "immigrant" and in "non-immigrant" societies, and that raised the possibility of policy convergences that would have been unthinkable only a few decades ago. It has to do with the range of policies through which membership is governed.

There are of course other aspects of citizenship policy that have been at the centre of fascinating developments, both theoretical and practical. Citizenship can be seen as a *status*, as an *identity* and as a set of *practices*. Many of the papers in this collection deal with the first of these dimensions of citizenship, and I have concentrated my introductory remarks on the themes that they raise. The connection between citizenship and identity has also been complicated by transnationalism in many interesting ways that are developed in this collection in articles by Jedwab, Dib and Donaldson, and Wong. Finally, the perennial theme about how practices of citizenship can be promoted in increasingly diverse mass societies is taken up in several articles, most notably by Bevelander and Spång, Omidvar, Bloemraad, Foner, Bozec, and Moya. Clearly, the rapidly evolving area of citizenship studies will have to develop on all three of these research fronts in order to meet the demands of an increasingly complex set of social realities, which have been bundled together under the rubric of "citizenship."

CITIZENS ON THE MOVE: DEMOCRATIC STANDARDS FOR MIGRANTS' MEMBERSHIP*

ABSTRACT

This article proposes a stakeholder criterion for deciding who has a claim to be a citizen of which state and discusses how this principle could guide reforms of birthright citizenship and of naturalization procedures.

RAINER BAUBÖCK

Rainer Bauböck holds a chair in social and political theory at the European University Institute in Florence. His research focuses on questions of citizenship, migration, nationalism, minority rights and European integration.

Democracy is a government accountable to its citizens, and states are territorial jurisdictions. International migration creates a tension between these two basic facts about our world because it produces citizens living outside the country whose government is supposed to be accountable to them and inside a country whose government is not accountable to them. There is thus a mismatch between citizenship and the territorial scope of legitimate political authority. In response to this challenge, political theorists have occasionally raised the question of how to redraw the boundaries of political community, but this problem rarely troubled policy-makers or voters.

But times have changed. Citizenship policies, which used to be fairly stable and supported by cross-party consensus in many countries, have become thoroughly politicized and volatile. In immigrant-receiving democracies, citizenship policies now are driven by anxieties over security risks and the failed integration of newcomers, while more and more sending countries are actively reaching out to their expatriates by offering them dual citizenship and absentee voting rights.

The new emphasis on citizenship as a shared core identity in democratic polities should be welcomed. It adds an important political dimension to past debates about the economic and cultural impact of migration. However, the interests and ideologies that drive current public concerns are often extremely myopic, in three ways: they do not rely on defensible principles, they do not look across borders and they disregard the counter-productive effects of the policies advocated.

This article addresses such deficits by proposing democratic principles for citizenship policies and applying them to several controversial issues on the political agenda. It starts with a brief discussion of the various dimensions of citizenship and then focuses on norms governing access of citizenship status at birth, and after birth, inside and outside the territory.

Stakeholder citizenship

Citizenship is a concept with multiple dimensions. It is impossible to encompass all of its uses and meanings in a single definition. It is also pointless to try and do so since many interpretations of citizenship are metaphorical or overstretched. While we cannot define the concept's boundaries, it is possible to define its centre. At its core, citizenship is about equal membership in a self-governing political community. Four interpretations of citizenship are directly connected to this core meaning and spell out its implications in the context of modern democracies. Citizenship is: a) a formal legal status that links individuals to a state or another established polity, such as the European Union or a federal province; b) a bundle of legal rights and duties associated with this status; c) a set of responsibilities, virtues and practices that support democratic self-government; and d) a collective identity that can be shared across distinctions of class, race, gender, religion, ethnic origin or way of life.

Taken together, these four elements make up democratic citizenship; taken separately, they apply also to other political formations. For example, in international law, the legal status of citizenship is usually called nationality and refers to the subjects of authoritarian regimes just as much as to the citizens of democratic ones.

The link between the four elements is, however, not a straightforward one, even in democratic states. The rights and duties of citizenship need not be strictly attached to status, but can be partially disconnected from it. The status of long-term resident foreign nationals who live in democratic countries provides an illustration of this. Many of the historic privileges of citizenship have been

extended to these populations, creating a quasi-citizenship (now often called "denizenship") with rights derived from residence rather than from formal membership. More recently, some states have also experimented with offering quasi-citizenship status outside their territory to emigrants who have lost or renounced their citizenship or to ethnic kin minorities living in neighbouring countries.

A second important distinction must be drawn between the formal legal and the informal aspects of citizenship. As the core definition implies, democratic citizenship is produced by citizens themselves and only indirectly by the state authorities who act on their behalf. It is, therefore, important to realize that states can regulate some dimensions of citizenship but not others. Legislators decide on the norms that govern citizenship as a legal status and bundle of rights and duties, but they should not try to legislate the ethical responsibilities, virtues and practices of good citizenship or the collective identities that citizens share as members of the polity. Important as these dimensions are for sustaining democracy over time, political authorities can only promote them indirectly through building institutions that enable individuals to develop, themselves, the habits and identities of good citizenship. Where state institutions try to do this directly, either through enforcement or through exclusion, democracy becomes illiberal and ultimately tyrannical. This is a historic lesson that should have been learned since the times of the Jacobins. It still applies today to contemporary efforts to test immigrants' civic virtues and attitudes before they are admitted to citizenship.

The new emphasis on citizenship as a shared core identity in democratic polities should be welcomed. It adds an important political dimension to past debates about the economic and cultural impacts of migration.

This article focuses specifically on citizenship as a legal status and explores what the core meaning of citizenship as equal membership in a self-governing political community implies in order to answer the question of who ought to be included and who can be legitimately excluded from that status.

A starting point for this inquiry is the human right to citizenship. Analyzing the plight of refugees and stateless people in the wake of World War II, political theorist Hannah Arendt called citizenship "the right to have rights." In her view, there was a paradox at the heart of the idea of universal human rights: the most fundamental of these rights could only be effectively protected once a state had recognized a human being as his or her citizen. The paradox could in principle be resolved through including a right to citizenship in the catalogue of human rights. This is what the *Universal Declaration of Human Rights* of 1948 did. Article 15 states that "everyone has a right to a nationality" and "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Yet the protection of individuals against statelessness and coercively imposed citizenship does not entail any obligation for states to offer their citizenship to persons who are recognized as citizens by another state.

In order to respond to the mismatch between territorial borders and boundaries of membership, we need to know which individuals have claim to which citizenship. The above definition provides a very general answer. The members of a self-governing community can be seen as stakeholders in the future of a politically organized society. Their individual rights and well-being are tied up with those of other members because they jointly depend on the protection and public benefits provided by the same political institutions. Stakeholders in this sense have a moral claim to be recognized as citizens and to be represented in democratic self-government.

A stakeholder principle for determining who has a claim to citizenship differs in important ways from alternative answers to the question we have asked. One such answer is that the decision on whom to admit as a citizen is not a moral issue. It is instead a matter of sovereign self-determination for each state under international law and a matter of legislative procedures regulated by domestic constitutional law. Just as a club can adopt its own statute for admitting new members, so every state can choose its new citizens. Why is this view implausible? In liberal democracies, even social clubs are no longer permitted to discriminate in their admission policies on grounds of race, gender or ethnic origin. Since states are responsible for protecting much more fundamental interests and rights of those under their jurisdiction, they cannot claim powers to make arbitrary decisions in matters of citizenship – even when these decisions reflect the preferences of a majority of current members.

The implications of a stakeholder view of citizenship can be specified by contrasting this principle with two more plausible alternatives. Some authors have suggested that the scope of democratic inclusion ought to be determined by the scope of territorial jurisdiction, so that everybody *subjected* to the laws is also represented in the making of the laws. Others have modified this principle by claiming that democracies must offer citizenship to all whose interests are *affected* by their legislation. The former principle requires that all residents (and maybe even temporary visitors) must be included, while those who leave the territory for an extended period have no more claim to retain citizenship status or to participate. This idea is thus over-inclusive inside the territory and under-inclusive outside. It is also at odds with current laws in all democratic states, which permit emigrants to retain their citizenship and even to pass it on to a next generation born abroad. Moreover, since World War II, the vast majority of democratic states have introduced external voting rights for expatriates, a practice that would seem clearly illegitimate under a strict principle of territorial inclusion.

The alternative "all affected interests" principle could easily account for emigrants' citizenship. Many expatriates have ongoing ties and interest in their ability to return at

some point to their country of origin, so political decisions taken there affect some of their fundamental interests. However, this principle clearly applies far beyond emigrants and would provide native populations of distant countries – whose interests are affected by policies on foreign relations, trade or industrial emissions of another state – with a claim to citizenship in that country. Even within the domestic territory, democratic legitimacy of decisions is not achieved through representing affecting interests, since this would require a changing composition or voting procedure in the legislature for each decision depending on who is likely to be affected by it. Instead, representative democracy means that citizens empower legislators through their votes to take decisions on a broad range of issues that affect various groups in society in different ways.

A stakeholder principle differs from both alternative views of democratic inclusion. It applies to persons who have a permanent interest in membership and political participation rather than in particular decisions. All long-term residents can be seen to share such an interest because of their permanent subjection to a territorial political authority. But first generation emigrants as well as minor children born abroad can also claim to have a stake in the future of the polity if their life prospects depend on that country's laws and political course.

This interpretation of stakeholder citizenship leads to a straightforward conclusion. If resident foreigners enjoy a claim to be admitted as new citizens and emigrants enjoy a claim to retain their citizenship of origin, then both receiving and sending countries ought to tolerate dual citizenship. This does not mean that the problem of mismatch can be resolved by simply turning every migrant into a dual citizen. Article 15 of the Universal Declaration of Human Rights supplements the principle of stakeholder inclusion with an element of individual choice. Emigrants must be free to renounce their citizenship provided they acquire another one abroad, and immigrants cannot be forced to naturalize as long as they have another citizenship. In liberal democracies exposed to migration, there will, therefore, be many who are not fully included although they have an individual claim to citizenship. This means that the principle must apply beyond the allocation of citizenship as a legal status. In a more general sense, denizens are dual citizens, too, because their overall bundle of rights and duties is generated by the laws of two independent states.

The short answer to the problem of boundary mismatch is, therefore, that citizenship status and rights ought to be extended to all persons whose circumstances of life tie their personal fate to the long-term prospects of a political community. Migration generates overlapping sets of persons to whom this principle applies. If the states connected through migratory chains are liberal democracies, they ought to include immigrants as well as emigrants in their conception of political community while respecting individual choices of primary affiliation. Furthermore, since the citizenship status of migrants is jointly produced by several states, their governments ought to coordinate their citizenship policies in order to avoid unjustified exclusion or inclusion as well as conflicts between their respective territorial jurisdictions over residents and personal jurisdiction over emigrants.

The members of a self-governing community can be seen as stakeholders in the future of a politically organized society. Their individual rights and well-being are tied up with those of other members because they jointly depend on the protection and public benefits provided by the same political institutions.

Birthright citizenship

Less than 4% of the world population are classified by the United Nations as migrants. Most persons acquire citizenship not through naturalization but at birth, and they retain it for all their lives. From a global perspective, the most fundamental moral question about citizenship policies is how birthright citizenship determines the opportunities of human beings worldwide. Political theorist Joseph Carens has suggested that in today's world citizenship is like feudal status in medieval societies. The citizenship people are born with pervasively determines their life prospects, and through immigration control, rich and secure states keep out those unfortunates who have been born as citizens of poor, authoritarian or violence-ridden countries.

This is a morally troubling analogy. Yet its implications are not obvious. Should liberal states open their doors to free immigration? Or do they instead have a responsibility to improve the lives of citizens in those countries that are worst off? If one accepts the latter answer as more plausible, do rich countries have to redistribute their wealth until opportunities have been equalized worldwide? Such a demanding standard for global justice would be hard to reconcile with the commitments of citizens and their representatives to improve opportunities in their own countries. British political theorist David Miller suggests, therefore, that global justice does not require equalizing opportunities worldwide, either through open doors for immigration or through global redistribution of wealth, but rather requires assisting disadvantaged societies in achieving minimum standards of decency that enable them to secure the basic needs of all their citizens.

Moreover, unlike feudal status, citizenship in democratic countries is an institution that supports important moral values of individual liberty, equality and collective self-government within a territorially bounded society. Birthright citizenship specifically secures the continuity of democratic polities across multiple generations. Sustainable democracy requires not merely stable institutions but also a stable core population whose members have been raised as citizens and

conceive of their own future and that of their children as linked with this particular country. Territorial democracy as we know it could not work in nomadic societies. A society composed of individual nomads of different origins without shared citizenship would be anarchic, unequal and violent. In our world, migrants enter or leave state territories. They can stretch their affiliations across international borders, but they cannot carry their own political authorities with them and establish them wherever they go.

Birthright citizenship can be acquired through descent (*jus sanguinis*) or birth in the territory (*jus soli*). These two rules are complementary rather than alternative. Virtually every country in the world applies *jus sanguinis*, which was first introduced in Europe with the French Revolution. In a much smaller number of countries, birth in the territory is the dominant principle and citizenship by descent applies there only to children born to expatriates. Several European states modify their *jus sanguinis* regimes with a conditional form of *jus soli*. In some countries, acquisition through birth in the territory depends on the parents' legal status or time of residence (Germany, Ireland, Portugal, the United Kingdom); in others a parent must have been born in the country. In several European states, citizenship for the second generation is generally not acquired automatically at birth but depends on parental decision after birth or is granted at the age of majority.

In the absence of international migration, *jus sanguinis* and *jus soli* don't make a difference. Both secure the intergenerational reproduction of a territorial citizenry. It is migration across state borders that makes a pure regime of *jus sanguinis* exclusionary. The children of settled immigrants who grow up in the receiving country are obviously stakeholders in that society's future. From this perspective, denying them citizenship or even requiring them to undergo a procedure of naturalization is clearly indefensible. They are members of society from birth and ought to be recognized as such.

The US model of unconditional *jus soli* is necessarily the best alternative, however. First, as a federal constitutional principle, its historic roots go back to post-Civil War Reconstruction and have nothing to do with immigration; second, it attributes citizenship to children whose birth in the territory is accidental; third, it does not include those who arrive with their parents at a very early age. Today, there is no prospect for introducing the American model to any European country. Ireland, the only European country that had adopted it (also not for reasons related to immigration) abandoned it in 2004.

A combination of automatic acquisition at birth for children of settled immigrant parents, with the Swedish model offering unconditional citizenship to minor children after five years of residence, would best capture the idea of stakeholder entitlements. Recent reforms in Germany and Portugal show that such ideas can also win sufficient political support. In Western Europe, public attention is currently focused on selecting the right kind of immigrants, those who are "worthy" of naturalization. Only extreme anti-immigrant forces argue openly, however, that children born in the country should be excluded because of their descent. Political efforts to introduce or extend an appropriate form of *jus soli* could, therefore, have a reasonable chance of success even under current conditions.

Birthright citizenship, rather than lenient conditions for naturalization, is also the main cause for the proliferation of multiple citizenship. Children are born as dual citizens when their parents are of different nationality or when a foreign citizenship acquired by descent adds to a domestic one obtained through *jus soli*. In this way, inclusive rules for birthright citizenship produce overlapping memberships. Yet several European states still cling to the idea that dual citizenship is an irregularity. The German case illustrates the absurd effects of attempts to adopt liberal rules for citizenship while constraining dual nationality. In Germany, there are currently three categories of dual citizens: descendants from parents of different nationalities, those born in Germany to long-term resident foreign parents and those who were granted permission to retain a previous nationality when naturalizing because renouncing it would have been impossible or unreasonably difficult. The first and third categories of citizens can keep their two citizenships indefinitely, while the second category of citizens have to choose a singular citizenship status between the age 18 and 23. Because of a retroactive application of the *jus soli* reform of 2000, there will soon be cases of young adults who have spent all their lives in Germany but who will be stripped of their German citizenship unless they return their second passport.

A combination of automatic acquisition at birth for children of settled immigrant parents, with the Swedish model offering unconditional citizenship to minor children after five years of residence, would best capture the idea of stakeholder entitlements. Recent reforms in Germany and Portugal show that such ideas can also win sufficient political support.

While a regime of pure *jus sanguinis* is exclusionary in immigrant-receiving societies, it becomes over-inclusive in source countries of emigration. Seven of the 15 previous EU member states and all 12 countries that have joined since 2004 permit their emigrants to transfer their nationality by descent from generation to generation without any residence requirement in the country of origin. A number of states also offer extraterritorial naturalization to persons whom they consider as ethnic kin because their ancestors emigrated from that country or because their homeland was once part of the state territory. Individuals claiming their ancestors' citizenship in these ways are often

mainly interested in a European Union passport that gives them visa-free access to the United States and all EU-member states rather than in "returning" to a country of distant origin. A stakeholder criterion suggests, therefore, that *jus sanguinis* should not apply automatically beyond the first generation born abroad and that naturalization should generally require a prior period of residence in the country.

Naturalization

Naturalization is at the centre of current political debates, although citizenship acquisition by birth and abroad raises questions that are no less important. The background for these debates is a widespread perception, which is stronger in Europe than in the United States, that integration of newcomers is not working as it should. There are good reasons to be concerned about long-term unemployment, low educational achievements and segregated housing for groups of migrant origin. In Europe, immigrant integration is rightly seen as a public policy concern rather than as a problem that civil society can take care of without state support and interference.

Yet there is also a strange discrepancy between a *laissez-faire* regime of free movement for Union citizens, which has surged after the last two rounds of enlargement, and the heavy-handed control approach towards third-country nationals who migrate for similar motives and face similar social, economic, linguistic and cultural challenges of integration. A growing number of European countries introduce integration courses and tests as a condition for citizenship access, permanent residence and even family reunification in the host society. None of these conditions apply to EU citizens.

What purpose is served by such tests? Are they meant to encourage immigrants to acquire linguistic skills and general knowledge about the history and public institutions of their society of residence? Or is their goal to select those worthy of becoming citizens and keep out the rest? Current European governments differ in regarding naturalization as a step and tool in the integration process or as the end and ultimate reward for individual success in this process. These two goals are hard to reconcile. Raising the hurdles for access to denizenship and citizenship will exacerbate the problems of socio-economic or cultural integration if the groups that are excluded remain in the country in an insecure legal status. Forced mass return to countries of origin is not only morally indefensible but, for the time being, also politically unfeasible. Exclusion from citizenship contributes, therefore, to the very problems that harsher integration tests are meant to address.

The opposite policy of actively promoting naturalization does not rule out using tests as incentives for acquiring additional skills rather than as deterrents from applying. What is needed in this regard is not merely a fine-tuning of conditions for naturalization but a general change in public philosophies of citizenship. So far, all European countries regard naturalization as a legal procedure through which an individual attempts to improve her or his legal status while state authorities have to check that the applicant meets criteria determined by public interests in selecting who gets admitted to membership in the polity. The mismatch between the citizenry and permanent residents subjected to the laws suggests, however, that democracies also have a public interest in promoting the naturalization of immigrants in order to avoid a growing deficit of democratic legitimacy.

This consideration makes not only the currently popular integration tests problematic but also a host of other conditions for naturalization, including very common ones, such as proof of independent income and absence of any criminal record. In the 19th century, most European democracies excluded from the franchise adults who did not have enough income or property to pay taxes. Immigration countries may want to make sure that persons who are admitted for employment purposes do not end up on public welfare. But if such individuals meet the permanent residence conditions for naturalization, how can one justify denying them political representation on grounds of their lack of means of subsistence?

Similarly, most democracies deny voting rights to prison inmates. However, once they have served their sentence, former criminals must be readmitted to full citizenship. In many European states, immigrants are today denied naturalization forever when they have committed even minor offenses. The rationale behind this exclusion is that citizenship status protects immigrants from deportation. But if the crime they have committed is not severe enough to justify deportation before they are naturalized, how can it be severe enough to exclude them from becoming citizens? And how does retaining such people in a non-citizen resident status improve domestic security?

A principle of stakeholder inclusion is, therefore, incompatible with viewing citizenship as a special reward for individual achievements and with selecting those candidates whose contributions will yield the greatest public benefits. These principles had been overcome when full citizenship was gradually expanded to previously excluded domestic groups. There is no reason why they should still be regarded as legitimate today when applied to immigrants.

One objection to this line of reasoning is that there is nothing wrong with excluding immigrants from citizenship as long as they are offered an alternative status of denizenship that includes most of the rights of citizens. This argument fails for two reasons. First, there are only four countries (Chile, Malawi, New Zealand and Uruguay) that offer all long-term residents voting rights in national elections, and even in these cases there are various restrictions. So the democratic representation deficit persists in the absence of high naturalization rates. It is also not plausible to claim that granting denizens the national franchise in national elections is a matter of democratic justice. If they are entitled and encouraged to naturalize, then rejecting this offer amounts to much the same thing as not exercising their right to vote.

Denizenship is not equivalent with citizenship in a second respect. The former status depends on living in the territory and is lost with taking up residence elsewhere. An extraterritorial denizenship would be a contradiction in terms. Denizens may be able to retain, for a while, a right to return to their country of settlement but they can't pass on their status to a next generation born abroad. Contrary to the claims of several authors in the 1990s, the distinction between denizenship and citizenship is both empirically persistent and normatively important. Denizens are citizens of external countries who enjoy domestic rights derived from residence. They are not stakeholders in an indefinite

future of the domestic polity and lifelong members of its intergenerational people.

Denizenship is always only a supplement and never a full substitute for citizenship – neither for individual migrants, who would be stateless without an external citizenship, nor for the political community as a whole that could not generate joint commitments towards a long-term future if it consisted only of denizens.

Prospects for stakeholder citizenship

Stakeholder citizenship is not a utopian idea. It was already spelled out in the 1955 Nottebohm judgement of the International Court of Justice in which the court stated that "nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments." The same principle is in many ways reflected in current policies of both immigrant-receiving and emigrant-sending states as well as in evolving norms of international law. We find evidence in the growing number of countries tolerating dual citizenship at birth and through naturalization in the rapid proliferation of voting rights for expatriates and the more modest spread of the local franchise for third country residents and in the growing number of EU member states that have made birth in the territory a criterion for entitlement to citizenship.

Yet even in democratic states, this principle is still far from being universally respected. Resistance comes, on the one hand, from old notions of state sovereignty and self-determination and, on the other hand, from new fears about security threats and integration failure in immigrant-receiving countries.

Political theorists may argue that restricted access to citizenship for immigrants and their offspring creates a growing legitimacy deficit for democratic governments. This argument is, however, unlikely to impress policy-makers who are not accountable to foreign nationals excluded from the franchise through tough citizenship laws. The case for stakeholder access to citizenship must, therefore, be strengthened by other reasons that will resonate more strongly in the public arena.

In the United States and Canada, it is not difficult to find such reasons in their respective histories as nations built by immigrants. The appeal to national history is less likely to win broad popular support in European countries whose national identities are ancient and territorially rooted. In Europe, the case for liberal citizenship regimes must be made with a view towards the future rather than the past. Europe is not only an ageing continent that needs new immigration for demographic and economic reasons. It has also formed a unique supranational union of states with a common citizenship whose core is a right to free movement across state borders. EU citizenship is derived from member state nationality. Each country in the EU produces, therefore, Union citizens with a right to admission in all other states. This should be sufficient reason for states to coordinate their citizenship policies and adopt common standards. Of course, such pressure towards harmonization may result in more liberal or more restrictive legislation. But if current debates on citizenship reforms were moved to the European level, this could at least weaken the idea that citizenship is primarily a matter of national self-determination rather than of international cooperation.

On both sides of the Atlantic there are, therefore, at least good conditions for public debates about the principles that should guide citizenship policies. The main idea outlined in this article can thus also be defended in the political arena: citizenship should be offered to all those (and only those) who have a stake in the future of the political community.

Note

* This article was commissioned by the Migration Policy Institute, Washington DC, for a Transatlantic Council on Migration, held at Bellagio, Italy, from April 22 to 25, 2008. Thank you to MPI for permission to publish in *Canadian Diversity*.

PROMOTING IMMIGRANT INTEGRATION THROUGH CITIZENSHIP POLICIES

The MIPEX Findings for Europe

ABSTRACT

This article, which is based on results from the 2007 Migrant Integration Policy Index, provides an overview of citizenship policies in the European Union (EU) that promote immigrant integration. It also identifies key policy changes that have been introduced since 2005 and correlations between citizenship and other integration policy areas.

THOMAS HUDDLESTON

Thomas Huddleston works as a policy analyst with the Migration Policy Group in Brussels. Among other projects, he co-authored the second edition of the *Migrant Integration Policy Index,* published in October 2007, and presented the study extensively throughout Europe. He is currently working on the third edition of the European Commission's *Handbook on Integration for policymakers and practitioners.*

The Migrant Integration Policy Index (MIPEX), co-managed by the Migration Policy Group and the British Council and co-financed by the European Commission, aims to promote a better informed European-wide debate on integration policies. To this end MIPEX generates a much-needed comparative, quantitative, and updated database on the legal provisions passed throughout Europe and designed to promote the integration of non-EU migrants (see <www.integrationindex.eu>). These results are presented in a format that is clear, concise, and accessible to all actors involved in policy debates, including policy-makers, stakeholders, and researchers. A country's policies can be compared on 142 policy indicators, over time, to the normative framework, other national policy areas, policies in other countries, and European averages.

This article analyzes the results of one of the six MIPEX policy strands: access to nationality. The outline of the MIPEX normative framework on citizenship policies and integration is followed by an overview of citizenship policies in 28 surveyed countries: 25 EU member states (excepting Bulgaria and Romania), Norway, Switzerland, and Canada. Recent policy changes in the 15 EU member states surveyed in the first and second editions are then examined. The article concludes with correlations pertaining to the promotion of integration through citizenship policies.

From integration principles to citizenship policies

The MIPEX normative framework operates under the highest European standards and promotes the overall policy goal of immigrant integration. Equal opportunity, active participation, and comparable rights and responsibilities are principles that are set in European Commission (EC) directives, Council of Europe conventions, EC Presidency Conclusions, proposed Commission directives and recommendations that derive from EU-wide policy-oriented research projects. Through various indicators, these European principles are broken down into specific legal and policy measures, which are among the primary tools employed by governments to set the conditions for integration processes (Niessen, Peiro and Schibel 2005). They underlie national policies, public philosophies, and government priorities in varying degrees, especially given the piecemeal creation of integration policies in many countries. The fact that MIPEX has brought a European normative framework to integration facilitates debate on the variety of principles that underpin the national policies, on justifications made for changes in legislation, and on the degree of policy coherence.

Policy reforms pertaining to nationality are initiated for a host of reasons, including reducing migration flows, bolstering national security, reassuring public opinion, and increasingly, playing party politics. The MIPEX normative framework considers to what extent governments facilitate viable pathways to nationality for non-nationals who possess genuine and effective links to their country of residence (Council of Europe 1997, Bauböck et al. 2006). Despite the fact that long-term residents in Europe enjoy many near-equal rights and responsibilities as nationals, national citizenship is often required to access employment in the public sector, to ensure absolute protection from expulsion, to secure full electoral rights and equal social rights, to facilitate mobility within the EU, and to eliminate administrative difficulties. Citizenship policies therefore remain a relevant realm for assessing policy performance in meeting principles of integration promotion.

The MIPEX strand on access to nationality breaks down this normative framework into four dimensions of citizenship policies:

- The first focuses on groups who are *eligible* for facilitated access to nationality by mapping the residence period of first generation migrants and spouses or partners of nationals and the use of *jus soli* for the second and third generation;
- The second considers whether eligible migrants are obliged to fulfil *conditions for acquisition* over and above the residence period and to undergo a criminal background check for serious convictions;
- *Security of status* examines the procedures and safeguards in cases of refusals of applications or withdrawals of nationality;
- The final dimension addresses the tolerance of multiple or *dual nationality* in naturalizing migrants and those of their children born in the country.

A MIPEX overview of citizenship policies in the EU

Taken together, the 25 EU member states sampled as of March 1, 2007 obtained their lowest average score with respect to the six policy strands on access to nationality and on political participation. Regarding access to nationality, *eligibility* provisions were found to be slightly unfavourable in promoting integration, while the other three dimensions reach the halfway mark on the MIPEX rubric:

- Of all 24 MIPEX dimensions, the eligibility provisions obtained the lowest average and lowest high score. Few countries facilitate ordinary naturalization procedures for all first generation migrants or apply *jus soli* for the second and third generations. More favourable is facilitation for spouses of nationals through residence periods that generally do not exceed five years;
- Most formal *conditions for acquisition* in the EU member states come in the form of stringent criminal record requirements and language assessments, as well as long and costly procedures. Income requirements are on the whole limited to a minimum level situated near the acknowledged poverty thresholds;
- Only partially *secure in their status*, applicants who fulfill the aforementioned conditions may have their application refused or nationality withdrawn in most countries on a number of grounds and without predetermined time limits. These procedures nevertheless tend to include various legal guarantees and avenues for redress;
- A slight majority tolerates *dual nationality*, while most others allow it, with certain exceptions.

Countries scoring above the 50% mark in integration promotion through citizenship policies include Sweden, former colonial powers like Belgium, France, the Netherlands and Portugal, and parts of the Anglophone world, like Canada, Ireland, and the UK. These countries tend to limit the first generation residence requirement to five years or less, grant automatic *jus soli* to at least the third generation, avoid economic resource requirements, provide protections against statelessness, and tolerate dual nationality. It should be noted that no policies from any of the examined countries pertaining to access to nationality or for that matter long-term residence obtained scores high enough to be considered "favourable" in promoting integration. At the other end of the MIPEX scale, the eleven countries whose policies receive a "slightly unfavourable" score include the Eastern Mediterranean countries, the Baltic States, as well as Austria, Denmark, Germany, Hungary, and Italy. To the less favourable aspects mentioned with respect to the EU average are added the following: employment-related criteria, integration conditions, and the existence of few legal safeguards requiring that refusal or withdrawal decisions take a migrant's personal circumstances into account.

Countries scoring above the 50% mark in integration promotion through citizenship policies…. These countries tend to limit the first generation residence requirement to five years or less, grant automatic *jus soli* to at least the third generation, avoid economic resource requirements, provide protections against statelessness, and tolerate dual nationality.

National policy trends in the EU: 15 since 2005

Published biannually, the MIPEX includes an additional longitudinal component that tracks major policy trends. This section provides examples of policy improvements and reversals registered through indicators related to the access to nationality strand.[1]

***Facilitated naturalization for the first generation and the introduction of* jus soli**: New countries of immigration in Southern Europe have considered more inclusive criteria in the context of globalizing migration flows. Portugal's 2006 *Law of Nationality* opened the shorter six-year residence period – previously reserved for nationals of Lusophone countries – to all first generation migrants and introduced automatic *jus soli* for the third generation. An Italian naturalization bill (August 4, 2006) would reform the first generation's residence period and introduce conditional *jus soli* for the second generation.

Voluntary citizenship ceremonies: Public oaths and ceremonies, still rare in the EU, have been revived, as in Norway after a 30-year absence, or adapted from North

American practices. Great Britain inaugurated its citizenship ceremony in 2004, followed by France and the Netherlands in 2006. MIPEX observed that most of these ceremonies do not involve requirements that could exclude migrants from participating or receiving their citizenship, like making the delivery of citizenship documents incumbent upon attendance or excluding those wearing the Islamic head scarf.

Flexibility in procedures: Greater consideration of an individual applicant's abilities has been introduced in order to ensure that procedures do not effectively discourage naturalization. The Portuguese law allows for any official education institution to issue the documentation proving basic language knowledge, free and publically available language test models, and free procedures for those with proven income equal to or below the national minimum wage. The Swedish Migration Board addressed backlogs and waiting times through new guidelines that cap procedures at eight months.

More restrictive eligibility criteria and the migration control agenda: Citizenship debates in a few countries have been preoccupied by finding ways of curbing illegal immigration and with family reunion migration, which have resulted in conditional *jus soli* and restrictions on naturalization through family ties. In Belgium and Ireland, automatic citizenship for the second generation was made contingent upon the parents' status, with the purpose of denying access to nationality to children of undocumented migrants or pregnant women with temporary visas, regarded as "citizenship tourists." As concerns spouses of nationals, Ireland ended the "post-nuptial citizenship" scheme, leaving the application of the shorter three-year residence period to authorities' discretion. The 2006 *Loi Sarkozy* in France extended the residence period from three to four years as part of the government's package on "selective immigration" and family reunion restrictions.

Introduction of "subjective" conditions into legislation: Individual assessments of language ability, civic knowledge, or "integration" are increasingly becoming conditions not only of access to nationality, but also of long-term residence and family reunion, sometimes administrated abroad as an entry prerequisite. The rationale is often that compulsory assessments or tests could be incentives to learn the language and other facts on the country, whereas other countries have in the past removed or simplified such assessments, viewing them as legal deterrents that enhance administrative discretion and serve policy goals other than integration. Recently adopted measures in the EU take the form of interviews with authorities or written tests, as introduced in the 16 German *Länder*, or the obligation to complete a course or provide documentation as in the 2006 *Norwegian Nationality Act.*

Security of status overshadowed by the national security agenda: The array of changes in law motivated by incidents of international terrorism or by mediatized social conflict involving migrants includes the introduction of new grounds for refusals or withdrawals. Applications for nationality can now be rejected in Germany as threatening to public security and order, while the threshold is arguably lower in the United Kingdom's *Immigration, Asylum, and Nationality Act 2006*, allowing withdrawals if these are deemed conducive to the public good by the Secretary of State.

A country with robust anti-discrimination legislation and equality policies tends to facilitate access to nationality for migrants and their descendants….There is no trade-off between granting access to nationality and political participation. A country may open up opportunities for political participation, including the right to vote, while still facilitating access to nationality.

Policy dynamics lie behind access to nationality in Europe

Analysis of the MIPEX results has revealed significant trends within integration policy areas. This section highlights the most statistically significant positive and negative relationships for access to nationality[2] between strand dimensions, between strands, and between like-dimensions across strands (Börang and Huddleston 2009).

The only significant finding between the four dimensions within the access to nationality strand is that *eligibility* provisions and *dual nationality* are linked (r=.673)[3]: for instance, a country that facilitates naturalization and recognizes *jus soli* is also likely to tolerate dual nationality. Between access to nationality and the other five strands, the strongest strand correlation is with anti-discrimination policies (r=.639). A country with robust anti-discrimination legislation and equality policies tends to facilitate access to nationality for migrants and their descendants. The absence of highly significant correlations between access to nationality and other policy strands is a telling finding in itself. For example, there is no trade-off between granting access to nationality and political participation. A country may open up opportunities for political participation, including the right to vote, while still facilitating access to nationality. Another significant lack of correlation concerns the EU-8,[4] where access to nationality is not significantly correlated to any other MIPEX strands. Naturalization procedures in the EU-10 countries are therefore a policy area entirely separate from those linked to promoting immigrant integration.

Furthermore, there is almost no correlation between the long-term residence strand and the access to nationality strand. A country may have policies that are favourable to migrants becoming long-term residents, but

this has little connection with whether or not it facilitates their becoming full national citizens. This finding can be interpreted as a mark of European cooperation, which has introduced minimum standards for long-term residence like the five-year residence period, whereas access to nationality remains a purely national competence.

However, the lack of relationship between countries' overall approaches to access to nationality and to long-term residence belies the significant ties between the strands' like-dimensions. The major difference between the two strands regards eligibility. In comparing all 24 MIPEX dimensions, the only negative correlation that arises is to be found between eligibility for long-term residence and eligibility for nationality; this particular correlation is relatively significant (r=-.397). The countries that facilitate eligibility for long-term residents are slightly less likely to do so for reasons that have to do with access to nationality. Since eligibility for access to nationality was already mentioned as the lowest scoring EU average in MIPEX, the previous statement could be applied to the majority of EU member states. This finding perhaps bolsters the claim made around the time of the EC directive negotiations that the status will be used by policy-makers and perceived by migrants as a stand-in for facilitating naturalization (Groenendijk 2006).

Significant positive relationships are also to be found between the conditions for access to nationality and those for long-term residence (r=.492) and for family reunion (r=.546). For instance, the fewer conditions a country places on family reunion, the fewer they tend to place on long-term residence or access to nationality. Indeed, in several countries, the conditions required for one status are also required for the others. There is also a strong correlation between the procedures and safeguards for security of nationality as for long-term residence (r=.558). One possible conclusion is that although national governments tend to use inverse logic when facilitating long-term residence versus naturalization, they apply similar conditions, procedures, and safeguards and respond to similar policy impulses – promoting integration or otherwise.

Conclusions

Future editions will reinforce MIPEX as a longitudinal instrument to measure how these policy dynamics strengthen or weaken over time in the European Union. As debates and policy proposals emerge in Belgium, Sweden, and the United Kingdom, to name a few, MIPEX will also track how various citizenship policies become more or less favourable for promoting immigrant integration.

Beyond the MIPEX exercise, further implementation indicators can measure to what extent governments are equipped to properly deliver on their citizenship policies, however they score on promoting integration principles. Authorities in some countries do sometimes take advantage of administrative discretion to regularly ask applicants to fulfill additional conditions beyond those formally laid down in law and recorded in MIPEX. Appropriate outcome indicators can also be developed based on comparative and regularly available statistics. The European-wide statistics collected by the OECD and Eurostat indicate that acquisition of nationality in most EU member states remains a relatively low percentage within the foreign population. But measuring the ultimate impact of citizenship policies on promoting integration also requires data on the foreigner population that is *eligible* for naturalization, their experience of procedures, migrant and public attitudes, and the labour market and political participation rates of naturalized migrants and their descendents. Research can then estimate the effect of citizenship policies as legal mechanisms for ensuring the promotion of integration among the various factors at play in integration processes (Huddleston 2008).

References

Bauböck, R., E. Ersbøll, K. Groenendijk, and H. Waldrauch (Eds). 2006. *The Acquisition and Loss of Nationality in 15 EU Member States*. Amsterdam: Amsterdam University Press.

Börang, F., and T. Huddleston. 2009. Forthcoming. "The Determining Factors Behind Integration Laws and Policies." Edited by J. Niessen and T. Huddleston. *Legal Instruments for the Integration of Third-Country Nationals*. Leiden: Martin Nijhoff.

Council of Europe. 1997. *European Convention on Nationality*. Strasbourg.

Groenendijk. K. 2006. "Legal Integration of Potential Citizens." Edited by Bauböck, Ersbøll, Groenendijk, and Waldrauch. *The Acquisition and Loss of Nationality in 15 EU Member States*. Amsterdam: Amsterdam University Press, p. 407.

Huddleston, T. 2008. "Do Integration Policies Matter? The MIPEX Study and a 'Joined-up Approach' to Measuring Success." Paper presented at invitation of 56th Conference of European Statisticians. Paris, France (June 10-12). Available at <www.migpolgroup.com>.

Niessen, J. and T. Huddleston (Eds). 2009. *Legal Instruments for the Integration of Third-Country Nationals*. Leiden: Martin Nijhoff.

Niessen, J., T. Huddleston, and L. Citron (Eds). 2007. *Migrant Integration Policy Index*. Brussels: British Council and Migration Policy Group.

Niessen, J., M. Peiro, and Y. Schibel. 2005. *Civic Citizenship and Immigrant Inclusion*. Brussels: Migration Policy Group. Retrieved from <www.migpol group.com/ documents/2474.html>.

Notes

[1] Given the expansion of MIPEX from the first (71 indicators) to the second (142) edition, comparisons can be made in terms of individual indicators, but not with respect to the dimension or strand scores.

[2] A positive relationship between two areas means that the more favourable a score in one area, the more likely it is to be more favourable in another. For the sake of coherence, the findings are presented with the "more favourable" example, although the word could easily be replaced with "unfavourable" or the other MIPEX terms. Likewise, it is difficult to interpret the causal links from these findings, which would mean stating that a more favourable score in the first area directly leads to a more favourable score in the second. For that reason the examples may use the construction "and vice-versa."

[3] Correlations calculated using Pearson correlation coefficients.

[4] The eight Central and Eastern European countries that acceded in May 2004 are the following: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia. These countries, along with Cyprus and Malta, were first included in MIPEX in this second edition.

DUAL CITIZENSHIP AND TRANSNATIONALISM IN EUROPE

ABSTRACT

This article introduces a Canadian audience to the varied and changing ways in which dual citizenship is debated and legally processed in Europe, with a focus on the 15 pre-enlargement member states of the European Union.

CHRISTIAN JOPPKE

Christian Joppke is professor of political science at The American University of Paris. His most recent book is entitled *Veil: Mirror of Identity* (Polity Press 2009). Currently he is writing a book on citizenship and immigration (also for Polity Press).

In contrast to Canada, where the costly evacuation of 15,000 "Canadians of convenience" from war-ravaged Lebanon in 2006 stirred a major debate over dual citizenship (Kaplan 2006), there is no comparable debate in Europe. One could even argue that all Europeans hold dual citizenship, that is, a European citizenship in addition to their national one. While European citizenship is not a nationality, Europe, with its own passport and naturalization rules, is a space of multiple loyalties and affiliations, so that the notion of "divided loyalties" proffered by Canadian opponents of dual citizenship would appear rather anachronistic – to have "undivided loyalties" would be very un-European indeed.

Occasionally there are debates about dual citizenship. These debates take place with respect to either moving borders or moving people, the two diametrically opposed contexts in which dual citizenship may become relevant. With respect to moving borders, Hungary rejected dual citizenship for its sizeable national minority in Romania through a referendum in December 2004. As for moving people, the Christian Democratic Party in Germany organized a signature campaign against dual citizenship for Turkish immigrants, a campaign that partially derailed an ambitious reform project of a Socialist-Green coalition government in 1999. But these debates are highly nation-specific. They don't add up to a general sense of "Hotel Europe" showing too much largess to country-shopping transnational migrants.

Liberalization of European citizenship laws

The European master trend in the past three decades has been a thorough liberalization of citizenship laws. This is the result of migration in the human rights era, a migration that cannot be stopped or reversed at the discretion of states but one that carries claims for permanent settlement and eventual citizenship.

This liberalization has three components. First, the hurdles to naturalization have been lowered significantly: less residence time is required, no cultural assimilation is required and there is less discretion on the part of the state and more entitlements on the part of citizenship applicants. Secondly, conditional *jus soli* citizenship has been added to the classic *jus sanguinis* citizenship. Except in Portugal and Britain, the European standard for citizenship attribution at birth was *jus sanguinis* – Napoleonic, post-revolutionary France had pioneered this in 1804 as the quintessentially modern way of attributing birth citizenship, handed on individually like a person's name. Immigration has led to a positive revaluation of the originally feudal *jus soli* principle: with a few exceptions, the pre-enlargement European states now have something akin to quasi-automatic as-of-right citizenship for second generation immigrants. Notably, the European preference is for "conditional" *jus soli* citizenship in that it is tied to legal residence requirements for a parent or child; this greatly prevents something akin to "Hotel Canada," in that mere birth on the territory is nowhere sufficient for being granted the lifelong good of citizenship. The third component is the increased acceptance of dual nationality. The 1997 European Nationality Convention (ENC) explicitly endorses it, in a complete turnaround of its 1963 predecessor, which was all about preventing it.

Certainly since 2001 there has been a counter-trend toward new restrictions. But they don't amount to a wholesale "restrictive turn" (Joppke 2008). Generally, the dual citizenship and conditional *jus soli* components have not been affected by the restrictions. The restrictive emphasis has been, first, on making naturalization more demanding through explicit language and civic integration tests and through greater behavioural and economic requirements such as the absence of a criminal record and welfare dependency. Secondly, the powers of states to revoke citizenship acquired through

naturalization because of fraud or terrorist activities have increased. One should note here that dual citizenship is an asset, not a liability, in the fight against terrorism: it is easier for a state to revoke a second nationality than a single one, the latter being protected by a strong international regime to prevent statelessness.

The inevitability of dual citizenship

Dual nationality is inevitable and its existence cannot but grow with a further increase of international migration. There are at least two reasons for this. The first is the coexistence of *jus soli* and *jus sanguinis* regimes in the world, something that is unlikely to ever disappear. It cannot but generate dual nationality because a child born to foreign parents in a *jus soli* country will get the citizenship of this country, *jure soli*, and the citizenship of its parents, *jure sanguinis*. The second, gender equality, which has become a feature of all Western states' nationality laws since the 1960s, inevitably generates dual citizenship in the case of mixed couples since husband and wife now equally transmit their nationality to their children, *jure sanguinis*. If continued immigration is added to this, the existence of dual nationality cannot but grow and grow. The main possibility for containing dual nationality is through constraints on naturalization: renunciation requirements for immigrants and automatic loss provisions for emigrants. When discussing the pros and cons of dual nationality, one is talking about a small subset of the total immigrant and ethnic minority population: first generation immigrants who are unlikely to change flags quickly, but who are likely to carry forward dual nationality through the birth citizenships of their children. Conversely, those migrants who are most likely to naturalize quickly, i.e. refugees, generally have the right to retain their origin nationality, even in a country like Germany that is sternly opposed to dual nationality.

The European master trend in the past three decades has been a thorough liberalization of citizenship laws. This is the result of migration in the human rights era.

European stances on dual nationality are highly diverse, ranging from full acceptance to pragmatic toleration to rejection. There is only one country that philosophically endorses dual nationality: Sweden (but only since 2001). Countries like Britain and France pragmatically tolerate dual nationality. Generally, countries with long democratic traditions and that were once empires are the countries with the most liberal nationality laws, and this includes toleration of dual nationality. Finally, there is a core of pre-enlargement states that sternly rejects dual nationality: the Germanic states, Germany and Austria; and two small Western and Nordic states that are in the grip of strong right-wing populist movements, the Netherlands and Denmark. That makes only four out of 15 pre-enlargement states that reject dual nationality, and even these four naysayers are required by article 16 of the European Nationality Convention to make exceptions where the renunciation of the first citizenship is legally impossible, the conditions for release are unacceptable, or in the case of refugees. Accordingly, about 40% of naturalizations in these four countries entail dual nationality (in the Netherlands, which makes even wider exceptions, the *de facto* acceptance reaches 80%) (Faist et al. 2007: 927).

What are the reasons for the increased acceptance of dual nationality? Ultimately, the reasons are related to equality and human rights considerations combined with giving in to the inevitable. By probing deeper, however, one discovers there are two diametrically opposed reasons, which often vary according to country and political ideology. The first reason is that dual nationality facilitates the integration of immigrants; the second reason is that it helps retain ties with co-nationals abroad. Thus, there are two different types of dual nationality: immigrant and emigrant dual nationality. Both are tied to two fundamentally different ideas of what constitutes a state – a territorial entity or an ethnic association. These two types of dual nationality line up with two fundamentally different political projects: de-ethnicization, which tends to be a project of the left, and re-ethnicization, a project of the political right (Joppke 2003). Both projects are equally engendered by contemporary globalization and transnationalism, and moments of nationality reform in Europe tend to be moments where these two projects compete or clash with one another.

With respect to immigrant dual nationality, there are two opposing views of the role of citizenship in the integration process. The view underlying liberalization is that citizenship is a tool of integration, which is conceived of as an open-ended process. Conversely, opponents of dual nationality say that citizenship is the endpoint of integration, which is understood as a finite process. Currently, a number of European countries are rethinking the role of citizenship, with views of citizenship ranging from it being a tool to being the end-point of integration. This shift has been most drastic in the Netherlands, which has recently reintroduced a renunciation requirement for second generation immigrants. The rhetoric is that citizenship should be the "first prize," something that is not learned but "felt" ("one cannot learn to be Dutch, one has to feel Dutch") and, accordingly, something for which one is willing to pay a price (renounce previous nationality). Only, why should a person pay this price if the added value is limited? The value of citizenship can be increased only if the status of legal residence is diminished; but by doing this (no European state actually does) people will be coerced into citizenship for the wrong (instrumental) reasons. This leads to the conclusion that the state-engineered upgrading of citizenship is really an impossibility. If one assumes such a campaign to be rational, the true target group is not immigrants but the native-born population, who must reconcile with immigration. Citizenship policy, then, is symbolic politics where it is not the effect but the medium that is the message.

With respect to emigrant dual nationality, the trend of classic emigrant-sending states, (e.g. Turkey and Mexico) fostering ties with expatriates abroad by permitting dual

nationality or even the recovery of nationality for their descendants is well known. Not as well known is the fact that the same trend can be observed in Europe, most visibly in Italy, which even reserves seats in both houses of parliament for their *co-nazionali* abroad.[1] Some recent advances in dual citizenship, like in Finland (2003), do not target immigrants but emigrants, and the advances often occur in the context of overall restrictive nationality law reforms.

Is there symmetry in dealing with immigrant *and* emigrant dual nationality? Most European states have taken symmetric stances on both, either tolerating or rejecting immigrant and emigrant dual nationality (as did Finland in 2003, which tolerated immigrant along with the much desired emigrant nationality). There are exceptions: Germany is still lenient on emigrant dual citizenship, while being tough on dual citizenship of the immigrant; Belgium (the European country with the most liberal nationality law), curiously, until most recently was soft on immigrants but tough on emigrants ("soft" symmetry was established in 2003). But in the current populist climate, the odds are really against immigrant dual nationality. A drastic case, again, is the Netherlands. It abolished an admittedly harsh rule that foresaw the loss of Dutch nationality after spending only ten years abroad; at the same time, it tightened the renunciation requirement for immigrants in 2003. The asymmetric treatment of immigrant and emigrant dual nationality was deliberate. Because immigrants, not emigrants, posed "integration problems," their – and only their – dual nationality stood to be restricted.

The European experience shows transnationalism is not a privilege of the immigrant. There is a state-level transnationalism taking hold in Europe today, and it is unfailingly a project of the political right.

With respect to immigrant dual nationality, there are two opposing views of the role of citizenship in the integration process. Underlying liberalization is that citizenship is a tool of integration, conceived of as an open-ended process. Conversely, opponents of dual nationality say that citizenship is the endpoint of integration.

The "pros" beat the "cons"

In balancing the reasons for and against dual nationality, one presupposes that there is choice in this. In reality, however, choice is largely absent. And to the limited degree that it may exist, one must ask: why bother? Luckily, all recent accounts of the pros and cons of dual nationality, even if penned by sceptical minds (Martin 2003, Hansen and Weil 2004), see the pros winning over the cons by a wide margin. Let us consider only the three major objections to dual nationality: disloyalty, unfairness and unwieldiness.

Disloyalty: In the public mind, dual nationality is often associated with divided loyalty. One might reasonably argue that "undivided loyalty" is a good deal more worrisome than "divided loyalty." In a differentiated society, all individuals are charged with multiple roles, allegiances and expectations (family, work, political, creedal). Unless one surrounds the nation-state with the aura of the transcendent and the religious, which of course is the historical root of nationalism, there is no intrinsic reason why the state should stay unaffected by the pluralist logic of functional differentiation. As even a French "Republican" sociologist concedes (Schnapper 2006), the loss of state transcendence is inevitable in a liberal society, and with it goes the entire "undivided loyalty" discourse.

Unfairness: This objection is more serious. Dual nationals have an "exit" option to fall back on, seducing them to irresponsible or no "voice" behaviour, which may damage the state of those who have no other state. But this makes strange psychological assumptions about "torched earth" behaviour, also vastly exaggerating the possible aggregate impact of such action by dual nationals. Further, there is the possibility of benefit shopping, from cashing-in welfare to parachuting one's children into free public universities. However, such behaviour can be restricted through simple residence requirements. Overall, most objections that dual nationality is unfair are academic and "constructed," and they are curiously silent about the possible benefits that dual nationality may have for mono-nationals (as customers, producers, clients, etc.).

Unwieldiness: This is clearly a less academic objection. Dual nationality generates conflicting laws regarding civil status, inheritance and taxation, among many others. This objection is the most serious of the objections to dual nationality, although one that may again be countered by the residence principle. One may naively ask: what is the purpose of the state? is it to operate as a Hegelian overlord? or is it to be at the service of the people who pay for it (dual nationals pay taxes)? If the latter is the case, "unwieldiness" is no knock-out against dual nationality.

Managing the risks

Finally, what is to be done to contain some of the negative aspects that arise from dual nationality? First, citizenship benefits, such as diplomatic protection, should be tied more stringently to residence. As the International Court of Justice ruled in the famous *Nottebohm* case, citizenship should reflect a "genuine link" between an individual and a state. Evacuating, at great cost, "Canadians of convenience" is frivolous and damaging to liberal citizenship, as is the practice of voting or holding office in a second country. It may be time to rethink unconditional *jus soli* that produces lifelong, "by-chance" Canadians and that is out of tune with a world of global mobility.

Second, some dual nationalities are less pernicious than others. To be French and German is not like having "two wives," as George Bancroft puts it – it is being European.

Conversely, to be Canadian and Lebanese links one of the most desirable places on earth to a place that, one must fear, is locked into war and poverty. Such uneven couplings are really the spring of most of the problems surrounding dual nationality, especially with respect to Islamic terrorism (Caldwell 2004). Creative thinking on containing the vices of dual nationality should consider that the second country matters.

Third, to worry is unnecessary because transnationalism, which is the sociological basis of dual nationality, is not a self-reproducing force that will wash away the nation-state. The literature on transnationalism gets at least four things quite wrong (Joppke and Morawska 2003: 20-29). First, it is not as "new" as often claimed, as the early 20th century world was every bit as "transnational" as ours. Second, as examples from Italy to Mexico show, states are not victims of transnationalism. There is the possibility of state-level transnationalism, in which the state conceives of itself as a border- and generation-transcending ethnic association. Third, the alternative "assimilation" versus "transnationalism" is flawed: the sociological evidence shows that both processes are happening simultaneously. Last, and most importantly, transnationalism is mostly a first generation phenomenon. It is much weaker in second and third generation immigrants (Fitzgerald 2008). So, if transnationalism is the force that is driving the proliferation of dual citizenship, it is a force whose subversive potential has been greatly exaggerated. Most people in the world do not move, but stay put (97% at latest count), and, short of a planetary catastrophe, this is unlikely to change.

References

Caldwell, C. 2004. "The Luxury of Double Loyalty." *Financial Times* (December 4-5), p. 7.

Faist, T., et al. 2007. "Dual Citizenship as a Path-depending Process." *International Migration Review* 38, 3, p. 913-944.

Fitzgerald, D. 2008. *A Nation of Immigrants*. Berkeley: University of California Press.

Hansen, R., and P. Weil. 2004. "Dual Citizenship in a Changed World." In *Dual Nationality, Social Rights and Federal Citizenship in the US and Europe*. Edited by R. Hansen and P. Weil. New York and Oxford: Berghahn.

———. 2008. "Comparative Citizenship: A Restrictive Turn in Europe?" *Journal of Law and Ethics of Human Rights* 2, p. 1-41.

Joppke, C. 2003. "Citizenship Between De- and Re-Ethnicization." *European Journal of Sociology* 44, 3, p. 429-458.

Joppke, C., and E. Morawska. 2003. "Integrating Immigrants in Liberal Nation-States." In *Toward Assimilation and Citizenship*. Edited by C. Joppke and E. Morawska. London: Palgrave-Macmillan.

Kaplan, W. 2006. "Is it Time to Close Hotel Canada?" *MacLean's* 119, 51, p. 20-23.

Martin, D. 2003. "Dual Nationality." In *Immigration and Asylum* 1. Edited by M. J. Gibney and R. Hansen. Santa Barbara, California: Clio.

Schnapper, D. 2006. *Providential Democracy*. New Brunswick: Transaction.

Note

[1] Since 2006, Gino Bucchino, a Canadian with dual nationality, is an elected member of the Italian parliament, representing the Italians of North America.

CITIZENSHIP IN AUSTRALIA

ABSTRACT

In 200 years, Australia has moved from being a British-oriented society, with racially based immigrant selection as the basis of population building, to a multicultural society selecting new citizens from around the world. While this change has been accomplished with minimum friction, there remain some anxieties and problems, largely with respect to the citizenship rights and integration of indigenous (Aboriginal) Australians and immigrants. With few legally entrenched rights or freedoms, Australians so far have relied on British common law and parliamentary methods to protect individuals and groups and to extend citizenship.

JAMES JUPP

James Jupp has been Director of the Centre for Immigration and Multicultural Studies at the Australian National University in Canberra since 1988. He is the author of the encyclopedia *The Australian People* and the book *From White Australia to Woomera*. He is currently working on an encyclopedia of Australian religions.

Australia once prided itself on being 90% British and 99% white. Those days are long gone, and politicians now frequently refer to it as "the most multicultural country on earth." Yet old habits die hard, and opinion polls suggest that at least one-third of Australians believe that only those born in the country are "real Australians." If the polls are reliable, this number represents more than one quarter who were born overseas. Moreover, many are worried that the increasing ethnic makeup of the population that has developed over the past fifty years somehow threatens social cohesion. But as this author has argued elsewhere, "Australia is among the most cohesive and harmonious societies on earth, based on stable institutions, high standards of living, economic expansion and isolation from zones of conflict" (Jupp et al. 2007a). All these conflicting characterizations need more analysis to bring them in line with perceived realties. There are ethnic tensions in some parts of Australia, particularly in western Sydney and in indigenous (Aboriginal) communities. There was a major race riot at the Sydney beach suburb of Cronulla in December 2005, a riot directed against those of "Middle Eastern appearance" (namely Lebanese). There is a "war on terrorism" directed in practice against Muslims, although no terrorist acts or deaths resulting from terrorist acts have occurred on Australian soil. This is in contrast to the 30 deaths resulting from drug-based gang wars between 1995 and 2006.

Citizenship laws: Then and now

Before looking further at the social situation, it is worth mentioning that Australia has moved from restrictive to very liberal citizenship laws over the past 50 years but now seems to be moving back to stricter procedures. It must also be remembered that between 1996 and 2007, Australia had a quite conservative government. This government did its best to wind back many aspects of multiculturalism with which Prime Minister John Howard disagreed and to reassert nationalist values, which he espoused. That government is no longer in power, but its replacement, the Labor Party, has not yet developed a coherent alternative. Politics are at the heart of citizenship, immigration and multiculturalism. These are all managed by the Department of Immigration, which gives a certain flavour to the debate. One of the first acts of the Howard government in 1996 was to shift responsibility out of the Department of the Prime Minister and Cabinet and back to Immigration. This emphasized the difference between citizens by birth, citizens by naturalization and non-citizens. At least the term "aliens" is no longer used, as it was for much of the past century.

Formal legal citizenship has developed through several phases since the British settlement of 1788. As a result of that colonization, all those born in Australia, including Aborigines, were deemed to be British subjects. As a result of the adoption of a distinctive Australian citizenship in 1949, this principle was applied to all those thereafter born in Australia. In both cases, race was not relevant to citizenship status, although in many other statutes it was. It is often wrongly asserted that Aborigines became citizens only in 1967, with the constitutional amendment transferring power over them to the Commonwealth. Nor is it true that Aborigines only got the vote with this change. They had already had the Commonwealth vote since 1962 but were slow to get a state vote in Queensland. The confusion arises from the anomaly of "citizens without rights." Aborigines under state laws before 1967 were subject to considerable controls on movement, behaviour, voting and welfare eligibility. In a federal system, there was room for great variety. But there was also considerable difference between the cultures of indigenous Australians north of the tropic of Capricorn and the increasing numbers moving into towns and cities. In contrast to indigenous peoples of Canada, the United States and New Zealand, indigenous Aborigines have never had a treaty status.

Apart from the anomalous situation of Aborigines, which is still a major issue in terms of living standards, they have enjoyed equal legal rights with all other locally-born citizens and slightly greater rights (being free from loss of citizenship and deportation, both of which are extremely rare) than

naturalized Australians. But in most other respects – health, life expectancy, education, crime, imprisonment and general living standards – they are uniquely disadvantaged, a situation that is a disgrace to successive Australian governments, which cannot or will not effectively remedy their conditions. This led the Howard government in 2007 to revert to some of the paternalistic practices that had previously limited the rights of the indigenous. This policy is now under review by the new government and was only imposed in the Northern Territory, which is under Commonwealth ultimate control and has an Aboriginal population of over 25%.

The principle that everyone born in Australia is a citizen was only recently modified by excluding children born to unlawful immigrants – a change following similar legislation in the United Kingdom. But in the past, there were several limitations on those not of "white" origin, even if locally born. They could not exercise the franchise, were not eligible to join the armed services or for permanence in the public service, could not access many licences to pursue occupations, could not sponsor relatives for immigration and, if born overseas, could not become citizens by naturalization and needed special permission to return to Australia. Some of these limitations applied under state law. But the most important ones arose from the immigration and citizenship powers in the 1901 Constitution, which rested with the national Commonwealth government.

The most important law within this power was the *Immigration Restriction Act* of 1901. This did not mention race at all but allowed an appointed migration officer the right to impose a dictation test in any European language – a method of exclusion derived from British South Africa a few years before. This power was used only against non-Europeans and was consciously used in a language the immigrant did not know. It gradually fell into disuse since shipping companies would not issue tickets to intending immigrants who were not "White," because the companies were liable for the costs of returning them from whence they came. However, the dictation test was not abolished until 1958, when a new *Migration Act* was introduced. The exclusion of non-Whites continued but was gradually modified until it was abolished altogether in 1973. Under the *Migration Act*, immigration officers did make decisions as to the race and colour of applicants.

The obverse of all this was that "White" British subjects (New Zealanders, those from United Kingdom, Canadians) could enter freely and become eligible for all the rights of locally born citizens, including the vote, after a nominal waiting period. Many thousands of immigrants from the United Kingdom who had the vote in 1984 still have it, although others subsequent to that date must now become naturalized citizens. Only in 1973 did these anomalies and discriminations stop. Now there are only citizens and non-citizens.

Since 1973, then, citizenship in the legal sense has been equally available to those born in Australia, with the exception mentioned above – the children of unlawful immigrants. British subjects have no more or no fewer rights than anyone else, except for the declining numbers retaining the vote without naturalization. Like all non-citizens, other than New Zealanders, they need a visa issued overseas to enter Australia. Citizenship through naturalization has been equally available for non-citizens, subject to criminal and security checks. But this is not the end of the story. After two centuries of building a British society, Australia counts many Australians who still see this as a desirable objective, or at least are anxious about the shifting ethnicity arising from mass immigration since 1945.

Shifting concerns

Many thousands of non-citizens are in the uncertain position of living on temporary protection visas after entering as asylum seekers. The policies adopted by the Howard government in this area have become world famous. This is a result of the arrest of the Norwegian tanker *Tampa*, in 2001, after it had rescued 400 asylum seekers, mainly from Afghanistan. The asylum seekers were removed to the remote Pacific island of Nauru, outside Australian jurisdiction but under Australian control. This went alongside a general policy of detention in remote centres such as Woomera and Baxter, the latter being custom built along the latest lines for prisons. Breakouts, riots and long-term detention brought this system into disrepute, and it was eventually ended by the new Labour government in 2008.

With the legal status of citizens equalized, public discussion moved towards the integration of both immigrant and indigenous communities. What this meant and how it was distinguished from assimilation depended on who was advocating it.

The asylum seeker crisis of the first years of this century coincided with growing concern about Islamic terrorism, culminating in the attack on New York City in 2001 and the bombing in Bali in 2002, in which 88 Australians were killed. The great majority of asylum seekers who were detained were Muslims from Afghanistan and Iraq. The Muslim population of Australia had risen to 340,000, according to 2006 Census, and was increasingly visible through the building of mosques and opening of Islamic schools (which received public funding). All this brought to a head the anxieties that had been festering ever since the temporary political success in 1998 of the One Nation Party based on a platform opposing multiculturalism and mass immigration. The Cronulla riot added a local dimension. Small racist groups like Australia First emerged, although conservative Christians and party members were more important. The Howard government had always been lukewarm about the policy of multiculturalism adopted by all successive governments since 1973. It also favoured English-speaking

migration, which was growing from New Zealand, South Africa and Britain. However, immigration numbers increased to a level higher than they had been for 30 years.

The effect of this overlapping of events and concerns was not to revive the extreme attitudes of the past but rather to shift concern away from "Asians," which had been the focus of One Nation, and towards "Muslims." Some conservatives called for a ban on Muslim immigration, others wanted to outlaw the *hijab* (headscarf). These were rejected by responsible politicians, not least because Australia lies next to the world's largest Muslim state in Indonesia and has major trading arrangements with the Middle East. Efforts were made to encourage immigration of "moderate" Muslims, although opposition to the Iraq war made this difficult. In one sense, the concentration on Muslims made life easier for others. There was little evidence of prejudice or violence against the Chinese, who had always been seen in the past as the main "menace" to White Australia.

With the legal status of citizens equalized, public discussion moved towards the integration of both immigrant and indigenous communities. What this meant and how it was distinguished from assimilation depended on who was advocating it. Multiculturalism was quietly revived as a public policy, made easier by the fact that all nine governments in Australia (Commonwealth, State and Territory) were controlled by the Labor Party. Public subsidies for schools of all religious faiths, hospitals and welfare agencies shifted funding away from the state and towards private initiatives, something conservatives and ethnic minorities both wanted. But legal citizenship was made more difficult to obtain. The waiting period was doubled to four years and a written test in English was added by the Howard government. This is currently under review after criticism of the questions that were being asked. As the chair of the review said, "there is no reason why knowing about sportsmen should be a criteria for citizenship," a view not held by cricket-mad John Howard.

Abuses of the anti-terrorism and immigration powers were also being reviewed. As the new Immigration Minister put it, his task was "to clear up the mess left by the previous government." However, Australia has no constitutional or legislative bill of rights, except in two lower jurisdictions. There is a strong view on both sides of politics that the British traditions of parliamentary supremacy and common law will suffice. Most cases of concern have affected non-citizens and, especially, asylum seekers, whose numbers have dwindled. The disturbing social conditions in remote Aboriginal locations were also under review in an attempt to balance individual rights with effective improvement. Self-determination had not worked in many instances, yet paternal coercion roused too many memories of previous failed policies to be acceptable.

References

Crock, M., and B. Saul. 2002. *Future Seekers: Refugees and the Law in Australia.* Sydney: Federation Press.

Galligan, B., and W. Roberts. 2004. *Australian Citizenship.* Melbourne: Melbourne University Press.

Jupp, J. 2007. *From White Australia to Woomera.* Melbourne: Cambridge University Press.

Jupp, J. (Ed.). 2007a. *Social Cohesion in Australia.* Melbourne: Cambridge University Press.

MacLeod, C. L. 2006. *Multiethnic Australia.* Jefferson (NC): MacFarland.

Stokes, G. (Ed.). 1997. *The Politics of Identity in Australia.* Melbourne: Cambridge University Press.

AUSTRIAN CITIZENSHIP LAW

Will Austria Take the Leap From the Pre-democratic Roots of the Austro-Hungarian Monarchy to the 21st Century in Europe?

ABSTRACT

Austrian citizenship law was vaguely codified for the first time following the establishment of a separate Austrian Empire 1804 and the impact of the "Code Napoleon." This article shows that the accumulation of dispersed countries in the Middle Ages by the Habsburg dukes still plays a hidden role in the current law. Since joining the European Union in 1995, Austrian citizens are evolving from a partly German identity to a modern European/Austrian one and a "dual/triple identity" for immigrants.

HANS-JUERGEN TEMPELMAYR

Hans-Juergen Tempelmayr is deputy head of Municipal Department 35, City of Vienna, which is responsible for Immigration, Citizenship and Registry. He has been working in the field of integration and diversity for about 16 years, starting his career in an Austrian NGO dealing with refugees of the civil war in the former Yugoslavia. Since 2001 he has worked for the City Administration in Vienna in various capacities.

A closer look at Austrian citizenship law reveals that although the division into a provincial citizenship (the citizenship of one of Austria's federal provinces as they have emerged from the Middle Ages onwards) and a national citizenship (as laid down in Austria's current citizenship law in article 6 of the *Federal Constitutional Act*[1]) was suspended in 1945, the origin of the current law is still visible today. Although pursuant to article 11 of the Federal Constitution, the legislative power lies with the Federation, the execution of the *Citizenship Act* falls within the purview of the federal provinces, and hence of the provincial governments.

Figuratively speaking, the acquisition of provincial citizenship automatically includes the acquisition of Austrian citizenship, although a separate provincial citizenship no longer exists in Austria's citizenship law. The last traces of this notion can be found in the citizenship test, which explicitly examines the applicant's knowledge about the federal province that is granting citizenship.

A brief historic overview

The development of citizenship law in Austria is more complicated than in other European countries. Historically, and as far as citizenship is concerned, the term "Austrian" referred to, on the one hand, individuals as subjects of the house of Habsburg, independent of the native language spoken in the relevant territory, and on the other, to inhabitants of the German-speaking areas of the monarchy, on the other.

From 976 onwards, these German-speaking regions had been successively added to the sovereign territory as independent conglomerates of the Roman-German Empire. This gave rise to the strange situation where Tyrol, for example, became a part of Austria in 1363, while it was not before 1805 that Salzburg was integrated into the Austrian Empire, which had been established the year before.

At this time, Mozart had already been dead for 14 years. In accordance with the aforementioned, Wolfgang Amadeus Mozart, whose real name, by the way, was Johannes Chrysostomus Wolfgangus Theophilus Mozart, was, polemically speaking, the subject of an Archbishop and hence a subject of the Roman-German Empire.

The Federal Province of Burgenland had for centuries been a part of Hungary and only in 1921 did it become a province of Austria, while the inhabitants of South Tyrol became Italians after 555 years of being citizens of Tyrol/Austria. This complex and extremely inhomogeneous accumulation of countries, provinces and territories throughout the ruling Habsburg dynasty is also reflected in the development of the population's civic consciousness over the centuries.

A genuine departure from the German Empire in its medieval conception as a successor of the *Imperium Romanum* was effected only by the establishment of a separate Austrian Empire in 1804, and as far as the population's concept of citizenship was concerned, probably as late as after World War II.

This consciousness as well as the complexity of the Habsburg Empire's state structure are reflected in the history of codified citizenship law. Despite the introduction of the *Austrian Civil Code* on January 1, 1812 further to the Napoleonic Wars, there was increased legal uncertainty among the competent authorities regarding the questions of who was or might become a citizen by law and which requirements had to be met.

Due to a lack of existing or, in many parts of the country, inappropriately published provisions, naturalization procedures were subject to unrestricted arbitrariness. An attempt at harmonizing the standards was undertaken in 1849 and 1863 with the right-of-domicile rule. From then on, citizenship could only be held by persons who had acquired the right of domicile in one municipality.

Since such acquisition was often tied to financial requirements, a large proletariat without any citizenship rights emerged in the German-speaking parts of the monarchy in the wake of industrialization. Only in 1867 did the introduction of the *Austrian Basic Law*, which today still forms part of the Constitution of the Republic of Austria, bring positive changes to the situation of immigrants. From that point onwards, everyone who was a citizen of one of the Habsburg monarchy's crown countries became an Austrian national.

Unlike the citizenship laws of numerous modern European countries, the *Austrian Basic Law* of 1867 granted all subjects the inviolable right to protect and maintain their nationality and language. This led to the establishment of official minority rights, but also to a certain measure of linguistic fairness for members of non-dominating nations. This is still reflected today in the minority rights of the modern Republic of Austria and in the recognition of particular ethnic groups.

The current access to citizenship

The Republic of Austria's current position on this issue is very aptly described by the General Explanatory Notes to the Amendment of the 1998 *Austrian Citizenship Act* (*Federal Law Gazette* I, 1998: 124), effective January 1, 1999, which is quoted below (all emphases are the author's):

> The granting of Austrian citizenship is the last step in the successful integration of foreign nationals in Austria. This principle is to be accounted for by the present Amendment of the *Austrian Citizenship Act* to the extent that the time periods for the award of Austrian citizenship will generally remain unchanged, but may be shortened under particularly eligible – integration-relevant or integration-friendly – conditions; eligible persons include for example minor children, persons entitled to asylum, EEA citizens (four years of residence in Austria) or foreign nationals who furnish evidence of sustainable personal and professional integration (six years of residence in Austria). The length of the waiting period for the award of the Austrian citizenship by virtue of legal title will remain 30 years. However, foreign nationals who furnish evidence of sustainable personal and professional integration will also receive preferential treatment in this respect. They will already acquire the legal title to citizenship after 15 years. Any granting (or extension of the granting) of citizenship will depend on the candidate's command of German in accordance with his/her personal circumstances, in order to ensure the candidate's successful integration. Minor children aged 14 years and older will be able in most cases to apply for the granting of Austrian citizenship themselves. In the event that their legal representative does not consent, such consent may be provided by the guardianship court. Other foreign nationals who are not of full legal age and capacity are, as hitherto, granted a right to consent, which can also be exercised by the guardianship court. Furthermore, the Act provides that citizenship will be bestowed without waiting period to politically persecuted "Old Austrians,"[2] who were nationals of a successor state of the Austro-Hungarian monarchy and were legally resident in Austria before 1938.

Changes to legislation in 2006

On March 23, 2006, another fundamental amendment to the *Austrian Citizenship Act* entered into force, the details of which are discussed in greater depth below. This change has led to a severe drop in naturalization numbers (Table 1). During the legally required consideration procedure, the Federal Province of Vienna and other federal provinces proposed numerous changes to the Act that were designed to facilitate the acquisition of citizenship, but in the end failed to assert their proposals, so that the Act was adopted by the Austrian National Assembly in its original form.

Table 1
Naturalization trends in Austria and Vienna, 1946-2007

Number of persons who were naturalized		
Year	**Austria**	**Vienna**
1946	82,161	28,409
1989	8,470	4,580
2003	45,112	18,085
2004	42,174	16,345
2005	35,417	12,240
2006	26,259	8,654
2007	14,041	5,200

Source: Municipal Department 35, Vienna.

What are the major requirements for the acquisition of Austrian citizenship?

Length of stay

With only a few exceptions, the acquisition of Austrian citizenship requires ten years of legal stay in Austria, including five years of legal residence. Facilitations are provided for spouses (six years of stay and five years of marriage) and minor children (immediately when citizenship is granted to one parent).

The difference between "legal residence" and "legal stay" lies in the fact that "legally resident persons" are granted a permanent residence permit (although it has to be annually re-confirmed), while "persons legally staying in Austria" are entitled to stay for a limited period of time, without the intention of permanent immigration.

In practice this means that students, artists and researchers hardly have a realistic chance of being granted Austrian citizenship. Excepted from this regulation are recognized refugees, EEA citizens, persons born in Austria and persons with outstanding achievements in the fields of science, arts or sports.

Income

Posing another obstacle are the more stringent provisions concerning proof of secure means of subsistence, which has to be furnished for the 36 months immediately preceding the date of application and has to prove a particular income level. The receipt of social assistance constitutes an impediment to naturalization, even if such assistance was only received for a short period of time or only consisted of small amounts. The calculation of income is based on the rather complicated rules of the *Austrian General Social Insurance Act*, so that, in simplified terms, the required minimum monthly income for single persons can be assumed to amount to 747 euros, the minimum income for spouses, to 1,120 euros. Furthermore, an additional 78.29 euros is required for every child in the family.

Language

A third important requirement for the acquisition of Austrian citizenship is knowledge of the German language in accordance with level A2 of the European Reference Framework. Exceptions to this rule may be made in the event of old age or a permanently poor state of health and for persons without legal capacity (persons under curatorship) or applicants who are not yet subject to compulsory schooling or attending elementary school. Needless to say, an exception is also made if the applicant provides proof that German is his/her native language. Students of higher secondary schools have to provide proof of a positive assessment of their German language studies.

Knowledge of history

Another new element of the 2006 amendment is the so-called citizenship test. In this respect, Austrian citizenship law followed an international trend and introduced similar requirements. Applicants have to prove basic knowledge of Austria's democratic structure and the history of Austria and the relevant federal province in a written exam. Exceptions to this regulation are nearly identical to those applied to the proof of the applicant's knowledge of German.

Can citizenship be renounced or revoked?

Although a few citizens – particularly artists – sometimes announce their intention to renounce their Austrian citizenship as a sign of political protest, legislation ensures that such renunciation is not possible without the simultaneous acquisition of another citizenship. Indeed, the acquisition of another citizenship automatically (by law) entails the loss of Austrian citizenship. However, the principle of avoiding a situation of statelessness is suspended in the event of a person joining another country's military service, as this entails the automatic loss of Austrian citizenship but does not necessarily involve the acquisition of another citizenship. Dual citizenship is usually not an option, but may be granted in exceptional cases and in the event of special circumstances.

Identity and citizenship

The Austrian citizenship law, as mentioned earlier, was codified for the first time at the beginning of the 19th century; its key features always aimed at preventing dual citizenships although at different times this has been seen in more pragmatic terms. A discussion of this issue was sparked every now and then in Austria, both in the monarchy and in the interwar years, but it resulted only in a few, though important, softenings of this principle. It was not before 1983, for example, that the legal entity of women was put on an equal footing with that of men. Since then, children born in wedlock have been able to acquire their mother's citizenship by virtue of descent and hence are given (easier) access to dual citizenship. Austria could not bring itself to adopt a regulation similar to the one introduced by Germany's social-democratic government under Chancellor Gerhard Schröder in 2000, which provides for dual citizenship for children until the age of 18. Experiences in this field, including those of other countries, have shown that similar and also further-reaching regulations than that introduced by Germany would accommodate a modern understanding of plural "identities" instead of a single "identity" without affecting the feared-for loss in loyalty to the new country. Immigrants from the European Union, in particular, increasingly seem to attach greater importance to a *triple identity* (country of origin, country of immigration *and* EU citizen), despite the lack of large-scale studies on this issue. On the occasion of the 2008 UEFA EURO Football Championship, dual identities were easily detected everywhere in Austria, when immigrants with Austrian citizenship alternatively supported the football team of their original home country and that of their new home country, namely Austria.

References

Austria. 1998. "General Explanatory Notes to the Amendment of the 1998 *Austrian Citizenship Act*." *Federal Law Gazette* I, p. 124.

Das österreichische Staatsbürgerschaftsrecht 7. 2005.Vienna: Auflage.

Heindl, W., and E. Saurer (HG). 2000. "Grenze und Staat. Paßwesen, Staatsbürgerschaft, Heimatrecht, und Fremdengesetzgebung in der österreichischen Monarchie." Vienna: Böhlau.

Notes

[1] Upon publication of the *State Law Gazette* 1945/16 of the provisional Austrian government, the legal provisions on German citizenship introduced by the German Reich were revoked on April 27, 1945. Shortly afterwards the new *Citizenship Act* was passed.

[2] The term "Old Austrians" refers to German-speaking residents of the crown countries of the Austro-Hungarian monarchy.

ELEVENTH NATIONAL METROPOLIS CONFERENCE

Frontiers of Canadian Migration

Calgary, Alberta
March 19-22

2009

Over a century ago, immigrants to the Prairies realized their dream of making a home in the great frontier. By continuing to attract people from around the world, Canada is realizing a national dream of being an equitable, diverse and innovative society.

There are now new frontiers to explore and new challenges to overcome. Migrants are arriving from non-traditional source countries, representing a vast range of linguistic, ethnic and religious diversity. The strong economy in Canada in general and in the Prairies in particular has brought an increasing number of temporary foreign workers. Smaller communities - including rural and francophone minority communities - are now experiencing unprecedented growth through immigration.

The new trends in migration call for renewed thinking about local, regional and national policies for immigration and integration. The 11th National Metropolis Conference, March 19-22, 2009 in Calgary—a city poised to become one of Canada's major immigrant-receiving cities—will bring together researchers, policy-makers and community practitioners to explore the frontiers of research and practice in six policy priority areas: 1) Citizenship and Social, Cultural and Civic Integration; 2) Economic and Labour Market Integration; 3) Family, Children and Youth; 4) Housing and Neighbourhoods; 5) Policing, Security and Justice; and 6) Welcoming Communities: The Role of the Host Communities in Attracting, Integrating and Retaining Newcomers and Minorities.

Recognizing the growing interconnectedness of the local with the national and the global, the conference is a good opportunity for participants to develop a better understanding of immigration and diversity in the Prairies—and how this will build a better future for Canada.

Call for Proposals

We invite organizers to propose 90 or 180-minute workshops (two consecutive sessions) in the formats below: (Please note that because the total number of workshops will be limited, organizers must justify 180-minute proposals. Organizers are encouraged to limit their sessions to 90 minutes.)

1. PRESENTATION WORKSHOP – workshops involving formal presentations followed by question-and-answer sessions on specific topics related to diversity, immigration and settlement.

2. TRAINING WORKSHOP – workshops that introduce specific programs, datasets or educational tools to those who work in the diversity, immigration and settlement fields.

3. ROUNDTABLE WORKSHOP – informal discussions, with no formal presentations, organized to explore or debate major issues and controversies related to diversity, immigration and/or settlement.

Individuals may also submit abstracts for the following formats:

4. POSTER PRESENTATIONS of research or innovative practices related to diversity, immigration and/or settlement.
5. Individual Paper Presentations - involving formal presentation of a paper followed by question-and-answer session. Individual papers will be grouped into appropriate workshops.

Proposals will be accepted on-line until the deadline of October 1, 2008. See the Prairie Metropolis Centre website for submission details (http://pceii.metropolis.net).

