

Citizenship and Nationhood in France and Germany

WILLIAM ROGERS BRUBAKER

Submitted in partial fulfillment of the
requirements for the degree
of Doctor of Philosophy
in the Graduate School of Arts and Sciences

COLUMBIA UNIVERSITY

1990

Introduction

A state is a compound made up of citizens; and this compels us to consider who should properly be called a citizen and what a citizen really is. The nature of citizenship, like that of the state, is a question which is often disputed : there is no general agreement on a single definition : the man who is a citizen in a democracy is often not one in an oligarchy.¹

Aristotle, Politics

Immigration of unprecedented magnitude and diversity has posed a fundamental challenge to the nation-states of northwestern Europe.² It has compelled these countries to reinterpret traditions, reshape institutions, and rethink the meaning of citizenship and membership. The taken-for-granted link between citizenship and nationhood, axiomatic to politics in the nation-state, has become problematic—both for those contesting it in the name of a post-national multiculturalism and for those reaffirming it in the name of a new nationalism. National identity has been revived as a political theme, nativism—expressed

¹ Aristotle, Politics, p. 93.

² Industrialization in Europe as elsewhere was accompanied by massive migrations, in many instances across state boundaries (Cross, Immigrant Workers in Industrial France, pp. 18-44; Herbert, Geschichte der Ausländerbeschäftigung, pp. 15-70; Bade, “‘Kulturkampf’ auf dem Arbeitsmarkt,” “‘Preussengänger’ und ‘Abwehrpolitik,’” “Politik und Ökonomie der Ausländerbeschäftigung,” and “Vom Auswanderungsland zum ‘Arbeitseinfuhrland’”; Dohse, Ausländische Arbeiter und bürgerlicher Staat, Chapter 2; Castles and Kosack, Immigrant Workers and Class Structure, pp. 15-25; Noiriél, Le creuset français, pp. 297ff). Thus while no European country is a “classical” country of immigration, in the sense that none understands itself as having been demographically or culturally formed through immigration, Europe has considerable historical experience with international labor migration, much of it leading to settlement. Yet in the last quarter-century, Europe has experienced a “new immigration”—to borrow the expression used to describe the surge in Southern and Eastern European immigration to the United States in the late nineteenth century—larger and much more diverse than previous waves of immigration.

in such slogans as “France for the French” or “Germany for the Germans”—as a political program.

This study addresses in historical and comparative perspective one aspect of the new politics of citizenship and nationhood. Its point of departure is a sharp contrast between the policies and politics of citizenship of the two major nation-states of continental Europe. While birth and subsequent residence in France automatically transform second-generation immigrants into citizens, birth in the Federal Republic of Germany has no bearing on German citizenship. The French citizenry is defined expansively, as a territorial community, the German citizenry restrictively,³ as a community of descent. Naturalization policies, moreover, are more liberal in France than in Germany, and naturalization rates are four to five times higher. The overall rate of civic incorporation for immigrants is ten times higher in France than in Germany.⁴

This difference in the civic incorporation of immigrants—striking in view of the comparable immigrant populations and similar immigration policies in the two countries—has been neglected in the burgeoning literature on postwar European immigration and its economic, cultural, and political consequences.⁵ This study seeks to redress this neglect—

³ Restrictively *vis-à-vis* non-German immigrants, although expansively *vis-à-vis* resettlers from East Germany and ethnic German immigrants from Eastern Europe and the Soviet Union. On the latter, see Chapter 9, pp. 360-364.

⁴ See Chapter 4, pp. 154-162. By “immigrants” I mean labor migrants and their families—chiefly Italians, Spanish, Portuguese, Algerians, Tunisians, and Moroccans in France, and Italians, Spanish, Greeks, Yugoslavs, and Turks in Germany.

⁵ Since the late 1970s, there has emerged a concern with substantive citizenship in the literature on European immigration, but formal citizenship has been neglected until much more recently—except in Britain, where revision of citizenship law was a central issue in the 1970s. (On the distinction between formal and substantive citizenship, and on the neglect of the latter in political sociology, see pp. 35-38 below.) On substantive citizenship, see the pioneering comparative dissertations by Miller, “The Problem of Foreign Worker Participation” (later published in book form as Foreign Workers in Western Europe: An Emerging Political Force); and Schmitter, “Immigration and Citizenship in West Germany and Switzerland.” See also de Wenden, “Les immigrés dans la cité” and Citoyenneté, nationalité et immigration; the essays in International Migration Review 19 (3), 1985 (a special issue on “Civil Rights and the Sociopolitical Participation of Migrants”); the works cited in n. 24 on the exclusion of

and the more general neglect of formal citizenship by political sociology. Taking a cue from Aristotle, it addresses two clusters of questions. First, *what is citizenship*? How can one characterize this formal-legal institution in sociological terms? And how is the development of citizenship related to the development of the modern nation-state? Second, *who is a citizen*? Why is the immigrant who would be a citizen in France defined as a foreigner in Germany? What accounts for the expansiveness of French and the restrictiveness of German citizenship *vis-à-vis* immigrants?

Part One examines the institution of citizenship. Characterizing citizenship as an instrument and object of social closure, and examining key moments and aspects of its developmental history, it analyzes the emergence of citizenship as an essential component of the administrative infrastructure and political culture of the modern nation-state. Part Two examines the bounds of the citizenry, treating legal definitions of citizenship as expressions of deeply rooted cultural and political conceptions of nationhood. Analyzing the formative moments in the shaping and reshaping of citizenship law in France and Germany, it argues that the expansive French politics of citizenship *vis-à-vis* immigrants reflects a state-centered, assimilationist, essentially political national self-understanding, while the restrictive German politics reflects an ethnocultural understanding of nationhood as prior to and independent of the state.

immigrants from political participation; and the large literature on the question of local voting rights for migrants (see the works cited in n. 82 to Chapter 9).

To the extent that the literature on immigration did address formal citizenship, it was usually only to describe legal rules or report naturalization rates. Only in the last few years has a broader interest in the political and cultural dimensions of citizenship and naturalization developed—chiefly in France, no doubt because formal citizenship became a salient and fiercely contested issue in the mid-1980s there. See Costa-Lascoux, “Nationaux, mais pas vraiment citoyens”; Sayad, “La naturalisation”; Lochak, “Etrangers et citoyens”; Balibar, “Propositions sur la citoyenneté”; Krulic, “L’immigration et l’identité de la France”; Pinto, “Immigration : l’ambiguïté de la référence américaine.” For Germany, see Hoffmann, “Bürgerrechte für Nichtdeutsche.” For the United States, see Shuck and Smith, Citizenship without Consent. For a broader comparative perspective, see Brubaker, ed., Immigration and the Politics of Citizenship in Europe and North America; and Hammar, Democracy and the Nation-State.

Immigration has posed challenges to the nation-state throughout northwestern Europe and North America.⁶ The Introduction begins by evoking this challenge in general terms. Constructing an ideal-typical model of nation-state membership, it highlights the several respects in which the membership status of today's immigrants is politically anomalous—not only in France and Germany, but elsewhere in Western Europe and in North America as well. Next, in order to show that the common challenge to the nation-state has elicited diverse responses, informed by, and best understood in the context of, distinctive traditions of citizenship and nationhood, it provides capsule sketches of traditions of nationhood and the politics of citizenship in France, Germany, Sweden, Britain, Switzerland, the United States, and Canada.

Having characterized the wider European and North American context, the Introduction focuses on France and Germany. It sketches the thoroughgoing similarity in the social, economic, and political position of immigrants and in the immigration policies in the two countries, for it is in the context of these similarities that the strikingly different citizenship policies pose an intellectual—and political—problem. The Introduction notes the neglect of this problem in the literature on immigration, and attributes this to the small importance of formal citizenship as a determinant of life chances.⁷ It attributes the more general neglect of formal citizenship by political sociology—curious in view of its central concern with civic incorporation—to the territorial bias of sociological accounts of the state and to the endogenous or domestic bias of sociological discussions of citizenship.

⁶ If Europe has experienced a “new immigration” in the last quarter-century, Canada and the United States have experienced a “new ‘new immigration,’” with immigration falling off steeply from Europe and rising sharply from Asia and Latin America (see Reimers, Still the Golden Door).

⁷ It is the marginal value of citizenship as a determinant of life chances, not its absolute value, that is at issue here. To a complete outsider, for example, citizenship may be of very high value indeed, yet permanent resident alien status might be almost as valuable. The significance of citizenship as such, over and above permanent resident status, is relatively small. See Schuck, “Membership in the Liberal Polity”; Brubaker, “Membership without Citizenship”; and pp. 31-32 and 388-392 below.

The second and larger part of the study argues that distinctive traditions of nationhood—grounded in differing historical paths to the nation-state, embodied in distinctive ways of thinking and talking about nationhood, and activated at particular historical conjunctures—have informed, and continue to inform, the politics of citizenship vis-à-vis immigrants in France and Germany. The final sections of the introduction lay the groundwork for this argument by providing a comparative historical analysis of the genesis and consolidation of these distinctive traditions of nationhood.

THE CHALLENGE TO THE NATION-STATE⁸

In the age of the nation-state, the politics of citizenship is also a politics of nationhood. This was true in 1789, when the nation-state and national citizenship were invented.⁹ It was true in 1889, when French Republicans, confident of the assimilationist powers of the newly Republicanized and “nationalized” institutions of school and army, revised citizenship law so as to transform second generation immigrants into Frenchmen.¹⁰ And it was true in 1989, when 720,000 East Germans and ethnic Germans from eastern Europe and the Soviet Union emigrated to West Germany, where the former are recognized as “German citizens” and the latter as “Germans,” with all the rights and duties of citizens, while 1.4 million Turkish immigrants, nearly a million of whom have lived more than ten

⁸ This section (pp. 5-26) draws on and amplifies material that has appeared in the Introduction to Immigration and the Politics of Citizenship, pp. 3-13 and in “Traditions of Nationhood and Politics of Citizenship.”

⁹ See Chapter 2, esp. pp. 106-113.

¹⁰ See Chapter 6, esp. pp. 242-254.

years in Germany and 400,000 of whom were born there, remain outside the community of citizens.¹¹

Debates about citizenship, then, are debates about nationhood—about what it means, and what it ought to mean, to belong to a nation-state. As an institutional and social-psychological reality, the nation-state is a distinctive way of organizing and experiencing political and social membership. But the nation-state is also an idea—and an ideal : it is a distinctive way of characterizing and evaluating political and social membership. As an ideal-typical model of membership, the nation-state can be characterized in terms of six membership norms. According to this model, membership of the nation-state should be egalitarian, sacred, national, democratic, unique, and socially consequential.¹² Inherited from the classical age of the European nation-state, these norms

¹¹ See Chapter 9.

¹² This schema corresponds in certain respects to T. H. Marshall's distinction of civil, political, and social components of citizenship (Citizenship and Social Class, pp. 10f). The norm of egalitarian membership corresponds to the civil element, that of democratic membership to the political element, and that of socially consequential membership to the social element in Marshall's model. Yet the substantive overlap is only partial. To the norms of sacred, national, and unique membership corresponds nothing in Marshall's schema.

This partial correspondence is explained by historical considerations. Marshall analyzed the specifically English form of a general European (and later global) process—the development of the civil, political, and social rights constitutive of nationwide citizenship. While his analysis was tailored in detail to English peculiarity—and has recently been criticized for its Anglocentrism (Mann, “Ruling Class Strategies and Citizenship”)—his basic threefold distinction was modelled on the general European experience; hence the fruitful use of his schema outside the English setting : see Bendix, Nation-Building and Citizenship; Schmid, “Social Class, Race, and the Extension of Citizenship”; Schmitter, “Immigration and Citizenship in West Germany and Switzerland”; Parsons, “Full Citizenship for the Negro American?”; and Turner, Citizenship and Capitalism. Given the integral connection, in Europe and elsewhere, between the development and institutionalization of civil, political, and social rights and the construction of nation-statehood, the overlap between Marshall's model of citizenship and the model of nation-state membership sketched here should come as no surprise.

Nor should the incompleteness of the overlap. For the construction of citizenship in England, the basis for Marshall's model, took a peculiar form—peculiarity grounded in the geopolitical position of England, in the early coincidence of state authority and national community, in the celebrated gradualism of political development, in a continuous imperial tradition, and in the supra-national character of Great Britain. England may have been the first national state, but France was the first and has remained the paradigmatic nation-state; neither England nor Britain ever became a nation-state *à la française*. The construction of citizenship in England occurred in the context of a taken-for-granted national community

[note continues on next page]

continue to inform political discourse about nationality, citizenship, immigration, military service, the welfare state, patriotism, national identity, and other subjects bearing on membership. In sketching these norms, I do not mean to endorse them. I want simply to characterize the backdrop of taken-for-granted ideas and ideals against which the politics of immigration and citizenship unfolds today.

Membership of the nation-state, according to the ideal-typical model, should be egalitarian. There should be a status of full membership, and no other (except in the transitional cases of children and persons awaiting naturalization). Basic and enduring gradations of membership status are inadmissible. This norm derives, most immediately, from the French Revolution, which opposed a unitary, unmediated, undifferentiated, and therefore (formally) egalitarian conception of state-membership to the plural, differentiated, essentially inegalitarian ancien-régime notion of state-membership as mediated by corporate bodies.¹³

Second, membership should be sacred. Citizens must make sacrifices—etymologically, perform “sacred acts”—for the state. They must be prepared to die for it if

and thus was not bound up, as it was on the continent, with the ideologically charged, contestatory construction of nation-statehood. Norms of membership linked specifically to the contestatory construction of nation-statehood—i.e. the principles of sacredness, uniqueness, and nationality—did not figure in the British experience and do not figure in Marshall’s model.

For other general discussions of citizenship and membership, see Gallissot, “Nationalité et citoyenneté”; Balibar, “Propositions sur la citoyenneté”; Leca, “Questions sur la citoyenneté”; Riedel, “Bürger, Staatsbürger, Bürgertum”; Salmond, “Citizenship and Allegiance”; Walzer, *Spheres of Justice*, Chapter 2 and “The Problem of Citizenship”; Lochak, “Etrangers et citoyens.” And for general discussions of the nation-state with some bearing on questions of citizenship and membership, see Sayad, “Etat, nation, et immigration”; Beetham, “The Future of the Nation-State”; Zolberg, “International Migration in Political Perspective”; Young, *Politics of Cultural Pluralism*, pp. 70-73; Gellner, *Nations and Nationalism*, pp. 1-7 and 53-38.

¹³ The principle of unitary citizenship, to be sure, far outstripped revolutionary practice, to which distinctions of class and gender were crucial. This does not vitiate the significance of the principle, the central place of which in the myth and mystique of the Revolution helped later to undermine the legitimacy of such distinctions.

need be.¹⁴ Profane attitudes toward membership, involving calculations of personal advantage, are profoundly inappropriate. The sacralization of social and political membership, to be sure, long antedates the French Revolution. But the modern democratic, national, and (paradoxical though it may seem) secular understanding of the sacredness of social and political membership, like the modern understanding of state-membership as essentially egalitarian, dates from the French Revolution.¹⁵

Third, state-membership should be based on nation-membership. The political community should be simultaneously a cultural community, a community of language, mores, and character.¹⁶ Only thus can a nation-state be a nation's state, the legitimate representative and the authentic expression of the nation. Those aspiring to membership of the state must be or become members of the nation. If not (presumptively) acquired through birth and upbringing, such nation-membership must be earned through assimilation.¹⁷ This norm, unlike the egalitarian and sacralizing components of the nation-state model, derives not from the French Revolution directly but from the nineteenth-century national movements it helped set in motion.