For more information, please contact the Prairie Metropolis Centre at prairiemetropolis@ualberta.ca

BELGIUM AND ITS STRUGGLE WITH CITIZENSHIP

ABSTRACT

Belgium, a federal state, is not a homogeneous nation. In consequence, citizenship debates are intrinsically linked to the linguistic divide between the Flemish and the Francophones, who hold divergent views on the future of their country and whose traditions in dealing with ethnic and linguistic diversity are quite different.

DIRK JACOBS

Dirk Jacobs is Associate Professor of Sociology at the Université Libre de Bruxelles and is a member of its research centre, METICES (Migrations, Espaces, Travail, Institutions, Citoyenneté, Epistémologie, Santé). He is also a visiting professor at FUSL (Brussels). While Dutch is his mother tongue, Jacobs teaches and publishes in Dutch, French and English.

Belgium is a clear example of what Canadian philosopher Will Kymlicka (1995) calls a "multination state." The new Belgian Constitution (1993) recognizes that the constitutive nation is not a homogeneous entity. The process of state reform and devolution has brought the recognition of cultural-linguistic diversity to the foreground as the guiding principle for Belgian political life. The Constitution now recognizes the rights to (partial) self-determination of those groups who are seen to be the constitutive elements for the Belgian nation (Martiniello 1997). The Constitution states that the Flemish, Francophone and Germanophone groups are the fundamental cultural communities of Belgium. This postulate is the basis of the entire organization of Belgian politics. The Flemish-Francophone divide nevertheless clearly constitutes the central political axis.

Belgium is, however, not only officially built out of three Communities (a Dutch-speaking [Flemish], French-speaking and German-speaking community), it is also officially the sum of three territorial entities, the so-called Regions (Flanders, Wallonia and the Region of Brussels-Capital). The Regions and Communities have specific political competencies. The Regions have jurisdiction over "space-bounded" matters such as regional economy, agriculture, environment, infrastructure and traffic. The Communities have jurisdiction over "person-related" matters such as health care, social policy, culture, education and language use. Every Region and every Community has its own representative body (parliament) and government. In theory this leads to the existence of six sub-national parliaments and governments in Belgium. The governments (and administrations) of the Flemish Community and the Flemish Region have, however, been merged into one executive body which totals five distinct sub-national parliaments and governments. In sum, one can say that Belgium has a fairly unusual and complex federal system, combining both a territorial and non-territorial logic (Jacobs and Swyngedouw 2003). Last but not least, there is a national parliament and national government in Belgium, which is responsible for issues such as defense, justice, police, foreign policy, finance and social security.

Since the federal elections of June 2007, elites from both sides of the (main) language issue have had difficulty in seeing eye to eye on just about everything. This deadlock situation is the result of electoral brinkmanship by the main political contenders. As a result, a possible split-up of the country is for the first time seriously being contemplated and discussed. It is, however, fairly unlikely that the federal state will effectively fall apart at short notice – if it ever does (Jacobs 2007). Brussels, the European and Belgian capital, is of crucial economic, historic and political importance for all linguistic groups in the country. No side can afford to give up the bilingual capital. Brussels therefore functions as the glue of the Kingdom. Clearly, the political crisis is such, however, that the shared capital city will not be able to keep the country together indefinitely. Belgian citizens have to reassess their identity and figure out what they want as a common project for the future. In order to facilitate communication between the political elites and the different electorates, academics have been proposing to add another federal electoral district, which would necessitate reallocation of the seats in parliament.[1]

There are slightly more than 10.5 million inhabitants in Belgium (in 2007), of whom about 930,000 do not have Belgian citizenship. A majority of them (68%) are European citizens (holding the nationality of one of the other member states of the European Union). About 725,000 Belgians did not have Belgian citizenship at birth. Of the entire population, approximately 15.5% did not have Belgian citizenship at birth (Perrin 2007). Naturalization rates are fairly high among third-country nationals (often over 50%) and are very low among EU citizens, so that people of non-European origin are overrepresented among the "new Belgians."

Access to citizenship has until now been a firmly federal prerogative. Nevertheless, it is has also been a topic that Flemish and Francophone elites have been looking at from quite different

angles. As in most European countries, *jus sanguinis*, the intergenerational transmission of citizenship, constitutes the basic principle of access to Belgian state-citizenship. Children born to Belgian nationals are automatically attributed Belgian nationality at birth. However, progressively (in 1984, 1991 and 1999) *jus soli*, the acquisition of nationality by virtue of place of birth, has been introduced in Belgian citizenship law.

Every child born on Belgian soil to a parent also born in Belgium ("third generation immigrants") automatically acquires Belgian nationality.[2] Furthermore, "second generation immigrants" born on Belgian soil can fairly easily become citizens. Indeed, parents can secure Belgian nationality for a child born on Belgian soil by simply making a declaration to that effect on behalf of children under the age of 12. There is also an option procedure for second generation migrants and certain groups of first generation migrants. Adults born in Belgium or who have lived in Belgium for seven years and have acquired permanent resident status can simply opt for Belgian nationality.[3] In addition, Belgium has put a system of discretionary naturalization in place. The divestment of the original nationality is in principle not a condition of Belgian nationality through naturalization.[4] All Belgian residents having resided in the country for three years (two years for refugees) can request naturalization.[5] Yet the uniform vision of citizenship that can be found at the federal level hides important differences between Flemish and Francophones. These differences came to the fore during parliamentary debates surrounding legislation on the liberalization of nationality in the 1990s. Paradoxically, there is currently no language requirement to obtain citizenship in a country that is obsessed by the issue of language. The reason is simple albeit somewhat peculiar: although most politicians agreed language knowledge is a normal condition for obtaining citizenship, no common ground could be found on the best way of imposing language requirements for nationality acquisition. A majority of Flemish politicians wanted to maintain a number of more "subjective" criteria (such as the degree of cultural integration or loyalty to the receiving society) and language-related criteria (such as knowledge of Dutch when living on Flemish territory) for the acquisition of citizenship. A majority of Francophone politicians, on the other hand, preferred to only retain "objective" criteria such as the length of legal stay on the territory. Furthermore, knowledge of one of the national languages was deemed to be sufficient, no matter where in the country one chooses to live, if a language requirement were to be upheld.[6] Since the Flemish and Francophones could not reach an agreement on modalities, there was no language condition tied to Belgian nationality, in the end.

> The Flemish, the demographic majority, have for over a century endured Francophone cultural domination, articulated through social practices and incorporated in state institutions, at a time when Belgium was still a unitary state. For the Flemish, acknowledgement and recognition of ethnic identity is seen to be a legitimate endeavor.

One federal state but two visions on ethnic minorities

Due to the complex institutional framework of the Belgian federal political system (see Jacobs and Swyngedouw 2003), both the Flemish community and the Francophone community have some jurisdiction over "their" immigrants or ethnic minorities. A number of striking differences have crystallized in discourses and policy making with regard to ethnic minorities on both sides. In the Francophone community, an integration discourse, which is clearly inspired by French republicanism and tends to deny the relevance of cultural specificities and the ethnic origin of immigrants and their offspring, dominates. Conversely, in Flanders, recognition of ethnocultural diversity is welcomed and the existence of ethnic minorities, affirmed.

The Flemish policy framework is based on the recognition of ethnocultural groups, a notion based on that of the Netherlands and that is partly in line with Anglo-Saxon ideas of group-based "multicultural" policies. Notably, entire sections of policy documents pertaining to recent immigrants closely copy Dutch documents. Although the Flemish government strives to establish an "inclusive policy" by which diversity should be automatically taken into account throughout all policy areas of competency (*mainstreaming*), there is still ample room for "categorical policy," which is specially (and exclusively) turned towards foreign-origin groups. Support for immigrant self-organizations testifies to the belief – which was equally imported from the Netherlands – that preservation and development of their own cultural identity can stimulate immigrants' emancipation within the host society. In the same line of reasoning, native language education within the Flemish education system has been given more prominence. An important difference in the Dutch system is that there is no explicit recognition of particular ethnic communities (for example, Moroccans or Turks) that would allow "official" ethnocultural minorities to distinguish themselves from one another – although this is often done in practice.

This being said, however, the Flemish government has taken policy measures that are said to be aimed at the "assimilation" of newcomers. Since the end of the 1990s the Flemish have been preparing and experimenting with so-called citizenship trajectories (*inburgeringstrajecten*) in which Dutch language courses as well as introductory courses on Flemish/Belgian society must be taken by certain categories of recent immigrants. The aim is to

actively promote a certain degree of language and cultural assimilation. This scheme, once again inspired by the Netherlands, became compulsory for (most) non-EU newcomers to Flanders in April 2004 and optional in Brussels (Jacobs and Rea 2007). In Flanders, non-compliance leads to an administrative fine.

In Francophone Belgium, the discourse on people of foreign origin is identical in Wallonia and Brussels, and completely different from that of Flanders. Ethnic minorities are not recognized in policy or in discourse. Categorical policy is marginal. Integration policy is embedded within indirectly targeted policy schemes (priority action zones, zones of positive discrimination, etc.), which use social criteria (percentage of unemployed, percentage of renters, etc.) and demographic criteria (percentage of foreigners) to pinpoint areas of attention. Although clearly imprecise, the most commonly used denominator for foreign origin inhabitants in political discourse and media discourse is "immigrant" and sometimes "person of foreign origin." Overall, among the Belgian Francophones, the dominant frame of reference in terms of immigrant integration has been imported from France – although Belgium as a state is neither Jacobin nor "freethinking" (*laïc*). Although in day-to-day life this imported discourse doesn't always straightforwardly translate into real policy, it does exercise strong pressure on ethnic minorities to conform to the Francophone model. Ethnic minorities tend to seek social inclusion through existing structures and ethnic background is downplayed.

The main differences in the Flemish and Francophone policies concerning immigrants and ethnic minorities are schematically represented in Table 1. Although these policies fit into this general typology, emphasis might be placed on specific policy subfields and government agencies – for example, depending on the ideology of the minister in charge (given the fact that Belgium always has coalition governments). Furthermore, while there are clear differences in terms of official rhetoric and policy statements, these sometimes tend to be much less so "on the ground."

Whether or not divergent policy choices lead to different outcomes with regard to immigrant integration is something we cannot assess since we do not have appropriate data that would allow a genuine Flemish-Francophone comparison. In fact, the fact that a comparison is not possible is directly linked to the divergence of the discourses and policies themselves: there are no data on the situation of Belgians of foreign origin that could be compared because there is no agreement as to whether it is legitimate to construct this kind of data in which a distinction is made between state citizens on the basis of their ethnic background (Jacobs and Rea 2005).

The power struggle between the two linguistic communities within the Belgian framework – although mitigated by other ideological cleavages – helps to explain the discourses they adopt and the positions they hold in developing sub-state policies with regard to immigrant integration (Martiniello and Rea 2004). Apart from self-evident reasons of linguistic affinity and cultural links between Flanders and the Netherlands (which played an important role in the import of the citizenship trajectories), the import of the Dutch multicultural policy model to Flanders should be understood in the light of the Flemish movement within Belgian history. The Flemish, the demographic majority, have for over a century endured Francophone cultural domination, articulated through social practices and incorporated in state institutions, at a time when Belgium was still a unitary state. For the Flemish, acknowledgement and recognition of ethnic identity is seen to be a legitimate endeavor. The principles of not denying a cultural identity, and fostering and defending a minority culture (in the sociological and political sense) have been at the core of Flemish political identity (and have led to the creation of the federal state). One could say that, through structural homology, the Flemish elite no longer wishes to impose on their ethnic minorities what they themselves endured as a former minority group. The Flemish situation can, however, be qualified as being one of "inegalitarian multiculturalism" (Martiniello 1997) in that the Flemish culture must always take precedence. Strong emphasis is placed on the necessity of learning and speaking Dutch while living in Flanders. A number of rights – for instance, access to public housing – are even directly linked to language skills.

Conversely, for the Francophone elites, the discursive preference for the French assimilationist position while sometimes paying lip service to the idea of cultural diversity has a strategic significance. Ethnic difference is only applauded in the case of individual success and support for

Table 1
Flemish and Francophone policy approaches towards immigrants and ethnic minorities

	Policy emphasis on the integration of settled immigrants	Policy for recent immigrants	Policy inspiration from abroad
Flemish approach	• Recognition of the existence of ethnocultural minority groups • General and categorical policies • Cooperation with, and support of, immigrant self-organizations	• Citizenship trajectories (includes language courses)	• Former Dutch (and Anglo-Saxon) ideas of group-based multiculturalism • Former Dutch model of *inburgering*
Francophone approach	• Individualistic approach • General policies using socio-economic indicators • Only indirect targeting of immigrant groups (for instance, in certain neighbourhoods)	• No specific policy (but individual projects are being financed)	• Former French assimilationist-republican model

ethnic diversity is thus limited to individualized "meritocratic multiculturalism" (Martiniello and Rea 2004). As a general principle, conformity and adaptation to the Belgian-Francophone culture is expected. In a federal state in which they now hold the minority position and greatly depend on Flemish (financial) solidarity, the Francophone establishment is faced with an assertive Flanders that is making a case for increased autonomy and questioning its role in maintaining solidarity with their Francophone compatriots. While defending national identity and national unity, they adopt a strategy of trying to transform new Belgians into Francophones (and not into sub-minorities). "Belgicizing" and "Frenchizing" the newcomers helps to take a stand against the powerful Flemish. Interestingly, this is for the time being done purely on an implicit basis. Unlike their Flemish counterparts, there is no formal obligation for newcomers to learn French. Even though the idea of compulsory language courses fits in perfectly with an assimilationist philosophy and strategy, many Francophone policy-makers believe that citizenship trajectories and obligatory language training is to be avoided. "Indeed, it must be a bad idea, since the Flemish have it," seems to be the reasoning. In light of the European-wide trend towards citizenship trajectories (Jacobs and Rea 2007), it remains to be seen whether this will be the case in the near future.

References

Bousetta, H., S. Gsir, and D. Jacobs. 2007. "Belgium." In *European Immigration: A Sourcebook*. Edited by A. Triandafyllidou and R. Gropas. Aldershot: Ashgate, p. 33-44.

Jacobs, D., and M. Swyngedouw. 2003. "Territorial and Non-Territorial federalism: Reform of the Brussels Capital Region, 2001." *Regional and Federal Studies* 13, 2, p. 127-139.

Jacobs, D., and A. Rea. 2007. "The End of National Models? Integration Courses and Citizenship Trajectories in Europe." *IJMS: International Journal on Multicultural Societies* 9, 2, p. 264-283. UNESCO. ISSN 1817-4574.

———. 2005. "Construction et importation des classements ethniques. Allochtones et immigrés aux Pays-Bas et en Belgique." *Revue Européenne des Migrations Internationales* 21, 2, p. 35-59.

Jacobs, D. 2007. " 'Brussels, do you speak-a my language?' Enige toekomstscenario's gewikt en gewogen." In *Waar België voor staat. Een toekomstvisie*. Edited by G. Buelens, J. Goossens, and D. Van Reybrouck. Antwerpen/Amsterdam: Meulenhoff-Manteau.

Kymlicka, W. 1995. *Multicultural Citizenship*. Oxford: Clarendon Press.

Martiniello, M. 1997. *Sortir des Ghettos Culturels*. Paris: Presses de Sciences Po.

Martiniello, M., and A. Rea. 2004. "Piliers, minorités ethniques et pluralisme en Belgique." Edited by M. Martiniello and A. Rea. *Affirmative action. Des discours, des politiques et des pratiques*. Louvain-La-Neuve: Academia, p. 253-281.

Perrin, N. 2007. *Rapport statistique et démographique 2007. Migration et populations issues de l'immigration en Belgique*. Bruxelles: Centre pour l'égalité des chances et la lutte contre le racisme.

Rea, A. 1993. "La construction de la politique belge d'immigration et d'intégration des immigrés." Edited by M. Martiniello and E. Poncelet. *Migrations et minorités ethniques dans l'espace européen*, Bruxelles: Éditions De Boeck/Universitaire, p. 143-166.

Notes

[1] See <www.paviagroup.be>. Seats are now assigned on a regional basis. In practice this means that most Flemish voters cannot vote for Francophone politicians and most Francophone voters cannot vote for Flemish politicians.

[2] There is, however, a "residence" condition for the parent(s): he or she has to have lived in Belgium for at least five of the ten years preceding the birth of the child.

[3] Access to citizenship through option is a simple matter – that is, if one has not been convicted of serious crimes and is not considered as a threat to national security.

[4] Albeit that simultaneous possession of Belgian state-citizenship in combination with possession of state-citizenship of most other European countries is ruled out by the Treaty of Strasbourg.

[5] In contrast to the option procedure, naturalization is a privilege, not a right. This is also expressed by the fact that parliament decides on naturalization.

[6] In taking this position they wanted to reaffirm their commitment to defend the interests of Francophone inhabitants of Flanders. The Flemish think this is unacceptable since the language border was the result of a negotiated compromise in the 1960s: Flanders would have Dutch as its only official language, Wallonia would have French and Brussels would be officially bilingual.

LE RÉGIME CANADIEN DE CITOYENNETÉ : UNE RÉFORME, VOUS DITES?

RÉSUMÉ

La modernisation de la *Loi concernant la citoyenneté* (1977) est une préoccupation récurrente depuis la fin des années 1980. Le présent article propose une vue d'ensemble des efforts de réforme d'ordre législatif, de 1987 à ce jour, et explore les leçons pouvant être tirées de cet historique.

MARIE-ELISABETH LEBRUN

Au moment de la rédaction de cet article, Marie-Elisabeth Lebrun oeuvrait à titre de conseillère de politiques stratégiques auprès de la Direction générale de la citoyenneté (Citoyenneté et Immigration Canada). Depuis peu, elle agit à titre de conseillère principale de politiques auprès des Affaires Indiennes et du Nord Canada. Marie-Elisabeth Lebrun détient une maîtrise en droit international et transnational (Université Laval) et un diplôme d'études spécialisées en droit international et européen des droits de l'Homme (Facultés universitaires Saint-Louis, Université catholique de Louvain et Facultés universitaires Notre-Dame-de-la-Paix, Belgique). Candidate au doctorat, elle enseignait jusqu'à récemment les droits fondamentaux aux Facultés universitaires Saint-Louis à Bruxelles.

En 1947, la *Loi concernant la citoyenneté canadienne* était fortement empreinte d'une connotation symbolique, porteuse d'une indépendance unificatrice. Trente ans plus tard, la *Loi canadienne concernant la citoyenneté* (1977) se tournait vers une politique de naturalisation qui devait éliminer les barrières à l'acquisition de la citoyenneté en vertu de critères objectifs ainsi que des restrictions fondées sur la race, le sexe et l'origine nationale ou ethnique (Kaplan, 1991, p. 26).

Cependant, moins de dix ans après son édiction, la loi montrait déjà des signes de fatigue face aux nouvelles réalités canadiennes[1]. Plus de 20 ans après le lancement du projet de modernisation, ce dernier demeure toujours d'actualité. Sans aborder l'analyse législative des enjeux traités, le présent article dresse un portrait contextuel des principales initiatives législatives[2] ayant porté sur la citoyenneté canadienne depuis 1987, de même que des facteurs ayant motivé les dissensions et les succès qui ont jalonné ce long parcours.

À ce jour, le projet de réforme s'est déroulé en trois actes: la formulation du projet de modernisation, les ratées du projet de réforme de la loi de 1977 et le succès de deux réformes partielles.

Acte 1 : Les premiers pas de la réforme (1987-1998)

Alors que la discussion nationale lancée par le Secrétaire d'État en 1987 annonçait une envoûtante redéfinition du projet de société, la réforme de la citoyenneté canadienne est devenue, au fil des ans, une question épineuse (Secrétariat d'État, 1987). À elle seule, l'orientation de la réforme aura pris dix ans. Les atermoiements générés par le cycle électoral, des priorités politiques changeantes et des interprétations différentes relativement à l'objet de ce projet de modernisation ont mené à la publication de quatre études successives portant sur les objectifs de la réforme et ses enjeux (Secrétariat d'État, 1987; Comité sénatorial permanent des affaires sociales, des sciences et de la technologie, 1993; CIMM, 1994; Travaux publics et Services gouvernementaux Canada, 1997). Or aucune des nombreuses recommandations ne se traduit par une réponse législative, quelle qu'elle puisse être. Comment expliquer l'absence de réforme après cette longue période préparatoire?

Le contexte national et l'agenda politique : Le projet de modernisation de la citoyenneté intervient dans un contexte de crise identitaire nationale suite à l'échec de la réforme constitutionnelle[3]. Dans un contexte préélectoral (1993) puis pré-référendaire (1995), les priorités législatives privilégient les projets susceptibles d'assurer des gains politiques. L'édiction de la *Loi sur le multiculturalisme canadien* (1988) et la réforme du régime d'immigration sont privilégiées dès lors qu'une réforme de la citoyenneté canadienne est perçue, à tort ou à raison, comme une tentative désespérée de renforcer l'unité nationale par le biais de la promotion d'un système politique intégrateur qui nierait les différences nationales[4].

Des visions contradictoires : Les rapports des différents intervenants témoignent de l'existence de différentes façons d'appréhender la réforme : l'une, centrée sur l'actualisation du processus de naturalisation destiné au migrant, l'autre visant à redéfinir la citoyenneté dans ses composantes fondamentales, où la participation et l'identité civique sont des composantes centrales dites inclusives, qui interpellent l'ensemble des membres de la société canadienne[5]. Si la vision à prédominance législative et celle d'une réforme des fondements des politiques et des programmes ne sont pas à proprement parler contradictoires, aucune des études ne propose cependant une position réconciliatrice.

Avant même qu'un projet de loi ne voit le jour, la critique commence à se faire entendre. Déjà en 1987, le Secrétaire d'État identifie la révocation comme étant susceptible de soulever les passions (Secrétariat d'État, 1987, p. 15). Le rapport du Comité permanent met en évidence les controverses

liées aux revendications identitaires francophones et autochtones lorsqu'il est question du serment, du préambule, de la déclaration et de restrictions relativement à la double citoyenneté (CIMM, 1994, p. 52-53; Smith, 1999, p.177). Certaines décisions rendues par les instances fédérales rappellent les difficultés de mise en œuvre de la loi[6]. Ainsi, malgré les aléas politiques et les difficultés consultatives, le projet de réforme demeure à l'agenda en 1998 et mène au dépôt des projets de loi C-63, C-16 et C-18.

Acte 2 : Réformer la loi de 1977 (1998-2003)

Durant cette période, le gouvernement tente à trois reprises de réformer globalement la loi afin de répondre aux pressions générées par des interprétations jurisprudentielles contradictoires, l'évolution législative sur le plan national et les nouvelles réalités nées dans le sillon de la mondialisation. Quelles sont les raisons derrière ces échecs répétés d'ordre législatif?

La vision de la réforme : Parmi les options de réforme suggérées au cours de la période initiatique, le gouvernement privilégie l'actualisation des conditions de naturalisation et une mise en conformité de la loi avec la *Charte canadienne des droits et libertés* (ci-après la Charte), mais abandonne les aspects plus conceptuels de la citoyenneté et les recommandations de nature symbolique telles que la rédaction d'un préambule, l'actualisation du serment ou la célébration nationale de la citoyenneté. L'octroi, le refus et la perte de la citoyenneté constituent la pierre angulaire de la réforme. Malgré cette approche restrictive, la promotion de l'identité nationale et l'articulation d'une vision commune de la citoyenneté et des valeurs canadiennes sont toujours prônées comme étant des objectifs clés de la réforme, sans pour autant se refléter dans les changements proposés (Garcea, 2006, p. 205).

> À elle seule, l'orientation de la réforme aura pris dix ans. Les atermoiements générés par le cycle électoral, des priorités politiques changeantes et des interprétations différentes relativement à l'objet de ce projet de modernisation mènent à la publication de quatre études successives portant sur les objectifs de la réforme et ses enjeux. (...) Or aucune des nombreuses recommandations ne se traduit par une réponse législative, quelle qu'elle puisse être.

La mobilisation des partis de l'opposition : Déposé le 7 décembre 1998, le projet de loi C-63 meurt au feuilleton le 18 septembre 1999. On s'oppose principalement au renforcement du critère de résidence face à la mondialisation économique et à la liberté individuelle de mouvement, aux pouvoirs ministériels accrus facilitant notamment le refus et la perte de la citoyenneté, d'une part, et à la modification du mandat des juges, de l'autre (Garcea, 2006, p. 210; Young, 1999c, p. 14; Young, 1999d, p. 16). Dans un contexte de gouvernement majoritaire, les partis de l'opposition n'ont qu'une portée limitée; dans le cas présent, cela révèle un consensus de principe sur l'ensemble du projet. Malgré l'absence d'amendements importants devant être apportés au projet de loi, le gouvernement juge insuffisant le temps imparti avant la fin de la session parlementaire pour le peaufiner davantage (Garcea, 2006, p. 216-217).

Quant au projet de loi C-16, c'est une version amendée conformément aux recommandations du Comité permanent qui est déposée le 25 novembre 1999. Le gouvernement propose un retour au processus de révocation préexistant, un serment au libellé moins patriotique et une période plus longue pour satisfaire au critère de résidence. Le pouvoir ministériel d'annulation de la citoyenneté est maintenu, sous condition d'aviser la personne concernée de son droit à un contrôle judiciaire devant la Cour fédérale (Young, 1999a, p. 5-9). Malgré de nombreuses abstentions lors du vote en troisième lecture, le projet de loi C-16 est soumis au Sénat, où il meurt au feuilleton avec le déclenchement des élections. Les procédures de refus, d'annulation et de révocation de la citoyenneté préoccupent grandement le Sénat en l'absence d'un droit d'appel (Garcea, 2006, p. 217-218). Ces préoccupations trouvent un appui auprès des défenseurs de l'équité procédurale. Ainsi naît un mouvement de mobilisation qui dénonce la réforme. Cette contestation est couronnée par la démission du Secrétaire parlementaire du ministère de la Citoyenneté et de l'Immigration, qui marque ainsi son objection au processus de révocation. Les limites de la naturalisation semblent devoir être contrebalancées par une vision de la citoyenneté qui s'adresse à l'ensemble des Canadiens, une vision qui avait été proposée en 1993 par le Sénat. En contexte préélectoral, le gouvernement n'usera pas de sa majorité parlementaire au Sénat.

Le projet de loi C-18, lui, est déposé en Chambre le 31 octobre 2002. Le projet de loi C-18 comporte certaines différences d'importance, dont l'inscription d'une clause objet et un processus de révocation judiciarisé (Dolin et Young, 2002, p. 3). Le refus, l'annulation et la révocation sont au cœur du débat. L'annulation est toujours jugée redondante dans le processus de révocation et ne présente pas de garantie judiciaire suffisante, aux yeux de certains parlementaires. Quant au refus, remplacer l'« intérêt public » par les « principes d'une société libre et démocratique » n'ajoute rien à la clarté du critère décisionnel. D'une part, la détermination d'un motif de révocation est laissée à la Cour fédérale et un droit d'appel est alloué. De l'autre, la limitation du plein accès aux informations accusatrices, sans droit d'appel, ouvre la porte à la critique[7] (Dolin, 2003, p. 1 et 4). Le contexte de

réglementation accru qui suit les événements du 11 septembre 2001[8] est dénoncé par les parlementaires, qui y voient une réaction excessive et qui réclament un meilleur équilibre entre la sécurité publique et la protection des libertés individuelles. Outre les considérations pour une justice équitable, la dissonance entre le nouveau processus de révocation et la clause objet prônant l'égalité entre citoyens contribue à la mobilisation générale. Certains experts parlent de création de citoyens de deuxième ordre (Anderson, 2006, p. 22-24). Le gouvernement semble avoir surestimé la capacité de la clause objet à répondre aux aspirations concernant le développement d'une vision élargie de la citoyenneté, dont la portée s'adresserait à l'ensemble des Canadiens. Le projet de loi C-18, faute de consensus, meurt au feuilleton le 12 novembre 2003.

Leçons retenues : La mise de côté du projet de loi C-18, loin de correspondre à un apaisement, génère une mobilisation accrue de forces antagonistes[9]. Entre 2004-2005, le Comité permanent publie quatre études (CIMM, 2004; 2005a; 2005b; 2005c) qui révèlent, d'une part, un profond attachement à l'atteinte d'un certain équilibre entre l'efficacité administrative, les droits fondamentaux et la sécurité publique, et d'autre part, un appel à la préservation de la citoyenneté en tant que droit plutôt que privilège, et encore une contestation de la prétention voulant que la dévaluation de la citoyenneté relève des citoyens d'origine étrangère. Il est certes reconnu que les enjeux relatifs à la naturalisation doivent être revus; aussi une discussion sur les aspects fondamentaux et symboliques d'une citoyenneté qui convienne à tous les Canadiens naît-elle.

Ces échecs témoignent de la discontinuité entre les objectifs promus et la voie privilégiée par la réforme et l'interrelation entre les enjeux. L'élaboration du projet de loi C-18 est marquée par les aléas politiques, où l'approche restrictive des composantes de la citoyenneté manque de justifications objectives. La mobilisation ayant atteint son paroxysme, les options de réforme sont reconsidérées et une nouvelle stratégie législative est proposée.

> Depuis la mort au feuilleton du projet de loi C-18, le langage entourant la réforme a changé. Il ne s'agit plus de moderniser la loi, mais d'amender une loi désuète. Un tel changement reflète une démarche devenue davantage opérationnelle, où la recherche de solutions législatives ponctuelles prend le pas sur l'actualisation d'une narration nationale identitaire.

Acte 3 : Amender la loi de 1977 (2006-2008)

Les intérêts divergents se manifestent de manière transversale, mais non polarisée. Faute d'avenue réconciliatrice, le Ministre tente de remplir, ne serait-ce que partiellement, ses engagements[10].

Le projet de loi C-14 (adoption) : Ce projet de loi porte sur la question des enfants adoptés à l'étranger par des parents canadiens[11]. Il est justifié par le risque sérieux de litige que pose cette pratique en regard de la Charte[12] et reprend la proposition réitérée depuis le projet de loi C-63, soit la citoyenneté octroyée sur demande aux enfants adoptés à l'étranger par un parent canadien. Le projet reçoit la sanction royale le 22 juin 2007 et entre en vigueur le 23 décembre 2007. Le projet s'annonçait non controversé, vu l'accord de principe sur ladite mesure depuis le projet de loi C-63 (CIMM, 2005c). Cependant, il s'avère que l'adoption du projet aura pris plus d'un an de tractations avant de se réaliser. Les revendications relatives à l'appel de plein droit devant la Section d'appel de la Commission de l'immigration et du statut de réfugié en vertu de la *Loi sur l'immigration et la protection des réfugiés*, de même les enjeux de sécurité découlant de l'adoption d'adultes à l'étranger, ont survécu aux précédentes réformes (Kuruvila, 2006).

Le projet de loi C-37 (restauration de la citoyenneté)[13] : L'adoption du projet de loi C-37 est pour sa part remarquable en raison de la rapidité du processus d'adoption. Déposé en chambre le 10 décembre 2007, ce projet de loi reçoit la sanction royale le 17 avril 2008. Il a pour objet de restaurer la citoyenneté aux individus qui se considèrent comme des citoyens canadiens puisqu'ils ont contribué à la société canadienne, mais dont le statut est remis en question en raison d'anachronismes juridiques ayant résulté en la perte ou la non-acquisition de cette citoyenneté – souvent, à leur insu (Becklumb, 2008, p. 1). C'est un sentiment d'injustice face à des conditions législatives archaïques qui ressort de ce dossier de « Canadiens déchus » (CIMM, 2007).[14] En vertu de la loi de 1947, les dispositions discriminatoires, notamment en regard du sexe, de la situation matrimoniale et de l'origine ethnique, de même que la présence de politiques restrictives concernant la double citoyenneté, la perte de la citoyenneté en cas de résidence prolongée à l'étranger, la rétention de la citoyenneté et l'enregistrement des naissances à l'étranger, ont engendré des conséquences indésirables (CIMM 2007, p. 2-5). L'édiction de la loi de 1977 y remédie en partie, mais sa non-rétroactivité en limite la portée.

Par ailleurs, il est contesté pour trois raisons. D'abord, le projet ne restaure pas la citoyenneté à l'ensemble des « Canadiens déchus ». De plus, il limite l'obtention de la citoyenneté par filiation à la première génération née à l'étranger, ce qui pourrait rendre certains individus apatrides, selon la législation du pays d'accueil. Enfin, la limite de la citoyenneté par filiation est présentée comme un élément de certitude en matière d'exigence de conservation, mais surtout comme valorisant la citoyenneté canadienne alors qu'il limite sa transmission indéfinie en l'absence d'un lien significatif avec le Canada[15]. Une telle

limite pose de nombreuses questions en cette ère de mondialisation, où le transnationalisme est à la hausse. Par ailleurs, il interpelle face à la possibilité d'une part, d'accroître le nombre de citoyens jouissant de la double nationalité, et d'autre part, de créer de « nouveaux Canadiens déchus ».

Leçons retenues : Depuis la mort au feuilleton du projet de loi C-18, le langage entourant la réforme a changé. Il ne s'agit plus de moderniser la loi, mais d'amender une loi désuète. Un tel changement reflète une démarche devenue davantage opérationnelle, où la recherche de solutions législatives ponctuelles prend le pas sur l'actualisation d'une narration nationale identitaire. La clarté de l'objectif, s'il est moins emphatique que ceux qui ont été mis de l'avant en 1987, a pour mérite de limiter les attentes quant à une redéfinition en profondeur de la citoyenneté. Ces réformes partielles illustrent les défis que pose une telle stratégie. La dissociation des enjeux n'a pas amoindri les prétentions d'adopter une réforme en lien avec l'équité procédurale et la tradition canadienne du respect des droits et libertés individuelles, qui s'inscrivent au cœur même des projets de loi C-14 et C-37. Une stratégie de dissociation des enjeux s'inscrivant dans le sillon de la mobilisation générée autour des projets de loi C-63, C-16 et C-18, loin de déconstruire les critiques jugées non controversées, peut avoir comme effet leur renforcement, générant ainsi un investissement important de ressources pour un résultat limité. Les « Canadiens déchus » ont touché l'opinion publique, révélant l'importance d'une stratégie de partenariat avec les parties intéressées, leur permettant ainsi de s'approprier le projet et d'en faire la promotion. Les critiques soulevées par le projet de loi C-37 relativement à la portée de la citoyenneté par filiation ont à nouveau mis en relief les interactions que présentent plusieurs enjeux législatifs et pose la question de la cohérence des réformes partielles avec une vision évolutive de la citoyenneté et une mise en œuvre efficace de la législation. Malgré le succès du projet de loi C-37, un appel à une réforme exhaustive de la loi est lancé[16].

Conclusion

L'historique de la réforme fournit pour l'heure de multiples indications visant un projet ultérieur de réforme exhaustif, tant au plan stratégique qu'au plan du contenu de la réforme. Notamment, nous observons la nécessité :

- de justifier objectivement la réforme en fonction de l'évolution du concept de citoyenneté alors que les faits et les données supportent difficilement un projet de loi qui repose sur une conception du migrant comme étant un facteur de dévaluation de la citoyenneté canadienne;
- d'établir un équilibre entre efficacité du système de citoyenneté, sécurité nationale et protection des droits fondamentaux;
- d'établir un équilibre entre l'actualisation du processus de naturalisation et une vision plus fondamentale et évolutive de la citoyenneté;
- de prendre en compte l'interrelations entre les différents enjeux législatifs;
- de prendre en compte la conception historique de la citoyenneté canadienne en tant que droit plutôt que de privilège;
- de procéder à l'évaluation des critiques réitérées depuis le début du projet de réforme et d'œuvrer en partenariat constant avec les différents protagonistes.

Si les réformes partielles indiquent la voie à suivre sur la route du consensus suite à l'échec des trois projets de réforme globale, rappelons que des modifications successives apportées à la loi de 1947 avaient réglé de façon satisfaisante les problèmes immédiats sans pour autant éliminer la nécessité de procéder à une réforme exhaustive ultérieure (Kaplan, 1993, p. 26). L'historique législatif nous invite à pousser la réflexion sur les spécificités nationales des conjonctures actuelles et la complexité qu'elle représente pour un projet législatif de société viable à long terme, où le migrant et la naturalisation sont loin d'être les uniques éléments retenus.

Références

Anderson, C. G. 2006. « A Long- Standing Canadian Tradition : Citizenship Revocation and Second-Class Citizenship under Liberals 1993-2006 ». Conférence annuelle de l'Association canadienne de science politique, Toronto, York University, juin, 30 p.

Becklumb, P. 2008. *Résumé législatif, Projet de loi C-37 : Loi modifiant la Loi sur la citoyenneté*, Ottawa, Bibliothèque du Parlement, 15 p.

Cairns, A. C. 1995. *Reconfigurations: Canadian Citizenship and Constitutional Change*, Toronto, McClelland & Stewart, 431 p.

Canada. Chambre des Communes. Comité permanent de la citoyenneté et de l'immigration (CIMM). 2007. *Recouvrer sa citoyenneté : Un rapport sur la perte de la citoyenneté canadienne*, Ottawa.

———. Chambre des Communes. Comité permanent de la citoyenneté et de l'immigration (CIMM). 2005c. *La loi sur la citoyenneté du Canada: Il est temps d'agir*, Ottawa.

———. Chambre des Communes. Comité permanent de la citoyenneté et de l'immigration (CIMM). 2005b. *La révocation de la citoyenneté : Une question d'application régulière de la loi et de respect de la Charte des droits*, Ottawa, 36 p.

———. Chambre des Communes. Comité permanent de la citoyenneté et de l'immigration (CIMM). 2005a. *Réponses du Comité aux Questions du Ministre : Moderniser la Loi Canadienne sur la Citoyenneté dans le respect de la Charte canadienne des droits et libertés*, Ottawa, 21 p.

———. Chambre des Communes. Comité permanent de la citoyenneté et de l'immigration (CIMM). 2004. *Actualiser la Loi sur la citoyenneté du Canada : Questions à traiter*, Ottawa, novembre, 20 p.

———. Chambre des Communes. Comité permanent de la citoyenneté et de l'immigration (CIMM). 1994. *La citoyenneté canadienne un sentiment d'appartenance*, Ottawa, juin.

———. Secrétariat d'État. 1987. *Citoyenneté 87 : Notre fierté nationale*, Ottawa, 25 p.

Canada. Sénat du Canada. Comité sénatorial permanent des affaires sociales, des sciences et de la technologie. 1993. *La citoyenneté canadienne : Une responsabilité à partager*, Ottawa.

Canada. Travaux publics et Services gouvernementaux Canada. 1997. *Au-delà des chiffres : L'immigration de demain au Canada*, Ottawa. Groupe consultatif.

Demirdjan, A., D. Gray, et D. Wright. 1996. *The 1947 Canadian Citizenship Act : Issues and Significance*. Rapport préparé pour Citoyenneté et Immigration Canada. Ottawa, Conseil de vérification du Canada, 36 p.

Dolin, B. R., 2003. *Constitutionality of the Security Certificate Process in Bill C-18*, Ottawa, Bibliothèque du Parlement, 4 p.

Dolin, B., et M. Young. 2002. *Legislative Summary. Bill C-18: The Citizenship of Canada Act*, Ottawa, Bibliothèque du Parlement, 2002, 22 p.

Egan, J. P. « That Final Step… Current Rules and Process in Securing Canadian Citizenship », Canada's Immigration and Citizenship Bulletin 18. Edited by F. N. Marrocco and H. M. Goslett.

Galloway, D. 2000. « The Dilemmas of Canadian Citizenship Law », dans T. A. Aleinikoff et D. Klusmeyer, *From Migrants to Citizens Membership in a Changing World*, Washington, Carnegie Endowment for International Peace, p. 82-118.

Garcea, J. 2006. « The Third Phase of the Canadian Citizenship Project: Reform Objectives and Obstacles », dans C. De Clercy, et H. J., Michelmann (dir.), *Continuity and Change in Canadian Politics*, Toronto, University of Toronto, p. 195-224.

Kaplan, W. 1993. *Belonging The Meaning and Future Canadian Citizenship*, Montréal, McGill-Queen's University Press, 387 p.

Kaplan, W. 1991. *Évolution de la législation sur la citoyenneté canadienne*, Ottawa, Citoyenneté et Immigration Canada, 32 p.

Kuruvila, E. 2006. *Legislative Summary. Bill C-14: An Act to Amend the Citizenship Act (Adoption)*,Ottawa, Bibliothèque du Parlement, 5 p.

Smith, D. E. 1999. *The Republican Option in Canada, Past and Present*, Toronto, University of Toronto Press, 352 p.

Young, M. 1999d. *Summary of Evidence and Briefing Notes*, Ottawa, Bibliothèque du Parliament, Ottawa, p. 16.

Young, M. 1999c. *Legislative Summary. Bill C-63: The Citizenship of Canada Act*, Ottawa, Bibliothèque du Parlement, 19 p.

Young, M. 1999b. *Legislative Summary. Bill C-63: The Citizenship of Canada Act – Witnesses Officials from Citizenship and Immigration Canada*, Ottawa, Bibliothèque du Parlement, 25 p.

Young, M. 1999a. *Legislative Summary. Bill C-16: The Citizenship of Canada Act*, Ottawa, Bibliothèque du Parlement, 15 p.

Young, M. 1997 (révisé en août 1998). *La citoyenneté canadienne : la loi et la situation actuelle*, Ottawa, Bibliothèque du Parlement, 15 p.

Notes

[1] La *Loi concernant la citoyenneté* (1977) reflétait mal l'évolution démographique, économique, culturelle constitutionnelle de la société, de même que les nouvelles réalités migratoires. Le système quasi judiciaire d'administration de la citoyenneté, la définition du critère de résidence, les critères d'octroi, de refus et de perte de la citoyenneté face aux nouveaux enjeux sécuritaires du XXIe siècle ne sont que quelques-unes des considérations ayant initié le mouvement de modernisation. Aujourd'hui, le Canada fait face à une croissance démographique et économique dépendante de l'immigration, à une diversité accrue, à une concentration urbaine des minorités visibles. Ces réalités invitent à repenser les composantes canadiennes de la cohésion sociale à la lumière des différents phénomènes que sont la mondialisation, le transnationalisme et la personnalité juridique universelle.

[2] Depuis 1998, sept projets de réforme ont tenté de répondre à ces préoccupations. Les projets de loi C-76 et C-77 seront passés sous silence, qui sont morts au feuilleton le jour de leur dépôt en Chambre, en raison du déclenchement des élections (17 novembre 2005) et n'ayant par conséquent pas suscité de débats parlementaires. L'article portera également sur les initiatives législatives du gouvernement mais passera sous silence le projet de loi S-2, dont le succès n'offre qu'une solution partielle à l'enjeu des « Canadiens déchus ».

[3] Principalement, trois priorités écartent le projet de modernisation de la citoyenneté de l'agenda politique : a) l'édiction de la *Loi sur le multiculturalisme* (1988), b) les accords constitutionnels du Lac Meech et de Charlottetown (1987-1992) et c) les élections (1993).

[4] La *Loi sur le multiculturalisme canadien* semble avoir été privilégiée autant en raison de son caractère relativement moins controversé qu'à titre d'étape marquante dans le cadre de la crise constitutionnelle, pour rallier les communautés ethnoculturelles. Or, la nouvelle loi sur le multiculturalisme alimente les critiques relatives à la reformulation de l'unité nationale dès lors que le Québec y voit ses spécificités nivelées au rang de toute autre communauté culturelle parmi la diversité canadienne plutôt que d'être reconnues comme étant inscrites au cœur de l'identité nationale canadienne (Garcea, 2006, p. 199). Le Bloc québécois présente également une forte dissidence au projet de modernisation de la *Loi sur la citoyenneté*. Voir, à cet effet, l'annexe C du rapport *Citoyenneté canadienne : un sentiment d'appartenance* du Comité permanent de la citoyenneté et de l'immigration (CIMM, 1994, p. 54).

[5] Alors que le Secrétaire d'État (en 1987) et, plus tard, le Comité permanent (en 1994) s'attardent aux réformes que nécessitent les critères de naturalisation s'adressant au migrant, le Sénat prône, pour sa part, une réforme emphatique par le biais d'une révision pangouvernementale des programmes et des politiques, mettant l'accent sur l'importance des initiatives liées à l'éducation citoyenne et à la participation au sein de la communauté pour l'ensemble des membres de la société canadienne. L'ensemble des enjeux législatifs liés à l'actualisation de la loi de 1977 sont mis de côté. Le Comité consultatif, dont le mandat principal consistait à réviser le régime d'immigration, propose des recommandations limitées et peu documentées, dont la principale est la refonte de la loi de 1977 et la loi sur l'immigration en une loi unique (CIMM, 1994).

[6] Peu après l'entrée en vigueur de la loi de 1977, la Cour, dans sa décision *Papadogiorgakis*, [1978] 2 F.C., 208, interprète le critère de résidence comme ne nécessitant pas forcément une véritable présence physique. La résidence repose plutôt sur la démonstration d'un attachement significatif au Canada, comme la possession de comptes bancaires et d'investissement, d'abonnements à des clubs divers, la détention d'un permis de conduire provincial, etc. En 1993, la Cour fédérale marque son opposition soutenue à cette conception du critère de résidence. Dans la décision *Pourghasemi*, C.F. [1993], le juge Muldoon retient pour sa part une définition de résidence comme étant celle qui repose sur la présence physique pour des raisons d'acculturation, alors que dans la décision *Hasan* c. *Canada*, 3 C.F. [1993], le juge Callen plaide pour la prise en compte des réalités de la mondialisation (Galloway, 2000, p.100-104; Egan, 2007, p. 2-4).

[7] Dans les cas de terrorisme, de crimes de guerre et de crime organisé, le recours à l'information protégée est autorisé sous forme de certificat de sécurité. Dans ces cas, un droit d'appel n'est pas autorisé. La décision est prise en fonction des probabilités.

[8] Depuis les événements du 11 septembre 2001, l'agenda national est dominé par les questions de sécurité nationale et les relations Canada/États-Unis. Une série de lois, dont la *Loi sur l'immigration et la protection des réfugiés* et d'autres lois fédérales touchant à la sécurité, sont modifiées et repoussent pendant deux ans le dépôt du projet de loi C-18 (Garcea, 2006, p. 219).

[9] Entre-temps, les consultations du comité se poursuivent et plusieurs organisations ethnoculturelles et défenseurs des droits et libertés civiles s'étant opposés aux dispositions sur la révocation se regroupent pour constituer le *Canadian Citizenship Coalition*, sous l'égide d'Andrew Telegdi qui, suite à sa démission du Comité permanent en 2000, est élu à la présidence du Comité permanent sur la citoyenneté et l'immigration en octobre 2004. D'autres organisations prôneront cependant l'efficacité programmatique, dont le *Canadian Jewish Congress*, le *German-Canadian Congress* et *B'nai Brith Canada*, en vue d'assurer un choix plus resserré des candidats à la citoyenneté canadienne (Garcea, 2006, p. 221).

[10] L'adoption à l'étranger par des parents canadiens et l'application pour poussée des interdictions aux infractions commises à l'étranger sont identifiés, à l'époque, comme étant des enjeux peu controversés. Sur la question de l'adoption, malgré une ferme volonté de voir apparaître, aux côtés de la mesure proposée, un droit d'appel devant la Commission de l'immigration et du statut de réfugié, le comité affirme que « la plupart des témoins étaient toutefois d'avis que la mesure proposée constituait un pas dans la bonne direction et qu'elle serait avantageuse pour les enfants adoptés et leur famille ». Plus loin dans son rapport, le

comité ne s'oppose pas à ce que les interdictions s'étendent aux infractions commises à l'étranger, mais recommande la mise en place d'un mécanisme permettant de s'assurer que les accusations et les déclarations de culpabilité à l'étranger ne soient pas le fruit d'un abus de pouvoir ou d'un processus judiciaire injuste (CIMM, 2005c, p. 8, 14-15). Déposés simultanément le 17 novembre 2005, les projets de loi C-76 (adoption) et C-77 (interdictions) meurent le même jour au feuilleton, en raison du déclenchement d'élections qui mènent à l'entrée au pouvoir d'un nouveau gouvernement minoritaire. Le projet loi C-14 s'avère la copie conforme du projet de loi C-76, tel que déposé par le gouvernement précédent.

[11] En 1998, la Cour d'appel fédérale se prononce sur le caractère discriminatoire des dispositions exigeant que pour obtenir la citoyenneté, les enfants adoptés par des parents canadiens à l'étranger répondent aux mêmes critères que tout autre nouvel arrivant. Cette situation témoigne d'une différence de traitement entre les enfants adoptés par des parents canadiens au Canada et celle d'enfants biologiques nés de parents canadiens et a pour conséquence que ces enfants doivent se soumettre à un examen médical de même qu'à des contrôles de sécurité et sur les antécédents criminels. De plus, un enfant adopté par des parents vivant l'étranger n'est pas admissible au statut de résident permanent, ce qui l'empêche d'acquérir la citoyenneté de ses parents.

[12] *Canada (Attorney General)* v. *McKenna*, C.A.F., Ottawa, A269-95, 19 octobre 1998, Strayer, Linden & Robertson; *McKenna* c. *Ministère du Secrétariat d'État*, Tribunal des droits de la personne, Ottawa, D.T. 18/93, 8 octobre 1993, Mactavish.

[13] En octobre 2004, un projet de loi privé déposé au Sénat vise à éliminer l'exigence rattachée à l'acquisition du statut de résident permanent et à la résidence d'une durée d'un an pour les personnes ayant l'intention de réintégrer leur citoyenneté perdue alors qu'elles étaient mineures. Ce projet de loi reçoit la sanction royale le 5 mai 2005 et entre en vigueur le même jour. Ce projet de loi, jugé une solution législative à portée limitée, est adopté malgré les nombreuses préoccupations soulevées par le gouvernement relativement aux interrelations continues de l'enjeu des « Canadiens déchus » et les questions de sécurité, de criminalité et d'admissibilité, questions qui ne sont pas traitées dans le projet de loi S-2.

[14] Certaines figures emblématiques de cette lutte, dont Don Chapman et Joe Taylor, ne manquent pas de marquer l'opinion publique.

[15] En 2006, l'évacuation du Liban d'un grand nombre de citoyens canadiens, dont une majorité possédait la double citoyenneté, interpelle l'opinion publique quant à la possibilité des citoyens de bénéficier du droit de se qualifier aux services consulaires sans que ceux-ci n'aient conservé de lien significatif avec le Canada et sans qu'ils se sentent lié par les responsabilités qu'impose la citoyenneté canadienne (CIMM, 2007, p. 13).

[16] Malgré les réjouissances qu'apporte le succès du projet de loi C-37, la couverture médiatique a relaté à maintes reprises les propos de parlementaires réclamant une réforme complète de la loi de 1977. Voir, par exemple, l'article « It's official: Joe Taylor is finally a Canadian citizen », paru dans le *Vancouver Sun* le 25 janvier 2008, p. B-1, ou encore l'article intitulé « Modernizing Citizenship », paru dans *The Chronicle Herald* le 4 janvier 2008, p. A-5.

CITIZENSHIP IN THE TWENTY-FIRST CENTURY: THE FRENCH CASE

ABSTRACT

The globalization of migration that occurred at the end of the 20th century led to the evolution of the concept of citizenship in France. Citizenship was formerly confined to the nation-state, linking the citizen to exclusive rights and duties towards the state to which he or she belonged. With increasing mobility and dual affiliations of settled migrants, new forms of citizenship are appearing.

CATHERINE WIHTOL DE WENDEN

Catherine Wihtol de Wenden is Director of Research at Centre national de la recherche scientifique (CNRS), Paris, a professor at Sciences Po, Paris, and a specialist in international migration. Among her most recent books are *La beurgeoisie* (with Rémy Leveau), *Les couleurs du drapeau* (with Christophe Bertossi) and *Sortir des banlieues* (with Sophie Body-Gendrot).

The new citizenship includes plural allegiances and policies in both receiving and sending countries, which build links with their members. Discourses and policies on integration have led second generation immigrants to rebuild their identities, with some disjointedness between nationality and citizenship. This article examines the French case, which is based on the difference between nationality and citizenship and the impact of the European Union. Three aspects of citizenship – legal status, civic identity and civic practice – will be explored in the context of this main distinction.

A socio-historical background

The distinction between citizenship and nationality appeared during the French Revolution. Citizenship preceded nationality, which was not a big concern during this period because most people did not move and there was no feeling of belonging to a nation. The revolutionary citizen of 1789 was a person who shared the ideals of the Revolution (freedom, equality of rights, right to property, and someone who participates in assemblies and political clubs). The notion also referred to Greek democracy and to the Roman republic: a citizen was a person entirely dedicated to public values, a hero of wisdom and probity (Saint-Just). Citizenship referred to ideas of the Enlightenment: social contract (Rousseau), freedom of conscience (Voltaire), separation of public powers between the executive, legislative and judiciary spheres (Montesquieu). It had a philosophical content, and was defined in the Declaration of Human Rights of 1789 (*Déclaration des droits de l'homme et du citoyen*).

Citizens but not nationals

During this revolutionary period, it was not necessary to be a national to become a citizen: participation was more important than nationality. Foreigners such as Anarcharsis Clootz and Thomas Paine were active members in the assemblies and were granted the title of citizens. The Constitution of 1793 even recognized citizenship granted for civic services rendered to the state(e.g. feeding and taking care of a child, helping an old person, etc.). This emphasis placed on civic values was reintroduced in 1871 during the "Commune of Paris," when foreigners were granted citizenship. One could therefore be a citizen without being a national – the argument that was again used for granting local political rights to foreigners during the campaigns of the 1880s.

Nationals but not citizens

Inversely, and historically, there have been many cases where nationals were not considered citizens: women until 1944, young people (the age was lowered from 21 to 18 years in 1974), members of the military who were deprived of voting rights during the Third Republic, persons with mental disabilities and those whose civic rights were revoked by juridical decisions (*déchéance des droits civiques*). We also need to add colonial status: indigenous people did not have access to citizenship and there was a hierarchy of forms of citizenship according to the status of the territory of birth and the level of education. In Algeria, a French colony, full access to citizenship was only granted in 1947 while Algerian Jews (mostly of Spanish origin) obtained French citizenship at the end of the 19th century (the *Crémieux Law*).

Immigration and the European Union have changed the terms of the debate. As regards immigration, distinctions have been introduced between legal status (especially for second generation immigrants who are nationals and citizens but not always considered as such), civic identity (the

relation to the public sphere; from political alienation to political allegiances), and civic practice (participation with or without being a national). With the creation of the European Union, hierarchical statuses among Europeans and non-Europeans have led to various forms of membership (from illegal residents to denizens). The internationalization of citizenship has introduced the concept of transnational citizenship, which goes beyond state citizenship and which allows for diasporic forms of political belonging in both sending and receiving countries, political rights of foreigners and access to dual citizenship. In France, the naturalization procedure increasingly requires an earlier and speedier integration than in the past, when integration was viewed as a consequence and not as a condition for naturalization.

Finally, citizenship has paradoxically emerged as a recent theme in France, in spite of its revolutionary roots. Nobody referred to citizenship during the "past glorious years" of 1945 -1975 ("Les Trente Glorieuses") because the social class structure was considered a more accurate way of explaining French political life. The emergence of the National Front, the strengthening of identity around French values with a populist accent, along with the creation of the European Union and globalization have led to a comeback of citizenship and its relationship with nationality.

Legal status

Legal status refers to nationality as defined by the law, while citizenship is a philosophical concept defined in the Declaration of Human Rights of 1789.

A compromise between *jus sanguinis* and *jus soli*

The French definition of a national is a compromise between *jus sanguinis* (right of blood) and *jus soli* (right of the soil). In ancient times, in France and other European countries, the nationality right was based on *jus soli*: the subject was attached to the earth of the lord and derived nationality from this territorial belonging. Napoleon I decided to shift from *jus soli* to *jus sanguinis* in the civil code of 1804 and made the same reforms in other European countries conquered by the Empire. Only the United Kingdom, which was not invaded, preserved its ancient *jus soli* tradition and later introduced it in its colonies (United States, Canada and Australia). But nationality was not a real concern. It was difficult to leave one's country but easy to enter another. Passports did not exist before the 19th century and identity cards were introduced in France in 1917 but are no longer compulsory. The first time that nationals were differentiated from foreigners in the French Census was in 1851: prior to this, most of the known foreigners were activists of the revolutions of 1830 and 1848 and were registered by the police.

The demographic decline which began in France at the end of the 18th century caused some concern during the subsequent period of economic development, in the second part of the 19th century: France needed a labour force and soldiers. After years of debate on "denationalization or depopulation," the law of 1889 introduced an important reform of the nationality code, by introducing *jus soli* in the Napoleon I civil code. It was the beginning of a long compromise which led to an early equilibrium between the two sources of nationality. The nationality code was then reformed in 1927, 1945, 1973, increasingly facilitating access by *jus soli*, but with few political debates in the public sphere. It was only in the 1990s that the question returned to the forefront, when the National Front and the Club de l'Horloge produced books titled *We Should Deserve to be French*, and *They are French Only on Paper, In Spite of Themselves.* The right wing favoured more *jus sanguinis*, while the left favoured more *jus soli*, stressing the acquisition of a feeling of citizenship by participation in local life and socialization in the territory. With the right's return to power in 1993, the first reform of the nationality code (the *Pasqua-Méhaignerie Law*) was introduced, making access to nationality more difficult for the children born in France to foreign parents. The law suppressed automatic access to nationality for them at the age of 18 and ensured that convicted persons could never become French citizens if their imprisonment exceeded six months. Access to nationality for children of West Africans who were themselves French was also denied. Only Algerians may ask for the reinstatement of their French nationality, and they can only do so if their parents or grand-parents acquired full citizenship. The left, as well as human rights associations, strongly fought against this law. In 1998, when the left returned to power, a new law that hearkened back to that of 1973 (the *Guigou Law*) – was adopted, granting automatic access to French nationality, at the age of 18, to those who were born in France and lived there during the preceding five years. The equilibrium between *jus sanguinis* and *jus soli* was established anew. No new debates on nationality have since arisen.

In 1998, when the left returned to power, a new law that hearkened back to the law of 1973 (the *Guigou Law*) – was adopted, granting automatic access to French nationality, at the age of 18, to those who were born in France and lived in there during the preceding five years. The equilibrium between *jus sanguinis* and *jus soli* was established anew.

However, some distinctions have been made in terms of access to civic rights and marriage. The first laws on nationality introduced a period during which new nationals were not allowed to vote or be elected (five and ten years): there were active and passive citizens, suppressed in the law of 1973. For marriage, the length of time required for access to nationality has been

extended, during recent years, in an effort to control so-called "marriages of convenience."

Citizenship and local political rights

Nationality and citizenship have not always been linked to integration. Assimilation, an individual process which prevailed in France from the end of the 19th century to the middle of the 20th, has been progressively replaced by integration, a less demanding allegiance. Assimilation and integration policies have never included local political rights as a way of incorporating foreign citizens. Even if citizenship of residence is a slogan adopted by many support associations, it is nonetheless difficult in France to be a citizen without being a national. But the principle of dissociating nationality from citizenship has been introduced in political and constitutional debates. It is only under pressure from the European Union that the French Constitution was reformed in order to take into account the Maastricht Treaty of 1992, which incorporates European citizenship in, and grants local political rights to, all Europeans of the EU under the rule of reciprocal rights. Many proposals have been introduced to grant local political rights to non-Europeans but thus far, none have been successful, largely because of a lack a of political will. The latest proposal, crafted in 2000 by the Green, Communist and Socialist parties, also failed. Most proposals in favour of social cohesion (urban policies, equality of chances programs and anti-discrimination policies) are not centered on extending citizens' rights to foreign residents.

Civic identity and civic practice

Membership

The concept of civic identity refers to political integration with the nation. It springs from the Revolution: the definition of a collective identity, which is built on a political project and on shared values, has no link with ethnic belonging in France. The nation was said to be born in Valmy when the troops of General Dumouriez and Kellermann shouted "Vive la nation" in 1792. The nation, a political invention that replaced the relationship between subject and king, was then reinforced by the Empire, through wars against new enemies. But a collective "us" was the object of much theorization at the end of the 19th century. On the eve of the Third Republic in 1871, the writer Ernest Renan, replying to a letter from the German philosopher Fichte who explained his notion of "German people" in ethnic and cultural terms, replied: "What is a nation? A nation is a soul, a collective will to live together and partake in a common, and very rich, heritage." Progressively, this Republican, Jacobinist view of the nation that anchors civic identity in France came to be threatened by nationalism, which largely operates against the Nation. Rightist theoreticians like Maurras and Barrès rooted the nation in a territory, cultural traditions ("values") and even references to a common blood. But the evolving content of the nation remained elusive because it both served to legitimize colonialism under the Third Republic (in the name of shared values of progress) and to develop racist classifications of people – thereby excluding Jews and other groups from belonging to the nation, especially between the two World Wars. During the Vichy period, in 1940, a number of naturalized French individuals of Jewish heritage were deprived of their French nationality and prohibited from applying for civil service positions.

Islam also raises a new question: "Can one be French and Muslim?" Starting in 1989, the integration of second and third generation immigrants of North African origin led some elites of the "beur" movement to vote for, and run as, candidates in municipal elections. They have created a political movement supported by organizations like SOS Racisme and France Plus, which put forth their claims and suggest that they have become a political force.

Citizenship, an evolving concept

Citizenship has rapidly changed during the last fifty years. During the mid-1950s, no one in France was interested in the old notion of citizenship. The political and social analysis of France was based on a framework of class struggle between workers and owners, and the political parties more or less concurred with this view. The rediscovery of citizenship is quite new and can be set in the mid-1980s. The left does not wish to abandon citizenship and nation to the emerging extreme right. To the writings of the right-leaning Club de l'Horloge, the socialist Club 89 replied in 1985 with their own book on French identity, emphasizing republican values, titled *L'identité française*. Immigration began to shape the definition of citizenship, which came to include new values of socialization through local residence, cultural pluralism and anti-discrimination initiatives (such as the Marche des beurs in 1983). Islam also raises a new question: "Can one be French and Muslim?" As of 1989, the integration of second and third generation immigrants of North African origin led some elites of the *beur* movement to vote for, and run as, candidates in municipal elections. They have created a political movement supported by organizations like SOS Racisme and France Plus, which put forth their claims and suggest that they have become a political force, unlike Portuguese, Italians, Spanish and other European immigrants in France. Some of these leaders tend to reinforce their image of model French citizens, and show respect for the symbols of the Republic: public school, secularism, civic identity ("Plus républicain que moi, tu meurs"). But many French do not consider these new

French citizens (second and third generation immigrants) to be French. French citizens who hold this belief are mainly poor, unemployed and feel themselves to be in competition with immigrants. In response, some of the marginalized and "visible" young men of the inner cities define themselves as the true inhabitants of their territories, hinting that the "Gaulois" are not in their place. An ethnicization of French identity has appeared.

Another shift of civic identity lies in the development of dual nationality, leading to dual citizenship. As a result of second and third generation immigrants born in France and acquiring French citizenship through *jus soli*, France now allows for dual nationals because most of these new citizens also possess the nationality of their countries of origin or that of their parents, by virtue of *jus sanguinis* (in all Islamic countries). In some countries, such as Morocco, this original nationality can never be abandoned (*allégeance perpétuelle*). While France tries to attract the votes of this new constituency, even those countries of origin that are reluctant to recognize their nationals as new French citizens have now understood that they can further their political agenda in French affairs. So Algeria declared in the early 1990s: "You are also French. You might learn to use it," while Morocco, who was strongly opposed to local political rights for Moroccans in the Netherlands, is now very much in favour of the various forms of involvement of its nationals abroad (associative life, trade unionism, transnational professional networks). Thus, quasi-diasporas in immigration countries are now encouraged by the diasporic policies of their countries of origin, playing on the multiple allegiances of their compatriots.

But discrimination may alter this evolution. In France, the overwhelming majority of youth of foreign origin feel French and "play the game," as shown by all the polls and qualitative studies. But they also feel that most French are not convinced that they (youth of foreign origin) are French, thus highlighting a profound disconnect within the French nation, one that is in contradiction with non-ethnic republican values. "French like the others," concluded a recent study on youth of Arab origin. Speaking of his French colleagues at work, one such youth said: "They will have progressed when they will have understood that we are French." This may precipitate behaviours of rejection, including the invention of the Indigenous of the Republic, a movement built on post-colonial approaches to identity, or more aggressive reactions (delinquency, radical Islamism, political anomy). With respect to citizenship, the gap between Europeans and non-Europeans is widening and this includes not only differences of status but also failures in terms of inclusion. In 2007, a Ministry of "Immigration, Integration, National Identity and Development" was created, headed by a close friend of President Sarkozy, Brice Hortefeux. The creation of such a ministry generated widespread criticism regarding the relationship between immigration and national identity, hinting that national identity has to be governed and that immigration could threaten it.

Conclusion

The 20th century is challenged by mobility, which also questions citizenship. Many forms of transnational citizenship have appeared, with so many forms of dual presence, at the infra- and supra-national levels. It also changes the definition of belonging. The hierarchy of citizenship is also a concern, especially when new nationals begin to be considered as "others." Can we retain such strongly segmented categories of nationality – nationals, Europeans, long-term non-European residents, short-term non-European migrants, asylum seekers and illegal migrants – in a truly democratic space? Mobility also implies the need to define the rights of mobile citizens and to manage this, which weakens, although only slightly, the relationship between the citizen and the state.

RECENT POLICY CHANGES IN FRANCE

Immigrant Integration and Citizenship: Ambiguities and Resistance*

ABSTRACT

This article explores recent policy developments in France regarding immigrant integration and citizenship. It argues that despite some changes, the French traditional approach to the issue, favouring an undifferentiated individual civic integration of immigrants but neglecting cultural diversity, has been maintained. It also points to the more exigent demands for immigrants' cultural integration, which have been institutionalized.

GÉRALDINE BOZEC

Géraldine Bozec is currently completing her Ph.D. at the Centre de recherches politiques de Sciences Po (CEVIPOF), Paris, on the role of primary schools in the building of citizenship and civic identity in France. She is associated with CEVIPOF as well as with LOCALMULTIDEM, a European research project, which allows her to study the political integration of immigrants at the local level. Her research interests include citizenship, identity, political socialization, multiculturalism and immigration. She teaches the epistemology and methodologies of qualitative research.

France is no longer the "land of immigration" it was during the 1920s-1930s and the 1950s-1970s, since the decision was made in 1974 to put an end to labour immigration programs, in a context of economic crisis and growing unemployment. According to INSEE, the French public statistics institute, the immigrant population living in France has been quite stable for several decades (4.5 million people in 2004). Family migration is the major source of long-term immigration today (70% in 2006). Immigration flows come predominantly from African, especially North-African, countries (43%) (DREES and Bèque 2007). With respect to existing immigrants, the INSEE 1999 Census shows that 45% are of European origin and 30% are of North-African origin.

In the last few decades, France has promoted an individualistic conception of immigrant integration into French society, rejecting any institutional recognition of cultural and group differences in the public sphere. It has also made the acquisition of French nationality an obligatory preliminary step on the road to political participation. Recent policy changes show some movement in other directions, but its impact has been limited.

Integration that refuses to recognize ethnocultural differences

One of the most significant policy changes regarding the integration of immigrants and their descendants has been the development of a comprehensive framework to fight ethnic discrimination since the late 1990s. The European Union provided the impetus to develop these programmes, but they also came about in response to national actors that were particularly inspired by the British anti-discrimination arrangement (Hargreaves 2000, Garbaye 2007). Beyond this, public discourses on the promotion of "visible minorities" have been gaining legitimacy in France in the last few years and have been especially spurred on by former Minister of the Interior and current President Nicolas Sarkozy's rhetoric. However, while leading to an increased awareness of ethnic differences, these developments have not affected the essential underlying principles of the French approach to the integration of immigrants and their descendants. The solutions that would have led to the official recognition of the existence of ethnic groups, such as forms of affirmative action explicitly taking into account ethnic criteria or the possibility of collecting statistics on ethnic origin,[1] have been rejected.

Of symbolic importance was the creation in 2004 of the Cité nationale de l'histoire de l'immigration,[2] designed to reflect the contribution of immigrants to France. As a project of recent right-wing governments, however, its primary goal has been to portray the successful integration of immigrants into the national community rather than really promoting cultural diversity.

New cultural requirements for access to the community

Despite some adaptations, the traditional integrationist line thus remains the reference for government policy and of many actors in French civil society. In terms of government action, the increased attention paid to cultural diversity by right-wing governments since 2004 is also ambiguous since it coexists with measures such as the creation of the *Contrat d'accueil et d'intégration*. Testing of this contract began in 2003; it was made compulsory in 2006. Respecting this contract is necessary for the acquisition of residence permits and French citizenship. It requires the migrant, who has to follow a one-day civic training session, to respect the laws and values of the French Republic and to speak French. The migrant is entitled to benefit from free services, mainly French language courses and information

sessions about "life in France" and about access to public services. A subsequent 2007 law goes further in requiring families of migrants in France and foreign spouses of French nationals to pass language and culture tests before they are granted permission to migrate.

Citizenship status

In terms of access to citizenship, the French framework is a mix of open measures and cultural requirements. Access to French citizenship is automatic for youth born in France to foreign parents, provided they have lived in France – continuously or not – for five years since the age of 11. Spouses of nationals can acquire citizenship after four years of marriage.[3] Other first generation immigrants can obtain French nationality through a "naturalization" procedure if they have maintained "habitual residence"[4] in France for five years.

While access to residence permits did not include any cultural requirements before 2003, access of immigrants[5] to French citizenship has long been based on assimilation. "Assimilation into the French community" is still inscribed in the law, despite the negative connotations associated with the idea of "assimilation" since the 1970s and its official rejection by the High Council for Integration,[6] which was created in 1989. The legislation goes much further than the basic requirement of French language proficiency: the applicant must adhere to the essential values of French society, must not live cut off from society, and since 2003, must demonstrate knowledge of the "rights and duties conferred by French nationality." All of this is evaluated through investigation and individual interviews with the applicant. The absence of specific criteria to assess applicants' cultural integration gives state services significant interpretation and makes local variations probable.

Unlike countries such as Canada or the Netherlands, France has not adopted a proactive approach to naturalization, for example through publicity campaigns. Naturalization in France is rather considered as stemming from individual voluntary action on the part of immigrants. Instead of being a right, it is granted as a favour (Weil 2005). The combination of open measures and the absence state encouragement play a part in explaining the proportion of French naturalized immigrants within the total immigrant population (41% in 2004) in France (Fougère and Safi 2005). This rate is quite high compared to countries with restrictive citizenship policies but is lower than those of countries where naturalization is proactively encouraged, such as Canada.

In the last few decades, France has promoted an individualistic conception of immigrant integration into French society, rejecting any institutional recognition of cultural and group differences in the public sphere. It has also made the acquisition of French nationality an obligatory preliminary step in the road to political participation.

The impact of Islam

The place of Islam in French society has played a significant role in shaping the debates and policies related to immigrant integration and citizenship. The evolution of criteria in accessing French nationality is clearly directed towards radical Islamic practices. Polygamy and violence against minors (aimed at combating female genital mutilation) were officially recognized in the 2006 legislation on this issue as grounds for refusing French nationality (and also for withdrawing residence permits). Symbols of radical Islam are also frowned upon for naturalization. A 2000 circular indicates that state services must mention the type of Islamic headscarf Muslim female applicants wear. On June 27, 2008, the Council of the State[7] adopted for the first time ever a ruling stating that the "radical religious practice" of a Muslim woman – who wore, at the request of her French husband, a full veil covering the face (*niqab*) and a long dark dress – was not "compatible with the essential values of the French community, notably with the principle of gender equality."

Overall, as in other European countries, recent policy changes in France reveal a specific distrust of Islam, set against a backdrop of concerns about Islamic terrorism. Fairly permissive arrangements were set up in some policy areas (such as the slaughter of animals according to Islamic rites) and a Council of Muslim Faith (a national representative body with consultative status) was established in 2003. However, the ban of the headscarf in state schools in 2004 and the definition of new naturalization criteria and of new offences aimed at radical Islam define the limits of French accommodation of Muslim religious practices.

Channels for civic participation

The acquisition of French nationality is considered a first step in the acquisition of citizenship and political rights. The link between nationality and citizenship has not been questioned, except for European Union citizens, who can vote and are eligible to run as candidates in European and local elections (but cannot become mayors or deputy mayors) since 1998. This development revived discussions and initiatives on local political rights for foreigners, which have been much debated in France since the 1970s. However, despite the mobilization of civil society actors and several bills on the issue in the early 2000s, the *status quo* has not changed.

To compensate for the absence of local political rights, some proactive municipalities have recently created consultative bodies made up of foreigners.

These arrangements exist in eight French cities today, including Paris, Lyon and Strasbourg. Instead of a form of political representation of minorities, municipalities generally conceive of these bodies as equal opportunities for immigrants to participate, even where the council's composition takes into account the population of each community in the city, as in Lyon.[8]

The freedom of association granted to foreigners by the left in 1981 favoured the development of associations in which immigrants have a significant place. The republican pattern has favoured the development of associations in France, since those that officially define themselves in ethnic terms, for example as defending the interests and the identity of a specific community, are not well-developed, especially nation-wide ones. The Conseil représentatif des associations noires,[9] created in 2005, is one of the rare exceptions. At the local level, authorities are often reluctant to support projects and organizations related to particular communities.

Immigrants' attachment and civic engagement

Turning our attention to the representation and practices of immigrants, results from two recent surveys (the first, conducted at the national level in 2005, the second at the local level – in the Lyon urban area – in 2008) show that generally speaking, the relationship to the French national community, civic attitudes and civic practices do not greatly differ between immi-grants and the general population in France[10] (LOCALMULTIDEM 2006, CEVIPOF 2005).

Regarding feelings towards the national community, a very high proportion of immigrants (at the national level and in the Lyon region) – as in the general public – declare that they are either "close" or "attached" to "French people"[11] (over 80%). The degree of attachment to the French is similar between non-naturalized immigrants (84%) and naturalized ones (86%) (LOCALMULTIDEM 2008). This result is in line with one of the conclusions of the qualitative study by Ribert (2008) of young people born in France to immigrant parents, which argues that the acquisition of French nationality upon age of majority does not necessarily go hand in hand with a more intense link with France.

Both surveys also show that there is no specific tension between the feelings towards different collective groups, namely the country of origin of immigrants, the minority religion (Islam) and the French national group. Immigrants who are "very close" / " very attached' to their country of origin or to Islam are also those who declare the more intense feelings towards the French group.[12] This confirms, for some immigrants, the general hypothesis developed in the social sciences literature that identities are multiple, non-exclusive, and even cumulative.

With regard to civic engagement,[13] variations among immigrants and the general population are generally limited and are reduced or disappear if crucial sociological variables that have a positive impact on civic practices (a high level of education or belonging to the upper-class in particular), are taken into account. Brouard and Tiberj also noted this similarity between populations, but they were looking at the French population of foreign origin as a whole. It is quite remarkable that it can also be observed when we isolate immigrants from this broader group because they have had to learn about, and accommodate to, French culture and politics. For example, immigrants are a little less interested in politics than is the general population (67% compared to 74%) and they talk about it less often (63% "almost everyday" or "regularly," compared to 69%), but it is no longer the case when comparing the most educated groups of each population (more than 80% for both types of civic attitudes). The same phenomenon is observed if we look at various forms of civic activity performed over the last 12 months.[14] It is also the same for the past/present involvement in various types of associations,[15] in political parties and in trade unions. A slightly larger proportion of naturalized immigrants (16%) is not registered on electoral lists compared to the general population (11%). But once again, this is no longer true when taking into account variables such as the level of education or income.

> While access to residence permits did not include any cultural requirements before 2003, access of immigrants to French citizenship has long been based on assimilation. "Assimilation into the French community" is still inscribed in the law, despite the negative connotations associated with the idea of "assimilation" since the 1970s and its official rejection by the High Council for Integration, which was created in 1989.

Non-naturalized immigrants demonstrate lower levels of civic engagement compared to naturalized immigrants.[16] This variation may be explained by a combination of different factors. First, non-naturalized immigrants have a combination of socio-demographic characteristics that make them less likely to participate. Compared to naturalized immigrants, they have a lower level of education, lower incomes and a higher unemployment rate. Amongst them, the proportion of upper-class individuals is lower and that of young people is higher. Further, more of them have been in France for less than 13 years (31%, compared to 15% of naturalized immigrants). Well, it is possible that some naturalized immigrants demonstrated a high interest in politics

before their naturalization and that the right to vote was a significant element in their request for French nationality. This hypothesis is plausible given the socio-demographic characteristics of this population. It might also be supposed that naturalization itself increases interest in politics and involvement in the public sphere. However, overall the variation between non-naturalized and naturalized immigrants is not very large (maximum of +10 points).

The French approach to the integration of immigrants leaves little space for the assertion of group-based demands in the public sphere[17] and seems to have had an impact on the way immigrants participate in the public sphere. Indeed, their preferred forms of participation are rarely group-oriented. Their involvement in organizations promoting the interests of immigrants is rare: the RAPFI survey shows that 5% of immigrants are (or were) members of these organizations and 8% have taken part in the activities of these organizations. Immigrant involvement in organizations promoting the interests of their ethnic group[18] is even rarer (respectively 2% and 3%). Overall, participation in such organizations is significantly lower than in other types of associations.[19] Moreover, individual immigrant civic activities are not mainly oriented towards people of foreign origin: only about a third of respondents say that this was the case. This proportion is higher than that observed for the general public (about +15 points), but not for all civic activities: a similar proportion among immigrants and the general population have signed a petition (respectively 39% and 36%) or have taken part in demonstrations (38% and 35%) concerning people of foreign origin. Finally, attitudes regarding the wearing of the headscarf in state schools, the development of affirmative action policies or the emphasis on "cultural differences" rather than on "what French people have in common" reveal that culture- and group-related claims are not widespread among immigrants (Brouard and Tiberj 2005: 130-134).

Conclusion

Recent policy developments in France thus reveal some ambiguity since the increased attention paid to visible minorities has been accompanied by more exigent demands regarding immigrant cultural integration, and especially regarding Islamic practices. Overall, the French traditional approach to immigrant integration and citizenship, which regards particularistic collective identities with suspicion, has been maintained. The acquisition of French nationality is still seen as the crowning achievement of the integration process and a pre-requisite to political rights and participation. This persistent approach has its advantages: the insistence on common citizenship and ethnically undifferentiated forms of civic participation certainly plays a part in explaining close levels of civic engagement among immigrants and the general population. However, a better recognition of cultural diversity would not necessarily have been an obstacle to this, contrary to what many French actors believe and as the experience of other countries might suggest, where multicultural policies and high levels of immigrant political participation coexist.[20]

References

Brouard, S., and V. Tiberj. 2005. *Français comme les autres? Enquête sur les citoyens d'origine maghrébine, africaine et turque*. National survey on the political attitudes of French people of foreign origin (RAPFI). Paris: Presses de Sciences Po.

DREES, and M. Bèque. 2007. "Qui sont les nouveaux bénéficiaires d'un titre de séjour en France?" *Études et résultats* 612 (December).

European Commission. *Multicultural Democracy and Immigrants' Social Capital in Europe: Participation, Organisational Networks, and Public Policies at the Local Level*. LOCALMULTIDEM, 2006-2009.

Fougère, D., and M. Safi. 2005. "L'acquisition de la nationalité française : Quels effets sur l'accès à l'emploi des immigrés? " *France Portrait Social Edition 2005-2006*. INSEE, p. 163-184.

France. INSEE. <www.insee.fr>.

Hargreaves, A. 2000. "Half-Measures: Anti-Discrimination Policy in France." *French Politics, Culture and Society* 18, 3 (fall), p. 83-101.

Garbaye, R. 2007. "Crossing Paths? Reconstructed Integrationism in Britain and France since 9/11." Paper prepared for the international conference "Multiculturalism and its Discontents," University of Colorado at Boulder (April 23-25).

Koopmans, R., et al. 2005. *Contested Citizenship. Immigration and Cultural Diversity in Europe*. Minneapolis: University of Minnesota Press.

Kymlicka, W. 1998. *Finding Our Way: Rethinking Ethnocultural Relations in Canada*, Toronto: Oxford University Press.

LOCALMULTIDEM. 2006-2009. *Multicultural Democracy and Immigrants' Social Capital in Europe: Participation, Organisational Networks, and Public Policies at the Local Level.*

Weil, P. 2005. *Qu'est-ce qu'un français ? Histoire de la nationalité depuis la Révolution*. Paris: Folio Histoire.

Notes

* Some of the data presented here come from the research project titled *Multicultural Democracy and Immigrants' Social Capital in Europe: Participation, Organisational Networks, and Public Policies at the Local Level* (LOCALMULTIDEM 2006-2009), funded by the European Commission. This comparative research focuses on the local level (six large European cities are studied: Lyon, Budapest, Milan, Madrid, Zurich, London). A CEVIPOF team led by Manlio Cinalli and of which the author is a member is responsible for the research in France. Some results are also taken from a national research study on the political attitudes of French people of foreign origin (RAPFI) run by Sylvain Brouard and Vincent Tiberj from the CEVIPOF. See *Français comme les autres? Enquête sur les citoyens d'origine maghrébine, africaine et turque*. 2005. Paris: Presses de Sciences Po.