Fourth, membership should be democratic. Full membership should carry with it significant participation in the business of rule. And membership itself should be open :

¹⁴ Walzer, "The Obligation to Die for the State"; Contamine, "Mourir pour la patrie."

¹⁵ The Revolution inaugurated a new style of political sacralization. The nation-state that was invented during the Revolution (and thereafter universalized as a mode of political and social organization) simultaneously emancipated itself from and incorporated the sacred. Asserting full autonomy from the sacred as a transcendent, external source of legitimation, it nonetheless appropriated religious emotion, transforming sacredness into an immanent source of legitimation. See Durkheim, The Elementary Forms of the Religious Life, pp. 244-245.

¹⁶ To be sure, this cultural community is conceived and constructed differently in France than in Germany or—to take a very different example—in the United States. See pp. 13-26 below.

¹⁷ The requirement of assimilation to the ethnocultural community, of course, is open to widely differing interpretations. The relevant arenas of assimilation, as well as threshold of assimilation required in a given arena, may vary considerably.

since a population of long-term resident non-members violates democratic understandings of membership, the state must provide some means for resident non-members to become members. Over the long run, residence and membership must roughly coincide.¹⁸ Like the national idea, the democratic idea derives indirectly from the French Revolution and directly from the democratic movements of the nineteenth century.

Fifth, state-membership should be unique, i.e. exhaustive and mutually exclusive. Every person should belong to one and only one state. The orderliness of interstate relations requires that this norm be at least approximately realized in a world that is “filled up” with states, each of which claims a fraction of the human population as its own, for which it has special responsibility and on which it can make special demands. Statelessness, as Hannah Arendt has shown with particular poignancy, can be catastrophic in a world in which even so-called human rights are enforceable for the most part only by particular states.¹⁹ And dual (or multiple) citizenship has long been considered undesirable for states and individuals alike. There are legal techniques for regulating and mitigating the conflicts, inconveniences, and ambiguities it occasions, but these cannot solve the central political problem of dual citizenship—that of divided allegiance.²⁰

¹⁸ See Brubaker, “Membership without Citizenship,” p. 145.

¹⁹ Arendt, Origins of Totalitarianism, pp. 290-302.

²⁰ The modern notion of allegiance derives from the feudal notion of liege fealty, meaning unconditional or absolute fealty. “There is nothing in feudal theory or practice to prevent a man from having more lords than one. In such a case he owes fealty to both... But he can owe liege fealty (*ligeantia*) to one only. He can have two lords, but not two liege lords. This was a fundamental maxim of feudalism... The fealty which he owes to one of them is not unqualified; it is subject always to the claim of him who is not only his lord, but his liege lord—of him to whom he owes not merely fealty but allegiance. If enmity and war shall arise between two lords, he who is in the faith of each must adhere to him in whose liegeance he is” (Salmond, “Citizenship and Allegiance, p. 51).

The “complete elimination of statelessness and dual nationality” was explicitly proclaimed as a goal in the Preamble to the 1930 League of Nations Convention of The Hague. International co-operation has in fact succeeded in reducing the incidence of statelessness. Efforts to curb dual nationality have been much less successful, although the repeated efforts themselves indicate that dual membership remains anomalous.

Lastly, membership should be socially consequential; it should be expressed in a community of well-being. Membership should entail important privileges. Together with the sacralized duties mentioned above, these should define a status clearly and significantly distinguished from that of non-members.²¹ Membership should be objectively valuable and subjectively valued, prizeworthy and actually prized.

ANOMALIES OF MEMBERSHIP

This model of membership is strikingly out of phase with contemporary realities of state-membership. Conspicuous deviations from the model occur quite independently of immigration. The desacralization of state-membership, for example, has more to do with the emotional remoteness of the bureaucratic welfare state and the obsolescence of the citizen army in the nuclear age than it does with immigration and occasional naturalizations of convenience.²² And if citizenship today is not very robustly democratic, this has more to do with the highly attenuated participation of most citizens in the exercise of sovereignty than with the exclusion of non-citizens from the franchise.²³

²¹ This principle is clearly enunciated by Rousseau. How, he asks rhetorically, can citizens be expected to love their country, "if their country is no more to them than it is to foreigners, if it grants to citizens only what it can refuse to nobody?" ("De l'économie politique," p. 252). The principle takes on special importance, however, only with the development of the welfare state and the proliferation of state-provided benefits that can be withheld from non-members. In principle, welfare states are closed systems, presupposing "boundaries that distinguish those who are members of a community from those who are not" (Freeman, "Migration and the Political Economy of the Welfare State," p. 52; see also Walzer, Spheres of Justice, p. 31). In the theory of the welfare state, these boundaries are drawn between citizens and non-citizens; in practice, however, they are drawn elsewhere (Brubaker, "Membership without Citizenship," pp. 155f).

²² On the emotional remoteness of the modern state, see Walzer, "Problem of Citizenship," p. 204; Kelly, "Who Needs a Theory of Citizenship," p. 22; and Schnapper, "La 'France Plurielle'?" pp. 223-4. On the obsolescence of the citizen army, see van Doorn, "The Decline of the Mass Army in the West."

²³ Rousseau, Social Contract III, 1 (p. 80); Walzer, "The Problem of Citizenship," pp. 213-214.

Still, the postwar immigration has accentuated existing deviations from the nation-state model and generated new ones. These include the proliferation of statuses of partial membership; the declining value of citizenship; the desacralization of membership through the calculating exploitation of the material advantages it confers; the increasing demands for, and instances of, full membership of the state without membership of the cultural nation; the soaring numbers of persons with dual citizenship; and the exclusion of large numbers of long-term residents from the franchise. These trends in the organization of membership deviate from every component of the nation-state model; and all arise from the unexpected development of post-war immigration to northwestern Europe.²⁴

Unexpected : for the settlers of today were the sojourners of yesterday—temporary labor migrants, segregated from and invisible to the surrounding society, existing (for the host society) only in the sphere of work. By definition, neither strictly temporary labor migration nor unambiguous and accepted immigration for purposes of permanent settlement

²⁴ For an alternative approach to international migration as a “deviance from the prevailing norm of social organization at the world level,” a norm expressed in the “model of society as a territorially based, self-reproducing cultural and political system, whose human population is assumed, tacitly or explicitly, to renew itself endogenously,” see Zolberg, “International Migration in Political Perspective,” p. 6. For an overstated yet suggestive argument that immigration contradicts the constitutive categories of the modern social and political world, see Sayad, “Etat, nation et immigration,” p. 190. On partial membership, see Brubaker, “Introduction,” pp. 16-20, and “Membership without Citizenship,” esp. pp. 160-162; and Hammar, Democracy and the Nation-State. On the declining value of citizenship, see Shuck, “Membership in the Liberal Polity.” On the desacralization of citizenship, see Sayad, “Naturalisation,” II, pp. 28ff; and Chapter 8, pp. 319-326 below. On the instrumental use of American citizenship law, see Shuck and Smith, Citizenship without Consent, pp. 95, 109-112. On the fraudulent exploitation of citizenship law to gain immigration status in France, see Etre Français aujourd’hui et demain, II, pp. 73ff. On dual citizenship, see Hammar, “State, Nation, and Dual Citizenship”; Brubaker, “Citizenship and Naturalization,” pp. 115-117; Costa-Lascoux, “Intégration et nationalité,” pp. 108-116. For extended legal analyses of dual citizenship, see Darras, La double nationalité; and Kamman, Probleme mehrfacher Staatsangehörigkeit. On exclusion from political participation, see Oriol, Les immigrés : métèques ou citoyens?, pp. 138-143, 149-151; Balibar, “Sujets ou citoyens?”; Benoit, “Les droits politiques aux immigrés”; and “Les droits politiques des immigrés” (Compte rendu du Colloque des 5 et 6 décembre 1981). See also the works cited in n. 5 above on substantive citizenship. On the emergence of a multicultural, post-national citizenry, see the alarmist article featured in the Figaro Magazine of October 26, 1985 : “Serons-nous encore français dans 30 ans?” by Jean Raspail; Minces, “Le piège de la société multiculturelle.” For French analyses generally sympathetic to the emergence of a multicultural society, see the works cited in Chapter 8, n. 65 (p. 327).

poses insuperable problems of membership. But the gradual transformation of sojourners into settlers, only partially and belatedly acknowledged both by immigrants and the receiving country, generates complex and delicate problems of membership.²⁵

The membership status of these migrants-turned-immigrants has developed in an *ad hoc* fashion with the piecemeal administrative, legislative, and judicial acknowledgement of their potentially permanent status.²⁶ This process of piecemeal inclusion contrasts with the “total” transformation effected by naturalization. Paradoxically, the further this process of piecemeal inclusion has gone, the weaker the incentive to naturalize. *Ad hoc* enlargements of migrants’ rights may thus obstruct rather than clear the path to full membership, trapping large numbers of migrants-turned-immigrants in an intermediate status, carrying with it many of the privileges and obligations of full membership but excluding two of the most important, symbolically and practically : the right to vote and the duty of military service.

The immigration was unexpected, too, in its volume, which peaked at very high rates in 1968-72, and in its provenance, with the 1950s immigrants from neighboring countries giving way to their geographically and culturally more distant successors of the late 1960s and early 1970s (and to the third world refugees of the late 1970s and early 1980s).²⁷ Given the norms of membership sketched above, the triply unexpected quality

²⁵ On the settlement process, see Piore, *Birds of Passage*, pp. 59ff. On problems of membership see Walzer, *Spheres of Justice*, Chapter 2; Brubaker, “Introduction,” pp. 14-22; Carens, “Membership and Morality.”

²⁶ Miller, “Policy Ad-Hocracy.”

²⁷ A large and increasing proportion of European immigrants stems from third world countries (often from ex-colonies) : the Indian sub-continent and the Caribbean displaced Ireland in the 1960s as the leading source of immigration to Britain (Castles, *Here for Good*, p. 43); half of the foreign population in France is now from Africa or Asia, mainly from North Africa (Recensement Général, *Les étrangers*, p. 56); and Turks surpassed Italians during the 1970s as the largest group of foreign workers in Germany (Bundesanstalt für Arbeit, “Sozialversicherungspflichtig beschäftigte Ausländer”).

of the postwar immigration—unexpected in its permanence, volume, and ethnocultural heterogeneity—helps to explain Europe’s profound political uncertainty in the face of today’s increasingly settled and assertive immigrant population.

Of course, not everyone is uncertain. Nationalists defend the integral validity of the classical model of the nation-state, stressing that state-membership presupposes nation-membership. Post-national pluralists, on the other hand, deny any validity to this model, arguing for new forms of political membership appropriate to an emerging multicultural, post-national society. The former demand of immigrants either naturalization, stringently conditioned upon assimilation, or departure; the latter demand for immigrants a full citizenship stripped of its sacred character and divorced from nationality. Neither position is particularly nuanced. Neo-nationalists treat the nation-state as frozen in social and political time; theirs is a profoundly ahistorical interpretation, neglecting the specific contexts in which membership norms emerged and to which they responded. Post-national pluralists, in their haste to condemn the nation-state to the dust-bin of history, underestimate the richness and complexity of a normative tradition that, reinterpreted to take account of the changing economic, military, and demographic contexts of membership, may have life in it yet.

TRADITIONS OF NATIONHOOD AND POLITICS OF CITIZENSHIP

The ideas and ideals sketched above inform the politics of citizenship throughout northwestern Europe—and in North America as well, which has also experienced immigration of unprecedented ethnocultural diversity during the last quarter-century. Yet, for historical reasons, the contours of debate vary from country to country. This can be illustrated by briefly considering traditions of nationhood and their bearing on the politics

of citizenship in France, Germany, Sweden, Britain, Switzerland, the United States, and Canada. Two dimensions of variation can be distinguished. First, there is a basic difference between nations constituted by immigration and those in which occasional immigration has been incidental to nation-building. Canada and the United States have a continuous tradition of immigration. They were formed and reformed as nations through immigration, and immigration figures prominently in their national myths. No European country is a classical country of immigration in this sense. This is not to say that Europe has no historical experience with immigration. Industrialization there as elsewhere engendered massive labor migrations, often across state boundaries, and often leading to settlement. Italians in the construction industry in Germany, Irish in the northern industrial cities of England, Belgians, Italians, and Poles in the frontier and industrial regions of France—these and other labor migrants of the late nineteenth and early twentieth century became permanent settlers.²⁸ Yet immigration has not been central to European nation-building. In sheer numbers, immigration has been more important in France during the last hundred years than in any other large European country.²⁹ And in the last few years, invocations of the contribution made by immigrants to the constitution of the French nation have become almost routine.³⁰ Yet not even in France does immigration form part

²⁸ See the works cited in n. 2 above.

²⁹ During the inter-war period, when the state encouraged massive immigration to compensate for the low birth rate and for the devastating losses in the first world war, France was a much more important country of immigrant than the United States, which had adopted its restrictive “national origins” quotas. See Bonnet, Les pouvoirs publics français et l’immigration dans l’entre-deux-guerres; Schor, L’opinion française et les étrangers; Noiriél, Le creuset français.

³⁰ See for example the oft-cited, although undocumented, claim of Tibon-Cornillot that one-third of the French population is descended from immigrants in the first, second, or third generation (“Le défi de l’immigration maghrébine,” p. 292); Guillon, “Etrangers et immigrés dans la population de la France,” p. 19; Noiriél, “L’immigration en France, une histoire en friche,” p. 751. See also La mosaïque France, a lavishly illustrated, large-format tome with contributions from eminent historians and social scientists on the history of immigration in France over more than a millennium. This splendid exercise in *haute vulgarisation* marks the “naturalization,” in effect, of immigration as a legitimate object of

of the national myth.³¹ The massive immigration of the last quarter-century has not transformed European countries into countries of immigration in the North American sense. Even Sweden, which has gone furthest in acknowledging and accepting its postwar labor migrants as permanent settlers, makes it clear that it is not and can not become a country of immigration in the classical sense.

A second domain of variation, cutting across the first, concerns conceptions of nationhood. Throughout Western Europe and North America, it is widely believed that state-membership (in the political and legal sense) should be based on nation-membership (in the cultural sense). Yet models of nation-membership differ widely. There is a basic difference between traditions of unitary nationhood (France, Germany, and Sweden) and models of nationhood that provide for heterogeneity (Switzerland, Canada, and the United States).³² But there are also differences within these categories. In the French tradition, political unity is constitutive, and cultural unity ideally expressive of nationhood; in the German tradition, cultural unity is constitutive, and political unity ideally expressive of nationhood. The ideal of unitary nationhood, asserted against actual diversity and disunity, and took on a contestatory edge in both cases.³³ In the Swedish tradition, by contrast, unitary nationhood was a fact rather than a contestatory norm; there was no occasion for the politicization of cultural identity. There are also differing ways in which heterogeneity is

historical inquiry—just when historian Gérard Noiriel was characterizing immigration as an illegitimate object (Le creuset français, p. 15; cf. Noiriel, “L’immigration en France, une histoire en friche,” p. 751).

³¹ Noiriel, Le creuset français, pp. 13ff. Diana Pinto notes the thematic centrality of immigration in recent cultural and political debate in France, but surely exaggerates in characterizing this as a “Copernican revolution in French identity” (“Immigration : l’ambiguïté de la référence américaine,” p. 94).

³² Britain is a complex intermediate case.

³³ For France see Weber, Peasants into Frenchmen, pp. 112-113.

built into national self-understanding. While Switzerland is a mosaic of communities,³⁴ the United States is a political sect, a voluntary association of individuals. Canada, with two founding nations but a long tradition of immigration from other countries, shares certain features of both models.

France was the first and remains the paradigmatic nation-state. French conceptions of nationhood and citizenship bear the stamp of their monarchical gestation, Revolutionary birth, and Republican apotheosis. The nation, in this tradition, has been conceived in relation to the institutional and territorial frame of the state : political unity, not shared culture, has been understood to constitute nationhood. Revolutionary and Republican definitions of nationhood and citizenship—militantly unitarist, universalist, and secular—reinforced what was already in the *ancien régime* an essentially political understanding of nationhood.³⁵ But if nationhood is constituted by political unity, it is centrally expressed in the striving for cultural unity. Political inclusion has ideally entailed cultural assimilation, for regional cultural minorities and immigrants alike; the universalist theory and practice of citizenship have depended on confidence in the assimilatory workings of school, army, and centralized administration.

If the French understanding of nationhood has been universalist, rationalist, assimilationist, and state-centered, the German understanding has been particularist, organic, differentialist, and *Volk*-centered. Since national feeling developed before the nation-state, the German idea of the nation was not originally political, nor was it linked to the abstract idea of citizenship. This pre-political German nation, this nation in search of a

³⁴ Individuals cannot become Swiss in the legal or cultural sense directly, but only indirectly, via membership of one of the constituent communities.

³⁵ Thus Sieyès' famous "What is a nation? A body of associates living under a common law and represented by the same legislature" (from Qu'est-ce que le tiers état) echoed the definition given in the Dictionnaire de l'Académie of 1694, according to which a nation is constituted by "all the inhabitants of the same state, of the same country who live under the same laws and use the same language" (the latter is quoted by Soboul in "De l'Ancien régime à l'Empire," p. 58).

state, was conceived not as the bearer of universal political values, but as an organic cultural, linguistic, or racial community—as an irreducibly particular *Volksgemeinschaft*. On this understanding, nationhood is constituted by ethnocultural unity and expressed in political unity. While this ethnocultural self-understanding was overlaid by a more state-centered self-understanding under Bismarck, it has remained influential and is expressed even in certain provisions of the Basic Law of the Federal Republic.³⁶

As one would expect, citizenship is more accessible to immigrants in France (where it is defined in political terms) than in Germany (where membership is defined in ethnocultural terms).³⁷ As noted above, immigrants naturalize (or are automatically defined as citizens) at a rate ten times higher in France than in Germany.³⁸ The policies and politics of citizenship in France and Germany have been strikingly different since the late nineteenth century and remain so despite converging immigration policies and comparable immigrant populations.³⁹

The post-war migrations, to be sure, have placed considerable strain on both French and German self-understandings. The Jacobin tradition of assimilation finds few defenders today : the multiculturalist left argues that immigrants should not, the exclusionary right that they can not be assimilated. The tight political-cultural synthesis characteristic of the Republican tradition has dissolved, and the political and cultural

³⁶ See Chapter 9.

³⁷ By “immigrants,” as I noted above, I mean labor migrants and their descendants, not resettlers from the German Democratic Republic or ethnic German immigrants from Eastern Europe and the Soviet Union. As one would expect, given the ethnocultural understanding of membership, these German immigrants to West Germany are legally defined as citizens (in the case of the East German resettlers) or quasi-citizens (in the case of the ethnic German immigrants from Eastern Europe and the Soviet Union). See Chapter 9, pp. 359-364.

³⁸ For a detailed comparative analysis of rates of civic incorporation, see Chapter 4, pp. 154-162.

³⁹ See pp. 26-30 below.

moments of nationhood have come to stand in tension with one another. Le Pen stresses the cultural aspects of French nationhood : characterizing non-European immigrants as unassimilable, he has campaigned to restrict their access to citizenship. His opponents re-emphasize the primacy of the political in the French tradition, and see civic inclusion as gradually furthering cultural integration. Nor is it only the French tradition of inclusion via assimilation that is under strain. The West German government has had to acknowledge that large numbers of Turkish migrants have become permanent immigrants; it has even proclaimed a public interest in the naturalization of second-generation immigrants.

Yet prevailing understandings of nationhood continue to inform the politics of citizenship. French moves toward a more restrictive politics of citizenship encountered strong resistance. The French government withdrew its proposed, mildly restrictive reform of citizenship law in December 1986 after meeting unexpectedly strong opposition; dissenters included the august Council of State, which criticized the reform as “contrary to Republican tradition and principles.” And the commission appointed by the government to study the issue proposed enlarging rather than restricting access to citizenship.⁴⁰ In Germany, proposals to liberalize access to citizenship for foreign workers and their families have foundered repeatedly on the objection that Germany is not and can not become a country of immigration.⁴¹ Yet the prevailing understanding of nationhood has sustained citizenship claims for East Germans and ethnic Germans from Eastern Europe and the Soviet Union despite the fact that this extraordinarily open definition of citizenship has engendered an influx five times as large, in relation to population, as legal immigration to the United States in 1989.⁴²

⁴⁰ See Chapter 8.

⁴¹ See Chapter 9, pp. 370-371.

⁴² See Chapter 9, pp. 361-375.

In Sweden,⁴³ as in France, national feeling and state institutions developed in tandem long before the age of nationalism. The sense of nationhood emerged in the course of political and military struggles against Denmark in the late fifteenth and sixteenth centuries, when literature, art, and language were still permeated by Danish and German influence. Nor were there sharp ethnic distinctions between Swedes and Danes. In these circumstances, national feeling was expressed in an attachment to political and institutional traditions, not ethnic or cultural distinctiveness. Later, to be sure, national feeling did find expression in a distinctive culture. And contemporary Sweden certainly has a very homogeneous national culture. But this national culture has never carried a strong political charge in Sweden. It was not harnessed to a project of domestic assimilation and overseas imperialism, as in France, nor to a movement for national unification, as in Germany, nor to a campaign for national autonomy or independence, as in nineteenth century Finland and Norway. Sweden's long, continuous history as an independent state with a homogeneous population, and its position as the dominant Scandinavian power after the seventeenth century, provided no occasion for the politicization of cultural identity. Cultural homogeneity has been a fact, not a politicized norm.

The absence of a tradition of ethnic or cultural nationalism may help explain why Sweden has been able to make citizens of its postwar immigrants with so little fuss or friction. A further reason is found in the composition of the immigrant population, which, until recently, was two-thirds Nordic and overwhelmingly European. The ethnic diversity of the immigrant population has increased markedly in the last decade, as large numbers of refugees from Chile, Turkey, Vietnam, Iran, and Iraq have been granted immigrant status; and a small fundamentalist opposition has recently made some gains. But while this may

⁴³ Andersson, A History of Sweden; Seton-Watson, Nations and States.

encourage centrist politicians to adopt a more restrictive policy on refugee admissions, it seems unlikely to affect Sweden's liberal policy on admission to citizenship.

Early political unification led to the early development of national feeling in England.⁴⁴ Yet neither England nor Britain ever became a nation-state on the French model -- a tightly integrated political and cultural community. English rule over Scotland, Wales, and especially Ireland gave the kingdom a composite character, and nationhood an ambiguous character. British national feeling developed, but it did not supersede English, Scottish, Welsh, or Irish national feeling. Just as there has been no clear conception of British nationhood, so too there has been no clear conception of citizenship. The concept of citizenship as membership of a legal and political community was foreign to the British thinking. Legal and political status were conceived instead in terms of allegiance—in terms of the vertical ties between individual subjects and the king. These ties of allegiance knit together the British empire, not the British nation. Until 1948, all persons born within the dominions of the king were British subjects. There was no specific citizenship status for the colonies, for Britain itself, or even for the independent Commonwealth countries.

With the dismantling of its empire, Britain has redefined itself as a nation-state, and created for the first time a national citizenship. The transition has been awkward. France too had to negotiate the dismantling of a huge colonial empire and, unlike Britain, became involved in bitter, protracted wars. But France already had a strong identity as a nation-state and a well-established national citizenship. Britain had neither, and this has contributed to the confused and bitter politics of immigration and citizenship during the last quarter-century.

⁴⁴ Dummett, Citizenship and Nationality; Salmond, "Citizenship and Allegiance"; Freeman, Immigrant Labor and Racial Conflict; Brubaker, "Citizenship and Naturalization."

Lacking a national citizenship until 1981, Britain lacked a clear criterion for deciding whom to admit to its territory. In the early post-war years, inspired by a heady vision of itself as the center of a vast multiracial Commonwealth of Nations, it continued the traditional practice of admitting all British subjects—a category now including citizens of the independent Commonwealth countries. Given the enormous population disparity between the independent Commonwealth countries and Britain itself, this practice could not endure; and in 1962, in response to increasing immigration from Jamaica, India, and Pakistan, immigration controls were imposed on citizens of independent Commonwealth countries. But the government later restricted the immigration of persons whose only citizenship was that of the United Kingdom and Colonies. While other countries debated the citizenship status of immigrants, Britain questioned the immigration status of its own citizens.

Britain now has a national, post-colonial citizenship, and with it a clear criterion of admission to the territory. But it achieved this, in the eyes of some critics, only by drawing the lines of the national community of citizens too narrowly, and by creating a special second-class citizenship status, without the right of immigration, for residents of Hong Kong and others. Yet immigrants generally enjoy more economic, social, and political rights in Britain than elsewhere in Europe. This too results from Britain's not traditionally defining itself as a nation-state. British law imposes relatively few disabilities on aliens; more important, relatively few of Britain's postwar immigrants have been aliens. Neither Irish citizens nor citizens of independent Commonwealth countries are considered aliens. Outside the domain of immigration law itself, immigrants from the Caribbean, from India, from Pakistan, and elsewhere have virtually the same rights as British citizens, including the right to vote and stand for office.

The Swiss nation-state was constructed in 1848 out of a mosaic of autonomous, linguistically and religiously dissimilar jurisdictions. This was accomplished only by reconciling national unity with cantonal and communal autonomy. Thus national

citizenship was (and still is) constructed out of cantonal and communal citizenships. National unity is embodied in the citizen-army, cantonal particularism in the persistence until 1874 of the principle of *cuius regio eius religio*. And linguistic pluralism on the federal level (there are four official languages) continues to be offset by linguistic particularism on the cantonal and communal levels. The Swiss nation is neither an abstract entity composed immediately of individual citizens, as in France, nor a *Volksgemeinschaft*, as in Germany, but a composite of pre-existing ethnic, linguistic and religious blocs that simultaneously supersedes and guarantees these ethnocultural particularisms.

This delicately engineered balance between federal unity and communal autonomy, however, has been subjected to serious strain by administrative and economic rationalization. Immigration, though only one aspect of modernization-related strain, nicely illustrates the precariousness of this balance. Admission to Swiss citizenship remains a privilege of the 3,072 *Gemeinden* (communes), but admission to Swiss territory is regulated by the federal government.⁴⁵ Since the federal government encouraged massive immigration during the 1960s to promote economic growth, and since 79% of resident foreigners (96% of Italians, the largest group) have “established” status, giving them the right to live and work where they please, control over citizenship has little significance as a means of maintaining the local “communities of character” so important in Swiss self-understanding.⁴⁶ Nor is cantonal autonomy more meaningful in this domain. Tension peaked in 1970, when an initiative that would have required 309,000 foreigners (31% of all resident foreigners) to leave the country was approved in eight cantons and narrowly

⁴⁵ While the federal and cantonal governments establish certain minimum requirements for naturalization, the communes may impose further linguistic or confessional requirements as well as fees ranging from the nominal to the prohibitive (up to 75,000 Swiss Francs).

⁴⁶ On “established” status, see *Statistisches Jahrbuch der Schweiz*, 1986, pp. 98-99; on “communities of character,” see Walzer, *Spheres of Justice*, ch. 2.

missed obtaining a nationwide majority.⁴⁷ To describe the fiercely contested battle over this initiative as one between generosity and xenophobia is to miss not only the economic interests at stake but the distinctiveness of Swiss nationhood : the campaign arrayed modernizing, rationalizing, progressive forces against “advocates of an integral communal past founded on autonomous self-government.”⁴⁸

American and Canadian conceptions of citizenship and nationhood reflect the historical and contemporary importance of immigration. This distinguishes them sharply from their European counterparts. Even before American independence, the pressing need for settlers had established naturalization as central to the theory and practice of citizenship. Characteristics of naturalization—a process through which an individual expresses voluntary adhesion to a state—came to be ascribed to American citizenship as such. The war of independence reinforced this understanding of citizenship, for it led to sharp criticism of the British conception of unchosen and perpetual subject status.⁴⁹ And since the new nation lacked a distinctive ethnic or cultural identity, American nationhood and nationalism was defined in terms of a universalistic political formula that would set it apart from the mother country.⁵⁰ The Civil Rights Act of 1866 and the Fourteenth Amendment of 1868 definitively established birth in the territory (*jus soli*) as the criterion for the attribution of citizenship and affirmed, in principle, the primacy of national over state

⁴⁷ Hoffman-Nowotny, Soziologie des Fremdarbeiterproblems, p. 138.

⁴⁸ Benjamin R. Barber, The Death of Communal Liberty, p. 255. While Le Pen’s electoral support closely mirrors the concentration of immigrants in France, support for the Schwarzenbach initiative in Switzerland was highest in the ultra-traditional core cantons in which the fewest immigrants live. On the geography of the Le Pen electorate, see Le Bras, Les Trois France, pp. 216f.

⁴⁹ Kettner, The Development of American Citizenship, pp. 9, 60-61, and Part III generally.

⁵⁰ Hans Kohn, American Nationalism, cited by Gleason, “American Identity and Americanization,” p. 31.

citizenship. In the aftermath of the Civil War, the affirmation of *jus soli* and of national citizenship had an explicitly egalitarian, inclusive meaning.

The prevailing inclusive and universalistic self-understanding of the United States has always stood in tension with contrary practices.⁵¹ Free blacks, as well as slaves, were excluded from US citizenship before the Civil War, even when they possessed state citizenship. Blacks continued to be excluded from full citizenship after the Civil War through a restrictive judicial reading of the Fourteenth Amendment. American Indians were not granted automatic citizenship at birth until 1924. And the category of “aliens ineligible for citizenship,” first introduced to exclude Chinese in 1882, was not finally abolished until 1952. Moreover, exclusion based on national origin immigration quotas persisted until 1965. Still, the voluntaristic and universalistic understanding of citizenship helped eventually to undermine the legitimacy of these exclusionary practices. High rates of immigration, liberal naturalization provisions, and the *jus soli* rule have made the United States, for most of its history, exceptionally open to the political incorporation of ethnically and culturally distinct immigrants.