[1] This was proposed through an amendment to a 2007 law on immigration and integration and was opposed by a wide range of actors, including anti-racism organizations and some prominent Muslim religious leaders.

[2] Designed as a museum, the Cité was opened in October 2007 in Paris.

[3] The required length of marriage was extended from one to two years in 2003 and then to four years in 2006.

[4] The applicant's interests (which means his/her family members and his/her income) must be based in France. The residence must also be stable, which is assessed by taking into account various elements, notably the type of residence permits held by the applicant (short- or long-term permits) and the frequency and length of his/her return travels to the country of origin.

[5] No cultural requirements exist for young people born in France to immigrant parents.

[6] This public consultative body carries out analyses and makes proposals to the government on immigrant integration.

[7] This is the highest administrative court in France, which litigates as the last resort in cases of disputes on state decisions.

[8] In his official speech presenting the institution, the mayor of Lyon stressed that the council's members must not represent their communities or their associations, but the immigrant population as a whole.

[9] The stated aim of this organization is to fight against anti-Black discrimination and promote the African-Caribbean culture.

[10] The RAPFI survey (2005) targeted a total population of 1,000 French people of Turkish, North-African and other-African origins and a control group of 1,000 "other" French people. The LOCALMULTIDEM survey (2008) concerned a total population of 700 people of North-African origin and 400 "other" residents of the Lyon urban area. One of the specificities of this survey was to include within the minority sample immigrants who have not acquired French nationality (115 people).

[11] The RAPFI survey asked respondents if they are "close" to French people (very/rather/not very/not at all). The LOCALMULTIDEM survey was about the "attachment" to French people (0-10 point scale). We include responses between six and ten as demonstrating positive attachment.

[12] In the RAPFI survey, for example, 90% of immigrants who feel "very close" to "the people of the country of origin" also feel close to French people (compared to 76% and 74% of those who are, respectively, "not very close" or "not close at all" to the people of the country of origin); 91% of Muslim immigrants who are "very close" to "the people with the same religion" also feel close to French people (compared to 76% and 79% of those who are, respectively, "not very close" or "not close at all" to "the people with the same religion").

[13] Most results provided here come from the LOCALMULTIDEM survey because it includes non-naturalized immigrants and more indicators of civic engagement. They therefore concern the Lyon region. However, we can assume that there is no significant difference between the national and local levels since general tendencies observed in the Lyon survey can also be found in the RAPFI national survey for some indicators.

[14] Such as: signing petitions, contacting media, contacting politicians or a government/local government official, taking part in a strike or in a public demonstration, or donating money to a political group.

[15] Such as: humanitarian/aid/charity/social welfare organizations, human rights/peace organizations and residents/housing/neighbourhood organizations.

[16] For example, there is a variation of between seven and ten points regarding political interest, political discussion with family, friends or colleagues, the act of contacting politicians to improve things in society, participation in a strike, involvement in associations such as human rights organizations, etc.

[17] For a comprehensive comparative perspective on the impact of national models (including the French one) on immigrant political participation and claims making, see R. Koopmans, P. Staham, M. Giugni and F. Passy. 2005. *Contested Citizenship. Immigration and Cultural Diversity in Europe*, Minneapolis: University of Minnesota Press.

[18] Respondents were questioned about "organizations for the promotion of Maghrebian people."

[19] For example, 11% of immigrants are or were members of resident associations, 19% have taken part in these kind of activities; the proportions are respectively 9% and 13% for youth organizations and 17% and 26% for humanitarian/charity/social welfare organizations.

[20] For an analysis of the Canadian case in a comparative perspective, see notably Will Kymlicka, 1998. *Finding Our Way: Rethinking Ethnocultural Relations in Canada*, Toronto: Oxford University Press.

CITIZENSHIP AND IMMIGRATION IN FINLAND: THE *NATIONALITY ACT* 2003 IN CONTEXT

ABSTRACT

Immigration in Finland has increased since the 1980s, and questions relating to citizenship have become topical political questions here. The *Nationality Act* 2003 introduced the possibility of acquiring dual citizenship. The Nordic welfare state model provides all residents with equal social rights. However, immigrants still have a weak labour market position.

ÖSTEN WAHLBECK

Östen Wahlbeck is a senior lecturer in sociology at Åbo Akademi University, Finland. He is the author of *Kurdish Diasporas* (Macmillan 1999) and of more than 25 articles about refugees, immigrant businesses, multiculturalism and ethnic relations in Finland, the UK and Europe.

Finland has in recent years experienced increased immigration. There have also been significant changes in migration and citizenship policies in this country. Until the 1980s, Finland was primarily a country of emigration, but since then the number of foreign-born people living in the country has grown rapidly. At the end of 2007, of a total population of 5.3 million, the number of foreign-born people was 202,500. However, as late as 1980, that number stood at less than 40,000. In many ways, Finland is today a much more international and globally oriented country than it was 30 years ago. The changes in the neighbouring Soviet Union in the 1990s made immigration from the East possible, increased economic prosperity, made Finland more attractive for immigrants, and the country joined the European Union in 1995. Today, increased immigration is discussed as a solution to the problem of a future labour shortage created by a rapidly ageing population.

In order to understand the present policies in Finland, one needs to take into account the historical context of the country. Finland did not experience immigration immediately after World War II, but in other periods of history it has been a relatively multicultural meeting place between East and West. Finland is officially a bilingual country with a Swedish-speaking population of approximately 300,000 people living mainly in the coastal regions of the country (McRae 1997). There are also other well-established smaller cultural minorities with a long history in Finland (in order of estimated size: Roma, Sami, Jewish and Muslim Tartar). Furthermore, Finnish society is characterized by the Nordic welfare state model, which strives to actively encourage equality among the population of the country. The country can today be characterized as a highly developed welfare state with a high GNP and low income differences, similar to neighbouring Scandinavian countries.

The history of large-scale emigration from Finland has also had an impact on the recent changes in citizenship legislation. The total number of people who emigrated from Finland between 1860 and 2004 is estimated to be almost 1.3 million, including about 600,000 to Sweden, 320,000 to the United States and 94,000 to Canada (Institute of Migration 2005). In the early 20th century, emigration from Finland was directed mainly towards North America, but later, after World War II, it was directed mainly to Sweden.

New immigration to Finland has been very heterogeneous, consisting of both marriage-related immigration, and immigration of both low-skilled and high-skilled employees. In addition, the country has also seen the arrival of refugees and asylum seekers. Some of the largest nationality groups are made up of immigrants from neighbouring countries, but there are also significant numbers of immigrants from developing countries, for example refugees from Somalia and Iraq. The refugees have arrived both as asylum seekers and within the framework of organized resettlement programmes administered by the UNHCR (Wahlbeck 1999). The four largest foreign nationality groups, as of December 31, 2007, were citizens of Russia (26,000), Estonia (20,000), Sweden (8,400) and Somalia (4,800) (Statistics Finland 2008).

Citizenship as legal status

The Finnish laws and regulations concerning citizenship and immigration have been the object of many debates and have gone through many changes (Lepola 2000). The legislative framework

regulating Finnish citizenship is the new *Nationality Act* (359/2003), which came into effect on June 1, 2003. According to this law, foreign citizens may become naturalized by application if they have lived permanently in Finland for six years without interruption. There are also other requirements. Among others, the applicant must not have committed any punishable act or failed to pay any fee payable under public law. The applicant should also have acquired satisfactory spoken and written skills in the Finnish or Swedish language. Since 1998, a few thousand foreign residents have each year received Finnish citizenship upon application; in 2007, that number was 4,824 (Statistics Finland 2008).

Compared with previous legislation, a major change in the new *Nationality Act* is that the Act accepts dual, or multiple, citizenship. This change can be seen as part of a general international trend that has led many countries around the world to accept dual citizenship (Kivisto and Faist 2007). Of particular significance in the Finnish case were changes to legislation in Sweden in 2001 that made multiple citizenship possible for Swedish citizens. However, despite the acceptance of dual citizenship, the new Finnish *Nationality Act* is in many ways more restrictive than previous legislation. The required length of stay in Finland was extended from five to six years, and language proficiency requirements were not explicit in previous legislation. The *Nationality Act* was based on a compromise among the political parties in the Finnish government. The introduction of dual citizenship would not have been accepted by some politicians unless the law was made more restrictive in some other respects .

The *Nationality Act* also includes detailed regulations about how Finnish citizenship is acquired at birth and about the specific circumstances under which it can be revoked. Children become Finnish citizens at birth if at least one of the parents is a Finnish citizen. The place of birth does not determine citizenship, but a child born in Finland may become a Finnish citizen in the case where he or she does not have the right to any other citizenship. One of the explicit purposes of the Finnish *Nationality Act* is to prevent statelessness of Finnish citizenship generally requires a person to live permanently abroad and have the nationality of another state. A Finnish citizen who does not maintain sufficient connections with Finland will lose his or her citizenship upon reaches the age of 22.

New immigration to Finland has been very heterogeneous, consisting of both marriage-related immigration, immigration of both low-skilled and high-skilled employees; in addition, the country has also seen the arrival of refugees and asylum seekers.

Social citizenship

What are the practical consequences of Finnish citizenship for immigrants? In general, rights and services in Finland tend to be connected to whether one is a permanent resident of the country. Therefore, nationality as such does not play a large role in one's social rights or in the services that one receives from Finnish authorities. In Finland, most public services are provided by municipalities to their permanent residents, regardless of nationality. The National Health Insurance System also covers everybody who lives permanently in the country. Likewise, immigrant integration policies in Finland are implemented at the local level. Thus, in general, all permanently settled immigrants have relatively strong social rights in Finland.

The differences between Finnish citizens and foreign citizens can be mainly found at the state level, in its rights and obligations. Finnish citizenship is required for certain positions in the state administration. A Finnish citizen cannot be prevented from entering Finland and cannot be deported from the country against his or her will. All Finnish citizens are liable to defend the country in the case of a military conflict, and men above 18 years of age are eligible for military service. Finnish citizenship gives a person the right to vote in state elections. However, all foreign residents who have lived in the country for two years can to vote in local elections.

In general, it is the place of permanent residence and not nationality that is decisive for one's social rights in Finland. Thus, it can be argued that social citizenship in Finland is largely detached from formal or legal citizenship and instead connected to permanent resident status. However, it is not easy to obtain a residence permit in Finland, and the restrictive immigration policies have been the object of much public debate. Recently, the deportation of some asylum seekers has been publicly criticized by human rights groups. Despite the obvious need for immigrant labour as a result of an ageing population, public opinion has not favoured increased immigration. Until recently, politicians have also been reluctant to support an active immigration policy, and the political decisions regarding immigration can be regarded as reactive rather than proactive.

Paradoxically, despite the lack of labour predicted for the future, many of the immigrants already settled in the country find it difficult to access the labour market. In the Finnish labour market, supply and demand for labour clearly do not match up, but there are also indications that immigrants are discriminated against. In general, immigrants often experience marginalization and exclusion in the general labour market, which is reflected in their relatively high rate of unemployment. The jobs available to immigrants tend to be unskilled and insecure. Many immigrants are, therefore, forced into self-employment in the restaurant sector (Wahlbeck 2007). Finland is a developed welfare state with strong social rights and integration measures, but even so, the integration of immigrants in the general labour market has been slow and difficult. This specific feature of Finnish society has

been outlined by Kathleen Valtonen (2001, 2004), who argues that "citizenship has been compromised by lack of specific anti-discrimination mechanisms that would strengthen immigrants' exercise of civil rights to equal treatment in the labour market" (Valtonen 2004: 92). According to Valtonen (2004), Finnish society features a specific form of "differential exclusion" where strong social rights of immigrants can occur alongside a weak labour market status.

Citizenship as national identity and travel document

Despite the fact that formal citizenship is largely detached from social citizenship in Finland, Finnish nationality is still something that many immigrants seem to strive for. A large share of the immigrants who have lived permanently in Finland for a long period of time tends to apply for Finnish citizenship. Exact figures are not readily available, but the number of people in Finland who were born abroad is considerably larger than the number of foreign citizens. According to the official population register, dated December 31, 2007, which includes all people who live permanently in the country, there were 202,500 foreign-born individuals, but only 132,600 foreign residents in the country. The population register also collects information about native language (everybody has to indicate one, and only one, language). Since 1988, the number of people speaking a foreign language (any language other than Finnish, Swedish or Sami) has been larger than the number of foreign residents in the country. On December 31, 2007, the number of people who indicated a foreign language as their native language was 173,000. These figures suggest that many non-native speakers and foreign-born people have acquired Finnish citizenship in recent years.

The *Nationality Act* 2003 provides a good example of how nationalism and ethnicity play a role in Finnish political debates about citizenship. The new law…was largely influenced by the interests of former Finnish citizens and their descendants.

A study of Kurdish refugees in Finland gives some indication as to why many immigrants choose to apply for Finnish citizenship. In the interviews (Wahlbeck 1999: 110-112), a majority of the respondents considered it possible that in the future, they would apply for Finnish citizenship. The respondents felt that Finnish citizenship would make both their life in Finland and travelling abroad easier. They also hoped that Finnish citizenship would facilitate integration and reduce the discrimination they faced. Furthermore, as refugees, they did not necessarily have a strong emotional bond with their original citizenship. In any case, the likelihood of applications for citizenship was probably further strengthened by the change in Finnish legislation in 2003, which made dual citizenship officially possible.

The *Nationality Act* 2003 provides a good example of how nationalism and ethnicity play a role in Finnish political debates about citizenship. The new law, and especially the introduction of dual citizenship, was largely influenced by the interests of former Finnish citizens and their descendants, and a general wish to link these "expatriate Finns" closer to Finland. For example, the acceptance of dual citizenship was strongly lobbied for by the Finnish Expatriate Parliament (an NGO that promotes the interests of all expatriate Finns and claims to have 459 Finnish expatriate organizations as collective members). In the political debates surrounding the new law, a key argument for the introduction of dual citizenship was the possibility for expatriate Finns to regain Finnish citizenship. Some reference was also made to the fact that dual citizenship might help the integration of immigrants in Finland. However, it is clear that the primary interests guiding the new law were the interest of the Finnish state, on the one hand, and expatriate Finns on the other, and not primarily the interests of immigrants living in Finland. This emphasis on national and ethnic identities in the political debates about citizenship is, however, nothing new and had alreadty been pointed out by Outi Lepola (2000) in a study of debates in the Finnish Parliament in the 1990s. Her analysis shows that the immigration discourse in Finland is related to conceptions about "Finnishness." Furthermore, "Finnishness" is often regarded as something that is related to ancestry and, therefore, not necessarily linked to on formal citizenship.

The interests of expatriate Finns were taken into account in the implementation of the new *Nationality Act*, since former Finnish citizens and their descendants were given the possibility of obtaining Finnish dual citizenship during a transition period, even if they did not fulfill the naturalization criteria outlined above. In the period from June 1, 2003, to the end of 2007, a total of 9,246 expatriate Finns had received Finnish citizenship "by declaration" in accordance with the interim rules. The five largest groups were made up of people who came from Sweden (2,116), the United States (1,870), Canada (1,414), Australia (1,037) and Switzerland (547). In general, the total number was not as high as expected; in particular, the relatively low number of Swedish citizens is striking. Instead, mostly expatriate Finns from non-EU countries had applied for citizenship under the interim rules. Finland is a member of the EU and the Schengen area of free movement, and most applicants came from countries outside of this area. This indicates that despite the nationalist arguments for the new law, many expatriate Finns seem to have a rather pragmatic view of nationality. A key issue seems to be an EU-passport that is useful when travelling abroad.

For many people – both immigrants and expatriate Finns – dual citizenship, to a significant extent, seems to be a practical question of gaining a convenient travel document. Social rights in Finnish society are realized (or not realized) by other means and depend primarily on permanent resident status. Nationality as legal status is, of course, not unrelated to questions of identity as well as

rights and obligations. But we also need to look beyond the question of formal nationality to get a full picture of citizenship as civic identity and practice in the 21st century.

References

Institute of Migration. 2005. "Emigration of the Finns in 1870-2004 and Expatriate Finns in 2004." [Figure compiled by Jouni Korkiasaari]. Retrieved on June 14, 2008 from <www.migrationinstitute.fi/db/stat/eng/art.php?artid=72>.

Kivisto, P., and T. Faist 2007. *Citizenship: Discourse, Theory, and Transnational Prospects*. Oxford: Blackwell.

Lepola, O. 2000. *Ulkomaalaisesta suomenmaalaiseksi* [From foreigner to Finlander]. Helsinki: Suomalaisen kirjallisuuden seura.

McRae, K. D. 1997. *Conflict and Compromise in Multilingual Societies: Finland*. Waterloo, Ontario: Wilfrid Laurier University Press.

Statistics Finland. 2008. *StatFin – Online service*. Retrieved on June 10, 2008 from <www.stat.fi/>.

Wahlbeck, Ö. 2007. "Work in the Kebab Economy: A Study of the Ethnic Economy of Turkish Immigrants in Finland." *Ethnicities* 7, 4, p. 543-563.

———. 1999. *Kurdish Diasporas: A Comparative Study of Kurdish Refugee Communities*. Basingstoke: Macmillan.

Valtonen, K. 2004. "From the Margin to the Mainstream: Conceptualizing Refugee Settlement Processes." *Journal of Refugee Studies* 17, 1, p. 70-96.

———. 2001. "Cracking Monopoly: Immigrants and Employment in Finland." *Journal of Ethnic and Migration Studies* 27, 3, p. 421-438.

FROM ETHNIC NATIONHOOD TO REPUBLICAN INTEGRATION

Citizenship in Germany Since the 1990s*

ABSTRACT

The reform of the German citizenship law in 1999 presents a veritable puzzle. While the law now provides for significant liberalization and more tolerant naturalization, it remains restrictive in terms of dual citizenship. Analyses of citizenship must transcend the tradition of ethnic nationhood and focus on how the politics of membership and integration have shaped legislation. There are at least two versions of republicanism in German public debates: a more communitarian one, on the one hand, and a liberal equal rights perspective, on the other.

THOMAS FAIST

Thomas Faist is Professor of Transstate Relations and Sociology of Development and directs the Center on Migration, Citizenship and Development (COMCAD) at the Faculty of Sociology, Bielefeld University, in Germany. His research and policy interests are international migration, immigrant integration, citizenship, social policy and development studies.

The German citizenship puzzle

The reform of the German citizenship law in 1999 presents a veritable puzzle and a significant challenge to those who have held a civic or republican understanding of nationhood as the liberal-democratic solution to immigrant membership. While the law now provides for a significant liberalization with the introduction of a strong *jus soli* element and of a more tolerant naturalization, it still remains restrictive in terms of dual citizenship (Table 1). The principle of *jus sanguinis* was complemented by *jus soli*: children born in Germany of whom at least one parent has resided in Germany for six years can now acquire German citizenship and their parents' nationality. Also, as-of-right naturalization is now permitted after eight years instead of the earlier 15 years. Yet dual citizenship is not accepted as a rule although some exceptions have been added. Interestingly, a compromise between the contending political parties on *jus soli* and dual citizenship was made possible by reverting to a principle mostly used in the 19th century: the compulsory option principle. It says that the person who acquires German citizenship under this new law by *jus soli* must choose one nationality or the other upon reaching maturity. In sum, a very glaring disjunction exists in Germany: although this country now has a fairly liberal *jus soli* regulation, along with Austria, Denmark and Iceland, it remains one of the most restrictive countries in Europe regarding dual citizenship.

Why has there been a liberalization regarding birthright acquisition of citizenship (*jus soli*) and rules of as-of-right naturalization but not of dual citizenship? A first approach towards solving the puzzle can be found in the "tradition of nationhood" approach, most cogently presented by Rogers Brubaker (1992). According to Brubaker, there are two types of nationhood: civic nations and ethnic nations, with the dominant exemplars being France and Germany. From the perspective of individuals, civic or republican membership is a question of subjective will and of individual readiness to affiliate and express loyalty to state and nation, whereas, according to an ethnic understanding, the objective belonging to a cultural and linguistic community based predominantly on descent is a precondition for political membership. Concerning political community inclusion from a republican vantage point, citizenship is seen as a crucial precondition for public mindedness. By contrast, according to an ethnic understanding, inclusion in the nation is seen as pre-political, and traced to common descent, cultural traditions or lineage. Political participation and opportunities are seen as an issue of intergenerational continuity. Therefore, access to citizenship is often differentiated according to ethnic origin and assumed cultural proximity, whereas, in republican nations, it is open under the same conditions to all kinds of immigrants.[1] We would expect that in countries where the republican concept dominates, states would be at least indifferent towards tolerance of dual nationality, while those in which the ethnocultural/ethnonational concept reigns supreme would be averse to toleration.

The problem with this approach is, first, that it would only account for the resistance towards an increased tolerance towards dual citizenship but not for the change in German citizenship law, that is, the introduction of *jus soli*. Second, and even more puzzling, there is no empirical evidence that, at the time of the crucial debates on citizenship reform in 1998-1999, the ethnocultural tradition was

relevant. No such arguments can be found in German parliamentary debates. To paraphrase Nathan Glazer's felicitous title, German policy-makers of the late 1990s espoused a civic outlook: "We are all 'Republican' now."

To understand the citizenship law reform, let us ask two questions. The first question is the following: how did the change in this law come about and why has there been a delay? After all, the leaders of German political parties had agreed for years – as early as 1984 – to reform the law. Throughout the 1990s, civil society spokespersons propagated the necessity of reforming the law of 1913 in order to raise the comparatively low naturalization rates, which, during the 1990s, were approximately five times higher in France and ten times higher in Sweden.

The second question is this: if the ethnic vs. civic understanding of nationhood does not describe the situation, what are the cleavage lines around which public debates about citizenship revolve and guide respective political interests? This author argues that there are at least two versions of republicanism – or more precisely, overall societal and immigrant integration – to be detected in German public discourse: a more communitarian one, on the one hand, and a liberal equal rights perspective, on the other. We should not simply focus on traditions of nationhood as characteristics of countries as a whole but on how the politics of membership and the underlying belief systems have shaped citizenship legislation.

Since the settlement of former guest workers became obvious in the late 1970s, the overall debate on admission and membership has been about whether Germany should perceive itself as a "country of immigration" or "not a country of immigration."

What accounts for the delay of German citizenship reform?

To account for the delay of the *jus soli* element until 1999 and the rejection of dual citizenship as a rule (*de jure*) in 1999, we need to take a closer look at political institutions. Throughout the 1980s, after the collapse of the former political elite consensus on guest-worker migration, cleavages among political party elites became dominant. Party coalition politics, characterized by meta-politics, pitted party blocs against one another and slowed down the reform of German citizenship law for almost a decade.

The meta-politics of immigration

Meta-politics refers to a coupling of symbolic and populist politics, especially in connecting issues such as immigration to exceedingly difficult "social problems" like unemployment and crime. Since the settlement of former guest workers became obvious in the late 1970s, the overall debate on admission and membership has been about whether Germany should perceive itself as – or not as – a "country of immigration". Even proponents of the latter position did not dispute the necessity of reforming the *Reichs- und Staatsangehörigkeitsgesetz* of 1913. From the early 1980s until 1998, all political parties from some regional states (*Länder*) put forth numerous draft legislations. As well, civil society groups – including unions, churches, immigrant associations, intellectuals and mass media representatives – put forth demands for the repeal of the 1913 law. However, none of the proposals could have relied on a majority. No reform occurred during the 1980s. During the 1990s, and thus after reunification, partial reform did occur despite meta-politics.

Three turning points in the citizenship debate

At least three sets of factors can be identified as having led to the eventual reform in 1998. First, akin to existing policies in the Netherlands (since 1985) and Sweden (since 1975), the Federal Constitutional Court decided in 1989 on the issue of granting local voting rights to permanent resident non-citizens. Yet, unlike the situation in these two countries, local voting rights for denizens did not arise in the context of either extending political rights to permanent residents at the national level or dual nationality. In Germany, the political actors who brought the issue before the courts – the *Länder* of Schleswig-Holstein and Bremen – looked for a venue to clarify who belongs to the demos. The Federal Constitutional Court ruled that local voting rights for foreigners could not be granted. Instead, the court urged legislators to create congruence between the resident population and the voting population. Second, German unification in 1990 did away with the argument that reform of the citizenship law could not be undertaken because it would not include the "other half" of the divided nation. Third, in the wake of severe anti-immigrant violence, culminating in deadly arson attacks, in the early 1990s, in the cities of Mölln, Rostock and Hoyerswerda, civil society organizations responded with massive candlelight vigils and renewed calls to change membership laws. As well, international condemnation of these acts was overwhelming.

Despite growing agreement among politicians from the governing and opposition parties in the early and mid-1990s, only minor reforms took place. With regard to citizenship acquisition, partial reforms were enacted in 1990 and 1993. The introduction of as-of-right naturalization for young foreigners after eight years of legal residence and for immigrants of the first generation after 15 years of legal residence under certain conditions was the outcome of a compromise between the Christian Democrats in power and the Social Democrats in opposition. This was part of a broader agreement to reach a two-thirds majority for a constitutional amendment to reform asylum law in 1992.

When the Red-Green coalition (the SPD and the Greens) took power in 1998, Chancellor Gerhard Schröder, pressured by the Greens, announced an ambitious "modern" and "European" citizenship law. The government coalition proposed, first, to introduce the *jus soli* principle

for foreign children born in Germany if one of the parents was born in Germany or had entered the territory before the age of 14 and had a residence permit. Second, renunciation of previous citizenship would no longer be required in all cases of as-of-right naturalizations. The CDU/CSU quickly picked up the issue as its first main theme in opposition and organized a petition campaign immediately before the first regional state elections were held in Hesse after the national elections. The heated campaign concentrated on the introduction of dual citizenship "as a rule" and, in particular, against the "double passport," which was portrayed to be unfair to mono-citizens. Again, meta-politics had a field day. Membership issues became connected to the rise of Islamic parties that were represented in the German Bundestag and eased access by terrorists to German territory. After losing the elections in Hesse and the majority in the *Bundesrat*, the SPD and the Greens arrived at a compromise with the Liberal Party in the form of the so-called option model, which came into effect in early 2000. As a result, *jus soli* was more liberal than intended but came with no general tolerance towards dual citizenship.

And so, although a majority of legislators were able to arrive at a consensus in the 1990s, meta-politics was an obstacle for *jus soli* until 1998 and still is for dual citizenship.

Why are there no more ethno-nationalists?

In the meta-politics and politics of membership, belief systems and ideologies mattered indeed. As the short history above suggests, a shift towards more liberal access to citizenship has occurred. The introduction of *jus soli* can be interpreted as a congruence of "ideas" that are prevalent in the general political culture and in more specific citizenship laws. Yet it is too facile to describe the change in underlying "ideas" as connected to distinct conceptions of nationhood, which emphasize a dichotomy of state and nation. The permission of dual citizenship "as a rule" was rejected by politicians using "republican" or "civic" arguments. In order to understand change, we should not – as the tradition of nationhood approach suggests – focus on national political cultures as a whole but inquire into the contested concepts of citizenship. In short, belief systems have mattered; but rather than the belief system of the nationhood, it has been the belief system of integration that has counted: the overall integration of society and the integration of individual immigrants.

A change towards more liberal access to citizenship has occurred in Germany. The introduction of *jus soli* can be interpreted as a congruence of "ideas" prevalent in the general political culture and in more specific citizenship laws.

Thus, the politics of citizenship in Germany in the 1990s is essentially framed by two conflicting views of integration. On the one hand, the proponents of *jus soli* and tolerance towards dual citizenship and naturalization see them as necessary elements of immigrant integration and as matters of equal individual rights. On the other hand, the opponents of dual citizenship see renunciation of former citizenship as a precondition of naturalization that is to be evaluated from a state-communitarian standpoint. In the end, the two contradictory dimensions of the enacted citizenship law reform reflect a compromise of the two political camps and their very different belief systems about integration.

This hunch is borne out by an empirical analysis of the debates on dual citizenship. It was not the *jus soli* component of the reform but the proposition of dual citizenship in general, and the renunciation requirement in particular, that was contentious in public debate.

The reconfiguration of German nationhood after 1945

The absence of ethnocultural arguments in the late 1990s becomes comprehensible from the following three dimensions of public debate: a) the changing political culture in Germany since 1945; b) the justification of privileged immigration and access to full membership by *(Spät) Aussiedler* from Eastern Europe (ethnic Germans); and c) party ideologies and programmatic statements.

a) Since World War II, the German concept of nation has undergone considerable change. First, German nationalism, and thus the concept of nationhood, has been identified as one of several factors contributing to Nazi rule and the Holocaust. The denationalization that followed was deeper than in other states of Europe. Second, the politics of integration and West Germany's strong pro-European orientation have significantly transformed the national self-understanding in Germany (Winkler 1991). Since the late 1970s, calls for constitutional patriotism (Sternberger 1979) have played an integral part of public debates. Third, economic prosperity and the growth of the welfare state in the *Wirtschaftswunderland* (land of economic miracle) created an alternative basis of identity from the 1950s until at least the 1970s (Greiffenhagen 1986). Fourth, after the student revolts in 1968, a fundamental change in the political culture led to a heightened sensitivity to all issues relating to the Holocaust, anti-Semitism and totalitarianism (Wirsching 2004).

b) Even citizenship policies in the early period after World War II are not firm proof of an ethnocultural concept of nationhood. Article 116 of the German *Basic Law* states that former expatriates under Nazi rule and refugees, displaced persons of German nationality (*Volkszugehörigkeit*) and their descendants who lived within the territorial borders of 1937, have privileged access to immigration and citizenship. Such persons were granted privileged access to entry and citizenship not simply because they were of German ethnic origin but also because it was assumed that they were victims of persecution and expulsion during and after World War II because of their German origin. After German reunification, however, re-settlers of German ethnic origin were treated as other immigrants and expected to integrate. In 1993, the Christian Union government introduced a new law (*Kriegsfolgenbereinigungsgesetz*)

Table 1
Access to citizenship in Germany since 2000

Second generation and those socialized in Germany	• *jus sanguinis* • *jus soli*, provided that one parent has lived for eight years in Germany or holds a permanent residence permit for at least three years (since 2000) • *"jus socialisationis"*: educated in Germany for eight years for second generation (since 1993)
As-of-right naturalization	• after eight years of residence; conditions attached: no welfare dependency; language test: evidence of sufficient knowledge of German
Dual citizenship	• accepted for ethnic Germans • accepted in specific circumstances, such as economic loss involved or when country of origin does not allow expatriation • "optional principle" if the child obtains the parents' nationalities, she must give up one nationality before reaching the age of 23

Table 2
Belief systems of political parties in Germany: "Integration"

	Immigrants	Society	State
Christian Democrats (Free Democrats)	**a)** loyalty **b)** socio-economic-cultural integration (subsidiarity)	concept of societal solidarity ("communitarian")	**a)** focus on core state functions **b)** concept of effective legitimacy
Social Democrats, Greens (PDS) (Free Democrats)	**a)** equal rights **b)** political integration	concept of political solidarity	**a)** concept of effective and procedural legitimacy

requiring that those wishing to immigrate to Germany from countries other than the former Soviet Union had to provide proof of individual discrimination. Thus, the assumption of collective persecution and discrimination because of ethnicity was abandoned at the time when authoritarian regimes were transformed to democratic rule.

c) Party platforms are another indicator for unearthing concepts of nationhood. The Greens, Social Democrats and Free Democrats display a straightforward republican understanding of nation, as evidenced by their contributions to citizenship debates since the 1980s. Therefore, if the claim that the restrictive aspects of German citizenship law and the delay to reform is due to an ethnic concept of nation, the relevant bearer of it could only be the Christian Union parties. However, the Christian Democrats strongly emphasize the subjective will of the immigrant as a potential applicant to citizenship. Further, their objection to *jus soli*, and dual citizenship in particular, is not based on descent but on the idea that renunciation of citizenship serves as an oath of loyalty reflecting the willingness of an immigrant to be part of the political community. In sum, Christian Union parties espouse a republican ideology. Therefore, what needs to be explained is the use of ethno-cultural arguments until the mid-1990s, which represents an anomaly in light of declared party ideologies and is, in part, traceable to meta-politics.

New trench lines of debate: Liberal Democrats vs. Statist Communitarians

The final debate in parliament in May 1999 about the citizenship law reform is particularly striking. Professor of law Rupert Scholz (CDU) confirmed a republican understanding of nation as a "daily plebiscite," which was invoked by Minister of Interior Otto Schily as justification for the new citizenship law. While Scholz defined nations as communities of both shared experience and shared will, he framed the agreement to the respective law reform as an essentially democratic question. A shared will would mean a clearly articulated desire to continue a common life. But it would be doubtful whether dual loyalties would make possible such a common life.

If the claim that "we are all 'republican' now" is to have any purchase, the ideological dividing lines have to be sought in concepts other than nationhood. An empirical analysis of the parliamentary debates of 1998-1999 indicates that the guiding belief system can be labelled "integration." Overall, integration refers to the impact of dual citizenship on the political community as a whole, a notion that was visible in the opponents' argument that overlapping formal memberships violate the principle of "one person, one vote." In contrast, proponents of dual citizenship emphasized the integration of immigrants as citizens on the basis of equal rights.

To capture the conflicting belief systems on integration, a threefold distinction at the individual, civil society and state levels is useful (Table 2). The opponents' notion of integration is guided by the Catholic social doctrine of subsidiarity, which says that the smallest social unit should fulfill the duties. In this case, individuals should prove that they have made efforts to integrate before naturalization "crowns" the integration process. Moreover, renouncing one's original citizenship is an oath of loyalty. The proponents focus in a social democratic manner on the enabling function of the state, which is supposed to provide equal rights to all permanent residents. At the civil society level, the opponents emphasize that trust and reciprocity among citizens are resources that cannot be created by the

state. Laws and rights should not interfere with social solidarity. However, infringing on the vital feedback loops between the governing and the governed would finally result in decreasing levels of trust among citizens, which could lead to an undermining of welfare state solidarity and reciprocity. The proponents of dual citizenship emphasize political solidarity, which does not accord a high premium on the right of a political community to defend its boundaries if equal rights are violated. This belief relies on the formative role of political institutions and does not value pre-political requirements of political integration.

In terms of role of the state, opponents focus upon the core function of providing security and thus privilege law and order. In addition, a clear focus is on effective legitimacy through empirical consent of the established citizenry. The proponents, however, point to principles such as democratic congruence, constitutional patriotism and equal political rights of participation as the very basis of legitimacy, thus geared more towards a procedural understanding. In sum, while the opponents of further boundary blurring refer to a more "communitarian" concept of the interrelationship between individual, civil society and the state, its proponents take a liberal equal rights perspective.

It is certainly not clear which of these "republican" understandings of integration will guide policy making on citizenship. Nonetheless, liberal democracies like Germany have been compelled to accept dual citizenship upon naturalization in cases where the other state makes renouncing nationality impossible or imposes unreasonable demands. Also, German authorities accept dual citizenship in the name of gender equity in bi-national marriages when nationality is acquired by birth. Furthermore, Germany is inclined to grant dual citizenship within regional governance systems such as the EU, based on the principle of reciprocity. However, new interpretations of individual rights and new claims of other categories of persons combined with court cases could easily lead to a further increase in exceptions. Currently, 40% of all naturalizations in Germany were done without the new citizen renouncing his or her old citizenship (30% among citizens from Turkey, 90% from former Yugoslavia and 95% from Iran). The more exceptions there are, and thus the more potential claimant groups there would be, the greater the likelihood that questions of legitimizing different treatment arise because each exemption has to be justified on reasonable grounds. In the long run, problems of justification and rising administrative costs may lead to a general tolerance of dual citizenship. In Germany, it is not unlikely that unequal treatment as a consequence of the so-called option model (Table 1) would result in increased tolerance. After all, the Federal Constitutional Court will be hard pressed to justify why children of immigrant parents must choose one nationality while those of bi-national marriages are not forced to choose an "option." The Court will most likely have to decide very soon whether this clause can be upheld.

References

Brubaker, R. W. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, MA: Harvard University Press.

Greiffenhagen, M. 1986. *Von Potsdam nach Bonn. Zehn Kapitel zur politischen Kultur Deutschlands*. Muenchen: Piper.

Kymlicka, W., and W. Norman. 1994. "Return of the Citizen. A Survey of Recent Work on Citizenship Theory." *Ethics* 104, p. 352-381.

Mann, T. 1956 (1919). *Betrachtungen eines Unpolitischen*. Frankfurt a.M.: Fischer.

Sternberger, D. 1982. *Verfassungspatriotismus*. Hannover: Niedersächsische Landeszentrale für politische Bildung.

Winkler, H. A. 1991. "Nationalismus, Nationalstaat und nationale Frage in Deutschland seit 1945." *Aus Politik und Zeitgeschehen* 41, p. 12-24.

Wirsching, A. 2004. "8. Mai und 27. Januar 1945 – Zwei Tage der Befreiung?" In *Tage deutscher Geschichte*. Edited by E. Conze and T. Nicklas. München.

Notes

* A detailed empirical analysis, with references to literature and including comparisons with other countries in Europe and throughout the world, can be found in the following three publications: T. Faist (Ed). 2007. *Dual Citizenship in Europe: From Nationhood to Societal Integration*. Aldershot, UK: Avebury; T. Faist and P. Kivisto (Eds). 2007. *Dual Citizenship in Global Perspective: From Unitary to Multiple Citizenship*. Houndmills, UK: Palgrave Macmillan; and P. Kivisto and T. Faist. 2007. *Citizenship: Discourse, Theory and Transnational Prospects*. Oxford: Blackwell.

[1] "Republican" in this context does not necessarily mean the conception of Aristotle's zoon politikon, namely citizens as creatures with an inherent proclivity to find ultimate fulfillment in public life and public service. Rather, the term is nowadays connected to some sort of "active" citizenship, which seems to describe opportunities with high levels of potential participation for the common good (cf. Kymlicka and Norman 1994).

MODERN GERMAN CITIZENSHIP, JÜRGEN HABERMAS, AND *DER HISTORIKERSTREIT*

ABSTRACT

This article provides an overview of the 2000 German citizenship law and its impact up to 2008, and shows how it arose from debates that took place between 1985 and 1999 on Germany's recent past. Jürgen Habermas, a proponent of modernism, and German revisionist historians, joined in this debate. This article showcases the new *Citizenship Law* as representing a major shift in Germany and as a continuation of that country's unfolding democratization.

KAMAL DIB

Kamal Dib is an economist and a research manager for the Government of Canada.

Views presented in this article do not necessarily reflect those of the Government of Canada.

Whereas Canada is a country of immigrants (and their descendants) who 400 years ago started joining the Aboriginal peoples of this country, and whereas since the early 1970s multiculturalism has become one of Canada's defining characteristics (both in demographic and legal terms), the countries of Europe continue to be largely based on ethnically defined borders and national languages, a basis that Europeans perceive to be threatened by the emergence of European multiculturalism, at least demographically.

Some Eurocentric critics and media in Canada do not understand that Canadian multiculturalism is different from its European equivalent. There is confusion, when one compares Canada with Europe, between multiculturalism as a demographic and sociological reality on the ground, and the Canadian laws and programs that were created to harness its benefits. For example, in light of violent events that unfolded in France and in the UK, critics are quick to deplore "what multiculturalism has done to Europe," but their real intention is to chip away at Canada's healthy and functioning multiculturalism. The truth is that these European countries have not – yet – established Canadian-style multiculturalism laws and programs.

But Europe is changing. Many new laws are moving towards recognizing diversity among the population, and are shifting away from narrow definitions of a nationality law based on race. Integration within European Union institutions and rules is also contributing to this process of accepting and respecting population diversity.

German citizenship

A new German nationality law, which was passed by the Bundestag in 1999 and enforced on January 1, 2000, marked a significant – though not total – departure from Germany's ethnic and cultural past, and brought German citizenship policy into the European mainstream. This law made it easier for long-term foreign residents and their German-born children to acquire German citizenship.

Germany is now home to 7.3 million people who are ethnically non-German; this represents 9% of the country's total population. The progressive impact of the new law (German Embassy in Washington) is exemplified by the number of foreign residents who were able to obtain German citizenship.

When new regulations were introduced in 2000, approximately 3.6 million foreign residents (4.4% of the population) immediately qualified for citizenship, as they had suddenly fulfilled the new eight-year residency requirement. By 2004, 1.3 million people had successfully applied for and obtained German citizenship.

To better appreciate how German citizenship progressed from being ethnically- and racially-defined to being civically- and universally-defined, we have sketched a quick outline of how this evolution came about.

Between 1913 and 1999, the 1913 *Nationality Law of the German Empire and States* governed German citizenship, the goal of which was to maintain an ethnically and culturally pure citizenry. While the 1913 law was implemented by the Weimar Republic in the wake of World War I, it quickly came under attack by the rising Nazis in the early 1930s. Between 1935 and 1945, this law was amended under the Nazi regime and sections were overruled by the 1935 *Nuremburg Laws* (*Nürnberger Gesetze*), which were in fact denaturalization laws that were racially motivated to discriminate against German Jews and other minorities. Citizenship was based on "German-blood" ancestry, so that persons who had one or two Jewish grand-parents were not considered Aryan but rather *Mischling*, or crossbreeds, of

Table 1
Naturalization of foreigners in Germany per (selected) country and year

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	Total
Turkey	31,578	42,294	42,240	59,664	103,900	82,861	76,573	64,631	56,244	44,465	**608,450**
Iran	874	649	1,171	1,529	1,863	14,410	12,020	13,026	9,440	6,362	**61,344**
Serbia & Montenegro	3,623	2,967	2,244	2,721	3,444	9,776	12,000	8,375	5,504	3,539	**54,193**
Afghanistan	1,666	1,819	1,475	1,200	1,355	4,773	5,111	4,750	4,948	4,077	**31,174**
Morocco	3,288	2,918	4,010	4,981	4,312	5,008	4,425	3,800	4,118	3,820	**40,680**
Lebanon	595	784	1,159	1,782	2,491	5,673	4,486	3,300	2,651	2,265	**25,186**
Croatia	2,479	2,268	1,789	2,198	1,536	3,316	3,931	2,974	2,048	1,689	**24,228**
Bosnia-Herzegovina	2,010	1,926	995	3,469	4,238	4,002	3,791	2,357	1,770	2,103	**26,661**
Vietnam	3,357	3,464	3,129	3,452	2,270	4,489	3,014	1,482	1,423	1,371	**27,451**
Poland	10,174	7,872	5,763	4,968	2,787	1,604	1,774	2,646	2,990	7,499	**48,077**
Russian Federation	–	–	–	–	–	4,583	4,972	3,734	2,764	4,381	**20,434**
Ukraine	–	–	–	–	–	2,978	3,295	3,656	3,889	3,844	**17,662**
Iraq	364	363	290	319	483	984	1,264	1,721	2,999	3,564	**12,351**
Israel	1,025	0	584	0	802	1,101	1,364	1,739	2,844	3,164	**12,623**
Total	**71,981**	**86,356**	**82,913**	**106,790**	**143,267**	**186,688**	**178,098**	**154,547**	**140,731**	**127,153**	**1,278,524**

Source: Official 2005 Migration Report, p. 175.

"mixed blood" and those with a third or fourth Jewish grand-parent were considered Jewish.

The first law[1] (*The Law for the Protection of German Blood and German Honor*) prohibited marriages and extramarital intercourse between "Jews" and "Germans" as well as the employment of "German" females under 45 in Jewish households. The second law, *The Reich Citizenship Law*, stripped persons without German blood of their German citizenship and introduced a new distinction between "Reich citizens" and "nationals."

After World War II, the Federal Republic of Germany repealed the Nazi laws and regulations and reintroduced the 1913 law (Green 2000: 105-124). However, the demographic changes that took place in Germany between 1968 and 1998, which were especially tied to immigration, rendered the very object of the 1913 ethnic nationality law obsolete. German citizenship based on ethnicity was no longer sustainable and thus necessitated a more inclusive citizenship law.

This new citizenship law (2000) introduced significant improvements over the 1913 law and addressed some issues related to the Nazi legacy. For example, as a general rule, individuals born to a German-citizen parent are German citizens, regardless of whether they were born in or outside of Germany or whether the parent is a foreign resident. Those individuals whose German citizenship was denied under the Nazi regime (mainly German Jews) became eligible for citizenship without requiring residence in Germany and without relinquishing their existing citizenship. This provision also targeted the children and grandchildren of such persons. Certain ethnic Germans from Eastern Europe may also claim German citizenship under the *Right of Return* law.

The most important change in Germany's citizenship law is that the principle of *jus sanguinis*, which defines citizenship by inheritance, has been supplemented by the principle of *jus soli* ("right of soil"), which defines citizenship by place of birth. Applicants for German citizenship are required to demonstrate German language proficiency and declare their allegiance to the *Basic Law* (*Grundgesetz*), the Federal Republic's Constitution.

The new law was enacted after many years of discussion on how best to integrate long-term residents of the country into German society. In a policy statement before the Bundestag in November 1998, Chancellor Gerhard Schröder noted that "for far too long, those who have come here to work, who pay their taxes and abide by our laws have been told that they are just 'guests.' But in truth they have for years been part of German society. For this reason, this government will modernize the law on nationality." The revisions to the citizenship and naturalization laws are intended to send Germany's foreign residents "a signal that we welcome all those who profess loyalty to our democratic constitutional state as citizens with equal rights," as Federal Minister of the Interior Otto Schily told the Bundestag in presenting the new legislation.

Habermas' modernist position

The 2000 citizenship law can be seen as the culmination of intellectual debates that took place in Germany, and in a certain way as a triumph for Enlightenment ideals. Championing these ideas was German philosopher Jürgen Habermas.[2]

Over the past 40 years, Habermas has constructed a comprehensive framework of social theory and philosophy by drawing on a number of early German intellectual traditions, including Kant, Schelling, Hegel, Marx, Max Weber, the Frankfurt School (i.e., Max Horkheimer, Theodor Adorno, and Herbert Marcuse), and other thinkers such as Émile Durkheim and Jean Piaget (France), Wittgenstein (Austria) and John Dewey (United States).

Multidisciplinary in its approach, Habermas' system of thought is based on the communicative theory of reason and underlines the potential of transforming the world by arriving at a more humane, just, and egalitarian society through the realization of the human potential for reason. Human emancipation and an inclusive universalist moral framework which aims at mutual

understanding in all public speech are the defining landmarks of Habermas' theory.

In his major work entitled *Theory of Communicative Action* (Habermas 1985), he criticizes the one-sided process of modernization led by forces of economic and administrative rationalization. As routinized political parties and interest groups act as substitutes of participatory democracy, society is increasingly administered at a level that is far removed from citizens and their input. Democratic public life only thrives where institutions enable citizens to debate matters of public importance.

Habermas remains the boldest defender of the unfinished project of modernity and a forceful champion of the Enlightenment legacy (Oord 2003: 7). While acknowledging universal ideals, including abstract ones where the human evolution toward the idealist world of the Enlightenment plays a prominent role, Habermas distances himself from much of the contemporary pessimistic and misdirected discourses of postmodernist thought. For the postmodern age is one in which cultural activity is dominated by media industries capable of appealing directly to the public, thereby bypassing any existing cultural elite (Oord 2003: 1).

Postmodernists, in turn, criticize Habermas' defense of Western rationality, humanism, and the legacy of the Enlightenment, claiming that the dream of modernity has led to the authoritarianism of communist regimes in China, Russia, and Cambodia. Yet for Habermas, post-modernism would lead to easy assimilation or accommodation with the status quo. He argues that the very grammar of critique requires some standard, measure and basis for critique. Otherwise, there is, as Habermas claims, the danger of this critical impulse consuming itself (Oord 2003: 4).

When new regulations were introduced in 2000, approximately 3.6 million foreign residents (4.4% of the population) immediately qualified for citizenship, as they had fulfilled the new eight-year residency requirement. By 2004, 1.3 million people had successfully applied for and obtained German citizenship.

Der Historikerstreit (The historians' debate)

Habermas responded to critics in several essays (Habermas 1985b). He argued that any post-modernist discourse that abandons the modernist approach is "neo-conservative" precisely because it eliminates the notions that accompanied the various reforms that have shaped the history of Western democracies since the Enlightenment; Enlightenment notions are the tools that are now needed to criticize the socio-economic institutions of both Western-style democracies and communist or oppressive regimes. Abandoning the universal modernist standpoint betrays the social hopes which have been central to liberal politics.

In the 1980s, Habermas utilized his theoretical work in the *Historikerstreit* (historians' debate) with revisionist German historians Ernst Nolte, Michael Stürmer, and Andreas Hillgruber. In an article titled "A Kind of Settlement of Damages," published in the daily *Die Zeit*, he criticized historians for their apologetic history writing of the Nazi era, and for seeking to "close Germany's opening to Western democracy," which has existed since 1945. He argued that these revisionist historians had tried to detach Nazi rule and the Holocaust from the stream of German history for ideological anti-modernity purposes, but not to "build" on the past for the future. They explained away Nazism as a reaction to Bolshevism, and partially rehabilitated the reputation of the *Wehrmacht* (the German Army) during World War II. Habermas also maintained that the revisionists' insidious rewriting of history would cheat the murdered victims out of the one thing that can still be granted, remembrance.

The German problem of "coming to terms with the past" (*Aufarbeitung der Vergangenheit* or *Vergangenheitsbewältigung*) occupies a significant portion of Habermas' articles to the daily press and public interviews. For decades after World War II the German question remained: "How could the nation of Goethe, Kant, and Schiller become the perpetrator of crimes against humanity?" For Habermas, a *modern healthy national identity* of Germany could only result from the forthright acknowledgement of those aspects of German history which facilitated the Nazi catastrophe of 1933-1945. The rise of conservative politics in the 1980s and the efforts made by some German historians to circumvent the question was disturbing to Habermas, since historians were not only providing dishonest and evasive answers, but were voiding and nullifying the very act of posing the question (Habermas 1989: ix).

Between 1949 and 1963, there was very little reflection on the Nazi period as the focus of the country's leadership was on economic reconstruction and development. The lesson learnt in that period – the wrong one – was one of total rejection of the genocidal politics of Nazism, which has led to overwhelming political apathy and a *Wirtschaftswunder* (economic miracle) without a soul. Psychological surveys of the German character conducted in the 1950s and then later suggested a neurotic side as well as a marked repression of the Nazi era and an unwillingness to come to terms with the past.[3]

For Habermas, countries may achieve economic progress relatively quickly, but democratic societies do not come into being overnight (Habermas 1989: x). The fact that so many Nazi officials from the Nazi period readily found positions of power and influence in government suggested that the essential structure of the authoritarian state remained intact behind the veneer of democratic institutions. There were highly inventive rationalizations of the past: Germans were victims too; the bombing of Dresden was as bad as Auschwitz; the Cold War is proof that Hitler was right about the threat of communism and

his war in the East; the fate of uprooted Germans in Eastern Europe was comparable to that of the Jews; it was Hitler and the Nazi leaders themselves that were to blame for the crimes of the war, and this line of reasoning absolved Germans from collective responsibility (Habermas 1989: x).

Supporting historical rationalizations, historian Michael Stürmer argued that it was the task of the historian to assist in the renewal of national self-confidence by providing *positive* images of the past in order to win the future. Andreas Hillgruber, another revisionist, further argued that in scrutinizing Germany's war against Russia, one is faced with the choice of "identifying" with one of the three parties: a) Hitler; b) the victorious Red Army; or c) the *Wehrmacht* (the German Army). For him, identifying with the brave German soldiers was the evident choice.

In Habermas' view, however, a responsible historian should arrive at an independent and morally just verdict regarding the past rather than "play favourites" with historical protagonists (Habermas 1989: 221). It was the same heroic German Army in the East that established the Jewish ghettos, and served as guarantor of all Nazi atrocities in Eastern Europe, from mass extermination to the sadistic enslavement of the populations of the occupied territories. Finally, Hillgruber's thesis is misleading since it was this German army's brutal war of aggression in the East, a war that resulted in the death of 20 million Soviet soldiers and civilians, which was responsible for unleashing the "revenge" of the Red Army on German soil.

The most sensational revisionist thesis was the one that was set forth by historian Ernst Nolte in 1986. He claimed that the atrocities perpetrated by Hitler in Auschwitz were merely an understandable "response" to a "more original Asiatic deed" (Stalin's Gulags), of which Hitler considered himself a potential victim.[4] "Why continue to blame the Germans? The communists did it first anyway. And after all, during the war we were fighting on the right side[5] – at least in the East."

Habermas, appalled at how Nolte denied the singularity of the Nazi atrocities, reducing them to merely one of many crimes, added, "[n]o one can take our place in the liability required of us;"[6] only the "analytical powers of remembrance" can in truth break the nightmarish grip of the past over Germany's present (Habermas 1989: xii) and determine its future moral fiber.

Joachim Fest and Klaus Hildebrand joined this debate (Niven 2002: 175), which lasted well into the late 1990s. The debate was closely monitored by the media and included highly publicized episodes about a book on the Holocaust (Goldhagen 1997), the *Crimes of the Wehrmacht Exhibition* and the Walser-Bubis debate. Habermas remained the subject of attack for allegedly donning the role of "guardian intellectual" (Niven 2002: 178). Where the revisionists downplayed the Holocaust or denied it for nationalistic reasons, Habermas and other intellectuals reinforced the need to recognize and come to terms with the past. This led rightist critics to accuse the liberal left of not liking any positive national German feeling, claiming that this liberal-inspired "coming to terms with the past" has kept Germans in a self-condemnatory state of mind, thus preventing the emergence of any positive national feeling (Niven 2002: 181).

In line with Habermas' thinking, recognizing the past is part of becoming an enlightened civic citizen. The new citizenship law was a sign that the more enlightened the public became, the more the new legislation must reflect modernist thinking. Increased interaction of public and private spheres on issues surrounding the Holocaust took place in Germany between 1995 and 2005 and opened horizons of new relations between Germans and minorities in the country.

In contrast, revisionists (Walser, Dohnanyi, Nolte, etc.) relativized the past, arguing that concentration camps also have to be assessed in the light of general human fallibility, which potentially afflicted not only perpetrators, but victims as well (Niven 2002: 184). They implied that the acts of Nazism, mass gatherings and mass killings, were common to dictatorships around the world. Additionally, Stürmer and Hillgruber's nostalgia for the old German Reich, coupled with Nolte's desire to minimize the historical significance of the war crimes, downplayed the 1933-1945 period in the trajectory of German history as a whole.

In *Neoconservative Cultural Criticism*, Habermas remarks that the revisionists saw their role "on one hand, in mobilizing pasts which can be accepted approvingly, and on the other, morally neutralizing other pasts that would provoke only criticism and rejection" (Habergas 1989: xx). In participating in this debate, Habermas emphasized the integrity and function of scholarship in a democratic society for *coming to terms with the past*. Far from ideology, scholarship should assume a more skeptical and critical attitude vis-à-vis the national past for which Auschwitz is an unavoidable metaphor.

For Habermas (1985b: note 34), the gains of modernity – the institutionalization of universal morality, political justice and fairness, and professional sciences and academia – are indisputable in postwar Germany. Not

furthering these achievements can only result in regression and in the loss of valuable cultural skills that were acquired late and with great difficulty.

Conclusion

The national debates between 1985 and 1999, of which only a portion is described above, bore fruit, and helped open up public understanding and come to terms with recent history (Niven 2002: 189). In line with Habermas' thinking, recognizing the past is part of becoming an enlightened civic citizen. The new citizenship law was a sign that the more enlightened the public became, the more the new legislation must reflect modernist thinking. Increased interaction of public and private spheres on issues surrounding the Holocaust – its significance and ways to commemorate it – took place in Germany between 1995 and 2005 and opened horizons of new relations between Germans and minorities in the country.

For Habermas, opening Germany to Western democracy was "the great intellectual accomplishment of the post-war period." The attempt to revive nationalist dogmas – whose disastrous outcome is a painful matter of historical record – must be thwarted by *constitutional or civic identity and citizenship* that does not alienate Germany from the democratic West.[7] Therefore – and herein lies Habermas' master statement for this article – all *legislation should be evaluated in light of universal normative percepts embodied in the Constitution itself.*

In line with his philosophical discourse, Habermas argued that national identity should be based on an appeal to universal principles of justice, human rights and democracy, and not on beliefs of right or wrong based on immediate particularistic points of reference as reinforced by one's peer group (even if that means the majority) or nation: "Laws are legitimate only if they are in tune with the opinions, values, and norms generated discursively in civil society….Legitimate laws must be consistent with moral, ethical, and pragmatic considerations and serve the good of the legal community" (Finlayson 2005: 141-142). For a democratic constitution to take root it must be supported by a political culture consistent with modern morality, which resonates with ethical understanding of all cultural groups in the country, since this political culture cannot be seen as an expression of the particular values of the majority culture (Finlayson 2005: 128).

Germany's 2000 *Nationality Law* is a step towards increased equality and democratization, and away from the ethnically-based nationality that troubled the country between 1913 and 1999. Canada is not free of historians who idolize a uniform, pre-multiculturalism, past and who argue that Canada was an oasis of Western democracy which may be spoiled by the coloured immigrant. One such historian is Granatstein (2007: xii), who stated in *Who Killed Canadian History?*:

> [Canada] must be one of the few political entities to overlook its own cultural traditions – the European civilization on which our own nation is founded – on the grounds that to do otherwise would systematically discriminate against those who come from other cultures.

But Canada is progressing as an example to the world of a successful democracy which respects all of its citizens, and is learning from the past in order to come to terms with it and to look to the future.

Habermas viewed the revisionists' desire to return to a conventional national identity as a regression from the modest gains that Germany had made as a democratic nation in the decades following the war (Habermas 1989: xviii, note 27). His quest was sensible: a civic patriotism geared toward the Constitution, or "constitutional patriotism," as opposed to a narrow, nationalistic approach to it. He saw hope in the new era of political community, which transcended the ethnically homogeneous nationalism-based state and embraced one based on the equal rights and obligations of *legally vested citizens.* This civic democracy requires a political community that can collectively define its political will and implement it as policy within the legislative system. This political system requires an activist public sphere, where matters of common interest and political issues can be discussed, and the force of public opinion can effectively influence the government's decision-making process. Habermas' call for *civic citizenship* as opposed to *ethnic citizenship* found meaning in Germany of the 1990s, and went well with his philosophy of a modernity that progresses towards increased democratization.

References

Finlayson, J. G. 2005. *Habermas: A Very Short Introduction.* Oxford: Oxford University Press, p. 141-142.

German Embassy in Washington. C*itizenship Reform and Germany's Foreign Residents.* Background Papers. Retrieved from <www.germany.info/relaunch/info/archives/background/citizenship.html>.

Goldhagen, D. 1997. *Hitler's Willing Executioners.* New York: Vintage.

Granatstein, J. L., 2007. *Who Killed Canadian History?* Toronto: Harper Perennial, p. xii.

Green, S. 2000. "Beyond Ethnoculturalism? German Citizenship in the New Millennium." *German Politics* 9, 3 (December). University of Birmingham, p. 105-124.

Habermas, J. 1989. *The New Conservatism: Cultural Criticism and the Historical Debate*, Cambridge (MA): The MIT Press, p. ix.

———. 1986. "A Kind of Settlement of Damages." *Die Zeit* (July 11).

———. 1985b. "Modernity versus Postmodernity." *The Philosophical Discourse of Modernity.*

———. 1985a. *Theory of Communicative Action, Volume 2. Lifeworld and System: A Critique of Functionalist Reason.* New York: Beacon Press.

———. 1981. *Theory of Communicative Action, Volume 1. Reason and the Rationalization of Society.* New York: Beacon Press.

Niven, B. 2002. *Facing the Nazi Past: United Germany and the Legacy of the Third Reich.* London: Routledge, p. 175.

Oord, T. J. 2003. "Postmodernism – What is It?" *The Tennysonian* (March 24), p. 7.

Notes

[1] Below is the text of the law dated September 15, 1935.

Preamble: Entirely convinced that the purity of German blood is essential to the further existence of the German people, and inspired by the uncompromising determination to safeguard the future of the German nation, the Reichstag has unanimously resolved upon the following law, which is promulgated herewith:

Section 1: Marriages between Jews and citizens of German or kindred blood are forbidden. Marriages concluded in defiance of this law are void, even if, for the purpose of evading this law, they were concluded abroad. Proceedings for annulment may be initiated only by the Public Prosecutor.

Section 2: Extramarital intercourse between Jews and subjects of the state of Germany or related blood is forbidden.

Section 3: Jews will not be permitted to employ female citizens of German or kindred blood as domestic workers under the age of 45.

Section 4: Jews are forbidden to display the Reich and national flag or the national colours. On the other hand they are permitted to display the Jewish colours. The exercise of this right is protected by the State.

Section 5: A person who acts contrary to the prohibition of Section 1 will be punished with hard labour.

A person who acts contrary to the prohibition of Section 2 will be punished with imprisonment or with hard labour.

A person who acts contrary to the provisions of Sections 3 or 4 will be punished with imprisonment up to a year and with a fine, or with one of these penalties.

Section 6: The Reich Minister of the Interior in agreement with the Deputy Fuhrer and the Reich Minister of Justice will issue the legal and administrative regulations required for the enforcement and supplementing of this law.

Section 7: The law will become effective on the day after its promulgation; Section 3, however, not until January 1, 1936.

[2] Some biographical material is derived from the Wikipedia entry on Habermas.

[3] Such as by a study by Adorno, Schuld und Abwehr, 1975, cited in Habermas, p. xxvii.

[4] Frankfurter Allgemeine Zeitung, June 6, 1986, cited in Habermas (1989: xvii): "Was not the 'class murder' of the Bolsheviks the logical and factual prius of the "race" murder of the National Socialists?"

[5] Against communism.

[6] "On the Public Use of History."

[7] Habermas, "Apologetic Tendencies", and "Historical Consciousness and Post-Traditional Identity: Orientation Towards the West in West Germany". Cited in Habermas, p. xxi.

ALLOGENIS AND HOMOGENIS IMMIGRANTS: CITIZENSHIP AND IMMIGRATION IN GREECE

ABSTRACT

The self-imagined Greek nation as a homogeneous Greek-orthodox entity is mirrored in citizenship law, which is based on ethno-genealogical considerations. The presence of a considerable immigrant population after the 1990s has not led to a reconsideration of this perception. Thus far, inclusion is negotiated around ideologies of Greekness and rights are distributed in terms of *jus sanguinis*.

PRATSINAKIS EMMANOUIL

Pratsinakis Emmanouil is a Ph.D. fellow at the Institute of Migration and Ethnic Studies (IMES), University of Amsterdam, and holder of a scholarship granted by the Greek State Scholarship Foundation (I.K.Y).

The function of citizenship as a mechanism of exclusion has become common knowledge in social and political sciences. Large-scale immigration and other features of globalization exposed a reality that has always been present: citizenship excludes as much as it includes (Castles and Davidson 2000, Wallerstein 2003). Entitlement to a set of rights, which are meant to be universal, is only provided though membership of a national community. Thus, inclusion and exclusion are closely linked to the ideological self-perception of the nation. Diverse historical paths of nation building have shaped diverse citizenship traditions and particular nationhood conceptions, which channel immigration in distinct ways (Joppke 1999a).

Greek national ideology was constructed around two core ideas: homogeneity of the nation and the uninterrupted continuity of Greek civilization and history from the classical past (Boeschoten 2008: 212). First, emigration of groups with a non-Greek consciousness, population exchanges and withdrawal of nationality all minimized the religious and ethnic diversity of the modern Greek state. The 1923 compulsory population exchange between Greece and Turkey in itself involved the movement of about 1.5 million people. More than one million Christians came to settle in Greece and more than 350,000 Muslims left for Turkey (Hirschon 2003: 14). At the same time, assimilation policies targeted the linguistic minorities. The religious and cultural plurality of the Ottoman past as well the continued presence of many linguistic minorities within the Greek nation-state have been erased from public memory, making the nation's self-imagination as a homogenous Greek-Orthodox entity a norm. Second, the idea of continuity with the classical past was justified by defining the nation with reference to a common ancestry. This perspective gradually rendered Greek citizenship an ethnic privilege derived from descent.

The term *genos*, with reference to the religious community of the rebel orthodox population within the Ottoman Empire that was gradually transformed into the Greek nation, became a key element of Greekness (Christopoulos 2007, Tsitselikis 2007). *Genos* is an actual legal category differentiating those who are of Greek descent, *homogenis*, and those who are not, *allogenis*. This additional distinction, which goes beyond the common dichotomy between the national and the foreigner, is of crucial importance in the Greek context. The category of national allogenis, which refers to persons belonging to minorities in Greece, is in opposition to the firm image of Greek national homogenis and appears as an anomaly (Christopoulos 2007: 253). At the same time, foreigner homogenis (i.e. Greeks from the diaspora) retain their ties with the "motherland" through a preferred legal status as people without Greek citizenship but with Greek descent. The distinction between homogenis and allogenis has played a central role in the design of Greek immigration policy and citizenship acquisition.

Allogenis and homogenis immigrants and citizenship acquisition

Traditionally a source country for emigration, Greece became a target destination for immigration in the early 1970s. This phenomenon gathered momentum during the 1990s, which saw the immigrant population grow more than four times in size. Less than 15 years after the beginning of mass immigration, the immigrant population was estimated at 1.15 million, and accounts for more than 10% of the total population (Baldwin Edwards 2005); this is one of the

highest immigrant population rates among EU member states. Greece's immigration turnaround can be placed in the framework of King's "Southern European model" (King et al. 1997),[1] yet the massive numbers and the sudden occurrence of the phenomenon in the 1990s are exceptional to the South European experience. The dramatic increase in immigration during that decade was closely connected to the disintegration of the former Communist Bloc and was shaped by two distinct population moves: mass undocumented immigration from the Balkans, notably Albania, and the "return" of ethnic Greeks.

The massive immigration in the 1990s found the administrative structure of Greece unprepared. Moreover, the legislative framework and, in particular, the nationality law could not meet the challenge since the Greek state had been completely unfamiliar with any condition other than marriage for the acquisition of citizenship by foreigners. The norm of zero immigration in the 1991 immigration law was the initial policy response to the massive influx of allogenis immigrants. As a result of this extremely restrictive policy, the vast majority of the approximately 700,000 immigrants living in Greece were still irregulars six years after the implementation of the new immigration law (Baldwin Edwards 2005). A series of regularizations in 1998, 2001, 2005 and 2007 were applied to deal with this novel situation. Legal residence is recognized as being accompanied by the entitlement to the same rights as Greeks in the labour market, excluding tenured positions in the public sector. Legal residence provides full civil rights but not (municipal and national) voting rights. Access to disability and subsistence welfare programs is also restricted. Resident permits are tied to social security contributions; hence legal immigrants are granted social security coverage.

The idea of continuity with the classical past was justified by defining the nation with reference to a common ancestry. This perspective gradually rendered Greek citizenship an ethnic privilege derived from descent.

Legal status and access to these basic rights proved to be crucial in the lives of immigrants. Yet, the regularization programs did not mark a substantial shift towards a long-term migration policy. The improvement of life conditions for immigrants was coupled with new difficulties given their still precarious status, their political exclusion and widespread stigmatization, especially for the group of Albanians who are, in terms of numbers, the majority immigrant group. In spite of some favourable changes to the right to family reunification and the acquisition of long-term residence, the naturalization procedure was made even more exclusionary, with the aim of preventing any possible increase in the number of naturalization applications.

In 1993, minimal continuous residency requirements went from eight to 10 years during the 12 years preceding the application. Furthermore, the 2001 law introduced a fee of approximately 1,500 euros in order for the application to be considered. Proof of sufficient knowledge of the Greek language, history and culture is required and in the case of a rejected application, the decision need not be justified. The residency requirement is reduced to three years for a person married to a Greek citizen and who has become a parent and to five years for political refugees and stateless persons. Naturalization is extended automatically to all minor and unmarried children, yet there is no provision for children of foreign parents born in Greece. Second generation and even third generation children are excluded from automatic access to nationality if their parents have not naturalized. The rule of acquiring Greek nationality at birth, *jus solis*, is extremely restricted in Greek citizenship law. It is only relevant in cases of adopted children, children born out of wedlock or to individuals of unknown nationality who are born on Greek territory.

From a comparative perspective, Greece's performance on naturalization is well below the European average.[2] This is illustrated in its extremely low naturalization rates: fewer than 14,000 people acquired Greek citizenship from 1985 to 2003 (Christopoulos 2007: 267). This number accounts for less than 2% of the total immigrant population. The exclusionary policy with respect to immigration is not only reflected in the provisions for citizenship acquisition but is also evident in the lack of a legal framework that would facilitate the settlement of immigrants.

The Greek government adopted a substantially different policy towards immigrants of Greek descent. The category of homogenis includes two major groups: ethnic Greek immigrants from Albania (*Greek Albanians*) and the so-called home returnees from the former Soviet Union (*Soviet Greeks*). The first group refers to Albanian citizens of Greek ethnic origin and Christian Orthodox religion who are mainly from Southern Albania.[3] The second group refers to the Greek diaspora of the Soviet Union, mostly the so-called Pontic Greeks who claim their origin to be in "Pontos," the Black Sea coast of Turkey.[4] Even though the state's intention has been to limit the naturalization of allogenis immigrants, access to citizenship rights has been given to Soviet Greeks as a welcome gesture for their "repatriation" to the motherland. Considered as an important resource for the country's economy and demography, "a settlement plan was implemented inspired by the 'irreplaceable achievement' that is the successful settlement of the Minor Asia refugees of the 1923 compulsory population exchange" (Voutira 2004: 535).

A ministerial decision in 1990 aimed to ease and regulate the acquisition of citizenship by Soviet Greeks, which was defined as "a specific case" by the 1993 law. Soviet Greeks who wished to acquire Greek citizenship could apply through the so-called procedure of "verification of nationality." By means of a summary mode of acquisition, citizenship rights were granted upon proof of the applicant's descent by documents certified by the Greek consular authorities in the country of origin. The investigation of the applicant's "Greek national consciousness" was introduced as a supplementary criterion in 2000. Soviet Greeks who

do not wish to acquire Greek citizenship in order not to lose their existing one are provided with a special "card of homogenis." This is tantamount to semi-citizenship and grants them all but voting rights. According to Christopoulos (2007: 272), by 2003, approximately 125,000 of the estimated 180,000 Soviet Greeks residing permanently in Greece had acquired Greek nationality, mostly through the verification procedure. In addition to the Greek government's generosity towards the citizenship acquisition by Soviet Greeks, a series of favourable policies for employment, housing and language skills were also developed.

In the case of Greek Albanians, the Greek government had to balance its policy between the proclaimed moral obligation towards co-ethnics and the political considerations whereby Greek Albanians are deemed more important for the nation outside the nation rather than within it. In particular, the continuous presence of the Greek minority in Albania is considered vital to the promotion of Greek interests in that neighbouring country. Since there is a threat that Albania will withdraw Albanian citizenship from those who eventually acquire Greek citizenship, the Greek policy attempts to prevent the acquisition of Greek citizenship by homogenis from Albania (Tsitelikis 2007: 156). The status of these people was clarified in 1998 when they were granted the "card of homogenis." Although they are given preferential status as people without Greek citizenship but with Greek nationality, they receive fewer benefits than the Soviet Greeks and have no voting rights since they are excluded from citizenship. Therefore, in the Greek policy framework, rights are distributed according to ideologies of nationhood and political interests of the Greek state. This has produced a hierarchy of immigrant groups with varying statuses that are placed in concentric circles around the ethnonational core (Triantafyllidou and Veikou 2002).

In the case of Greek Albanians, the Greek government had to balance its policy between the proclaimed moral obligation towards co-ethnics and the political considerations whereby Greek Albanians are deemed more important for the nation outside the nation rather than within it.

Different trajectories?

Evidently the level of civic engagement differs substantially between homogenis and allogenis immigrants. The absence of formal political rights has not facilitated active civic participation on the part of allogenis immigrants in Greek public life. Although several immigrant associations have gradually emerged, they have few means to negotiate their needs and claims with the Greek authorities. Immigrant activism in mainstream associations like trade unions or political parties is also quite scarce (Gropas and Triantafyllidou 2005). In addition to their precarious legal status and lack of time and resources to devote to activities other than paid work, immigrants' lack of civic activism may also be related to their mistrust of the Greek state and a conscious abstention from visible participation in a socio-political context where ethnic difference is certainly not a privilege. Homogenis immigrants have more resources to mobilize in order to achieve their aims. In particular, Soviet Greeks – the majority of whom enjoy full political rights – have established a wide network of local associations.[5]

Less pronounced are the economic differences between allogenis and homogenis immigrants. For homogenis immigrants, immigration and settlement involved a substantial declassing and deskilling experience. Except for a small minority of Soviet Greeks and Greek Albanians who managed high economic returns by means of transnational activities or ethnic entrepreneurship, the majority of these immigrants found themselves in insecure and low-status jobs, just like other immigrants.

There is a substantial lack of research on the cultural and social interactions between immigrants and native-born Greeks and on the role that formal inclusion and citizenship rights have played in that respect. A focus on the only group that enjoys full citizenship rights is instructive here. According to evidence from Thessaloniki's neighbourhoods, it seems that Soviet Greeks and native-born Greeks avoid each other and that representations are mutually prejudiced (Pratsinakis forthcoming). Disappointed by the experience of return to their homeland, Soviet Greeks stick to their own community. Having immigrated collectively and been institutionalized as one group, they form visible ethnic neighbourhoods in the city, and these appear alien and unassimilated to local Greeks. Paradoxically, the group, which is by legal definition the closest to the ethnic cultural core, is the one that appears the most different at the local level.[6] This is simply because it is the only group that is able to present its differences. The impressive Russian-style wooden church, inaugurated in 2005 in the western part of the city of Thessaloniki, testifies symbolically to this: it is the only temple built by an immigrant group, challenging the homogeneity of the city's religious townscape.

This "difference," however, is used by local Greeks to question the immigrants' true Greek descent. Disillusionment is also expressed on the part of native-born Greeks who see Soviet Greeks as "Russians," "lazy" and "ignorant" in comparison to the 1923 refugees (Voutira 2004: 537). The legacy of the "successful assimilation" of Asia Minor refugees more than 80 years after their arrival is used as the point of reference for Soviet Greek repatriation. At the local level, criteria of Greekness are used in a "flexible" way to include only those who "behave properly" and exclude those who do not (Pratsinakis forthcoming). So even if Soviet Greeks are positively framed at the policy and ideological level, their

social exclusion at the local level is not prevented. Indeed, this is a much more complex situation, one which cannot be explained in terms of access to citizenship rights. Yet, it evinces that although citizenship acquisition is a fundamental part of social inclusion, it is not sufficient.

A comparison of the immigration policy implemented towards homogenis and allogenis immigrants is revealing. On the one hand, the presence of a significant allogenis immigrant population was consistently treated as a temporary phenomenon rather than as a permanent feature of the contemporary Greek state. On the other, favourable policies encouraged the return of Soviet Greeks. This differentiated policy approach is closely linked to the nation's self-perception as a homogenous Greek orthodox entity. According to this perception, only immigrants of Greek descent may be an important resource for the country, in contrast to allogenis immigrants who are viewed as a threat to both the social cohesion and to the cultural homogeneity of the nation. Nationality law served as the main tool to secure this ideology and the political interests of the state. Access to citizenship rights has been given to Soviet Greeks as a welcome gesture for their "repatriation" to the motherland, whereas strict naturalization requirements are aimed at limiting the naturalization of allogenis immigrants.

Since Greece has become a de facto immigration country, there is an urgent need to reconsider citizenship law. The present framework puts allogenis immigrants in an awkward situation where they are forced to conceal their differences and behave like Greeks while at the same time are not "Greeks" (Christopoulos 2004: 362). This situation is especially problematic for second generation immigrants whose home is the receiving society but who become foreigners as soon as they reach the age of 18 under the current law. The new code of nationality, which was passed at the end of 2004 (Law *3284*), appears as a lost opportunity because it "abstains from introducing any new perspective that would meet the current challenges" (Christopoulos 2007: 255). The example of Germany shows that states are not slaves of their "cultural idioms" of nationhood but may devise flexible citizenship policies in response to immigration (Joppke 1999b: 644-645). What, however, may prove to be a much more difficult task is the reinvention of Greek nationality in favour of a model that is much more open to pluralism. The dominant norm of the homogenous Greek nation needs to be deconstructed since it not only posed major obstacles to the inclusion of allogenis immigrants but also to the acceptance of the Soviet Greeks. Any aspect of their identity that is not considered "Greek" marks a boundary between them and native-born Greeks.

References

Baldwin-Edwards, M. 2005. "Statistical Data on Immigrants in Greece." *Mediterranean Migration Observatory*. Retrieved from <www.mmo.gr/pdf/general/IMEPO_ Final_Report_English.pdf>.

Boeschoten, V. R. 2008. "Public Memory as an Arena of Contested Meanings: A Student Project on Migration." In *Oral History and Public Memories*. Edited by P. Hamilton and L. Shopes. Philadelphia: Temple University Press, p. 211-230.

Castles, S., and A. Davidson. 2000. *Citizenship and Migration: Globalization and the Politics of Belonging*. London: Macmillan Press.

Christopoulos, D. 2007. "Greece." In *Acquisition and Loss of Nationality. Volume 1: Comparative Analyses*. Edited by R. Baubock, E. Ersboll, K. Groenendijk, and H. Waldrauch. Amsterdam: AUP IMISCOE Research, p. 253-287.

Christopoulos, D. 2004. "The Immigrants in the Greek Political Community." In *Greece of Immigration. Social Participation, Rights and Quality of Being Citizen*. Edited by D. Christopoulos and M. Pavlou. Athens: Kritiki/KEMO, p. 338-336. (In Greek)

Gropas, R., and A. Triantafyllidou. 2005. "Active Civic Participation of Immigrants in Greece." Report prepared for the European research project POLITIS, Oldenburg. Retrieved from <www.uni-oldenburg.de/politis-europe/download/ Greece.pdf>.

Hirson, R. 2003. "Consequences of the Lausanne Convention: An Overview." In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey*. Edited by R. Hirschon. New York/Oxford: Bergman, p. 13-23.

Joppke, I. 1999a. *Immigration and the Nation-State: The United States, Germany, and Great Britain*. Oxford: Oxford University Press.

———. 1999. "How Immigration is Changing Citizenship: A Comparative View." *Ethnic and Racial Studies* 22, 4, p. 629-652.

King, R., A. Fielding, and R. Black.1997. "The International Migration Turnaround." In *Southern Europe and the New Immigrations*. Edited by R. King and R. Black. Brighton: Sussex Academic Press, p. 1-25.

Pratsinakis, E. 2009 (forthcoming). *Is Difference a Privilege of the Same? Soviet Greek and Albanian Immigrants in Thessaloniki*. AUP IMISCOE Book Series.

Pratsinakis, E. 2005. "Aspirations and Strategies of Albanian Immigrants in Thessaloniki." *Journal of Southern Europe and the Balkans* 7, 2, p. 195-212.

Niessen J., T. Huddleston, and L. Citron. 2007. "Migrant Integration Policy Index." *British Council*. Retrieved from <www.integrationindex.eu/multiversions/2712/ FileName/MIPEX-2006-2007-final.pdf>.

Triandafyllidou, A,. and M. Veikou. 2002. "The Hierarchy of Greekness. Ethnic and National Identify Considerations in Greek Immigration Policy." *Ethnicities* 2, 2, p. 189-208.

Tsitselikis, K. 2007. "Citizenship in Greece: Present Challenges for Future Changes." In *Multiple Citizenship as a Challenge to European Nation States*. Edited by D. Kalekin-Fishman and P. Pitkanen. Rotterdam/Taipei: Sence Publishers, p. 145-171.

Voutira, E. 2004. "Ethnic Greeks from the Former Soviet Union as 'Privileged Return Migrants.' " *Populations, Societies* 3, p. 533-544.

Wallerstein, I. 2003. "Citizens All? Citizens Some! The Making of the Citizen," *Comparative Studies in Society and History* 45, 4, p. 650-679.

Notes

[1] King's model emphasizes specific features of the South European economy along with the gradual end of rural-urban migration in all countries, common demographic trends and social changes.

[2] See the work by J. Niessen, T. Huddleston and L. Citron. 2007. "Migrant Integration Policy Index" *British Council*. Retrieved from <www.integrationindex.eu/multiversions/2712/FileName/MIPEX-2006-2007-final.pdf>.

[3] Due to their Greek descent, they are legally differentiated from other Albanian immigrants. As previously mentioned, Albanians of Albanian descent are the major immigrant group making up approximately half of the allogenis immigrant population. Greek Albanians are much fewer in number: no official data are available, but estimates vary from 100,000 to 200,000 persons.

[4] Pontic Greeks left Pontos for Russia during the 19th century or during the turbulent period from 1914 to 1923. After the Greco-Turkish war in 1922 and following the population exchange, they completely deserted their homeland, fleeing either to Greece as political refugees or immigrating to Russia. The Pontic diaspora of FSU is found in small cultural enclaves in South Russia, South Caucasus and Central Asia, where they had been deported during the Stalinist era. Formally, Pontic Greeks are referred to as repatriated Greeks (*palinnostoundes*), which is actually an incorrect term because they are not returning to their native land: they had never lived in Greece.