This tradition of inclusion has been interrupted by periodic phases of exclusiveness. One such phase, marked by the surge of the Know-Nothings in the 1850s, occurred in response to the dramatic increase in Catholic immigration after 1830; another, culminating in the severely restrictive legislation of 1917-1924, occurred in response to the “new immigration” from southern and eastern Europe after 1890. Today, after twenty years of the “new new immigration” ushered in by the liberal Hart-Celler Act of 1965 and twenty years of high levels of illegal immigration, the United States may be entering another such

⁵¹ There are tensions, of course, even on the level of self-understanding. For a suggestive discussion of three competing strands in American self-understanding—liberalism, republicanism, and “ethnocultural Americanism”—see Smith, “The ‘American Creed’ and American Identity.” For a broad analysis of the tension between the ideal of equal citizenship and the realities of exclusion in American history, written by a scholar of constitutional law but drawing effectively on other disciplines, see Karst, *Belonging to America*.

phase. Even in the present political climate, however, debates about immigration and citizenship continue to be informed by the distinctly inclusive American understanding of nationhood. Thus the legalization program of the Immigration Reform and Control Act of 1986 long-resident undocumented immigrants and seasonal agricultural workers as members of society. And it has been taken for granted that legalized immigrants would become citizens. Newspaper reports on the legalization program sometimes described undocumented aliens as applying for citizenship, although in fact they were applying for temporary resident status and, if successful, would qualify for permanent resident status only after eighteen months, and for citizenship only after another five years.⁵²

Canada,⁵³ in some respects, has been even more strongly marked by immigration than the United States. Immigration has amounted to as much as five per cent of the total population in a single year (1913), more than three times the highest percentage ever recorded in the United States. And the foreign-born are twice as numerous today, in relation to population, in Canada as in the United States. Immigration policy has followed similar rhythms in the two countries. Canada, too, excluded the Chinese in the late nineteenth century, restricted entry after World War I, abolished discrimination by national origin in the 1960s, and has since admitted immigrants of steadily increasing ethnic diversity. Rapid naturalization has long been promoted in Canada, perhaps more consistently than in the United States.

Yet the centuries-old French-English dualism has complicated the relation between immigration, citizenship, and nationhood in Canada. The acute tensions of the late 1970s

⁵² An article in the New York Times of November 7, 1987, for example, was headlined "Illegal Aliens Slowly Finding Path to Citizenship." Another Times article of June 13, 1988 spoke of helping "illegal aliens apply for citizenship" (p. B5).

⁵³ Elliott, "Canada : Two Nations, Many Cultures?" and "Canadian Immigration"; Anderson and Frideres, Ethnicity in Canada.

have abated, but Canadian nationhood remains ambiguous and problematic. The most basic question—is Canada one nation, or two?—remains controversial. Immigration has been related in complex ways to this dualism. Historically, dualism has not meant pluralism. Immigrants have been expected to assimilate to the French- or the English-speaking community. The large majority, even those settling in Quebec, have done the latter—sparking French resentment of immigration as an instrument of Anglophone domination. On the other hand, dualism may have engendered in recent years a greater sensitivity to the cultural identity of immigrants. A few years after becoming bilingual on the federal level, Canada adopted an official policy in support of multiculturalism. It is not clear what this means in practice. But it may encourage Canada's increasingly diverse immigrants to naturalize quickly, without feeling that they thereby abandon their cultural identity.

TOWARDS AN HISTORICAL POLITICAL SOCIOLOGY OF FORMAL CITIZENSHIP

FRANCE AND GERMANY: CONVERGING IMMIGRATION POLICIES, DIVERGING CITIZENSHIP POLICIES

The politics of citizenship, then, has a particular inflection in each country, arising from distinctive and deeply rooted traditions of nationhood. This study examines the emergence, crystallization, and persistence of sharply differing ways of understanding nationhood and defining citizenship in France and Germany.

France and Germany are chosen for analysis because of their combination of similarities and differences. Besides general similarities in society, economy, and polity,

there are remarkable similarities in the social, economic, and political position of immigrants in France and Germany.⁵⁴ Immigrants have become dramatically more visible in everyday life during the last two decades, as women and children, marked by dress, language, religious practice, and secular custom as “culturally distant,” joined the previously largely invisible population of single male workers; as these families became neighbors, joint users of schools, hospitals, churches, and public spaces, and co-claimants on the political system; and as an increasingly vocal “second generation” emerged, claiming membership, asserting rights, yet resisting assimilation. On the structural level, statistics show the progressive “normalization” of the sex structure, the economic activity rate and, more gradually, the age structure of the immigrant populations in both countries as well as similarly skewed distributions of immigrants in the educational system, in the housing market, and in urban space.⁵⁵ And on the functional level, immigrant populations have attenuated serious imbalances in the age structure of French and German populations, a corrective with important implications for the labor market, the social security system, and (in the longer run) for military conscription—if indeed peacetime conscription survives the great geopolitical reconfiguration now under way.⁵⁶

⁵⁴ On French-German convergence, see Rist, “Migration and Marginality”; and Manfrass, “Ausländerpolitik,” which notes persisting differences as well as convergences. The following remarks deliberately emphasize the similarities. On broader patterns of convergence among European labor-importing countries, see Hammar, “Comparative Analysis,” esp. pp. 292-304; Castles, Here for Good, p. 9; Miller, Foreign Workers in Western Europe, pp. 7, 15.

⁵⁵ See, generally, Castles and Kosack, Immigrant Workers and Class Structure. On the clustering of immigrant populations in geographic and social space, see George, L’immigration en France. On the normalization of sex ratios and employment rates, see Chapter 9, p. 366, below for Germany; and Recensement Général, Les étrangers, p. 23, for France.

⁵⁶ The prolonged birth dearth led the West German government to announce an extension of the term of obligatory service from fifteen to eighteen months. This highly unpopular measure was never carried out; and recent events have led to its formal retraction.

Or consider the economic position of immigrants. Here too one encounters, on the level of daily life, remarkable similarities in everyday experiences and impressions and in the motifs of popular and official discourse in France and Germany : the prevalence of immigrants in dirty, dangerous, unpleasant, ill-paid and menial occupations; the increasing sensitivity to the conjuncture of the large-scale employment of immigrants and unemployment among citizens; the consequent attempts to encourage return migration; the counterarguments stressing the irreplaceability and structural indispensability of immigrant workers; and the battle against the employment of undocumented immigrant workers. On the structural level, immigrants' occupational and industrial distributions, as well as their unemployment rates, are similar, and have undergone similar evolutions; and one finds similar indices of segmented labor markets in both countries. Functionally, the massive employment of immigrants contributed to the post-war booms in both countries, enabled them to meet general labor shortages during the boom years and sectoral labor shortages since then, relieved firms of the necessity of raising wages or improving working conditions to attract domestic labor, and, by bearing a disproportionate burden of layoffs, partially sheltered nationals from the effects of recession.⁵⁷

Consider, finally, the political status of immigrants—their position as political objects and as political subjects or actors. One discovers the same motifs and themes in the political discourse of immigrants and about immigrants on the part of governments, parties, unions, churches, and welfare and advocacy organizations, and in the media representations of immigrants.⁵⁸ On the structural level, one discovers similar

⁵⁷ On this last point, see Dohse, "Ausländische Arbeiter und betriebliche Personalpolitik," pp. 432-433.

⁵⁸ The discourse of immigrant organizations focuses on demands for security of residence, for improved educational, housing, and labor market chances, for political inclusion without assimilation, and for substantive citizenship (i.e. voting rights) without formal citizenship.

Discourse about immigrants in both countries contains similar mixtures of inclusionary and exclusionary themes, alarming and reassuring motifs, depending on ideological commitments and

[note continues on next page]

organizational forms developed by migrants themselves and by governments, parties, and unions in response to migrants' long-term presence.⁵⁹ And on the functional level, governments in both countries, faced with legitimation problems deriving from the prolonged economic crisis and from the loss of sovereignty implied by states' imperfect ability to control entry into their territory, have used restrictive discourse and policies in the domain of immigration as a strategy of relegitimation.

Reflecting this thoroughgoing similarity in the social, economic, and political aspects of the immigrant presence, and responding also to similar pressures exerted by immigrants' countries of origin, the European Community and other international organizations, and an increasingly interventionist judiciary, French and German policies concerning immigration and immigrants, beginning in the 1940s and 1950s from very different models—settlement immigration in France, temporary labor migration in Germany—have converged dramatically during the last two decades.⁶⁰ The exact identity of the three points with which all French and German governments since the mid-1970s

conjunctural calculations. Inclusionary discourse typically stresses the contributions made by immigrants to the host society, their legitimate claim to equality of rights with nationals, the incompatibility of long-term inequality with democratic and human rights norms, and the dangers to social peace represented by long-term exclusion. Exclusionary discourse stresses numbers (of residents, entries, births, delinquents, etc.) presented as alarming; the limited absorptive capacity of the host society; the cultural distance separating immigrants and nationals; the need to encourage return and to bar the entry of further immigrants (whether family members, clandestines, or asylum-seekers). Both inclusionary and exclusionary discourse tends increasingly to treat immigrants as "moral actors" rather than as economic actors. On immigrants as "moral actors," see Zolberg, "Contemporary Transnational Migrations in Historical Perspective," p. 18.

Media representations vary of course with ideological commitments, but tend to emphasize the disconcerting, the disruptive, the exotic, the dramatic, the anomalous—e.g. shocking housing conditions, exotic customs, disturbing participation in strikes or demonstrations, links to extremist groups, frictions between indigenous and immigrant populations in neighborhoods, etc.

⁵⁹ Miller, Foreign Workers in Western Europe.

⁶⁰ Rist, "Migration and Marginality," pp. 96-98. It is true that this model was never implemented in its pure form, a tension between demographic and labor-market concerns having characterized post-war French policy from the start. See Tapinos, L'Immigration étrangère en France, pp. 13f. On French ambivalence regarding the permanent settlement of immigrants, see the 1969 report of Calvez, "Le problème des travailleurs étrangers," p. 316.

have summarized their policies—strict restriction of further immigration, encouragement of return migration, and integration of long-term (especially second-generation) foreign residents—is only the culmination of this process of convergence.

Nevertheless, the policies and politics of citizenship for immigrants and their descendants in France and Germany differ sharply. It is not simply that France has more liberal naturalization rules and a political culture of naturalization that Germany lacks : French naturalization rates, although four to five times higher than those of West Germany, are low compared to those of the United States, Canada, or Sweden.⁶¹ More important, there are modes of access other than naturalization to French, but not to German citizenship. Thus French citizenship is attributed at birth to a child born in France if at least one parent was also born in France—including Algeria and other colonies and territories before their independence. This means that the large majority of the roughly 400,000 children born in France since 1963 of Algerian parents are French citizens. Moreover, citizenship is acquired automatically at age 18 by all children born in France of foreign parents, provided they have resided in France for the last five years and have not been convicted of certain offences. By this means roughly 250,000 persons have become French since 1973; and of the 1.2 million foreign residents under age 18, roughly two-thirds were born in France and are thus programmed to become French at age 18. There are no comparable provisions in West Germany, where place of birth has no bearing on citizenship : it is possible for immigrant families to reside in Germany for generations while remaining foreign citizens. Thus while the large majority of the former *Gastarbeiter* and their families were born in the Federal Republic or have lived there for over ten years, only a minute fraction have acquired German citizenship. Of the 1.4 million Turkish citizens living in Germany, nearly a million of whom have lived at least ten years in the Federal

⁶¹ Brubaker, "Citizenship and Naturalization," pp. 117-120.

Republic, and more than 400,000 of whom were born there, only about 1,000 are naturalized each year.⁶² Even if this number increased tenfold, to 10,000 per year, it would still be more than offset by the 25-30,000 new Turkish citizens born every year in Germany.

DOES CITIZENSHIP MATTER?

This striking difference in the civic incorporation of immigrants in France and Germany has been largely ignored in the literature. Indeed the literature has largely ignored formal citizenship altogether. In the socio-economic perspective that prevails in this literature, citizenship is of minor importance.⁶³ What really matters as a determinant of life chances, it is argued—and I agree—is immigrants' social, economic, and cultural marginalization, determined by their weak position in the labor and housing markets and the educational system, a position affected by their social status as ethnocultural minorities but independent of their legal status as foreign citizens. Even in the "life chances" perspective, however, formal membership status is important, indeed increasingly important. As a result of the widening demographic and economic rift between the first and third worlds and the simultaneous eclipse of distance between them through the mutually reinforcing links of transportation, communication, and migration, the demand for entry into the more prosperous and peaceful territories of the planet is without precedent.⁶⁴ In these circumstances, the state's control, imperfect though it remains, over admission to its

⁶² See the detailed analysis of French and German naturalization rates in Chapter 4, pp. 154-160.

⁶³ The following paragraphs draw on material that has appeared in Brubaker, "Membership without Citizenship," pp. 146-7.

⁶⁴ See Zolberg, "Contemporary Transnational Migrations in Historical Perspective."

territory (and thus to its labor markets and welfare institutions) has never been more important. The crucial status in this respect, to be sure, is not citizenship but the status of “privileged,” “established,” or “permanent” resident, which confers an ordinarily irrevocable right of residence as well as civil and socioeconomic rights virtually identical to those of citizens.⁶⁵ In terms of life chances, then, the decisive gap is between privileged non-citizen residents and persons, inside or outside the territory, without long-term residence rights. Full citizenship adds complete protection against expulsion and complete access to public service employment, but its marginal contribution to life chances is seldom decisive.

But if citizenship status is not a decisive determinant of immigrants’ life chances, it remains a crucial determinant of their place in the polity and, more broadly, of the general character of politics in the countries of postwar immigration. This is not to imply that non-citizen immigrants are politically mute.⁶⁶ Nor is it to attribute miraculous virtues to universal suffrage : the possession of full political rights does not guarantee their effective exercise, particularly by a group singularly lacking in political resources. It is simply to recall the obvious : the exclusion or self-exclusion of immigrants from formal citizenship is tantamount to the disfranchisement of significant fraction of the population, and a much higher fraction of the manual working class; and the interests of disfranchised groups do not count for much in politics. The substantial cross-national variation in the civic incorporation of post-war immigrants thus deserves more attention than it has received.⁶⁷

⁶⁵ Shuck, “Membership in the Liberal Polity”; Brubaker, “Membership without Citizenship.”

⁶⁶ Miller, Foreign Workers in Western Europe; Miller, “Political Participation and Representation of Non-Citizens.”

⁶⁷ For a comparison of citizenship law, naturalization policy, and rates of civic incorporation of immigrants in France, Germany, Sweden, Britain, Canada, and the United States, see Brubaker, “Citizenship and Naturalization.”

THE TERRITORIAL BIAS IN THE POLITICAL SOCIOLOGY OF THE STATE

Although political sociology has been centrally concerned with citizenship and civic incorporation, it has been curiously unconcerned with formal citizenship, with formal membership of the state.⁶⁸ This neglect is attributable to the territorial bias of the political sociology of the state and to the endogenous bias of the political sociology of citizenship. The modern state, in the dominant perspective of historical and political sociology, is a territorial organization, enforcing an order (whatever its content) within a determinate territory, not a membership organization.⁶⁹ All action taking place in the territory is, in principle, subject to the authority of the state (internal sovereignty) and to no outside authority (external sovereignty). Internal and external sovereignty are guaranteed by the state's more or less effective monopoly in the legitimate use of physical force in its territory. In this perspective, the story of the rise of the modern state is the story of the "territorialization" of rule.⁷⁰ This was not simply a matter of the rationalization of territory—i.e. the consolidation, through warfare and dynastic marital strategies, of imperfectly bounded and widely scattered shreds and patches of the earth's surface into contiguous, precisely bounded territories. More fundamentally, it involved the invention of territorial rule as such.⁷¹

⁶⁸ See for example two recent sociological surveys : Turner, Citizenship and Capitalism; and Barbalet, Citizenship.

⁶⁹ This perspective owes most to Weber, Economy and Society, esp. pp. 54-56. Weber explicitly notes that the state "claims binding authority not only over the members of the state, the citizens, ... but also to a very large extent over all action taking place in the area of its jurisdiction" (p. 56).

⁷⁰ On the "territorialization" of rule, see Sahlins, Boundaries, pp. 61-63, 78-89, 93-97, 168-170, 190-192.

⁷¹ See Allières, L'invention du territoire.

In feudal Europe, rule had been organized on a personal, not a territorial basis. Physical protection, the administration of justice, the extraction of money or in-kind contributions, and the enforcement of military or economic service obligations were structured by a tangled skein of personal relationships, each entailing specific and concrete rights and duties. Some were territorially circumscribed, but the various jurisdictions did not coincide. Political territory—understood as a bounded space within which generalized authority (not simply particular powers) could be exercised—did not exist. The prerogatives of rule were exercised, and its obligations fulfilled, not with respect to persons living in defined territories, but with respect to persons living in defined relationships to other persons. To the extent that one can speak without anachronism of the “state” in early feudal Europe, it can only be of “the state as an association of persons.”⁷²

The re-creation of political territory—and through it the creation of the modern state—involved the reduction of the complex array of overlapping and interpenetrating partial jurisdictions to a single comprehensive political and administrative unit, homogeneous and continuous internally, sharply bounded externally. This in turn required the expropriation of the individual and corporate holders of the multifarious prerogatives of rule and the equally multifarious exemptions and immunities from the charges of rule. This was effected only at considerable cost, against considerable resistance, and over considerable time : it spanned most of this millennium. The result was a system of coordinate territorial states, each aspiring to and tending to realize “unitary internal sovereignty” over a well-defined geographic area.⁷³

⁷² Bloch, Feudal Society, Part IV; Poggi, The Development of the Modern State, pp. 25, 256, 258n.; Mayer, “Die Ausbildung der Grundlagen des modernen deutschen Staates,” pp. 289-294; Bendix, Nation-Building and Citizenship, pp. 44-45; Sahlins, Boundaries, pp. 6, 28, 54-59.

⁷³ On “expropriation,” see Weber, “Politics as a Vocation,” p. 82. The prolonged and costly character of the state-building process is stressed by Tilly and the other contributors to The Formation of National States in Western Europe. On resistance to state-building efforts, see esp. Tilly’s introductory essay,

[note continues on next page]

I do not want to challenge this account, but rather to suggest that it is incomplete. The modern state is indeed a territorial organization, and this perspective provides a powerful conceptual model of its development. But the modern state is also a membership organization. Certain persons, that is, stand in a special relationship to the state. The state has special claims on them, and they have special claims on the state. These claims have a personal, not a territorial basis.⁷⁴ Every modern state defines a certain circle of persons as its members—persons toward whom the state has special duties and on whom it has special claims. These duties and claims are independent of presence in the territory. They are not generated by passing or extended presence, nor do they lapse entirely with temporary or prolonged absence. Residence and membership, in short, generate different sorts of claims on and obligations to the state, and reflect the dual character of the modern state as a territorial organization and a personal association. With its analytical focus on the territorialization of rule, historical and political sociology has much to say about the former but little about the latter.

THE ENDOGENOUS BIAS IN THE POLITICAL SOCIOLOGY OF CITIZENSHIP⁷⁵

Political sociologists, to be sure, have been concerned with citizenship. But they have not, ordinarily, shown much interest in formal citizenship, i.e. formal membership of the state, called *nationalité* in French and, less ambiguously, *Staatsangehörigkeit* (state-

pp. 21ff; on the high cost of state-building, *ibid.*, pp. 71-72. On “unitary internal sovereignty,” see Poggi, *The Development of the Modern State*, p. 92.

⁷⁴ These claims are not, of course, “personal” in the feudal sense. They are personal in the sense that they are attached to a person’s citizenship status rather than to his place of residence. But while citizenship is a personal status, rather than a mere reflex of territory, this personal status is impersonally defined.

⁷⁵ This section draws on material that appeared, in different form, in Brubaker, “Traditions of Nationhood and Politics of Citizenship.”

membership) in German. Instead, following T. H. Marshall, they have been concerned with a wide array of civil, political, and especially social rights that may or may not be contingent on formal membership of the state.⁷⁶ Or, following Aristotle and Rousseau, they have been concerned with self-government, with participation in the business of rule, not only at the national level, but in a variety of other contexts as well : local community, enterprise (what Marshall called a “secondary system of industrial citizenship”), or voluntary associations.⁷⁷ In either case, they have given a substantive definition of citizenship. That which constitutes citizenship—the array of rights or the pattern of participation—is not necessarily tied to formal state-membership. Formal citizenship is neither a sufficient nor a necessary condition for substantive citizenship of either kind.

That it is not a sufficient condition is clear : one can possess formal state-membership yet be excluded (in law or in fact) from certain political, civil, or social rights or from effective participation in the business of rule in a variety of settings. It is just this discrepancy between formal and substantive citizenship that underlies and motivates the political sociological literature on civic inclusion and participation.⁷⁸

That formal citizenship is not a necessary condition of substantive citizenship is perhaps less evident. Yet while formal citizenship may be required for certain components of substantive citizenship (e.g. voting in national elections), other components of

⁷⁶ Marshall, Citizenship and Social Class; Bendix, Nation-Building and Citizenship; Schmid, “Social Class, Race, and the Extension of Citizenship”; Schmitter, “Immigration and Citizenship in West Germany and Switzerland,” pp. 49ff.

⁷⁷ Aristotle, Politics, pp. 93-95, 134; Rousseau, Social Contract, p. 54; Janowitz and Suttles, “The Social Ecology of Citizenship”; Marshall, Citizenship and Social Class, p. 44; Walzer, “The Problem of Citizenship,” p. 219. Stinchcombe’s general definition of citizenship in a group as “the degree to which a person can control his or her fate through action within the group” (“Social Structure and Politics,” p. 605) also belongs to this Aristotelian-Rousseauian tradition.

⁷⁸ In addition to the works cited in n. 76, see Rose, Colour and Citizenship; Parsons, “Full Citizenship for the Negro American?”; Barbalet, Citizenship; Turner, Citizenship and Capitalism; Walzer, “The Problem of Citizenship”; Eckstein, “Civic Inclusion and its Discontents”; Barber, Strong Democracy.

substantive citizenship are independent of formal state-membership. Social rights, for example, are accessible to citizens and legally resident non-citizens on virtually identical terms, as is participation in the self-governance of associations, political parties, unions, factory councils, and other institutions of what Dahrendorf has called “sectoral citizenship.”⁷⁹

Whether it is the extent and nature of an array of rights or the extent and quality of participation that is at issue, there is little concern with the question of who is and who is not a formal member of the state. Formal citizenship tends to be ignored precisely because it is formal and official, a subject properly addressed in a treatise of constitutional law but of no concern to an anti-formalistic political sociology.⁸⁰ Substantive questions about particular arrays of rights or particular modes of participation have seemed more compelling.⁸¹

The “sociologization” of the concept of citizenship in the work of Marshall and Bendix and theorists of participation has indeed been fruitful.⁸² But it has introduced an

⁷⁹ Dahrendorf, “Citizenship and Beyond,” pp. 693-697.

⁸⁰ In the 1950s and 1960s, when “the state was considered to be an old-fashioned concept, associated with dry and dusty legal-formalist studies of nationally particular constitutional principles” in the behavioral, pluralist, and structural-functionalist approaches dominant in American political science and political sociology (Skocpol, “Bringing the State Back In,” p. 4), the analytical neglect of formal citizenship needs no special explanation. But formal citizenship remains neglected despite the renewed interest in the state in the last two decades.

⁸¹ Sociological discussions of citizenship have been conducted with reference to the problematic of capitalism—the title of Turner’s recent survey, Citizenship and Capitalism, is revealing—and the problematic of democracy, not with reference to the problematic of the nation-state. The neglect of the nation-state in the political sociology of citizenship is one manifestation of what Giddens has identified in The Nation-State and Violence as a more general neglect of the boundedness of the nation-state in political and historical sociology and social theory. On the neglect of formal in favor of substantive citizenship in the literature on European immigration, see n. 5 above.

⁸² The “sociologization” of the concept of citizenship represents just one example of the transposition of this originally legal concept, tied etymologically and conceptually to the city-state, into other domains. Such metaphorical extensions and transpositions have a long history, going back to the Stoics, who identified themselves as cosmopolitans, literally “citizens of the world.” With Augustine’s City of God, the concept of citizenship found a crucial anchorage in Christian theology. In both instances, the

endogenous bias into the study of citizenship. Formal membership of the state has been taken for granted.⁸³ The problem of inclusion in formal citizenship has been ignored in favor of the problem of the inclusion of formal citizens in substantive citizenship, i.e. in particular arrays of rights or particular modes of participation. Inclusion (and correlative exclusion) at the level of the nation-state has been neglected in favor of inclusion and exclusion within the nation-state.

The endogenous bias is understandable : the literature on civic inclusion, on social and participatory citizenship, developed with special reference to the industrial working classes of Europe, whose formal citizenship was generally not in question. But the massive immigration of the last quarter-century to Western Europe and North America, leaving in its wake a large population whose formal citizenship is in question, has engendered a new politics of citizenship, centered precisely on the question of membership in the nation-state. The increasing political concern with inclusion in or exclusion from the nation-state calls for renewed scholarly attention to formal citizenship.

concept of citizenship, unmoored from the narrowly bounded space and densely specified duties of the city-state, was simultaneously stretched to fit a wider spatiotemporal frame and diluted in content (see Wolin, Politics and Vision). Without this stretching and dilution—made possible only by treating citizenship as a metaphor—the concept of citizenship could not have been applied at the level of the nation-state. The sociologization of citizenship should be seen in this context of successive metaphorical transpositions and extensions of an originally legal concept. On the tendency to “alienate a legal term for sociological purposes,” see Dahrendorf, “Citizenship and Beyond,” p. 674.

⁸³ Brian Barry notes that normative political theory of a generation ago, especially in England, “[took] the existence of a ‘society’ ... for granted and focuse[d] on the question of the appropriate ‘arrangements’ for managing such a society” (“Self-Government Revisited,” p. 122). Sociology has also taken the existence of a bounded national “society” for granted. See Giddens, The Nation-State and Violence, p. 172; Zolberg, “International Migrations in Political Perspective,” p. 6; Meyer and Hannan, “National Development in a Changing World System,” pp. 3, 11-12.

Among recent works that take state-membership itself as problematic are Walzer, Spheres of Justice; Brubaker, ed., Immigration and the Politics of Citizenship; Hammar, Democracy and the Nation-State; and Laitin and Lustick, “Hegemony, Institutionalization, and the State.”

PLAN OF THE STUDY

Part One of this study seeks to redress the neglect of formal citizenship through a conceptual and historical analysis of that distinctively modern legal and political institution. Taking as its point of departure a distinction drawn by Max Weber between open and closed social relationships, Chapter One characterizes citizenship as an instrument and object of social and political closure. Certain central and distinctive features of the modern nation-state—the formally administered territorial border, universal suffrage, and universal military service—pivot on the legal institution of citizenship. Only citizens have an unqualified right to enter (and remain in) the territory of a state; only citizens are eligible for “universal” suffrage and obligated for “universal” service. Citizenship thus functions as an instrument of territorial and political closure. At the same time, every state limits access to its citizenship. It limits the circle of persons to whom it ascribes its citizenship at birth. And it specifies the terms and conditions on which it permits others to acquire its citizenship through naturalization. As a status to which access is restricted, citizenship is an object of closure. As instrument and object of closure, citizenship is an essential part of the administrative infrastructure and political culture of the modern nation-state.

Chapter Two discusses the ideological and institutional invention of citizenship in the French Revolution. The Revolution shaped modern national citizenship in four respects. As a bourgeois revolution, it created a general membership status based on equality before the law. As a democratic revolution, it revived the classical conception of active political citizenship but transformed it from a special into a general status. As a national revolution, it sharpened boundaries—and antagonisms—between the members of different nation-states. And as a state-strengthening revolution, it “immediatized” and codified state-membership. National citizenship as we know it bears the stamp of all these developments.

Chapter Three analyzes the development of citizenship in Germany as an aspect of the development of the modern state and state-system. While the blend of egalitarian, democratic, and nationalist motifs in the ideology of modern citizenship are brought into focus by their crystallization in the French Revolution, the institutional foundations of modern citizenship are brought into focus by the German, specifically the Prussian, development. Two phases of this development are sketched. In the first, the development of unitary internal sovereignty at the expense of *ständisch* and regional inequalities laid the foundation for modern citizenship as a general, internally inclusive, immediate status. In the second, state closure against the migrant poor laid the foundation for citizenship as a formally defined, externally bounded status.

This dual developmental history reflects the intrinsic duality of modern citizenship, a status at once universal and particularistic, internally inclusive and externally exclusive. The literature on citizenship has emphasized the universality and inclusiveness of citizenship, neglecting that its universality is bounded, its internal inclusiveness a correlate of external exclusiveness. In the literature, the function and *telos* of citizenship is to include. As a conceptual and normative model, full citizenship implies full inclusion. The development of citizenship is a development in the direction of greater inclusiveness. Exclusion is a sign that citizenship is imperfectly realized.

In fact, exclusion is essential to modern citizenship, both ideologically and legally. Citizenship is everywhere an instrument and object of social closure. Non-citizens can be routinely excluded from territories, labor markets, and welfare institutions. Citizenship is therefore a crucial axis of the “emerging social structure of the world.”⁸⁴ And citizenship is itself everywhere a status to which access is restricted and controlled by the state.

⁸⁴ It is striking, and symptomatic of the endogenous bias of sociology, that Alex Inkeles does not even mention citizenship in an article entitled “The Emerging Social Structure of the World.”

Yet if all states control access to citizenship, the manner in which they do so varies widely. Part Two of this study examines in historical perspective one dimension of variation, namely variation in the conditions under which and the extent to which immigrants are legally transformed into citizens. French citizenship is attributed, and has been attributed since 1889, to most persons born in French territory; as a result, a substantial fraction of postwar French immigrants has French citizenship. German citizenship has always been attributed only to descendants of German citizens; as a result, a negligible fraction of post-war German immigrants—except for East Germans and ethnic Germans from Eastern Europe⁸⁵—has German citizenship.

How can one explain this striking divergence—pregnant with consequences for the future—in the policies and politics of citizenship? A familiar strategy of comparative analysis, known since John Stuart Mill as the method of difference, seeks to provide a crude substitute for experimental or statistical control by choosing cases differing in outcome and in one key contextual respect—the suspected cause—and maximally similar with respect to other possible causes.⁸⁶ This strategy should not be mistaken for a rigorous method, particularly when one is dealing with entities as complex as national societies.⁸⁷ Still, it is a useful orienting strategy, for the stubborn dissimilarity in the

⁸⁵ See Chapter 9, pp. 358-364.

⁸⁶ Mill, A System of Logic, pp. 255f.