[5] It should be noted, however, that political parties have a strong hold over Greek state administration as a result of the relations between the state administration and immigrant groups of a political and clientelistic nature (Gropas and Triantafyllidou 2005).

[6] Generally, allogenis immigrants remain rather invisible due to their prolonged undocumented residence and their precarious legal status. In particular, Albanians of Albanian origin have had no option but to try to fit in due to their widespread stigmatization. They have followed strategies to blur the boundary that is set to exclude them by identity encryption, passing as Greek Albanians and then by actively claiming similarity in a common way of life with the Greeks. Although they managed to gain social acceptance at the local level, inclusion happens mostly at the individual level, even against the stigmatized image of the Albanian immigrant, which remains intact (Pratsinakis 2005).

SECULARISM IN INDIA TODAY

How Misunderstandings and Distortions Jeopardize our Citizenship Ideals

ABSTRACT

Over several centuries, India developed a distinctive conception of political secularism that espoused a policy of principled distance and was sensitive to conditions of deep religious diversity. In so doing, it aimed to provide citizenship rights to all. This conception of secularism is crisis-ridden in India, partly because neither its advocates nor its opponents properly understand it. But it is also shaken by deliberate distortion: it has nearly come to be equated with a form of ethno-religious majoritarianism, which is leading not only to systematic denial of citizenship rights – particularly for minorities – but also to their deepening estrangement from the polity.

RAJEEV BHARGAVA

Rajeev Bhargava is Senior Fellow and Director, Centre for the Study of Developing Societies in New Delhi. He has been a visiting professor and fellow at several European and North American universities. His publications include, among others: *Individualism in Social Science* (Clarendon Press, 1992), *Multiculturalism, Liberalism and Democracy* (edited with A. Bagchi and R. Sudarshan, OUP, 1999), and *Politics and Ethics of the Indian Constitution* (OUP, Delhi, 2008). He has also contributed to the *Routledge Encyclopedia of Philosophy* and the *Oxford Handbook of Political Theory.*

Secularism in India is in a crisis. This article focuses on the particular set of conceptions that serve as the backdrop to this crisis. It would seem that social and political actors who use the term "secularism" either fail to properly understand its meaning or distort it. This failure of understanding what secularism means and the willful or unwitting distortion of what the term stands for is at least partly responsible for the crisis of secularism in India.

What is Indian secularism? What is the most plausible and defensible interpretation of its conceptual and normative structure? It is not easy to answer this question. Over the last three decades, the practices of the Indian state have been deeply mired in such confusion and contradiction that it is extremely hard to read precisely what model of secularism is at work here. We must cut through the ideological babble and retrieve the Indian model of secularism by examining the principal documents of the movement for Indian independence and the debates of the constituent assembly. Space does not permit us to expand on the process of such a retrieval, but only on the conclusions of this author's inquiry (Bhargava 2002, 2006, 2006a). Moreover, since the main features of Indian secularism can be better grasped by juxtaposing and contrasting it with the mainstream Western conception of secularism (MWS), let us first list its features.

Mainstream conception of Western secularism

Generally speaking, secularism is a view by which the state must neither be theocratic nor establish any religion and therefore must be separated from religion for the sake of certain values, including peace, liberty and equality, to name just a few. For some, the overriding value of this separation is liberty. Thus for the American version of secularism, state and religion must be separated in order to protect the freedom of the individual, including religious freedom. Early Western conceptions of secularism, which emerged prior to the birth of modern democracies, were centered on negative liberty. Later, equality of citizenship also began to matter. Secularism became vital because citizenship rights had to be distributed regardless of the sectarian or religious affiliation of individuals. Thus in the French Republican conception, the state must be separated from religion for the sake of equality of citizenship. For both freedom-centered and equality-centered models, however, the bearer of rights was, without a doubt, the individual. This is not surprising. MWS developed in predominantly single-religion societies. Their primary concern was *intra*-religious domination. For example, the French model grew out of a radical disquiet with an oppressive Church and the power of the clerics – an intra-religious issue – and valorized a citizen-oriented state as an alternative to the Church. The American model was partly concerned with peace between denominations but was primarily shaped by a larger Protestant ethos that gave primacy to the freedom of the individual to interpret the core religious beliefs as he or she saw them – again, intra-religious issues. A corollary to this is that MWS has generally neglected *inter*-religious domination. This is evident in the absence of commitment in most Western constitutions to the rights of religious communities. Furthermore, these versions generally granted overriding primacy to one value or the other: liberty, in the case of the American model, and equality of citizenship, in the French. These conceptions are single-value doctrines of individualist secularism. At least one of these – the French model – strongly believes that religion must be a private matter and not brought into the public domain. Many American liberals also interpret their own version of secularism in this manner. Thus, MWS has the following four features: a) it focuses on intra-religious domination; b) it is predominantly a single-value doctrine; c) it is tied to individualism; and d) it is committed to the privatization of religion.

A fifth feature of MWS is that it conceives separation either as mutual exclusion or as one-sided exclusion. Mutual exclusion means that neither the state nor religion can interfere in the other's jurisdiction. The state can neither help nor hinder religion. Likewise, religion must not intervene in the affairs of the state. This idea of separation is best captured by the Jeffersonian metaphor of a wall of separation between the religion and the state. One-sided exclusion means that the state may intervene in the affairs of religion but religion is not permitted to interfere in the affairs of the state. Such intervention usually takes the form of hindering religious activity but may constitute some form of facilitation – except that the motive underlying this help is control of religion. Thus the state may set up a Ministry of Religious Affairs or pay the salaries of the clergy, but the underlying motivation behind the provision of such facility is to confine religion within a framework entirely determined by the state. The theoretical self-understanding of MWS is that separation must mean either of these two forms of exclusion of religion from the activities of the state.

A sixth feature flows from this. MWS forces us to choose between active hostility and passive respect towards religion. By taking a hands-off approach to religion, the American wall of separation model espouses the idea that the only way to show respect for religion is to not interfere in it. This is passive respect. Active, though sometimes concealed, hostility is the hallmark of one-sided exclusion.

The distinctiveness of Indian secularism

Each of the features of the Indian conception is decidedly different from its counterparts in the Western model. To begin with, the Indian model responds *simultaneously* to intra-religious and inter-religious domination. In Indian society, a land not of recent immigrants but witness to continuous migration over the course of several millennia, it is hard to distinguish migrants from settlers. This continuous influx has added layers of heterogeneity to India so that the country is marked by deep religious diversity of two broad varieties:

- ***Diversity of religions:*** India is a land not only of Hindus but also of Buddhists, Jains, Sikhs, Muslims, Christians, and Parsis, to name just a few faiths.
- ***Diversity within religions:*** This refers to different sects within Islam and Christianity. Hinduism itself is not a monolithic religion but a federation of faiths and, therefore, marked by radical internal diversity. This diversity is not only horizontal but also vertical. Its vertical hierarchy developed as low-castes, out-castes and women, to name a few, were compelled to develop different practices once they were excluded from the mainstream.

[T]he Indian model responds *simultaneously* to intra-religious and inter-religious domination. In Indian society, a land not of recent immigrants but witness to continuous migration for several millennia, it is hard to distinguish migrants from settlers. This continuous influx has added layers of heterogeneity to India so that the country is marked by deep religious diversity.

Now endemic to diversity is the threat of domination. This being so, diversity within religion can easily turn into intra-religious domination (also a feature of MWS), while diversity between religions can easily breed inter-religious domination. Given that multiple religions are the very foundation of Indian secularism and not just an optional extra, and given the threats of multiple forms of domination, Indian secularism has had to evolve into a multi-value doctrine – the second feature of Indian secularism. For the Indian model, liberty of individuals is important. Individuals must have the right to dissent from the dominant interpretation of their religious communities. They also need to be protected from discrimination on grounds of religion and be granted equal citizenship rights. For example, every individual has the right to vote, stand for public office and deliberate on public matters, regardless of their religion. But as important as individualist values are community-oriented values. For example, it is important to have peace within and between communities. Equally crucial is the need to check religious majoritarianism. In other words, Indian secularism protects the freedom of religious communities to maintain their own practices or shape them by their own lights. Likewise what is important is not only equality among individual citizens but also a rough equality among religious communities. This makes Indian secularism sensitive to the rights of religious communities. In short, religion must be separated from the state for the sake of many values, including those of liberty and equality, in which both liberty and equality are construed individualistically as well as non-individualistically. Combining and reconciling all of these values is never easy but is nevertheless unavoidable if the reasons for separation stem from multiple values.

Third, Indian secularism is not entirely averse to the public character of religions. True, the state is not identified with a particular religion or with religion more generally (there is no establishment of religion and no theocracy). Yet official, and therefore public, recognition is granted to religious communities.

Fourth, it does not erect a wall of separation between state and religion. There are boundaries, of course, but these are porous. They allow the state to intervene in religions,

to help or hinder them, but without the actual intention of controlling them. Thus the state may grant aid to educational institutions of religious communities or intervene to correct gender inequalities on a non-preferential basis; moreover, its policies may differ from religion to religion. For example, a particular religious community may be granted exemptions from some laws or dress codes applicable to all others, and the state may intervene only in the social institutions of a particular religious community because they deny equal dignity and status to their own members. The ban on untouchability and the obligation to allow everyone, irrespective of their caste, to enter Hindu temples is another example based on a more sensible understanding of equal concern and respect for all individuals and groups. In short, Indian secularism interprets separation to mean not strict mutual or one-sided exclusion or strict neutrality but rather *principled distance*.

Fifth, this model shows that we do not have to choose between active hostility and passive indifference, or between disrespectful hostility and respectful indifference. We can tolerate the necessary hostility as long as there is also active respect: the state may intervene to inhibit some practices, so long as it shows respect for the religious community and does so by publicly lending support to it in some other way.

Sixth, by not fixing its commitment from the start exclusively to individual or community values or marking rigid boundaries between the public and private spheres, India's constitutional secularism allows decisions on these matters to be taken within the open dynamics of democratic politics – albeit with basic constraints such as abnegation of violence and protection of basic human rights, including the right not to be disenfranchized.

In this author's view, the development of India's version of secularism is one of the sub-continent's greatest achievements and it would not have been possible without the experience of a long history of deep-rooted diversity. Further, under conditions of radical religious heterogeneity, this model is morally superior to its mainstream Western versions. It is therefore deeply ironical that its nature and value are misrecognized in the very region where they were fully developed.

Indeed, it is *this* model of secularism which is in crisis in India. Several scholars believe that Indian secularism is no different from mainstream Western conceptions. They then go on to show that this generalized, indeed universal doctrine of secularism cannot work in India. Such critics find some essential, irredeemable flaw in secularism. This contention is deeply mistaken. There are no cultural or civilizational reasons that account for the crisis in Indian secularism. Its crisis is due to a continuous but contingent assault on it by Hindu ultra-nationalists and because of the opportunism of various political parties. It stems from the lack of nerve on the part of constitutional secularists. Most importantly, as mentioned earlier, it is due to internal misunderstanding and deliberate distortion.

Indian secularism misunderstood

Some proponents of secularism look to the French model as a prism through which to understand the Indian version. Other advocates display some ability to move away from this model but then, because of a false sense of fairness, view it in an extremely partial and one-sided manner. These proponents reduce Indian secularism to a single-function doctrine, which is designed solely to defend the rights of minorities. In doing so, they open themselves up to the charge of "minorityism", an accusation that is largely false and frequently mischievous. Opponents of secularism (predominantly Hindu ultra-nationalists) also view it through the lens of mainstream Western conceptions and then redraw its conceptual contours in such a way that it becomes indistinguishable from a doctrine defending the will of the religious majority. Neither is able to grasp the basic and distinctive features of the Indian model of secularism whereby the state must keep a principled distance from all public or private, individual- or community-oriented religious institutions for the sake of the equally significant (and sometimes conflicting) values of peace, this-worldly goods, dignity, liberty and equality (in all of its complicated individualistic and non-individualistic versions).

[M]any proponents of secularism fail to explain why the state appears to intervene negatively only in one religion, namely Hinduism. Why ban untouchability or alter Hindu personal laws but adopt a policy of non-interference in a minority religion such as Islam? Why does the state not intervene in Muslim personal law?

For example, many proponents of secularism fail to explain why the state appears to intervene negatively only in one religion, namely Hinduism. Why ban untouchability or alter Hindu personal laws but adopt a policy of non-interference in a minority religion such as Islam? Why does the state not intervene in Muslim personal law? Why adopt a policy of one-sided exclusion for Hindus and of mutual exclusion for Muslims? Why this differential treatment? And when the state intervenes in minority issues, why does it do so to help only the minorities, for example by a subsidy for Haj or support for minority educational institutions? If one identifies separation with either mutual or one-sided exclusion as proponents of secularism usually do, a good justification for such policies is hard to come by. If one interprets separation as mutual exclusion, then it is hard to understand why at all the state is allowed to intervene in religion. If it means one-sided exclusion, why intervene only in Hinduism? Such secularists have no proper response because they have no proper understanding, let alone a theory of what separation really means or stands for. Their confused utterances or silence only ends up making secularism

identical with positive intervention of the state in favour of the rights of religious minorities. Hindu ultra-nationalists, who are generally anti-secularists too, then add fuel to the fire by wrongly claiming that the exercise of these rights is always at the expense of the majority. They then point to the American model of mutual exclusion and charge proponents of secularism of not being properly secular and of being pseudo-secular instead. There is a lot of mischief with the facts here: for example, no figures are ever provided as to the expenditure by the state on arrangements for Hindu fairs attended by several million devotees. But this is not at issue here. The point, rather, is that the proponents of secularism in India can save it from such criticism if they correctly understand separation to mean principled distance. They can then justify why the state may contextually help or hinder religion and why it may even intervene, positively or negatively, in one religion more than in others. They forget to make the point that is central to the notion of principled distance: that sometimes treating all religious communities as equals requires differential treatment. There is nothing wrong with allowing Sikhs to wear turbans in the armed forces if everyone recognizes the deep significance this has for Sikhs but not for other religious people. Nor is anything wrong if upper-caste dominated Hindu temples are singled out for state intervention in order to prevent the exclusion of Dalits, should they wish to enter them. True, the failure of reforms in Muslim personal law is an anomaly that needs fixing, but the grounds on which to do so need to be properly understood.

[S]ometimes treating all religious communities as equals requires differential treatment. There is nothing wrong with allowing Sikhs to wear turbans in the armed forces if everyone recognizes the deep significance this has for Sikhs but not for other religious people. Nor is anything wrong if upper-caste dominated Hindu temples are singled out for state intervention in order to prevent the exclusion of Dalits, should they wish to enter them.

Indian secularism distorted

The crisis of Indian secularism is also due to another strategy adopted by Hindu ultra-nationalists who have slowly changed the meaning of secularism and made it indistinguishable from an ideology of states with established religion. How have they done so? First, by conflating theocracy with states with established religion and working with a simple theocracy/secular state binary. By showing that they do not wish the state to be governed by a priestly class in accordance with divinely ordained laws but rather by a political class in accordance with laws made by actual peoples, they claim that they are in favour of a secular state. A non-theocratic state, they say, is one that separates itself from religion and is therefore secular. But a non-theocratic state is not automatically secular. It can formally align itself with a particular religion and thereby establish it. Hindu ultra-nationalists may not be theocratic but nor are they secular because they stand for a *de facto* alliance with the faith and the cumulative tradition of one religious community.

Second, over a period of time, and in the eyes of large sections of Hindu society, they have managed to break the connection of a secular state with the defense of minority rights and more generally with equality of citizenship rights – not only the religious rights of minorities, but the rights of minorities are to have a voice in the deliberative process and to stand in elections to the legislative assembly. Furthermore, they have successfully sold a discourse in which the only right that matters to religious minorities is the right of individuals to worship as they please. In short, they have slowly planted the idea that the only values underlying a non-theocratic (secular) state are at peace between communities and, under certain conditions and within specified limits, the protection of the religious liberties of individuals. Once they have distorted the meaning of secularism, they can cite the absence of communal rioting when they are in power as evidence of the secular character of states governed by it. But notice how absurd this is. If secularism means the mere absence of communal violence and the freedom of members of minority religious groups to worship as they please, then it is fully compatible with the public and political dominance of Hindus and therefore with Hindu ethno-religious nationalism. The state can then claim to be secular in the same breath as it allows the de-privatization and re-politicization of Hinduism, and the simultaneous privatization and de-politicization of the non-Hindu religions of India. In short, secularism is forced to be compatible with a full-blooded religious majoritarianism or Hindutva, a brand of Hindu nationalism, and citizenship is thereby linked to specific ethno-religious affiliation.

We cannot put all the blame on one single party, that of Hindu ultra-nationalists, the Bharatiya Janata Party. The Congress Party has also contributed this confusion and subsequent crisis. It has frequently identified secularism with the multiple establishment of religions. It has espoused the view that Indian secularism implies that the state has equal respect for all religions, which is exactly the practice of states that establish multiple religions. Indeed, its practice has sometimes been worse: to support the most extremist fringe of every religious group. When such groundwork is already prepared, it is only a small step to then say that because Hindus are the majority, nothing untoward happens if the state supports Hinduism more than any other religion.

The state may respect all religions, but not equally so. Clearly, on this account, secularism means the defense of a non-theocratic state that has an overwhelming allegiance to a dominant religious group so that even under the condition of inequality the state manages to maintain a modicum of peace.

Of course, after the brutal massacre of Muslims in Gujarat in 2002, even this completely distorted idea of secularism has taken a beating. The state-sponsored violence in Gujarat shattered the myth that a state controlled by Hindu ultra-nationalists can prevent communal massacres or maintain civic peace. Paucity of space does not allow a narration of how this came about. But the cultural and conceptual groundwork for such horrendous events has long been in preparation.

The fate of Indian secularism still hangs in the balance. Despite the best efforts of activists and intellectuals and the overtures of the Congress party to redress the grievances of Muslims and other minorities, there remains a continuing denial of citizenship rights and, as a result, a persistent ghettoization and alienation of minorities. At the time of writing this, Kashmir is in turmoil again and the polarization between the Hindus of Jammu and the Muslims of the Kashmir valley is becoming more and more congealed. If India does not stem this rot, the world will witness not only the failure of one of the great experiments of secular democracy in a radically heterogeneous society, but will also lose one of the major conceptual innovations of the sub-continent.

References

Bhargava, R. 2002. "India's Secular Constitution." In *India's Living Constitution* (*Permanent Black*). Edited by E. Sreedharan, Z. Hasan, and R. Sudarshan. Delhi.

———. 2006a. "The Distinctiveness of Indian Secularism." In *The Future of Secularism*. Edited by T. N. Srinivasan. Delhi. Oxford University Press.

———. 2006. "Political Secularism." In *A Handbook of Political Theory*. Edited by J. Dryzek, B. Honnig, and A. Philips. Oxford: Oxford University Press.

NATIONALITY IN ISRAEL

ABSTRACT

This article opens with the legal framework in which Israeli nationality functions: the different ways of acquisition, renunciation and revocation of nationality under Israeli law generally, and the special provisions regarding enemy aliens. It then reviews the ethno-national aspects of Israeli nationality policy, and concludes with a look to the future on these matters.

NA'AMA CARMI

Na'ama Carmi received her Ph.D. in philosophy from Tel Aviv University and teaches at the Law Faculty of Haifa University. Her research interests include human rights, immigration and liberalism. She has published a book and several papers dealing with immigration and the *Law of Return*.

The legal framework

Nationality acquisition and naturalization

The *Nationality Law* regulates the acquisition of Israeli nationality. This law states that Israeli nationality is acquired by return, residence in Israel, birth, birth and residence,[1] adoption, naturalization and granting (*Nationality Law* 1952, articles 2-4). The cornerstone of nationality acquisition, Return, is unique to Israeli immigration and citizenship laws. The *Law of Return* does not grant nationality, but rather upholds the right of every Jew and his or her family members to come to Israel as an *Oleh*, which is a special term that refers to a Jew who returns to his homeland (as opposed to an immigrant to Israel) (*Law of Return* 1950, article 1). The link between the right of return and the right to acquire nationality is established in the *Nationality Law*, which grants nationality by return to every *Oleh* in accordance with the *Law of Return* (*Nationality Law*, article 2). The implication is that Jews who immigrate to Israel under the *Law of Return* acquire nationality automatically, as though they had acquired it at birth. The sweeping right to come to Israel as an *Oleh*, under the *Law of Return*, has three limitations: if the applicant is a) engaged in an activity directed against the Jewish people; b) likely to endanger public health or the security of the State; or c) a person with a criminal past, likely to endanger public welfare. Only when one of these limitations is met is the Minister of Interior entitled to withhold the right to immigrate by virtue of the *Law of Return*. In practice this right has very rarely been denied.

A person who does not enjoy the right of return but seeks to naturalize in Israel has to meet six requirements: a) presence in Israel; b) presence in Israel for three of the five years preceding the day of submission of the application; c) entitlement to reside in Israel permanently; d) settlement, or intention to settle, in Israel; e) some knowledge of the Hebrew language; and f) renouncement of prior nationality or proving that the applicant's foreign nationality will cease to be valid once he or she becomes an Israeli national.

Naturalization in Israel (as in any state) is a privilege and not a right, and is subject to the discretion of the authorities – in the Israeli case, that of the Minister of Interior.[2] When all of the aforementioned requirements are met, the Minister of Interior, if he or she thinks it fit to do so, may grant citizenship to the applicant. Prior to obtaining nationality the applicant must declare loyalty to the State of Israel (*Nationality Law*, article 5c). The Minister of Interior has the authority to exempt spouses of Israeli citizens (or of naturalization applicants) from the requirements tied to naturalization (article 7) and to exempt other applicants from some of these requirements (article 6d). Persons who served in the Israeli Defence Forces (IDF) or who lost a son or daughter in such service are exempt from these requirements (article 6a).

Renunciation and revocation of nationality

An Israeli national may declare that he or she desires to renounce his/her Israeli nationality; such renunciation is subject to the consent of the Minister of the Interior (article 10a, c). Israeli nationality may be revoked without this consent in three cases: a) unlawful exit from Israel to one of the states mentioned in the *Prevention of Infiltration Law*, or acquisition of the nationality of such a state;[3] b) committing an act of disloyalty towards the state of Israel; and c) nationality acquisition on the basis of false details. In the first case, a person is deemed to have renounced his/her Israeli nationality and it will be terminated on the day of his/her exit. The other two are at the discretion of the Minister of Interior. Both are problematic, procedurally speaking, as they grant the power to revoke nationality to an administrative authority, and do so without judicial procedures, although it is possible to petition the High Court of Justice to review a decision made by the Minister of Interior. The third instance is also problematic, as it is difficult to define "disloyalty." On the question of nationality revocation, a bill providing for the transfer of authority to the courts was presented to

the Knesset, the Israeli Parliament.[4] Revocation of Israeli nationality is not contingent upon possessing another nationality, so the person whose citizenship is revoked may, in fact, become stateless.[5]

The *Citizenship and Entry into Israel Law (Temporary Provision),* 2003

Originally, this law prohibited Palestinians from the Occupied Territories from gaining any status whatsoever in Israel, with a few exceptions.[6] The backdrop to the law was a series of terror acts against Israeli citizens, some of which were committed by Palestinian residents who had gained legal status in Israel by marrying Israeli citizens. The law limits the authority of the Minister of Interior under the *Nationality Law* to grant citizenship (*The Nationality Law*, article 5b), in order to facilitate the naturalization of spouses of Israeli citizens (article 7) and to grant a visa to reside in Israel in accordance with the *Entry into Israel Law*. The law was upheld by the Supreme Court of Israel, which rejected (by a majority of 6-5) petitions to declare the law unconstitutional. While rejecting the petition, a majority of judges on the Court were of the opinion that the law violates the constitutional right to family life.[7]

An amended version of the law, enacted in 2007, added citizens or residents of Iran, Lebanon, Syria and Iraq to the category of persons whose entry is prohibited. This was done to broaden the category of enemy aliens, so as to make it more defensible in court. A petition against the amended law is pending (HCJ 466/07).

As its title indicates, this is a temporary provision and the Knesset must renew it every six months.

Ethno-national aspects

The individual right granted by the *Law of Return* to every Jew and his or her family members to come to Israel as an *Oleh* gives the Israeli immigration policy a decidedly ethnic-national character. Such preference by law in matters of immigration and citizenship is compatible with international law, which grants each state the authority to decide its immigration and naturalization laws provided they do not discriminate *against* a particular nationality.[8] The legitimacy of the temporary provision mentioned above is less clear, and it attracted criticism from UN treaty bodies.[9] The amended temporary provision, however, widened its original application to enemy aliens and it is not at all clear that such prohibition is not within the sovereign authority of states.

The application of the *Law of Return* is broader than that of immigration law. The Law states that a Jew who was born in Israel, whether prior or following its enactment, shall be deemed to be a person who has come to the country as an *Oleh* under this law (article 4). Until 1980, Jews who were born in Israel acquired nationality by return, although they did not immigrate or return to the country from another place. Since the amendment of the law in 1980, Jews born in Israel (to a national parent) acquire nationality by birth and not by return. Nevertheless, the above article that applies the *Law of Return* to Israeli-born Jews remains unchanged. The legal situation prior to 1980 established, as a matter of fact, two routes of nationality acquisition and distinguished between Israeli-born persons, according to their national affiliation: Jews acquired citizenship by return, i.e. by *jus sanguinis*, while Arabs acquired citizenship by birth, i.e. by *jus soli*. The manner in which nationality was acquired had no practical consequences. The difference was symbolic, but significant (Carmi 2006).

Perhaps this distinction was created in order to apply the same path to nationality acquisition to all Jews in Israel, whether or not they were born there or immigrated to the country. But this result could have been achieved by the opposite and more intuitive statement that those who immigrated would acquire nationality as though they had been born in Israel. It seems that on a deeper level, underlying the legal-practical answer, lies a more fundamental principle. This principle was expressed by Prime Minister David Ben-Gurion, when presenting the *Law of Return* to the Knesset. Ben-Gurion declared that the right of return is "inherent" to every Jew as a Jew, while the state only gives it a statutory status. The *Law of Return* has nothing to do with immigration laws. This is the "persistence law of the Israeli history" (*Divery H'Knesset* 6, 2037, 1950). Jews exercised this right after the establishment of the state, were born in it or their ancestors had exercised it ages ago. Their right to reside in Israel is an historic right, because at the centre of Jewish history lies the divine promise that the Land of Israel belongs to the Jewish people. Article 4 of the *Law of Return* expresses the historic right of every Jew to reside in the *Land of Israel*. Hence the preferred status of Jews in Israel: Jews are the owners of the country, and their right to reside there is not linked to the question of whether they returned to the country or were born there.[10]

> The *Law of Return* does not grant nationality, but rather upholds the right of every Jew and his or her family members to come to Israel as an *Oleh*, which is a special term that refers to a Jew who returns to his homeland (as opposed to an immigrant to Israel).

This issue indicates the ethno-national aspect of the Israeli immigration and nationality policy. The *Law of Return* indeed deals directly only with the *immigration* of Jews, but the fact remains that the main route to nationality acquisition in Israel is still Return. And although the *Nationality Law* enables naturalization, the policy implemented by the Ministry of Interior over the years makes it almost impossible for a non-Jew or a non-family member of a Jew to naturalize in Israel. The term "entitled under the *Law of Return*" was introduced into other laws as a euphemism for "Jew."[11] The *Law of Return* is one of the only laws using the explicit term "Jew," and

being regarded as expressing, and maintaining, the character of Israel as a Jewish state, it makes the terms "Jew" and "entitled to return" almost synonymous. Thus, the *Law of Return* is used to distinguish Jews and non-Jews in a wider context, not only when it deals with immigration applicants (p. 162-163).[12]

A view to the future

Although the *Law of Return* is subject to criticism on various grounds, it is hard to believe that it will be changed. Many people even think it should be granted constitutional status, and in all events view it as expressing the unique character of Israel as a Jewish state. The fear of "touching" the *Law of Return* also stems from the fear that political pressures for changes come from different, and opposite, directions. Thus, while liberal-left criticism of its non-liberal and non-universal character is sometimes heard, others seek to restrict its application to Jews alone, and to exclude their non-Jewish family members, especially their non-Jewish grand children. They aim to create a situation in which the scope of people covered by the *Law of Return* includes only Jews in accordance with the *halacha* (Jewish law), and to prevent immigration of non-Jews to Israel. It is possible that article 4 of the Law was not revoked after the 1980 amendment of the *Nationality Law* because of fear of changing such a fundamental and sensitive law as the *Law of Return.*

Another proposal brought forth is change to the *Nationality Law* so that it will no longer automatically grant nationality by return. Partiality towards Jews will persist in entry to Israel, but not in nationality acquisition (p. 172-183).[13] The *Nationality Law* would demand that all immigrants who wish to acquire Israeli nationality meet the same requirements. Such an amendment would bring Israeli nationality closer to the general concept of equal and common nationality.

References

Carmi, N. 2007. "The Nationality and Entry to Israel Case before the Supreme Court of Israel." *Israel Studies Forum* 22, 1, p. 26-53.

Carmi, N. 2006. "Shall be Deemed to be a Person Who Has Come to this Country as an *Oleh* under this Law: The Stamka Dilemma, the Purpose of the Law of Return and the Connection Between Return and Citizenship." *Mishpat Umimshal* 10, 1, p. 160. (In Hebrew)

Committee on Elimination of Racial Discrimination. 2007. CERD/C/ISR/CO/13, June 14.

Divery H'Knesset 6, 2037, 1950.

Gavison, R. 1999. *Can Israel be Both Jewish and Democratic.* The Van Leer Jerusalem Institute and Hakibbutz Hameuchad Publishing House, p. 160.

Israel. 2008. *HCJ 466/07.* Decision from May 5.

Israel. 2006. *Nationality Bill.* P/17/1708.

Israel. 1995. *National Security Law.* Article 378a.

Israel. 1952. *Nationality Law.* Articles 2-4.

Israel. 1950. *The Law of Return.* Article 1.

Israel. HCJ 7052/03, *Adala v. The Minister of Interior and others.*

Office of the High Commissioner for Human Rights. 1965. *International Convention on the Elimination of All Forms of Racial Discrimination.* Article 1.3.

Notes

1 A category aimed at Arabs who resided in the country or were born in it before the state of Israel was established. The original law made it difficult for part of this population, which escaped or was deported during the 1948 war, to acquire citizenship.

2 As to limitation of this authority, see section *c.*

3 The states counted in this law are: Lebanon, Syria, Egypt, Jordan, Saudi Arabia, Iraq, the Yemen, Iran, and any part of the land of Israel which is not part of the State of Israel. The new bill (2008), which replaces the *Prevention of Infiltration Law* of 1954, has passed first reading in the Knesset on May 2008. The amended list of states in this bill includes: Iran, Afghanistan, Lebanon, Libya, Sudan, Syria, Iraq, Pakistan, Yemen and the Gaza Strip.

4 P/17/1708, *Nationality Bill* (amendment – the authority to revoke nationality due to act of disloyalty), 2006.

5 Israel is not a contracting state of the Convention on the Reduction of Statelessness (1961), although it is a signatory to it.

6 The original law recognized three exceptions to this sweeping prohibition: granting a temporary permit of up to six months, for work or medical purposes; granting a permit in order to prevent the separation of a child, aged up to 12, from his or her parent who resides in Israel legally; and granting a permit in order to promote state security or other state interests. In August 2005, further exceptions were added. The age of a child who may be issued a visa to prevent separation from his/her parents was raised to 14, and the Minister was authorized to grant permits to the wife of an Israeli citizen if she is 25 years or older and to the husband of an Israeli if he is over 35 years of age.

7 HCJ 7052/03, *Adala v. The Minister of Interior and Others.* For an analysis of this case see N. Carmi. 2007. "The Nationality and Entry to Israel Case before the Supreme Court of Israel." *Israel Studies Forum* 22, 1, p. 26-53. The above section is mainly taken from there.

8 International Convention on the Elimination of All Forms of Racial Discrimination (1965), article 1.3.

9 Thus, the Committee on Elimination of Racial Discrimination noted, as its concluding observation regarding Israel's report to the committee (2007), that the temporary provision is not compatible with the convention and urged Israel to revoke the law and reconsider its policy. CERD/C/ISR/CO/13, June 14, 2007.

10 Supra note 21, p. 160-161.

11 For example, *The National Security Law*, 1995, article 378a.

12 But the law's consequences also make distinctions between Jews. Thus, in the Stamka case the Supreme Court rejected the petition of Jewish Israeli citizens to grant return rights to their alien spouses (most significant of which is the automatic right to citizenship under the *Nationality Law*). The *Law of Return* applies explicitly to all Jews, even if they were born in Israel, and the rights of Jews under the Law also applies to their family members. For a critique on the ruling in the Stamka case, see Ibid., p. 151-172.

13 Compare R. Gavison. 1999. *Can Israel be Both Jewish and Democratic.* The Van Leer Jerusalem Institute and Hakibbutz Hameuchad Publishing House, p. 160.

MIGRANTS AND ITALIAN CITIZENSHIP

ABSTRACT

Italy does not value migrants as citizens-to-be. A migrant non-EU citizen is eligible for nationality after ten years of residence. Children born in the country to migrant parents can become Italians only when they turn 18. However, the spouses of Italians can naturalize after six months of residence. The rules are still bound to a perception of Italy as an emigration country. A change is necessary: the law has to concur with the establishment of an agreement between the country and migrants who aim to achieve full political integration.

ENNIO CODINI

Ennio Codini is Professor of Public Law at Università Cattolica S. C. (Milan) and Head of the Law Studies Department at Fondazione ISMU (ISMU Foundation – Projects and Studies on Multiethnicity). His research focuses on the relationship between migration and law.

Political participation without citizenship

According to the Italian Constitution, migrants have opportunities to participate in public life. The law guarantees them certain political liberties, such as the right to form an association (even a political one) and the right to join political parties, and thus to participate in civil society. However, regardless of how long they have lived in Italy, migrants who are not EU citizens cannot vote or stand as candidates in local or regional elections, and local governments are not authorized to give the right to vote to migrants. Indeed, in 2004, the Municipality of Genoa approved statutory norms granting resident non-EU immigrants the right to vote in municipal elections – but in 2005, on the advice of the Council of State, the government annulled this provision.

The state does nothing to implement policies promoting political participation, such as providing information on existing opportunities or supporting organizations. The relatively low number of electoral registrations by EU citizens for local elections was partly blamed on the lack of such policies. Only a small number of cities have migrant-elected consultative bodies who discuss the policies that most affect migrants. The Prodi government has created a body for consultation but it is not active at this moment.

According to the Migrant Integration Policy Index (MIPEX)[1] published in 2007 by the British Council, Italian policies for political participation scored only "halfway to best practice" (with Sweden designated as having the best practice).

Actions have been initiated in favour of granting political rights to foreign residents at the local level. Right wing proponents, Gianfranco Fini in particular, have supported the notion of giving immigrants the right to vote in local elections, but these initiatives have not borne results. There is good reason to believe that, even if limited to the local level, political rights could foster involvement and hence integration, as shown by the experiences of other EU countries. In our opinion, however, the main road to facilitating the full participation of immigrants in public life remains access to citizenship.

Access to Italian citizenship

The Italian state does not value migrants as citizens-to-be and does not facilitate viable pathways to nationality as an indispensable means of integration. Despite decade-long initiatives to open access to citizenship (Arena, Nascimbene and Zincone 2006), Italy's policies remain unfavourable to migrants.

The 1992 *Nationality Law* (No. 91 of February 5) and related regulations introduced considerable new restrictions on foreigners applying for Italian citizenship – a migrant is only eligible for nationality after ten years of legal and uninterrupted residence (with only short periods of absence), provided he or she has no criminal record. For nationals of EU member states, the required period of residence is only four years, because EU citizens are considered foreigners, but with special cultural and political affinities. It should be remembered that Romanians have become, in just a few years, an important component of the population, both in absolute and in relative terms: in 2007, their numbers reached almost 400,000 (Blangiardo 2008). In the case of refugees and stateless persons, five years of residence are required.

While no specific financial criteria are mentioned in the Law as a condition for acquiring Italian nationality, it is in reality very difficult for migrants with low incomes to acquire citizenship, and lack of sufficient income is the most frequent cause for the rejection of an application . The procedure for citizenship application is quite lengthy and during the time it takes, migrants usually have an "irregular"

status. Indeed, it is estimated that about 70% of immigrants currently residing in Italy have been living in the country as undocumented residents – so, in actual fact, migrant non-EU citizens generally naturalize after 15 to 20 years of residence.

Authorities also consider whether or not the migrant is "integrated" and this is determined on a case-by-case evaluation, without public criteria, at the discretion of the authorities, and without a true statement of justification (Bariatti 1996). It is like a political issue. While the authorities carry out assessments of the applicants' linguistic skills and knowledge of the country's institutions, the evaluation is undertaken on a case-by-case basis or with "secret" criteria.

Although a citizenship ceremony doesn't take place, new citizens take an oath, as part of a bureaucratic requirement.

The children of newly naturalized migrants acquire Italian citizenship if they reside with their parent or parents. However, children born on Italian soil to migrant parents who both do not have Italian citizenship are only eligible to become citizens through facilitated naturalization. They can become Italian citizens by application when they turn 18, as long as they have lived in Italy without interruption with only short periods of absence. However many children of migrants are likely to have spent long periods of time with their grandparents in their family's country of origin. School attendance is unimportant. People under the age of 18 who were born in Italy to non-Italian parents have no way of acquiring Italian nationality before the age of 18. Even though these children are likely to be more integrated into Italian society than people of Italian descent living abroad, the latter are the most favoured by laws as regards the acquisition of Italian citizenship (Arena, Nascimbene and Zincone 2006). Only in situations where parents are stateless or do not transmit their own citizenship to their child, in accordance with the legislation of their country of origin, is the child automatically granted Italian citizenship, following the principle that every person has the right to citizenship.

However, according to article 5 of the 91/92 Law, the spouses of Italians can naturalize after living in Italy for just six months, or after three years of marriage without residence. This type of naturalization is granted by entitlement; it does not rely on the discretion of public authorities, who can only refuse the application if there are serious impediments such as a criminal record or evidence that the marriage is not genuine (Bariatti 1996, Arena, Nascimbene and Zincone 2006). The 1992 *Nationality Law* is very "familistic" (Zincone 2006). In fact, in the case of Italy, family ties in general – not only descent – are the main gatekeepers of nationality. In the last few years, approximately 87% of new citizenships have been granted through marriage (Arena, Nascimbene and Zincone 2006) and, logically, marriages of convenience have become widespread.

In the case of Italy, family ties in general – not only descent – are the main gatekeepers of nationality. In the last few years, approximately 87% of new citizenships have been granted through marriage and, logically, marriages of convenience have become widespread.

Previously, the state suggested that migrants seeking naturalization give up their nationality of origin. These days, however, migrants and their children can choose to retain their foreign nationality. According to MIPEX, Italian acquisition of nationality policies are "unfavourable" to integration (with Austria as being the most unfavourable).

During the 2006 national elections, a *Nationality Law* reform was part of the electoral platform of the centre-left coalition, which eventually won the elections. In August 2006, the Minister of the Interior, Giuliano Amato, brought in a government bill reducing from ten to five the number of years of regular residence required for non-EU citizens, and introducing the requirement (also applicable for acquisition of citizenship by marriage) of "real linguistic and social integration" and the acquisition of citizenship at birth, or *jus soli*, linked to five years of legal residence by at least one parent. However, the centre-left coalition rested on a very narrow majority and the proposed bill was not passed, in light of the anticipated dissolution of Parliament in 2008.

In 2007, the Fondazione ISMU – Iniziative e Studi sulla Multietnicità (ISMU Foundation – Projects and Studies on Multiethnicity) presented a document containing a detailed proposal of reform.

In general, the public and the political class in Italy are unable to recognize that effective citizenship policies are central to a long-term strategy for successful integration and, consequently, there remains a lack of debate about national identity and national values as they relate to the *Nationality Law*. The attention strongly focused on policies for the control of immigration because immigration is still generally perceived as an "emergency" measure.

A necessary change

The existing regulations are based on the principle of *jus sanguinis* and remain closely tied to a perception of Italy as an emigration country (Italy embraced *jus sanguinis* in order to expand the opportunities for descendants of emigrants – the Italian "virtual people" (Pastore 2001) – to recover Italian nationality). They are also tied to the way citizenship is perceived, that is in "ethnocultural terms," where a political community stems from people united by original common bonds and traditions, which can be traced prior to the creation of a political agreement. The 91/92 Law did not take into account the fact that Italy had become a country of immigration, even though this was a well-established reality in the early 1990s when it was passed by Parliament, and by 2002, Italy still behaved as if it were a country of emigration (Zincone and Caponio 2002).

Its rules are deeply rooted in the earlier legislation and in the traditional approach to modes of acquisition of citizenship (Arena, Nascimbene and Zincone 2006).

But now, Italy is definitely a country of immigration, with more than 4 million resident foreigners (Blangiardo 2007). In this context, for several reasons, it is necessary to properly manage the foreign population. Granting citizenship under natural circumstances should contribute to giving a legitimate status to immigrants. However, based on recent experience (reference should be made to the no more than 30,000 new citizenship acquisitions in 2005), this process has proved slow and inadequate (Blangiardo 2007). Faced with sustained entry flows, there is a risk that within a few years, several million adults will be permanently residing in Italy without citizenship and will be destined to remain in this situation for a long time, with a real democratic deficit.

Furthermore, the law has to concur with the establishment of a precise "agreement" between the country and the migrants who aim for full political integration (Codini 2007, Codini and D'Odorico 2007). Therefore, it is necessary to reduce – for non-EU citizens – the number of years of regular residence required for citizenship, because citizenship must become a realistic goal.

Furthermore, the law must include an actual integration process in the granting of citizenship (even in the case of acquisition through marriage). In Italy, more than in other countries, poor knowledge of the national language is the most frequent barrier to integration – especially political integration – because without a minimum level of language proficiency, any understanding of political debate and democratic life is practically impossible. Hence, the exact level of linguistic proficiency required must be established. It is also necessary to prepare and advertise special tests aimed at ascertaining and improving immigrants' knowledge level of Italian history, current affairs, institutions and, most importantly, democracy and rule of law. Our preferred choice would be for "civic citizenship" (MacCormick 1997), a model where the political community is founded less on pre-political bonds than on an allegiance to shared principles of political justice, more specifically to a common constitutional order, *Verfassungspatriotismus* (patriotism toward the Constitution of one's country) (Habermas 1994). From this perspective, citizenship ceremonies could play an important role by giving a symbolic significance to awarding citizenship, and be a kind of rite of passage.

It is our opinion that income, on the contrary, is not important. Even beyond the human rights question (political rights are human rights), it seems strange to grant the right to vote on the basis of property ownership, thus subordinating people to a certain income level. This, in a country whose history has benefited greatly from the extension of voting rights to all classes, including some at the subsistence level, if not below it.

Finally, as to immigrant children, it is important to recognize the relevance of education as a fundamental factor of integration and to tie school attendance with early access to Italian citizenship, in an effort to improve the integration process.

References

Arena, M., B. Nascimbene, and G. Zincone. 2000. "Italy." In *Acquisition and Loss of Nationality. Policies and trends in 15 European Countries.* Edited by E. Bauböc et al. Amsterdam: Amsterdam University Press, p. 329-366.

Bariatti, S. 1996. "Le droit italien de la nationalité." In *Nationality Laws in the European Union / Le droit de la nationalité dans l'Union Européenne.* Edited by B. Nascimbene. Milano: Giuffrè, p. 465-504.

Blangiardo, G. 2007. "Foreigners' Presence in Italy. Quantitative Evaluation and Comments." In *The Twelfth Italian Report on Migrations 2006.* Edited by V. Cesareo. Milano: Polimetrica, p. 41-58.

———. 2008. "Foreigners' Presence in Italy. Quantitative Evaluation and Comments." In *The Thirteenth Italian Report on Migrations 2007.* Edited by V. Cesareo. Milano: Polimetrica.

Codini, E. 2007. "Developments in Regulations." In *The Twelfth Italian Report on Migrations 2006.* Edited by V. Cesareo. Milano: Polimetrica, p. 59-70.

Codini, E., and M. D'Odorico (Eds). 2007. *Una nuova cittadinanza. Per una riforma della legge del 1992.* Milano: Franco Angeli.

Habermas, J. 1994. "Citizenship and National Identity." In *The Condition of Citizenship.* Edited by B. van Steenbergen. London: Sage, p. 20-35.

McCormic, N. 1997. "Democracy, Subsidiarity, and Citizenship in the European Commonwealth." *Law and Philosophy* 16, 2, p. 331-356.

Pastore F. 2001. "Nationality, Law and International Migration: The Italian Case." In *Towards a European Nationality. Citizenship, Immigration and Nationality Law in the EU.* Edited by R. Hansen and P. Weil. Basingstoke: Palgrave, p. 95-117.

Zincone, G. (Ed.). 1994. *Familismo legal*e. Roma-Bari: Laterza.

Zincone G., and T. Caponio. 2002. "La nationalité en Italie. Une marche arrière et un parcours à contre-courant." In *Nationalité et citoyenneté, nouvelle donne d'un espace européen.* Edited by J. Reiller. Paris: Centre d'études et de prévision, p. 56-83.

Note

[1] MIPEX is an assessment of migration policies across 25 EU member states and in Canada, Norway and Switzerland.

IMMIGRATION, CITIZENSHIP AND NATIONAL IDENTITY: RECENT TRENDS IN JAPAN

ABSTRACT

Japan's citizenship and immigration policy has been limited – or favourable – to people with Japanese blood ties and the attachment to traditional Japanese identity has been strong. However, these policies are being challenged in the context of increasing immigration and decreasing natural population growth. Recently, community building based on diversity has begun to be a national issue.

YUMI KISHIDA

Yumi Kishida is Assistant Professor of International Education at Kanazawa University in Japan. She has published on the politics of education concerning cultural rights of minorities, interethnic relations, and identity and citizenship in Japan and Canada.

Nationhood discourse and citizenship policy have been based on a singular national/ethnic identity model in Japan. Today, however, Japan is facing a turning point in its immigration policy and must cope with its expanding immigration and decreasing natural population growth. The number of foreign residents who do not possess Japanese nationality was 2,084,919 at the end of 2006, or 1.63% of the total population.[1] This number grew by 73,364 from 2005, with an average annual increase of about 67,000 during the last ten years. Today, it is recognized that immigrants are essential in safeguarding the Japanese economy against rapid ageing. People over the age of 65 comprised 21.5% of the total population in October 2007 and this figure is estimated to rise to about 40% by 2050.[2] A revision of the *Immigration Control and Refugee Recognition Act* is currently under consideration to further open the gates for foreign workers. This article illustrates immigration and citizenship policies in Japan, and what has and is going to be done to keep national identity and cohesion in a global age.

Citizenship status

Japan's *Nationality Law* is based on *jus sanguinis*. A child whose father or mother is a Japanese national acquires Japanese nationality at birth. A foreign national, regardless of birthplace, must go through the naturalization process to obtain Japanese nationality. The *Nationality Law* requires that applicants: a) have continually resided in Japan for at least five years; b) be at least 20 years old; c) have good conduct; d) be able to make a living; e) have no nationality or give up their original nationality; and f) have never been involved in an activity designed to overthrow the Japanese Constitution or the government of Japan. There is no citizenship exam but individuals must submit many documents and go through interviews. It takes six to 18 months to obtain the results of the naturalization process. Japanese language skills are a prerequisite for this process.

In recent years, more than 15,000 people have acquired Japanese nationality annually, according to the Ministry of Justice. This has gradually increased ethnocultural diversity among Japanese nationals. Another source of diversification is marriage of a Japanese national to a foreign national. About 45,000 such couples were married in 2006;[3] the percentage of those couples to total marriages was just 0.94% in 1980, but grew to 6.1% in 2006. A child born to such an international couple acquires both nationalities at birth and must choose one by the age of 22.

The number of people choosing to live in Japan permanently while keeping their nationality is also increasing, with 837,521 such individuals in 2006. There are two groups of foreign nationals with permanent residence status. The first consists of Koreans and Taiwanese (and their descendants) who moved to Japan when their countries were colonized by the Japanese Empire, and who therefore have a special right to permanent residence. The population of this group numbered 608,029 (62% of total foreign residents) in 1989 but while still the largest group, it had decreased to 443,044 (21% of the same population) in 2006. The second group consists of foreign nationals who have acquired permanent residence status. This group grew 2.7 times over the last five years to 394,477 in 2006. Brazilians, Chinese, and Philippines are the top three national groups that acquire this status. Brazilians are now the third largest group after the Koreans and the Chinese, with a population of about 313,000 in 2006. Japan has become a popular destination for Japanese Brazilians who wish to work outside the country since a special visa for Japanese descendants was created in 1990. It is worth noting that Japan sent immigrants to Brazil

from 1908 to 1973. Then, in the 1990s, up to fourth generation descendants of these emigrants started coming to Japan to engage in blue-collar work. Because the Japanese government does not officially issue a visa for non-skilled labourers, Japanese Brazilians have played an important role in supporting Japanese industries.

Denizenship[4] has been under consideration to promote the legal status and social participation of permanent residents. Two main controversies are job equity and the right to vote. Job equity for foreigners has been advanced since the 1970s but the opportunity to join the civil service is still limited for them. A foreigner, even if he or she was born and educated in Japan, cannot be a regular public school teacher, a police officer or a fire fighter. He or she may be able to get a job at a municipal office but might not be able to be promoted. A group of Korean permanent residents started lobbying for the right to vote in local elections in the early 1990s. In 1995, the Supreme Court ruled that the Constitution did not prohibit giving permanent residents the right to vote in local elections. Public opinion was also favourable and many municipal governments carried a resolution to push the legislation forward. Since the late 1990s, the topic has been referred to repeatedly in Japan-Korea summit meetings. The prime minister of Japan and the president of Korea agreed to the resolution under the principle of reciprocity in 1999. However, though the bill has been put forward five times since 1998, it still has not become law in Japan. Korea, on the other hand, approved the bill in 2005. In 2006, foreign nationals with permanent residence status in Korea voted in nationwide local elections for the first time.

Brazilians, Chinese, and Philippines are the top three national groups that acquire this status. Brazilians are now the third largest group after the Koreans and the Chinese, with a population of about 313,000 in 2006. Japan has become a popular destination for Japanese Brazilians who wish to work outside the country, since a special visa for Japanese descendants was created in 1990.

Citizenship as identity and nationalist discourses

Koreans who remained foreigners after living four or even five generations in Japan can provide unique insight. Some say that they chose not to apply for naturalization because of Japan's history of colonization and lingering discrimination. Others say that the procedure is too complicated and costly, and that Japan should give them citizenship on request because they had the status and it was removed without choice in 1952. Still others state that the system is very assimilative. Until 1985, for example, a foreigner had to change his or her name to a Japanese name in order to be naturalized. It is no longer a requirement, and there are many naturalized Japanese who retain their original names on TV, in sports, and even some in parliament. However, there is deep-rooted social pressure that makes a majority of naturalization applicants choose a Japanese name. For instance, there is a picture file on the Website of the Ministry of Justice that shows how to fill out the application form for naturalization.[5] In the example, the applicant is a Korean man. The form shows that the man has two everyday Japanese names other than his official Korean name and chooses one of the Japanese names as his name after Japanese nationality is granted. Acquiring Japanese nationality still tends to be equated to acquiring Japanese ethnicity.

Political concern about protecting traditional Japanese identity is reinforced by the growing reality of globalization and diversification. Since the nation's defeat in World War II, patriotic figures and language have been taboo in schools, as recognition that the indoctrination of loyalty to one's nation played a critical role in causing and maintaining the war. However, since the 1980s, the government has shown an interest in moving away from this cautious postwar atmosphere. Display of the "sun flag" and playing the *Kimiga Yo* anthem at the entrance and graduation ceremonies of every Japanese school became compulsory in 1985 and strengthened by legislation in 1999. Because many people think that this policy inhibits freedom of thought and reminds people of the Japanese Empire, there has been strong opposition to it. In Tokyo, hundreds of teachers have been punished for not standing properly for the flag during these ceremonies, for example. The word "patriotism" has also been placed at the centre of educational discourse, creating nationwide debates. In 1998, the national curriculum stated that "developing love for the country" was one of the educational goals in grade 6 social studies courses, while moral education is explored from grades 5 to 9. In 2006, amendments to the *Fundamental Law of Education* made this one of the fundamental goals of Japanese education.

When global citizenship is mentioned, Japanese identity is always the focus. For example, high school students study world history as a compulsory subject in order "to develop identity and qualities to become Japanese living autonomously in an international society." The teaching of traditional culture is becoming very popular. In Tokyo, a new high school subject, the study of Japanese traditional arts and culture was introduced in 2006. It fosters national identity and pride and international competencies. Learning about the world's cultures is also advocated by the national curriculum but the diverse cultures to which they refer are largely the cultures of foreign counties and only rarely do they focus on the various ethnic communities in Japan. Even Japanese aboriginal cultures do not receive

much attention in textbooks. Thus, Japanese identity tends to be recognized as a unified vision, subordinating diversity.

Public morality education is attracting the attention of policy-makers as well. In 2000, the National Commission on Educational Reform under the Koizumi Cabinet emphasized the importance of moral education and community services for children. This focus has been passed on to successive cabinets and the creation of a moral education subject is under consideration. There are social concerns that this might be the revival of a subject designed to nurture the Emperor's loyal subjects in the imperial period. In the view of this author, this renewed attention to traditional culture and morals is motivated not only by nationalistic concerns but also by the unrest caused by social changes including the infiltration of individualism and neo-liberalism. Japan's "all middle-class society" has collapsed since the 1990s and the disparity in economic power and cultural capital has become increasingly apparent under an open competition policy. Character education may be used effectively to control or conceal moral and behavioral problems stemming from this increasing difference or inequality. However, to solve the problems and to create a new value system that would unite all members of society, Japan should adopt a new direction, different from the "back to old ways" strategy, which promotes a nationalistic atmosphere.

Recent changes in integration policy

Legislation and awareness of human rights for foreigners and immigrants have improved since the 1980s. However, the pace of these improvements is not keeping up with demographic change. The lack of tolerance for ethnocultural diversity in society, and the lack of appropriate settlement support programs by the government or industry are still causing many social problems.

Legislation and awareness of human rights for foreigners and immigrants have improved since the 1980s. However, the pace of these improvements is not keeping up with demographic change. The lack of tolerance for ethnocultural diversity in society, and the lack of appropriate settlement support programs by the government or industry are still causing many social problems.

Only three international immigrant groups (admitted on humanitarian grounds or because of such a background) have officially been provided with free support programs by the government, including language training, guidance on life in Japan and vocational counseling: Indochina refugees since 1979,[6] returnees of war-displaced Japanese orphans in China and their families since 1984, and North Korea abductees since 2002. However, with the exception of abductees, the socio-economic integration of these groups has not been successful. Many problems, including unemployment, low income, a low level of education as well as juvenile delinquency, have become apparent. In the case of immigrant workers, there have been almost no national support programs. Also, the sub-standard and illegal conditions in which immigrants work have been ignored, especially as concerns Japanese Brazilians and Chinese trainees. In several metropolitan and industrial districts, ethnic enclaves have appeared, sometimes causing trouble between foreigners and their Japanese neighbours.

The Police Agency and the media have been reporting an increase in crime by foreigners. However, according to Ministry of Justice statistics, such a trend is not apparent. The number of people who committed a crime[7] increased by 1.35 (for the general population) and by 1.33 for foreigners in 1992-2006; the foreign resident population increased by 1.63 in the same period. Despite that, the idea that foreigners are threatening social security has permeated public opinion and the introduction of stronger security and immigration control was deemed justified. According to a poll conducted by the Cabinet Office on the protection of human rights, the percentage of people who agree that "human rights of foreigners should be protected as equal to the Japanese" has been decreasing: 68.3% in 1993, 65.5% in 1997, 54% in 2003 and 59.3% in 2007. When Japan needs to attract more immigrants, can this stand be further ignored?

Recently, the government released several plans to improve the quality of life of foreign residents and increase ethnocultural equity in the community. The term "integration" began to be used in these plans. There have been grassroots movements to change the situation but immigrants have typically been portrayed as just a "workforce" or a "source of social problems." Finally, they have also started to be referred to as "community members" in national policy. In terms of practice, in 2005, the Ministry of Education, Culture, Sports, Science, and Technology began publishing a guide in seven languages[8] to explain how to register children in Japanese schools. In 2007, the Ministry of Internal Affairs and Communications introduced a new fund to help local governments create community services such as the publication of multilingual leaflets concerning garbage disposal and disaster prevention, Japanese language instruction for children not going to school,[9] and housing services for foreigners who are not fluent in Japanese.

In May 2008, the government announced plans to change immigration laws in order to extend the maximum period of stay from three to five years for foreign residents who have attained a certain level of Japanese language competency. This is expected to be an incentive for foreigners to learn Japanese. This policy might be an indication that one of the basic conditions of becoming a member of Japanese

society will shift from innate qualities such as Japanese blood ties to acquired qualities such as language skills.

Japanese policies on immigration and social cohesion based on Japanese extraction and ethnicity are challenged by the reality of globalization and the shortage of internal human resources. Today, we even see the emergence of a discourse calling Japan a country of immigrants. At the same time, globalization and neo-liberalism have activated nationalistic and conservative discourses. However, the practical interest of welcoming more immigrants and the ideological interest of protecting a singular Japanese national identity are not compatible. International human resources are not machines without rights or needs. Opening the gates to more foreign workers requires the Japanese government and society in general to reconstruct the concept of citizenship and produce a community built on diversity.

References

Hammar, T. 1990. *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration.* Avebury: Gower Publishing Company.

Ministry of Justice. Retrieved from <www.moj.go.jp/ONLINE/NATIONALITY/6-2-1.html>.

Notes

[1] The population data of foreign residents and new immigrants are based on a publication by the Immigration Bureau, The Ministry of Justice.

[2] The estimated population was published by the National Institute of Population and Social Security Research in December 2006.

[3] This data is published by the Ministry of Health, Labor and Welfare.

[4] The term "denizen" today refers to permanent residents who enjoy most citizenship rights without acquiring the nationality of the host country. The concept was introduced by T. Hammar, 1990. *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration.* Avebury: Gower Publishing Company.

[5] The Ministry of Justice. Retrieved on April 23, 2008 from <www.moj.go.jp/ONLINE/ NATIONALITY/ 6-2-1.html>.

[6] The program has been applied to Convention refugees since 2003.

[7] This excludes the violation of traffic laws and the *Immigration Control Act.*

[8] The seven languages are English, Korean, Vietnamese, Filipino, Chinese, Portuguese and Spanish.

[9] Schooling is not compulsory for foreigners in Japan.

CITIZENSHIP IN KOREA: FROM ETHNIC PURITY TO MULTICULTURAL IDENTITY?

ABSTRACT

This article introduces recent trends in immigration and discourse on immigration, integration and citizenship in Korea. Historically, these concepts and their institutional manifestations have been strongly influenced by nationalism and the ideology of ethnic purity. However, Korea's ethnic composition is becoming increasingly diverse and Koreans are now actively debating a paradigm shift to a multicultural society.

EUGENE LEE

Eugene Lee is a professor of comparative politics at the Department of Political Science, Sookmyung University, Seoul. He is currently the director of Sookmyung Institute for Multicultural Studies and editor of *OMNES: Journal of Migration and Society*. He has published on Japan's nuclear and telecommunications policies, Canada's environmental policy, the impact of information technology on politics and other topics. His current research interest is migration and multiculturalism.

For centuries, Korea was a homogenous country with no experience in large-scale immigration. Only ethnic Koreans could be Korean nationals or citizens. It was a racially intolerant society. Foreigners in Korea remained foreigners no matter how long they lived there. This is all changing now. In recent decades, for the first time in its history, a large number of foreigners have been coming to Korea to work, live and become Koreans. The trend started with an influx of foreign workers in the 1990s as a result of the income gap between Korea and developing countries in the region. A labour shortage in Korea is another pull factor. Korea is one of the world's fastest ageing countries, and its birthrate, at 1.16 in 2004, is one of the lowest. Another category of foreigners recently entering the country includes foreign spouses of Koreans. Forty percent of men in rural Korea are expected to marry foreign nationals in the coming decades.

This is a new and unfamiliar state of affairs for Korea. When the number of foreign residents was relatively small and their stay was believed to be temporary, most Koreans were indifferent. Many of the foreigners faced discrimination; they had difficulty adapting to life in Korea. However, as more and more foreigners came and settled, it was recognized that they would have a potentially profound impact on Korean society. Meanwhile, Koreans' view of foreigners gradually changed, becoming more receptive and sympathetic. As a result, debates began in Korea about how to live with foreigners; about the need to reform immigration and citizenship policies; about alternative concepts of Korean identity. And Koreans started looking to multiculturalism for answers.

This article explores Korea's constitutional and legal framework for citizenship, requirements for acquiring citizenship and the effects of immigration and citizenship policies. It introduces some aspects of the immigration regime, integration policy and debates on multiculturalism in Korea. It should be noted that Korea is not an immigrant nation like Canada: Korea started receiving immigrants only recently and in a very limited way. Therefore, this article mainly uses the term "foreign residents" rather than "immigrants," as is the practice in Korea in most instances.

Foreign residents in Korea

The Korea Immigration Service statistics recorded, in December 1007, 1,066,273 foreigners in Korea. This number includes both short-term visitors and long-term (90 days or longer) residents as well as those with both legal and illegal (over 200,000) status. The country's 502,082 foreign workers account for just over 47% of the total number of foreigners, and over 90% of them are unskilled workers. The number of foreigners in Korea has been rapidly increasing in recent years (Table 1).

Table 1
Foreigners in Korea (as of December 2007)

Year	1997	1999	2001	2003	2005	2006	2007
Number	386,972	381,116	566,835	678,687	747,467	910,149	1,066,291

Source: Korea Immigration Service.

Registered foreigners, i.e. residents, numbered 765,746 in 2007. This is about 1.6% of the total Korean population of roughly 47 million. The largest group, totaling 421,493 people, is Chinese. A total of 310,485 of this group are ethnic Korean Chinese who have entered Korea mainly since the 1990s (Table 2).

Table 2
Registered foreigners in Korea by nationality (December 2007)

China	421,493
Vietnam	67,197
Philippines	42,939
Thailand	31,745
USA	26,673
Indonesia	23,698
Taiwan	22,047
Mongolia	20,473
Japan	18,073
Sri Lanka	12,078
Uzbekistan	10,916
Pakistan	8,047
Bangladesh	7,821
Canada	7,410
Russia	4,682
Nepal	4,627
Cambodia	4,569
India	4,261
Other	26,997
Total	**765,746**

Source: Korea Immigration Service.

Until recently, Korea had no immigration program through which foreigners could settle permanently. The exception was a program for the foreign spouses, called "marriage immigrants," who make up the only category of foreign residents that the government officially calls "immigrants." Initially given resident visas (F-2), they can apply for permanent resident status (F-5 visa) or naturalize if they maintain their marriage for two years or longer. Marriage immigrants are quickly increasing in number, and reached over 110,000 (97,236 women) in 2007 (Table 3). Their country of origin is also diversifying. Korean Chinese (36,632) and Chinese (26,571) make up the majority, followed by Vietnamese (21,614) and others.

In 2007, there were 16,460 permanent residents in Korea. However, about 80% of these were overseas Chinese with Taiwanese nationality who had been living in Korea since the turn of the last century. Most newcomers who have settled in Korea in recent years are foreign spouses of Koreans. About 15% of permanent residents are Japanese, followed by Chinese, Russians, Americans, Thais and others. Recently, the number of permanent residency applications has been growing quickly from 668 in 2005 to over 3,000 in 2007, due to these foreign spouses. The minimum residency requirement for an F-5 visa application is five years, with the exception of marriage immigrants.

Nationality and citizenship

Korea was surrounded by powerful neighbours, and Koreans' survival instinct resulted in the emergence of nationalism and xenophobia. Furthermore, the Korean brand of Confucianism placed a high value on the purity of family lineage and ethnic/national purity. Nationalism is deeply entrenched in Korea's citizenship regime. Chapter 1, article 1, of the Korean Constitution proclaims that Korea is a democratic republic and its sovereignty resides in the people. The very next article (article 2) states that "nationality in Korea is prescribed by law." This clearly shows the importance of being a Korean national in order to be part of this constitutional entity. In subsequent chapters, the Constitution uses the Korean term for "nationals" (*kukmin*) rather than "citizens," although the two are used interchangeably in English translations. It declares that all Korean nationals are equal before the law and that there shall be no discrimination "on account of sex, religion or social status." No mention is made about equality among people of different ethnic backgrounds or races. The underlying assumption is that Korean nationals are, historically, culturally and ethnically speaking, Koreans.

The requirements for becoming a Korean national are prescribed in the *Nationality Act*. In contrast to the territorial principle (*jus soli*), the nationality principle (*jus sanguinis*) determines who the Koreans are: a person is a Korean national if, at the time of their birth, one of their parents is a Korean national. Nationality can also be acquired through naturalization. Historically, a Korean of another ethnic background, such as a Canadian Korean, had always been an alien concept. Overseas Chinese, for example, who have been living in Korea for generations, are still considered Chinese. To become Korean, they had to "naturalize" and assimilate rather than simply "acquire citizenship." Naturalization meant the loss of Chinese identity.

Requirements for naturalization are not easy to meet. A foreigner may acquire Korean nationality through the permission of the Minister of Justice. The citizenship of a naturalized Korean cannot be revoked except when it is found *ex post facto* that the application for naturalization was submitted on false grounds. Children of naturalized Koreans are also granted Korean nationality. Dual nationality is not permitted.

Naturalization, in general, requires a foreigner to have sustained domicile in Korea for five or more consecutive years, be of good conduct, be able to sustain livelihood and have a basic knowledge of Korean language and custom. A simplified naturalization process is applied to applicants who have lived in Korea for three or more years if, for instance, they were born in Korea. Marriage immigrants can apply for naturalization if they have maintained marriage status and resided in Korea for two or more consecutive years.

Table 3
Marriage immigrants

Year	2002	2003	2004	2005	2006	2007
Number	25,182	44,416	57,069	75,011	93,786	110,362
Increase (%)	37.8	76.4	28.5	31.4	25.0	17.7

Source: Korea Immigration Service.

Table 4
Naturalization trend (by nationality)

	2004	2005	2006	2007
China	7,443	14,881	7,156	8,878
Philippines	1,074	786	317	335
Vietnam	147	362	243	461
Mongolia	36	109	32	82
Pakistan	58	66	18	34
Thailand	53	69	39	57
Uzbekistan	34	79	38	60
Other	417	622	282	412
Total	**9,262**	**16,974**	**8,125**	**10,319**

Source: Korea Immigration Service.

Applicants in principle need to pass a written test and undergo an interview.

In recent years, the number of naturalizations has grown. Nevertheless, talking about the rate of citizenship uptake may not be useful since Korea does not have a systematic immigration program through which immigrants are received. This is based on the assumption that they will, in due time, become full citizens.

Among the groups who naturalized, the Chinese were by far the largest group; however, they were mostly Korean Chinese, whom Koreans call "compatriots" (Table 4). This suggests that becoming a Korean national is still largely determined by consanguineous ties rather than by a racially/ethnically neutral immigration process.

Immigration policy and integration programs: Recent developments

In the past, Korea had neither a systematic immigration policy nor immigrant integration programs. The country only brought in foreign workers and "arranged" brides, who had a hard time adapting to life in Korea and faced discrimination and exclusion. Given the rapid increase in the number of foreign residents and the potential ethnic conflict (so dramatically demonstrated in Europe), however, the status quo was no longer desirable, and pressures for change started to be felt. Motivated to help foreign residents and frustrated by the lack of government response, civic groups started demanding government action. Then the issue became a policy agenda in the early 2000s, when then President Roh Moo-Hyun took interest in it. He had a background as a human rights lawyer and was sympathetic to socially disadvantaged groups. Government agencies, responding to demands and sensing opportunities for jurisdictional aggrandizement, started vying for the President's attention. Eventually, the Ministry of Justice (MOJ), which was responsible for exit-entry control and matters relating to foreign visitors status, got the President's blessing to take action.

In the past, Korea had neither a systematic immigration policy nor immigrant integration programs. The country only brought in foreign workers and "arranged" brides, who had a hard time adapting to life in Korea and faced discrimination and exclusion.

Various policy changes and adjustments have been made ever since. For instance, "marriage immigrants" have been exempt from the written naturalization test since 2003. They are encouraged to naturalize because they are the future parents, mostly mothers, of Koreans. However, the language barrier and cultural differences frequently lead to marital problems and abuse. There is no comprehensive program for the integration of marriage immigrants. Moreover, their children experience serious long-term problems. Because of the mothers' lack of Korean language ability, these children's language learning is slow, they tend to fall behind at school and they may face discrimination. Recognizing these problems, the MOJ announced a plan in April 2008 to introduce integration courses as a requirement of the naturalization application. But this measure has been greeted by vocal opposition from certain civic groups because they perceive it as a heavy burden on immigrants. It remains to be seen how this matter will eventually be resolved.

The Employment Permit System introduced in 2004 is also worth mentioning. Through this system, foreign workers are recruited as such and not under the false pretence of "industrial trainees." The MOJ subsequently decided that these foreign workers would be allowed to apply for a resident visa (F-2) under certain conditions. This is a significant shift from the previous policy, which allowed foreign workers to enter Korea on a strictly rotational basis. The new policy has opened the door for skilled foreign workers to settle permanently in the country and eventually to acquire Korean citizenship.

Of symbolic as well as practical importance, the government enacted the *Basic Law Concerning Foreign Residents in Korea* in 2006. This is a broad legal framework designed to protect the rights of foreign residents and their children and provide them with social safety nets, facilitate integration between foreign residents and native-born Koreans and attract foreign professionals and skilled labour. The law also sanctioned the MOJ's leading role. In 2007, the Ministry established the Korea Immigration Service (KIS), expanding and reorganizing its Immigration Bureau (Exit/Entry Control Bureau in Korean). One of the notable features of the KIS is its new Nationality and Integration Policy Bureau and the Social Integration Team within the bureau. Matters related to nationality (citizenship) are to be dealt with in conjunction with immigration and integration policies. The introduction of the integration courses mentioned above is the Social Integration Team's first major project. The goal of the KIS is to become a full-fledged immigration agency charged with a

comprehensive immigration policy and integration programs similar to those in major immigrant-receiving countries.

There have been some significant developments in the political engagement of foreign residents. Since 2006, permanent residents have been given the right to vote in local elections, and extending this right to national elections is currently being debated. In the 2007 parliamentary election, a minor political party fielded a Filipino-Korean candidate in the party list for proportional representation. Although her chances of getting elected were very slim, this was the first time in Korean history that a naturalized Korean of ethnic minority origin ran for a parliamentary seat.

Along with these recent developments, the public discourse in Korea regarding citizenship, nationality and national identity has undergone a paradigm shift: from the myth of ethnic purity to the reality of a multicultural society. Today, the rhetoric of multiculturalism is widely circulated and supported by most sectors of Korean society. Indeed, there are relatively fewer barriers and less discrimination against foreign residents, and pressure on them to assimilate is declining. Registered foreign residents may now receive basic social benefits, and their rights are better protected. This seems to be having an unintended effect.

Since 2006, the number of long-time foreign residents applying for permanent residency (F-5 visa) instead of naturalization has been fast increasing. More foreign residents who were vacillating between naturalization and permanent residency are choosing the latter. The ratio of permanent residency applications to naturalization applications went from 7.1% in 2004 to 5.4% in 2005, 36.4% in 2006 and 30.1% in 2007 (News Hankuk 2007). Although permanent residents lose their status if they leave the country for too long and even though they do not have political rights in national politics, they can live in Korea with virtually no restrictions or formal discrimination. They can maintain their original nationality. Compared with naturalization, acquiring permanent residency is easier and takes less time. This suggests that permanent residency offers an interesting alternative to naturalization.

Prospects

Ethnic diversity is certainly becoming a fact of life in Korea and will affect society in a way never before experienced. The old paradigm of national identity or nationality no longer offers a positive guide regarding who the Koreans are. Koreans are now engaged in debates on how to redefine these concepts to reflect the reality and what kinds of institutions are needed to support them. Comprehensive immigration and integration policies and programs are considered necessary elements. Furthermore, Koreans have been enthusiastically embracing multiculturalism. It is a positive direction for Korea: the country is finally readying itself to accept foreign residents and immigrants as equal members of the community, to respect their culture and identity and to let them realize their full potential in their newly adopted home.

It is not clear, however, where all these discussions and debates will eventually lead. It is fashionable in Korea these days to claim support for a multicultural society; however, Koreans have yet to fully understand exactly what it means, what the different models of multiculturalism are, and what the range of policy implications might be. Whether the core values of a multicultural society are instilled and internalized in Koreans is open to question. The concept of immigration is still not sufficiently incorporated into Korea's legal, political and social systems. Nationalism is no longer politically correct in the citizenship and integration discourse, yet nationalistic tendencies are still deeply rooted in the Korean mind. Backlash against multiculturalism like the events that have been seen in Europe is possible in a society already laden with bitter conflicts among different regions, generations and social groups. Multiculturalism in Korea could end up as a thinly veiled scheme of assimilation or segregation. The Korean version of a multicultural society may constantly change its form. The outcome will depend on whether this society is adequately designed and managed, thereby contributing to the interest of every Korean involved, irrespective of birthplace or descent.

References

Korea. *Basic Law Concerning Foreign Residents in Korea.*

———. *Constitution of the Republic of Korea.*

———. *Nationality Law.*

Korea Immigration Service. *Statistics.* <www.immigration.go.kr>.

News Hankuk. July 4, 2007. <www.newshankuk.co.kr/news/news_view.asp?articleno=s2007070411415555686&code=&g2=103&ts=15&g3=>.

CITIZENSHIP IN THE NETHERLANDS: CHANGING POLICIES AND CONCEPTS

ABSTRACT

This article analyzes the "reversal" of citizenship concepts in the Dutch context, as a result of which socio-psychological citizenship has increasingly become a precondition of legal or formal citizenship acquisition. It discusses how this reversal of citizenship concepts has influenced law and policy with regard to immigration, integration and naturalization. In the end, some legal and moral questions are raised.

BEN P. VERMEULEN

Ben Vermeulen is a member of the Council of State and a professor of Constitutional Law at the VU University in Amsterdam.

KARIN M. DE VRIES

Karin de Vries is a Ph.D. candidate at the VU University. The topic of her thesis is a legal analysis of Dutch integration policy in relation to fundamental rights.

A multicultural drama?

After World War II, the ethnic and cultural composition of Dutch society changed considerably. This change is due to the arrival of various types of immigrants: post-colonial migrants from Indonesia, Surinam and the Netherlands Antilles, guest workers and their families from Mediterranean countries and, from the 1980s onwards, an increasing number of asylum seekers from Asia and Africa, and notably from Afghanistan, Iran, Iraq, Somalia and Sri Lanka. Hence the number of so-called "ethnic minorities" – persons coming from countries other than Western Europe and North America, as well as their children – has risen continuously. In 2008, some 1,766,000 persons belonged to an ethnic minority group, out of a total population of 16,405,000. The four largest ethnic minority groups – Turks, Moroccans, Surinamese and Antilleans – together account for 1,175,000 persons (StatLine 2008).

Until the 1970s the Netherlands did not have a comprehensive policy for the integration of immigrants. It was assumed, both by the government and by the immigrants themselves, that their stay would be temporary, and therefore an integration policy was not considered necessary. It was only in the early 1980s that the government began to develop a "minorities policy" (*minderhedenbeleid*), to ensure equal opportunity for the minority population, from both a socio-economic and a legal standpoint. At the time, authorities still underplayed the problems encountered by minorities caught in the gap between the traditions of their countries of origin, on the one hand, and modernity in the changing context of the Netherlands, on the other. For quite a while, the Netherlands was proud to call itself a multicultural society, based on communication and compromise rather than on conflict and confrontation (the so-called *poldermodel*, or "consultation model," a new form of the old tradition of *verzuiling*, or "consociationalism"[1]). Newcomers were to "integrate while retaining their own identity." In the meantime, the Dutch lost their religious loyalties in the processes of secularization and individualization that had begun in the 1960s.

Gradually, however, the lack of cultural and economic integration of immigrants and their children, who came to be referred to as *allochtonen* ("newcomers," literally "those coming from elsewhere"), became an issue of greater concern. In 1989 the Scientific Council for Government Policy (*Wetenschappelijke Raad voor het Regeringsbeleid*, *WRR*) introduced the notion that migrants had an individual responsibility to become full-fledged members of Dutch society (WRR 1989). According to the Council, basic Dutch language and orientation courses had to be offered by the government and should be made compulsory for persons obtaining social security benefits. The Council's view was officially adopted by the government in 1994, when the minorities policy was replaced by an integration policy (*integratiebeleid*).[2] The key phrase of this new policy would be "active citizenship" (*actief burgerschap*). From this point onwards, legislation began to be developed to make it mandatory for newcomers to learn the Dutch language.

However, increased emphasis on the immigrant's responsibilities as a citizen of the Netherlands was not enough to assuage concerns about a failing integration process. The optimism of the 1990s, when the economy was booming, was followed by a fundamental shift in the general mood with regard to immigrant integration. Several incidents seem to have led to a sense that all schemes and policies designed to integrate minorities and immigrants had failed, that multiculturalism is bad for social cohesion and that there is a so-called Muslim problem.

In early 2000, Paul Scheffer, a well-known publicist affiliated with the Labour party, wrote his famous essay titled *The Multicultural Drama* in which he severely criticized the failings of Dutch integration policy. He signalled many problems, including the lack of performance of migrant children in the education system, segregation in "Black" and "White" schools, anti-Western attitudes within minority communities and in general their lack of participation in society. He called for a parliamentary inquiry into the immigration and integration policies of the past decades. Since the publication of this essay, it is increasingly felt that being critical and vocal about the problems of a multicultural and multi-ethnic society is no longer considered politically incorrect or racist behaviour (Rutgers and Molier 2004). Also, after the 9/11 attacks on the United States, concerns about the role of (fundamentalist) Islam have become more prominent in the integration debate. In the years following Scheffer's article, politicians and opinion makers including Pim Fortuyn, Ayaan Hirsi Ali, Theo van Gogh and Rita Verdonk gained widespread support by taking tough stances on issues of immigration and the integration of ethnic minorities – Muslims in particular. The assassination of both Pim Fortuyn (by a left-wing activist) and Theo van Gogh (by an Islamic fundamentalist) deepened divisions in Dutch society and made the debate on cultural identity versus integration even more difficult.

The optimism of the 1990s, when the economy was booming, was followed by a fundamental shift in the general mood with regard to immigrant integration. Several incidents seem to have led to a sense that all schemes and policies designed to integrate minorities and immigrants have failed, that multiculturalism is bad for social cohesion and that there is a so-called Muslim problem.

Changing concepts of citizenship

Over the past years, the perception of a "multicultural drama" has inspired fundamental changes in immigration, integration and nationality law, shifts in education policy, pleas for a stricter separation of church and state and more restrictions on religious freedom. What all these developments have in common is that they are symptoms of a fundamental re-interpretation of the concept of citizenship or, to be more precise, a *rearrangement of citizenship concepts*.

The term "citizenship" can be divided into two different concepts (Onderwijsraad 2003: 9-10):[3]

- One is a *politico-legal concept*, describing a specific legal bond between a person and a state created through nationality. The citizen in the legal sense has a privileged relationship with his state – that is, citizens have political rights, rights of free movement, rights guaranteeing that they are able to stay and return to the territory of the state, as well as (sometimes) certain specific obligations.
- Apart from this formal, legal citizenship, the term also denotes a *socio-psychological category* – one might even say a moral one – that has to do with commitment and capability, with bonding and belonging, with civic identity and practice. It has to do with the attitude and *habitus* of the person, the wish and capacity to be a full member of a political and social community.

Of course, there is a connection between the legal and the socio-psychological concept. The general presumption of every nation-state is that citizens in the legal sense are also citizens in the moral sense, persons willing and able to participate in a common scheme to further common goals that are defined in the democratic process in which they take part. What has altered in the Dutch context is that the *sequence* in which these two different concepts are applied is *reversed*, at least where migrants are concerned (Vermeulen 2004, Mentink and Vermeulen 2004, ACVZ 2004: 20).

Under the minorities policy of the 1980s, the presumption was that when migrants had gained formal rights – had become citizens in legal terms – they would eventually also commit to Dutch society.[4] There first had to be politico-legal integration, which was to be followed by social integration. However, the dominant position nowadays is that migrants must first become citizens in the socio-psychological sense – they have to integrate into society – before they are able to become citizens in the legal sense. They will have to *earn* their right to enter, their permanent residence permit, their nationality. Before obtaining any of these rights, immigrants have to show a sense of commitment: the ability to speak the Dutch language and a positive attitude towards Dutch society and its fundamental values. At the same time a selection takes place: to those who do not reach the prescribed level of integration, the right to enter or to gain a stronger residence status will be denied.[5]

The required sense of commitment furthermore entails that it is the immigrant – as opposed to the government – who must take charge of the integration process.[6] It is not sufficient that the immigrant is motivated and willing to integrate: he or she has to be able to show *results*.[7] Hence self-reliance is no longer seen as the objective of, but rather as a condition for, integration.