⁸⁷ Mill himself made this point forcefully. “In order to apply to the case the most perfect of the methods of experimental inquiry, the Method of Difference, we require to find two instances which tally in every particular except the one which is the subject of inquiry. If two nations can be found which are alike in all natural advantages and disadvantages; whose people resemble each other in every quality, physical and moral, spontaneous and acquired; whose habits, usages, opinions, laws and institutions are the same in all respects, except that one of them has a more protective tariff, or in other respects interferes more with the freedom of industry; if one of these nations is found to be rich and the other poor, or one richer than the other, this will be an *experimentum crucis*—a real proof by experience which of the two systems is most favourable to national riches. But the supposition that two such instances can be met with is manifestly absurd. Nor is such a concurrence even abstractedly possible. Two nations which agreed in everything except their commercial policy would agree also in that. Differences of legislation are not inherent and ultimate diversities... They are effects of pre-existing causes.... There is thus a demonstrated

politics of citizenship in the face of converging immigration policies and similar immigrant populations does pose an analytical problem. And France and Germany do differ in one respect that is at least plausibly connected to the politics of citizenship. For two centuries, locked together in a fateful position at the center of state- and nation-building in Europe, France and Germany have been constructing, elaborating, and furnishing to other states distinctive, even antagonistic models of nationhood and national self-understanding, grounded in differing historical paths to nation-statehood. In the French tradition, political unity is understood as constitutive, cultural unity (ideally) as expressive of nationhood. In the German tradition, ethnocultural unity is understood as constitutive, political unity (ideally) as expressive of nationhood. Part Two of this study argues that the difference in the civic incorporation of immigrants in France and Germany is best understood in the context of these traditions, and that other seemingly plausible factors—notably French demographic weakness *vis-à-vis* Germany in the late nineteenth and twentieth centuries, and the much longer and more important French colonial experience—do not account for the expansiveness of the French definition of citizenship. To lay the groundwork for this analysis, the next four sections characterize these traditions, considering successively (1) their roots in the political and cultural geography of early modern Europe, (2) the crystallization of the French national self-understanding in the Revolutionary period, (3) the development of German national self-understanding in reaction to the Revolution and Napoleonic domination, and (4) the consolidation of the French nation-state and the founding of a German nation-state in the nineteenth century. The final section of the Introduction suggests the bearing of these distinctive traditions of nationhood on legal definitions of citizenship in France and Germany.

impossibility of obtaining, in the investigations of the social science, the conditions required for the most conclusive form of inquiry by specific experience” (*A System of Logic*, p. 575).

TRADITIONS OF NATIONHOOD IN FRANCE AND GERMANY⁸⁸

STATE-BUILDING AND THE GEOGRAPHY OF NATIONHOOD

The nation-state that was invented during the French Revolution was heir to centuries of state-building, and to the gradual development of national consciousness within the spatial and institutional frame of the developing territorial state. The Bismarckian quasi-nation-state also succeeded to long traditions of state-building and national

⁸⁸ An earlier version of the next this and the next three sections appeared in "Einwanderung und Nationalstaat in Frankreich und Deutschland," pp. 15-27. The comparison of German and French understandings of nationhood and forms of nationalism developed here goes back, in its basic lines, to the early nineteenth century. It was first formulated by German intellectuals, who distanced themselves from the shallow rationalism and cosmopolitanism of the Enlightenment and the French Revolution through an historicist celebration of cultural particularism. Mid-nineteenth century French intellectuals reversed the evaluative signs but preserved the substance of the comparison, celebrating the crusading universalism of the French national tradition. Thus Michelet apostrophized France as a "glorious mother who is not ours alone and who must deliver every nation to liberty!" (quoted in Girardet, Le nationalisme français, p. 13). New and more sharply antagonistic formulations were elicited by the Franco-Prussian war. The question of Alsace-Lorraine, in particular, occasioned polemical exchanges between Theodor Mommsen and Fustel de Coulanges and between David Friedrich Strauss and Ernest Renan. While the German scholars advanced an objectivist claim to Alsace-Lorraine, based on the facts of language (in Treitschke's extreme version, the facts of "nature"), the French advanced a subjectivist claim emphasizing the will of the inhabitants (see below, notes 115 and 139). The French view found sublimated expression in the celebrated lecture of Ernest Renan, "Qu'est-ce qu'une nation?," the German view in Friedrich Meinecke's magisterial Weltbürgertum und Nationalstaat. For more detached comparative formulations, see Kohn, The Idea of Nationalism and Prelude to Nation-States; Rothfels, "Die Nationsidee in westlicher und östlicher Sicht"; Schieder, "Typologie und Erscheinungsformen des Nationalstaats in Europa;" Szücs, Nation und Geschichte, pp. 21f.

The basic contrast, then, is a traditional one. In recent years, however, bipolar contrasts involving Germany, especially those pointing to a German "Sonderweg" (special road) to the modern world, have been subjected to criticism on a broad front. Such accounts, it is argued, measure German developments, minutely scrutinized for faults (in the geological and the moral sense) that might help explain the catastrophe of 1933-45, against an idealized version of "western," i.e. British, French, or American developments (see especially Blackbourn and Eley, The Peculiarities of German History). Only through the doubly distorting lens of such culpabilization on the one hand and idealization on the other, the argument continues, does the nineteenth century German bourgeoisie appear "supine" next to its "heroic" French counterpart, the German party system deeply flawed by English standards, the "German conception of freedom" dangerously illiberal by comparison with the Anglo-American, German political culture fatally authoritarian in comparison with that of the "West" in general.

[Note continues on next page]

consciousness, but the two traditions—one Prussian, one German—were radically distinct, even incompatible, in territorial frame, social base, and political inspiration. The Prussian tradition of state-building was not only sub-national and, after the partitions of Poland, supra-national : it was also, in principle, anti-national; while German national consciousness developed outside and—when national consciousness became politicized—against the territorial and institutional frame of existing states.

This is not to say that national consciousness had no political-institutional mooring in Germany. The medieval and early modern Empire—the Holy Roman Empire of the German Nation, as it came to be called, not without ambiguity, in the sixteenth century—was the institutional incubator of German national consciousness, analogous in this respect to the Capetian monarchy in France. But to the progressive conceptual fusion of nation and kingdom in France corresponds the conceptual differentiation of nation and supra-national Empire in Germany; and to the early consolidation and progressively increasing stateness of the French monarchy, with its integrative workings on national consciousness, corresponds the thirteenth century disintegration and subsequent “non-stateness” of the Empire. The Empire with its increasingly rickety institutions survived into the nineteenth century but, lacking the integrative power of a centralizing bureaucratic administration, failed to shape a firmly state-anchored national consciousness. German national

Comparisons of German and French conceptions of nationhood and forms of nationalism have not escaped indictment on this count (see Berdahl, “New Thoughts on German Nationalism”; and Breuilly, Nationalism and the State, pp. 65-83). The indictment, to be sure, is not without foundation. The temptation to treat differences of degree as differences of kind, differences of contextual expression as differences of inner principle, is endemic to bipolar comparison; it is only heightened when the field of comparison is as historically and ideologically charged as it is here. To characterize French and German traditions of citizenship and nationhood in terms of such ready-made conceptual pairs as universalism and particularism, cosmopolitanism and ethnocentrism, Enlightenment rationalism and romantic irrationalism, is to pass from characterization to caricature. My use here of the simplifying opposition between the French political and the German ethnocultural definitions of nationhood is intended as a pointer to, and not a substitute for, a more nuanced analysis. I have tried to recover the analytical and explanatory potency of what remains, after all, an indispensable distinction, by rescuing it from the status of the routine and complacent formula, ripe for criticism, that it had become.

consciousness was never purely cultural, purely apolitical : but while it was linked to the memory and to the anticipation of effective political organization, it was for six centuries divorced from the reality. In France, then, a political-territorial conception of nationhood reflected the early nationwide reach of the monarchy, while in Germany, an ethnocultural conception of nationhood developed in the space between the supra-national Empire and the sub-national profusion of sovereign and semi-sovereign political units.

I am not suggesting that the sense of membership or “identity” was primarily ethnocultural in medieval or early modern Germany. To the extent that anachronistic talk of “identity” makes sense at all, the subjective “identity” of the vast majority of the population throughout Europe was no doubt largely local on the one hand and religious on the other until at least the end of the eighteenth century. The point is a structural, not a social-psychological one. The political and cultural geography of central Europe made it possible to conceive of an ethnocultural Germany whose roughly imagined extent coincided neither with the supra-national pretensions of the Empire nor with the subnational reach of effective political authority. As a result of the triangular relation among supra-national empire, sub-national *Kleinstaaterei*,⁸⁹ and ethnocultural nation, consciousness of political and cultural membership—among the strata carrying supra-local group consciousness—was distributed across and differentiated with respect to a greater variety of units in Germany than in France, each with its own distinctive co-ordinates of reference. Without denying the complexity of patterns of state-building in France, it may nonetheless be said that a structural space for the differentiation of nation and state, and thus a space for the development of an ethnocultural understanding of nationhood, existed in Germany but not in France.

⁸⁹ A pejorative expression emphasizing the fragmentation of political authority in Germany.

Even before the French Revolution, then, the nation was conceived in a different manner in France and Germany. This difference was brought into sharper focus in the second half of the eighteenth century, when the idea of nationhood was first given self-conscious theoretical elaboration. In France, writings of reformist *philosophes* and discussions of the urban public conceived the nation in polemical opposition to the variously privileged orders and corporations of the *ancien regime*, giving the concept a critical edge and a new, dynamic political significance. The *cahiers de doléance*, moreover, suggest that a high political charge was attached to the idea of the nation by the population at large in the immediately pre-Revolutionary period.⁹⁰ Coinciding with the politicization of nationhood in pre-revolutionary France, however, was its unprecedented depoliticization in late eighteenth century Germany. In the writings of the flourishing *Bildungsbürgertum*⁹¹ of the epoch, the German nation was conceived less and less frequently in the traditional political context of the Empire and more and more frequently as an apolitical, ethnocultural entity—as an “inward Empire,” as Schiller put it in 1801, when the old Empire had entered its final phase of disintegration, or as a *Kulturnation*, in the later formulation of Friedrich Meinecke.⁹² If this *bildungsbürgerlich* understanding of nationhood was never exclusively cultural, its political dimension was nonetheless in deep recess during the late eighteenth and the first years of the nineteenth century.⁹³ Elaboration of the idea of nationhood in the second half of the eighteenth century in France and

⁹⁰ Godechot, “Nation, Patrie, Nationalisme et Patriotisme,” p. 494.

⁹¹ The word refers to the cultivated middle classes, the bourgeoisie constituted by *Bildung* (education or cultivation), and conscious of its *ständisch* unity.

⁹² For Schiller’s formulation, see Conze, “‘Deutschland’ und ‘deutsche Nation’ als historische Begriffe,” pp. 29-30. For the distinction between *Staatsnation* and *Kulturnation*, see Meinecke, Weltbürgertum und Nationalstaat, Chapter 1.

⁹³ Meinecke, Weltbürgertum und Nationalstaat, ch. 2.

Germany, then, was the work of a broad bourgeois stratum in France and of a narrower, purely literary stratum in Germany; more important, it was oriented to the reform of an existing nationwide state in France but was identified with a purely cultural, indeed a specifically literary national spirit (*Nationalgeist*) in Germany.

THE REVOLUTIONARY CRYSTALLIZATION

It was the Revolutionary era that decisively fixed the contrast between the French political and the German ethnocultural construction of nationhood. Theorists of the nation in late 18th-century France had called for the reform of an existing state. When reform failed, the radicalized third estate constituted itself as the National Assembly and proclaimed the sovereignty of the nation.⁹⁴ Membership of this sovereign nation was conceived and institutionalized in the political-legal form of citizenship; nationality, as an ethnoculturally or even a legally defined quality distinct from citizenship, is absent from the Revolutionary constitutions. The dominance of citizenship over nationality, of political over ethnocultural conceptions of nationhood, is perhaps best expressed in Tallien's remark of the spring of 1795 : "the only foreigners in France are the bad citizens."⁹⁵ Qualifications for member-

⁹⁴ Article 3 of the Declaration of Rights of August 26, 1789 located "the principle of all sovereignty" in the nation, while the Constitution of 1791 was even more categorical : "Sovereignty is one [and] indivisible ... It belongs to the Nation" (Title III, Article 1). (The Revolutionary Constitutions are reprinted in *Les Constitutions de la France*.) The "nationalization" of political authority, however, was not limited to the constitutional domain. In effect, "all that was 'royal' became ... national : national assembly, national gendarmerie, national guard, national army, national education, ... national domains, ... national debt" (Godechot, "Nation, Patrie, Nationalisme et Patriotisme," p. 495).

⁹⁵ "Il n'y a d'étranger en France que les mauvais citoyens" (Quoted by Azimi, "L'étranger sous la Révolution," p. 702). While Tallien's remark, as Azimi notes, cannot be taken as representative of the Revolution's attitude toward foreigners, the remark does illustrate the strictly political definition of nationhood then prevailing. For the ambivalence of the Revolutionary attitude towards foreigners, see Chapter 2, pp. 106-113 below.

ship were of course disputed during the revolutionary epoch, but such disputes turned on a political rather than an ethnocultural axis.

So too did the question of the territorial boundaries of the new nation-state. The principle of self-determination, pregnant with immense disruptive potential for a dynastically organized and ethnoculturally intermixed Europe, was invoked to justify the territorial gains of 1791-93, and even to reinterpret retrospectively the terms of the accession of Alsace to France in the seventeenth century.⁹⁶ But the collective “self” entitled by revolutionary doctrine to self-determination was conceived in the cosmopolitan, rationalistic terms characteristic of the eighteenth, not in the Romantic terms characteristic of the nineteenth century.⁹⁷ The point of self-determination as understood by the revolutionaries was to give expression to the universal desire for liberty and thus—how could it be otherwise?—for incorporation into France; it was emphatically not to permit the projection of ethnocultural identity onto the political plane.

Even the briefly if radically assimilationist linguistic politics of the Revolution was determined by political considerations rather than by a conception of the nation as an ethnolinguistic entity. Linguistic variety was denounced as conducive to reaction, linguistic

⁹⁶ Kedourie, Nationalism, Chapter 1; Soboul, “De l’Ancien Régime à l’Empire,” p. 63; Godechot, La Grande Nation, p. 69.

⁹⁷ As Meinecke notes, the right of national self-determination could be applied to nations understood in a historical-political sense, which may have a strong ethnic component, with the emphasis on the “historically developed personality of the nation,” or in a rational-political sense, with the Nation understood as “a subdivision of Humanity, an abstractly constructed frame without [distinctive] individual content.” Meinecke registers his clear preference for the former and his criticism of the “deep weaknesses and errors” of the latter, “entirely formalistic doctrine of national sovereignty” (Weltbürgertum und Nationalstaat, p. 34). This corresponds roughly to Simmel’s distinction between the nineteenth century conception of individuality as *Einzigkeit* (uniqueness) and the eighteenth century conception of individuality as *Einzelheit* (oneness); see The Sociology of Georg Simmel, pp. 58-84, esp. p. 81.

unity advocated as indispensable to Republican citizenship.⁹⁸ This short-lived assimilationist politics was not of great consequence. Such linguistic unification as in fact occurred during the Revolutionary and Napoleonic period was due rather to the indirectly assimilationist workings of the army, the schools, and the Napoleonic administrative machine.⁹⁹ Yet the ideological and practical importance of assimilation in the French tradition and the bad name that assimilation has acquired in the last two decades justify a more general observation. Assimilation—i.e. a deliberate policy of making similar—is incompatible with all consistently “organic” conceptions of membership, according to which “natural” ethnolinguistic boundaries are prior to and determinative of national and (ideally) state boundaries. It is one thing to want to make all citizens of Utopia speak Utopian, and quite another to want to make all Utopiphones citizens of Utopia. Crudely put, the former represents the French, the latter the German model of nationhood. Whether juridical (as in naturalization) or cultural, assimilation presupposes a political conception of membership and the belief, which France took over from the Roman tradition, that the state can turn strangers into citizens, peasants—or immigrant workers—into Frenchmen.¹⁰⁰

⁹⁸ Thus Barère’s report to the Committee of Public Safety in January 1794 : “Federalism and superstition speak low Breton; emigration and hatred of the Republic speak German; the counterrevolution speaks Italian, and fanaticism speaks Basque.” Only when all citizens speak the same language, according to Abbé Grégoire’s “Rapport sur la nécessité et les moyens d’anéantir les patois et d’universaliser l’usage de la langue française,” can all citizens “communicate their thoughts without hindrance” and enjoy equal access to state offices. Both reports are reprinted in de Certeau et al, Une politique de la langue, pp. 291-317. The quotations are from pp. 295 and 302.

⁹⁹ Kohn, Prelude to Nation-States, pp. 90-93.

¹⁰⁰ Weber, Peasants into Frenchmen contains a wealth of material on assimilation, but focuses on the period 1870-1914. On the historical roots of the stronger assimilatory tendency of French than German society, see von Thadden, “Umgang mit Minderheiten.” See also below, Conclusion, pp. 405ff.

If the French nation-state was invented in 1789, French nationalism was a product of war.¹⁰¹ Before the outbreak of war, nationalism existed neither as a “blind and exclusive preference for all that belongs to the nation” nor as a “demand in favor of subject nationalities.”¹⁰² Only from 1792 on, when the new order felt itself besieged by enemies within and enemies without, did there develop, superseding the ostentatious fraternal cosmopolitanism and pacifism of 1789-91,¹⁰³ and justified by the doctrine of the “*patrie en danger*,” elements of an xenophobic nationalism at home and an expansive, aggressive, nationalism abroad, originally missionary and crusading, later imperialist and triumphalist.¹⁰⁴ This emergent internal and external nationalism had throughout a political-ideological, not an ethnocultural character. But it contributed to the later emergence, during the Napoleonic period, of a German counter-nationalism in which ethnocultural motifs

¹⁰¹ On September 20, 1792, at Valmy, under fire from the Prussian infantry, the best-trained troops in Europe, the rag-tag French army held its ground to the cry of “Vive la Nation!” Valmy itself was of no great military significance, but thanks to the celebrated phrase of Goethe, who was present at the battle—“this date and place mark a new epoch in world history”—the episode has come to symbolize the transformation of war through the appeal to the nation in arms (Furet and Richet, La Révolution française, p. 175; Soboul, “De l’Ancien Régime à l’Empire,” p. 58).

¹⁰² Godechot concludes that “it is therefore absurd to speak of French nationalism during the first years of the Revolution : patriotism is an entirely different thing” (“Nation, Patrie, Nationalisme et Patriotisme,” p. 498).

¹⁰³ “The French nation renounces all wars of conquest, and will never employ her force against the liberty of any people...—Foreigners ... can receive successions from their parents, whether they be foreign or French. —They can make contracts, acquire and receive goods in France, and dispose of them, in the same way as any French citizen... Their person, their goods, their industry, their religious observances are also protected by law” (Title VI, Constitution of 1791, reprinted in Les Constitutions de la France).

¹⁰⁴ On the internal nationalism, see Azimi, “L’étranger sous la Révolution”; and Nora, “Nation”; see also Chapter 2, pp. 106-113 below.

The contradictions involved in the external missionary nationalism are evident : “the *Grande Nation* is not only the nation that, in 1789, triumphed over the monarchy; it is the nation that has triumphed over its internal and external enemies and that will deliver the oppressed patriots of all Europe. ... The expression *Grande Nation* applies to the liberating, emancipating nation, the nation that propagates the ‘great principles’ of 1789, the nation that must aid oppressed peoples to conquer their liberty... [but also to] the nation that, despite these loudly proclaimed principles, dominates, oppresses, annexes, without regard for the will of other peoples” (Godechot “Nation, Patrie, Nationalisme et Patriotisme,” pp. 499-500).

came to play an important role. Revolutionary expansion, itself driven by political nationalism, thus engendered ethnocultural nationalism; the “crusade for liberty” elicited in response the myth, if not the reality, of a “holy war” of ethnonational resistance.

ROMANTICISM AND REFORM IN GERMANY

The German tradition of nationhood was crucially formed during the Revolutionary era by the Romantic movement on the one hand and the Prussian reform movement on the other, both occurring in the shadow of the French occupation of Germany.¹⁰⁵ The Romantic movement, though not itself centrally concerned with nationhood, supplied patterns of thought and appraisal for the consolidation, celebration, and eventual repoliticization of the ethnocultural understanding of nationhood; while the Prussian reformers, appealing to a radically different conception of nationhood, aimed to “nationalize” the Prussian state from above and thus to regenerate the state after the catastrophic defeat of 1806.

The esthetic and sociohistorical idiom of German Romanticism was perfectly suited to the elaboration of the ethnocultural conception of nationhood. The celebration of individuality as *Einzigkeit* or uniqueness as over against *Einzelheit* or mere oneness; of depth and inwardness as over against surface polish; of feeling as over against desiccated rationality; of unconscious, organic growth as over against conscious, artificial construction; of the vitality and integrity of traditional, rooted folk cultures as over against the soullessness and artificiality of cosmopolitan culture—all these themes were easily transposed from the domain of esthetics and cultural criticism to that of social philosophy.

¹⁰⁵ Even if Hans Kohn goes too far in claiming that the period from 1789 - 1815 “determined the character of nationalism and the rising nation-states” in Germany as well as France (Prelude to Nation-States, p. v), there can be no doubt about the period’s importance.

In the social and political thought of romanticism, and in the larger and more enduring body of social and political thought permeated by its fundamental categories and values, nations are conceived as historically rooted, organically developed individualities, united by a distinctive *Volksgeist* and by its infinitely ramifying expression in language, custom, law, culture, and the state. Despite the emphasis placed on the state,¹⁰⁶ the romantic understanding of nationhood is fundamentally ethnocultural. The *Volksgeist* is constitutive, the state merely expressive, of nationhood.

The social and political thought of Romanticism was completely divorced from the realities of practical politics. The Prussian reformers, conversely, were untouched by the incipient ethnocultural nationalism of the period. Awed by French triumph and Prussian collapse, they wished to create a Prussian nation to regenerate the Prussian state. Thus Hardenberg wrote to Friedrich Wilhelm III in 1807, “We must do from above what the French have done from below.”¹⁰⁷ Romantics and reformers understood the relation between nation and state in completely different terms : the former in quasi-esthetic terms, with the state as the expression of the nation and of its constitutive *Volksgeist*, the latter in strictly political terms, with the nation—the mobilized and united *Staatsvolk*—as the deliberate and artificial creation of the state.

Thus was engendered the characteristic dualism and tension between ethnonational and state-national ideologies and programs—a dualism that has haunted German politics ever since. This suggests a way of reformulating the rough contrast that supplied the point of departure for these reflections : the contrast between the French political and the German

¹⁰⁶ The exaltation of the state found in Romantic political thought—Adam Müller’s claim, for example, that “man cannot be imagined outside the state.... The state is the totality of all human concerns”—reflects on the one hand an amorphous, globalizing conception of the state and on the other the teleological notion that the *Volksgeist* can reach its final and perfect expression only in the state. Müller is quoted in Kohn, *Prelude to Nation-States*, p. 188.

¹⁰⁷ Quoted in Pinson, *Modern Germany*, p. 33.

ethnocultural conception of nationhood. In fact, traditions of nationhood have political and cultural components in both countries. These components have been closely integrated in France, where political unity has been understood as constitutive, cultural unity as expressive of nationhood. In the German tradition, in contrast, political and ethnocultural aspects of nationhood have stood in tension with one another, serving as the basis for competing conceptions of nationhood. One such conception is sharply opposed to the French conception : on this view, ethnocultural unity is constitutive, political unity expressive of nationhood. While this ethnocultural understanding of nationhood has never had the field to itself, it took root in early nineteenth century Germany and has remained widely available for political exploitation ever since. No such essentially ethnocultural conception of nationhood has taken root in France, where cultural nationhood has been conceived as an ingredient, not a competitor, of political nationhood.

NATIONHOOD AND NATIONALISM IN THE NINETEENTH CENTURY

The nineteenth century saw the consolidation of the French and the construction of a German nation-state.¹⁰⁸ By the end of the century, there were noticeable similarities in the social substructure and in the political style of the two nation states. Nonetheless, the deeply rooted differences in the political and cultural construction of nationhood that I have sketched above remained significant, and were in certain respects reinforced.¹⁰⁹

¹⁰⁸ In this context, the “nineteenth century” means roughly 1830 to 1914 in France, and 1815 to 1914 in Germany.

¹⁰⁹ Chapter 6 discusses the manner in which the political, assimilationist understanding of nationhood in France was reinforced, in the late nineteenth century, by the the increasingly universal system of military service and by the Third Republic’s army of school teachers—the *instituteurs*, whose mission was to institute the nation. (See pp. 242-254 below; on “instituting the nation,” see Weber, Peasants into Frenchmen, p. 332.) Chapter 7 discusses the manner in which the ethnocultural strand in German self-understanding was reinforced by the intensifying nationality struggle between Germans and Poles—

For a hundred years from the end of the *ancien régime*, France experienced a succession of new regimes, the last of which, during the Boulangist crisis in the centennial year of the Revolution, seemed to be on the verge of collapsing like its predecessors before its twentieth anniversary. Chronic regime instability, however, did not impede the consolidation of the French nation-state from 1830 on, and particularly from 1880 on. If the Bourbon regime, like the general European settlement imposed by the Congress of Vienna, was anti-national, the July Monarchy was based implicitly, and all subsequent regimes explicitly, on the principle, if not the reality, of the sovereignty of the nation.

This formal-constitutional development represents only one, and by no means the most important, aspect of the consolidation of French nation-statehood. Consolidation can be traced in a variety of domains, many richly documented in the collection edited by Pierre Nora, Les lieux de mémoire, II : La Nation, and in Eugen Weber's Peasants into Frenchmen. There is, for example, the legal consolidation embodied in the Code Civil; the consolidation of national memory effected in the works of historians such as Augustin Thierry, Michelet, and Ernest Lavisse; the pedagogic consolidation carried out by the schools of the Third Republic; the linguistic consolidation furthered by school and army; and the socio-geographic consolidation effected by the development of communication and transportation networks.

Nationalism, a contradictory mix of chauvinism and messianic universalism, heir to the tradition of revolutionary and Napoleonic expansion and to the principle of national self-determination, was located on the left for most of the century. After the defeat of 1870-71, it migrated to the right, with the Boulangist crisis of 1889 serving as a crucial

both groups citizens of the German Empire—in the Prussian East (see pp. 283-304). These crucial formative experiences are therefore not discussed here.

pivot and the Dreyfus Affair marking its definitive arrival.¹¹⁰ More precisely, continental nationalism migrated to the right, while the left under Jules Ferry discovered in the 1880s a new field for the projection and reconstruction of national grandeur : a revitalized and expanded overseas empire.¹¹¹ Ideologically and institutionally, this overseas imperialism was heir to the continental imperialism of the Revolutionary and Napoleonic period and, more remotely, to the Roman imperial tradition. Ideologically, it was conceived as a *mission libératrice et civilisatrice*; institutionally, it went much further than its British or German counterparts in the legal and political assimilation of metropolitan and overseas regimes, aiming at the construction of “*la plus grande France.*” French Republicans pursued an assimilationist, civilizing, nationalizing mission inside France as well; in the 1880s, this assimilationist internal nationalism, linked to reforms of primary education and military conscription, formed the backdrop to an expansive, assimilationist reform of citizenship law whose central provisions have endured to this day.¹¹²

The newly nationalist right, despite its anti-parliamentarism, shared with the old nationalist left (and with the new imperialist left) the sense of a privileged mission or vocation for France, a concern for national “grandeur,” and a reverence for the army as the incarnation and instrument of this grandeur.¹¹³ Despite the rise of anti-semitism toward the end of the century, the new nationalism did not abandon the traditional, essentially political

¹¹⁰ Rémond, The Right Wing in France, pp. 208f; Girardet, “Pour une introduction à l’histoire du nationalisme français.”

¹¹¹ Girardet, L’idée coloniale en France.

¹¹² See Chapter 6, esp. pp. 242-254. On the quasi-colonial dimension of the Republicans’ internal civilizing mission, see Weber, Peasants into Frenchmen, pp. 486ff.

¹¹³ Girardet, “Pour une introduction à l’histoire du nationalisme français.”

conception of nationhood for an ethno-cultural conception.¹¹⁴ Indeed the question of Alsace-Lorraine led to the ideological accentuation of the subjectivist-voluntarist components of French as over against the objective-ethnocultural components of German nationhood.¹¹⁵

The German ethnocultural conception of nationhood was a product of the distinctive political and cultural geography of central Europe. Yet a feature of that geography—the inextricable intermixture of Germans and other nationalities—made it impossible to found a German state precisely on the ethnocultural nation.¹¹⁶ None of the proposed solutions to the problem of national unification—including the “classical” Prussian-*kleindeutsch* and Austrian-*großdeutsch* solutions—could bring into being a “perfect” nation-state : either

¹¹⁴ Even the traditionalist “nationalisme intégrale” of Charles Maurras, it can be argued, turned, despite its antisemitism, on a political and not on an ethnocultural principle. Antisemitism, propagated by Edouard Drumont from the mid 1880s on, and uniting anticapitalist and conservative-Catholic motifs, reached a paroxysmal peak in the Dreyfus Affair. Yet the affair turned not on an ethnocultural or an ethnoreligious conception of nationhood but on the ancient themes of the place of Church and Army in the life of the nation—themes given a new urgency by the anticlericalism of the Third Republic and by the emergence of an internationalist and pacifist left.

¹¹⁵ Thus Fustel de Coulanges, in his letter to the German historian Mommsen on October 27, 1870 : “It is possible that Alsace is German by race and by language, but it is French by nationality and by its sense of fatherland” (quoted in Basdevant, “Le principe des nationalités,” p. 90). A similar theme was developed by Renan in his polemical letters to Strauss. Although occasioned by the question of Alsace-Lorraine, the letters—the second in particular—offer a prescient general critique of the dangers of an “ethnographic politics” that strives to adjust political to prior ethnocultural boundaries : “The division of humanity into races, besides resting on a scientific error, ... can only lead to wars of extermination, to ‘zoological’ wars.... You have raised the flag of ethnographic ... politics in place of liberal politics; that politics will be fatal to you. Comparative philology, which you invented and wrongly transposed to the terrain of politics, will serve you badly. The Slavs are passionately interested in it. How can you believe that the Slavs will not do to you what you do to others?... Every affirmation of Germanism is an affirmation of Slavism; every movement of concentration on your part is a movement that ‘precipitates’ the Slav, releases him, makes him exist separately... Therefore beware of ethnography, or rather don’t apply it too much to politics” (Renan, “Nouvelle lettre à M. Strauss,” pp. 456-7).

¹¹⁶ Conze, “Nationsbildung durch Trennung,” p. 95; Lepsius, “The Nation and Nationalism in Germany,” p. 48.

Germans would be excluded, or non-Germans included, or both. Political considerations were dominant both in the programs of 1848 and in the later practice of Bismarck.

Unification under Bismarck, while conditioned, was not inspired by nationalism, still less by ethnocultural nationalism.¹¹⁷ Nor was the constitutional structure of the unified *Reich* that of a nation-state. The Constitution did not invoke popular sovereignty, and the Imperial crown was offered to William I in Versailles by the princes, not by representatives of the people. There was no unified German citizenship : *Reichsangehörigkeit* (citizenship of the Empire) derived from *Landesangehörigkeit* (citizenship of the individual constituent states), and its limited political significance reflected the limited political significance of the *Reichstag*. The French nation-state had been constructed in polemical opposition not only to dynastic sovereignty but also to corporate and provincial privilege.¹¹⁸ The German quasi-nation state challenged neither principle, even incorporating particular rights—*Reservatrechte*—into the treaties of accession of the South German states.