Finally, the reversal of citizenship concepts also entails a "thicker" notion of what citizenship – in the socio-psychological sense – actually entails. This becomes apparent through a shift in the official integration policy lexicon: "active citizenship" is replaced by "shared citizenship,"[8]

which implies that immigrants must not only be capable of contributing to society, but must also *subscribe to the common principles* that hold the society together, accept these "values, norms and fundamental rights and act accordingly." In particular, immigrants must have acquired "basic knowledge of universal values such as gender equality, freedom of religion and the prohibition of discrimination, and about socially important subjects such as the sexual diversity which exists in the Netherlands and the unacceptability of crimes of honor, female circumcision and domestic violence." Such basic knowledge leads to "prior consciousness of Dutch values and norms" and facilitates integration into society.[9] In the next section, we describe how this reversal of citizenship concepts has led to changes in Dutch law and policy concerning immigration, naturalization and integration.

New laws on immigration, naturalization and integration

Immigration and naturalization

Since 2000, Dutch immigration and integration policies have become unmistakably more restrictive. A new law passed in 2001, coupled with stringent implementation and considerable discretion exercised by the administration, has made it much more difficult for migrants to be granted asylum status or to realize family reunification.

Also, since 2001 a stronger connection has been made, in law and policy, between immigration and integration. The government has taken the view that a restrictive immigration policy is necessary to ensure a successful integration process.[10] And – as we shall see below – since 2006, integration requirements have been introduced by way of conditions for the entry and stay of immigrants.

More stringent requirements regarding naturalization were introduced in 2003, when the *Dutch Nationality Act* was amended.[11] Naturalization is now regarded not as an instrument of integration, but as an affirmation that the migrant has completed his or her integration process, and is able to fully participate in Dutch society. Since 2003 the language requirements for naturalization have become more stringent (Van Oers 2006), which is probably one of the main factors behind the important decrease in the number of applications for naturalization since 2003. Furthermore, in 2005, a bill was introduced to limit the number of categories of persons allowed to possess dual nationality. The requirement that migrants should give up their original nationality has also been defended as a way of testing their commitment to the Netherlands as their new home country. The bill has led to fierce debates within and outside Parliament, and these have been exacerbated by right-wing criticism of two government members – Aboutaleb and Albayrak – who both possess dual nationality.

Two more developments must be mentioned. Since October 2006, foreigners who wish to acquire Dutch nationality must attend a ceremony, in which the decision to allow naturalization is formally announced. Furthermore, the Dutch Parliament will adopt a bill that would introduce an oath (or a solemn affirmation) of allegiance to be taken by foreigners in order to obtain Dutch nationality. Both the ceremony and the oath/affirmation must be seen as symbolic rituals expressing the view that naturalization strengthens the psychological bond between the individual and Dutch society, and is not merely a formal grant of citizenship rights.[12]

> Since the new Minister for Integration, Ella Vogelaar, took office in February 2007, she has made several amendments to the Acts adopted by her predecessor. In part, these amendments have made the integration policy even tougher….However, there is also a clear tendency in Vogelaar's policy to provide more facilities to immigrants to support them during their integration process.

Integration

The first integration act, the *Civic Integration of Newcomers Act* (*Wet Inburgering Nieuwkomers*, WIN) was introduced in the Netherlands as early as 1998. The Act obliged newly arrived immigrants to attend an integration course and made it possible to impose a fine on those who did not. However, the results of WIN did not meet expectations: many immigrants dropped out of the courses and those who completed the programme only slightly increased their language proficiency levels. Hence, in 2003, a much more stringent and comprehensive *Integration Act* was proposed, despite the findings of the Commissie Blok, a parliamentary committee created to investigate the presumed lack of success of the Dutch integration policy.[13]

In 2006, the so-called *Integration Abroad Act* (*Wet Inburgering in het Buitenland*, WIB) came into force.[14] Essentially, the Act restricts the right of spouses from non-Western countries to reunite with their family members in the Netherlands. They must pass a language and orientation test at the Dutch embassy or consulate located in their home country prior to being granted the necessary visa. Between January 1 and December 31, 2007, approximately 7,700 persons took the exam, of which some 9% did not pass the first time. Notably, however, the number of persons requesting visas has dropped considerably: from 29,000 in 2004, it dwindled to to 12,000 in 2007.[15] It may be assumed that many have postponed their request for family reunification and that in the long run a large percentage of intended reunifications will not be realized.

Finally, in 2007, WIN was replaced by the *Integration Act* (*Wet Inburgering*, WI).[16] This Act made it mandatory for most foreigners living in the Netherlands to pass a

language proficiency and orientation exam at a relatively advanced level. However, courses were no longer provided by the government: the organizational and financial responsibility of the integration process was placed on the shoulders of the immigrant. Non-compliance with the obligation to pass the exam will lead to repeated fines and foreigners who do not yet have a permanent residence permit will not be able to secure one until they have obtained their "integration diploma."

Concluding observations

The laws and proposals described above reflect the reversal of citizenship concepts discussed earlier: formal or legal citizenship – Dutch nationality – should be the end result of acquired substantive or psychological citizenship. Here, we provide some comments regarding this new approach towards citizenship and integration.

It is still unclear whether the new integration acts (WIB and WI) are legally acceptable, especially in relation to certain fundamental rights such as the right to family life and the right to equal treatment. May families be kept separated until one partner has succeeded in passing the integration exam abroad, and is it acceptable that this demand be placed only on migrants originating from non-Western countries? And is it acceptable that Dutch and EU nationals who are unemployed are entitled to government-funded labour market activation programmes, while unemployed members of ethnic minority groups are made to pass an exam and pay for it themselves?

So far there have only been two judgments (by district courts) on the new integration requirements.[17] Both judgments concerned the *Integration Abroad Act* and, in both instances, the Act was upheld, also because the test applied by the judges was very marginal. Nevertheless, it is still too early to conclude that there would not be any situations in which the requirement of integration abroad would be considered unreasonable. The legal acceptability of the *Integration Acts* depends to a large extent on their effectiveness – that is, the degree to which they actually contribute to a better integration of ethnic minority groups.[18]

Over and above the legal questions, others must be asked. Is the new Dutch approach to citizenship acceptable from a *moral* perspective? Is it justifiable, in a liberal democracy, to require that aspiring citizens subscribe to liberal values? Or is this something that must be left to each participant in society to decide for himself? Is it thinkable that a "thick" version of citizenship, whereby many demands are placed on future citizens, would be counterproductive in that it creates, among those who are unable to meet those demands, a feeling of "being left out"? If that is the case, the new approach to citizenship and integration will lead to exclusion rather than to inclusion.

Yet Dutch integration policy is not "complete." Since the new Minister for Integration, Ella Vogelaar, took office in February 2007, she has made several amendments to the Acts adopted by her predecessor. In part, these amendments have made the integration policy even tougher: the difficulty level of the integration exam abroad has already been raised and it is expected that this will result in 14% of the participants not passing the test.[19] However, there is also a clear tendency in Vogelaar's policy to provide more facilities to immigrants to support them during their integration process. For example, all immigrants are now eligible for a government-funded integration course (as they were under the first *Integration Act*, WIN) and facilities are also provided to those immigrants who wish to increase their chances by passing the language exam at a higher level, or by combining language training with vocational training.[20] Finally, in terms of what is required from immigrants who wish to become citizens, it seems that the emphasis on "shared citizenship," with common norms and fundamental values, is again making way for a more pragmatic approach, in which *participation* is the key word.[21] In this, the primary objective is that immigrants take part in the labour market, in the educational system or simply in life in the local community.

Dutch policy on integration and citizenship is still "under construction." Whereas the notion of citizenship has firmly taken hold since 1994, the precise content of this notion, and the order in which different citizenship concepts are to be applied, are still being defined.

References

Adviescommissie voor vreemdelingenzaken (ACVZ). 2004. *Inburgeringseisen als voorwaarde voor verblijf in Nederland*. The Hague.

Bruquetas-Callejo, M., et al. 2007. *Policymaking Related to Immigration and Integration. The Dutch Case*. IMISCOE Working Paper No. 15. Retrieved from <www.imiscoe.org>.

Commissie Blok. 2003-2004. "Bruggen bouwen." *Kamerstukken II*, 28689, nr. 9, p. 105, 521-524.

Lijphart, A. 1968. *The Politics of Accommodation. Pluralism and Democracy in the Netherlands*. Berkeley: University of California Press.

De Groot, G.-R. 1994. "De toekomst van het Nederlanderschap." In J. P. H. Donner et al., *Toekomstperspectieven van het Nederlandse staatsrecht*. Zwolle: W.E.J. Tjeenk Willink, p. 25-71.

Jurisprudentie Vreemdelingenrecht 2007/492, with comments by K. M. de Vries. Judgment of the District Court of The Hague of April 23, 2008, to be published in *Jurisprudentie Vreemdelingenrecht* 2008.

Kamerstukken II 2007-2008, 29700, nr. 49, p. 3.

Kamerstukken II 2007-2008, 31143, nr. 2.

Kamerstukken I 2007-2008, 31318, nr. A.

Mentink, D., and B. P. Vermeulen. 2004. "Rechtsstaat, pluriformiteit, integratie." *Nederlands Tijdschrift voor Onderwijsrecht en Onderwijsbeleid*, p. 146-149.

Monitor Inburgeringsexamen Buitenland. April 2008. Available via <www.vrom.nl>.

Onderwijsraad. 2003. *Onderwijs en burgerschap*, The Hague.

Rutgers, R., and G. Molier (Eds). 2004. *Het multiculturele debat. Integratie of assimilatie?* The Hague: Boom Juridische Uitgevers.

Staatsblad. 2006, 28. Parliamentary documents: *Kamerstukken*, 29700.

Staatsblad. 2006, 625. Parliamentary documents: *Kamerstukken*, 30308.

Statistics Netherlands. <www.statline.cbs.nl>. Accessed on June 23, 2008.

Van Oers, R. 2006. *De naturalisatietoets geslaagd? Een onderzoek naar de totstandkoming en effecten van de naturalisatietoets*. Nijmegen: Wolf Legal Publishers.

Vermeulen. B. P. 2004. "Burgerschap en onderwijs." *Wetten, waarden en normen in het onderwijs*. The Hague: Department of Education, p. 23-34.

Wetenschappelijke Raad voor het Regeringsbeleid (WRR). 1989. *Allochtonenbeleid*. The Hague.

Wilkinson, C., M. Goedvolk, and S. van Dieten. 2008. *Kortetermijnevaluatie Wet inburgering buitenland*. Final report prepared for the Department of Justice.

Notes

[1] A peaceful, mutually independent living of various religious and social groups on the basis of compromise (Lijphart 1968).

[2] This new policy was described in *Contourennota Integratiebeleid etnische minderheden*. Outline paper on the integration policy for ethnic minorities. *Kamerstukken II 1993-1994*, 23684, nr. 2 (*Kamerstukken* refers to documents of the Dutch Parliament, accessible via <www.tweedekamer.nl>).

[3] For a more elaborate discussion of concepts of nationality and citizenship, see De Groot 1994.

[4] Minderhedennota 1983, *Kamerstukken II 1982-1983*, 16102, nr. 21; Commissie Blok, 'Bruggen bouwen' (final report of the Parliamentary committee of enquiry investigating the Dutch integration policy), *Kamerstukken II 2003-2004*, 28689, nr. 9, p. 34-37.

[5] *Kamerstukken II 2003-2004*, 29700, nr. 3, p. 6 and p. 14-16; *Kamerstukken II 2004-2005*, 29700, nr. 6, p. 2-3 and 44; *Handelingen II 2004-2005*, p. 3886; *Kamerstukken II 2005-2006*, 30308, nr. 3, p. 29.

[6] *Kamerstukken II 2003-2004*, 29700, nr. 3, p. 6; *Kamerstukken II 2004-2005*, 29700, nr. 13; *Kamerstukken II 2005-2006*, 30308, nr. 3, p. 3 and nr. 7, p. 55-58.

[7] *Kamerstukken II 2003-2004*, 29700, nr. 3, p. 15-16.

[8] See the government's position paper on a "New-style integration policy" (*Integratiebeleid Nieuwe stijl*), *Kamerstukken II 2003-2004*, 29203, nr. 1.

[9] *Kamerstukken II 2003-2004*, 29700, nr. 3, p. 6; *Kamerstukken II 2004-2005*, 29700, nr. 6, p. 2, 3 and 19. In the same vein: *Kamerstukken II 2005-2006*, 30308, nr. 3, p. 11 and nr. 7, p. 9.

[10] See the government's 2001 position paper on immigration and integration ('*Nota 'Integratie in het perspectief van immigratie*'), *Kamerstukken II 2001-2002*, 28198, nrs. 1-2; for an analysis of the interconnection between immigration and integration see also Bruquetas-Callejo et al. 2007.

[11] Rijkswet op het Nederlanderschap, *Staatsblad* 2000, 618 (Parliamentary documents: *Kamerstukken*, 25891).

[12] *Kamerstukken II 2005-2006*, 30584, nr. 3, p. 2.

[13] Commissie Blok, "Bruggen bouwen." *Kamerstukken II 2003-2004*, 28689, nr. 9, p. 105, 521-524.

[14] *Staatsblad*. 2006, 28 (parliamentary documents: *Kamerstukken*, 29700).

[15] Monitor Inburgeringsexamen Buitenland, April 2008, available via <www.vrom.nl>.

[16] *Staatsblad*. 2006, 625 (parliamentary documents: *Kamerstukken*, 30308).

[17] Judgment of the District court of The Hague of 16 August 2007, published in *Jurisprudentie Vreemdelingenrecht* 2007/492, with comment by K.M. de Vries: judgment of the District court of The Hague of 23 April 2008, to be published in *Jurisprudentie Vreemdelingenrecht* 2008.

[18] For a preliminary evaluation of the *Integration Abroad Act* see Wilkinson et al. 2008. With regard to the effectiveness of the integration requirements, see also the contribution of Jeanine Klaver elsewhere in this magazine.

[19] *Kamerstukken II 2007-2008*, 29700, nr. 49, p. 3.

[20] *Kamerstukken I 2007-2008*, 31318, nr. A.

[21] Deltaplan inburgering, *Kamerstukken II 2007-2008*, 31143, nr. 2.

DUTCH APPROACHES TO CITIZENSHIP: FROM MULTICULTURALISM TO SHARED CITIZENSHIP

ABSTRACT

Shared citizenship is currently the leading notion behind naturalization and integration policies in the Netherlands. This concept has a strong normative dimension as it refers to Dutch values and identification with this country. This article discusses recent developments in the Dutch approach to citizenship and the current situation of immigrants in terms of legal citizenship, substantial citizenship, civic practice and civic identity.

JEANINE KLAVER

Jeanine Klaver is a social geographer by training and has been working in the field of integration and immigration for more than 15 years. She is a research manager at the Population and Integration Department of Regioplan Policy Research, a private research institute that specializes in social policy research, where she is currently working on a comparative study on civic integration policies.

Over the last decade, the Netherlands have witnessed a remarkable shift in citizenship discourse and citizenship policies. This shift is not only manifest in naturalization policies, which deal with the legal aspect of citizenship, but also in integration policies aimed at enhancing the position of immigrants in Dutch society. These developments in citizenship policies and practices coincide with changing perceptions about immigrant incorporation in the Netherlands and the effectiveness of integration policies pursued in the past. Many critics have pointed to the integration deficit in the Netherlands with regard to ethnic minorities, in terms of their lagging socio-economic performance and failed sociocultural integration (Koopmans 2002, Scheffer 2007). Poor results of former integration policies as well as a sense of urgency concerning the lack of social cohesion have led to a reformulation of the integration model and a new conceptualization of citizenship. In fact, the Dutch integration model has changed from a model focusing on group emancipation and minority rights (the multicultural model) to a model in which the individual as a citizen with rights and obligations vis-à-vis the larger society is the focus of attention. Integration of immigrants, since the mid-1990s, has increasingly been coined in terms of active citizenship, which implies active participation of immigrants in all strands of society – in the labour market, in the educational system and in civil society. More recently, a new dimension has been added to the discourse on citizenship, which now also includes issues of identification with Dutch society and acceptance of Dutch norms and values. This development is captured in the phrase "shared citizenship," which includes, broadly speaking, speaking the Dutch language, abiding by fundamental Dutch norms and active participation in society (Integration Report 2003). As some scholars note, issues of identity and identification with Dutch society have in recent years entered the official discourse on citizenship in the Netherlands (Spijkerboer 2007, Scientific Council for Government Policy 2007). According to Vermeulen (2007), citizenship in the Netherlands is increasingly defined as a moral category, which refers to attachment and a feeling of belonging and the wish and capacity to be a full member of the political and social community. Whereas previously, citizenship implied above all a legal status from which further integration would or could ensue, nowadays citizenship also implies a more normative dimension. As Driouichi (2007) remarks, Dutch citizenship has evolved from a "thin" to a "thick" concept of citizenship.

Civic integration and citizenship policies

These changing notions of citizenship and immigrant integration manifest themselves in integration and naturalization policies. In 1998, the Netherlands was the first country to introduce compulsory civic integration courses for all new immigrants. These courses, which were provided by local municipalities, consisted of language training and orientation – mainly in practical terms – to Dutch society. These civic integration courses were considered to provide a first step towards further integration and as a means of stimulating active citizenship. Integration was in those years still considered in terms of mutual obligations; in other words, the obligation of the immigrant to participate in civic integration courses was set against the obligation of the local government to provide these courses.

Poor results of these first civic integration policies and a growing uneasiness about the poor socio-economic and sociocultural integration of immigrants led to the formulation of new – more demanding – civic integration policies in the early 2000s. In 2006 the *Civic Integration Abroad Act* was introduced; it stipulates that immigrants who wish to establish themselves in the Netherlands first have to pass a basic language and orientation exam before being granted a visa. The specific objective of this law is to make sure that immigrants arrive better prepared in the Netherlands and to select only those immigrants who have demonstrated the willingness and the ability to learn the Dutch language at a basic level and to acquaint themselves with various aspects of life in the Netherlands. While the Act applies to all foreign nationals who wish to immigrate to the Netherlands for the purpose of family formation or family reunification, it was drafted to deal particularly with the integration problems of non-Western immigrants. As a matter of fact, in policy documents the different sociocultural background of these immigrants was identified as a serious obstacle to successful integration in the Netherlands (Integration Report 2005).

The 2007 *Civic Integration Law* is far more encompassing than that of 1998. Currently all foreign nationals between 18 and 65 years of age are required to pass a civic integration exam at a minimum level of language proficiency within five years. The new law targets new immigrants as well as resident foreign nationals who cannot show proof of sufficient knowledge of the Dutch language. Failure to comply with this obligation can lead to the imposition of administrative fines and denial of a permanent residence permit. Ultimately, passing the exam is a precondition for acquiring Dutch citizenship. By imposing these incentives (and disincentives), the government hopes to achieve better integration results than in the past. More than the previous law, the new policies not only focus on improving Dutch language proficiency among immigrants and thereby on fostering active citizenship, but also include a more normative dimension of integration and citizenship. This normative approach is particularly manifest in the terms of reference of the exam on knowledge of Dutch society. In the description of the examination levels, for example, it is stated that not only is knowledge of different social manners expected, but migrants should deal with differences in social manners and norms and values in a socially accepted way (Bureau ICE/CITO 2006). As Entzinger and Biezeveld (2003) note, a certain degree of acculturation is expected of immigrants for successful incorporation into Dutch society.

With respect to naturalization policies, a similar development towards a more normative concept of citizenship can be seen. Naturalization has become more difficult since the late 1990s as various new measures restrict access to citizenship. Many political parties felt that acquisition of Dutch citizenship had become too easy, and this had led to a devaluation of its significance. In an effort to revaluate Dutch citizenship, acquisition of dual citizenship was restricted and a naturalization exam was introduced in 2003. Since then, all citizenship applicants must pass a naturalization exam in which knowledge of the Dutch Constitution and society is tested as well as the ability to speak, understand, read and write Dutch.[1] In addition, in 2007 a compulsory citizenship ceremony was introduced; it is held in August each year. The latter is above all meant to give more importance to the naturalization process and to becoming a Dutch citizen. Knowledge of the Dutch language and Dutch norms and values, as well as identification with and exclusive loyalty to the Netherlands, have increasingly become markers of Dutch naturalization policies (Driouichi 2007). As Groenendijk (2004) remarks, current naturalization legislation shows that citizenship is increasingly viewed as remuneration for completed integration and not a prerequisite for integration.

Naturalization has become more difficult since the late 1990s as various new measures restrict access to citizenship. Many political parties felt that acquisition of Dutch citizenship had become too easy, and this had led to a devaluation of its significance. In an effort to revaluate the importance of Dutch citizenship, acquisition of dual citizenship was restricted and a naturalization exam was introduced in 2003.

Citizenship outcomes for immigrants

If we look at the current situation of immigrants in terms of a broad concept of citizenship, several aspects have to be taken into account – citizenship as legal status, citizenship as civic identity and citizenship as civic practice (including participation in core institutions of society). The outcomes of these dimensions of citizenship are briefly discussed below.

In recent years the number of naturalizations in the Netherlands has hovered around 15,000 annually. However, a downward trend in the number of naturalization has been observed. Between 2000 and 2002, 30,000 foreign nationals acquired Dutch citizenship annually. Naturalization rates were higher between 1995 and 1999 and fluctuated in that period between 40,000 to 50,000 naturalizations per year (Statistics Netherlands 2008). In other words, in recent years, progressively fewer immigrants have acquired Dutch citizenship. As we will argue below, changes in naturalization legislation have significantly affected naturalization rates.

With respect to the participation of immigrants in the labour market and educational system, two important conclusions can be drawn. On the one hand, structural progress has been made over the last decade with respect to the educational achievement of immigrants (most notably among the second generation) and employment and participation rates. Yet, despite this progress, immigrants have not been able to catch up with the native Dutch population. In 2006, average unemployment rates were approximately three times as high among the non-Western immigrant population than among the native Dutch population (Dagevos 2007). In addition, a quarter of the non-Western immigrant population between 15 and 65 years of age received social assistance against only 13% of the native Dutch population. And finally, directly related to the high welfare dependency rate among non-Western immigrants, poverty rates among these immigrant groups are significantly higher than among the native Dutch. Almost three out of ten non-Western immigrant households have a low income. This share is three to four times higher than among the native Dutch (Ibid.). So, in terms of substantial citizenship the outcome for immigrants is still unfavourable. Many studies have shown that the educational background of immigrants is by far the most important factor explaining the vulnerable position of immigrants in the Dutch labour market (Odé and Veenman 2003, Dagevos 2007). Yet other factors, notably poor language proficiency, also contribute to the poor socio-economic performance of immigrants (Ibid.). This finding had spurred the introduction of civic integration courses in the first place.

With regard to civic practice, only the element of political participation is discussed here. It should first be noted that the Netherlands is one of the few countries that grants local voting rights to resident foreign nationals. Since 1985, immigrants obtain voting rights after five years of legal residency. These voting rights allow immigrants to express themselves politically at the local level. At the national level, voting is still restricted to Dutch citizens. Turnout rates for immigrants at local elections, with the exception of Turkish immigrants, have always been much lower than the Dutch average (Michon and Tillie 2003). However, recent study among immigrant youth in the city of Rotterdam (both first and second generation), shows a remarkable increase in political engagement and participation between 1999 and 2006 (Entzinger and Dourleijn 2008). The authors comment that this increase might be a positive side-effect of the heated debate on immigrant integration in the Netherlands, a discussion that was particularly fierce in the city of Rotterdam. The response has not been a withdrawal from the political arena, but instead seems to have fuelled political participation of immigrant youth in Rotterdam.

Finally, with regard to civic identity, we look at patterns of identification with the Netherlands and the interaction between different ethnic groups. As Odé and Klaver (forthcoming) note, integration on these dimensions does not take place in a straightforward way. When looking at social contacts, a rather stable pattern of inward-group orientation appears. Similarly, a trend towards a stronger ethnic identification can be witnessed (Dagevos et al. 2007). Also worrying is the fact that mutual cultural acceptance seems to have decreased over the last years. Entzinger and Dourleijn (2008) show that ethnic minorities claim more cultural freedom than the native Dutch are willing to give them. This discrepancy has grown over the last few years. In the opinion of the native population the cultural gap with immigrants has increased, even though this opinion is not supported by evidence. In fact, especially among the more educated and the second generation, modern notions with respect to the education of children, the autonomy of thought and the position of women are garnering increasing support. Thus there is a gap between perceptions of cultural difference and the actual reality. The authors note, however, that in response to this atmosphere of polarization some immigrant groups tend to strongly emphasize their own – ethnic – identity (Ibid.).

Concluding remarks: Citizenship, immigrant integration and social cohesion

The relationship between the outcome of citizenship in the Netherlands and the pursued integration and naturalization policies is not straightforward. Even the outcome itself is not unequivocal – in some ways the position of immigrants is moving in a positive direction, while in others, developments are far from favourable. In this final section, some general thoughts are presented with regard to the possible effects of the current Dutch approach to citizenship on immigrant integration and social cohesion.

The development of a more normative concept of Dutch citizenship had direct consequences for naturalization rates. The restrictions on dual nationality in 1997 and the introduction of more rigorous citizenship testing in 2003 have both led to a dramatic reduction in the number of applications for citizenship (Van Oers 2007, Böcker et al. 2005). In fact, the attempt to create homogenous citizens seems to have led to a decreasing willingness to acquire Dutch citizenship. This implies that many immigrants will reside as permanent resident foreign nationals in the country without becoming full-fledged members of the political community. Thus, while aiming at (conditional) inclusion, the effect has become partial exclusion. Above all, this affects immigrants' opportunities to participate in national elections. In other domains, citizenship has little influence on rights and access to services. For example, with respect to entitlements to social security, nationality is not a criterion.

The strong focus on singular loyalty to the Netherlands and on Dutch norms, values and rules of conduct in civic integration and naturalization policies might have negative consequences for normative and emotional identification of immigrants with the Netherlands and for creating a sense of belonging. Presently, immigrants have little influence in shaping "shared citizenship" as this is largely defined by Dutch elements. The increasing demands that are made of immigrants might contribute to the feeling of never being able to live up to expectations despite the progress that is made on many indicators of integration. There is a risk that in response to this rigid conception of citizenship, minorities will withdraw into their own ethnic groups. The

Table 1
First generation migrant population in the Netherlands, 2008

Total Dutch population	16,428,360
Total immigrant population	1,619,314
Total non-Western immigrant population	1,017,184
Total Western immigrant population	602,130

Source: Statistics Netherlands, 2008.

current approach to citizenship in the Netherlands might then become counterproductive in terms of stimulating integration and social cohesion. As we saw above, there is empirical evidence on a growing identification with one's own ethnic group that supports this claim. Yet, there are also signs of a growing readiness for political involvement and action among immigrant youth. These findings seem to suggest that the polarization of the integration debate in the Netherlands and the ensuing nationalist approach to citizenship might have a contradictory outcome. It seems on the one hand to have negative consequences for civic identity, in terms of identification with the Netherlands, but positive effects for civic practice in terms of political engagement and participation, on the other.

It is hard to predict future developments in the Dutch approach to citizenship. The present government puts much emphasis within the existing legislative framework on the participation of immigrants in the workforce and in other segments of society. Discussions in parliament and elsewhere on problems with respect to the socio-cultural integration of immigrants – and more specifically those of a Muslim background – have, however, far from subsided. Nevertheless, there is a renewed emphasis on stimulating substantial citizenship in which not only the individual migrant has a responsibility, but also in which the government plays an active role in helping immigrants to learn the language and become acquainted with Dutch society. While in recent years much concern has been expressed by academics and migrant and human rights organizations with regard to the compelling and normative course of Dutch civic integration policies, it should not be forgotten that an important rationale for these new policies was to boost the socio-economic situation of immigrants. The merits of the Dutch approach should therefore also be assessed by its ability to significantly improve the language proficiency of immigrants and to offer real opportunities for participation. Due to the recent introduction of new policy measures, no data are yet available on the effects of the implemented policies on substantial citizenship. Hopefully as new data become available, it can be assessed whether the end results justify the means.

References

Böcker, A., C. A. Groenendijk, and B. de Hart. 2005. "De toegang tot het Nederlanderschap." *Nederlands Juristenblad* 80, 3, p. 157-184.

Bureau ICE/CITO. 2006. "Eindtermen Kennis van de Nederlandse Samenleving." Bijlage 5 bij artikel 2.5 van de Regeling inburgering.

Dagevos, J. 2007. "Arbeid en inkomen." In *Jaarrapport Integratie*. Edited by J. Dagevos, Den Haag: Sociaal en Cultureel Panbureau, p. 131-162.

Dagevos, J., R. Schellingerhout, and M. Vervoort. 2007. "Sociaal-culturele integratie en religie." In J. Dagevos and M. Gijsberts (Eds), Jaarrapport Integratie 2007. Den Haag: Sociaal en Cultureel Panbureau, p. 163-189.

Driouichi, F. 2007. *De casus Inburgering en Nationaliteitswetgeving. Iconen van nationale identiteit*. Wetenschappelijke Raad voor het Regeringsbeleid. Amsterdam: Amsterdam University Press.

Entzinger, H., and R. Biezeveld. 2003. *Benchmarking in Immigrant Integration*. Report written for the European Commission under contract No. DG JAI-A-2/2002/006. Rotterdam: Erasmus Universiteit.

Entzinger, H., and E. Dourleijn. 2008. *De lat steeds hoger. De leefwereld van jongeren in een multi-etnische stad*. Assen: Koninklijke Van Gorcum.

Groenendijk, K. 2004. "Legal Concepts of Integration in EU Migration Law." *European Journal of Migration and Law* 6, p. 111-126.

Integration Report 2003. Rapportage Integratiebeleid Etnische Minderheden. TK 2003-2004, 29, 203, No. 1.

Integration Report 2005. Jaarnota Integratiebeleid. TK 2005-2006, 30, 304, No. 1-2.

Koopmans, R. 2002. "Zachte heelmeesters… Een vergelijking van de resultaten van het Nederlandse en Duitse integratiebeleid en wat de WRR daaruit niet concludeert." *Migrantenstudies* 18, 2, p. 87-92.

Michon, L., and J. Tillie. 2003. "Politieke participatie van migranten in Nederland sinds 1986." In *Politiek in de multiculturele samenleving*. Edited by H. Pellikaan and M. Trappenburg. Amsterdam: Boom, p. 126-159.

Odé, A., and J. Klaver. Forthcoming. *Civic integration and citizenship in the Netherlands*. Amsterdam: Regioplan.

Odé, A., and J. Veenman. 2003. "Migrants' Normative Orientation and their Participation in the Labour Market." In *Cultural and structural integration of* immigrants *in the Netherlands*. Edited by L. Hagendoorn, J. Veenman and W. Vollebergh. Aldershot: Ashgate.

Van Oers, R. 2007. "De naturalisatietoets geslaagd? Over de redenen voor introductie en over effecten." *Migrantenrecht* 6, p. 240-246.

Scheffer, P. 2007. *Het land van aankomst*. Amsterdam: De Bezige Bij.

Spijkerboer, T. 2007. *Zeker weten. Inburgering en de fundamenten van het Nederlandse politieke bestel*. Den Haag: Sdu Uitgevers.

Scientific Council for Government Policy. 2007. *Identificatie met Nederland*. Amsterdam: Amsterdam University Press.

Statistics Netherlands, 2008. Nationaliteitswijziging; soort regeling, geslacht, leeftijd, verblijfsduur. Retrieved on June 13, 2008, from <www.statline.cbs.nl/StatWeb/publication/PrintView.aspx?DM=SLNL&PA=37199NE>.

Vermeulen, B. 2007. *Vrijheid, gelijkheid, burgerschap. Over verschuivende fundamenten van het Nederlandse minderhedenrecht en – beleid*. Multiculturele samenleving in ontwikkeling, deel 1. Den Haag: Sdu Uitgevers.

Note

[1] In 2007, the Civic Integration Exam of the new *Civic Integration Act* replaced the Naturalization Exam.

CITIZENSHIP IN NEW ZEALAND: TOUGHER CRITERIA FOR A NEW CENTURY

ABSTRACT

In April 2005, New Zealand's *Citizenship Act 1977* was amended significantly. The major changes that were brought to the Act were in the number of years and in the applicant's presence in New Zealand required to qualify for citizenship, as well as in a departure from the principle that birth in a particular country automatically confers citizenship. These changes are outlined and reviewed in light of a growing national discourse on the meaning of citizenship in a country that grants permanent residents most of the freedoms and opportunities of citizens, and in light of the fact that a very substantial number of its citizens are living overseas.

RICHARD BEDFORD

Professor Richard Bedford of the University of Waikato is a specialist in migration research and, since the mid-1960s, has been researching processes of population movement in the Asia-Pacific region. He served as academic adviser to the Ministerial Advisory Group on Immigration and is a member of the Ministerial Advisory Committee on Official Statistics (ACOS). He is a Companion of the Queen's Service Order and a Fellow of the Royal Society of New Zealand.

In April 2005, the New Zealand Government's *Citizenship Amendment Act* came into force. This represented the first substantial amendment to the *Citizenship Act 1977*, and only the third major change to citizenship provisions since a separate New Zealand citizenship was established in 1948. The *Citizenship Act 1977* put an end to the distinction between British subjects (including New Zealand citizens) and "aliens" that had been retained in New Zealand's foundation *Citizenship Act* of 1948. It also eliminated the distinction between Commonwealth and foreign citizens. From 1977 onwards the only distinctions in law were between New Zealand citizens and others. The *Citizenship Amendment Act 2005* has tightened up a number of criteria relating to entitlement to citizenship with a view to ensuring "that New Zealand citizenship, and the benefits that come with it, are available only to people who have a genuine and ongoing link to New Zealand" (Department of Internal Affairs).

McKinnon (1996), McMillan (2004, 2005) and Pearson (2001, 2004), among others, have prepared excellent reviews of citizenship in New Zealand. There is much literature on issues of indigeneity, identity, inclusion and civic practice in New Zealand, and many collections of essays edited by Macpherson et al. (2001), Ip (2003), Spoonley et al. (2004) and Liu et al. (2005) contain papers by many of the most prominent writers in this area. This literature is not reviewed here – it is readily accessible, and a forthcoming book by Trlin et al. (2008) contains an exhaustive bibliography detailing much of the writing on this subject since 2000.

This article focuses on two particular aspects of the 2005 *Citizenship Amendment Act*. The first is the extension of time required to qualify for citizenship, which was raised from two years (if married to a New Zealand citizen) or three years (for all others) to five years for every applicant (section 8 of the Act). It also focuses on some associated changes in what qualifies as "presence in New Zealand" for the purposes of accumulating the five years of residence that are required. The second is the departure from the principle that birth in New Zealand automatically confers citizenship (section 6(1) of the Act), which came into effect on January 1, 2006. Both of these changes marked a significant shift in access to New Zealand citizenship in response to several challenges related to the radical changes in international migration to and from New Zealand since the early 1970s that are associated with globalization (Bedford et al. 2002, Spoonley 2008).

Earlier approach to citizenship

Since 1977, New Zealand has had what might be termed a reasonably relaxed approach to citizenship in the sense that there has been no real pressure on immigrants to become New Zealand citizens once they have been approved for residence. Since the establishment of a separate New Zealand citizenship, it has been possible for people approved for residence to retain other passports. New Zealand has always allowed for dual or multiple citizenship amongst its citizens. Another indication of the relatively relaxed approach to obtaining citizenship relates to the amount of time immigrants must reside in New Zealand for the purposes of meeting the required years of residence. The period dubbed "ordinarily resident" includes time in the country on temporary permits for study or for work as well as absences from New Zealand for a total of one of the three years, as long as no single absence is greater than six months.

Permanent residents in New Zealand have always had most of the rights that citizens possess, including the right to vote in national and local government elections (McMillan 2004). One of the major distinctions between citizens and permanent residents has been the right to travel and reside in Australia without applying for a visa. People travelling on New Zealand passports effectively benefit from visa-free entry to Australia, subject to some health and good character provisions. Permanent residents do not have difficulty getting short-term visitor visas for Australia, but they must qualify for entry under Australia's immigration program if they wish to reside in that country. Because it took less time in residence to qualify for citizenship in New Zealand than in Australia, and because the provisions relating to the accumulation of time in residence were quite generous, gaining New Zealand citizenship was seen by some immigrants as an easier way of qualifying for residence in Australia than direct entry via Australia's immigration program. Concern in Australia over the "backdoor" migration of recent immigrants to New Zealand led to changes to Australia's social security legislation in 2000, which had the effect of removing some welfare entitlements from New Zealanders who decided to settle in Australia after March 2001 (Birrell and Rapson 2001, Bedford et al. 2003).

Within New Zealand there are no legal impediments facing permanent residents in the labour market, or in access to social services, including education and health care, and welfare support. However, as Spoonley and his colleagues (1984, 1991, 1996, 2004) have stressed in several collections of essays, this apparent *legal* equality between citizens and permanent residents is in practice severely tempered by institutional racism and racial discrimination against people whose ethnic origins are different from the predominant "White" European Pakeha majority. The problems that "immigrants of colour" face in making a new life in New Zealand are not discussed further in theses pages, but they are as much a part of the reality of residence and citizenship in this country as they are in several other former British "settler" societies (Fleras and Spoonley 1999, Pearson 2001).

Residence requirements for citizenship

The shift to a five-year residence period in New Zealand for all immigrants, including spouses of New Zealand citizens, as well as a significant change in what qualifies as residence for the purposes of citizenship, quelled one of Australia's major concerns about backdoor migration to Australia via New Zealand. Under the 2005 *Citizenship Amendment Act* an applicant must now be a resident in New Zealand for at least 1,350 days of the five years immediately preceding application (approximately 75% of the period), including a minimum of 240 days (approximately 8 months) in each of those five years. Time spent in New Zealand on temporary study or work permits no longer counts as a period of residence for citizenship acquisition, although transitions to residence from study or work in New Zealand is an increasingly common route to permanent residence in the country (Department of Labour 2006: 11-16).

A New Zealand passport was a valuable asset for travellers – especially as it could be obtained without having to surrender other passports. A deepening appreciation of these values of New Zealand citizenship, coupled with a growing concern about what citizenship meant to immigrants who subsequently chose to spend much of their time off-shore…contributed to calls to toughen the requirements for becoming a New Zealand citizen.

The major push for increasing the qualifying time of residence for citizenship did not stem, however, from the concerns in Australia about backdoor migration. Rather, it arose from the increasing concern about national security following the events of September 11, 2001. The "ordinary residence" requirement under the 1977 Act was no longer considered sufficient for assessing an applicant's suitability for citizenship, especially their "genuine and ongoing link to New Zealand" (Department of Internal Affairs). The minimal requirements for residence also did not allow sufficient time for residence fraud to be discovered before an applicant received citizenship, which created major problems in terms of subsequent prosecution and deportation (McDowell 2005).

A New Zealand passport was also attractive because of the access it gave to countries other than Australia. Following the introduction of New Zealand citizenship in 1948, successive governments negotiated visa-waiver treaties to facilitate short-term movement of nationals for business and holiday purposes, initially with governments in European countries and, in 1971, with Japan, and then with an increasing number of countries in Asia, the Middle East, North and South America from the mid-1980s onwards (Bedford and Lidgard 1998). Because of the reputation New Zealand's government and businesses have secured internationally for transparency and lack of corruption, a New Zealand passport was a valuable asset for travellers – especially as it could be obtained without having to surrender other passports. A deepening appreciation of these values of New Zealand citizenship, coupled with a growing concern about what citizenship meant to immigrants who subsequently chose to spend much of

their time off-shore, as many of the Taiwanese and Hong Kong new citizens of the 1990s did, contributed to calls to toughen the requirements for becoming a New Zealand citizen.

The much more diverse immigration flows that stemmed from the abandonment of a deliberate source-country preference in immigration policy in the mid-1980s posed significant challenges to New Zealand's indigenous Maori population, as well as to the quite under-developed concept of a distinctive "New Zealand" identity. Spoonley (2008) and McMillan (2005) contain useful reviews of the critical issues here, while Fleras and Spoonley (1999) provide a comprehensive assessment of indigenous politics and ethnic relations in New Zealand. During the early years of the 21st century the Labour-led government has prioritized strengthening national identity as one of its three key priorities (along with economic transformation and family well-being). While New Zealand has never had an explicit multiculturalism policy similar to those of Australia and Canada – largely because of the bicultural heritage initiated by the Treaty of Waitangi between Maori and the British Crown in 1840 – the citizenship discourse in the 21st century is strongly influenced by concerns about accommodating diversity, respecting difference and ensuring social inclusion. There are no "citizenship tests" along the lines of those introduced in the United Kingdom and Australia, but permanent residents are expected to "recognize the value and benefit of the citizenship process" (Department of Internal Affairs) as they seek to obtain a New Zealand passport. The five-year residence requirement, with much stricter provisions regarding the applicants' "presence in New Zealand" to qualify for residence, is seen to be a better test of the desired "genuine and on going link to New Zealand."

The equivalent of 18% of New Zealand's usually resident population of 3.8 million people in 2001 was estimated to be living overseas. The majority of these individuals live in Australia, many now as second or third generation residents.

Acquisition of citizenship by birth

The changes to provisions relating to citizenship acquisition by birth brings New Zealand's citizenship law in line with those adopted by most Western countries, with th exception of the United States and Canada. Since January 1, 2006, a child born in New Zealand is a New Zealand citizen only if at least one of the parents is a New Zealand citizen or is entitled, under the *Immigration Act* of 1987, to be in New Zealand indefinitely as a permanent resident (including citizens and permanent residents of Australia, Cook Islands, Niue and Tokelau). This changed the situation that existed after January 1, 1949 when most people born in New Zealand automatically became New Zealand citizens by birth, irrespective of the citizenship and residence status of their parents. Since January 1, 2006, a New Zealand-born child, whose mother and father are not New Zealand citizens or permanent residents, is deemed to have at birth the same immigration status as the mother or the father, whichever is most favourable for the child. No child will be rendered stateless as a result of this change – section 6(3) of the Act ensures that every child born in New Zealand is a citizen if he or she would otherwise be stateless, or if his or her parentage cannot be established.

The elimination of automatic entitlement to citizenship to children born in New Zealand, irrespective of the immigration status of their parents, was justified by a growth in the number of short-term residents (visitors, students and temporary workers) having children while in New Zealand. Gaining access to a passport via a child was seen as a way of securing future residence options for other family members through the process of family sponsorship. This route to residence was curtailed by the removal of automatic entitlement to citizenship on the basis of birthplace. The simple fact of birth in New Zealand is not considered evidence of "a genuine and on-going link to New Zealand."

Citizenship and New Zealand's diaspora

While changes to the Act relating to citizenship by birth eliminated some anomalies around immigration to New Zealand, there remain some complex and challenging issues surrounding the entitlement to citizenship in New Zealand of people born to New Zealand citizens overseas. One of the most interesting issues for the future is the entitlement that members of New Zealand's very extensive diaspora have to residence in New Zealand. The equivalent of 18% of New Zealand's usually resident population of 3.8 million people in 2001 was estimated to be living overseas (Bedford 2001). The majority of these individuals live in Australia, many now as second or third generation residents. Under current legislation, Australian citizens and permanent residents are entitled to come and reside in New Zealand under the Trans-Tasman Travel Arrangement, so descendants of New Zealand-born migrants to Australia should have no problem obtaining New Zealand citizenship if they decide to live in New Zealand. The same cannot be said for the descendants of New Zealand citizens or permanent residents who have been living overseas in Europe, North America, Asia or other parts of the world. Their rights to residence in New Zealand will be more difficult to negotiate, especially if they are the children of New Zealanders who had themselves been born overseas.

A particularly interesting case in this regard will be the children of overseas-born Maori. All Maori can trace their ancestry (whakapapa) to specific tribes (iwi) and sub-tribes (hapu) in New Zealand and, through this whakapapa, to a "standing place" on the marae (meeting place) of their hapu or iwi. Birthplace and citizenship of

parents are not the defining criteria of whakapapa; it is the ancestral links through the mother and father to the indigenous people of New Zealand. It is difficult to see how a government in New Zealand could deny third generation Maori, born overseas to overseas-born parents and who wish to return to the land of their ancestors, the rights to permanent residence and citizenship. With significant economic resources being returned to iwi through the settlement of long-standing grievances during the period of colonial rule, the attractions of "home" may increase for some second and third generation Maori citizens of countries other than Australia, Cook Islands, Niue and Tokelau. Their entitlement to a New Zealand passport, without a parent or grandparent who was born in New Zealand or was a New Zealand citizen, will presumably require some form of discretionary grant on the grounds of descent under the *Citizenship Amendment Act.*

References

Bedford, R. D. "2001: Reflections on the Spatial Odysseys of New Zealanders." *New Zealand Geographer* 57, 1, p. 49-54.

Bedford, R. D., and J. M. Lidgard. 1998. "Visa-waiver and the Transformation of Migration Flows between New Zealand and Countries in the Asia-Pacific Region, 1981-1996." In *Vanishing Borders: The New International Order of the 21st Century*. Edited by L. B. Thong and T. S. Bahrin. Aldershot (UK): Ashgate, p. 91-110.

Bedford, R. D., E. S. Ho, and J. M. Lidgard. 2002. "International Migration in New Zealand: Context, Components and Policy Issues." In *Populations of New Zealand and Australia at the Millennium*. Joint special issue of the *Journal of Population Research* and the *New Zealand Population Review*. Edited by G. A. Carmichael and A. Dharmalingam. Canberra: Australian Population Association, p. 39-65.

Bedford, R. D., E. S. Ho, and G. Hugo. 2003. "Trans-Tasman Migration in Context: Recent Flows of New Zealanders Revisited." *People and Place* 11, 1, p. 53-62.

Birrell, B., and V. Rapson. 2001. "New Zealanders in Australia: The End of an Era?" *People and Place* 9, 1, p. 61-74.

Department of Internal Affairs. Retrieved from <www.dia.govt.nz>.

Department of Labour. 2006. *Migration Trends 2005/06*. Wellington: Department of Labour. Retrieved from <www.immigration.govt.nz/research>.

Fleras, A., and P. Spoonley. 1999. *Recalling Aotearoa: Indigenous Politics and Ethnic Relations in New Zealand*. Auckland: Oxford University Press.

Ip, M. (Ed.). 2003. *Unfolding History, Evolving Identity: The Chinese in New Zealand*. Auckland: Auckland University Press.

Liu, J. H., et al. (Eds). 2005. *New Zealand Identities. Departures and Destinations*. Wellington: Victoria University Press.

Macpherson, C., P. Spoonley, and M. Anae (Eds). 2001. *Tangata o te Moana Nui: The Evbolving Identities of Pacific Peoples in Aotearoa/New Zealand*. Palmerston North: Dunmore Press.

McDowell, J. 2005. "Law Reform and Regulation of the Immigration Consultancy Industry." Paper presented at the LexisNexis Immigration Law Conference, Auckland, (June).

McKinnon, M. 1996. *Immigrants and Citizens: New Zealanders and Asian Immigration in Historical Context*. Wellington: Institute of Policy Studies.

McMillan, K. 2004. "Developing Citizens. Subjects, Aliens and Citizens in New Zealand since 1840." In *Tangata Tangata. The Changing Ethnic Contours of New Zealand*. Edited by P. Spoonley, C. Macpherson and D. Pearson. Victoria Australia: Thomson, p. 267-289.

McMillan, K. 2005. "Immigration, Nationalism and Citizenship Debates in the 1990s." In *New Zealand and International Migration. A Digest and Bibliography Number 4*. Edited by A. D. Trlin, P. Spoonley, and N. Watts. Palmerston North: Department of Sociology, Social Policy and Social Work, p. 70-85.

Pearson, D. 2004. "Rethinking Citizenship in Aotearoa/New Zealand." In *Tangata Tangata. The Changing Ethnic Contours of New Zealand*. Edited by P. Spoonley, C. Macpherson, and D. Pearson.Victoria, Australia: Thomson, p. 292-314.

Pearson, D. 2001. *The Politics of Ethnicity in Settler Societies: States of Unease*. Basignstoke, Hampshire: Palgrave.

Spoonley, P. 2008. "Managing Immigration in Aotearoa/New Zealand." In *Migration and Globalization. Comparing Immigration Policy in Developed Countries*. Edited by A. Kondo. Tokyo: Akashi Shoten, p. 185-205.

Spoonley, P., et al. (Eds). 1984. *Tauiwi. Racism and Ethncity in New Zealand*. Palmerston North: Dunmore Press.

Spoonley, P., C. Macpherson, and D. Pearson (Eds). 2004. *Tangata Tangata. The Changing Ethnic Contours of New Zealand*. Victoria Australia: Thomson.

Spoonley, P., D. Pearson, and C. Macpherson (Eds). 1991. *Nga Take. Ethnic Relations and Racism in Aotearoa/New Zealand*. Palmerston North: Dunmore Press.

Spoonley, P., D. Pearson, and C. Macpherson (Eds). 1996. *Nga Patai. Ethnic Relations in Aotearoa/New Zealand*. Palmerston North: Dunmore Press.

Trlin, A., P. Spoonley, and R. D. Bedford (Eds). 2008. *New Zealand and International Migration. A Digest and Bibliography, Number 5*. Palmerston North: Department of Sociology, Social Policy and Social Work.

CITIZENSHIP AND MULTICULTURALISM IN NORWAY

ABSTRACT

The transformations in the European understanding of multiculturalism and citizenship regimes, related to international migration, show some very obvious traits, but it is also misleading not to be aware of the significant differences between countries. Rather than delving into the detailed specificities of the opportunities for immigrants (including refugees) to effectively exercise their citizenship, this article will discuss some of the features of the Norwegian situation, through a Nordic (here only Denmark, Norway and Sweden) comparative perspective.

YNGVE LITHMAN

Yngve Lithman is a professor of sociology and the director of IMER/UiB, a research unit concerned with international migration and ethnic relations at the University of Bergen, Norway. He has worked extensively in Sweden and Canada.

The Nordic countries of Denmark, Norway and Sweden have had an almost century-old collaborative relationship with regard to citizenship laws (i.e., awarding of citizenship), which Finland (1960s) and Iceland later joined. Over the last decades, however, the confluence between these countries is ruined. Requirements for citizenship now vary, on various issues including as residency criteria, language requirements and to dual citizenship. The fracture lines are not that different from what is seen elsewhere in Europe. They represent different answers to questions such as how "ethnified" or culturally unified the nation-state has to be to effectively do its job. In brief, there are at least three distinct positions on this matter.

The first stresses that immigrants have to embrace the national traditions of their new country or become a part of them. Immigrants must not pose a threat to cherished traditions, or fragment the state's ability to serve as a guarantor for the well-being of all its members ("the welfare state").

A second position juxtaposes human rights with liberal-democratic perspectives. Immigrants must embrace certain "fundamental" values, such as liberal-democratic principles, freedom of expression (e.g., the Muhammed cartoons controversy) and equality of the sexes, and they must possess the knowledge tools to effectively participate in society (in particular, but not only, the language skills).

The third position is to view immigration issues as much more unproblematic. "Integration" on the whole is seen as relatively successful. Discrimination and "structural" issues, such as the way the housing market works, must not hinder the efforts made by immigrants to become contributing members of society and to enjoy its wealth. Notions of a fragmenting conflict between the nation-state "normality" or cultural apparatus in general, on the one hand, and "immigrant cultures," on the other, is seen as a vast simplification.

These positions have had different strengths in each Nordic country, and the Danish, Norwegian and Swedish cases can be used contrastively. The differences are manifest, especially in symbolically important contexts such as the requirements for awarding citizenship.

Denmark, Norway and Sweden

Both Norway and Denmark have populations of approximately 5 million people, while Sweden's population is almost 10 million. In Norway and Denmark, about 7% of the population is born abroad, while in Sweden this percentage reaches 14%. The total "foreign population" segment (including the second generation) is close to 9% in Norway and Denmark, and 18% in Sweden. The origins of immigrants vary widely, but immigration debates in the Nordic countries are now almost exclusively about immigrants from outside Europe (including Turkey). Denmark has a notable presence of immigrants of Turkish origin while, Norway has welcomed people of Pakistani and Sinhalese Tamil origin. However, Sweden does not have specific emblematic immigrant grounds from outside Europe. At present, Sweden has a vastly higher number of asylum seekers; in 2007 this group numbered more than 35,000, as opposed to slightly the more than 10,000 in Norway and Denmark combined. That same year, Sweden, which has received some 80,000 Iraqis, and until recently had one municipality that had welcomed with more Iraqi refugees than had the entire United States, received approximately 20,000 Iraqi asylum seekers, while Norway and Denmark together received less than 2,000.

In several ways, however, including in terms of public opinion, Norway is situated between Denmark and Sweden. The European Social Survey (ESS) measured responses to a variety of questions concerning immigration. Asked if refugees represent a security threat, 60% of Danes, 45% of Norwegians, and 24% of Swedes agreed. This pattern repeats itself on a number of issues. Where the three countries show a significant similarity is in their answers to the question asking how many foreign-born persons live in their country: here, the average response, close to 170% of the actual number, is comparable.

Norway, which used to be something of a wholesale importer of many Swedish program solutions with respect to immigration (there still are many similarities, including in recent laws and programs), is in some ways moving onto a track of its own. A 2000 Royal Commission[1] found that a majority suggested that Norway should allow dual citizenship, which Sweden has been permitting for decades now. The subsequent law, however, sided with the minority, and continued to disallow dual citizenship, which is also forbidden in Denmark. One must have resided in Sweden for five years to acquire Citizenship, in Norway for seven years, and in Denmark for nine years (these countries once shared a requirement of seven years residence, with special rules for Nordic citizens). Sweden is the only one of these countries that does not require, language proficiency or proven general knowledge about the receiving country for acquiring citizenship, .

The ESS statistics as well as the citizenship requirements bear witness to the "degree of openness" towards migrants, with Sweden being the most open, Norway in the middle, and Denmark the relatively least open.

In Europe more generally, and certainly in Norway and Denmark, but much less so in Sweden, the idea that "multicultural policies" have failed has gained wide currency. However, with the exception of Great Britain and the Netherlands, very few if any European states have had policies aiming towards a multicultural society in the sense that we can witness in Canada.

The politics of immigration

The Nordic countries, of course, reflect the "political realities" of each country. Denmark has a xenophobic party (Danish People's Party) as a prominent shaper of policy with respect to immigration issues. In their definition of Denmark as an ethnic nation, there is little space for openness. Norway has a similar party, the Progress Party, but in the more traditional Scandinavian style, and so significantly less extreme. This party, however, is now the major opposition party to the left-wing coalition forming the government, but its size should only to some degree be seen as related to its xenophobic tendencies. In Sweden, a small xenophobic party had secured some seats for one mandate period, in the early 1990s.

Norway's Progress Party has had and continues to have a significant influence. It claims to represent Norwegian interests. While certainly not lacking, the celebration of Norwegian cultural specificity is not central to Progress Party argumentation, but the arguments are often more generally construed. The "culturally remote" cannot fit into the Norwegian societal fabric, because these immigrants do not understand the liberal and democratic traditions that govern Norway, and their totalitarian religious and family traditions, from Islam to patriarchy, make them unwilling to "adjust themselves" to Norwegian society. However, prominent debaters of the left are giving roughly the same message with respect to immigrants. Joining forces, there is now an established rhetoric about immigrants' "duties" (such as learning Norwegian and expressing their solidarity with Norway, untainted by dual citizenship). It should be noted however that much of the law-given mechanics with respect to immigrants are fairly identical to what exists in Sweden.

Multicultural practices as accommodation

In Europe more generally, and certainly in Norway and Denmark, but much less so in Sweden, the idea that "multicultural policies" have failed has gained wide currency. In the debates about multiculturalism, there are several noteworthy features. With the exception of Great Britain and the Netherlands, very few if any European states have had policies designed to move towards a multicultural society as is the case in Canada. Instead, European countries are, in various ways, dealing with what has been perceived as a multicultural fact. Very few would argue that the post-war migration experience in Europe should have occurred without attempts by the states to ensure that migrants ended up in reasonable circumstances. Education, health, justice and labour exchange authorities, to mention but a few, had to make suitable accommodations. It may well be added that labour union federations in the Nordic countries forcefully argued against the creation of a "denizen category," made up of individuals with strenuous relationships to society and available for "social dumping" (i.e., non-tariff wages, exclusion from employers' statutory responsibilities such as pension fund contributions, etc.).

If multiculturalism in Norway should mainly be understood, to be a pragmatic adjustment to demographic realities, it is also possible to find expressions of a more principled multiculturalism. Two cases testify to this, the Sami and the "national minorities." The Sami have been granted the right to protect and develop their culture, language and way of life and there have been significant land rights and political-institutional developments, especially

over the last 20 years. The four "national minorities" – Jews, Kvens (a Finnoethnic minority), Roma ("Gypsies") and Skogfinnar (people of Finnish decent living in southern Norway) – have also been given a more principled "multicultural" status,[2] partly as a result of Norway signing on to two Europe-wide instruments in the late 1990s.[3]

From culture to individual

It appears completely exaggerated to claim that "failed" multicultural policies have created the massive concerns about immigration in Europe (Ley 2007). However, concerns on multiculturalism are voiced with different strengths. In public discourse, Denmark stands out as the most vocal, Sweden as the least vocal, and Norway somewhere in between.

The *Mangfoldsmelding* (a Ministerial Diversity Report) to the Norwegian Parliament in 2004 shows the soft official response to immigration concerns. This Melding was presented as a report about "values," and hence took its place in a massive series of other activities undertaken by this conservative government, which was incidentally led by a priest and aimed at discussing "values" in Norwegian society. It certainly had to be attentive to the heated debates in the Norwegian mass media about Islam as a reactionary religion, female circumcision, honour killings, second generation violence and the whole plethora of presumed evils associated with the "culturally remote" in Norway. One of the Melding's main arguments is the focus on the individual, and without actually denying a "cultural" argument (by extension a basis for multiculturalism), it suggests that one can be a good Norwegian even if one is part of a specific cultural category. However, it also states that there are limits to multicultural orientations and it gives the Norwegian as a normative guide. Significantly, and in contrast to what can be seen in several other countries, it is not an inflammatory document. The Melding also supports a two-pronged approach with respect to immigrant policies, with one relating to "mainstreaming" and the other to combating racism.

The mainstreaming approach simply means that immigrants should exercise their relationship with the state through the same vehicles as any other inhabitant. Refugee reception issues, of course, fall outside of this. While the authorities must respect the diversity of the population that they serve, there are no parallel universes created for immigrants.

The anti-discrimination work is the other part of the approach. In recent years, the most notable development is the *Anti-Discrimination Act* of 2006, which prohibits discrimination based on origin, ethnicity, national origin, skin colour, religion, descent and beliefs, and specific bodies were created to enforce this law.

In spite of the long-term contentious immigration debates in Norway, the Melding must be seen as an attempt to move on with a fundamentally pragmatic approach.

The obstacles to effective citizenship

Immigration issues are often discussed in *falsetto* and couched in the same doomsday vocabulary of a dramatic television talk show. One argument often heard in such settings is that Norway cannot accept more immigrants (read: culturally remote immigrants). There are already "too many," and this creates tensions in society. However, owing to Sides and Citrin (2007) and Kehrberg (2007), we now know with certainty that if there is a relationship between immigrant density and hostile attitudes towards immigrants and refugees, it is that the more numerous immigrants are, the more welcoming attitudes in the host population will be. Similarly, there is no relationship between employment levels and attitudes towards immigrants and refugees. One should remember, though, that the Nordic countries, including Norway, appear in the upper strata of European countries in terms of liberal attitudes towards immigrants and refugees.

> The way in which immigrants and refugees are presented in public discourse may create barriers that have a real impact on the well-being of both society as a whole and on the effective exercise of citizenship by immigrants and refugees.

Nevertheless, there are striking similarities as well as dissimilarities between the Nordic countries and other European counties. The similarities, as Hedetoft (2006) has pointed out, are in the actual day-to-day governmental mechanics with respect to immigrants and refugees. This reflects the general ambition of welfare states regarding the provision of decent conditions for their inhabitants. By and large, one may consider that the Nordic states have done a comparatively good job in terms of assisting immigrants in contributing to society and creating reasonably good lives for themselves.

The dissimilarities between them are also obvious, especially with respect to the host populations' attitudes and the role of immigrants and refugees in public discourse. There is, as noted earlier, a pattern that repeats itself in the ESS, with Sweden being the most positive, Norway in the middle, and Denmark the least positive in terms of attitudes towards immigrants. It is also noteworthy that, according to the ESS, Swedes are considerably more positive towards immigrants from non-European, Third World countries. The differences must certainly be reflective of how immigrants are dealt with in the public sphere, especially by the mass media. Here, the basically non-ethnic determination of what a Swede is, the much more ethnic determination of what a Dane is, and the in-between position of Norway translate into specific attitudes towards immigrants.

Rogstad (2001) found that Norwegian employers' "uncertainty" about immigrant applicants irrespective of formal qualifications, rather than outright racist sentiments, was a significant factor in explaining the higher immigrant unemployment rates. It is fairly obvious that this

uncertainty stems from public immigration debates. To extrapolate from Sides and Citrin (2007) and suggest that the problem with Norway and Denmark is that they have too few immigrants may be too simple. What this comparative reflection about the Nordic countries does suggest, however, is that issues related to effective citizenship may not be immediately related to differences in the governmental or institutional set-up encountered by immigrants and refugees on a daily basis.

Instead, the way in which immigrants and refugees are presented in public discourse may create barriers that have a real impact on the well-being of both society as a whole and on the effective exercise of citizenship by immigrants and refugees. Just how the differences between these three Nordic countries have emerged may well be rooted in the historical nation-building processes of each, but what clearly energizes them is, not least, the contemporary political scene (Lithman 2007).

References

Haagensen, E. 2006. "Norway's Approach to Integration of Immigrants and Minorities." *Canadian Diversity / Diversité canadienne* 5, 1, p. 68-71.

Hedetoft, U., B. Petersson, and L. Sturfe. 2006. *Bortom Stereotypierna.* Lund: Makadam Förlag.

Hylland-Eriksen, T. 2006. "Tomas Hylland-Eriksen laser om Sverige vs. Danmark." *Sydsvenska Dagbladet*, (November 27).

Kehrberg, J. E. 2007. "Public Opinion on Immigration in Western Europe: Economics, Tolerance and Exposure." *Comparative European Politics* 5, p. 264-281.

Ley, D. M. 2007. "Multiculturalism – A Canadian Defence." UBC/RIIM Working Paper No. 07-04.

Lithman, Y. G. 2007. "Varieties in the Scandinavian Welfare-Assimilation-Integration Regimes." Working paper. Retrieved from <www.imer.uib.no>.

Sides, J., and J. Citrin. 2007. "European Opinion About Integration: The Role of Identities, Interests and Information." *British Journal of Political Science* 37: p. 477-504.

Rogstad, J. 2001. *Sist bland likemen?* Oslo: Pax.

Notes

[1] A "Royal Commission" is what results in a publication from a NOU, or a "Norwegian Public Inquiry."

[2] For these cases, see for instance Haagensen's (2006) short but succinct presentation in a previous issue of *Canadian Diversity*.

[3] These are the European Framework Convention on the Protection of National Minorities and the European Language Charter for Regional and Minority Languages.

POLISH NATIONALITY AND POLISH CITIZENSHIP: A FORGOTTEN DICHOTOMY

ABSTRACT

Polish citizenship policy is based on *jus sanguinis*, and places special emphasis on descent and cultural belonging. The main debate revolves around the citizenship status of Polish communities abroad. Since the number of permanent immigrants is low, the issue of naturalization or civic participation has not emerged.

AGNIESZKA WEINAR

Agnieszka Weinar obtained her Ph.D. in Political Sciences at Warsaw University in 2006. She has been a researcher at the Centre of Migration Research of Warsaw University since 2001. Her research interests include the relationship between migration and democratic societies, and particularly in political and public discourses; Europeanization of migration policy; migration and citizenship; and the intersection of migration and development policies. She is currently working on migration issues at the European Commission.

Polish citizenship: An historical perspective

In Polish political culture, citizenship and nationality have traditionally been quite separate notions. From the 15th to the 18th century, Poland was a multicultural state, an official union of two nations and home to many ethnic minorities.[1] During that period, belonging to a political system of the state was not determined by nationality. However, during the Partitions of the Polish-Lithuanian Commonwealth (1772-1918), when individuals of Polish nationality (or identification) became citizens of three different states, the gap between nationality and citizenship became stronger. In 1918, the re-established Polish state again became a multicultural nation, where minorities represented over 30% of Polish citizens, and all inhabitants were granted Polish citizenship regardless of their ethnicity. It was the only time in the post-war history of Poland that *jus soli* was used to identify citizens. From then on, *jus sanguinis* became the central criterion for identifying citizens, thereby reflecting the ties between Polish communities across borders and building a trans-state political network.

It was only after 1945 that the gap between nationality and citizenship closed. The creation of an almost homogenous nation within the new, post-Yalta borders resulted in the massive forced movement of people. At the end of the 1950s Poland was largely home to Poles, and the relatively scarce ethnic minorities were repeatedly "invited" to leave. The citizenship policy of the communist state was highly discretionary and exclusive. The practice of depriving members of select ethnic minorities and emigrants of Polish citizenship depended on the political situation of the country and occurred, in some cases, *en masse* (Górny et al. 2007a: 147-170). Intolerance of dual citizenship was a policy inscribed in many bilateral agreements with other communist states.[2] Such a policy changed only after 1989.

The period of post-communist Poland has been marked by intense debates on the issue of citizenship. Indeed, citizenship has been used as a tool for dealing with the past. Providing Polish citizenship to emigrants who had possessed it in the past and to expelled minorities, and providing targeted Polish communities across the Eastern border with semi-citizen rights: these initiatives were meant to make up for the historical harm caused by forced expatriation from the fatherland. So far these issues have been at the forefront of political debates on Polish citizenship and belonging.

Therefore, while discussing the current approaches to citizenship in Poland, this article will focus on the issue of belonging, which is deemed of primary importance in the context of Polish minorities abroad. The question of immigration and naturalization has never been debated and has never been an important political issue. Consequently, it will be discussed briefly in the second part of this article.

Citizenship policy in Poland

The *Statute on Polish Citizenship of 15 February 1962*, last amended in 2007 provides a legal framework for citizenship policy. Attempts to amend it were made between 1999-2001, but failed due to the disagreement concerning dual citizenship of Polish nationals.[3]

Polish citizenship is based on *jus sanguinis*.[4] It is automatically granted to a child whose mother or father, or both, is a Polish citizen (*Statute on Polish Citizenship*, article 4, points 1 and 2). If the child is born to a mixed couple (i.e. a marriage between a Polish citizen and a foreigner) and the parents choose foreign citizenship for the child, the individual may still claim Polish citizenship before turning 18 (*Statute on Polish Citizenship*, article 6, item 3).The only way to lose Polish citizenship is to renounce it through official channels. A separate procedure of confirmation can be used when a foreign national is

able to prove his or her right to Polish citizenship. It can be used if the applicant's parent was a Polish citizen – of course, this needs to be well-documented. Consequently, Polish citizenship can be hereditary, as it can be passed down through several generations of emigrants.

Acquisition of Polish citizenship through repatriation is a special case of *jus sanguinis*. This measure, introduced in 2000, was one of the gestures made to Polish communities in the former USSR. The scope of the policy was limited to individuals of Polish origin living in Central Asia, especially Kazakhstan. It was thus necessary to provide a working definition of "Polish origin." The *Repatriation Act* of 2000, last amended in 2002, defines in article 5 just what constitutes "Polish origin" of the applicant. The applicant must declare his or her Polish nationality or prove that one of his parents or grand parents or both great-grandparents were of Polish nationality or had Polish citizenship. In the first case, the applicant must prove his or her attachment to Polish culture (especially language skills). In the second, in addition to proof of attachment, the applicant needs to show that one of his or her parents, grandparents or both great-grandparents confirmed their belonging to the Polish nation by exposing their attachment to Polish customs and language. Each repatriate acquires Polish citizenship upon arrival in Poland, and their families can enjoy the fast track reserved for the simplified marriage procedure.

Poland has a naturalization procedure that comprises three distinct sub-processes: conferment, acknowledgement and simplified marriage procedure.

Conferment of Polish citizenship is an administrative procedure in which a foreigner is granted Polish citizenship. To be eligible, the foreigner must have lived in Poland as a long-term permanent resident for at least five years. Since permanent residence status (including EU long-term residence status) can only be applied for after five years of legal stay in Poland, this means, in practice, that most foreigners must wait ten years before they can even apply for citizenship. However, in some cases, the President can grant Polish citizenship without following administrative rules, especially if it serves the interest of Poland. The President can also ask the applicant to renounce his or her previous citizenship; however, such demands have been relatively rare and of a purely discretional nature (Górny et al. 2007a). In the conferment procedure, the children of the applicant are automatically granted Polish citizenship, but if they are over 16, they must give their consent.

Acknowledgement of Polish citizenship is an administrative procedure targeting stateless persons and persons whose nationality is unknown. Such a person must have lived in Poland as a permanent resident for at least five years before applying for citizenship. In this case the procedure remains at the provincial level (*starostwo*).

The simplified marriage procedure significantly shortens the pre-application residence period required for naturalization. A person married to a Polish citizen can apply for Polish citizenship either after three years of marriage and six months of living in Poland as a temporary resident, or after three years and six months of marriage.

The double edge of the *Statute on Polish Citizenship's* sword is thus well reflected in its regulations. The nationalist focus can be read in its generous *jus sanguinis* policy and a long, not entirely clear, road to naturalization. The only relatively easy way for a foreigner to become Polish is through marriage.

The Charter guarantees a form of semi-citizenship that does not extend to crossing the border or settling in Poland but that does ensure a certain number of social rights. It is granted only to persons who do not have Polish citizenship or a permit to settle in Poland, and applies only to citizens of countries of the former USSR…There is no clear indication as to the number of eligible individuals, but it is estimated to be between 200,000 and 400,000.

The Polish Charter

The ethnic dimension of Polish citizenship has been strengthened by the recent introduction of a *Polish Status Law* or, in other words, the Polish Charter. The Charter was discussed in 1999 and 2000, but did not move forward due to a lack of political consensus, especially around the definition of "Polishness" (Górny et al. 2007a). The conservative government raised the issue again and this led to the successful adoption of the *Act of 7 September 2007 on the Polish Charter*. The Charter guarantees a form of semi-citizenship that does not extend to crossing the border or settling in Poland but that does ensure a certain number of social rights.[5] It is granted only to persons who do not have Polish citizenship or a permit to settle in Poland, and applies only to citizens of countries of the former USSR.[6] The applicant must declare that he or she belongs to the "Polish Nation" and prove his attachment to Polish culture and tradition (especially knowledge of Polish language). Moreover, one parent or grandparent (or both great-grandparents) must be of Polish origin or must hold Polish citizenship. Alternately, the applicant must have been an active member of a Polish association or Polish community for the last three years. There is no clear indication as to the number of eligible individuals, but it is estimated to stand between 200,000 and 400,000.

The Charter was one of the hottest topics of political debate in the last ten years. Concerns about repatriation, Polish communities living abroad and national ties have

overshadowed the relatively insignificant themes of immigration and naturalization, which have never been on the political agenda.

Immigrants in Poland

Until 1989, immigration to Poland was negligible and naturalization procedures were rare. In the 1990s, Poland became a transit country for migrants and was also supposed to become a destination country. However, for almost two decades after the fall of communism, Poland's unstable economy and restrictive immigration policy discouraged major immigration flows. This especially concerned those immigrants who wished to settle in Poland and to obtain Polish citizenship. Even accession to the EU in 2004 did not change the situation in any meaningful way.

According to data published by the Ministry of Interior (Górny et al. 2007b), there were 84,729 foreigners in Poland – only 0.2% of the population – on September 1, 2004. Most of the permits issued are very recent and only for temporary stay. Only 38% of foreigners hold a settlement permit (this requires a longer period of residence in Poland). The number of naturalizations is also quite low – in 2006 the number of naturalized foreigners reached 989. This was a significant decrease compared to 2005 (2,866) and 2004 (1,937). However, the preliminary data for 2007 indicate a new increase to 2,500 naturalizations. Consequently, the number of immigrants or the number of Polish citizens of foreign origin, for whom citizenship policy is an important element of integration policy, is still quite limited. Interestingly, among the foreigners registered by the Ministry of Interior, almost 5% were born in Poland but do not hold Polish citizenship.

[T]here were 84,729 foreigners in Poland – only 0.2% of the population – on September 1, 2004….Only 38% of foreigners hold a settlement permit (this requires a longer period of residence in Poland). The number of naturalizations is also quite low – in 2006 the number of naturalized foreigners reached 989. This was a significant decrease in comparison to 2005 (2,866) and 2004 (1,937). However, the preliminary data for 2007 indicate a new increase to 2,500 naturalizations.

Citizenship and integration

The Ukrainians and the Vietnamese are the major immigrant groups who have settled and formed a core community in Poland. Their precise numbers are unknown, as these groups comprise not only permanent residents, but also temporary migrants, visitors and those who have overstayed their visa.

As noted elsewhere, the few permanent immigrants are mostly concerned with socio-economic survival and do-it-yourself integration (Grzymała-Kazłowska and Weinar 2006). They do not participate *en masse* in the political life of Poland, regardless of their citizenship. The organizational structure of these groups is weak and still in its very initial phase of development. They do not receive substantial support from the state.

In a recent study, Agata Górny et al. (2007b) compared the integration strategies of Ukrainians and Vietnamese in Poland. The study showed that for both groups, the issue of Polish citizenship was not very important, not even in the context of integration. The Vietnamese seem to be more attached to their home country and culture, and they treat Polish citizenship in a rather instrumental way – they often do not even apply for naturalization. For Ukrainians, integration is more important and they seem to be slightly more interested in Polish citizenship. In both cases, the lack of interest in naturalization can be explained by a reluctance to lose their primary citizenship (Vietnamese and Ukrainian law requires citizens to relinquish it upon naturalization in another state) and by the fact that the provisions of a settlement permit provide an array of economic and social rights. Apparently, political rights are not of concern to immigrants in Poland at this stage. This thesis has been also confirmed by Krystyna Iglicka, who describes in detail the weak organizational tissue of immigration in Poland and argues that the visible lack of political engagement of migrants is related to their small numbers and relatively new history of settlement (Iglicka 2005).

There are many ethnic minority organizations in Poland – Ukrainian, German, Byelorussian, and Armenian. However, these organizations rarely include immigrants, as most were established by national minorities, who have a different legal status – they are *de facto* Polish citizens with no recent immigration history. Their status is defined in the *Act on national and ethnic minorities and regional language* of 2005. According to this Act, a national or ethnic minority is defined as *a group of Polish citizens* that is numerically smaller than the rest of the Polish population, that is significantly different from other Polish citizens in terms of language, culture and tradition, that strives to preserve its culture and language, and whose *ancestors lived in the present territory of Poland for at least 100 years*. Obviously, no migrant community qualifies for special treatment under this Act. Migrants thus establish their associations without state support. The Socio-cultural Association of Vietnamese in Poland was created by the elite of this migrant group – some 200-300 individuals who came to Poland as students during the communist era and stayed. Ukrainians apparently belong to several well-established

societies, foundations and NGOs; however, all of them were established by members of national minorities and, as argued by Iglicka (2005: 21), it is impossible to provide data on the participation of recent immigrants in these organizations. When considering the anecdotal evidence, it seems that there is a deep gap between old national minorities and new immigrants, and that these groups hardly ever cooperate on an organizational level.

Conclusions

Polish citizenship policy focuses on the questions of nationhood and ethnic ties. The main concern is in accommodating the needs and expectations of Polish communities living abroad, especially through *jus sanguinis*, repatriation, and semi-citizenship. The concepts of Polishness and Polish origin have become central to these policies. Their definition serves to define the boundaries of an ethnic Pole – the emphasis is mainly put on descent and cultural literacy. Such an ideology translates into nationalist practice and policy, where the question of naturalization and integration of immigrants is neglected. It can be explained, on the one hand, by the marginal importance of immigration in Poland, and by the lack of pressure of settled migrants to obtain citizenship, on the other. The most important migrant groups in Poland have mainly socio-economic interests, and they largely ignore civic or political participation.

For the moment, the numbers and the character of immigration to Poland do not allow for a well-grounded and meaningful analysis of naturalized immigrants, let alone a serious study of the impact of naturalization policies on social cohesion. However, with Poland becoming an increasingly attractive destination for potential immigrants, this situation is likely to change.

References

Poland. 2007b. *Act of 7 September 2007 on the Polish Charter. Dziennik Ustaw* 180, item 1280.

Poland. 2007a. *Statute on Polish Citizenship of 15 February 1962. Dziennik Ustaw* 120, item 818. Last amended in 2007.

Poland. 2002. *Repatriation Act of 9 November 2000* (OJL of December 5, 2000). *Dziennik Ustaw* 127, item 1090. Last amended in 2002.

Górny, A., A. Grzymała-Kazłowska, E. Kępińska, A. Fihel, and A. Piekut. 2007b. "Od zbiorowo ci do społeczno ci: rola migrantów osiedle czych w tworzeniu si społeczno ci imigranckich w Polsce." *Migration Series Working Paper* 27, 85. Retrived from <www.migracje.uw.edu.pl/obm/pix/027_85.pdf>.

Górny, A., A. Grzymała-Kazłowska, P. Koryś, and A. Weinar. 2007a. "Selective Tolerance? Regulations, Practices and Discussions Regarding Dual Citizenship in Poland." In *Dual Citizenship in Europe: From Nationhood to Societal Integration.* Edited by T. Faist. Aldershot, Burlington: Ashgate, p. 147-170.

Grzymała-Kazłowska, A., and A. Weinar. 2006. "The Polish Approach to Integration." *Canadian Diversity/Diversité canadienne* 5, 1 (Winter). Ottawa: Metropolis.

Iglicka, K. 2005. "Active Civic Participation of Immigrants in Poland." Country Report prepared for the European research project POLITIS. Oldenburg. <www.uni-oldenburg.de/politis-europe>.

Kepinska, E. 2007. *Recent Trends in International Migration.* The 2007 SOPEMI Report for Poland.

Notes

[1] The Union of Lithuania and Poland lasted over 300 years. The vast territory was home to Ukrainians, Jews, Byelorussians, Germans, Czechs and several other smaller ethnic groups.

[2] Such agreements made it officially impossible for an individual to hold citizenship of two states. It was particularly discriminatory towards women, who were obliged to renounce their original citizenship upon marriage with a foreigner and move to another country.

[3] Dual citizenship of Poles and people of Polish origin is not recognized, but is, in practice, tolerated (Górny et al. 2007a).

[4] The only cases where Polish citizenship can be granted by *jus soli*, are the following: to a child found on Polish territory, whose parents are unknown; or to a child born to stateless parents.

[5] To obtain a national visa, free of charge; to work without a work permit; to run a business; to enrol in any school or univeristy program with the same conditions as Polish citizens; to benefit from the health care system in case of emergencies; to benefit from a 37% discount on certain train tickets to obtain free entry to state museums.

[6] Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kirgizstan, Lithuania, Latvia, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

CITIZENSHIP AND INTEGRATION POLICIES IN PORTUGAL

An Overview of Recent Immigration to Portugal

JORGE MALHEIROS
Jorge Malheiros is Associate Professor at the Geography Department of the University of Lisbon (UL) and Senior Researcher of Centro de Estudos Geográficos (UL). His main research interests are transnational relations and immigrant housing and urban issues. He has published several articles in national and international scientific journals as well as book chapters and other publications, including *Espaços e Expressões de Conflito e Tensão entre Autóctones, Minoria Migrantes e Não migrantes na Área Metropolitana de Lisboa* (2007, with Manuela Mendes).

ANA PAULA HORTA
Ana Paula Beja Horta is Assistant Professor at Universidade Aberta and the coordinator of the Masters Program in Intercultural Relations. Her main research interests are citizenship and immigration policies, migrant civic and political participation and migration and urban issues. She has published several articles in national and international scientific journals as well as book chapters and other publications including *Contested Citizenship: Immigration Politics and Migrants' Grassroot Organizing in Postcolonial Portuguese Society* (2004).

ABSTRACT

This paper provides a short overview of the policies for the promotion of citizenship and integration of non-European Union (non-EU) foreigners in Portugal.[1] It describes the evolution of foreign citizenship and integration policy after the mid-1990s, when Portugal clearly became a country of immigration. It closes with a short summary of recent policy and program developments, highlighting positive achievements on the formal side and social integration responses, but also calling attention to the persisting disadvantages that are faced by immigrant groups which act as hindrances to social cohesion.

Immigrant citizenship: From nation-state boundaries to residence-based and post-national rights

The emergence and development of modern nation states in the 18th and 19th centuries have led to a normalization of the forms of control, duties and rights of citizens. Within this process, national governments have progressively come to play a central role in formally defining citizenship[2] and ensuring respect for the set of rights and duties associated with it (Garcia 1999). From this period onwards, the distinction between the "us" (the citizen with full rights) and the "other" (the non-citizen) began to correspond with that between members of the national community and members of other (foreigner) national communities. With the expansion of the nation-state system throughout the world, each citizen has become a national citizen,[3] which is distinct from being a member of a specific – and eventually territorialized – ethnic community (e.g. the Basques, the Welsh, the Laps, the Rom). In fact, the development of nation-states has not only created the modern notion of "foreigners" or *external ethnic minorities*, but is also responsible for the "formal" creation of *internal ethnic minorities*.

The aforementioned association between attribution of citizenship[4] and belonging to a nation-state has established a clear distinction between nationals (citizens) and foreigners. These foreigners, sometimes called "denizens" in specialized literature, were supposed to benefit from a limited set of rights (Hammar 1990, Aleinikoff and Klusmeyer 2002). The traditional way of overcoming rights constraints experienced by immigrants was naturalization, which could be particularly seen in traditional immigration countries of North and South America, and Australia and New Zealand (Baubock et al. 2006).

In Western Europe, the largest immigration wave took place in the 1950s and 1960s and comprised labour migrants, formally known as guest workers, who were not considered citizens during their supposedly short stay (Castles 1986). However, due to family reunification, many of these foreigners have become long-term migrants and, in many cases, never returned definitively to their home countries. In addition, other factors such as long-term immigrants maintaining their country-of-origin nationality, the intensification of transnational practices and the affirmation of the discourse on human rights as a basic universal principle for formal and *de facto* attribution of citizenship have justified changes in the way rights are attributed to foreigners. These were progressively expanded, blurring the lines between (national) citizens and foreigners – and also in the general conditions of access to citizenship (Soysal 1996, Baubock et al. 2006).

These developments have contributed to weakening the strong and absolute link between nation-state belonging and citizenship – that is, between (national) identity and citizenship (rights). The practical result has been that "residence" as a criteria for the attribution of citizenship rights was given more importance, which led to the progressive expansion of the rights of foreign residents in almost all EU member states, namely in the social (education, health, unemployment benefits, retirement, access to public housing) and civic fields (creation of associations, civic representation), equalling or almost equalling those of national citizens (Baubock et al. 2006).

Citizenship and immigration in the Portuguese democratic regime

From the mid-1970s onwards, shifts in immigration policies have brought to the fore the close relationship between citizenship and immigrant integration in Portuguese society. In tracing Portuguese

state responses to immigration, the criteria for admission, citizenship acquisition and the allocation of rights are reflected in integration policies. In broad terms, integration approaches have evolved from a *laissez-faire* policy in the 1980s to reluctant assimilationist policies in the early 1990s and to a more pluralist approach from the late 1990s to the present. Underlying these changes is a progressive allocation of citizenship rights to immigrants and, more recently, the adoption of an inclusive new citizenship regime.

After 1974, the loss of the empire and the massive influx of people from the ex-colonies had a major impact on Portuguese society and on its "national model of citizenship." The introduction of a more restrictive citizenship law (*Law 37/81*), largely privileging *jus sanguinis* over *jus soli*, attempted to respond to the new national reality. As a result, this new law, while restricting citizenship access to immigrants (including individuals from the former Portuguese colonies in Africa), on the one hand, facilitated the reacquisition or acquisition of nationality by Portuguese emigrants and their descendants living abroad, on the other. This law effectively strengthened the new notion of Portugal – a large nation that extended itself far beyond the Portuguese state borders. Also, the introduction of regulations that allowed for dual citizenship favoured Portuguese emigrants who had acquired a different nationality and who had to forego Portuguese citizenship. This greater sensitivity towards Portuguese emigrant communities underlined a conception of the nation as an imagined community of descent which transcended territorial boundaries and in which emigrants played a major role.

As regards the new immigration phenomena, the adoption of a *laissez-faire* immigration policy, from the mid-1970s until the end of the 1980s, had major implications for the life chances of newcomers. This policy led to the depoliticization of immigration and ethnicity in Portugal (Machado 1993). However, the lack of integration measures and the absence of a debate on immigration issues marginalized migrant populations and neutralized immigrants' claims and interests.

From the late 1980s to the mid-1990s, immigration issues garnered unprecedented interest in the Portuguese political agenda. Several international and national factors prompted a new approach to immigration. At the international level, Portugal, as a full-fledged member of the European Union,[5] was pressured to address immigrants integration and to control and regulate flows. At the national level, the consolidation and increasing politicization of immigrant communities as well as the emergence and mobilization of non-governmental associations contributed to making immigration a key issue in the Portuguese political agenda.

During this period, state responses to immigration were rather ambiguous and mixed, combining an overall assimilationist approach with differential exclusion measures while, at the same time, introducing special provisions to ensure the integration of migrant communities. In 1992, the introduction of tighter immigration and asylum legislation made it especially hard for those arriving from non-EU member states. For the first time, Portugal was officially defined as a "country of immigration." Yet the new legislation did not include an immigration policy as such. Instead, a set of regulations was introduced to regulate the inflow and permanence of foreigners, in accordance with the policy principles of *Fortress Europe*.

In Western Europe, the largest immigration wave took place in the 1950s and 1960s and comprised labour migrants, formally known as guest workers, who were not considered citizens during their supposedly short stay. However, due to family reunification, many of these foreigners have become long-term migrants and, in many cases, never returned definitively to their home countries.

The restrictive and exclusionary approach was further extended to issues of citizenship. In 1994, *Bill 25/94* introduced some changes to the 1981 nationality law that further limited foreigners' rights to citizenship. For instance, residence requisites for naturalization were extended from six to ten years in the case of non-Portuguese speaking foreigners from non-EU member states and the acquisition of nationality through marriage ceased to be automatic. However, special provisions were made for Brazilians and citizens of former Portuguese colonies, which provided easier access to the acquisition of Portuguese nationality.

In terms of integration measures, the legalization of thousands of irregular foreigners residing in the country (processes of 1992/1993 and 1996) and the implementation of several national education, employment and housing programs signaled a greater commitment to enhancing the living conditions of immigrant populations residing in Portugal. Also at the local level, new institutional channels were created to address the needs and interests of immigrants. Still, the official rhetoric on immigration was very much tied to issues of national security and of "integration," which emphasized the idea that immigrants were expected to adapt and to reshape their ways of life to the Portuguese social and cultural reality.

From the late 1990s onwards there was a clear shift away from the assimilationist approach and towards a more pluralist model. From the mid-1990s onwards, new institutional channels for migrants' social and political participation were created, as they were of special importance to the High Commissioner for Immigration and Ethnic Minorities (ACIME), which later became the High Commission for Immigration and Intercultural

Dialogue (ACIDI). This body's mission was to promote and coordinate immigrant integration policy in Portugal, but only became effective in the early 2000s, when ACIME´s means and competencies were extended. At the same time, relevant complementary bodies, both at the central administration level – the Consultative Council for Immigration Issues, the Commission for Equality and Racial Discrimination – and at the local level – the Consultative Immigration bodies of the municipalities of Lisbon and Amadora, for instance – were established, thereby contributing to the new institutional framework for immigrant integration. These institutional channels have provided the main political framework for policy formulation and institutionalized the political participation of immigrant communities.

Although immigration policies tended to be more reactive than proactive during the 1990s, a wide array of civil, social, cultural and political measures were adopted to improve the welfare of migrant communities. These included, among others, the possibility of working for small businesses (ten employees or less), an extension of the family members who can benefit from family reunification, access to social housing, formal recognition of immigrant associations and the right to vote in local elections, although the latter is subject to a reciprocity clause. The attribution of these rights was mainly granted on universal residence criteria, but PALOP (Portuguese Speaking African Countries) and Brazilian citizens now benefited from these advantageous measures.

If the evolution in the 1990s contributed to closing the gap between nationals and non-nationals, especially concerning *de jure* citizenship, the first years of the 21st century have seen a significant expansion in the services and conditions that facilitate the integration process of foreigners living in Portugal. A good example is the two "one-stop shops"[6] established by ACIME in Lisbon and Oporto, which concentrate various services that foreigners frequently use (Foreigners and Borders Service, Social Security, the Employment Institute and others), with the purpose of providing integrated answers and solutions to their administrative and bureaucratic needs. In addition to these one-stop shops, a national network of small local centres has been established in order to provide information and guidance to immigrants.

More recently, the approval of a new citizenship law (*Organic Law 2/2006*) has significantly changed the criteria for the attribution of nationality, reinforcing *jus soli* while making naturalization and the acquisition of nationality easy for immigrants' offspring. The new legislation rests on a clear shift to an active and inclusive approach to national membership and is perceived as an effective means to "fight social exclusion."[7] This active and open naturalization policy was followed by the implementation of the *Plan for the Integration of Immigrants*.[8] Despite the absence of explicit references to the political participation of immigrants, the Plan stresses the exercise of citizenship as one of the most important pillars of immigration policy. Full participation of immigrants in the policy-making process and the strengthening of the immigrant association movement and of civil society as social partners in the formulation of integration policies are major policy objectives. Furthermore, a commitment to "interculturality" is perceived as a fundamental instrument for "social cohesion" in a society that "recognizes cultural and social specificities of different communities, stressing the interactive and relational dimension amongst them."[9] Despite the strong emphasis that is placed on an intercultural approach, this does not imply a "multicultural citizenship" in which provisions are made for the allocation of special and formal rights to immigrant communities. The underlying principle in this political project seems to rest on a reconfiguration of social interaction which opens up the possibility for the negotiation of cultural and social meanings. What is at stake is not so much a politics of national identity *vis-à-vis* particularistic identities, but rather the creation of a space of inclusion, capable of embodying multiple identifications that are plural and hybrid, as well as the political empowerment of immigrant populations as a guarantee of social justice and equality.

Citizenship and integration in Portugal: achievements and constraints

During the last ten to 15 years, the formal citizenship rights attributed to foreign citizens living in Portugal have undergone a very positive evolution, consolidating the real principle of equal rights between nationals and foreigners. The analysis that supports the results of the Migrant Integration Policy Index for EU countries, Norway, Switzerland and Canada (MIPEX)[10] seems to confirm this positive trajectory (Niessen et al. 2007). Portugal ranks second among the 28 countries analyzed and its legal framework is considered clearly favourable to integration in the areas of labour market access, family reunification and anti-discrimination, a picture that is in accordance with the gains mentioned in the previous section. The situation is slightly less favourable in terms of political participation (due to the restrictions associated with the reciprocity demand for voting in local elections), access to nationality and long-term residence, although in the latter domain the new immigration law[11] has eliminated some differences between PALOP citizens and other foreigners, making the conditions for permanent residence easier for the latter.[12]

This evolution is in line with the affirmation of the principle of equality of rights between nationals and foreigners that developed in EU in the late 1990s and early 2000s. Nationality-based rights attribution is no longer the only crucial condition; residence place-based rights, independent of nationality, are becoming the norm, especially as concerns local issues and socio-economic questions.

Naturally, formal citizenship is not equivalent to substantive citizenship and the effective benefit of rights requires societal changes that occur slowly. Evidence of discrimination in the job[13] and housing markets is visible in Portuguese society and public services responses to immigrants' demands display several limitations, despite improvements in recent years. These responses are often unclear and slow, especially in the case of administrative procedures associated with acts such as marriage or the issuing of a driver's licence, and the associated costs are also frequently higher, especially when they involve recognized translations (Rosário and Santos 2008). In addition, cases of labour market exploitation associated with irregular

migration reveal the vulnerability and "very limited citizenship rights" of a portion of the foreigners living in Portugal, despite the five "extraordinary" regularization campaigns developed between 1992-1993 and 2004[14] and the possibility of "case-by-case" regularization, which is guaranteed by *Law 23/2007*.

All in all, if integration is a dynamic process based on equal opportunities, rights and duties for all citizens living in the same society, independent of nationality, the decisions taken by Portuguese governments during the last 10-15 years have clearly contributed to the formal achievement of this goal and also to the promotion of positive changes in the social and administrative responses in this area. However, because integration also requires that *de facto* disadvantages of non-EU foreign groups be overcome (in terms of access to employment, salaries, electoral participation, school options, etc.), and that its members be recognized as equal partners of the collective, the effective implementation of the principle continues to demand systematic initiatives. Fighting institutional prejudice and increasing the opportunities of the children of immigrants, especially in the framework of an intercultural strategy designed to promote positive interaction between all members of the society, are just two examples of the contemporary challenges faced by Portuguese integration policy.

References

Aleinikoff, A. T., and D. Klusmeyer (Eds). 2002. *Citizenship Policies for an Age of Migration*. Washington DC: Carnegie Endowment for International Peace.

Baubock, R., A. Kraler, M. Martiniello, and B. Perching. 2006. "Migrants' Citizenship: Legal Status, Rights and Political Participation." In *The Dynamics of International Migration and Settlement in Europe – A State of the Art*. Edited by R. Penninx, M. Berger, and K. Kraal. Amsterdam: Amsterdam University Press, p. 65-98.

Castles, S. 1986. *Here for Good. Western Europe's New Ethnic Minorities*. Pluto Press.

Garcia, S. 1999. "Cidades e cidadania." In *Minorias Urbanas. Que direitos?* Edited by S. Garcia, N. Fainstein, and S. Fainstein. Lisboa: Ed. João Sá da Costa, p. 3-26.

Hammar, T. 1990. *Democracy and the Nation State. Aliens, Denizens and Citizens in a World of International Migration*. Aldershot: Ashgate.

Machado, F. L. 1993. "Etnicidade em Portugal: o grau zero de politização." In *Emigração-Imigração em Portugal, Actas do Colóquio Internacional sobre Emigração e Imigração em Portugal nos séculos XIX e XX*. Lisbon: Editorial Fragmentos, p. 407-414.

Niessen, J. et al. 2007. *Migrant Integration Policy Index*. Brussels: British Council and Migration Policy Group.

Rosário, E., and T. Santos. 2008. *Quanto custa ser imigrante?* Lisbon: ACIDI.

Soysal, Y. N. 1996. "Changing Citizenship in Europe: Remarks on Postnational Membership and the National State." In *Citizenship, Nationality and Migration in Europe*. Edited by D. Cesarani, and M. Fulbrook. London: Routledge, p. 17-29.

Notes

[1] Within the EU framework, free circulation of people is associated with a process of equality of rights between the citizens of all member states, subject to specific regulations. In addition, EU foreigners settled in Portugal display living standards that are frequently higher than the average Portuguese citizen. Due to this, the article does not focus on EU "co-citizens" and discusses citizenship and integration issues of the non-EU foreigners living in Portugal.

[2] The idea of *social contract*, theorized by Hobbes and Locke, is inherent to this process. Rousseau, who assumes that all *men* are born free and equal, develops the idea of *social contract*, assuming that the state is the result of a contract established by all members of society. According to this contract, every citizen places his individual natural rights under the umbrella of the general will that may be understood as the set of rights and duties that correspond to the most relevant interests of the community of free individuals. The role of the state in the *social contract* is to "represent the people" and to ensure equality in face of the law and that the set of basic rights is fully respected.

[3] By national citizen we mean the formal membership of a nation-state. However, frequently, a distinction between citizenship and nationality is established. Citizenship refers to the formal membership of a nation-state whereas nationality is associated to the belonging to a certain nation, that is a group of people that shares common cultural values (language, practices, eventually a religion), the same place of origin and reference and that recognizes itself and it is recognized as belonging to that same national group. The politically organized nation, with its territory and its institutions, corresponds to the nation-state.

[4] In 1949, T. H. Marshall established the three basic dimensions of contemporary citizenship rights: civil (equality towards the law), political (participation in public institutions and public power) and social rights (access to health, education, housing and other basic social issues). We may say that full access to the three sets of rights defines full citizenship. However, this access must be both formal (established by law and recognized by public institutions) and substantive, that is, effectively "used" and recognized in daily life by all members of society.

[5] Portugal joined the European Union in 1986.

[6] These "one-stop shops" are designated as *National Centres for the Support of Immigrants*.

[7] High Comissariat for Immigration and the Intercultural Dialogue, *News Report*, published on March, 3, 2006.

[8] Resolution of Ministry Council nº 63 – A/2007.

[9] Resolution of Ministry Council nº 63 – A/2007, Diário da República 1ª série – Nº 85 – 3 de Maio de 2007.

[10] The MIPEX aims to measure policies that promote the integration of migrants and is based on the principles of equal opportunities in the socio-economic sphere and equal civic rights and responsibilities between nationals and foreigners residing in the same country (Niessen et al. 2007: 4).

[11] Law n.23/2007, July 4, on the *Juridical Regime of Entry, Stay, Leaving and Expulsion of Foreigners from the National Territory*. This law was approved after the MIPEX 2006-07 was elaborated.

[12] For instance, the new law reduced the length of continuous residence in Portugal required to apply for a long-term residence card from ten to five years, thereby matching the situation of PALOP and non-PALOP nationals.

[13] As an example, immigrant wage earners employed in semi-skilled and low-skilled labour market segments receive salaries that are approximately 7% below the global national average (Rosário and Santos 2008).

[14] Estimates for 2004 indicated that the number of irregular migrants is between 93,000 and 120,000. It is likely that the present number is less than 90,000 due to the limited growth cycle of the Portuguese economy after 2002 and also due to the results of the Regularization Processes of 2003 (for Brazilians only) and 2004 (the so-called "post office process," aimed at irregular foreign workers who have paid taxes and contributed to social security for at least three months).

SPANISH CONSTITUTIONAL AND LEGAL REGULATION OF CITIZENSHIP AND IMMIGRANTS' PUBLIC PARTICIPATION

The Case for Local Suffrage and Naturalization Reform

ABSTRACT

Following European Union guidelines, Spain has embraced integration as a mainstream goal of its migration policies. Political participation is a prerequisite for the genuine integration of foreign groups and ultimately, for the creation of flexible procedures of naturalization. In Spain, only EU citizens and Norwegians are currently entitled to vote in local elections, and naturalization is unevenly granted to immigrants according to their country of origin. A better balance must be found to create a fairer, more consistent system of public participation and naturalization in order to promote genuine integration.

DAVID MOYA

David Moya is a lecturer in Constitutional Law at the University of Barcelona. He has authored and co-authored several publications in Spanish that deal with immigration law and children's rights. He is coordinating two books that will be published in 2008, titled *New Legislation of Immigration Law in Europe* and *The Political Participation of Foreigners at Local Level in Europe*. At present, he is Executive Director of the Institute of Public Law, a special research centre at the University of Barcelona.

The social integration of immigrants has become one of the main objectives of recent legislation and public policies on migration in the European Union.[1] This is particularly true for Spain, one of the EU member states that has received the most immigrants in recent years. Indeed, immigration in Spain is today an indisputable and irreversible fact: in 2008, without counting undocumented foreigners, more than 9% of the Spanish population was made up of legally resident foreign nationals[2] (a total of 4,192,000 individuals). In some autonomous communities (regions), the percentage is considerably higher: indeed, five of the 17 regions accounted for more than 60% of the foreign population.

In this context of rapidly growing immigration, the debate on the mechanisms of immigrants' political participation has increased in intensity, as has the recognition of the need for measures to ensure their long-term integration. This goal is shared by all major actors in the political and social spectrum.[3] The debate is also growing in intensity due to the fact that the recently re-elected Socialist government is considering a reform of the immigration model and its legislation. In this article, we offer a preliminary description of the various factors that affect the debate on immigrants' public participation. Firstly, we analyze the constitutional limits imposed on aliens in terms of access to voting rights and naturalization. Secondly, we discuss the conditions and procedures required for naturalization, and finally, we bring together the two strands of our analysis in order to draw conclusions.

Constitutional constraints on the political participation of third-country nationals

Article 13.2 of the Spanish Constitution reads as follows:

> **Art. 13 SpC.**
> 2. Only Spanish citizens shall have the rights recognized in Section 23 except in cases which may be established by treaty or by law concerning the right to vote and the right to be elected in municipal elections, and subject to the principle of reciprocity.[4]

The Constitution introduces a dual level of political participation for foreign nationals: on the one hand, it recognizes the right of foreigners to vote in local elections, but on the other it denies this right in regional and national elections. This seems quite natural if we bear in mind that in 1978, when the Spanish Constitution was drafted and passed by Parliament, emigration of Spanish nationals, not immigration of foreigners, was the rule; therefore, the political participation of foreigners was considered instrumental in ensuring the political participation of Spanish citizens

abroad. The few immigrants present in Spain in the late 1970s were mainly South American refugees and retirees from Western Europe. In the case of the former, the possibility of acquiring Spanish nationality relatively quickly (after two years of legal residence) meant that an acceptable degree of political participation and social integration could be achieved quite easily. Some of the countries of origin of the foreigners in the second group (Western European retirees) would eventually sign bilateral agreements recognizing the right of their respective populations to vote (Sweden, for example). However, for most of these countries, European Community membership acted as a disincentive to sign new bilateral agreements on this issue, as European citizenship was incorporated into the 1992 Maastricht Treaty, and the right to vote in local elections was established for EU citizens resident in EU countries other than their own. In fact, to admit local suffrage of EU citizens, a Decision by the Constitutional Court (*Declaration 1/1991 of the Constitutional Court*) and a minor reform of the Constitution were necessary. Thus, the Constitution recognizes the right of aliens to vote in municipal elections because this does not affect national sovereignty. However, this right is subject to certain conditions, the most important one being the need to ensure reciprocity (foreign citizens from a particular country are allowed to vote in Spain if Spanish citizens in that country are allowed to exercise the same right).

In fact, to admit local suffrage of EU citizens, a Decision by the Constitutional Court…and a minor reform of the Constitution were necessary. Thus, the Constitution recognizes the right of aliens to vote in municipal elections because this does not affect national sovereignty. However, this right is subject to certain conditions, the most important being the need to ensure reciprocity.

Reciprocity, then, emerges as the main practical obstacle to the universal recognition of the right of immigrants to vote in municipal elections. At the time of writing this article, reciprocity is guaranteed by international treaties: bilateral agreements (such as the current Agreement with Norway, or the old agreements with Holland, Denmark or Sweden), and multilateral ones (such as the European Convention on the Participation of Foreigners in Public Life at Local Level, signed at Strasbourg on February 5, 1992). In practice, the criterion of reciprocity is interpreted quite narrowly by the government: for instance, other bilateral treaties with Argentina, Chile, and Uruguay are not considered directly applicable because they refer to future treaties that have not yet been ratified. Contesting this interpretation, some authors call for the full applicability of those treaties and advocate appealing to the courts (Santaolaya 2007). In fact, only nationals from Norway and the EU member states – as a result of their EU citizenship – are accorded the right to vote in municipal elections.

The fact is that in everyday life, the condition of reciprocity establishes a difference in treatment at the very outset that, while not strictly discriminatory, can work against integration since it grants recognition as political actors only to some nationalities, and generates dual asymmetries: nationals-aliens, and aliens-aliens. In practice, these asymmetries affect certain nationalities more than others, reducing their capacity to influence the political agenda or to participate in the decision-making process (Moya 2006, Solanes 2006). Article 13 of the Spanish Constitution and its interpretation by the Constitutional Court have created a political *impasse*, given that the main parties have no intention of reforming the Constitution on this specific point even though constitutional reform is underway.[5] At the same time, Spanish legislation has not been clear enough as to the proper interpretation of the constitutional concept of "reciprocity;" this is a matter that will have to be dealt with at some point, and with a certain degree of creativity, in order to introduce some flexibility in the system.[6] In fact, on February 21, 2006, following numerous failed attempts, the Plenary of the Congress of Deputies unanimously approved a *Draft Bill to promote the legal reforms necessary to recognize the right of aliens to vote in municipal elections*, with the unanimous support of all political groups involved.[7] The proposal seemed to introduce a principle of consensus around the option for the bilateral treaty as the main instrument to extend the vote to aliens. Two years and one national election later, the proposal has not prospered and no noticeable progress has been made.

Naturalization and regulation of citizenship

Even though in strictly legal terms the acquisition of nationality puts an end to immigrant status, in practice naturalization procedures are playing an increasingly significant role in the integration of immigrants in Spain, and represent the back door for certain migrant groups who wish to obtain political representation. To explain why this is so, we will start by briefly examining the main procedures and conditions for naturalization.

First of all, nationality *of origin*[8] is transmitted in Spain by *jus sanguinis*, so children born to Spanish parents are recognized by law as Spanish citizens, independently of their place of birth. Second, in addition to the conditions detailed in each procedure, it is always necessary to show evidence of good behaviour (that is, no criminal record in Spain or in the country of origin) and a satisfactory degree of integration in Spanish society (article 22.4 Sp. Cc.). Third, the most significant procedures of naturalization[9] are: a) *naturalization by birth*, when a child is born on Spanish soil to foreign parents, and those parents automatically

Table 1
Number of naturalizations by procedure/requirements in 2005

Residence 2 years		Residence 10 years		Birth		Marriage		Other		Unknown	Total	
Number	%	Number	%	Number	%	Number	%	Number	%	Number	Number	%
28,507	66.87	5,237	12.28	2,636	6.18	5,597	13.13	653	1.53	199	**42,829**	**100.00**

Source: Anuario de Inmigración en España 2005, Ministry of Labour and Social Affairs.

transmit their nationality; later, either after one year of residence in Spain, if applied for by the parents, or one year after the age of majority if the applicant is the child, Spanish nationality can be granted, pursuant to article 17 Sp. Cc.; b) *naturalization by continued residence*, obtained by any foreign citizen after two, five or ten years of continued legal residence (article 21.2 Sp. Cc.); the length varies depending on the nationality of the applicant (Latin Americans, Filipinos, Sephardim, Guinean, Andorran and Portuguese can obtain it in two years – we will call it the two-year track), or their status (three years for persons under foster care, five years for asylees and refugees), but the general rule is that it can be applied for after ten years of residence; c) *naturalization by marriage*, applied for by the spouse (including recently admitted same-sex marriages) or the widow provided that and the couple is/was not divorced or separated (article 22.2 Sp. Cc.). The relative importance of each procedure in terms of the percentage of the total number of naturalizations is shown in Table 1.

The first conclusion that can be drawn from the existence of the different procedures and conditions imposed by the present legislation on naturalization is that they are causing a clear division among the main immigrant groups in Spain. Latin Americans are at a huge advantage compared with the rest. Moroccans, for example, need more than ten years to obtain nationality, compared with only two years in the case of Latin Americans. So Latin Americans naturalize earlier and in greater numbers: in 2005 the two-year track accounted for more than 66% of naturalizations, the majority of which were Latin Americans (a total of 31,727). This is so even though Latin Americans did not arrive in large numbers until the late 1990s, whereas the first flows of Moroccans arrived in Spain during the 1980s and 1990s: in fact, if we compare rates of naturalization according to nationality we find that approximately 1% of Moroccans are naturalized, compared with rates of 2% to 6% among Latin Americans, depending on their country of origin.[10] This effect is also encouraged by the conclusion of dual nationality agreements with some Latin American countries which entitle their nationals to retain their nationality even if they acquire Spanish citizenship.

Latin Americans are at a huge advantage compared with the rest. Moroccans, for example, need more than ten years to obtain nationality, compared with only two years in the case of Latin Americans. So Latin Americans naturalize earlier and in greater numbers: in 2005 the two-year track accounted for more than 66% of naturalizations, the majority of which were Latin Americans.

A further analysis of naturalization data from a chronological perspective shows a substantial, intensified increase in recent years in the number of naturalizations (more than 62,000 in 2006[11]). This increase is unlikely to fall in the following years. Given the nature and composition of immigration to Spain, it is crystal clear that in the coming years the rate of naturalizations will intensify: in fact, it is estimated that there will be about 100,000 naturalizations per year by 2010-2011.

All of these arguments draw attention to the need to reform current naturalization procedures.[12] This reform will have to be addressed sooner or later by legislators as part of a far more sophisticated and consistent model of social integration for immigrants in which political participation is based on a more equitable treatment of all immigrant groups.

Conclusion

One of the main arguments used today by advocates of the political inclusion and integration of immigrants is the need to *empower* this group. The extent and quality of democracy in a given country can be called into question if a substantial part of its population is excluded from the political process.[13]

At present in Spain, the reciprocity condition allows only EU citizens and Norwegians to vote. Any further steps in this direction without reforming of the Constitution risk deepening the divide between different groups of foreign nationals, those who vote and those (the majority) who cannot. The only way to take this step is on a temporary basis, during a transition period before the reform of the Constitution is undertaken.

This lack of political representation is aggravated by the present legislation on naturalization, which introduces new asymmetries between the different national groups. Of the three main groups of foreign populations in Spain, Latin Americans can use the naturalization system to circumvent legislation on immigration. Romanians have no need to do

this, because they already enjoy full political and public participation as new EU-citizens, but Moroccans (and other third-country nationals) are bound by a procedure that requires more than ten years of legal residence. So it comes as no surprise to learn that the perception that various immigrant groups have of the legislation on nationality differs greatly, and that Moroccans should view it as a highly discriminatory process which leads to unequal political weight and representation, and indirectly, to dissatisfaction with the system of integration. In addition, the current naturalization system is a major pull-factor for immigration to Spain, at least for those groups who benefit from this system (that is, Latin Americans).

Facing all these difficulties, underrepresented foreigners have to transmit their political demands through alternative or indirect mechanisms such as associations, councils, and non-elected representatives, which may well lack a true democratic and representative basis,[14] and which often acquire an exaggerated importance. But at a time when Spain has more than 4 million aliens on its territory, with 856,000 of them being permanent residents (38.4% of all third-country residents in 2008), there is a clear need to address the inconsistencies of our immigration model and to advance towards a real and deeper integration by adopting new mechanisms of political participation. In our view, the first step involves the reform of naturalization.

However, the general elections of March 2008 in Spain voted the Socialist Government back into office, in a completely new economic climate. Parliament and the government will have to deal with economic crisis at home and abroad (*subprime* banking crisis, rising oil prices, recession in the building sector, and so on). At present it seems that the government's response to this new scenario will involve a reconsideration of its previous proactive approach and the introduction of tougher immigration policies and border controls (and, probably, the removal of proposals for foreign citizens' voting rights from the political agenda). At the same time, however, 4 million residents will press for more policies to favour their integration. Even if conducted with a view to toughening conditions for those benefiting from the fast-track procedure, reforms of naturalization procedures may introduce a more egalitarian rationale into the naturalization system, and may unintentionally become the first step towards a more cogent integration system for the long term. Instead, however, the Socialist Party in Congress seems to favour only a limited extension of immigrants' suffrage to certain nationalities, something that could prove counterproductive if it is not accompanied by a reform of the naturalization process.

References

Anuario de Inmigración en España 2005, Ministry of Labour and Social Affairs. Retrieved from <http://extranjeros.mtas.es/es/general/Anuario 2005.pdf>.

Habermas, J. 1998. *The Inclusion of the Other, Studies in Political Theory*. Cambridge (MA): MIT Press.

Moya, D. 2006. "La desigual representació política dels estrangers extracomunitaris: l'ampliació del dret de sufragi com a solució i com a problema." In *Immigració i Ciutadania. Els reptes de la Catalunya del futur*. Edited by H. Silveira, Q. Novelles, and L. Juberías. Barcelona: Ed. Fundació Pere Ardiaca.

Santaolaya, P., and M. Revenga. 2007. *Extranjería, nacionalidad y derecho de sufragio*. Madrid: Ed. CEPC, Colección Foro, No. 13.

Solanes, Á. 2006. "Integración sin derechos: de la irregularidad a la participación." *Cuadernos Electrónicos de Filosofía del Derecho* 14.

Notes

[1] According to article 63 of the Treaty of the European Community (TEC), the European Union is responsible for coordinating and setting common integration policies. The European Commission has published a set of good practices in the *Handbook on Integration for Policy-Makers and Practitioners*, European Commission, at: <www.europa.eu.int/comm/justice_home/doc_centre/immigration/integration/doc/handbook_en.pdf> (2nd edition).

[2] Within these four million people, a distinction should be made between the 2,230,000 resident third-country nationals and the 1,962,000 EU citizens. Since Romania's entry into the EU in 2007, some 664,880 Romanians who previously figured as non-EU citizens have been considered EU citizens; this is significant because the Romanians form by far the largest group of legal residents in Spain. These figures are dated March 31, 2008 and are taken from the data published by the Secretary of State for Immigration and Emigration every three months. (Available at <http://extranjeros.mtas.es>).

[3] Since 1991, Spain has embraced integration as one of the cornerstones of its immigration policy, in accordance with the European Union guidelines. A Decision of the Spanish Congress in 1991 established the social integration of immigrants as a political goal. This decision was supported by the Royal Decree on Immigration passed in 1996. Four years later, the *Immigration Act 2000* had as its full title *The Act of Aliens' Rights and Freedoms and their Social Integration*; however, beyond the title and the preamble, the Act did not provide a definition of integration. The Act was the starting point of several long-term integration plans devised by the Spanish government and the autonomous communities (regions).

[4] The phrase in bold highlights the changes brought to article 13.2 of the Spanish Constitution in order to adapt it to the Treaty of the European Union, signed in Maastricht in 1992, in accordance with Decree 1/1992 of the Constitutional Court.

[5] It has not been introduced in the package of reforms currently under preparation (see the report made by the *State Council* on the issue, at <www.consejo-estado.es/>).

[6] The Spanish Legislator has the last word in the ratification of any international treaty, articles 93 and 94 Sp. Const.

[7] See *Diari Oficial del Congrés dels Diputats* (Official Diary of the Congress of Deputies) from February 3, 2006, Series D, No. 327, p. 2 and 3. Received 309 votes in favour, 0 abstentions, 0 votes against.

[8] The Spanish Constitution distinguishes between Spanish citizens *of origin* and *by acquisition* (naturalization), the former being constitutionally protected from losing citizenship. Subjected to the constitutional provisions, naturalization in Spain is regulated by the Civil Code, as amended in this topic by the *Nationality Act 2002* (*Law 36/2002*, October 8, 2002).

[9] There are other less frequent procedures of naturalization which are, statistically speaking, irrelevant: naturalization by discretion of the Ministry of Justice ("carta de naturaleza", art. 21.1 Sp. Cc.); by virtue of the continuous use of Spanish nationality during ten years ("posesión de estado" art. 18 Sp. Cc.); by presumption for those born in Spain to foreign parents when their national legislation denies the child the parents' nationality, in order to avoid statelessness (art. 20.b); naturalization by people whose filiations are determined after attainment of majority, or who take Spanish nationality after the age of majority (art 20.c Sp. Cc).

[10] Considering naturalization in relation to the total number of legal residents according to nationality, we find that in 2005, there were 493,114 immigrants from Morocco but only 5,555 obtained naturalization (about 1%); there were 82,412 Argentinean nationals resident in Spain, of

whom 2,293 were naturalized (2.6%). The figures for other Latin American nationalities were as follows: Ecuadorians 357,065 resident, 10,031 naturalized (about 3%); Colombians 204,348 resident, 7,334 naturalized (3.5%); Peruvians 82,533 resident, 3,645 naturalized (4.3%); and Dominican Republic 50,765 resident, 2,322 naturalized (4.6%). The highest rate was found in the Cubans: 36,142 resident, and 2,506 naturalized (7%).

[11] In the 1980s and 1990s, when the number of immigrants was still under half a million, the rate of naturalizations tended to increase slowly, from 5,623 in 1980 to 7,079 in 1990. However, in the next decade the trend changed, and figures more than doubled in 2000, with 11,999 naturalizations and 16,743 in 2001. Between 2001 and 2008, the immigration population leapt from one to four million, the figures for naturalization also rose substantially each year: in 2002 the number of naturalizations was 21,810; in 2003 it was 25,556; in 2004 it was 38,335; in 2005 it reached 42,829; and in 2006 it exceeded 62,339 (this last figure includes only naturalization by residence, which usually amounts to 80% of all naturalizations). The data sources are the National Institute of Statistics (INE) at <www.ine.es> and the Ministries of Interior, Justice and Social Affairs at <http://extranjeros.mtin.es/es/general/DatosEstadisticos_index.html>.

[12] Most EU countries have quite a poor record regarding access to nationality, and Spain is no exception: the general rule in Spain is ten years' residence, and children born in Spain are not automatically Spanish citizens. On this issue, see the conclusions of the *Immigrants' Integration Policies in Europe Index* (MIPEX) at <www.integrationindex.eu/>.

[13] The theoretical and constitutional foundation of the recognition of foreigners' right to vote is highly controversial: some political theories reject this recognition, while others defend the need to include the foreign population in some way or another within the electorate (Habermas 1998).

[14] Even if this is the case, participation through those instruments – associationism, assemblies, demonstrations – is in the hands of all kinds of aliens only after the fundamental Decision 236/2007 by the Constitutional Court, which included illegal aliens among the legitimate subjects to defend these rights. The three instruments can be reduced to a single one – associationism – which is undoubtedly playing a powerful role in the integration of immigrants, although a second generation of associations, still in its early days, is beginning to emerge.

MIGRATION AND CITIZENSHIP IN SWEDEN

ABSTRACT

Citizenship legislation was liberalized in Sweden in the 1970s, making it easier to acquire citizenship. As well, local and regional voting rights were granted to permanently residing non-citizens. While Swedish immigration and integration policy has become highly contested over the past decades, there has been less conflict over citizenship. While proponents of citizenship reform emphasize the positive effects on immigrant integration, the results are mixed. Naturalization increases the chances by 80% that people will vote in elections. At the same time, voter turnout is about 15% lower for naturalized citizens than for native-born citizens. With respect to labour market participation, however, there are few signs of a naturalization effect.

PIETER BEVELANDER
Pieter Bevelander is Associate Professor in Economic History, Willy Brandt Research Fellow at Malmö Institute for Studies of Migration, Diversity and Welfare (MIM), Malmö University, and Research Fellow at IZA, Bonn, Germany.

MIKAEL SPÅNG
Mikael Spång is Associate Professor in Political Science at the Department of Global Political Studies, Malmö University, and is affiliated with the Malmö Institute for Studies of Migration, Diversity and Welfare (MIM), Malmö University.

Modern migration and integration strategies

A simplified view of immigration to Sweden divides the post-war period into two distinct periods: primarily labour immigration until the early 1970s, and then a shift towards refugee immigration and family reunification. The Swedish economy expanded rapidly after the World War II and immigration was a way of solving labour shortages. Most migrants came from Finland, and increasingly in the 1960s from Mediterranean countries such as Greece, Yugoslavia and Turkey.

By the mid-1960s, trade unions began to view immigration as a producer of negative side effects. The government therefore restricted migration in the late 1960s, and this led to a slowdown in labour migration. While labour migration dwindled during the 1970s, other types of migration – family class and refugees – started to increase. In the 1970s, the major groups of immigrants to Sweden were primarily refugees from Chile, Poland and Turkey. In the 1980s, the lion's share of this new immigration came from Chile, Ethiopia, Iran and other Middle Eastern countries. Immigrants from Iraq, former Yugoslavia and Eastern Europe dominated the 1990s.

In the late 1960s and early 1970s, changes to immigration policy were tied to efforts to devise a more active integration policy. In 1968, Parliament adopted the first comprehensive package of integration strategies, stressing the importance of equal living standards for the immigrant and native-born population. While the emphasis on social and economic equality was widely shared across the political spectrum, debates about assimilation resulted in Parliament adopting a new cultural pluralist policy of integration in 1975. The policy was built on three pillars: equality, freedom of choice, and partnership.[1]

Integration policies have been much debated over the past decades, especially regarding labour market participation and issues of cultural pluralism. Reducing unemployment among immigrants and integrating newcomers into the labour market has been a central policy objective but, as discussed below, less successful in practice. Cultural pluralism has been criticized by some parties and associations for being relativistic, leading to, or exacerbating, problems of immigrant integration in society. A new integration policy was adopted in 1998, in which criticisms of the 1975 policy are partly reflected. Instead of focusing on ethnic differences in terms of the principle of freedom of choice, the government contended that it was important to focus on mainstreaming institutions from a diversity perspective.

Citizenship

Citizenship in Sweden is based on the *jus sanguinis* principle. Even if they are born in Sweden, the children of non-Swedish citizens are not automatically entitled to Swedish citizenship. Naturalization is possible after five years and for refugees, after four years of residence in Sweden. Citizens from other Nordic countries are exceptions to this rule and can obtain citizenship after two years of residence. In addition, the applicant must be 18 years of age or older and have no criminal record.[2] Acquiring citizenship by notification is also possible. This is basically a simplified juridical naturalization procedure that is mainly used by Nordic citizens. For notification, the applicant must meet the following requirements: 18 years of age or older, five years of residence in Sweden and no prison sentence during this time.

Citizenship legislation has been reformed over the past 40 years, with respect to naturalization, civil and political rights of citizens and non-citizens, as well as to dual citizenship. These changes have also led to debates about the meaning of citizenship. Sweden has, perhaps, the most liberal naturalization rules in Europe. The waiting period for citizenship was shortened in 1976; the subsistence requirement,[3]

Table 1
Citizenship acquisition in Sweden by country of birth, 2006

Country of birth	Percent (%)
Denmark	57
Norway	48
Finland	68
Netherlands	45
Germany	70
Greece	78
Italy	54
Yugoslavia	91
Bosnia-Herzegovina	87
Poland	81
Romania	93
Hungary	91
Turkey	87
Lebanon	96
Syria	96
Chile	76
Iran	93
Iraq	93
Ethiopia	92
Somalia	75

Source: Statistics Sweden.

which had been relaxed during the 1950s and 1960s, was also abolished, as was the language proficiency test. Despite a number of debates and proposals – most recently during the 2002 electoral campaign – about naturalization requirements, including language proficiency, no changes to legislation or policy have been made. Compared to other European countries, the issue has been less debated in Sweden.

Naturalization rates vary among persons of different nationalities (Table 1). Whereas most people from South-Eastern Europe and from the Middle East and Africa naturalize, fewer do so from the Nordic countries and North-Western Europe, with the exception of Finland and Germany.

The relation between residence and citizenship is also important. Most of the rights given to citizens are also granted to others residing in the country, with some exceptions – for instance, the exclusive right to enter the country and voting rights in national elections. As well, it is easier, legally speaking, to limit certain civil rights when it comes to foreigners. The citizenship requirement for several government positions has been relaxed over time and today only a few positions – including certain senior officials, judges and military personnel – are reserved for citizens.

Emphasis on social equality brought changes were made in the late 1960s to minimize the differences between citizens and non-citizen access to welfare arrangements and social rights. This has by and large remained the case. Occasionally, debates are held, for instance on the question of regulating labour migration from EU member states since 2004. Proponents of regulation argued that the Swedish welfare system is vulnerable to immigration because of the connection between residence and social rights. The flip side is that Sweden has one of the strictest systems in Europe regarding access to social rights for irregular migrants. Adult irregular migrants only have access to emergency hospital care; as well, access to education for minors was not guaranteed for a long time. With increasing numbers of irregular migrants in Sweden, this has recently become a topic of intense debate.

During the mid-1970s, a major change was made when voting rights were granted in local and regional elections to permanently residing non-citizens. The bill was adopted unanimously by Parliament in 1975 and was first applied during the 1976 election. At the time, there were high expectations that this legislation would lead to extensive participation in elections, but as discussed below, voter turnout has dropped over the past 30 years. Extending non-citizens' voting rights to national elections was discussed in the late 1970s and early 1980s. The Social Democrats and the Communists favoured this proposal, arguing that voting rights should be tied to residence, whereas the Centre-Right parties argued against it, maintaining that citizenship and voting rights are intrinsically linked.

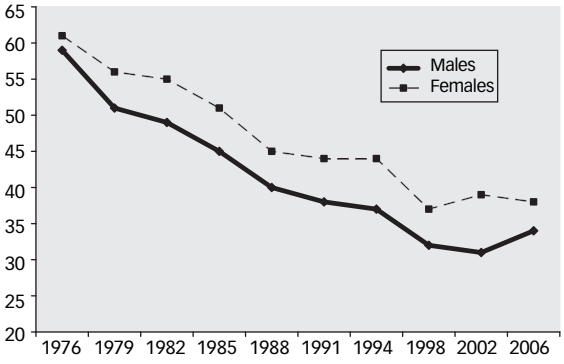
As shown by Spång (2007), the debate on voting rights affected the discussion of dual citizenship. An extensive *de facto* tolerance of dual citizenship evolved in the late 1970s. Authorities exempted persons from the obligation of renouncing their existing citizenship when becoming Swedish citizens in cases where it was impossible to renounce the existing citizenship, or very difficult and costly to do so. Despite some debates, no changes were made to dual citizenship legislation in the 1980s. When the issue reappeared in the late 1990s, all parties except the Moderate Party came to accept that dual citizenship should be allowed; consequently, the legislation was changed in 2001.[4]

These changes to citizenship legislation and practice have involved debates on the meaning of citizenship. Opponents to these changes have often remarked that citizenship is devalued and that the active stance on the part of persons wanting to become citizens should be emphasized. The latter argument is found in the debates about national voting rights, dual citizenship and in recent discussions on naturalization requirements. Proponents have emphasized on their positive effects for immigrants' social, economic and political integration. That persons who permanently reside in the country should have the opportunity to express their political views on matters of public concern has often been emphasized, as has the more recent argument that in today's globalized world, people feel at home in several places, and this does not weaken their ties to any one place. Opponents have stressed that notwithstanding such changes, it is central that persons make a choice about the political community to which they belong (Spång 2007).

Electoral participation: Citizens versus non-citizens

As participation in elections is a key feature of being part of a democracy, this section describes the voter turnout for immigrants. A distinct upward trend in voter turnout is visible until the mid-1970s. In 1976, 91.8% of the electorate voted in the national election; this represented the highest level of electoral participation in Sweden. Sixty percent of foreign citizens voted in municipal and

Figure 1
Participation in local elections by non-citizens in Sweden, 1976-2006



Source: Statistics Sweden.

provincial elections in 1976 (Figure 1).[5] Turnout gradually decreased until the election of 2006, which saw a slight upsurge.

Statistics Sweden has published voter turnout rates for foreign-born citizens since 1988. Their data suggest that participation rose between 1988 and 1991 and then fell substantially in the 1998 elections. However, Öhrvall (2006) notes that while foreign-born citizens are on average about 8% less likely to vote, the decline in voter participation by foreign-born citizens is lower than it is for native-born citizens.

Tracking voting probabilities of foreign citizens is more difficult, in part because a substantial number of foreign citizens leave the country without telling anyone (Örhvall 2006). Nonetheless, some research suggests that while initially assessed as high in 1976, participation rates have decreased substantially since then. In 2002 it was down to 35%.

The 2006 elections are of particular interest since they showed an increase in voting participation by native-born Swedes and immigrants, citizens and non-citizens (Bevelander and Pendakur 2008). Table 2 shows turnout rates by place of birth, generation and citizenship, based on an electoral participation survey. While over 80% of the population voted in these elections, there are substantial differences in terms of place of birth and generation. Moreover, non-citizens voted at much lower rates than did citizens. Only 36% or so of non-citizens voted in the 2006 municipal and provincial elections. Non-Swedes, with the exception of those born in North-America and Oceania, or those with only one immigrant parent, were also less likely to vote.

In a multivariate analysis controlling for demographic, socio-economic, and contextual factors, Bevelander and Pendakur (2008) find that age, schooling, generation, place of birth, type of housing, city-size and especially (higher) income and citizenship acquisition are factors that highly impact voting patterns in the 2006 elections in Sweden. Indeed, citizenship has an enormous impact, increasing the odds of voting by over 80%.

Sweden has, perhaps, the most liberal naturalization rules in Europe. The waiting period for citizenship was shortened in 1976; the subsistence requirement, which had been relaxed during the 1950s and 1960s, was also abolished, as was the language proficiency test.

Economic integration: Citizens versus non-citizens

Studies on the socio-economic integration of immigrants in Sweden show a very high labour market attachment during the 1950s and 1960s. During this period, incomes and employment rates were relatively high, with consequently low unemployment rates. Research on employment in the 1970s, 1980s and 1990s shows a different picture. Since the early 1970s, there has been a gradually increasing negative gap in immigrant employment rates for both men and women compared to native-born Swedes. The deep economic recession of the early 1990s widened the gap between the native-born and

Table 2
Voter turnout rates (%) for citizens and non citizens, 2006

Place of birth	Municipal citizens	Municipal including non-citizens	Provincial citizens	Provincial including non-citizens	National
Sweden	84	47	83	48	85
Nordic countries, not Sweden	72	55	71	56	74
EU, not Nordic countries	70	62	70	62	71
Other, Europe	59	62	59	62	60
African	58	71	57	71	58
North America and Oceania	81	67	81	67	80
South America	72	62	72	62	73
Asia	63	58	63	59	64
2 Immigrant parents	73	69	72	69	75
1 Immigrant parent	80	64	79	64	82
Total	**82**	**64**	**81**	**65**	**83**

Source: Belevander and Pendakur, 2008.

Table 3
Employment rate (%) for Swedish-born and selected groups' foreign-born citizens and non-citizens,[6] males and females, ages 20-64, 2006

Country of birth	Male	Female	Citizens Male	Citizens Female	Non-Citizens Male	Non-Citizens Female
Sweden	82.5	79.2	82.5	79.2	–	–
Denmark	71.5	68.9	77.3	71.2	67.0	66.3
Norway	71.3	70.6	75.5	70.0	69.4	70.9
Finland	69.6	70.9	73.6	71.2	62.2	70.5
Netherlands	81.1	75.0	78.6	77.8	82.1	73.3
Germany	72.1	69.3	71.8	69.1	72.5	69.9
Greece	53.6	39.2	54.7	40.0	50.5	36.1
Italy	64.6	62.5	65.2	65.5	64.1	58.5
Yugoslavia	63.5	54.0	66.2	55.2	42.4	38.2
Bosnia-Herzegovina	72.8	66.3	75.3	68.2	54.6	45.0
Poland	66.4	65.9	69.1	67.9	55.8	57.8
Romania	68.6	69.3	69.6	70.4	50.2	47.0
Hungary	62.5	62.5	64.6	63.8	46.8	54.9
Turkey	63.4	45.9	66.1	47.5	45.3	31.3
Lebanon	58.3	42.8	59.8	43.4	34.4	23.6
Syria	61.2	46.5	63.0	46.9	36.1	29.7
Chile	69.8	65.8	72.4	67.5	63.3	58.6
Iran	64.2	57.3	64.4	58.5	35.8	30.6
Iraq	52.4	39.6	54.5	40.5	32.0	22.1
Ethiopia	64.1	66.3	66.6	67.3	41.6	46.4
Somalia	42.8	33.8	49.3	38.0	27.3	21.1

Source: Authors' calculations from register data collected by Statistics Sweden.

immigrants even more, whereas the economic recovery of the late 1990s and the early years of the new millennium seem to have reversed the negative development to some extent.

Research that explains the variation in employment rates among the foreign-born and native-born in Sweden can be explained by "classic" factors like differences in demographic and human capital, as well as by demand-side factors, institutional factors and various types of discrimination by employers and employment agencies (for an overview, see Bevelander 2004). As described earlier, certain occupations – deemed vital to national security – are closed to non-citizens. However, since these occupations comprise less than 3% of all occupations in the Swedish labour market, this exclusion for non-citizens should be of minor importance in explaining the employment gap between the native- and foreign-born.

Table 3 shows the employment rates for both foreign-born citizens and non-citizens by gender. Interestingly, with a few exceptions, it is found throughout all groups that citizens have a higher employment rate compared to non-citizens, indicating a "naturalization premium." However, earlier research on Sweden comes to another conclusion. Bevelander (2000) finds that naturalization status had negligible effects on the probability of being employed in data from the 1970 Census, but that naturalized immigrants did have better chances of being employed in the 1990 Census than foreign citizens. Moreover, Scott (2008) found that the so-called Swedish "naturalization effect" is a selection effect and not a function of citizenship itself. The effect of citizenship that turns up in cross-sectional data appears to be caused by characteristics inherent to the group that naturalizes, and not in the state of citizenship itself. This could be caused by aspiring citizens investing more in country-specific human capital with the intent of remaining in the country. This investment seems to pay off regardless of actual attainment of citizenship, which goes against the hypothesis stating that citizenship may be used as a device to signal intent to stay in the host country.

Concluding remarks

Sweden's citizenship legislation is among the most liberal in Europe. Differences between citizens and non-citizens regarding civil, political and social rights are generally small. Among the existing differences are voting rights in national elections and access to several social rights. The strong relationship between residence and access to rights and opportunities makes the effects of naturalization less visible. There is also little evidence of a naturalization effect in the case of labour market participation. There is, however, an effect on voter participation in local and regional elections. Naturalization increases the chances of voting in elections by over 80% when appropriate background variables have been taken into account.

References

Bevelander, P. 2004. "Immigration Patterns, Economic Integration and Residential Segregation: Sweden in the Late 20th Century." *Current Themes in IMER Research* 2. IMER, Malmö University.

———. 2000. *Immigrant Employment Integration and Structural Change in Sweden, 1970-1995*. Stockholm: Almqvist & Wiksell International.

Bevelander, P., and R. Pendakur. 2008. "Electoral Participation in Local Elections of Natives, Immigrants and Descendants in Sweden." Unpublished manuscript. MIM, Malmö University.

Scott, K. 2008. "The Economics of Citizenship: Is There a Naturalization Effect?" In *The Economic of Citizenship*. Edited by P. Bevelander and D. DeVoretz. Malmö: Malmö Institute for Studies in Migration, Diversity and Welfare, Malmö University.

Spång, M. 2007. "Pragmatism All the Way Down? The Politics of Dual Citizenship in Sweden." In *Dual Citizenship in Europe. From Nationhood to Societal Integration*. Edited by T. Faist. Aldershot: Ashgate, p. 103-125.

Öhrvall, R. 2006. "Invandrade och valdeltagande." In *Valets mekanismer*. Edited H. Bäck and M. Gilljam. Liber: Malmö.

Notes

[1] Freedom of choice was the central cultural pluralist element of the new policy, the idea being that individuals should be able to choose whether to adopt a Swedish cultural affiliation, or retain that of their country of origin. Partnership can be seen as the need for mutual tolerance and solidarity between immigrants and native Swedes. These policies included mother tongue education and support of ethnic and cultural associations for immigrants.

[2] In this case the applicant has a waiting period before he or she can apply for Swedish citizenship.

[3] The subsistence requirement related to individuals' ability to support themselves in terms of work or other income.

[4] The Centre-Right parties, which had opposed dual citizenship in the 1980s, changed their position in the 1990s, partly due to *de facto* tolerance, and partly because of an increasing focus on Swedish citizens wanting to become citizens in other countries while retaining their bonds with Sweden.

[5] In Figure 1, voter turnout rates are based on an electoral survey. Individuals over the age of 75 were included from 1988 onwards. This means that prior to 1988, the participation rates shown in Figure 1 are somewhat higher than the actual electoral participation for the years preceding 1985.

[6] Citizens and non-citizens have been in the country for at least five years and are eligible to acquire citizenship.

VARIATION ACROSS SPACE, PERSISTENCE OVER TIME: CITIZENSHIP POLITICS IN SWITZERLAND

ABSTRACT

Switzerland is a very peculiar case of citizenship politics, for three reasons: a) applicants are mainly naturalized at the local level, leading to a variety of local citizenship models; b) current political debates focus less on the naturalization criteria than on the question of whether or not the entire population should be involved in the decision-making process; c) unlike other countries that have traditionally pursued a restrictive naturalization policy, Switzerland has not enacted changes towards a more liberal system in recent decades.

MARC HELBLING

Marc Helbling is Lecturer in Comparative Politics at the University of Zurich. He has studied political science in Lausanne, Paris, Zurich and New York. His research fields include immigration and citizenship politics, nationalism, national political conflict and public policy analysis.

Local citizenship attribution

A Swiss is not only a citizen of his or her country but also of a canton (sub-national state) and of a municipality. Nowadays, due to increased mobility, most Swiss are no longer citizens of the municipalities where they live but of a municipality from which their families originate. It also happens (rather rarely) that Swiss citizens apply for local citizenship in their new home-municipality. The singularity of local citizenship is partly a relic of another time, when each town and village was responsible for taking care of its poor and when only citizens (and not the inhabitants) of a municipality were allowed to participate in local politics.

The municipal naturalization system also has to be seen in light of Swiss federalism, which attributes sovereignty not only to the cantons, but also to the municipalities. The degree of local autonomy varies from one canton to another, but is very high when compared to other countries. Municipalities not only implement federal and cantonal laws, but also autonomously organize themselves, raise their own taxes, and administer municipal assets. Swiss municipalities have many responsibilities and even enact laws in the following domains: primary education, culture, sports, environmental protection, poor relief, police, road construction, church and naturalization.

The Swiss Confederation exclusively regulates citizenship attribution by birth, marriage and adoption. The naturalization of foreigners, however, involves two or three state levels. Naturalization is of two types: ordinary and facilitated. Facilitated naturalization is applicable to young foreigners and non-Swiss residents who were born in Switzerland. In some cantons such applicants benefit from a facilitated procedure, have to fulfill fewer criteria and are naturalized only at the cantonal and the federal levels. Most foreigners, however, are naturalized in an ordinary procedure at all three levels. The decision-making sequence between the three political levels differs from canton to canton, but in each case the procedure at the local level constitutes the crucial part of the process. Whereas the decisions of the Confederation and the cantons constitute rather formal and administrative procedures on the basis of a few but clearly specified criteria, the municipalities make mainly political decisions. The federal law on citizenship merely stipulates that only foreign residents who have lived in Switzerland for at least twelve years, respect the law, do not compromise the internal and external safety of the country, and are integrated and familiar with Swiss mores and customs can be naturalized. The first three criteria are quite clear-cut, are easy to verify, and are always checked by the federal administration. As regards the questions of integration and familiarity, not only do they constitute vague requirements, but they are also solely evaluated by local actors.

In most cases, the local administration is in contact with the applicants during the entire naturalization process. They inform applicants about the formal aspects of the process and check whether the relevant criteria are fulfilled. They also often discuss with naturalization candidates about whether the latter have any chance of obtaining a Swiss passport and make recommendations to the political bodies that are involved in the process. In almost all municipalities a naturalization commission composed of local politicians thoroughly reviews each application and makes recommendations to the

final decision-makers. Sometimes applications are circulated several times among the various collective bodies involved in decision making. In some municipalities, final decisions regarding citizenship are made by the entire population, either by ballot or during a municipal assembly. In other municipalities, it is the local parliament or the executive body that decides who can become a Swiss citizen.

The candidates must often pass an exam or interrogation to verify that they are sufficiently familiar with the Swiss political system, Swiss history, and the language of the particular region. The local administration and decision-makers decide whether candidates are obliged to pass citizenship examinations and to what extent, they must . The criteria can therefore differ between municipalities, even within the same canton. Yet formal regulations at the local level are rare and when they exist, the criteria that need to be fulfilled are formulated in a very general way. Decisions depend even more, therefore, on the interpretations of municipal politicians or the opinions of the local population.

A wide range of naturalization policies exist, from very generous to very restrictive ones. In some municipalities, complete integration of a naturalization candidate is presumed after twelve years of residence in Switzerland. In other municipalities, applicants have to prove their level of integration by passing tests or by showing how well they are acquainted with the Swiss citizens of their municipality. However, it would be too simplistic to place municipalities only along such a scale, since naturalization procedures also differ with regard to the issues that mould the respective debates. In some cases, language proficiency constitutes the crucial element of the contest. It may happen that some actors in a specific municipality require that the applicants speak Swiss German, whereas for others it may suffice that they have a good command of any of the four national languages. In still other municipalities, the question of whether applicants who are benefiting from social security or disability insurance can be naturalized is at the centre of debate.

The local administration and decision-makers decide whether candidates are obliged to, and to what extent, they must pass citizenship examinations. The criteria can therefore differ between municipalities, even within the same canton. Yet formal regulations at the local level are rare and when they exist, the criteria that need to be fulfilled are formulated in a very general way.

Naturalization: Democratic decisions?

Not surprisingly, the municipal autonomy in citizenship politics leads to a large range of local naturalization policies and variation in rejection rates. As to the factors influencing local naturalization politics, a survey with aggregated data from about 160 municipalities shows that almost 60% of the variance in rejection rates at the municipal level can be explained by three cultural and political factors: the local dominant understanding of citizenship, the formal decision-making structures, and mobilizing political actors (Helbling and Kriesi 2004, Helbling 2008: ch. 4). The rejection rates increase when the local population has a restricted understanding of citizenship, when the Swiss People's Party (SVP) is influential in local politics and when decisions are taken by closed ballot. Hence, it is how people think about citizenship, how political actors influence naturalization procedures, and how decisions are made that dictate which policy is pursued. On the other hand, a high unemployment rate, a large ratio of foreigners and a growing number of applicants from Muslim countries do not seem to preoccupy the people who decide how many and which alien residents become Swiss citizens.

It appears that it is the formal procedure and the composition of local political actors involved in the decision-making process that tells us which policy is pursued. Accordingly and unlike all other European countries, Swiss discussions about naturalization focus less on the question of which criteria must be fulfilled and more on the appropriate decision-making procedure and whether or not the population should decide on applications. In the last few years the Swiss system of naturalization has been the subject of much political and judicial debate, especially after discriminatory decisions were taken in some municipalities and applicants from the former Yugoslavia were regularly refused Swiss citizenship. Opponents of the existing system criticize the arbitrariness of the municipal decision-making processes that expose applicants to the attitudes of the local population and politicians.

In July 2003, the Swiss Federal Court ruled that popular votes by ballot on naturalization requests violate the Swiss Constitution. In May 2004, it further declared that decisions made during municipal assemblies must be made by open ballot. Since the Swiss Federal Court regards naturalization as a purely administrative procedure, it has declared that justifications for the decisions, and possibilities for appeals against such decisions on this subject, must be provided. These two rights, according to the Swiss Federal Court, are not guaranteed by the closed ballot voting system. After these verdicts were rendered by the Federal Court, municipalities in which naturalization status was decided by closed ballot abolished or suspended this procedure. In a national referendum held on June 1, 2008 the Swiss population rejected the proposal that each municipality should have the right to establish naturalization procedures and thus indirectly supported the decisions of the Federal Court.

Advocates of the Swiss People's Party who launched the referendum maintain that the verdicts rendered by the Swiss Federal Court violate the autonomy of the municipalities and the democratic rights of the Swiss citizens. They argue that the sovereign body, i.e. the people, should be accorded the right to decide who fulfils the criteria to become members of their community. A shift in the decision-making power from the people to the public authorities or the executive body constitutes, in their view, an offence against popular sovereignty. Representatives of the Swiss People's Party argue that Swiss citizens should be given the right to decide on naturalization as it is about the crucial question of who becomes a member of their national community. As such decisions are virtually irreversible, so their argument runs, a large part of the population should be involved in the decision-making process.

The persistence of an ethnic citizenship model

A more general debate is also taking place about whether it is too difficult to get a Swiss passport and about whether all groups of applicants should be eligible for facilitated naturalization. Proponents of a more liberal citizenship policy argue that the three-level naturalization procedures are too complicated and time-consuming and that Swiss requirements for naturalization exceed those of other countries. Indeed, several studies have come to the conclusion that Switzerland, like Germany, constitutes an example of ethnic citizenship politics and pursues one of the most restrictive naturalization policies in Western Europe (Koopmans et al. 2005, Giugni and Passy 2006, Steiner and Wicker 2000). Naturalization is often considered the endpoint of integration and not as a part of, or impetus to, such a process. Such a situation might be surprising in a country that is often considered to be multicultural due to its four language groups. This paradox can be explained by the strict dissociation of how indigenous and immigrant groups are treated.

In July 2003, the Swiss Federal Court ruled that popular votes by ballot on naturalization requests violate the Swiss Constitution. In May 2004, it further declared that decisions during municipal assemblies must be made by open ballot.…it has declared that justifications for the decisions, and possibilities for appeals against such decisions on this subject, must be provided.

This might also partially explain why Switzerland has a very low naturalization rate. In the last ten years, on average, only 1.9% of the foreign population obtained Swiss citizenship. Germany has a similar naturalization rate, while in Italy, Portugal, and Spain the naturalization rate has been even lower during this same time period. In most other European countries, however, 3% to 6% of foreign residents have been naturalized. The average naturalization rate is 7.8% in Sweden and 8.1% in the Netherlands (SOPEMI 2006, 290). The restrictive naturalization policy is also one of the reasons that Switzerland has such a high percentage of foreigners. Whereas in most European countries, 2 to 9% of the population are non-citizen residents, Switzerland has a foreign population of almost 20%, only surpassed by Luxemburg, with 36%. As a consequence, a large proportion of non-Swiss citizens are persons who have been born and raised in Switzerland.

One naturalization criterion that stands out is the 12-year residence requirement for applying for Swiss citizenship. Aside from Austria and Italy, where potential candidates must wait ten years, most Western European countries require only between three and seven years (Weil 2002: 7). Even in Germany, known for its restrictive citizenship policy, foreign residents can now obtain a German passport after just eight years. Critics of the existing system maintain that, besides Austria and Luxembourg, Switzerland is the only country in Western Europe where there is no popular support for facilitated naturalization of second generation immigrants at the national level (see Weil 2002: 6). Since 1980, three attempts to introduce facilitated naturalization of second and third generation immigrants at the national level have been rejected by the Swiss population. Thus, except for the introduction of dual citizenship in 1992, Switzerland more or less still pursues a naturalization policy whose legal basis was laid between the 1920s and 1950s.

The main political actor that habitually mobilizes against facilitated naturalization is the SVP, one of the major political forces in Switzerland. Members and supporters of this populist right-wing party fear mass naturalization, warn of the depreciation of Swiss citizenship, and argue that people who have grown up in this country are not necessarily assimilated enough to become Swiss. Some of their representatives have demanded that citizenship be revoked in the case of criminals who have recently been naturalized. These arguments are in line with the party's more general demands for a limitation of both naturalization and immigration. In particular, increasing immigration to Switzerland from the countries of the former Yugoslavia, which started in the 1980s, has provoked, time and again, violent debates about the capacity to integrate immigrants from these countries. Nowadays, foreign residents who have emigrated from the countries of the former Yugoslavia account for over 25% of all foreigners living in Switzerland, and outnumber even Italian residents (20%), who constituted the major immigrant group in the 1950s and 1960s (BFS 2005: 16-17). This new pattern of emigration

has also had an impact on naturalization rates: whereas until the first half of the 1990s most candidates for naturalization came from EU countries, as of the second half of the 1990s, more and more people from the Balkans have applied for Swiss citizenship (Piguet and Wanner 2000: 31). In 2004, for example, almost 40% of all naturalized Swiss citizens emigrated from a country of the former Yugoslavia (BFS 2005: 41).

Conclusions: Learning from the Swiss case

As the European Union increasingly becomes a supranational organization with its own citizenship offering rights and privileges to the citizens of its member states, Switzerland – the small country in the geographical centre of Europe – stands out by virtue of its decentralized naturalization process. Swiss naturalization politics might first appear to be a unique case. However, a better understanding of this case is also of interest in a wider context. Different interpretations and applications of citizenship laws and understandings of nationhood are not unique to Switzerland. In fact, naturalization politics in many nation-states, as is the case in many policy fields, are decentralized to a certain extent (Helbling 2008: ch. 1). Switzerland should be considered as a unique research opportunity, allowing us to discuss citizenship and nationalism from new perspectives. Taking a closer look at naturalization processes is revealing in that it enables us to go beyond formal regulations and citizenship laws and shows us how national citizenship models are interpreted and implemented. It is astonishing how diverse the understanding of citizenship and the interpretation of national regulations can be within a single nation-state. This contradicts somewhat the idea of homogeneous nation-states with a clear cultural consciousness.

References

BFS (Swiss Federal Statistical Office). 2005. *Ausländerinnen und Ausländer in der Schweiz.* Bericht 2005. Neuchâtel: Bundesamt für Statistik.

Giugni, M., and F. Passy. 2006. *La citoyenneté en débat. Mobilisations politiques en France et en Suisse.* Paris: L'Harmattan.

Helbling, M. 2008. *Practising Citizenship and Heterogeneous Nationhood. Naturalisations in Swiss Municipalities.* Amsterdam: Amsterdam University Press.

Helbling, M., and H. Kriesi. 2004. "Staatsbürgerverständnis und politische Mobilisierung: Einbürgerungen in Schweizer Gemeinden." *Swiss Political Science Review* 10, 4, p. 33-58.

Piguet, E., and P. Wanner. 2000. *Les naturalisations en Suisse. Différences entre nationalités, cantons et communes, 1981-1998.* Neuenburg: Bundesamt für Statistik.

Koopmans, R., P. Statham, M. Giugni, and F. Passy. 2005. *Contested Citizenship: Immigration and Cultural Diversity in Europe.* Minneapolis/ London: University of Minnesota Press.

SOPEMI. 2006. *International Migration Outlook.* Annual Report. OECD.

Steiner, P., and H.-R. Wicker. 2000. *Einbürgerungen auf der Ebene der Gemeinden.* Bern: Eigenössische Kommission gegen Rassismus.

Weil, P. 2002. "L'accès à la citoyenneté: une comparaison de vingt-cinq lois sur la nationalité." In *Nationalité et citoyenneté, nouvelle donne d'un espace européen. Travaux du centre d'études et de prévion du Ministère de l'Intérieur* 5, p. 5-28.

CITIZENSHIP: THE UK EXPERIENCE

ABSTRACT

Acquisition of citizenship is a contentious area of policy reform driven by broader agendas on migration, cohesion and security. Current proposals for "earned" and "probationary" citizenship have an exclusionary tone, would erect barriers to integration, and reflect concern to assure the public that new citizens will identify with and contribute to Britain rather than evidence that, under current arrangements, they do not.

SARAH SPENCER

Sarah Spencer is Associate Director of the Centre on Migration, Policy and Society at the University of Oxford, where she is co-directing a four nation study on migrant health and care workers; she is also Visiting Professor at the Human Rights Centre, University of Essex. She is the chair of the network of national equality and human rights organizations and of the Equality and Diversity Forum, as well as a former vice-chair of the Commission for Racial Equality and Director of Liberty.

Citizenship is a contentious, fast changing and contradictory area of policy development in the UK. Immigration, devolution, Britain's place in the European Union and security concerns post 9/11 have convinced the government of the need to build a stronger sense of British identity and belonging at both the national and the local levels. Reform of the country's relatively liberal, laid-back policy on access to citizenship status has thus, in recent years, become interwoven with broader moves to strengthen social cohesion, civic engagement and migration management, culminating in proposals for further reform of citizenship law in the current parliamentary session. While the primary objective of earlier reforms (2002) was to use acquisition of citizenship as a means of promoting social integration, current proposals for "earned citizenship" have an exclusionary undertone, would reassert a clear disparity in the rights enjoyed by citizens and non citizens, and arguably run counter to the inclusive concept of local belonging increasingly being promoted by municipalities: a concept that, in the words of a key proponent, "focuses on where you are, not where you come from."[1]

Historically, Britain neither encouraged long-term residents to become citizens nor put significant barriers in their path. Those who had resided in the UK for five years could apply to become citizens, language requirements were modest and dual citizenship allowed because:

> we recognize that in the modern world, as well as owing an allegiance to the country in which they live, people also retain an affinity to the country of their roots. It is therefore possible to be a citizen of two countries and a good citizen of both. (Home Office 1999)

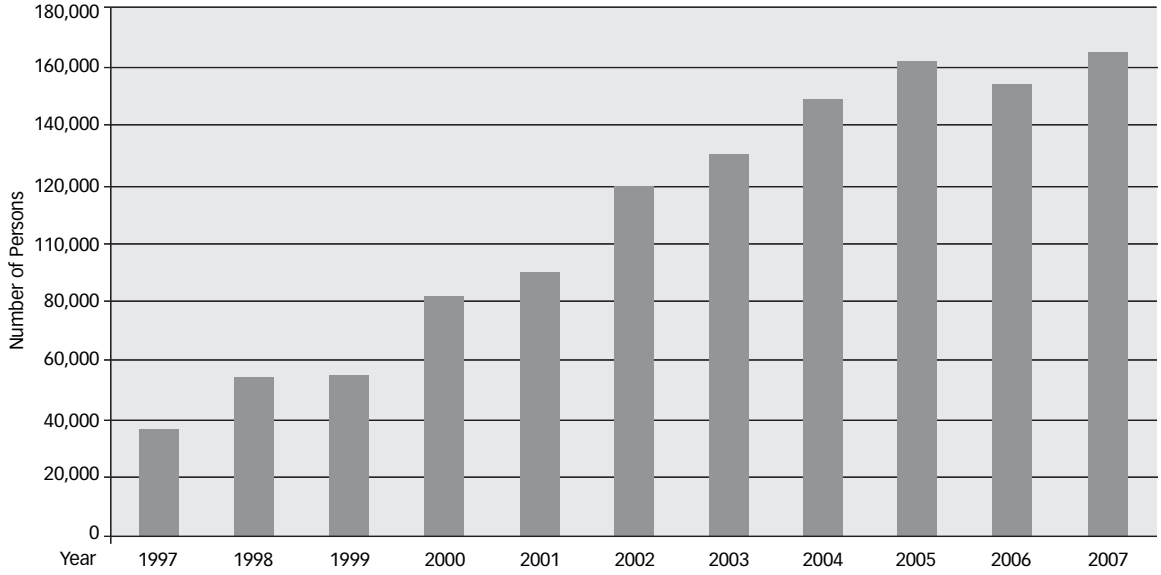
Reflecting Britain's colonial history, citizens of Commonwealth countries have since 1948 been allowed to vote in general and local elections, while EU citizens are, as in other EU states, allowed to vote in local and European elections. Rights of access to employment and benefits have effectively been tied to immigration and residence status, not citizenship.

Citizenship tests and ceremonies

In 2001, however, a series of events placed acquisition of citizenship onto the political agenda. Labour was re-elected to a second term and a Minister with a strong interest in communities and civic engagement, David Blunkett, was appointed Home Secretary. Blunkett had come from the education and employment ministry where he had introduced compulsory citizenship education in secondary schools and, coincidentally, overseen the expansion of labour migration in response to skill and labour shortages. With that experience he came into the Home Office determined to join up, for the first time, the country's immigration, asylum and citizenship agendas. Disturbances in northern towns in the summer of 2001, and the implications for Britain of the 9/11 terrorist attacks, served to reinforce his conviction that action was also needed at the local level to promote cohesion. A strategy emerged in which cohesive communities were defined as having a common vision and sense of belonging, where the diversity of people's backgrounds is positively valued, where those from different backgrounds have similar life opportunities, and where strong and positive relationships are being developed between people from different backgrounds at work, in schools and within neighbourhoods.

Blunkett saw cohesive communities as a prerequisite of success in the integration of migrants, arguing that "to enable integration to take place, and to value the diversity it brings, we need to be secure within our sense of belonging and identity and therefore to be able to reach out and embrace those who come to the UK." At the same time, Britain needed to do more to prepare people for citizenship, to enhance its significance, celebrate its acquisition and "develop a sense of civil identity and shared values." In contrast to what he called the "low key and bureaucratic approach" that the UK had, in the past, adopted to acquisition of citizenship, it should be seen as a clear act of commitment to Britain and as

Figure 1
Grants of British Citizenship in the United Kingdom: 1997 to 2007



Source: Home Office (2008: 11).

a step in the process of achieving integration (Home Office 2002).

As a result, legislation in 2002 made provision to require those seeking citizenship to have "sufficient knowledge about life in the UK" and, in addition to swearing the existing oath of allegiance to the monarch, to pledging the following: "I will give my loyalty to the UK and respect its rights and freedoms. I will uphold its democratic values. I will observe its laws faithfully and fulfil my duties and obligations as a British citizen."

Local citizenship ceremonies were introduced in 2004 and by November 2005 tests had been devised on knowledge of life in the UK under the guidance of an Advisory Board on Naturalization and Integration (ABNI). In July 2007, ABNI reported that since November 2005, approximately 368,000 people had taken the test; of these, 69% had passed. Of these individuals, it is of note that many of those were of nationalities that scored below the 50% mark, including those from Afghanistan, Bangladesh and Turkey (ABNI 2007). Thus, while the intention in 2002 was that the language and knowledge requirements should be slight, designed to encourage new citizens to identify with the UK and to affirm their inclusion, a significant number of those seeking citizenship are finding the test to be a barrier to that aspiration.

The latest statistics show that citizenship applications rose by 8% in 2007 and the number granted by 7% (to 164,635), a dramatic rise in ten years from the 40,000 granted in 1997. Fifty-three percent were granted citizenship on the basis of residence, 18% on marriage and 25% as minor children. Forty-four percent were citizens of Asian countries and 31% originated from Africa, with Indians, Filipinos, Afghans, South Africans and Pakistanis at the top of the list. As well, 14,725 applicants were refused – 9% of all decisions – of which 16% (2,365) was due to the applicant's insufficient knowledge of English or of life in the UK and 11% (1,695) because the applicants were considered to be "not of good character" (Home Office 2008). While the government is encouraging applications for citizenship, the record number of grants was seen by its critics as not being an indicator of integration but of immigration. "The public will be alarmed," the Opposition spokesman said, "that passports are being handed out at such a rate."[2]

Reflecting Britain's colonial history, citizens of Commonwealth countries have since 1948 been allowed to vote in general and local elections, while EU citizens are, as in other EU states, allowed to vote in local and European elections.

New proposals

The broader impact of the change in policy on citizenship acquisition has not yet been evaluated. Nevertheless, the government proposes further reforms, following a pamphlet published in 2007 by the Immigration Minister and then Communities and Local Government Minister, which argued that the "quiet citizenship revolution" of recent years had now stalled (Kelly and Byrne 2007). In an increasingly diverse society, including changes in patterns of work, family life, technology and means of communication, shared experiences are being replaced by a "myriad of smaller subcultures," while communities face a

threat from Islamist extremists and from the far right. The answer, they argued, is to develop a more inclusive sense of citizenship, for which they proposed a new national day "celebrating what is best about Britain," a renaissance of civic governance and identity in cities, towns and villages, support for Muslim communities in defining a "modern sense of British Islam" emphasizing loyalty to Britain as well as to faith, and good neighbour contracts for newcomers. Henceforth, applicants for citizenship would have to demonstrate that they had *earned* that privilege, a concept now central to the government's proposals, *A Path to Citizenship*, to be taken forward in an overhaul of immigration and citizenship legislation later this year (Home Office BIA 2008).

In contrast to the generally inclusive tone of earlier reforms, *Path to Citizenship* emphasizes "the expectation that all who live here should learn our language, play by the rules, obey the law and contribute to the community." Citizenship is a deal and the unmistakeable message is that those who want the benefits of citizenship need to be reminded of their responsibilities. Driven by the Home Office and not by the department dealing with cohesion, these proposals are firmly set within the government's migration reform program and reflect its preoccupations: ensuring that migrants make a positive economic contribution and pose no threat to security and, of no lesser importance, that the public be assured that this is the case. With these objectives in mind, it is proposed that applicants should be obliged to undergo an additional "probationary citizenship" phase during which they would have no access to benefits and would have to demonstrate that they are making an active contribution to society (through volunteering, raising money for charity or running a local sports team, for instance), while paying taxes and staying on the right side of the law.

In contrast to the generally inclusive tone of earlier reforms, *Path to Citizenship* emphasizes "the expectation that all who live here should learn our language, play by the rules, obey the law and contribute to the community." Citizenship is a deal and the unmistakeable message is that those who want the benefits of citizenship need to be reminded of their responsibilities.

While the *Path to Citizenship* proposals were under consideration, former Attorney General Lord Goldsmith was asked to undertake a separate review of the rights and responsibilities of citizenship for the Ministry of Justice. Recommending in *Citizenship, Our Common Bond* (Goldsmith 2008) that those with vestigial categories of citizenship such as British Overseas Territories Citizenship should be given full citizenship (and hence rights of entry), the main thrust of his argument is that there should be a clear distinction between the rights and responsibilities of those with citizenship and those without. His recommendations include the adoption of a statement of the rights and responsibilities of citizenship, incentives for those eligible for citizenship, and a provision that Commonwealth citizens who are not British citizens should lose their right to vote (on which the government has yet to respond).

Problem or perception?

These current proposals clearly address a perception that foreign-born residents need to be encouraged to identify with and contribute to British society, raising two questions: whether that perception is supported by the evidence, and whether the measures proposed would promote those outcomes.

It is worth noting that of the two key drivers of the government's cohesion agenda – the disturbances in northern towns in 2001 and the security threat from terrorism – neither focused primarily on migrants or on those who had newly acquired British citizenship. The disturbances involved second generation Asian youth, and the terrorist incidents involved those who were British-born as well as those born abroad. The cohesion agenda developed after the disturbances focused on building bridges between established communities perceived to be leading "parallel lives," while the security strategy seeks to prevent the radicalization of Muslim youth growing up in the UK. Only with the arrival of significant numbers of East Europeans from an enlarged European Union (post-May 2004) did the impact of migration at the local level (pressure on local services and minor tensions with neighbours) become part of the cohesion agenda.

Moreover, an independent inquiry on cohesion reporting to government in 2007 was at pains to emphasize the overwhelming evidence of positive cohesion outcomes across Britain, citing its own findings and data from the official Citizenship Survey (Commission on Integration and Cohesion 2007). The most recent data shows, for instance, that 82% of the public agree that their local area is a place where people from different backgrounds get on well together (with no difference in findings for ethnic minorities). Eighty-four percent feel they belong strongly to Britain (88% of Asians) and, while the proportion of some ethnic minority communities who volunteer in the community is not as high as those of White people, they are *more* likely to feel that they can influence decisions taken at the national and at the local level. Eighty percent of people mix socially with people from different ethnic and religious groups at least once a month (Communities and Local Government 2007).