The *Reich* was nonetheless understood as a nation-state, both by those who welcomed and by those who feared it.¹¹⁹ As a nation-state, however, it was imperfect not only in its internal constitution but in its external boundaries—indeed doubly imperfect. As

¹¹⁷ On Bismarck's distance from nationalism, see Schieder, Das Deutsche Kaiserreich von 1871 als Nationalstaat, pp. 22-26. The annexation of Alsace-Lorraine, while demanded and justified in terms of the ethnocultural principle of nationhood, was in fact determined by strategic considerations. See Gall, "Das Problem Elsaß-Lothringen."

¹¹⁸ Thus the preamble to the Constitution of 1791 : "Il n'y a plus, pour aucune partie de la Nation, ni pour aucun individu, aucun privilège, ni exception au droit commun de tous les Français" (reprinted in Les Constitutions de la France, p. 35).

¹¹⁹ In the case of Poles in the Prussian east provinces, it was not the Reich, but already the North German Confederation, that had the ominous character of a nation-state. Poles accepted membership of the non-national Prussian state, but protested against the incorporation of the east Prussian provinces into this newly national entity. In 1871, they renewed their protest : "we want to remain under Prussian authority, but we don't want to be incorporated into the German Reich" (Polish deputies quoted in Schieder, Das Deutsche Kaiserreich von 1871 als Nationalstaat, pp. 19, 20).

a *kleindeutsches Reich*, it was underinclusive, excluding above all millions of Austrian Germans. But it was at the same time overinclusive, including French in Alsace-Lorraine, Danes in North Schleswig, and Poles in Prussia.¹²⁰ These were not simply linguistic but rather—especially in the last case—self-conscious national minorities. In spite of this dual imperfection, the *Reich* made significant progress toward consolidated nation-statehood between 1871 and 1914—chiefly through the development of new nationwide institutions and processes and through the integrative working of the state on national consciousness. At the outbreak of war, the *Reich* was no longer the conspicuously “*unvollendete*” (unfinished or incomplete) nation-state of 1871.¹²¹

The *Reich* was heir to secular traditions of Prussian statehood and German nationhood. To a remarkable extent, it succeeded in integrating these differing, even antagonistic traditions. Yet the old dualism survived, the old tension between statist and ethnocultural components in the German tradition of nationhood. In the context of this persisting dualism, two generations were not sufficient to create a consolidated, “*selbstverständlich*,” taken-for-granted national consciousness within the frame of the new state. *Reichsnational* did not completely displace *volksnational* consciousness in Imperial Germany: the ethnocultural conception of nationhood, though in recess during the decades after the *Reichsgründung*, remained available for subsequent political exploitation. This is shown by the pan-Germanist agitation around the turn of the century,¹²² by the assumption that union with Austria would and should follow the breakup of the Habsburg empire, and by the development of *völkisch* thought and of a *Deutschtum*-oriented politics

¹²⁰ See Chapter 7, pp. 283ff.

¹²¹ Schieder, *Das Deutsche Kaiserreich von 1871 als Nationalstaat*; Kocka, “Probleme der politischen Integration der Deutschen.” On the articulation in 1871 of the idea of the “incomplete” nation-state, see Conze, “Nationsbildung durch Trennung,” p. 95.

¹²² Arendt, *Origins of Totalitarianism*, pp. 222f.

during the Weimar republic—to say nothing of the subsequent exploitation of *völkisch* thought by Nazi propagandists.¹²³

CONCEPTIONS OF NATIONHOOD AND DEFINITIONS OF CITIZENSHIP

There is an intuitively plausible connection between these distinctive traditions of national self-understanding and the differing legal definitions of citizenship in the two polities. The state-centered, assimilationist, essentially political self-understanding of the French accords much better with the transformation of immigrants into citizens than does German self-understanding, with its pronounced ethnocultural inflection. To be sure, France and Germany differ in other respects that might be related to their differing politics of citizenship. It has been argued, for example, that French demographic and military weakness vis-a-vis Germany in the late nineteenth century induced the French to define citizenship expansively, and, alternatively, that the expansive French definition of citizenship is a legacy of its colonial experience. In fact, neither demographic weakness nor the colonial legacy accounts for the expansive French definition of citizenship.¹²⁴ And analysis of the formative moments in the shaping and reshaping of citizenship law suggests that, in particular historical situations, prevailing understandings of nationhood have have informed legal definitions of citizenship in France and Germany.¹²⁵

¹²³ The vicissitudes of French and German traditions of nationhood in the twentieth century cannot be analyzed here. I argue in Chapters 8 and 9 that the deeply rooted styles of national self-understanding sketched here survived the turmoil of the first half of the twentieth century, and that they continue to inform the politics of immigration and citizenship today.

¹²⁴ See Chapter 6, pp. 213-220 and 236-254.

¹²⁵ See Chapters 5-7.

Shared understandings of nationhood and legal definitions of citizenship belong of course to different orders of fact. The former posit an indefinite membership of a legally indeterminate entity, the nation; the latter define a definite membership of a correspondingly definite entity, the state.¹²⁶ The former therefore escape the imperatives of legal and administrative rationality to which the latter are subject, and vary more widely. The polarized ideological contrast between French political and German ethnocultural understandings of nationhood, between *Staatsnation* and *Kulturnation* (in Meinecke's formulation) or between the French subjective and German objective conceptions of the nation (in formulations advanced during the contest over Alsace-Lorraine) is not reproduced in its full amplitude in the citizenship law of the two countries. Yet distinctive French and German understandings of nationhood are clearly expressed in their respective legal definitions of citizenship.

Rules governing the attribution and acquisition of citizenship must meet certain formal standards of legal and administrative rationality : they must be clear, precise, and unambiguous.¹²⁷ Moreover, the rules are substantively constrained. Modern nation-states are under significant normative pressure—and are even obliged in international law—to make formal citizenship coincide roughly with substantive attachments, and with long-term residence in particular. Just as the codification and rationalization of political territory undermined the “naturalness” and thus the legitimacy of territorial enclaves and exclaves,

¹²⁶ This is obscured by terminological ambiguity. In English, the same concept (formal state-membership) is designated by two terms (citizenship and nationality). Each of these terms, moreover, designates at least two concepts. Besides formal state-membership, “citizenship” can (following T. H. Marshall) designate a substantive array of rights and duties, or (following Aristotle and Rousseau) substantive participation in the business of rule (see pp. 35-37 above); while “nationality” designates ethnocultural belonging in addition to formal state-membership. French shares the same terminological ambiguity. German usage is clearer. “Nationalität” has only an ethnocultural meaning, while formal state-membership is designated by a term meaning precisely that : “Staatsangehörigkeit.” (See Chapter 3, pp. 116-117 below.)

¹²⁷ Lochak, *Étrangers*, p. 51.

so the codification and rationalization of political membership undermines the legitimacy of personal enclaves and exclaves—*islands or archipelagoes of permanently resident non-members and permanently non-resident members.*

These formal and substantive constraints limit the range of variation of membership rules. Yet the range is wide enough to engender major differences in the incorporation of immigrants as citizens. Rates of civic incorporation for labor migrants and their descendants, as noted above, are ten times higher in France than in Germany.¹²⁸ What accounts for the variation? Commentators on citizenship law agree that the choice of rules, while subject to technical legal constraints, often has broader significance. The principles of citizenship law are “never neutral : on the one hand they embody a certain understanding of the political community and of its principle of cohesion, on the other hand they reflect more prosaic and utilitarian concerns.”¹²⁹ One can thus distinguish certain invariant formal properties of citizenship law from a variable and politically determined content, and also the symbolic from the pragmatic determinants of the latter. Conceptions of nationhood are among the symbolic determinants; demographic, military, or economic-mercantilist objectives among the pragmatic.

Too sharp a distinction between symbolic and pragmatic determinants, however, may lead one to underestimate the former. Consider the French case. In recent debate about citizenship law reform, there has been a current of argument that might be called “naive Republicanism.”¹³⁰ According to this line of argument, the reform proposed by the

¹²⁸ See Chapter 4, pp. 154-162 below.

¹²⁹ Lochak, “Comment peut-on devenir français?” p. 16. Although legal commentators often note in passing the broad political significance of fundamental principles of citizenship law, none has analyzed in detail the manner in which rules of citizenship express and embody national self-understandings. See Chapter 7, n. 64 below (p. 279).

¹³⁰ That this was sometimes a calculated naive Republicanism is true but irrelevant to the point I want to make here.

government, by calling *jus soli* into question, rests on a “logic of exclusion” that runs counter to the liberal, inclusive, generous spirit that has characterized French citizenship law since 1889, 1851, or even 1791.¹³¹

“Realists” properly dismiss this argument. They concede that citizenship law in France, compared with that of other continental countries, has always been expansive; and that the dominant tendency from 1804 to 1973, significantly interrupted only during Vichy, has been to attribute French citizenship to, and to facilitate its acquisition by, an ever-wider circle. Expansiveness, however, has nothing to do with liberal inclusiveness. Throughout the nineteenth century, *jus soli* represented not liberality or generosity or inclusiveness but statism. It is not the spirit of generosity but the “shadow of the bureau of recruitment,”¹³² that explains the expansive tendency of French citizenship law. *Jus soli* was extended not out of a liberal concern to include persons born and established in France in the rights of citizenship, but out of the statist concern to prevent them from escaping its heaviest charge, the “*impôt du sang*.”¹³³

As a criticism of naive Republicanism, this is much to the point. (As an explanation for the expansiveness of French citizenship law, it is less satisfactory, for reasons developed below.)¹³⁴ It does not mean, however, that conceptions of nationhood have played no part in definitions of citizenship, that ideological considerations have given way to military and (later) demographic concerns of the state. For it is precisely the prevailing French understanding of the nation as a political rather than an ethnocultural entity that has

¹³¹ For a sophisticated statement of the exclusion thesis, see Lochak, “Code de la Nationalité : la logique de l’exclusion.”

¹³² Niboyet, Traité de Droit International Privé Français, p. 154.

¹³³ Literally “tax on blood,” a phrase used to characterize the duty of military service.

¹³⁴ See Chapter 6, esp. pp. 236-242.

made it relatively easy for the state to define citizenship expansively in accordance with its military, demographic, or—more important in late nineteenth century France—political interests. On this self-understanding, the civic incorporation of immigrants was not problematic; it appeared natural and normal, while the exclusion of immigrants from citizenship civic obligations appeared anomalous.¹³⁵

To be sure, the material and ideal interest of the French state in imposing its citizenship on durably established immigrants has run counter to the emphasis on the "*volonté de vivre ensemble*," the will to live together, to use the oft-cited phrase of Renan, that represents a second, subjective or voluntarist, component of the prevailing French understanding of nationhood. Partly for this reason, French citizenship law has always conceded a remarkably large role to the will of the individual—an irrationally large role, from the perspective of the alleged demographic and military interests of the state in an enlarged citizenry. Thus the system of unconditional *jus soli* advocated by Napoleon on military and demographic grounds on the occasion of the preparation of the Civil Code¹³⁶ has never been implemented : persons born in France of foreign parents have always had an option with respect to their citizenship—from 1804 to 1889, the option of acquiring French citizenship by declaration on attaining legal majority, since 1889 the option of declining French citizenship.¹³⁷ Only third generation immigrants—persons born in France of parents themselves born in France—have had French citizenship imposed on

¹³⁵ See Chapter 6, pp. 242-254

¹³⁶ See Chapter 5, pp. 199-200.

¹³⁷ From 1889 to 1945, the right to decline French citizenship was restricted to persons retaining their original citizenship and having satisfied the military obligations, if any, of that country. Since 1945, there have been no restrictions on the right of repudiation.

them, without, since 1889, the option of repudiation.¹³⁸ The expansive French politics of citizenship has relied not on the unconditional imposition of citizenship but on its provisional attribution and on enlarged opportunities for its voluntary acquisition.

The prevailing German understanding of nationhood has an ethnocultural component that is much weaker, if not entirely absent, in the French self-understanding. This supplied on the one hand a justification for extending German citizenship widely to ethnic Germans and for imposing German citizenship on “objectively” ethnoculturally German populations, without regard to the will of individuals concerned,¹³⁹ while impeding on the other the incorporation of ethnoculturally distinct immigrants as citizens and even, in the extreme case, justifying the withdrawal of citizenship from persons defined as ethnocultural others.¹⁴⁰ Even today, German citizenship law is markedly expansive toward ethnocultural Germans and restrictive towards others. Before 1987, when ethnic German immigration from Eastern Europe began to increase, the civic exclusion of non-German immigrants was irrational, from a purely statist point of view, in a country with the lowest birthrate ever recorded, shrinking cohorts of military recruits, and a prospective labor shortage. That the restrictive policy was nonetheless maintained

¹³⁸ From 1893 to 1973, third generation immigrants whose mother alone was born in France could repudiate French citizenship (until 1945 only if, in addition, the conditions indicated in the previous note were satisfied). Since 1973, an unconditional right of repudiation exists for third-generation immigrants whose mother or father alone (but not both) was born in France.

¹³⁹ It was the historian Treitschke who most clearly formulated the “naturalistic,” anti-voluntaristic justification for the annexation of Alsace-Lorraine in 1871 : “The German country that we demand is ours by nature and by history. We Germans ... know what is appropriate for the Alsatians better than these unfortunates themselves. We want to give them their proper being even against their will” (Basdevant, “Le principe des nationalités,” p. 90). In fact this justification was a mere rationalization : Alsace-Lorraine was annexed for statist, military reasons (see n. 117 above). On the wide extension of German citizenship to ethnocultural Germans, see Chapter 7, pp. 264-272; and Chapter 9, pp. 359-364.

¹⁴⁰ See Chapter 7, pp. 272-304 and Chapter 9, pp. 355-357 and 368-382.

suggests that the traditional understanding of nationhood had hardly disappeared.¹⁴¹ And the events of recent months have spectacularly vindicated the seemingly quixotic West German insistence on a single German citizenship and demonstrated the subsistence in East and West Germany of a powerful sense of common nationhood through forty years of separate statehood.

It is not my aim to attribute differences in the policies and politics of citizenship solely to traditional understandings of nationhood. Of course definitions of citizenship are conditioned by interests, as well as the requirements of legal and administrative rationality. Yet conceptions of nationhood—to adopt the terms of Weber’s “switchman” metaphor¹⁴²—have often determined the tracks along which the politics of citizenship has been driven by the dynamic of pragmatic interests. Part Two of this study seeks to demonstrate this in detail, focusing on pivotal moments in the shaping and reshaping of citizenship law—the Revolutionary and Napoleonic period and the 1880s in France, the Wilhelmine era in Germany—and concluding with analyses of the politics of citizenship and nationhood today.

¹⁴¹ See Chapter 9, pp. 370-375.

¹⁴² “Not ideas, but material and ideal interests, directly govern men’s conduct. Yet very frequently the ‘world images’ that have been created by ‘ideas’ have, like switchmen, determined the tracks along which action has been pushed by the dynamic of interest. ‘From what,’ and ‘for what’ one wished to be redeemed and, let us not forget, ‘could be’ redeemed, depended upon one’s image of the world” (Weber, “The Social Psychology of the World Religions,” p. 280).