An analysis of data from a range of polls in 2006 on Muslims' sense of belonging in the UK demonstrates that,

when asked whether they consider themselves Muslim *or* British first, the vast majority (81%) said Muslim; but when not required to choose, almost half (46%) said British first, 12% Muslim, and 42% that they did not differentiate (Blick et al. 2006). A recent study of migrants that asked which aspects of life in Britain they most valued found the highest attachment to be to democracy, fairness, justice and security (followed by opportunities for education, a good standard of living and access to services), and that migrants shared the same concerns as their neighbours: crime, drug use and pollution (Jayaweera and Choudhury 2008).

The government's own research shows that migrants make a positive economic contribution in the UK, often undertaking jobs with unattractive working conditions and anti-social working hours that other residents are unwilling to do. Many are ineligible for welfare benefits or recourse in other respects to public funds, with refugees being a notable and accepted exception. Coupled with the survey evidence demonstrating positive cohesion outcomes, high rates of belonging and common values suggest that the *Path to Citizenship* proposals say more about government's concern to assure the public that new citizens will make a valid contribution to, and identify with, Britain than any significant evidence that they might not under current arrangements. The danger must be that raising the bar to make it more difficult for long-term residents to obtain citizenship, rather than strengthening belonging and participation, will widen the gap between citizen haves and have-nots, imposing unnecessary barriers to the integration and community cohesion which the government itself says it wants to achieve.

More than 1,600 people arrive in the UK each day planning to stay for a least a year. Some will remain in the long term; many will move on or return to their country of origin, perhaps returning to the UK at a later date. The evidence shows that, even among EU citizens with a right to remain, intentions on length of stay and whether to settle shift over time (Spencer et al. 2007). Rather than creating a new divide between citizens and non citizens, the government would do well to focus on this significant, ever changing, group of new residents, facilitating their full economic, social and civic participation throughout the time they are living in the UK, however temporary or permanent that might be.

References

Advisory Board on Naturalization and Integration. *2007 Second Annual Report*. Retrieved from <www.abni.org.uk>.

Blick, A., T. Choudhury, and S. Weir. 2006. *The Rules of the Game, Terrorism, Community and Human Rights*. Joseph Rowntree Reform Trust/Democratic Audit.

Commission on Integration and Cohesion. 2007. *Our Shared Future*. Retrieved from <www.integrationandcohesion.org.uk>.

Communities and Local Government. 2007. Citizenship Survey England and Wales April – September 2007. Retrieved from <www.communities.gov.uk/documents/communities/doc/674296.doc>.

Jayaweera, H., and T. Choudhury. 2008. *Immigration, Faith and Cohesion: Evidence from Local Areas with Significant Muslim Populations*. Joseph Rowntree Foundation/Compas.

Home Office. 1999. *Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum*. White Paper, Cm 4018.

Home Office. 2002. *Secure Borders, Safe Haven, Integration with Diversity in Modern Britain*, White Paper, CM 5387.

Home Office. 2008. *Persons Granted British Citizenship United Kingdom, 2007*. Statistical Bulletin 05/08. Retrieved from <www.homeoffice.gov.uk/rds/pdfs08/hosb0508.pdf>.

Home Office Border and Immigration Agency. 2008. *Path to Citizenship: Next Steps in Reforming the Immigration System*, February.

Lord Goldsmith. 2008. *Citizenship: Our Common Bond*. March. Retrieved from <www.justice.gov.uk/docs/citizenship-report-full.pdf>.

Kelly, R., and L. Byrne. 2007. *A Common Place*. Fabian Society. Retrieved from <http://fabians.org.uk/images/stories/pdfs/common_place.pdf>.

Spencer, S., M. Ruhs, R. Anderson, and B. Rogaly. 2007. *Life Beyond the Workplace: The Experiences of Central and East Europeans in the UK*. Joseph Rowntree Foundation/Compas.

Notes

[1] Professor Ted Cantle, Citizenship in the Community conference, organized by the Advisory Board on Naturalization and Integration, May 21, 2008. See the Institute of Community Cohesion's Website for examples of initiatives by towns and cities, at <www.coventry.ac.uk/researchnet/d/339>.

[2] BBC News, May, 20, 2008. Retrieved at <http://news.bbc.co.uk/1/hi/uk/7410046.stm>.

CITIZENSHIP IN THE UNITED STATES AND CANADA

How Government Policy Matters for Immigrant Political Incorporation*

ABSTRACT

Levels of immigrant citizenship in Canada and the United States were very similar four decades ago, but today immigrants in Canada are much more likely to hold citizenship than compatriots in the United States, despite the greater benefits of US citizenship. The difference stems in part from the composition and legal status of immigrant populations. However, government policy also drives greater formal political incorporation in Canada. Immigration and citizenship agencies, multiculturalism policies and integration programs together send a symbolic message that immigrants are important, and provide material resources to help immigrants become active citizens.

IRENE BLOEMRAAD

Irene Bloemraad is Assistant Professor in Sociology at the University of California, Berkeley, and a Scholar of the Canadian Institute for Advanced Research's Social Interactions, Identity and Well-Being Program. Her first book, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (University of California Press 2006), argues that the United States' lack of general integration policies has led to lower levels of citizenship among immigrants in the United States compared to Canada, and poorer outcomes in political participation.

More than 700,000 people became US citizens in 2006. Ask them why and they may tell you that they want the security of citizenship. Without it, you can be subject to automatic deportation for even relatively minor crimes. Or they may say that they want political rights. Except for a few localities in the United States, voting or running for office requires citizenship. Some might point out that citizenship provides access to jobs in the public sector or defense industry. Citizenship also determines eligibility for various public benefits since the 1996 *Welfare Reform Act*.[1]

Finally, many will tell you that the United States is their adoptive home. Becoming an American makes it official.

The costs of becoming an American citizen seem small. Lack of citizenship does not offer protection from the draft, as many immigrant men found out during the Vietnam conflict, and non-citizens must pay taxes like everyone else. The naturalization oath requires renunciation of past allegiances, but in practice US citizens can hold multiple passports.

Why then do so few immigrants take out US citizenship? In 2006, the American Community Survey estimated that of the 37.5 million foreign born in the United States, only 15.7 million (42%) were naturalized citizens. In 1950, almost four out of five immigrants had sworn to uphold the American Constitution. The percentage of citizens among the immigrant population has since decreased significantly. While there has been a slight increase in naturalization since 2000, the change has been modest.

The decline in immigrant citizenship is all the more startling if we consider America's neighbour to the north. Canada, like the United States, is a country built on successive waves of immigration. In 2006 nearly one of every five Canadian residents had been born in another country. Indeed, in proportion to its population, Canada takes in about three times as many immigrants as the United States. Strikingly, the overwhelming majority of these foreign-born residents, 73% in 2006, had acquired Canadian citizenship.[2] For citizenship levels in the United States to mirror those in Canada, over 11 million people would need to acquire American citizenship overnight.

For most of the 20th century, immigrant citizenship in the United States and Canada looked remarkably similar. But beginning in the 1970s, as both countries welcomed "new" immigration from Asia, the Caribbean and Latin America, citizenship trajectories parted course. Many would have predicted higher citizenship rates in the United States, given its longer history of civic nationalism and arguably a stronger assimilationist impulse. In Canada, recurrent crises of national cohesion on the question of Quebec independence and, in the eyes of some, a divisive policy of multiculturalism, should have hindered immigrants' political integration. Furthermore, citizenship offers greater benefits in the United States. All non-citizen permanent residents in Canada can access social programs; this is not always the case in the United States. An immigrant who wishes to sponsor a family member to the United States has an easier time if he or she is a citizen; citizenship provides no such advantage in Canada. Given fewer benefits, why do so many foreigners take up Canadian citizenship while compatriots down South fail to become American?

Our research suggests that much of the difference stems from the relative "warmth of the welcome" that awaits immigrants in Canada compared to that in the United States. In the United

States, immigration policy largely starts and ends at the border. Government attention and resources revolve around border control; subsequent processes of integration are considered outside the purview of the state. In Canada, the government has adopted a more interventionist stance, providing public funds for the practical business of settlement and integration, and adopting a policy of official multiculturalism recognizing immigrant-generated diversity. These policies increase immigrants' ability to acquire citizenship and affect how interested they are in doing so. Minor variations in citizenship regulations and processing, as well as differences in the types of immigrants that choose to settle in Canada and the United States, also play a role in the citizenship gap, but less than we might think.

The legalities of citizenship

Those who do not have American or Canadian citizenship at birth must acquire it through naturalization. Naturalization procedures are remarkably liberal in both countries. Would-be citizens must prove a number of years of legal residence (three in Canada, generally five in the United States); they must demonstrate language ability (English in the United States, English or French in Canada); they must show some knowledge of the country; they must pay a fee and, to use the American phrase, they must demonstrate "good moral character."[3] In both countries, criminal convictions constitute grounds on which to refuse citizenship.

Refusal rates appear similar. Throughout the 1960s to the 1980s, the Immigration and Naturalization Service (INS) refused about 2% of naturalization applications, while 3% were formally rejected in Canada. In the 1990s, after some politicians adopted anti-immigrant platforms in the United States, refusal rates climbed to 15% as many immigrants applied for citizenship without first having fulfilled the residency requirement. In Canada, refusals stood at about 10% of the total.

In the United States, immigration policy largely starts and ends at the border. Government attention and resources revolve around border control; subsequent processes of integration are considered outside the purview of the state.

The long gray welcome

If key naturalization requirements do not differ, the attitude and administration of citizenship is more welcoming in Canada. David North called the naturalization process under the former Immigration and Naturalization Service the "long, gray welcome." Application forms are legalistic, unattractive and difficult to understand. Lines are long and wait times for processing can take years. Citizenship services take second place to border enforcement within the federal bureaucracy, whether counted by personnel, money or public attention. This was true when naturalization fell under the INS, and continues with US Citizenship and Immigration Services (USCIS) housed in the Department of Homeland Security. According to former INS Commissioner Doris Meissner, "[T]he dominant culture of the agency [is] rooted in a view of immigration as a source of security and law enforcement vulnerability more than of continuing nation building."

Negative perceptions of the immigration bureaucracy make immigrants more reluctant to apply for citizenship. Such negative perceptions can also be extrapolated to other government agencies, undermining newcomers' confidence in their welcome by government and political actors. Citizenship is thus rendered less attractive.

Citizenship and Immigration Canada (CIC), the Canadian counterpart to USCIS, has also had problems with timely processing, but overall it has worked more on immigrant outreach and citizenship promotion. A senior official at CIC explained, during an interview, that "the Canadian policy is that we are a country of immigration. The only way an immigrant can influence how the country is run [is] to vote. And you can only vote if you become a citizen. The *Citizenship Act* ensures the facilitation of citizenship, so that immigrants can exercise their voting capacity. That is the main policy thrust." Instead of a strong enforcement mandate, CIC has developed various settlement policies. Initially run through the public service, these are now almost entirely administered through local community organizations funded by government grants. In 2003-2004, $173 million went to language training, job counseling, translation and other settlement services throughout English-speaking Canada.[4] In the United States, only officially designated refugees have access to such federal programs.

The upshot of these differences is that immigrants in Canada become more interested and able to apply for citizenship, and they do so sooner than in the United States. In 1970-1971, about two-thirds of foreigners who had lived for 11 to 15 years in Canada or the United States held the citizenship of their adopted country. Twenty years later, among those with a similar number of years of residence, only two of five in the United States had naturalized, as opposed to more than three-quarters in Canada. Significantly, citizenship regulations did not change appreciably over this period.

Illegal immigration and countries of origin

Unauthorized migration, by individuals crossing the border clandestinely or overstaying temporary visas, has become a significant political issue in the United States since the 1980s. Reasonable estimates of the unauthorized population range from 11 to 12 million in 2006. Of those, approximately 55% are thought to originate from Mexico. Since only legal permanent residents can apply for citizenship, a large population of undocumented migrants drives down aggregate naturalization figures.

Canada is also home to illegal immigrants, most of whom have overstayed tourist visas. Recent news reports put this number at about 200,000, but lacking any reliable

estimates from government or the academic community, this figure is speculative. It is certain, however, that illegal migrants constitute a smaller percentage of the foreign-born population than in the United States.

The origins of immigrants to Canada and the United States also differ. Following massive immigration to the United States from 1880 to 1920, Congress shut the door to immigration in the 1920s, letting in only relatively small numbers of Europeans and Canadians for permanent residency, or Mexicans for temporary work. In the 1950s, 53% of those granted permanent residency came from Europe while only 6% and 0.6% came from Asia or Africa, respectively. The 1965 *Immigration* (or *Hart-Cellar*) *Act* eliminated national origin quotas and raised the overall ceiling on admissions. By the 1990s, Europeans accounted for only 15% of legal immigrants to the United States, while those from Asia or Africa represented 31 and 4% of the total, respectively. Hispanic immigration, primarily from Mexico, but also from Central and South America and the Spanish-speaking Caribbean, makes up the bulk of the contemporary US immigration.

Canada also abandoned discriminatory selection criteria during the 1960s. As late as 1966, two-thirds of all immigrants to Canada came from just five countries: the United Kingdom, Italy, the United States, Germany or Portugal. By 2000, Europeans made up just 19% of immigrant admissions, while the majority of immigrants, 51%, came from Asia and the Pacific. Another 18% hailed from Africa and the Middle East, and only 9% came from Central and South America. Immigration to Canada is much less Hispanic, and much more Asian, than migration to the United States.

These differences matter because people from different countries view and acquire citizenship differently. Some believe that shared cultural traits, such as the civic culture immigrants bring with them, influence naturalization decisions. Others suggest that immigrants from different countries face different decision-making contexts over the costs and benefits of naturalization. For example, Canadian and Mexican immigrants in the United States are less likely to naturalize than most others, perhaps because they feel that the chances that they might return home are high.

Differences in citizenship among origin groups affect aggregate naturalization levels. The very large Mexican-born population in the United States – almost 30% of all foreign-born residents in 2000 – dwarfs the community in Canada, which constituted less than a percentage point in 2001. Mexicans' naturalization levels are among the lowest of all groups in the United States, and they make up a larger proportion of the illegal population, a group barred from citizenship. The large Mexican population consequently drives down aggregate US citizenship levels. In contrast, many Asian groups have relatively high citizenship levels. Significant Asian migration increases the level of citizenship in Canada.

Yet unauthorized migration and differences in country of origin cannot explain away the puzzle of diverging citizenship trajectories. The proportion of immigrant citizens increased to 48% in 2000 if we exclude Mexican migrants and those who did not fulfill residency requirements, but a similar adjustment to the Canadian figure increases it even more, to 84% in 2001. When we compare citizenship levels for immigrants born in the same country, citizenship is consistently higher in Canada across all immigrant groups.

The "quality" of immigrants and immigration policy

Certain people are more likely to apply for citizenship than others. Not surprisingly, given language and civic requirements, those with better English skills (and, in Canada, French) and more education are more likely to naturalize.[5] Some Americans consequently wonder whether the recent drop in immigrant citizenship reflects a decline in the "quality" of newcomers to the United States. Are today's newcomers too uneducated, unmotivated or otherwise lacking in the civic virtues needed for citizenship?

In 2003-2004, $173 million went to language training, job counseling, translation and other settlement services throughout English-speaking Canada. In the United States, only officially designated refugees have access to such federal programs.

Both Canada and the United States administer mixed immigration systems that accord entry based on skills and resources, family ties or the need for asylum. The relative proportion of these three categories varies, however. In the late 1990s, between two-thirds and three-quarters of legal immigrants to the United States acquired their status through family ties: a relative already living in the United States had sponsored their application to migrate. Under the current US preference system, about 20% of numerically limited visas are given based on employment. Refugees accounted for 8 to 16% of admission in the 1990s.

Canada depends more heavily on "independent" migrants, those with no family ties to Canada, but who can show that their skills or resources (such as investment capital) are needed in the Canadian economy. Since the mid-1970s, selection as an independent migrant is based on the points system. Potential migrants receive points for education, language ability, age and other personal characteristics. Those with enough points are granted an immigrant visa. In the second half of the 1990s, a little over half of all immigrants arrived as independent migrants (a figure which includes the dependents of the principal applicant), 25 to 30% entered under family reunification provisions and roughly 13 to 17% came as refugees or special admissions. Assuming that independent migrants are more likely to possess higher education and better language skills, could the higher proportion of economic migrants in Canada entirely account for citizenship differences?

Probably not. Over the period of declining citizenship levels in the United States, the average level of education among newly arriving immigrants increased, implying that these newcomers should find naturalization easier than those who came before. If we try to predict an immigrant's likelihood of acquiring citizenship using statistical models that control for education, language, length of residence and other potentially important personal attributes, chances for citizenship remain higher in Canada than in the United States. Immigrants' characteristics matter, but something about the society to which they migrate also affects citizenship.

A helping hand: The role of government

The Canadian welfare state is usually grouped with the United States for its market-oriented, relatively non-interventionist stance. Since the 1960s, however, Canadian governments have increasingly engaged in policy interventions, such as a universal health care system, which is non-existent in the United States. Within the field of immigration, Canadian governments have promoted a multicultural integration policy. First espoused by the federal government in 1971, public support for ethnic diversity was enshrined in the Canadian Charter of Rights and Freedoms in 1982 and became federal legislation with the 1988 *Multiculturalism Act*. Public recognition – and funding – of ethnic diversity is accompanied by settlement programs in language learning, job counseling and citizenship classes. Relative to expenditures for welfare, health care and education, public funding for multiculturalism and settlement programs has been very modest. Nonetheless, it has been consequential. It is no coincidence that the divergence in Canadian and American citizenship occurs precisely at the moment that these policies gained steam.

Immigration to Canada is much less Hispanic, and much more Asian, than migration to the United States. These differences matter because people from different countries view and acquire citizenship differently.

These programs have had two main effects. First, they provide immigrant communities with the resources necessary to acquire citizenship and exercise a political voice. Immigrant incorporation, including political integration, is a social phenomenon with newcomers calling on friends, family, co-ethnic businesses and local community organizations for assistance. In explaining how they became citizens, many ordinary immigrants tell stories of having paperwork filled out at a nearby community organization, buying a citizenship study guide from a co-ethnic notary public and asking a daughter to practice English conversation.

Government support provides a richer social infrastructure in Canada. Government sponsored language classes help immigrants feel confident that they can meet the citizenship language requirement. Grants to local community organizations provide extra citizenship classes to those worried that age or lack of education will prevent naturalization. More generally, government initiatives support a greater array of immigrant community organizations in Canada than they do in the United States. Not all communities need such outside assistance – many ethnocultural organizations survive on members' fees or fundraising efforts – but immigrant groups with relatively fewer resources benefit from a helping hand.

Second, the symbolism of government concern evident in public goods provisions and the rhetoric of Canadian multiculturalism make immigrants more interested in citizenship. The Canadian state's official endorsement of multiculturalism gives immigrants normative standing in the political system. Public programs for immigrants or refugees provide newcomers with a stronger sense of linkage between the state and themselves. Immigrants we interviewed in Canada felt that, despite problems, they could count on government, generating a sense of obligation to participate and give back. In the United States, the idea of citizenship evokes rights and economic opportunities, but entails a more modest sense of engagement.

A Portuguese immigrant who has lived 20 years in the United States and 13 in Canada offered an excellent summary of the trade-offs that are consistently heard. For him, the United States is economically "the best country in the world." Life is cheaper and he feels that America is truly a land of opportunity. However, while he currently lives in Massachusetts, he dreams of going back to Toronto: "It's just the place [where] I feel at home." This attachment stems in large part from his sense of welcome: "The respect for who you are, what you are, especially about ethnicity and for immigrants," as well as "the way the government runs things – I guess the great support, the multiculture stuff, the social assistance. We pay a lot of tax, that's true. But the great concern of government, the help for the citizens themselves."

Future citizenship trajectories

The current American administration is unlikely to adopt Canadian policies, but the refugee resettlement program shows that the country can, and has, initiated efforts to proactively support newcomers. For example, the *Homeland Security Act* of 2002 mandated a new Office of Citizenship whose Chief is responsible for promoting citizenship, fostering public-private partnerships and overseeing a staff of Community Liaison Officers. However, it is difficult to promote a proactive and service-friendly atmosphere when naturalization and immigration services are housed within a department dedicated to "homeland security," especially when security is understood as protection against foreign threats. The theme of USCIS's 2005 Strategic Plan, which is also used as a slogan on various customer service publications available to immigrants, is "Securing America's Promise." The promise is there, but it comes second to security.

In Canada, governments cut funding to multiculturalism and scaled back services offered to newcomers in the late 1990s and into 2000. The 2005 federal budget finally increased funding for integration and settlement services for the first time in five years. Future governments will need to consider that any short-term fiscal gains achieved through cutbacks might be undermined by the long-term exclusion of newcomer populations.

The decision to cut programming in Canada, or do broader immigrant settlement in the United States, is a political choice, one intertwined in debates that extend beyond immigration to include foreign policy, welfare state development and management of historic ethno-racial tensions in each country. The consequences of such decisions are significant. In countries with significant ethno-racial diversity such as the United States and Canada, the glue that binds strangers is common membership, or citizenship, in a political body. When immigrants do not acquire citizenship, a sense of shared enterprise is undermined, as are the institutions of democratic government. Immigrant citizenship is better served when governments extend a welcoming hand: offering concrete settlement assistance and recognizing immigrants' diverse identities and cultures within a framework of "future citizen" rather than foreigner or alien.

Notes

* This article is based on Irene Bloemraad's recently published book, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (University of California Press, 2006). An earlier version of the article was published in the Canadian American Research Series (fall 2006).

[1] Officially, the US *Personal Responsibility and Work Opportunity Reconciliation Act.*

[2] For ease of comparison, the US and Canadian figures simply take the number of naturalized citizens divided by the total foreign-born population in the country, regardless of whether they are eligible for citizenship. This includes the undocumented in both countries, and those counted as non-residents by the Census in Canada.

[3] The US residency requirement falls to three years for spouses of American citizens and can be waived entirely for those who have seen combat in the US military. Both countries offer easier rules for the elderly. Over the last decade, the United States substantially increased the fee for citizenship, raising it from $95 in 1996 to $675 in 2008. This has further eroded the "warmth of the welcome" and is beginning to place a real financial burden on immigrant families of modest means. The cost in Canada in 2008 stood at $200.

[4] The government of Quebec received an additional $164 million as a block grant under their 1991 federal-provincial settlement agreement. Another $45 million went to British Columbia and Manitoba for additional service support.

[5] Although there is also some evidence that the most educated immigrants are reluctant to do so.

TRANSNATIONALISM, INTEGRATION, AND CITIZENSHIP IN THE UNITED STATES: THEN AND NOW*

ABSTRACT

This article focuses on two questions pertinent to debates about transnationalism and citizenship in the United States: How new is transnationalism in the United States? And do transnational ties, including those involving citizenship, impede incorporation or integration into American society?

NANCY FONER

Nancy Foner is Distinguished Professor of Sociology at Hunter College and the Graduate Center of the City University of New York. Her recent work focuses on the comparative study of immigration – comparing immigration today with earlier periods in the United States, the immigrant experience in various American gateway cities, and immigrant minorities in the United States and Europe. She is the author or editor of more than a dozen books.

In considering the question of transnationalism and citizenship in the United States – and what might be called challenges to nationally bounded citizenship paradigms – the article focuses on two issues. How new really is transnationalism? And do transnational ties, including those involving citizenship, impede incorporation or integration into American society?

Both of these issues have been the subject of academic and popular controversy. A concern is that transnational ties, including dual citizenship, will detract from and hinder involvement in the United States. Such a situation – and indeed transnational ties themselves – have frequently been portrayed as something novel in American society, and earlier immigrants are often remembered as having been more committed and eager to assimilate to American society than are today's arrivals.

Contemporary immigrants are not the first newcomers to live what scholars call transnational lives. Indeed, transnational ties were alive and well among many of the millions of southern, central, and eastern European immigrants who came to the United States a hundred years ago. To be sure, there are many new dynamics to immigrants' transnational connections today, but there are also significant continuities with the past. Transnationalism – the process by which immigrants maintain economic, political, and social ties to their homeland – represents a novel analytical perspective, not a novel phenomenon (Portes 2003). As to the effects of transnationalism, there were widespread concerns one hundred years ago, like today, about the negative consequences of ties to the "old country." However, these concerns have again been greatly exaggerated. Incorporation into the new country and transnational practices can, and often do, go hand in hand.

Transnational ties, then and now

One hundred years ago, in the last great wave of immigration to the United States, southern, central, and eastern European immigrants often established and maintained familial, economic, political, and cultural links to their home societies, while developing ties and connections in their new land (Foner 2005, Morawska 2001). What social scientists now call "transnational households," with members scattered across borders, were not unusual. Early 20th century immigrants regularly sent money – and letters – to relatives left behind. There were also more organized kinds of aid. For example, Russian Jews sent millions of dollars to their war-ravaged home communities during and after World War I through hometown associations (*landsmanshaftn*). Italians often sent funds home to purchase land and build houses with the goal of returning to their homeland. Some were "birds of passage," going back and forth between Italy and the United States, which many Italian migrants referred to as "the workshop" (Wyman 1993).

When it came to politics, immigrants in the past followed news about and often remained involved in home-country political affairs through immigrant newspapers, letters from relatives, and, in some cases, physical movement between their country of origin and the United States. There is a long history of lobbying the American government about home-country issues. Moreover, immigrants in America have long been tapped by homeland politicians and political parties as a source of financial support.

A century ago, homeland governments were also involved with their citizens living abroad, the Italian case being especially noteworthy given Italy's active engagement with migrants in the United States and the fact that Italians made up more than one-third of eastern and southern European

arrivals in the first two decades of the 20th century. Among other things, the Italian government subsidized organizations in the United States that provided social services to Italian emigrants and helped provide ways of sending remittances cheaply and reliably. In addition to wanting to ensure the flow of remittances and savings homeward, the Italian government was eager to retain the loyalty of emigrants to the United States as part of its own nation-building project. A 1913 Italian law allowed returnees who had taken foreign citizenship to regain Italian citizenship after living two years in Italy. Although it did not come to pass until just recently, there was even discussion on the question of allowing Italian citizens established abroad to benefit from political representation in Italy.

If there are many parallels with the past, there is also much that is new today about transnationalism and immigrants' ties across national borders. Given enormous advances in transportation and communication technologies, immigrants can now maintain more frequent, immediate, and intimate contact with their home societies. They can hop on a plane or make a phone call to hear about news and people left behind – and be involved in everyday life in the home community in a fundamentally different way than in the past.

In the last few decades, changes have been dramatic. Plane fares are now relatively inexpensive. There are new types of communication such as e-mail and videoconferencing. With prepaid phone cards, telephoning has become cheap. In the late 1960s, when this author did fieldwork in a Jamaican village, there were no phones and the only kind of "instantaneous communication" was by telegram, filtered through the eyes of the village postmistress. Since then the village has gone through major changes, from a period when there was just one phone box in the community (with wait times of up to three hours to make a call) to several years when only a few people had private phones to today, when virtually everybody has a cell phone. According to one survey, nearly nine out of ten Jamaicans over the age of 15 own a cell phone (Horst 2006). Jamaican villagers talk to relatives in New York while working in the fields – and the calls may be frequent, often two or three times a day.

In the political sphere, there is also much that is new. Technological advances enable politicians from home to travel easily to the United States to raise funds and garner support, just as candidates for US electoral positions can (and sometimes do) return to their countries of origin for the same reason. Furthermore, many nations, which have become dependent on migrants' economic remittances and political clout, have implemented policies aimed at preserving and strengthening emigrants' loyalties and participation.

Among these are dual citizenship provisions that cover a growing number of immigrants. Although the US naturalization oath requires renunciation of other citizenships, US law has evolved in the direction of "increased ambiguity or outright tolerance in favour of dual nationality," – what has been called a "don't ask, don't tell" policy (Jones-Correa 2001). By 2000, 17 of the top 20 sending countries to the US between 1994 and 1998 allowed some form of dual nationality or citizenship.

Although the US naturalization oath requires renunciation of other citizenships, US law has evolved in the direction of "increased ambiguity or outright tolerance in favour of dual nationality," – what has been called a "don't ask, don't tell" policy. By 2000, 17 of the top 20 sending countries to the US between 1994 and 1998 allowed some form of dual nationality or citizenship.

Transnationalism and integration

This leads to the question of the effects of transnationalism on immigrants' involvement in, and commitment to, the United States.

One hundred years ago, immigrants' ties to their home countries were often seen in a negative light. Return migration inflamed popular opinion. Immigrants were often seen as "plundering America" with an eye to returning home rather than adopting and appreciating American ways. There was a concern that they were not making a serious effort to become citizens and came only for economic betterment.

In fact, naturalization rates among early 20th century European immigrants were low – and not all that different from today. In 1920, 31% of foreign-born men who had resided in the United States for 10 to 14 years had naturalized, as had 44% who had lived in the United States for 15 to 19 years (Bloemraad 2006). Eighty years later, in 2000, 37% of the foreign-born who had lived in the United States for 10 to 15 years had become citizens, and the figure was 54% for those who had been in the country for 15 to 20 years (Portes and Rumbaut 2006). (In the past, Russian Jews had higher naturalization rates than did Italians; today, immigrants from many Asian countries have above-average naturalization rates, while many Latino immigrants have below-average rates, with Mexican rates being particularly low.)

It is useful to recall another parallel with the past, especially given complaints that immigrants today seek naturalization for "selfish" reasons – to secure government benefits, for example, or to sponsor relatives – rather than because they want to participate in the nation's political and civic institutions. Instrumental reasons have long been involved in naturalization decisions, with no obvious harm to the unity of the United States. In the 1920s, many immigrants sought citizenship to obtain the

rights, privileges, and protections guaranteed by the federal government – and to bring over relatives, because after the passage of restrictive laws in the early 1920s, naturalized citizens were able to bring in non-resident wives and unmarried minor children without quota limitations (Ueda 1982, Daniels 2004).

In hindsight, we know that anxieties about early 20th century immigrants' lack of commitment to America were greatly overstated. What now stands out – in popular memory as well as in the scholarly literature – is the earlier immigrants' attempts to get a foothold in American society through hard work and struggle, which then served as a launching pad for their children's successful assimilation into the American mainstream. Despite the initial slowness of southern and eastern Europeans to naturalize and despite the ties many maintained with their home countries, those who remained in the United States generally developed an allegiance to American society, became involved in a variety of US institutions, and worked to build lives for themselves and their children in the United States. This is similar to what happens today – and represents yet another parallel between the immigrant experience of yesterday and today.

As in the past, there are worries, although these have a different focus. There is now an official commitment to cultural pluralism and ethnic diversity in the United States; social and cultural differences that are sustained by ties back home are more visible and acceptable, and even celebrated in public settings. Anti-immigrant sentiment is certainly still with us, and immigrant loyalties still often questioned, but rates of return are not, as in the past, a key theme in immigrant debates. In an era of significant international money flows – including huge US corporate operations abroad and multimillion dollar money transfer businesses – there is less concern that immigrants are looting the United States by sending remittances home.

A new set of concerns has to do with the spread of dual citizenship. Some argue that dual citizenship and, more generally, many immigrants' continued engagement in home-country politics blur loyalties, undermine commitment to the United States, and hinder the assimilation process. Some scholars and popular commentators question whether the rise in dual citizenship dilutes Americans' political identities and the meaning of American citizenship – making citizenship akin to bigamy, in the words of one journalist (Geyer 1996). Political scientist Samuel Huntington (2004) takes a dim view of people with dual nationality, whom he calls "ampersands" and views as having dubious loyalty to the United States. Another political scientist, Stanley Renshon (2000), warns that multiple citizenship in an era of cultural pluralism will retard the assimilation process and is more likely to encourage the maintenance of home-country attachments than the development and consolidation of identification with the new country.

Available evidence suggests that such dire predictions are unwarranted. There is no denying that involvement in political and organizational affairs of the home country, by dual nationals as well as those not yet US citizens, *may* at times draw energies and interests away from political and civic engagements in the United States, but the word *may* should be emphasized. This is not always – or perhaps even most often – the case.

Often the most integrated immigrants – those who participate actively in American political and economic life – are also involved in transnational activities. Indeed, the experience gained in founding hometown committees or participating in other kinds of transnational organizations can be transferred and usefully applied to campaigns for local causes in US cities and towns.

For one thing, dual citizenship may actually encourage immigrants to naturalize. A study of Latin American immigrants shows that those who come from countries that recognize dual nationality are more likely to seek US citizenship than those from countries that do not (Jones-Correa 2001). Becoming a US citizen is an easier decision when it does not entail losing privileges in, or renouncing allegiance to, one's native land or the possibility of being viewed as a "defector" there. Naturalization is likely to encourage or reinforce immigrants' sense of belonging to the United States and their attachment to American values – and of course makes them eligible to vote in the United States.

In general, transnationalism and assimilation are not mutually exclusive and often coexist. To put it another way, it is not an either/or situation. While immigrants buy houses, start businesses, and influence political developments in their home societies, they are also involved in building lives in the United States, where they buy homes, become involved in neighbourhood associations, join unions, set up businesses, and take an interest, and sometimes become active, in political campaigns.

A number of studies maintain that transnational political engagements actually strengthen migrants' ability to mobilize support for political issues and elections in the United States and reinforce or encourage an interest in American politics. Often the most integrated immigrants – those who participate actively in American political and economic life – are also involved in transnational activities. Indeed, the experience gained in founding hometown committees or participating in other kinds of transnational organizations can be transferred and usefully applied to campaigns for local causes in US cities and towns.

Transnational activists are commonly involved in the political affairs of their home country as well as those of the United States. This comes out in Reuel Rogers' (2006) study of West Indian New Yorkers, which shows that the skills, aptitudes, and appetites for civic engagement that immigrants develop in the transnational arena may transfer well to the American context. West Indians with high levels of involvement in home-country civic activities (membership in home-country associations, for example, or campaigns for political candidates in the Caribbean) were more likely than others to vote in the United States as well as to engage in other forms of political activity such as raising money for New York politicians or becoming active in Democratic political clubs.

Conclusion

Whether the focus is on the past or the present, immigrants' transnational ties are not incompatible with successful integration and participation in American civic and political life, and do not necessarily depress their propensity to become engaged in American institutions and to develop allegiances to the United States. Transnational attachments and incorporation in a new state are not "binary opposites," and host-country incorporation and transnational ties influence – and sometimes actually reinforce – each other (Levitt and Glick Schiller 2004).

Because research on transnationalism is still in its infancy, social scientists are only beginning to produce studies that investigate the consequences of cross-border ties. There is a need for systematic studies that will provide a fuller picture of the scope and intensity of transnational activities among contemporary immigrants and how cross-border involvements vary by such factors as national-origin group, gender, and generation. As scholarly work on transnational practices, relations, and communities expands – and as large-scale immigration continues apace – there is also a clear need for research that will allow us to get a better sense of how cross-border connections and transnational practices are affecting processes of incorporation, as well as social and legal citizenship, among the millions of recent immigrants to the United States. It is hoped that such research will stimulate parallel studies among historians on past immigration eras to add to our understanding of transnationalism in earlier times and further enrich our appreciation of just what is new about engagements across national borders today.

References

Bloemraad, I. 2006. "Citizenship Lessons from the Past: The Contours of Immigrant Naturalization in the Early 20th Century." *Social Science Quarterly* 87, p. 927-953.

Daniels, R. 2004. *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882.* New York: Hill and Wang.

Foner, N. 2005. *In a New Land: A Comparative View of Immigration.* New York: New York University Press.

Geyer, G. A. 1996. *Americans No More: The Death of Citizenship*. New York: Atlantic Monthly Press.

Horst, H. 2006. "The Blessings and Burdens of Communication: Cell Phones in Jamaican Transnational Fields." *Global Networks* 6, p. 143-159.

Huntington, S. 2004. *Who Are We? The Challenges to America's National Identity*. New York: Simon and Schuster.

Jones-Correa, M. 2001. "Under Two Flags: Dual Nationality in Latin America and Its Consequences for Naturalization in the United States." *International Migration Review* 35, p. 997-1029.

Levitt, P., and N. Glick Schiller. 2004. "Conceptualizing Simultaneity: A Transnational Social Field Perspective in Society." *International Migration Review* 38, p. 1002-1039.

Morawska, E. 2001. "Immigrants, Transnationalism and Ethnicization: A Comparison of This Great Wave and the Last." In *E Pluribus Unum?* Edited by G. Gerstle and J. Mollenkopf. New York: Russell Sage Foundation.

Portes, A. 2003. "Conclusion: Theoretical Convergences and Empirical Evidence in the Study of Immigrant Transnationalism." *International Migration Review* 37, p. 874-875.

Portes, A., and R. Rumbaut. 2006. *Immigrant America* (3rd edition). Berkeley: University of California Press.

Renshon, S. 2000. "Dual Citizens in America: An Issue of Vast Proportions and Broad Significance." *Center for Immigration Studies Backgrounder* (July).

Rogers, R. 2006. *Afro-Caribbean Immigrants and the Politics of Incorporation.* New York: Cambridge University Press.

Ueda, R. 1982. "Naturalization and Citizenship." In I*mmigration.* Edited by R. A. Easterlin, D. Ward, W. S. Bernard and R. Ueda. Cambridge: Belknap Press.

Wyman, M. 1993. *Round-Trip to America: The Immigrants Return to Europe, 1880-1930.* Ithaca: Cornell University Press.

Note

* This article draws on "Engagements Across National Borders, Then and Now," published in the *Fordham Law Review* 75, 5 (April 2007).

CITIZENSHIP IS THE WAY A COUNTRY BELIEVES IN ITSELF*

ABSTRACT

This abbreviated version of a speech delivered at The Hague provides context for the aims and activities of the Institute for Canadian Citizenship. It explores how Canada's unique history and geography have shaped our conscious egalitarianism and instinct to help others, reflecting on our experience as a nation of immigrants, in which respect for difference is fundamental to our identity and reflected in our democratic life.

THE RIGHT HONOURABLE ADRIENNE CLARKSON

The Right Honourable Adrienne Clarkson served as Canada's 26th Governor General from 1999 to 2005 and is universally acknowledged as having transformed the office of the Governor General. Ms. Clarkson is the Founder and co-Chair of the Institute for Canadian Citizenship, a national institution mandated to create a new and vital conversation about the rights, obligations and significance of Canadian citizenship.

I was, and am, a child of Diaspora – someone who didn't belong anywhere – and I understand the everlasting anguish of that. When my family made its way from Japanese-occupied Hong Kong to Ottawa in 1942, there was no formal structure and none of the many associations that now exist to integrate newcomers into Canadian society existed at the time. We were very fortunate that a number of people took interest in us: my father's work colleagues, members of the Anglican Church, the local pharmacist, our neighbours.

Helping neighbours was an instinctive Canadian action, and it is part of the explanation for the kind of society we have produced. There is trust and curiosity among our citizens and the longstanding sense that we can help others. When called upon to defend the people in Europe or in Asia, Canadians rushed to take up arms, go overseas and fight on behalf of people they'd never known and from whom they asked nothing in return. Our armies have been almost entirely volunteer armed forces, and at the end of World War II, we had the third largest army in the world.

That nobility of feeling in the volunteer who comes to the rescue of people in distress is something that has coloured our national psyche, making it possible for us to accept others from around the world. Canadians have learned to live with diversity, to respect difference and to be mindful of the vulnerable. Perhaps this is because we were a pioneer society of loss and hardship – poor people coming to a poor country. What did we have to lose?

In contrast, European countries have known invasion, aggression and occupation. Does that loss – not only of land but also of selfhood – feed a sense that somehow if others come and they are not like you, they will take something away from you? I think such questions that go beyond economics and statistics could be examined in a way that would be healthy for nations struggling with immigration.

Canadians welcomed millions of displaced persons arriving from Europe in 1947. We took 60,000 Hungarians after the Uprising in 1956. Two decades later, in the 1970s, when the Vietnamese boat people were adrift on the high seas and needed refuge, our government agreed to take 25,000 of them in. But seeing the suffering of these people and their children and knowing the aftermath of the war in Vietnam, the Canadian public felt that this number was not high enough. Synagogues, churches, volunteer groups and families offered to sponsor and take responsibility for twice as many. Eventually 75,000 boat people came to Canada during that period.

Today, three quarters of Canadians believe that immigrants have a positive influence, compared to only 52% of Americans. We have found that acceptance of immigrants rises as immigration increases, and we have made diversity part of our sense of identity. In 2003, 85% of Canadians said multiculturalism was more central to Canadian identity than either bilingualism or – imagine this – hockey.

Our experience shows that diversity really works best when there are more than two groups. It reminds me of what Voltaire said when he went in exile to England and noticed the many religious sects and varieties of worship there, compared with a very Catholic France. He hypothesized that it was best to have many beliefs and religions so none could be tyrannical.

Conscious egalitarianism is one of the reasons why citizenship has always been encouraged for immigrants to Canada. With a few unfortunate exceptions, we have always wanted them to become citizens and have a stake in the country – whether in the land given to them by the government, or in something more abstract such as the concept of freedom or the ability to learn.

One of our finest philosophers, Charles Taylor, says "A prolonged refusal of recognition between groups in a society can erode the common understanding of equal participation on which a functioning

liberal democracy crucially depends." We have depended upon a knowledge of complexity to become the kind of country we are. In a pluralistic society such as ours, people want to be recognized for what they are, not for what other people often mistakenly see them to be. This is crucial to both an individual's and a nation's sense of identity.

And that is why citizenship is so central to our immigration policy. When we bring people to Canada as immigrants, *we choose them as future citizens.* They can become legal Canadians within three to five years of arriving, and we assume that they will take on all the same responsibilities as other citizens, obey our laws and pay taxes.

Citizenship is a fixed menu, not a self-serve buffet where you can pick and choose. Once you are adopted in the family of your fellow citizens, you accept the good with the bad. We expect newcomers to buy into a society in a way that is useful to the society but also helpful to them as people. And they can do this only if they are citizens and not kept in some kind of migrant limbo.

Full citizenship begets full participation in society. As a result of this attitude, Canada has the highest proportion of foreign-born legislators in the world. In Canada, 19.3% of people were born outside our borders, and in 2007, 13% of our members of Parliament were foreign born as well. It's impressive that Chinese, Sikh, Muslim and Hindu MPs have been elected in diverse ridings made up of voters who are not predominantly of the same backgrounds as these MPs.

One of our greatest thinkers, Northrop Frye, said "We participate in society by means of our imagination or the quality of our social visions." And Canadians see that the participation of immigrants has made us a better country. Our highest civilian honour – the Order of Canada – has as its motto "They desire a better country." We are always striving for something more; we know we are not finished.

At the last Citizenship Ceremony I presided over as Governor General two years ago in Calgary, there were 51 new citizens. They came from Azerbaijan to Venezuela, from Australia to Vietnam, from Algeria to the United States: 37 different countries in all.

This rich diversity is reflected in Canadian schools, which have always been key to our success in accommodating newcomers into society. Well-funded public education builds a cohesive society with shared values that are internalized and sustained from one generation to the next. Universal access to schools removes barriers to inclusion and provides a democratic structure where all children are treated as equals.

Public libraries have played the same role. During the Depression, jobless men flocked to the public libraries in Regina and Saskatoon to read. Libraries were the foundation for many immigrants' lives, including mine. Canadian librarians have known this: 90 years ago, the Central Library of Toronto started carrying Lithuanian, Ukrainian, Russian and Polish books.

Young people find libraries a great meeting place. Like coeducational schools, they encourage fraternization. Intermarriage becomes inevitable when young people learn, attend dances, play sports and cheer for the same teams together. In the latest Census, 6% of people between the ages of 24 and 35 are intermarrying. That's five times greater than a generation ago.

Education is essential to any discussion of citizenship because our immigration policy has always placed an emphasis on skilled workers and those who have sufficient language skills to participate in the economy. New citizens have a drive to succeed, to make up for any loss they perceive they sustained from leaving their country of origin. Second generation immigrants typically earn more money per year than Canadians who have been here for two or three generations.

That nobility of feeling in the volunteer who comes to the rescue of people in distress is something that has coloured our national psyche, making it possible for us to accept others from around the world. Canadians have learned to live with diversity, to respect difference and to be mindful of the vulnerable.

One of our greatest writers, Margaret Laurence, said just before she died, "If I could ask one thing of all of you [other Canadians], it would be to feel in your heart's core the reality of others."

I think that is what we should always be trying to do. When new arrivals have the chance to learn the civic political principles upon which our values are founded and are expected to take their place within our society, it is important that they never fear becoming victims of prejudice or being prevented from making their own choices. They should know that their reality is felt by all of us.

Some immigrants may want to seek shelter and customs within their respective groups, but they should not feel that they are forced to remain in those groups. Our society can help them learn not just the language but how to dress for winter and embrace freedom of choice and speech. I'm convinced that ghettos are created only if ethnic groups feel rejected by the mainstream society.

The Koran says that mankind is "a single soul made by a single Creator." And in Darwinian terms, every human being on this Earth is at exactly the same stage of evolution. We share genes and are equal. We need to know this and make it work for us.

A country like Canada has come out of overtly racist attitudes – in its treatment of the Chinese, in its internment of Canadian-born Japanese during World War II. It is a remarkable thing that we can still regard our relationship with the Aboriginal people with hope, considering that we did not live up to our side of the treaties in which they ceded their land to our settlement. They were here first; they welcomed Europeans and shared the wealth of this country.

We should all listen to Chief John Kelly, an Ojibwa, who said 30 years ago, "As the years go by, the Circle gets bigger and bigger. Canadians of all colours and religions are entering the Circle. You might feel that you have roots somewhere else, but in reality you are right here with us." This metaphor of inclusion is becoming part of our psyche.

When the province of Alberta entered confederation in 1905, Sir Wilfrid Laurier – our first Francophone Prime Minister – said "Those who come at the eleventh hour will receive as fair treatment as those who have been here a long time….We do not anticipate and we do not want any individual to forget the land of their origin or their ancestors. Let them look to the past, but let them also look to the future....Let them become Canadians."

When new citizens take their oath to Canada, it is very often with tears in their eyes. A Somali said to me at my last citizenship ceremony, "You know, it's not that we are trading one country for another. We never had a country. And now we have one."

That is what is important about Canada: That it takes in the dispossessed, the homeless, those seeking a better life and gives them not just a country, but full acceptance of their worth as an individual human being.

Much of my life since the end of my period as Governor General has been taken up with my Foundation, the Institute for Canadian Citizenship, which wants to help integrate new Canadians into mainstream Canadian life as quickly as possible. One of our goals is to create more community citizen-ship ceremonies. Ritual is important when changing your nationality. Our aim is to have communities, large and small, welcome new Canadians with human contact right at that point where they can socialize with well-established Canadians, some of them Order of Canada recipients. With 6 million volunteers in Canada – roughly 20% of our population – we have no trouble finding people to attend.

The other thing our Institute does to help citizenship is make it possible for people coming to Canada to understand what has made us Canadians. We are working out a system of giving them free vouchers and tickets to museums, concert halls, operas, art shows. I want new citizens to feel at ease in our culture, to have access to everything, to feel they understand what we are creating in the arts.

I also want to emphasize the relationship to nature, which Canadians grow up with and which perhaps is the most foreign to many of our new citizens. Our relationship with the wilderness is very special and is making us leaders in ecological and environmental matters. Institutions like the Nature Conservancy of Canada, the Canadian Wildlife Federation and a host of others are dedicated to keeping our wilderness in as good a condition as possible. We are aware of the fragility of the ecosystem, the importance of our North and the degradation that may result from the melting of the polar ice cap.

The feeling for the "Other" that we have developed comes, I think, from being more linked to the North than to the South. Our Northern climate has created a character for Canadians that is both sturdy and compassionate. It comes from understanding that you too might be standing outside freezing at –minus 40 degrees, knocking on someone's door – and that they would take you in.

I hope other countries can take something useful out of our experience within the context of their own histories and narratives. We have seen the unfortunate events involving immigrants in the Netherlands, France and Germany, and it surprises us. We very much admire Europeans for their culture, the beauty of their cities, the resilience of their populations. Eighty percent of young Canadians believe that "other cultures have a lot to teach us. Contact with them is enriching for us." For Canadians, the grain of the foreign in our oyster-like mass becomes the pearl.

Recently a poll was conducted among Muslim citizens living in Canada. Ninety-nine percent said they were proud to be Canadian, and 91% said Canada is on the right track as a country. Seventy-seven percent of them said that Muslims are better treated here than in other countries.

This may be because established Canadians don't feel that newcomers are taking their jobs. And when Canadians are asked about false refugee claims, the majority state that they see the system as the problem, not the people. Just as 75% believe that immigrants have a positive effect on the economy, it is commonplace to hear people talk in a matter-of-fact admiring way about how hard immigrants work.

I once saw a 1913 photograph of a group of Scandinavian immigrants in Larchmont, Ontario, wearing as many layers of wool as possible, huddled around a blackboard on which the "Duties of the Citizen" were written. These duties were listed as:

1. Understand our government.
2. Take an active part in politics.
3. Assist all good causes.
4. Lessen intemperance. [i.e., don't drink too much!]
5. Work for others.

I think most new citizens want to follow those precepts and believe that if they do, they will be participating fully in our society. And I believe that this kind of citizenship is the only way in which a country can continue to grow – in its understanding of itself and the world.

References

Adams, M. 2007. *Unlikely Utopia: The Surprising Triumph of Canadian Pluralism*. Toronto: Viking Canada, 240 p.

Note

* The author gratefully acknowledges Michael Adams' 2007 book *Unlikely Utopia – The Surprising Triumph of Canadian Pluralism* as the source of the statistics and factual statements concerning Canadians' attitudes towards immigrants, multiculturalism and diversity, the positive feelings of Muslim Canadians towards Canada and the income levels of second generation immigrants.

HAS IT BECOME TOO EASY TO ACQUIRE CANADIAN CITIZENSHIP?

ABSTRACT

Has it become too easy to acquire Canadian citizenship? In the case of dual citizens, should we be more demanding in terms of a commitment to Canadian values and requiring exclusive loyalty to Canada? Should we continue to award citizenship to anyone born on our territory, and should we revert to the five-year residency requirement from the current three-year requirement?

MARTIN COLLACOTT

Martin Collacott is a senior fellow at the Fraser Institute in Vancouver. His areas of specialization are immigration and refugee policy and related issues of terrorism, citizenship, national identity and multiculturalism. Earlier in his career, he was a citizenship advisor to the Ontario Ministry of Education and spent five years in Sabah, Malaysia, as a CIDA advisor training English teachers in Chinese schools. He subsequently worked for Foreign Affairs, serving in Indochina, Hong Kong, China, Nigeria and Tokyo and as High Commissioner to Sri Lanka and Canada's Ambassador to Syria, Lebanon and Cambodia.

In recent years, questions have been raised about whether it has become too easy to acquire Canadian citizenship and whether there needs to be a better balance between the benefits available from acquiring it and the obligations and responsibilities that should accompany it.

Two developments in particular have led to increased public interest in such issues. First, terrorists attacks or plots in a number of Western countries, in some cases by members of immigrant communities who had spent all or most of their lives in the West, raised concerns about loyalty and commitment to the values of the adopted countries of some newcomers.

A second and largely unrelated group of issues surfaced in connection with the evacuation by Canada of tens of thousands of its citizens from Lebanon during the 2005 conflict in that county. This led to questions about the obligations of the Canadian Government to assist those who had chosen to live outside the country on a long-term basis. Another issue that has received attention recently is the financial implications of the possible return of what could be hundreds of thousands of people holding Canadian passports and who have spent most of their working lives outside the country, people who may well return to Canada when they retire and benefit from social services like the health care system, even though they have not contributed to these services through payment of taxes.

Does acquisition of citizenship automatically mean loyalty to Canada?

Questions have been raised about whether sufficient demands have been made of newcomers in terms of their commitment to Canada. Those who are supporters of large-scale immigration and multiculturalism policy tend to argue that, for the most part, Canada has been quite successful in integrating newcomers and attracting their loyalty. As proof of this, it has been pointed out that in 2001, 84% of eligible immigrants became Canadian citizens, compared with 75% of those eligible in Australia and 50% and 40% in Britain and the United States, respectively (Tran et al. 2005).

While these figures are impressive and certainly reflect a strong attachment to Canada on the part of many newcomers, it should not automatically be assumed that loyalty and attachment are the only explanations. Other factors may well have entered into their decision to acquire Canadian citizenship, factors such as:

- Better access to certain types of employment in Canada; the right to work in the United States in select highly skilled jobs because of Canada's participation in NAFTA;
- Access to various types of services, such as consular assistance, if problems are encountered while traveling or living abroad;
- Eligibility to vote in elections, which, for some, means the opportunity to support policies that benefit their particular community;
- The ability to move from one country to another more easily than if they travelled on the passport of their country of origin (for a small number of individuals of national security concern).

Even some who feel a genuine attachment to Canada may acquire Canadian citizenship because their conception of what it is to be a Canadian differs significantly from what most other Canadians would consider appropriate. This author recalls talking with one young man who expressed great pride

and pleasure in his adopted country and was highly appreciative of the educational and economic opportunities it had given him, our free society, generous welfare system, friendly and welcoming people, etc. However, one of the things he valued most about the generosity of his new homeland was that it did not place obstacles in the way of him using Canada as a base for providing material support to a terrorist group in his country of origin.[1]

Briefings for prospective immigrants

There is little doubt that immigrants coming to Canada face major challenges, not only in establishing themselves economically but also in adapting to Canadian society – especially if they come from a very different cultural setting. There is certainly no shortage of examples of newcomers who have found such challenges highly stressful and, at times, overwhelming.

A number of Western countries with large numbers of newcomers who encounter similar problems have been developing briefing programs to give prospective immigrants a more accurate picture of some of the things they should expect to deal with if they decide to move. The purpose of such briefings is, in effect, to discourage them from immigrating if it appears that they and their families will have serious problems adapting to the cultural norms and practices of the receiving country.

Canada may well consider establishing similar briefing programs for prospective immigrants and could begin by examining what other countries are doing in this regard. Such programs should make it clear that Canadian society and law strongly endorse certain values (gender equality, for example) and that newcomers will be required to accept and abide by certain standards if they come here.

A number of Western countries with large numbers of newcomers who encounter similar problems have been developing briefing programs to give prospective immigrants a more accurate picture of some of the things they should expect to deal with if they decide to move.

Revocation of citizenship

A case could also be made for a more formal undertaking on the part of permanent residents when they apply for citizenship. They could be required to take an oath swearing that not only are they fully committed to Canadian values and will give their complete allegiance and loyalty to Canada but also their actions in the future will reflect these commitments.

Currently, naturalized Canadians can have their citizenship revoked if evidence reveals they acquired it fraudulently, by false representation or by knowingly concealing material circumstances; this action has been taken in a number of cases where individuals failed to indicate when they applied to become Canadians that they had been involved in war crimes. Similarly, someone who has sworn to uphold Canadian values and principles and be loyal only to Canada and whose subsequent actions are in serious conflict with these commitments, actions such as being involved in or supporting terrorist activities, would be liable to have their citizenship cancelled.

When the Conservative Party was in opposition, a proposal along these lines was, in fact, floated by Peter MacKay, then the deputy leader of the Conservatives. MacKay recommended that Ottawa revoke the citizenship of Fateh Kamel when he returned to resume residence in Canada after spending several years in a French prison after being convicted on terrorist charges (Bell 2005). MacKay, moreover, appeared to have had public support for such a recommendation, judging by a 2005 poll that showed three out of four Canadians supported revoking the citizenship of people who have acquired it and go on to commit serious crimes, become involved in terrorism, etc. (*Vancouver Sun* 2005).

British Prime Minister Tony Blair proposed a similar but more comprehensive package in the wake of the July 2005 bombings in London. He indicated he would seek to put measures in place so that anyone who preaches hatred or violence could be deported, those linked to terrorism would be automatically refused asylum and steps would be taken to make it easier to strip naturalized citizens of their British citizenship if they preached violence.

The kind of measures proposed by Prime Minister Blair might well be difficult to implement in Canada given the challenges that would almost certainly be launched under the Charter of Rights. There could also be opposition from those arguing that this would create unacceptable differences in the treatment of those who are Canadian citizens by birth and those who are citizens by choice. While equality in treatment may be a worthy goal in general, indeed one that was enunciated in the 1977 *Citizenship Act*, it could also be argued that if a person is made aware of these conditions before they are granted citizenship, they must be prepared to accept the consequences if they fail to meet them.

Dual citizenship

Dual citizenship is a subject that has come under considerable discussion in recent years. It raises not only the question of what specific rights and obligations a person has to a second country of citizenship but also the issue of whether a person's loyalties are divided in such circumstances. When Canada made it clear, with the passage of the 1977 *Citizenship Act*, that Canadians could be citizens of two or more countries at the same time, it also declared that they could have multiple allegiances (Citizenship and Immigration Canada 2008).

While some have questioned whether permitting our citizens to have divided loyalties is a good thing and have suggested that a second citizenship should not be

permitted if one wants to be a Canadian, the tide of events would appear to be on the side of retaining a provision for dual citizenship, and the prospect of reversing the situation appears to be remote. In a 2005 paper published by the Center for Immigration Studies in Washington, Stanley Renshon estimated that 151 counties allow some form of multiple citizenship. He outlined the various ways a person might acquire a second citizenship. One of the ways involved the fact that some countries continue to regard a person as their national, whether the person wants to be or not, even if that person becomes the citizen of another country (Renshon 2005: 8). Canada would, therefore, not be able to grant citizenship to newcomers from such countries if we did not permit dual citizenship.

But if we are prepared to continue with the policy of allowing Canadians to hold more than one citizenship, should limits at least be placed on the extent to which they can actively participate in the affairs of the other country where they are a citizen? As Renshon points out, some countries actively encourage their expatriates to maintain strong ties with their former homeland. This is done in a variety of ways, including sending remittances home, voting and even standing for election in their country of origin. At the same time, some of these countries also encourage their nationals to acquire citizenship in the country they have emigrated to in order to be able to vote and have as much influence as possible in the policies of their new homeland in favour of the interests of their country of origin (Renshon 2005: 10). In such circumstances, these countries endeavour to ensure that their emigrants' primary sense of loyalty remains with them rather than with their adopted country.

Under the circumstances, while it would probably be difficult at this stage to insist that Canadians cannot have a second nationality, we should at least require that someone who has made the decision to immigrate to Canada and become a Canadian citizen should declare unequivocally that their loyalty will henceforth be exclusively to Canada. Concomitant with this should be requirements that Canadian citizens do not vote or run for office in the elections of other foreign countries nor serve in their armed forces or as a public official.

Waiting period to become a citizen

The 1977 *Citizenship Act* shortened the waiting period of residence in Canada for a permanent resident before applying for citizenship from five years to three years. The purpose of this change was to promote citizenship among newcomers by making it easier to obtain. Many Canadians, however, feel that we made it too easy and thereby reduced its value. A poll released in January 2007, for example, found that 57% of those surveyed wanted stricter controls over the awarding of citizenship, while 35% thought they were about right and 3% wanted them eased (Angus Reid 2007).

A sampling of other Western countries indicates that three years is an unusually short period. While there are differences in the way each country calculates the required residency period (with variations, for example, in the number of days permitted abroad), a sampling of Western countries indicates that Canada has one of the shortest periods. New Zealand also has a three-year requirement, while Australia has increased its requirement from two to four years. In contrast, other countries are more demanding: five years of residency is required in the United States, United Kingdom and Ireland, seven in Norway and eight in Germany and Switzerland.

There has been speculation that Canada's waiting period was shortened to make newcomers eligible more quickly to vote in elections on the assumption they would cast their ballots in favour of the party in office (Bissett 2008). Specific allegations along these lines were made in the United States when it was claimed that the processing of the citizenship applications of up to one million people were expedited so they could vote in the 1996 presidential election (presumably in support of the Democratic candidate) (Schippers 2000).

Under the circumstances, it would make a good deal of sense to return the residency requirement in Canada to five years. It would also make sense to adopt a more effective and accurate way of recording the arrival and departure of permanent residents – there is no shortage of reports of individuals who successfully make false claims related to having fulfilled residency requirements. An electronic system for recording the arrival and departure of permanent residents using a central data bank could significantly reduce the incidence of such fraud and provide other useful information to the authorities.[2]

Birth citizenship

Canadian law provides for a child born in Canada to non-Canadian parents to be automatically eligible for Canadian citizenship. This provision has resulted in foreign women traveling to Canada for the purpose of giving birth so their child can acquire Canadian citizenship (Aubry 2005). This is done for a variety of purposes, including using the child's status as a Canadian to have access to the health care system, so the child can attend Canadian educational institutions without the fees required of foreigners and, when the child is old enough, being able to sponsor other family members as immigrants to Canada (in such cases, the child is usually referred to as an "anchor baby").[3]

Britain passed legislation ending birth citizenship in 1981, Australia passed it in 1986 and New Zealand in 2006. Ireland was the last member of the European Union to allow acquisition of citizenship by this means and terminated the provision to do so in 2005. There is no reason why Canada should not follow suit.

Other issues

There are two other issues for which the author does not have any specific prescriptions to offer but that certainly need to be addressed:

- Services to Canadians living abroad;
- Consular assistance.

The question of our obligations to Canadian citizens who choose to live abroad for extended periods is complicated and has a number of ramifications. This issue received considerable attention in the summer of 2006 when we evacuated an estimated 15,000 Canadians from

Lebanon at a cost of $94 million during the conflict between Hezbollah and Israel (Chant 2006). The issue revolved around, in particular, the question of whether our government should be obliged to assist in the removal of citizens who had decided to return and settle in Lebanon and activated their Canadian connections only when faced with danger.

While there is a dual citizenship dimension to this type of situation inasmuch as many of those involved may have held Lebanese as well as Canadian citizenship (with Lebanese citizenship likely bringing with it advantages in terms of ease of entry into Lebanon, ownership of property in that country, etc.), in the final analysis, this issue has to be treated as one of consular assistance to Canadians in general, regardless of whether they are dual citizens.

It still remains to be worked out how this kind of situation should be dealt with and who should pay the expense of the assistance. However, the notion that Canadians who remain in Canada should absorb what could be substantially high costs involved in aiding fellow citizens who have chosen to live in potentially dangerous areas abroad is contentious, and measures will have to be considered for either ensuring that the beneficiaries share a greater portion of the costs or, alternatively, putting in place provisions for them to opt out of receiving the benefits of consular assistance if they prefer not to pay for a substantial part of these costs.

Canadians living abroad who retire in Canada

A paper released by the Asia-Pacific Foundation of Canada in 2006 estimated that there were 2.7 million Canadians living abroad and that, in per capita terms, this was considerably more than the US, Australian, Indian or Chinese diasporas (Zhang 2006).

While having such a large diaspora could certainly be advantageous for Canada, it also has major financial implications if all or many of our expatriates choose to return to live here when they retire and, therefore, have access to social services such as the public health care system. The United States has addressed the problem by taxing the foreign-earned income of citizens living and working abroad. No other developed country, however, has adopted this approach.[4]

Imposing such a tax would obviously not be popular among expatriate Canadians and would also be difficult to administer, particularly in terms of obtaining an accurate picture of overseas earnings. We should, nevertheless, examine what measures could be taken to ensure that Canadians who spend a significant part of their working lives abroad and do not pay Canadian income tax are required to contribute to the costs of the benefits they receive in Canada if they return to retire here.

References

Angus Reid Global Monitor: Polls & Research. 2007. "Canadians Want Stricter Citizenship Controls" (January 20). Retrieved May 18, 2008 from <www.angus-reid.com/polls/index.cfm/fuseaction/viewItem/itemID/14439>.

Asia-Pacific American Chambers of Commerce. 2006. "Taxation of Americans Working Overseas." Retrieved May 18, 2008 from <www.apcac.org/77?PHPSESSID=4f19b764048b4b940e120550515014d2>.

Asian Pacific Post. 2004. "Passport Babies Delivered in B.C. for $22,000" (June 3). Retrieved from <www.asianpacificpost.com/portal2/402881910674ebab010674f4c28c13bf.do.html>.

Aubry, J. 2005. "Automatic Citizenship for Babies Under Review." *Ottawa Citizen* (March 14).

Bell, S. 2005. "On the Doorstep of Islamic 'Ringleader'." *National Post* (April 28).

Bissett, J. 2008. "Security Threats in Immigration and Refugee Policies." In *Immigration Policy and the Terrorist Threat in Canada and the United States*. Edited by A. Moens, and M. Collacott. Fraser Institute.

Canada. Citizenship and Immigration. "What is Meant by Dual Citizenship?" Retrieved on May 18, 2008 from <www.cic.gc.ca/english/resources/publications/dualci_e.asp>.

Chant, J. 2006. *The Passport Package: Rethinking the Citizenship Benefits of Non-Resident Canadians*. C.D. Howe Institute. Retrieved on May 18, 2008 from <www.cdhowe.org/pdf/backgrounder_99.pdf>.

Habermehl. C. 2005. "Passport Babies." *The Online Reporter*, University of Western Ontario (April 6). Retrieved from <www.fims.uwo.ca/olr/Apr0605/passportbabies.htm>.

Renshon, S. 2005. "Reforming Dual Citizenship in the United States." *Center for Immigration Studies*. Retrieved on May 18, 2008 from <www.cis.org/articles/2005/dualcitizenship.pdf May 18>.

Schippers, D. 2000. "Injustice for All." *Center for Immigration Studies* (October). Retrieved on May 18, 2008 from <www.cis.org/articles/2000/back1000.html>.

Tran, D., S. Kustec, and T. Chui. 2005. *Becoming Canadian: Intent, Process and Outcome*. Ottawa: Statistics Canada. Retrieved from <www.statcan.ca/english/freepub/11-008-XIE/2004004/articles/7775.pdf>.

Vancouver Sun. 2005. "Poll Finds Support for Revoking Citizenship" (March 21).

Zhang, K. 2006. "Recognizing the Canadian Diaspora." *Asia Pacific Foundation of Canada* (March). Retrieved on May 18, 2008 from <www.asiapacific.ca/analysis/pubs/pdfs/commentary/cac41.pdf>.

Notes

[1] I am not in a position to say whether he is still so enamoured with Canada given that our conversation took place several years ago, and, in the interim, the government has become much more intolerant of the funding of terrorist groups.

[2] In her May 2008 report, the Auditor General of Canada recommended we put in place exit controls in order to determine whether individuals ordered deported have left the country. Such a system would also serve to substantially decrease the possibility of someone being able to falsely claim that they had spent time in Canada for the purpose of fulfilling the residency requirement for citizenship.

[3] A report in the *Asian Pacific Post* provided details on how women from Korea made use of the system in Canada (*Asian Pacific* Post 2004), while a University of Western Ontario paper describes a similar case involving someone from Hong Kong (Habermehl 2005). According to other sources, women from India, China, Philippines and other countries also come to Canada for this purpose.

[4] In addition to the United States, the Asia-Pacific American Chambers of Commerce list only Eritrea, North Korea, the Philippines and Vietnam as taxing the overseas income of its citizens (Asia-Pacific American Chambers of Commerce, 2006).

THE ADAMS-COHEN DEBATE ON CANADA'S IDENTITY AND DIVERSITY

ABSTRACT

For the purpose of discussing multiculturalism as an ongoing ideal of Canadian identity, citizenship and national consciousness in the 21st century, this article elaborates a debate between Michael Adams in his book *Unlikely Utopia* and Andrew Cohen in his book *The Unfinished Canadian*.

> "The current identity crisis isn't about whether white, European, Christian Canada can survive the presence of 'Others'. That question has long since been resolved. Rather, it's about whether our existing multiculturalism is a tenable ideal."
>
> – Michael Adams, *Unlikely Utopia*

KAMAL DIB
Kamal Dib is an economist with the Government of Canada.

IAN DONALDSON
Ian Donaldson is a political scientist with the Government of Canada.

The opinions expressed in this paper are those of the authors and do not represent the views of the Government of Canada.

Debates on Canadian identity have been going on for decades, and the most recent round can be witnessed in the volleys traded between Michael Adams and Andrew Cohen in their respective publications *Unlikely Utopia* (2007) and *The Unfinished Canadian* (2007). For his part, Cohen takes stock of the Canadian national character and identity in the first decade of the new millennium. One theme that quickly emerges in his book is the idea that a shared sense of citizenship may be eroding in Canada due to a waning interest in and understanding of Canadian history, on the one hand, and a lax attitude toward instilling respect for the value of Canadian citizenship in immigrants on the other. As Cohen puts it, "citizenship can mean anything and they (immigrants) can be anything – which may mean staying who they are in custom and practice, living the way they lived, in the language they lived, in Canada rather than in China, India or Pakistan" (Cohen 2007: 157).

Alternatively, in his latest offering, pollster and author Michael Adams serves up what he describes as "a good-news story about Canadian multiculturalism" based, as many of his books are, on public opinion research produced by his firm Environics. One of the key messages of his book is that despite the ongoing challenges that Canada faces with respect to immigrant integration, linking problems in this area to the idea that Canada suffers from an eroding sense of shared citizenship – due to the lack of a strong core identity – may not be the smartest or most relevant way of framing Canadian citizenship moving forward. As Adams puts it, "a sharply defined sense of 'us' and 'them' and how to make 'them' become more like 'us' is in no way a surefire means of achieving lasting and harmonious integration" (2007: 36).

It is not our intention to revisit the history of this debate in Canada, although the significance of Canadian history is a factor in the Adams-Cohen comparison we elaborate. Instead, we focus here on the future of Canadian identity and diversity in terms of what ideal might best frame Canadian citizenship in the 21st century. Cohen and Adams appear to have provided us with a context, not simply because they have adopted opposite positions but because, at different points in their respective books, they actually take each other on. Cohen devotes the better part of a chapter in his book to savaging Adams' 2003 book *Fire and Ice: The United States, Canada and the Myth of Converging Values* and Adams, with less rhetorical flourish, criticizes Cohen for his doom and gloom outlook in *The Unfinished Canadian*. For our part, we attempt to make use of this interchange to highlight the question of the relevance of Canadian multiculturalism to the current and future challenges of Canadian identity, democracy and national self-understanding.

Adams

Adams describes Canadian identity as a perennial issue, but a particularly thorny one at the moment in light of broader international concerns about terrorism, security and the successful integration of Muslim immigrants in Western liberal democracies. At the same time, however, he suggests that, next to countries like Britain, France and the Netherlands, Canada should be much more able to address issues of trust and empathy across lines of ethnocultural and religious difference without

misconstruing such challenges as a threat to national identity. In this way, he seeks to remind the reader that Canada never was "a unitary entity."

Perhaps the most enlightening portion of Adams' book is a chapter featuring the first-ever survey of Muslims living in Canada. In the winter of 2006-2007, Environics polled the opinions and attitudes of Canadian Muslims, and the findings appear to tell a very positive story, one that seems almost contradictory to the story one might have strung together from media headlines of the same period. Specifically, Adams' survey reveals "that seven in ten Canadian Muslims believe that their fellow Muslims are interested in integrating into the 'Canadian way of life' – either while maintaining a distinct Muslim identity or not" (Adams 2007: 93). Moreover, 94% say that they are proud to be Canadian. For our purposes, however, the most telling response of the survey is reported by Adams in the following way (*Ibid.*):

> When we ask Canadian Muslims what characteristics of this country make them proud to be Canadian, their answers mirror the responses of the population at large. Muslim Canadians tell us that they're proud of Canadian freedom, democracy, multiculturalism, the fact that Canada is a peaceful country, the idea that Canada is a caring and friendly country and the fact that Canada is a safe place to live.

This response may be significant insofar as it provides a description of the common ground of Canadian citizenship, a common ground shared between Canadian Muslims and the broader population of the country. Without reading too much into this, we can at least identify the link between Canadian democracy and multiculturalism. In other words, one key element of shared citizenship in this country appears to be the acknowledgment that multiculturalism, in part, gives democracy its uniquely Canadian expression. Furthermore, this common ground seems to be based on day-to-day relations among and between citizens, or what Adams refers to as the "quiet heroism of getting along." What seems noticeably absent, especially in comparison with European democracies, is the need for a strong common identity – common ground seems to be replacing it, in other words, in the Canadian case.

In *Unlikely Utopia*, Adams cites Andrew Cohen's belief that Canadian identity is "becoming very flimsy" because immigrants to Canada think of this country as a hotel, railway station or simply the convergence of "a hundred diasporas" (Adams 2007: 34). For Cohen it is a question of not only eroding identity but also an eroding sense of loyalty to Canada. What seems to underlie Cohen's perspective is the argument that Canadian multiculturalism not only promotes a society segregated along ethnic lines but also one in which newcomers fail to respect the value of Canadian citizenship and adopt the appropriate degree of loyalty to the country. In response to this position, Adams writes (*Ibid.*):

> Whether Cohen counts Canadians of European ancestry who spend their winters in Florida or Arizona among the ranks of unworthy fair-weather Canadians isn't clear. In listing the symptoms of our inadequate coherence as a nation, he mentions only "Jamaican, Haitian, and other street gangs," "Indo-Canadian(s)," "Muslims" and "Somalis," and of course Canadian citizens who were evacuated from Lebanon during the 2006 Israeli bombing, who Cohen says treat Canada as a taxi service.

In criticizing multiculturalism and minority rights policies in the broader context of democratic citizenship and identity, such critics put themselves in the awkward position of having to infer – if not proclaim explicitly – that there may be something about the ethnic minority focus of multiculturalism that is undemocratic and destabilizing for the larger society.

Adams, of course, takes time to explain why multiculturalism should not, and indeed cannot, be blamed for society's immigrant integration problems. But more than this, he elevates the question of multiculturalism beyond the context of scapegoat to the notion of citizenship ideal. In doing so, he challenges us to consider the ethnic dimension of Cohen's position in the larger context of Canadian democracy.

Cohen's position appears to be in line with what Will Kymlicka identifies as an "eroding citizenship-critique" of minority rights and multiculturalism. As Kymlicka explains it, for years the central critique of multiculturalism and minority rights theory had been based on the argument that jus-tice requires state institutions to be "colour-blind," and, therefore, the onus remained firmly on proponents of minority rights "to show that deviations from difference-blind rules that are adopted in order to accommodate ethnocultural differences are not inherently unjust" (2007a: 42). But he explains that this onus has shifted in recent years as Western democracies in particular have come to recognize, at least in theory if not always in practice, the legitimacy of minority rights and policies with respect to both immigrant multiculturalism and self-government for national minorities. Within this emerging discourse, Kymlicka claims that "the burden of proof" is much more balanced now in terms of defenders of so-called colour-blind institutions having to demonstrate that maintaining such institutional arrangements will not lead to injustices for minority groups. And this emerging balance has, in turn, forced critics of multiculturalism and minority rights to re-group.

Since opponents of multiculturalism can no longer rely on a justice-based critique, many have adopted a concern for "stability" rather than "justice." As Kymlicka puts it, "critics focus not on the justice or injustice of particular policies but rather on the way that the general trend towards minority rights threatens to erode the sorts of civic virtues, identities and practices that sustain a healthy democracy" (*Ibid.*: 46). However, in criticizing multiculturalism and minority rights policies in the broader context of democratic citizenship and identity, such critics put themselves in the awkward position of having to infer – if not proclaim explicitly – that there may be something about the ethnic minority focus of multiculturalism that is undemocratic and destabilizing for the larger society. This is an awkward position because it seems to, at the same time, force them to emphasize that the roots of Canadian democracy are European roots. In other words, adopting an eroding-citizenship critique of multiculturalism seems to require that a corresponding emphasis be placed on the ethnonational origins of Canadian democratic values and institutions. This approach is well articulated by Philip Resnick (2005: 61) in the following way:

> Canada is not a blank slate to be reinvented with each new immigrant or group of immigrants that arrives at our airports. Its underlying political and social values are ultimately European derived ones: peace, order and good government, constituted authority, political community, individual liberty and citizenship equality.

In effect, what this position amounts to is the denial that multiculturalism may represent a truly Canadian (post-colonial/non-European) democratic innovation. And this is a rather ironic outcome for certain critics of multiculturalism because it may represent an attempt on their part to "ethnicize" democracy itself. What the "eroding citizenship critique" seems to suggest is that multiculturalism is an ideal for ethnic minorities that may be divisive, destabilizing and ultimately undemocratic; whereas liberal democracy and its underlying principles are uniquely European (particularly British and French).

Cohen

Andrew Cohen is consistent with the eroding-citizenship critique. He argues that Canada is a nation unwilling to strive for (or even accept) greatness, that its history is not known or celebrated and that it demands too little "allegiance" from its citizens. Cohen divides his argument into chapters that look at different facets of Canadian identity – approach to citizenship, perception by outsiders, understanding of Canadian history, relationship with the United States, the development of the National Capital Region and so on – as mini "case studies" of how Canadian identity has evolved and where it is lacking. In short, he laments a great deal about Canada and leaves little space for celebration or pride. But what is most provocative in all of this is that Cohen (2007: 5) makes no attempt to be objective:

> A study like this, which makes no claims to be comprehensive, is limited by its very nature. How to assign elements of character to a diverse, eclectic country of almost 33 million souls? How to decide which to include? Is our character not to have a character, as some suggest? The approach here is to draw on contemporary examples from our political and civic life, as well as our history. A disclaimer: this book is unscientific, selective and subjective. In offering examples, it makes no claim to regional, linguistic or ethnic balance. It has commissioned no surveys, though it occasionally draws on them. Nor does it present a statistical portrait of Canada, much as statistics are sometimes useful, too.

Cohen's attitude makes for a light and entertaining read at first. But in chapter three, the author appears to embrace a more sustained argument and entrench his point of view alongside that of outspoken historian J. L. Granatstein, famous for his claim that history is no longer taught properly in Canada (*Ibid.*: 51). Granatstein's well-worn thesis is that Canadian history is no longer taught "positively" in the sense of promoting national pride and patriotism, the kind of approach that would have for its goal the enhancement of a more European-style national identity. As Cohen quotes Granatstein (*Ibid.*: 52):

> Canada must be one of the few nations in the world, certainly one of the few Western industrialized states, that does not make an effort to teach its history positively and thoroughly to its young people….It must be one of the few political entities to overlook its own cultural traditions – the European civilization on which our nation is founded – on the grounds that they would systematically discriminate against those who come from other cultures.

Not only is Canadian history not taught "positively" for Cohen, but also this failing should be linked to the so-called political correctness of multiculturalism. In making such associations, Cohen elevates what appear at first to be purely subjective musings to a more sustained defence of the kind of polemic that figures like Granatstein have championed in recent years with respect to blaming multiculturalism for the lack of a strong Canadian national consciousness.

For his part, Cohen wants history books to be full of biographies, royal celebrities, and national glories since, "that's what good historians do" (*Ibid.*: 88-89). But the state of the Canadian history profession and the politics of its identity are more complex and nuanced than Cohen, and perhaps Granatstein, may be willing to admit. A. B. McKillop, as cited in Cohen's book, criticizes Granatstein's approach, in particular where he states that:

> In the interest of polemic, Granatstein… misrepresents the purpose of scholarship and distorts the nature and quality of academic historical writing. In doing so, he puts forward a conception of Canada's 'national' history that is no better suited to serve national self-understanding than the scholarship he dismisses (*Ibid.*: 53).

National self-understanding is precisely what is at stake in these arguments and, increasingly in the 21st century, this needs to be addressed in the context of the future of Canada's identity and diversity. It cannot be ignored, in other words, that the current and future significance of multiculturalism as a tenable citizenship ideal in Canada is seriously at issue. Nonetheless, Cohen (2006) appears to be fixated on the past rather than the future:

> In Canada, where the provinces are responsible for education, no one teaches Canadian history any more. Captured by the canons of political correctness, schools celebrate multiculturalism as an end in itself, failing to teach the superiority of civic nationalism over ethnic nationalism. In the voiceless country, no one speaks for Canada any more.

Yet in describing the dynamics of history and education in Canada in such a stark, rhetorical fashion, Cohen clearly constructs a framework wherein multiculturalism is characterized as un-Canadian and linked to ethnic nationalism while civic nationalism is portrayed as Canadian and linked to European civilization. What is missing from this overly polemical framework is a more balanced understanding of the evolution of Canadian democratic institutions and the link to a post-colonial Canadian identity. Cohen refers to the European origin of Canadian values and institutions; but, in denying the Canadianness of multiculturalism outright, he dismisses an important post-colonial Canadian value and innovation. In other words, multiculturalism as a value and national symbol, one that is entrenched in the Constitution and given practical expression through federal and provincial legislation, must be seen as a modern (post-colonial/non-European) democratic innovation in Canada, one that is not only guided and constrained by liberal democratic rights and freedoms but also designed to enhance the Canadian expression of civic citizenship.

Adams elevates the question of multiculturalism beyond the context of scapegoat to the notion of citizenship ideal. In doing so, he challenges us to consider the ethnic dimension of Cohen's position in the larger context of Canadian democracy.

A useful illustration of how Cohen obscures the democratic elements of post-colonial Canadian symbols may be found in his treatment of "Canada Day," which he refers to as "a term of crushing banality" (2007: 90). Cohen prefers the former "Dominion Day." Inaugurating Canada Day was in fact the outcome of years of debate on Canadian identity politics and how the federal government and various stakeholders had sought to represent modern Canada through an inclusive, unifying celebration. Yet, Cohen says that this was done "just like that," because a single Member of Parliament decided that the name of this day was a "colonial remnant, an insult to Quebec and multicultural Canada" (*Ibid.*: 89). Cohen narrates how the bill was shuttled quickly through the House of Commons on a summer day in July 1982 when quorum was lacking. Cohen sees this as a travesty, an act of "historical cleansing." He claims that the term "Dominion" did not have colonial connotations – pointing to the fact that the term was taken from Psalm 72 in the Old Testament.

What Cohen does not say is that the designation for July 1st had been discussed since 1946, when the first such bill to change the name of the day was introduced in Parliament. Indeed, dozens of bills were introduced between 1946 and 1982 to change the name, both private members' bills and government-sponsored ones. There were decades of debate over what term to use for July 1st. "Dominion" was contentious, especially in Quebec and among new Canadians of non-British origin. There was good cause for thinking it was a colonial term, and the fact that it came from a religious text should constitute enough ground that "Dominion" is not an inclusive word for all Canadians. The name was changed democratically and took over 35 years of debate. What is worrisome in Cohen's disregard for the facts in this example, however, is, again, an apparent disrespect for the modern Canadian process of national self-understanding, one divorced from so-called European roots but equally, if not more, democratic.

Finally, in terms of Cohen's criticisms of Adams' book *Fire and Ice: The United States, Canada and the Myth of Converging Values* (2003), what seems to irk Cohen the most with respect to Adams' thesis – that there may be a significant cultural divergence separating Canadians from Americans in the realm of social values – is that Adams is perpetuating comforting Canadian myths of moral superiority that simply don't hold up under scrutiny. Chief amongst these myths is multiculturalism or, rather, the hackneyed notion that Canada is a mosaic whereas America is a melting pot. Cohen (2007: 115-118) describes this as a conceit that allows Canadians to feel self-righteous about permitting immigrants to retain their language and customs in comparison to the ugly business of American assimilation. Cohen is now very convincing at this point in his critique of Adams, and he makes a valid and well-supported argument that America is not, in fact, the melting pot that Canadians think it is – it, too, is more of a mosaic. In this way, Cohen's chiding of Canadians for adopting a superior attitude toward Americans on this front resonates. But what Cohen does not prove is that multiculturalism is an inappropriate and undemocratic Canadian mythology.

Conclusion

It is important for Canadians, and particularly young Canadians, to know the history of Canada, including the origins of its social, political and economic institutions. In terms of national self-understanding in the 21st century, however, our consideration of the Adams-Cohen debate

suggests that the evolution of Canada's democratic institutions may be just as important as their origins and that greater respect for and understanding of multiculturalism, in particular, may be increasingly important to the future of this country's identity. As the saying goes, history may be a good teacher but it is a lousy master. In *Unlikely Utopia*, Michael Adams suggests that we have too easily allowed multiculturalism to take the blame for Canada's social ills and lack of national identity; we have failed to respond when journalists, in their cavalier fashion, describe multiculturalism as a doctrine that separates people along ethnic and religious lines for the sake of celebrating such divisions. In response to this, Adams asserts (2007: 10-11):

> In Canada multiculturalism has *always* been geared toward helping minority groups participate more fully in Canadian society – not to helping them opt out…the idea that Canada needs to stop encouraging ethno-cultural segregation and start encouraging integration is something that has already occurred to the country's political leaders; indeed, it occurred to – and was advanced by – the very people who were the architects of this country's multiculturalism policy.

The Adams-Cohen debate, as we have presented it, is increasingly relevant to moving forward a public discourse on Canada's citizenship ideal. Does Canada's existing multiculturalism continue to be a tenable ideal in this context? Although we lean toward a positive response to this question here in this article, we are more interested in sparking debate than in making ultimate claims. For the sake of encouraging further discussion, we would, in conclusion, like to make some links to the international discourse in this area.

In his most recent book *Multicultural Odysseys: Navigating the New International Politics of Diversity*, Kymlicka claims that something substantial has changed in the international community through the rhetoric and declarations of international intergovernmental organizations, such that the ideal of a so-called normal state model has shifted away from the centralized and homogenous model of the past toward a "liberal multicultural" ideal. Throughout much of the 20th century, he states, the most influential example of a so-called normal state was France: "i.e. a highly centralized state with an undifferentiated conception of republican citizenship and single official language" (2007b: 42). In this model there is no room for minority rights and policies. But this has changed dramatically according to Kymlicka since the 1990s, and the best example in Europe is the European Union decision to make respect for minority rights one of the accession criteria for would-be members. NATO, of course, has made this a factor for new membership as well. And what Kymlicka sees in this shift is a moral redefinition of the modern state ideal wherein "denying the existence of minorities or treating them as politically inconsequential is seen as evidence that one is not yet ready to become a member in good standing of the club of liberal democracies" (*Ibid.*: 43).

What this suggests, if Kymlicka is accurate in his assessment of the current and future trend toward liberal multiculturalism amongst international intergovernmental organizations, is that Canada would have to be considered a forerunner of this emerging international state ideal in much the same way that France was the model of a bygone era. Amidst such an international trend, with Canada apparently at the forefront, isn't it more than quaint that Canadians like Andrew Cohen continue to yearn for a 20th century, European-style national consciousness in this country?

References

Adams, M. 2007. *Unlikely Utopia: The Surprising Triumph of Canadian Pluralism*. Toronto: Viking Canada, 240 p.

———. 2003. *Fire and Ice: The United States, Canada, and the Myth of Converging Values*. Toronto: Penguin Canada.

Cohen, A. 2007. *The Unfinished Canadian: The People We Are*. Toronto: McLelland and Stewart.

———. 2006. "Imagining Canada's 153rd Birthday." In *Canada in 2020*. Dominion Institute (July 1). Retrieved from <www.cbc.ca/news/background/canada2020/essay-cohen.html>.

Granatstein, J. L. 1998. *Who Killed Canadian History?* Toronto: Harper Collins.

Kymlicka, W. 2007a. "The New Debate on Minority Rights." In *Multiculturalism and Political Theory*. Edited by A. S. Laden, and D. Owen. Cambridge (UK): Cambridge University Press.

———. 2007b. *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford (UK): Oxford University Press.

Resnick, P. 2005. *The European Roots of Canadian Identity*. Peterborough: Broadview Press.

BEYOND THE MOSAIC: MULTICULTURALISM 2.0

ABSTRACT

This conceptual article explores the notion that the idea of an ethnocultural mosaic is obsolete. It proposes that the experience of contemporary urban Canada, "Multiculturalism 2.0," has outgrown the mosaic. It describes "cultural navigators," a generation of Canadians who are able to move through a complex network of cultural spaces, and examines their struggle with conventional notions of ethnic and national identity. It also looks at the new features of "Multiculturalism 2.0," including an updated conceptual device, called a "schema," for visualizing cultural identity.

ALDEN E. HABACON

Alden E. Habacon is currently the Manager of Diversity Initiatives for the English Television Network of the Canadian Broadcasting Corporation (CBC Television). Four years ago he launched *Schema Magazine* (www.schemamag.ca), a Web platform dedicated to the experience of "cultural navigators." He has been a featured speaker at diversity conferences in Canada and abroad and has lectured on diversity in broadcasting at various Canadian universities.

For far too long, the "mosaic" has monopolized multiculturalism. As a conceptual device for visualizing cultural diversity in Canada, the mosaic – although deeply embedded in the hearts of Canadians – has become an outdated idea. It fails to encompass the contemporary complexity of the multi-ethnic and multi-racial identities that are ubiquitous to urban life in Canada. It also fails to acknowledge that this new diverse reality does not belong exclusively to those who identify themselves as belonging to a visibly diverse (visible minority or non-white) group. In the same way that Internet usage and technological developments have spawned the current and ongoing evolution of online experiences, commonly known as "Web 2.0," many factors in Canada, including technological developments and attitudinal shifts towards ethnicity, have driven Canada's cities towards Multiculturalism 2.0. Despite this, when describing cultural identity in Canada, the media, academia as well as political and cultural institutions remain locked in the rhetoric of the ethnic mosaic. This article introduces some ideas about Multiculturalism 2.0, a work in progress.

A system update is long overdue. New models are needed to account for the dynamic and composite identities of an emergent generation of genuinely multi-cultural youth, the children of immigrants who were born or have always lived in a "multicultural Canada," the children of multiculturalism. We have tried to describe their experience as ethnocultural hybridity, sometimes calling them bi-racial; at our most succinct, we describe their reality as a fusion. At worst, members of this generation are distastefully called "bananas," "coconuts" or "apples," implying that individuals are psychologically or culturally "whitewashed" while trapped in a non-white shell. We continue to consider the space they occupy as being "in between cultures," a reference to Homi K. Bhabha's "third space." None of these sufficiently describes the complexity, cultural mobility or cultural competence of this generation and their contribution to what Erin Anderssen and Michael Valpy have referred to as a "New Canada" (Anderssen and Valpy 2005) and what author and editor Claude Grunitzky refers to as "transculturalism" (Grunitzky 2004), a term first used by Cuban anthropologist, Ferdnando Ortiz (Ortiz 1947).

These individuals are, in fact, the cultural engineers of today's Canada. Their very being defies the standard definitions of ethnocultural identity, and their persistent deinstitutionalization of identity challenges the rigidity and valuation of ethnic distinction. They are "cultural navigators," broadly defined as individuals who are able to manoeuvre through and around complex networks of cultural spaces and "see themselves as the product of these [cultural] networks, available to them through immigration, family roots and residency in diverse cities all over the world" (Habacon 2004). Cultural navigators are not defined so much by their demographic traits but by their capacity for cultural mobility and distinct attitude towards ethnicity and cultural identity. In more conventional demographic terms, this group is composed primarily of (but not exclusive to) the generations that followed the baby boomers; they are today's second[1] and third generation Canadians, urban Aboriginal youth and generations of mixed-race Canadians.

As cultural navigators, many second and third generation children of immigrants do not necessarily consider themselves as part of a marginalized immigrant community, although they may have roots there. They are likely to be well travelled and culturally and economically mobile. They are statistically the most educated group of young adult Canadians (Anderssen and Valpy 2005). They are rapidly professionalizing and finding their Canadian education and work experience, combined with their cultural competencies, to be tremendous assets. Corporations around the world are recruiting them, while Canadian companies are just beginning to realize their importance in the management

of an increasingly diverse workforce composed of new immigrants. Cultural navigators are not only influential in their role as part of the collective mainstream but are also often the drivers of cultural innovation in Canada.

But where are you *really* from?

This is a loaded question in Canada. Being asked "Where are you from?" can cause much anxiety. For some, it ignites anger because of the inherent assumption that the respondent is not from Canada, and, consequently, *not* Canadian.[2] "Where are you from?" – as asked by Canadian immigration officials – was (and may still be) associated with a great prejudice towards non-European immigrants, a prejudice evident in the histories of Chinese, Indian and Black immigrants to Canada. For second generation Canadians, it conjures a singular sense of exclusion from Canadianness because if you identify (or are identified) as a person of colour, this question is inevitable. It is common knowledge among second generation Canadians of non-European ancestry that the question "Where are you from," will be followed with a second, more aggressive question, "No, no, where are you *really* from?"

This is also the experience of many visibly diverse Canadians while traveling outside of Canada. The experience of a stranger's scepticism that a non-European-looking person could be from Canada is commonly described as extremely annoying and sometimes hurtful. However, when asked to describe the moment where one has felt the most Canadian, many cultural navigators respond with stories that take place abroad. Cultural navigators speak of experiencing an epiphany while being overseas, commonly characterized as the self-realization that, despite looking like the crowds around them (becoming invisible), their point of view and identity was distinctly Canadian (Mahtani 2002).

Transnationalism is hardwired into the personal history of many cultural navigators, making it impossible to respond to questions of origin with simple answers. Hannah Simone, a prominent Canadian media personality, emblematic of the New Canada is a case in point. Her public response to the question is no longer one of defensiveness:

> I was born in London, England. Then I moved to Calgary and then I moved to Saudi Arabia. When the war broke out, my family moved to Cyprus. After five years, I moved to India. I came back to Canada for grade 12. We moved to British Columbia and then I stayed in the province for university. I did my degree in International Relations/Political Science and then moved back to London. I moved to Toronto a couple of years ago. So I don't really have a hometown, per se. My family is my home." (www.muchmusic.com 2007)

For those with access to, and mobility and competency in, a range of cultural spaces, including mainstream Canada, a simplistic definition of identity is constraining and false. Arguably, all definitions of identity are inherently inaccurate, but for cultural navigators like Simone, blanket terms like "Asian" or "Indo-Canadian" are no longer sufficient to describe the complexity of their identity.

The fundamental struggle of cultural navigators within the rubric of the Canadian mosaic and Canadian multiculturalism policy is that "multicultural policy focuses on ethnicity as a primary identification" (Mahtani 2002). The ethnocultural mosaic, or "Multiculturalism 1.0," relies on clear and simple responses to the question "Where are you from?" or "Where are you *really* from?" Cultural navigators resist the mosaic's stringent essentializing of identity to "the product of one's ethnic parts" (Mahtani 2002). This is especially pronounced for mixed-race individuals, for whom "the emphasis upon ethnicity effectively reduces identity to one's ethnic constituency" (Mahtani 2002). This is an unsustainable and obsolete paradigm because the cultural identity of Canadians living in urban centres is often influenced more by the Internet, education, occupation, participation in sports and overall consumption of media than by ethnic allegiance or nationalism.

> Cultural navigators are not defined so much by their demographic traits but by their capacity for cultural mobility and distinct attitude towards ethnicity and cultural identity….They are today's second and third generation Canadians, urban Aboriginal youth and generations of mixed-race Canadians.

Trends: Beyond demographics

Multiculturalism 2.0 is the product of numerous intersecting trends in Canada and around the world. Many Canadians presume immigration and related shifts in demographics to be the most influential trends. However, the impact of technology, especially the impact of the Internet on media consumption and lifestyle, and the attitudinal shifts that are prominent in Anderssen and Valpy's New Canada likely surpass the impact of demographics.

There are a number of reasons why technology exerts a greater influence than demographics. Changes in technology are moving at a rate much faster than changes in demographics because advances in technology are being driven by industry and commerce. The proliferation of the Internet, manufacturing efficiencies and the ongoing miniaturization of digital storage capacity has made computer and telecommunications technology more accessible, more affordable and more prevalent. Most importantly, this technology has become an intimate part of how we view ourselves and has dramatically affected our sense of connectedness to each other. These factors have increased Canadians' real and virtual mobility and connectedness to communities, both locally and globally (sometimes referred to as "glocal"). Compared with immigrants from previous waves, new immigrants, who are not only proportionately greater in number than ever before but also more technologically savvy, are staying more

connected, in real time, with family and loved ones overseas (Habacon 2007). This heightened degree of virtual connectedness results in a psychological and emotional connection, also in real time, with locations once thought to be distant. The debate over conventional forms of transnationalism, such as dual citizenship, are moot in the current social environment where Canadian families are living transnationalism without having to be bogged down by airfare, passports and official declarations of loyalty to nation states. When the consciousness of Canadians transcends geographic and political borders, it is impossible for government bodies to impose their sense of geo-political boundaries.

For many years, this author has been celebrating Lunar New Year with the Chung family. Like millions of people who make the annual journey "home," the oldest Chung sibling, Ron – a genuine transnational, makes a regular trip to his hometown Vancouver from Hong Kong where he currently lives and works. Unlike in previous years, this year he spent Lunar New Year in Hong Kong but joined the family's celebratory meal (in real time) using online video communication. Certainly, it was not the same as being physically with his family; nonetheless, Ron's presence was felt. Similarly, the Telectroscope (Figure 1), an installation in both London and New York, which gives the illusion of a tunnel linking these two cities (in real time), illustrates the impact of technology on the collective imagination and transnational consciousness (St. George 2008). This connectedness is far more common among Canadian families than is acknowledged or studied.

The next most influential trend in Multiculturalism 2.0 is sociocultural. In the same way that media consumers now demand absolute control over what digital content they consume and when and where they consume it, control of one's cultural identity is now in the hands of the individual. Urban Canadians are able to customize their cultural identity as one might create an iTunes playlist. Cultural identity is now self-determined beyond the terms of ethnic allegiance. Certainly aspects like ancestry are fixed; however, Canadians are now able to determine the relative significance of ancestry in their cultural identity. Cultural navigators would say that they are informed by ethnicity but *not* defined by it.

This trend is part of the emerging sensibility of the New Canada as seen in the research conducted in 2003 by the Centre for Research and Information on Canada (CRIC) and the *Globe and Mail*. The findings of this research demonstrated a major shift in attitudes towards ethnicity. When asked how important ethnic background was when choosing a spouse, respondents identified ethnic background as the least important factor while "attitudes towards family and children" were considered the most important factor.

Urban Canadians are able to customize their cultural identity as one might create an iTunes playlist. Cultural identity is now self-determined beyond the terms of ethnic allegiance. Certainly aspects like ancestry are fixed; however, Canadians are now able to determine the relative significance of ancestry in their cultural identity.

The data about ethnicity does not suggest, however, that cultural similarities are unimportant. In fact, they indicate that cultural values like "attitudes towards family" and "sense of humour" (which are often very culturally specific) are more important than ancestry, race or skin colour to Canadians today. The data also indicates that the most universal cultural values, like family and humour, remain relevant over time (Habacon 2007).

What's new in Multiculturalism 2.0: The "schema model" for cultural identity

There are more than just a few "significant performance improvements" in Multiculturalism 2.0. It comes with a paradigm shift about cultural identity. In addition to increased global connectedness, transnationalism and the attitudinal shift towards ethnicity, cultural diversity in Canada has moved from the assumed margins of contemporary Canada to the core of the collective mainstream experience. The fourth "new feature" is a new model for cultural diversity. In light of the mosaic's failure to make sense of a dynamic cultural identity in today's Canada, a new conceptual model for envisioning cultural identity – referred to as one's schema – is proposed. This model replaces (or, in some cases, supplements) the ethnocultural mosaic.

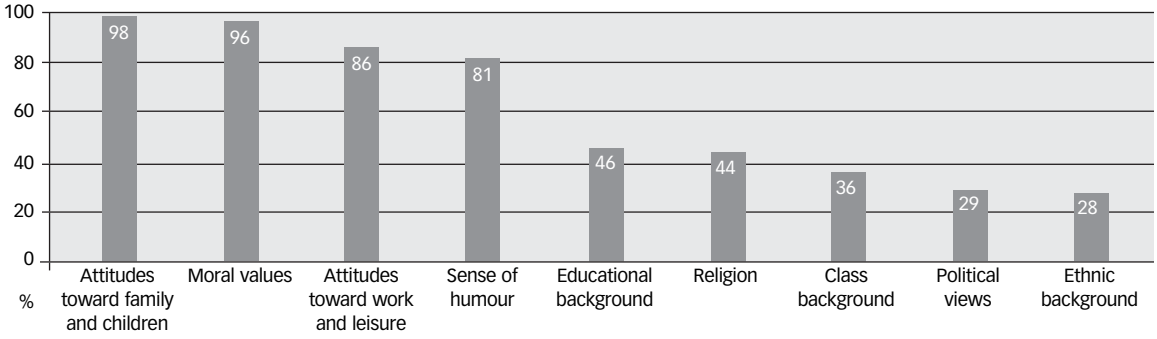
There are three fundamental assumptions that distinguish the schema from the mosaic. The first assumption is that ethnicity informs one's cultural identity but does not define it. In the mosaic, by contrast, you are defined by your ancestry, regardless of how much your ancestry is actually part of your everyday life (Mahtani 2005,

Figure 1
The Telectroscope

Photo : Charlotte Gilhooly.

Figure 2
Important factors when choosing a spouse

Percentage of respondants who answered "very important" or "important" to the question:
"When choosing a spouse, it is very important, important, not very important or not at all important that both people share similar…"



Source: *A New Canada: An Identity Shaped by Diversity* (Centre for Research and Information on Canada, October 2003).

Habacon 2007). For reasons described earlier, this traditional model – based on essentializing identity – is problematic for Canadians who occupy, manoeuvre or reside in multiple cultural spaces.

Assumption number two is that cultural identity is fluid. Our cultural identity is affected by and adjusts to the cultural influences that become part of our daily lives: learning a language, moving to the "other coast" or changing jobs to work for a company with a unique corporate culture. Once internalized, these influences ultimately affect your Cultural Intelligence (CQ), which is defined as "a person's accumulation or use of relevant *insider* information so as to be intuitively familiar with a variety of cultural contexts" (Habacon 2007). Our potential CQ is an almost direct reflection of our cultural identity.

The final assumption is that an individual's schema includes all forms of culture: work cultures, music subcultures, academic cultures, virtual online cultures, media consumption cultures and the most commonly shared Canadian cultural space, amateur sports. The mosaic, based on ethnic allegiance, assumes that the "stuff" that actually makes up one's cultural identity, such as television, does not exist or have a significant impact; the gap between how cultural navigators experience their cultural identity and how it is conceptualized using the mosaic is thus created.

One's schema is similar to one's Web identity. When occupying a Web space, your actual in-the-moment identity may be different from Website to Website (from community to community). Mapping the collection of the Web spaces one occupies would produce a schematic diagram that represents the sum of one's Web identities. It is time sensitive because our interests change over time. In this exact way, Canadians – as multi-racial, multi-ethnic and multi-cultural individuals – occupy and use a complex network or web of cultural spaces. A variety of experiences such as travel, language, education, friendship and marriage can provide access to an infinite number of cultural spaces. One's cultural identity (or cultural identities) is an organic collection of the cultural spaces through which one navigates – spaces that are constantly changing and wildly diverse (Habacon 2007).

Figure 3

Describing the "schema" model of cultural identity at the Couchiching Institute of Public Affairs Summer Conference 2007

What's your schema?

Knowing one's schema is powerful. It describes individuals as they truly live much more accurately than the labels of ethnic background or nationality. It can also be a measure of one's CQ or cultural competence. Most importantly, however, in allowing for a complex and fluid identity that would otherwise be considered static and fixed, self-awareness of one's cultural identity through one's schema shifts the perspective of others. One's schema reveals the forces that influence decisions, tastes and mannerisms. Rather than trying to understand someone through the lens of ethnicity or ancestry, a schema frames individuals as the product of their cultural mobility; it, therefore, enables a real sense of cultural understanding on an individual level. Everyone has a schema, regardless of ethnicity or ancestry. The schema, which is not based on ethnic identifiers, acknowledges the diversity of those who appear to be the least diverse. This system update replaces the ethnocultural mosaic with a schema thus freeing Canadians from the dreaded question, "Where are you (really) from?" This question is replaced with one that acknowledges the complexity of Multiculturalism 2.0, "What's your schema?"

References

Anderssen, E., et al. 2004. *The New Canada: A Globe and Mail Report on the Next Generation*. Toronto: *The Globe and Mail*/McClelland and Stewart.

Grunitzky, C. 2004. *Transculturalism: How the World Is Coming Together*. Brooklyn: Power House Books.

Habacon, A. 2007. "Beyond the Mosaic: Multiculturalism 2.0." Speech given at the Couchiching Institute on Public Affairs (CIPA) 76th Annual Summer Conference, Couchiching, Ontario (August 11).

———. 2004. "*Schema Magazine*: The Pursuit of Ethnic Cool." *About Schema Magazine*. Retrieved on June 1, 2008, from <http://schemamag.ca/about.html>.

Khan, U. 2008. "The Telectroscope, London's Window on New York." Telegraph.co.ok. Retrieved on June 1, 2008, from <www.telegraph.co.uk/news/newstopics/howaboutthat/2009641/The-Telectroscope,-London's-window-on-New-York.html>.

Mahtani, M. 2002. "Interrogating the Hyphen-Nation: Canadian Multicultural Policy and 'Mixed Race' Identities." *Social Identities* 8, 1. Vancouver: University of British Columbia.

MuchMusic. 2007. Interview with Hannah Simone. Retrieved on October 13, 2007, from <www.muchmusic.com/insidemuch/stuff/meet_hannah_ simone/>.

Ortiz, F. 1947. *Cuban Counterpoint: Tobacco and Sugar*. New York: Alfred Knopf.

Parkin, A., and M. Mendelsohn. 2003. "A New Canada: An Identity Shaped by Diversity." CRIC Paper No. 11. Montréal: Centre for Research and Information on Canada (CRIC).

St. George, P. 2008. *The Telectroscope*. Official Website. Retrieved on June 1, 2008 from <www.tiscali.co.uk/telectroscope/home.php>.

Zhang, K. 2007. "Number 46 – 'Mission Invisible' – Rethinking the Canadian Diaspora." *Canada Asia Commentary*. Vancouver: Asia Pacific Foundation of Canada. September.

Notes

[1] "Second generation Canadians" refers to those people who were born in Canada or immigrated to Canada as young children.

[2] There is a simple historical explanation to this reaction. During the first half of the 20th century, it was not uncommon to hear the Prime Minister and Members of Parliament of the time passionately express the public sentiment that an idealized White (British Anglo-Saxon) Canada must be preserved. This was the era of the *Exclusion Act* and the *Continuous Journey Act*, and perhaps one of the most racist periods in Canada's history.

ASK WHAT YOU CAN DO FOR YOUR COUNTRY AND NOT WHAT IT CAN DO FOR YOU

Is Canadian Citizenship Really Being Taken for Granted?

ABSTRACT

A majority of Canadians – both immigrants and non-immigrants – agree that citizenship is taken for granted in their country. However it remains unclear what it is about citizenship that is being taken for granted and which group(s) of Canadians are doing so. This article contends that the failure to define the meaning of citizenship underlies the idea that it is taken for granted. Those equating citizenship with a weak sense of belonging to Canada – in particular among immigrants – need to rethink such affirmations in view of considerable evidence that foreign-born Canadians possess relatively strong attachment to the country.

JACK JEDWAB

Jack Jedwab is Executive Director of the Association for Canadian Studies. He has been a lecturer at McGill University in both the Department of Sociology and the Institute for the Study of Canada.

Baby boomers will likely recall the passage in the inauguration speech of United States President John F. Kennedy, "Ask not what your country can do for you – ask what you can do for your country." Since the President immortalized this phrase, it has been frequently used to refer to the duties of citizens and often, in turn, refers to the responsibilities of new citizens.

According to the Institute for Canadian Citizenship[1] (ICC) and as stated on the homepage of its Website, citizenship is something that most Canadians take for granted. An important majority of Canadians concur. According to a survey conducted in 2005 for Citizenship and Immigration Canada (CIC) by the firm Ipsos, some eight in ten persons agree that "many Canadians take their citizenship for granted (some 52% strongly agree with the statement)." Some 70% of immigrants were likely to agree that citizenship is taken for granted compared with 80% of Canadian-born respondents. In 2007, 80% of respondents again agreed that citizenship was being taken for granted (Ipsos Reid for CIC, September 2007). However, the survey does not ask respondents which Canadians are taking their citizenship for granted. Perhaps more importantly, it is not clear what exactly is being taken for granted.

Why then is there such widespread feeling that citizenship is being taken for granted? In part, it is explained by the various meanings attributed to citizenship. It is cautiously assumed in this article that many individuals expressing concerns over citizenship equate it with the degree of belonging to Canada and are preoccupied with what they regard as a weak attachment to the country, notably amongst newcomers. This despite the fact that nearly every survey conducted over the past decade reveals that the vast majority of Canadians – non-immigrant and immigrant alike – have a strong sense of attachment to Canada. Other surveys reveal that 95% of Canadians believe it is important to have Canadian citizenship (International Social Survey Programme, 2003).

Others seem preoccupied by the presumed failure on the part of "citizens" to assume responsibilities that accompany the benefits associated with being Canadian. That it is not apparent what such responsibilities entail is reflected in our ongoing debate over the matter. To mark the 60th anniversary of the *Canadian Citizenship Act*, CIC commissioned a report on the attitudes and perceptions of Canadians on the issue of citizenship. The report asked the following question, "What is the meaning of citizenship for citizens and governments, as well as the responsibilities of each?" (Ipsos Reid for CIC, January 2007). It seems widely assumed that too many "citizens" refuse to assume responsibilities that we often seem to be in the process of defining.

What follows will examine the various meanings associated with the term "citizenship" and attempt, via analysis of the results of a number of focus groups commissioned by the Government of Canada and national public opinion surveys, to determine whether indeed citizenship is being taken for granted. A number of international surveys will also be analyzed to situate Canada's performance in a global context on the basis of various indices of national identity and civic consciousness.

Not just passports? Multiple meanings of citizenship

Citizenship is employed to mean a variety of things that do not easily connect. In addition to the dimensions of legal status, the term citizenship is used to refer to civic and national identity and

Table 1
Level of agreement on the question "Many Canadians take their citizenship for granted" and responses to the question "What are the requirements of citizenship?" 2005

Many Canadians take their citizenship for granted.					
What are the requirements for becoming a Canadian citizen?	**Strongly disagree**	**Somewhat disagree**	**Neither agree nor disagree**	**Somewhat agree**	**Strongly agree**
Don't know/not sure	27.8%	28.8%	13.6%	19.6%	24.7%
Having knowledge/background information about Canada	11.4%	–	6.8%	6.7%	6.0%
Being born in Canada/by birth	10.1%	6.8%	20.5%	14.4%	11.3%
Having residency for so many years/ living in Canada for a number of years	8.9%	8.2%	6.8%	11.4%	10.0%
Clean background/criminal check/no criminal record	7.6%	11.0%	4.5%	6.5%	7.2%

Source: Ipsos Reid for Citizenship and Immigration Canada, August 2005.

civic practice – people's interest and participation in Canadian society and institutions. This term has become a trendy way of packaging such things as people's knowledge of Canadian history and politics, their attachment to the country, the extent to which they vote in elections and their level and type of volunteer activity. In the case of newcomers, just about anything that relates to becoming Canadian can be considered part of discussions about citizenship.

It remains unclear whether a broadly defined notion of citizenship is resonating with the population. In 2006, members of CIC-commissioned focus groups were asked what they thought about when they hear the word citizenship. The things most frequently mentioned were travel, passports, singing the national anthem, place of birth and a sense of belonging and responsibility to your country and community. Focus group participants in Toronto associated citizenship with the adaptation of immigrants and new Canadians. When the term "good citizenship" was evoked, participants referred to the fulfillment of one's rights and obligations such as exercising the right to vote, paying income tax and respecting the laws of the land. Some extended this to include mutual respect, supporting Canada's diversity and environmental protection.

The government of Canada has also looked into the degree of knowledge among Canadians related to the requirements of citizenship. According to a 2005 Ipsos survey conducted for CIC, the population is by no means certain of citizenship requirements, with the most frequently mentioned response to that question being "I don't know" (22%). The next most frequent response is "having residency in Canada" (21%). Just over one in ten say "being born in Canada" (14%) is a requirement of citizenship, and slightly fewer say "having a clean background/criminal check and no criminal record" (12%). All other mentions are offered by less than one in ten Canadians. Only 8% of immigrants said they didn't know when asked about the requirements of citizenship compared with 18% of second generation and 27% of third generation respondents.

As observed in Table 1, Canadians who strongly agree that citizenship is being taken for granted are just as likely to acknowledge that they do not know about the requirements of Canadian citizenship as those who believe that citizenship is not being taken for granted.

Figure 1
Ipsos survey results on rights and responsibilities associated with citizenship, 2005

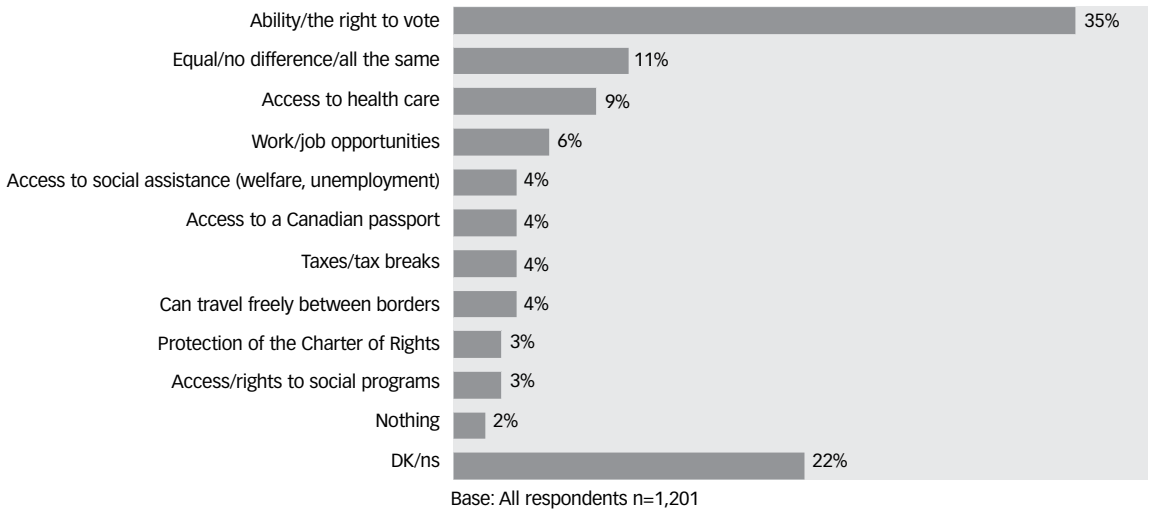


Table 2
Level of agreement on the question "Many Canadians take their citizenship for granted" and responses to the question "What rights and responsibilities do citizens have that non-citizens living in Canada do not have," 2005

Many Canadians take their citizenship for granted					
What rights and responsibilities do citizens have that non-citizens living in Canada do not have? (First Mention)	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree
Don't know /not stated	22.8%	21.9%	20.5%	22.6%	21.2%
Ability/right to vote	41.8%	34.2%	36.4%	37.2%	38.2%
Equal/ no difference/all the same	11.4%	12.3%	11.4%	10.0%	8.4%
Nothing	1.3%	2.7%	2.3%	2.6%	1.5%

Source: Ipsos Reid for Citizenship and Immigration Canada, August 2005.

Rights and responsibilities of citizenship

In 2007, nine out of ten (92%) Canadians said that there ought to be responsibilities associated with being a Canadian citizen (Ipsos for CIC, September 2007). The ICC concurs, saying "it (citizenship) requires that we share certain rights and fulfill our reciprocal obligations."

However, the July 2005 Ipsos survey (Figure 1) revealed that, with the exception of the right to vote, Canadians do not appear knowledgeable about the rights and responsibilities associated with citizenship. For example, 35% of Canadians are unable to offer an opinion on the rights and responsibilities that may be unavailable to Canadian non-citizens. Further analysis reveals that those most likely to say "the right to vote" include foreign-born Canadians (69%) compared with third-plus generation Canadians (32%).

Interestingly, as Table 2 indicates, when asked about the rights and responsibilities of citizens and non-citizens, those Canadians who think that citizenship is being taken for granted give relatively similar responses to those who do not think so.

Separating the responsibilities from the rights gives rise to a somewhat different set of responses. When asked about the responsibilities of new Canadian citizens, all respondents agreed that they should respect the laws of the land (95% strongly agreed). Somewhat fewer (62%) strongly agreed that new Canadians should be expected to learn Canadian values and traditions. Still nine in ten agreed with this principle.[2]

> When the term "good citizenship" was evoked, participants referred to the fulfillment of one's rights and obligations such as exercising the right to vote, paying income tax and respecting the laws of the land. Some extended this to include mutual respect, supporting Canada's diversity and environmental protection.

It is perfectly legitimate and laudable to encourage immigrants and non-immigrants alike to be civically engaged. It is, however, uncertain that such encouragement is the remedy in Canada for citizenship being taken for granted. Again, this would require a demonstration that citizenship is being taken for granted. If citizenship is defined by the degree of civic-mindedness when compared with other countries, it would be difficult to make the case that the Canadian people take it for granted. A 2004 international survey (ISSP 2004) conducted across some 35 countries revealed that Canadians perform well on various indicators of civic consciousness – often referred to as good citizenship. As shown in Table 3, Canada ranks third when it comes to the importance attributed to voting, fourth in the belief that one should never try to evade taxes, third when it comes to obeying the law and first when it comes to keeping watch on government.

Citizenship and national identity

Evidence is also lacking that the population doesn't value citizenship, at least insofar as citizenship is assessed by

Table 3
Importance of selected indicators of citizenship, 2004

Important (rank 6 and 7 on 7 point scale) %	Canada	United States	Great Britain	France	Total (34 Nations)
Always vote in elections	84.0 (3)	78.0	58.0	80.0	**68.0**
Never try to evade taxes	82.9 (4)	84.3	83.8	68.3	**73.2**
Active in associations	27.1 (13)	29.6	10.5	28.1	**25.9**
Always obey the law	87.8 (3)	85.1	86.6	66.6	**78.3**
Help less privileged in the world	37.6 (22)	37.1	34.2	34.9	**44.1**
Keep watch over government	81.1 (1)	74.5	48.4	47.4	**55.2**
Serve in the military	41.2 (21)	59.7	38.4	33.2	**42.8**

Source: International Social Survey Program, "Citizenship" (for Canadian respondents it was conducted in Canada by the Carleton University Survey Centre), 2004.

Table 4
Rating the performance of our immigration program in promoting a sense of belonging and pride among new Canadians by generational status of respondent, 2005

Rating the performance of our immigration program in promoting a sense of belonging and pride among new Canadians					
Immigrant or children of immigrants	**Immigrant**	**Immigrant and child of immigrants**	**One immigrant parent**	**Both parents are immigrants**	**Parents are Canadian born**
Very good	10.6%	8.5%	8.0%	13.6%	11.1%
Good	31.7%	47.5%	31.9%	28.8%	35.9%
Fair	23.1%	20.3%	31.0%	38.1%	28.2%
Poor	19.2%	13.6%	18.6%	11.0%	14.6%
Very poor	11.5%	6.8%	6.2%	5.1%	5.6%
Don't know/refused	3.8%	3.4%	4.4%	3.4%	4.6%

Source: Ipsos Reid for Citizenship and Immigration Canada, 2005.

the belief that holding citizenship is important (Canada placed fourth overall among the nearly 35 countries surveyed on this). Moreover, there is little evidence in support of the idea that a lack of civic consciousness demonstrates that citizenship is being taken for granted. What then contributes to such widespread sentiment that it is taken for granted?

International surveys confirm that there is a relationship between feeling that one would rather be a citizen of Canada than of any other country and strength of belonging to Canada. Both immigrants and non-immigrants responded similarly. Such questions, however, use the term "citizenship" when referring to pride in one's country. It is common in many countries for the majority of "citizens" to say they have a strong sense of belonging to their country, while also affirming that it is problematic for the population on the whole when it comes to the degree of belonging to country. In other words, an individual might say "I have a high sense of attachment to the country, but my neighbours don't." As shown in Table 4, when rating the performance of Canada's immigration program in promoting a sense of belonging and pride among new Canadians, the majority – whether immigrant, second generation or third generation or more – feel that Canada's immigration program is doing a fair or poor job in promoting belonging or pride among new Canadians.

> Perhaps those who insist that we take our citizenship for granted believe that there are other countries where citizenship is far more appreciated. One often hears this anecdotally, particularly in comparison with the United States where there is a sense that patriotic sentiments are more openly expressed.

Moreover, in the case of Canada, it does not appear as though immigrants possess a weaker sense of belonging to the country than the Canadian-born population. A July 2008 survey conducted by the firm Leger Marketing involving 600 immigrants shows that they possess a powerful sense of belonging to their adopted country – an attachment that generally runs deeper than linguistic, ethnic or regional identity. Some 87% of those surveyed expressed a "very strong" or "somewhat strong" attachment to the country. The results are consistent with several other opinion polls evaluating the degree of attachment on the part of immigrants to Canada (Boswell 2008, Dominion Institute 2007, Statistics Canada 2002).

There remains, nonetheless, a persistent view that new citizens need particular assistance to better appreciate Canada and more strongly identify with it.

Table 5
Level of agreement on the question "Many Canadians take their citizenship for granted" and responses to the question "Rating the performance of our immigration program on promoting a sense of belonging and pride among new Canadians," 2005

Many Canadians take their citizenship for granted					
Promoting a sense of belonging and pride among new Canadians	**Strongly disagree**	**Somewhat disagree**	**Neither agree nor disagree**	**Somewhat agree**	**Strongly agree**
Very poor	3.8%	2.7%	2.3%	1.5%	5.5%
Poor	13.9%	13.7%	11.4%	13.2%	13.8%
Fair	20.3%	20.5%	43.2%	28.7%	27.0%
Good	41.8%	46.6%	22.7%	42.5%	37.0%
Very good	20.3%	13.7%	15.9%	11.7%	14.1%

Source: Ipsos Reid for Citizenship and Immigration Canada, 2005.

Table 6
Rating the performance of our immigration program – Encouraging newcomers to apply for Canadian citizenship correlated with rating the performance of our immigration program in promoting a sense of belonging and pride among new Canadians

Rating the performance of our immigration program – Encouraging newcomers to apply for Canadian citizenship						
Promoting a sense of belonging and pride among new Canadians	**Very good**	**Good**	**Fair**	**Poor**	**Very poor**	**Total**
Very good	35.3%	9.4%	5.6%	5.8%	9.8%	**10.8%**
Good	35.3%	51.7%	25.9%	21.9%	15.7%	**35.1%**
Fair	19.4%	22.7%	49.0%	24.1%	13.7%	**28.6%**
Poor	7.2%	9.7%	14.0%	36.5%	19.6%	**14.9%**
Very poor	2.2%	3.6%	4.9%	9.5%	31.4%	**6.2%**
Don't know/refused	0.7%	2.9%	0.7%	2.2%	9.8%	**4.4%**
Total	**100%**	**100%**	**100%**	**100%**	**100%**	**100%**

Source: Ipsos Reid for Citizenship and Immigration Canada, 2005.

Table 7
Importance, closeness and agreement on selected indicators of national identity

Importance, closeness and agreement on selected indicators of national identity %	UK	USA	Canada	France	Rest of the world (30 other nations)	Total
Important to feel [country nationality]	79.4	92.0	91.9 (14)	92.0	89.7	**89.7**
Close – How close do you feel to your country	78.9	89.5	86.6	90.5	88.4	**88.3**
Agree – I would rather be a citizen of my country than of any other country in the world	72.2	90.0	86.1 (5)	58.3	76.5	**76.4**
Agree – The world would be a better place if people from other countries were more like Canadians	32.8	40.6	57.5 (1)	18.8	35.0	**35.2**
Agree – Generally speaking, my country is a better country than most others	49.4	78.7	79.6 (3)	41.9	53.4	**54.3**

Source: International Social Survey Program "National Identity" (for Canadian respondents it was conducted in Canada by the Carleton University Survey Centre), 2003.

A slight majority (51.1%) of those who strongly agree "many Canadians take their citizenship for granted" think that the government of Canada is doing a good job of promoting a sense of belonging and pride among new Canadians.

There is little doubt that the public makes a connection between the acquisition of citizenship and attachment to Canada. As observed in Table 6, those Canadians who believe that the government immigration program is doing a good job encouraging newcomers to apply for Canadian citizenship are most likely agree that the state is doing a good job in promoting a sense of belonging and pride among new Canadians.

Perhaps those who insist that we take our citizenship for granted believe that there are other countries where citizenship is far more appreciated. One often hears this anecdotally, particularly in comparison with the United States where there is a sense that patriotic sentiments are more openly expressed. The 2003 International Social Survey reveals that Canada is below the international average on the issue of how close we feel to our country (though we rank at a very respectable 86.6%). It should be noted that the average is lower due to the disproportionate number of Quebecers that do not feel as close to the country as persons in the rest of Canada. Again, however, it is not by definition a problem of citizenship. Quebecers may indeed value their Canadian "citizenship" without necessarily possessing a strong sense of belonging to Canada. As shown in Table 7 on other indicators of national identity, Canada ranks rather high. Only Venezuela and Australia ranked ahead of Canada on the following question: "generally speaking, my country is a better country than most others." Canadians were more likely than residents of any of the other countries surveyed to agree that the world would be a better place if people from other countries were more like Canadians.

Conclusion

Many Canadians hold the view that citizenship is taken for granted. Yet evidence from various surveys does not help determine what aspects of citizenship are being taken for granted. On the contrary, much of the evidence offered to date suggests that Canadians do value their citizenship. None of this detracts from the value of pursuing programs designed to assist immigrants and non-immigrants alike in deepening their awareness of Canada and their appreciation for the country. It does, however, invite more precision on the part of those who insist that Canadian citizenship is being taken for granted, in order to better define what this assertion means. By not doing this, a potentially legitimate concern could be characterized as a gratuitous affirmation, which supports unwarranted generalizations directed primarily at newer Canadians.

References

Boswell, R. 2008. "Immigrants Possess Strong Sense of Belonging: Survey Finds Attachment to Canada Generally Runs Deeper than Ethnic Identity" *Ottawa Citizen*, June 30.

Canada. Citizenship and Immigration. <www.cic.gc.ca>.

———. Statistics Canada. 2002. *Ethnic Diversity Survey*.

Dominion Institute. 1997. *National Citizenship Exam Survey of 1997*. November 10.

———. 2007. *Becoming Canadian: A Generational Journey Social Engagement and Attachment to Canada Among First and Second Generation Canadians.*

Institute for Canadian Citizenship. <www.icc-icc.ca>.

Ipsos Reid. 2007. *Focus Groups on Citizenship*. Final report submitted to Citizenship and Immigration, January.

———. 2007. Survey conducted for Citizenship and Immigration Canada. September.

———. 2005. Survey conducted for Citizenship and Immigration Canada. August.

International Social Survey Program. 2004. *Citizenship* – for Canadian respondents. Conducted in Canada by Carleton University Survey Centre.

———. 2003. *National Identity* – for Canadian respondents. Conducted in Canada by Carleton University Survey Centre.

Ralston-Saul, J. 2007. "Canada is Yours." *Canadian Immigrant Magazine* (November).

Sage Research Corporation. 2008. *Qualitative Investigation of Attitudes Towards Civic Practice and Barriers to Civic Participation.* Final report prepared for Citizenship and Immigration Canada, January 18.

Notes

[1] The Institute for Canadian Citizenship is a non-profit organization that initiates projects to help new Canadians integrate more quickly. The organization is co-chaired by former Governor General of Canada Adrienne Clarkson and author John Ralston Saul.

[2] In 2007, when unprompted, the Ipsos Reid survey respondents who believed that being a Canadian citizen entails responsibilities identified things such as abiding by the law (50%), exercising the right to vote (14%), adhering to Canadian cultural norms (12%), being a productive member of society (12%), paying taxes (10%), making a positive contribution to the community (9%), working hard (8%), learning one of the country's two official languages (5%), being proud to be Canadian (5%) and learning about Canadian culture and history (5%).

THINK GLOBAL, VOTE LOCAL

ABSTRACT

Many local governments have recognized the importance of reaching out to their foreign-born population and have extended the right to vote to non-citizen residents. This article describes why Canada's diverse cities, especially Toronto, would benefit from expanding the franchise in this way.

RATNA OMIDVAR

Ratna Omidvar is the executive director of The Maytree Foundation, a private charitable foundation dedicated to combating systemic poverty and to building strong civic communities in Canada. Maytree supports the development of progressive social policies and acceleration of settlement of refugees and immigrants in large urban centres. A large portion of Maytree's work focuses on increasing the capacity of leaders and organizations to lead change and promote healthy civic communities.

Some say globalization has brought a new era of prosperity and wealth; others say it leads to inequality, lower environmental standards and undemocratic multinational institutions. Whatever your point of view, there is one thing we all can agree on – globalization is an unstoppable force changing every aspect of our lives.

As the world grows ever smaller, more and more people are living outside their countries of birth. In developed countries, where more than one in ten people are international migrants, most people live in cities (United Nations 2006). With this relocation comes the inevitable interaction with new communities; however, it is becoming easier to maintain both emotional and physical ties to your country of origin. Technological developments mean that you can grow up in New York and watch Indian television via satellite. Developments in transportation mean that you can live in Paris and make frequent trips to Morocco to visit family. Thanks to liberalized trade, you can live in London and have a thriving business in China. This is incredibly positive, but it is also challenging governments to think differently about migration and the meaning and practice of citizenship.

While both migration and citizenship policy will always be the purview of national governments, the lived reality of citizenship and migration is uniquely local. The actions of local governments on such issues as affordable housing, safe streets and access to social services are essential to ensuring that newcomers are welcomed. Local governments are more successful when they engage those people affected by their actions in their decision-making processes.

The emergence of city citizenship

While engagement in a community can take many forms, it is through the act of voting that most people are directly engaged in government. The right to vote is a core concept in democratic societies, and, as such, it represents who is included in and excluded from society. Recognizing the importance of engaging the foreign-born population, a growing number of cities are extending the right to vote to non-citizen residents. They are giving newcomers a voice in shaping the policies that directly affect them.

Countries in the European Union, for example, extend voting rights at the local level to other EU nationals. Some countries go further. For example, Denmark, Finland, Hungary, Ireland and Sweden extend this right to foreign residents regardless of citizenship. In these countries, there is often a residency requirement in lieu of citizenship in order to vote at the local level. In Ireland, non-citizens acquire the right to vote in local elections if they are residents at the time the voters list is prepared, which is about nine months before the election. In some of these countries, acquiring citizenship is a difficult and lengthy process, and extending the franchise at the local level is seen as one way to engage a growing foreign-born population. As the Mayor of Dublin explained, non-citizen residents "like the idea of being asked for their vote. They feel a part of the city, and I think that's important….They feel they're not being dismissed" (*The Toronto Star* 2005).

In the United States, the call for non-resident voting is coming from the grassroots level. In New York, where it is estimated that 1 in 5 city residents is not a citizen, a coalition comprised of immigrant and faith-based groups, labour unions, civil and voting rights organizations and community based-organizations is advocating for voting rights for non-citizen residents in a campaign called IVote.[1] In the state of Massachusetts, city councils in both Amherst and Cambridge have called on the state to repeal legislation that prevents non-citizens from voting at the local level. In Takoma Park, Maryland, a 1991 non-binding referendum approved voting rights for non-citizen residents. By 2004, five other Maryland towns permitted non-citizens to vote (Hayduk and Wucker 2004). Similar initiatives are in various stages in Connecticut, New Jersey, Colorado, Wisconsin and North Carolina, as well as in three cities in California – Los Angeles, San Diego and San Bernardino (Hayduk and Wucker 2004).

On the other side of the globe, New Zealand is the only democracy in the world that allows all non-citizen residents to vote in both local and national elections after only one year of residency (Earnest 2003).

Canada and non-citizen voting

In Canada, non-citizens are effectively barred from voting at any level of government. This wasn't always the case. In fact, Canadian citizenship only came into existence in 1947. Until then, anyone who was born in Great Britain or part of the British Empire had the right to vote in Canadian elections (as long as they met the other requirements, such as age). Thanks to legislation that maintained voting rights for British subjects, non-citizens from 54 countries could vote in Nova Scotia's provincial elections until 2003. At the municipal level, non-citizens are barred from voting as a result of provincial legislation. But, there is evidence that non-citizen voting took place in Toronto as late as in 1988 (*The Toronto Star* 2006).

The exclusion of non-citizens might not be an important issue for some smaller Canadian cities (or even the City of Toronto in 1988), but the City of Toronto today is one of the most diverse cities in the world. With a population of 2.5 million, it receives approximately 50,000 newcomers each year. Almost half of all residents are foreign born.

In a paper prepared for Inclusive Cities Canada, Myer Siemiatycki (2006) explains that, at any given time, there are more than 200,000 people living in the City of Toronto who are not citizens and who are therefore excluded from local elections. These newcomers live, work and send their children to school in the city but cannot participate in city council or school board decisions. Denying these people the right to vote at the municipal level effectively silences their voices on issues that relate most closely to their everyday lives. Siemiatycki proposes that the City of Toronto extend the right to vote to all non-citizen residents. This change would:

- Signal belonging and participation for newcomers;
- Enhance accountability of municipal leaders because they would represent the people they serve;
- Encourage the political participation of newcomers early in the settlement process;
- Put issues that are important to newcomers and visible minorities on the political agenda at the municipal level;
- Invigorate and enhance a notion of city citizenship.

Despite its merits, this idea is not without its critics:

Doesn't this make citizenship meaningless?

Some say that extending the right to vote to non-citizen residents at the local level effectively makes national citizenship meaningless and makes it less attractive to newcomers. However, with the exception of New Zealand, no country has extended the right to vote nationally to non-citizens. In all other countries, voting at national levels is still reserved for citizens. In Canada, newcomers would still be attracted to citizenship because of its other benefits – most notable is access to a passport.

Shouldn't residents prove their loyalty first?

Others say that newcomers should be citizens first to prove their commitment to their host country by becoming citizens. The concern here is that foreign citizenship is somehow incompatible with local citizenship.

But there are two compelling counter arguments to this criticism. First, identities are not mutually exclusive. You can be both a Torontonian and Canadian. In fact, you can be a Torontonian, an Ontarian, a Canadian, and a foreign-national, all at the same time. Canadians already recognize this complexity by allowing dual citizenship. Second, extending the right to vote to non-citizens at the local level is not about being "Canadian." It is about being "Torontonian." Voting at the local level is about those issues that touch us most closely. Local voting is about schools, stop signs and potholes. These issues are distinct from those that we would discuss at the national level. In a city, the idea that you have to "prove" your commitment would suggest a residency requirement, not a citizenship one.

> While both migration and citizenship policy will always be the purview of national governments, the lived reality of citizenship and migration is uniquely local….Local governments are more successful when they engage those people affected by their actions in their decision-making processes.

Do newcomers know enough about the community to vote?

A knowledgeable electorate is important to any healthy democracy. This is why civic education is so important – but it is not a factor in eligibility for voting. This is likely because it would be impossible to develop a "test" that everyone would find appropriate. What questions would we ask people in order to be eligible to vote?

People who wish to make Toronto their home often wait months, even years, to go through the immigration process. According to the Citizenship and Immigration Canada Website, it takes 67 months for visa offices to complete 80% of their permanent resident cases. Many immigrants use this time to, among other things, talk to family or friends about life in Toronto, read English or French newspapers or learn about their community on the Internet. Civic education becomes important upon arrival. But civic education is not just a newcomer issue. Canadians (including those born in Canada) may not know much about the political process. In a survey commissioned by IRPP in March 2000, 11% of respondents couldn't name the Prime Minister, only 46% of respondents could name the Federal Minister of Finance and only 35% could identify the official opposition in the House of Commons (Howe 2001).

It could be argued that as Canadians and non-citizen residents, we know much more about our local communities than our national one. Imagine a poll asked, "Do you know when your garbage is collected?" or "Can you tell me where the closest school is located?" This knowledge is attained through residency. And it is this kind of intimate understanding of a community that can be harnessed into effective local political action.

Don't immigrants have more pressing issues to worry about?

Too many immigrants to Canada, despite the fact that they are highly skilled and educated, are underemployed or unemployed. We have been told that community efforts should be focused on addressing this important problem – to the exclusion of electoral issues. We have taken this criticism very seriously but have found it lacking because it effectively pits economic rights against democratic rights. Would you rather have the right to vote or enough money to live? Likely you would choose money because you need it to survive. But in a democratic society economic rights and democratic rights are not mutually exclusive. In fact, it is through involvement in the city's government and broader society that newcomers can help to influence policies to improve their situation.

Will giving non-citizen permanent residents the right to vote increase or decrease voter participation?

It is difficult to predict what percentage of non-citizen residents, if given the chance, would exercise their right to vote. Even if non-citizen voters don't vote as often as citizens, it is important to note that the right to vote is not denied to other groups with low turnout rates, groups like young people, tenants and the poor. On the contrary, we work to encourage the participation of the members of these groups in the democratic process because we understand that high voter turnout is a vital sign of a healthy democracy.

Research suggests that eventually immigrants vote at a rate similar to that of other Canadians in federal elections (White et al. 2006). The suggestion is that the longer immigrants are exposed to Canadian politics, the more likely they are to vote. Municipal voting would allow newcomers to begin to act like citizens right away, providing a training ground in political participation that would prepare them to participate in provincial and federal elections once they become citizens.

Would giving non-citizens the right to vote in local elections have a positive or negative impact on democracy?

Historically, when the right to vote is expanded to a new group, concerns about the impact on government are raised. For example, over 100 years ago it was though that allowing women to vote could lead to "inconsiderate and rash legislation" (Parkman 1897).

In Ontario, the voting system allows non-resident property owners to vote, while many other residents cannot. This means that a property owner can vote even if he or she does not live in the city, as long as he or she is a Canadian citizen. In effect, the current system privileges property ownership over residence in the local democratic process. Allowing permanent residents to vote would level the playing field between non-resident property owners and non-citizen residents. Ensuring that everyone who has made Toronto, for example, their permanent home will have the opportunity to express their voice through a vote will help to make local government more democratic and more accountable to all its residents.

The future of citizenship and globalization

Cities that have extended the right to vote to non-citizen residents have done so in an effort to respond to a growing foreign-born population, to recognize the contribution of non-citizen residents and to democratize the local electoral process. In an era of increasing complexity and fluid identities, non-citizen voting creates an opportunity to experience citizenship in a way that is firmly rooted in the notion of "place." In a way, cities have followed the lead of the environmental movement by asking us all to think globally but vote locally.

While the practice of non-citizen resident voting is being taken up in many cities around the world, Canadian cities are lagging behind. In a city like Toronto, this is clearly a missed opportunity – the city is weaker because it doesn't include all voices in its decision-making process. In the City of Toronto, it is imperative that all residents are included in the vision of the city and in the institutions that lead it.

But it is not only Toronto that stands to benefit. Many other cities in Canada have significant non-citizen populations. Provinces should revise their legislation in order to enable cities to define their own franchise. Given the opportunity, other Canadian cities with diverse populations would benefit from choosing to extend the right to vote to non-citizen residents. This would signal that all people who live in a city are welcome and responsible for the success of their new community.

References

Earnest, D. 2003. "Noncitizen Voting Rights: A Survey of an Emerging Democratic Norm." Paper presented at the annual convention of the American Political Science Association (August 28-31).

Hayduk, R., and M. Wucker. 2004. "Immigrant Voting Rights Receive More Attention" *Migration Information Source*. Migration Policy Institute, November. Retrieved from <www.migrationinformation.org>.

Howe, P. 2001. "The Sources of Campaign Intemperance." *Policy Options* 22, 1 (January-February).

Lu, V. 2006. "Let Immigrants Vote: Miller," *The Toronto Star*, October 24.

Parkman, F. 1897. "Some of the Reasons Against Woman Suffrage." Reprinted in *Why Women Do Not Want the Ballot.*

Siemiatycki, M. 2006. *The Municipal Franchise and Social Inclusion in Toronto: Policy and Practice*. Toronto: Inclusive Cities Canada.

White, S. et al. 2006. "Making Up for Lost Time. Immigrant Voter Turnout in Canada." *Electoral Insight*. December. Retrieved from <www.elections.ca>.

United Nations, *International Migration 2006 Wall Chart* Prepared by the Population Division.

Young, C. 2005. "If you live in Dublin, you can vote there," *The Toronto Star* (April 10).

Note

[1] See <www.ivotenyc.org>.

TRANSNATIONALS AND SENSE OF BELONGING TO CANADA: WITH GLOWING HEARTS?*

ABSTRACT

This article reviews the research on "sense of belonging" to Canada as a form of societal attachment that is related to social cohesion. Data from the Canadian Ethnic Diversity Survey are presented to answer the question: "Do transnationals have a weaker sense of belonging to Canada than non-transnationals?" Finally, some qualitative data are presented to show what "sense of belonging" means to some transnationals in Canada.

LLOYD WONG

Lloyd Wong is an associate professor of Sociology at the University of Calgary, Canada, and a research affiliate and domain leader at the Prairie Metropolis Centre, also in Canada. His research interests include ethnicity, immigration, transnationalism and citizenship. In 2006, he co-edited (with V. Satzewich) and contributed to the book entitled *Transnational Identities and Practices in Canada*, published by UBC Press.

During the summer of 2001, in the towns of Oldham, Burnley, and Bradford in the north of England, there were major "race" riots that were allegedly the worst in England in more than 20 years. In December 2001, almost three months after 9/11 and shortly before the release of the UK Government-commissioned report on the summer riots, the UK Home Secretary, David Blunkett, urged immigrants and ethnic minorities to develop a "sense of belonging" to Britain. He further elaborated and argued that immigrants who settle in Britain must ensure that future generations grow up "feeling British" (BBC News 2001). When the commissioned report was released, one of the major proposals was that a meaningful concept of citizenship must be established and championed, one that would not only recognize the contributions of all cultures to Britain's development historically but also establish a "clear primary loyalty to this Nation" (Cantle et al. 2001: 20).

It would be extremely difficult to transplant the notion of "feeling British" to the Canadian context and explicate the notion of "feeling Canadian." Moreover, the idea of a civic nation may well be a myth (Yack 1996). However, at the more straightforward social-psychological level of identity, there has been scholarly and policy-oriented research on people's "sense of belonging" for well over a decade in Canada. Arguably, a sense of societal attachment and belonging would be a precursor to, or perhaps part and parcel of, loyalty and allegiance to a nation.

Sense of belonging to Canada

In the mid-1990s, shortly after the creation of the Department of Canadian Heritage in 1993, the Government of Canada partnered with the private research firm EKOS to create the Rethinking Government project. This project was part of the Department's operating environment. It included, among many other things, the key research issue of social cohesion, which included a "sense of belonging" to Canada variable (Canadian Heritage 1999). In 2002, EKOS reported that approximately 80% of Canadians had a strong[1] sense of belonging to Canada and that since 1994 there has been little change in the proportion of Canadians who feel this way (Jenkins 2002). The EKOS findings were corroborated by Statistics Canada's 2003 General Social Survey (GSS), which indicated that 85% of Canadians had a strong[2] sense of belonging to Canada (Schellenberg 2004, 17). In addition, the 2003 GSS provided evidence on the variation of "sense of belonging" by other socio-demographic variables like gender, age, education and income. What is of interest here is the findings for province of residence and immigration status. Only 74% of Quebecers had a strong sense of belonging to Canada and only 70% of those who use the French language at home had a strong sense of belonging to Canada. In contrast, the percentages for all other provinces ranged from the high 80s to the low 90s. With respect to immigration status, 85% of Canadian-born respondents had a strong sense of belonging to Canada, while 91% of immigrants who came to Canada before 1980 had a strong sense of belonging. Further, 88% of immigrants who arrived in Canada between 1980 and 1990 had a strong sense of belonging. Only the more recent immigrants, those who came to Canada between 1990 and 2003, had a strength of sense of belonging to Canada (84%) similar to Canadian-born respondents.

At about the same time as the 2003 GSS was conducted, Canadian Heritage and Statistics Canada conducted the Ethnic Diversity Survey (EDS) in Canada. This survey involved approximately 40,000 respondents. Some of the reported EDS findings on "sense of belonging" to Canada include:

a) 80% of respondents had a strong sense of belonging to Canada[3] (Paquette 2004), and b) those who perceived discrimination were slightly less likely to have a strong sense of belonging to Canada than those who perceived no discrimination (Derouin 2003). In addition to the EDS data on "sense of belonging," there has been other scholarly work that includes individual case studies of North African migrants in Montreal (Fortin 2002) and Hong Kong adolescent immigrants (Chow 2007). In 2007, Ipsos Reid, a private polling firm in Canada, was commissioned by the Dominion Institute to conduct a national online survey on social engagement and attachment to Canada using questions similar to the EDS questions. The results were, not surprisingly, similar to earlier studies. Seventy-nine percent of the general Canadian population had a strong sense of belonging to Canada; this is compared with 81% for first generation Canadians (immigrants) and 88% for second generation Canadians (Ipsos Reid 2007). The most recent survey, commissioned by the Association for Canadian Studies, involves immigrants residing in Toronto, Montreal and Vancouver – Canada's three largest cities. The results from this survey indicated that 87% of the immigrant respondents in all three cities had a strong sense of belonging to Canada. The results by city indicated that Toronto had the greatest proportion of immigrants with a strong sense of belonging (91%), followed by Vancouver (84%) and Montréal (80%). Jack Jedwab, Executive Director of the Association for Canadian Studies, points out that this strong sense of belonging to Canada is a clear counterpoint to the critique of Canadian multiculturalism policy, a critique that suggests the policy undermines newcomers' attachment to Canada (Boswell 2008).

Criticisms of multiculturalism[4] that suggest it facilitates a fragmentation of society and undermines social cohesion are well documented in the literature, some of which dates back to the 1970s. However, as Satzewich (2008: 44-45) has recently pointed out, there is a new twist to the anti-multiculturalism discourse; this new discourse argues that multiculturalism can promote an "unhealthy" transnationalism that undermines Canadian identity and unity. This more nuanced critique shifts the blame for societal fragmentation to the practice of transnationalism.[5] Transnationals by definition have bi-national and perhaps multinational networks and thus multi-local attachments. But does this create for them a "thinner" citizenship within Canada?

Transnationals and sense of belonging to Canada

This new discourse and critique suggests that the practice of transnationalism reinforces non-Canadian values, attitudes and behaviours and thus creates obstacles and barriers to transnationals' active and shared citizenship within Canada. These obstacles and barriers result in segregation and civic isolation and a lesser likelihood that transnationals would have a strong sense of belonging to Canada.

As noted earlier, the literature on "sense of belonging" to Canada clearly indicates that, compared with Canadian-born people, immigrants have just as strong a sense of belonging to Canada – if not stronger (Schellenberg 2004, Ipsos Reid 2007, Boswell 2008). However, the practice of transnationalism is highly variable – thus some immigrants are transnationals and many are not. So the question asked here is "Do transnationals have a weaker sense of belonging to Canada than non-transnationals?" This question is answered here using the data from the EDS data; then some qualitative data from interviews with transnationals in Calgary are presented in order to get a sense of what a "sense of belonging" to Canada means for those who are transnationals.[6]

Transnational practices and identity encompass a multitude of factors, which may include holding dual citizenship, having transnational family and/or business networks, sending goods and money back and forth and travelling back and forth. Transnationalism can be conceptualized simply as the practice of holding official dual citizenship. In this case, recent research has shown that there is virtually no difference in terms of sense of belonging to Canada between those who are dual citizens in Canada and those with single Canadian citizenship (Jedwab 2008: 71). Further, there is also virtually no difference in terms of belonging to mainstream civic organizations between those who are dual citizens and those who hold only single Canadian citizenships (Wong 2008: 93).

Unfortunately, using dual citizenship status as a proxy for transnationalism has some limitations because only a limited number of countries in the world permit dual citizenship status.[7] Using the EDS data set, a transnationalism scale was constructed to provide a more complex measurement of transnationalism. This scale comprises three variables: a) citizenship status, b) family in country of birth and c) travel back to country of origin.[8] This transnationalism scale allows for an assessment, using logistic regression analysis, of the relationship between transnationals and non-transnationals in terms of having a strong sense of belonging to Canada, while controlling for other socio-demographic factors. In addition to including sense of belonging to Canada, this analysis also includes the importance of ethnic identity and the experience of ethnic/racial discrimination. The importance of ethnic identity was added because official multiculturalism policy has been criticized for promoting ethnicity or ethnic nationalism to the detriment of civic nationalism. The experience of ethnic discrimination was added because sense of belonging to Canada is thought to be weaker when discrimination is experienced (Derouin 2003, Standing Committee on Citizenship and Immigration 2003: 15).

Table 1 presents the logistic regression results with the odds ratios for three equations.[9] These results clearly indicate that in terms of sense of belonging to Canada, transnationals are only 0.3%[10] less likely to have a strong sense of belonging than non-transnationals when all the other socio-demographic variables are controlled for or held constant. This difference is not only very slight but also not statistically significant. Thus, there is no relationship whatsoever between the practice of transnationalism and sense of belonging to Canada. What is interesting with these results is that higher education is more directly related to a sense of belonging to Canada. The strongest relationship here is with people with post-graduate degrees, people who are 28.6%[11] less likely to have a strong sense of belonging to Canada than those without post-graduate

Table 1
Logistic regression of "sense of belonging to Canada," "importance of ethnic/cultural identity," and "experienced ethnic/racial discrimination" on transnationalism and other socio-demographic variables[1]

Independent variables	Sense of belonging to Canada	Importance of ethnic/ cultural identity	Experienced ethnic/ racial discrimination
Transnationalism (transnational = 1)	.977	.955	1.661***
Socio-demographic variables			
Gender (female = 1)	1.173***	1.226***	.732***
Marital status (married =1)	1.056	1.052	.824**
Age	1.027***	1.022***	.981***
Income	1.017	1.010	.983
Children (yes = 1)	1.005	1.080	1.282***
Completed school in Canada	.750***	1.142*	.485***
Level of education			
High school	.977	1.099	1.104
Some post-secondary	.943	1.023	1.718***
College	.846**	1.006	1.648***
Bachelor's	.802**	.993	1.813***
Post-graduate	.714***	.907	1.831***
N	**42476**	**42476**	**42476**

[1] 2002 Ethnic Diversity Survey – Bootstrapped. *=p>.05, ** = p>.01, *** = p>.001

degrees. The other two regression equations are revealing. Similar to the non-relationship between transnationalism and sense of belonging to Canada, there is no relationship between transnationalism and the importance of ethnic identity. That is, transnationals are no different from non-transnationals in terms of the importance they put on having a strong ethnic identity.

However, transnationalism is strongly related to the experience of ethnic/racial discrimination. That is, transnationals are 66.1% more likely to experience discrimination than non-transnationals. This finding is quite remarkable when compared with the finding related to transnationalism and sense of belonging and earlier findings by Derouin (2003), who found that, generally, those who perceive discrimination are slightly less likely to have a strong sense of belonging to Canada than those who perceive no discrimination. In this case, transnationals, despite their greater experience of ethnic/racial discrimination compared with non-transnationals, are just as likely as non-transnationals to have a strong sense of belonging to Canada.

What does "sense of belonging" to Canada mean for transnationals? In the 40 interviews conducted, transnationals were asked about their sense of belonging to Calgary, Alberta and Canada; it was found that the strongest sense of belonging was to Canada as a whole. Less than one quarter of respondents did not feel a sense of belonging to Canada; they tended to be the younger respondents. Of those who felt a strong sense of belonging to Canada, many mentioned that Canada's international image is what they felt most attached to. Other sentiments included Canada being beautiful, safe and an international role model for what countries ought to aim for. A few respondents also mentioned wanting to take Canadian values and practices back to their country of origin to improve the situation there. The following five brief quotes reflect the breadth of some of the answers to the question "What is your sense of belonging to Canada?"[12]

Canada is a nice country. And uh, I'm so, so happy. And uh, and uh, proud to be in Canada and I-I proud also hope to be, I hope to be a Canadian and make relationship between Canada and, and Africa because they, they have the Africans and they accept Darfurian and here, I met, I saw many, many African people. So it is nice. (Mr. V. – male Sudanese)

Well, uh, we've had a lot of really good Canadian friends before we moved, so I have a very good id-uh, uhhh, how do you call it…um, impression of Canada even before moving to Canada I think….Canada can be a model for having a, a living in a more diverse, welcoming, inclusive society. Although, despite its challenges right. Canada although has a lot of uh, it still has, uh, denials about its past, so that's why sometimes it can't deal with its future, right, around excluding other people from the mainstream of society, so…right. (Mr. W. – male Filipino)

Oooo…Canada is my second home. My home can't replace, some of the things I learned about Canada cannot replace it, cannot. I miss Canada just as much as I miss home. When I'm in one I think of the other, and when I'm in the other….(Mr. X. – male African American)

Yeah, I like Canada, when, when you compare Canada with Europe or the US, I like Canada. I don't like the US much. And, compared to uh, UK, somewhere like UK, it's more traditional type, its uh, but, I think it is a free and fair like, place. And, no dis – so far we haven't seen any discrimination. (Ms. Y. – female Sri Lankan)

Yeah, I feel very, very strongly about Canada and, and what, you know as, as a nation. It's everything that Canada stands for, you know like, you know every nation has an identity, it takes years and years to

> build, you know versus the United States, it's a, it's a different nation….It doesn't matter, it just, you know, years and years of policy…things like that, right. (Mr. Z. – male Chinese)

As the above summary and quotes indicate, sense of societal belonging to Canada for transnationals is extremely varied. Overall, however, most of the interviewees had positive feelings and some sense of pride.

In conclusion, the data from the EDS indicate that transnationals have just as strong a sense of belonging to Canada as non-transnationals. The practice of transnationalism does not undermine societal attachment or sense of belonging. Some of the earlier research suggests that it is more likely ethnicity and religion (Schellenberg 2004), rather than transnationalism per se, that is more likely to affect people's sense of belonging to Canada. Moreover, as the interview data indicate, the notion of what a "sense of belonging to Canada" really means to transnationals is quite varied and impossible to pinpoint. Nonetheless, people's descriptions of it portray, overall, a genuine warmth.

References

BBC News. 2001. "Immigrants 'Should Try to Feel British.'" BBC News World Edition, December 9, 2001. Retrieved on June 26, 2008 from <http://news.bbc.co.uk/2/hi/uk_news/politics/1699847.stm>.

Boswell. R. 2008. "Canadian Immigrants Show Sense of Belonging: Poll." *The Vancouver Sun*, June 30, 2008. Retrieved on June 30, 2008 from <www.canada.com/vancouversun/story.html?id=f7bf5219-fa5c-490b-b7b1-c31fa305e7fb>.

Canada. Canadian Heritage. 1999. *Publications: Section II: Departmental Overview, Operating Environment*. Retrieved on June 26, 2008, from <www.pch.gc.ca/pc-ch/mindep/perf/98-99/chpr/3_e.cfm#4>.

Cantle, T., and Community Cohesion Review Team. 2001. *Community Cohesion: A Report of the Independent Review Team Chaired by Ted Cantle*. London: Home Office.

Chow, H. 2007. "Sense of Belonging and Life Satisfaction among Hong Kong Adolescent Immigrants in Canada." *Journal of Ethnic and Migration Studies* 33, 3 (April), p. 511-520.

Derouin, J. 2003. "The Ethnic Diversity Survey: Social Capital and Discrimination." Presentation at the *Measuring Social Capital, Immigration and Ethnic Diversity* Conference, Montreal, Canada (November 23-25). Retrieved on June 30, 2008 from <www.policyresearch.gc.ca/doclib/OECD_Jodey Dreouin_E.pdf>.

Fortin, S. 2002. "Social Ties and Settlement Processes: French and North African Migrants in Montreal." *Canadian Ethnic Studies* 34, 3, p. 76-98.

Ipsos Reid. 2007. *Becoming Canadian: Social Engagement and Attachment to Canada Among First and Second Generation Canadians – A New Study Conducted to Launch the 8th Annual LaFontaine-Baldwin Symposium* (March 2). Retrieved on June 29, 2008 from <www.lafontaine-baldwin.com/intergenerationimmigrantstudydominioninstituteipsosreid-3.pdf>.

Jedwab, J. "Dually Divided? The Risks of Linking Debates Over Citizenship to Attachment to Canada." *International Journal* LXIII.1 (Winter 2007-08), p. 65-77.

Jenkins, R. 2002. "EKOS Data Sources on Political Participation: Syndicated Products." Presentation at the *Bringing Worlds Together: The Study of Political Participation of Women in Canada and Lessons for Research on Newcomers and Minority Political Participation* – Seminar, Ottawa, Canada, March 22-24. Retrieved on June 29, 2008 from <http://canada.metropolis.net/EVENTS/Political%20Participation/AGENDA_e.htm>.

Paquette, J. 2004. "Canada's Multicultural Reality: Diversity in Canada." Presentation at the *Serving Canada's Multicultural Population: Practical Approaches for Public Servants* workshop, Ottawa, Canada, April 14-15. Retrieved on June 29, 2008 from <www.canadianheritage.gc.ca/progs/multi/spmc-scmp/conference/summary_e.cfm>.

Renshon, S. 2001. *Dual Citizenship and American National Identity*. Washington DC: Center for Immigration Studies.

Satzewich, V. 2007. "Multiculturalism, Transnationalism, and the Hijacking of Canadian Foreign Policy." *International Journal* LXIII, 1 (winter 2007-2008), p. 43-39.

Standing Committee on Citizenship and Immigration. 2003. *Settlement and Integration: A Sense of Belonging*. Report of the Standing Committee on Citizenship and Immigration, June 2003. Retrieved on June 26, 2008 from <http://cmte.parl.gc.ca/Content/HOC/committee/372/cimm/reports/rp1032308/cimmrp05-e.htm>.

Schellenberg, G. 2004. "Perceptions of Canadians: A Sense of Belonging, Confidence and Trust." *Canadian Social Trends*, Statistics Canada-Catalogue No. 11-008 (winter), p. 16-21.

Wong, L. 2007. "Transnationalism, Active Citizenship, and Belonging in Canada" *International Journal* LXIII, 1 (winter) 2007-2008, p. 79-99.

Yack, B. 1996. "The Myth of the Civic Nation" *Critical Review* 10, 2, p. 191-211.

Notes

* This research was made possible through funding from SSHRC and Canadian Heritage's Multiculturalism Issues in Canada Program.

[1] Measured as "somewhat to intense sense of belonging" (5, 6, 7 on a 7-point scale).

[2] Measured as "somewhat strong or very strong sense of belonging."

[3] Measured as 4, 5 on a 5-point scale.

[4] These criticisms encompass conceptualizing multiculturalism as an ethos, philosophy, policy and practice.

[5] Transnationalism is conceptualized broadly here as including the specific identities and practices of ethnocultural groups and/or immigrants that transcend national borders.

[6] A total of 40 interviews were conducted with transnationals in Calgary in the summer of 2007.

[7] Approximately 90 countries in the world allow dual citizenship. See Renshon (2001: 45).

[8] Each of these variables was dichotomized for inclusion in the scale. "Citizenship status" was divided between those individuals holding single Canadian citizenship and those holding dual citizenship (Canada plus one or two other countries). "Family in country of birth" was divided between those with family members still living in the country of birth and those without. "Travel back to country of origin" was divided between those individuals who have made at least one return trip back and those who had not. The Cronbach's alpha for these three items was .82.

[9] An odds ratio = 1.00 would mean that the independent variable (transnationalism) has no effect on the dependent variable (sense of belonging to Canada). In other words, the likelihood of the dependent variable (sense of belonging) is equal between the groups, or categories, for the independent variables (i.e., transnationals and non-transnationals). An odds ratio of less than 1.00 means less likelihood and an odds ratio of greater than 1.00 means greater likelihood.

[10] The partial odds ratio = 0.997; thus, 1.00 minus 0.997 = 0.003 x 100 = 0.3%.

[11] The partial odds ratio = 0.714; thus, 1.00 minus 0.714 = 0.286 x 100 = 28.6%.

[12] When some of interviewees asked for an explanation of "sense of belonging," the interviewer explained that for some people it meant attachment, pride, loyalty, honour, or some or all of these things.

Yes I would like to subscribe to ACS publications

√ **Oui** J'aimerais m'abonner aux publications de l'AEC

RECEIVE All new issues of ***Canadian Issues*** and ***Canadian Diversity***
RECEVEZ Tous les nouveaux numéros de ***Thèmes canadiens*** et de ***Diversité canadienne***

AND AUTOMATICALLY BECOME A MEMBER OF
ET DEVENEZ AUTOMATIQUEMENT UN MEMBRE DE

ACS • AEC
www.acs-aec.ca

Name / Nom _____

_____

Address / Adresse

_____

_____

City / Ville _____

Province _____

Postal Code / Code postal _____

Country / Pays _____

Phone / Téléphone _____

Payment / Paiement

Send with / Envoyer avec

☐ Check / Chèque
☐ Visa credit card / Carte de crédit visa

Visa Card no. / No de la carte visa :

_____

Exp. Date / Date d'expiration _____

Membership Fees / Frais d'adhésion

Magazine shipping included / Envoi postal des revues compris

	Canada	USA / États-Unis	International / International
Regular – 1 year/ Régulier – 1 an	$ 55	$ 90	$ 125
Regular – 2 years / Régulier – 2 ans	$ 100	$ 170	$ 240
Institutional / institutionnel	$ 90	$ 125	$ 160
Student or Retired / Étudiant ou retraité	$ 25	$ 60	$ 95

Please send form to:

Association for Canadian Studies
1822-A Sherbrooke W
Montreal, QC, H3H 1E4
By fax: (514) 925-3095

Envoyer formulaire à:

Association d'études canadiennes
1822-A, rue Sherbrooke O
Montréal, QC, H3H 1E4
Par télécopieur : (514) 925-3095

The Largest Canadian-Owned Polling and Marketing Research Firm

Excellence

Expertise

Efficiency

A superior market research quality with an exceptional customer service and a rapid turnaround time

Leger MARKETING










MIGRATION AND MOBILITY

14TH INTERNATIONAL METROPOLIS CONFERENCE

Copenhagen, 14 - 18 September 2009

NATIONAL RESPONSES TO CULTURAL DIVERSITY

METROPOLIS

Copenhagen - Denmark