ROUTLEDGE INTERNATIONAL HANDBOOKS

Routledge Handbook of Global Citizenship Studies

Edited by Engin F. Isin and Peter Nyers

Routledge Handbook of Global Citizenship Studies

Citizenship studies is at a crucial moment of globalizing as a field. What used to be mainly a European, North American, and Australian field has now expanded to major contributions featuring scholarship from Latin America, Asia, Africa, and the Middle East.

The *Routledge Handbook of Global Citizenship Studies* takes into account this globalizing moment. At the same time, it considers how the global perspective exposes the strains and discords in the concept of 'citizenship' as it is understood today. With over fifty contributions from international, interdisciplinary experts, the *Handbook* features state-of-the-art analyses of the practices and enactments of citizenship across broad continental regions (Africas, Americas, Asias, and Europes) as well as deterritorialized forms of citizenship (Diasporicity and Indigeneity). Through these analyses, it provides a deeper understanding of citizenship in both empirical and theoretical terms.

This volume sets a new agenda for scholarly investigations of citizenship. Its wide-ranging contributions and clear, accessible style make it essential reading for students and scholars working on citizenship issues across the humanities and social sciences.

Engin F. Isin is Professor of Citizenship in the Department of Politics and International Studies at the Open University, UK. He currently serves as Co-Chief Editor of *Citizenship Studies*, and is widely published within the field itself.

Peter Nyers is Associate Professor of the Politics of Citizenship and Intercultural Relations in the Department of Political Science at McMaster University, Canada. He is Co-Chief Editor of *Citizenship Studies*, and has made many other contributions to the field of citizenship studies.

This page intentionally left blank

Routledge Handbook of Global Citizenship Studies

Edited by Engin F. Isin and Peter Nyers

Routledge
Taylor & Francis Group
LONDON AND NEW YORK

First published 2014
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

© 2014 selection and editorial material Engin F. Isin and Peter Nyers; individual chapters, the contributors

The right of the editors to be identified as the authors of the editorial material, and of the contributors for their individual chapters, has been asserted in accordance with sections 77 and 78 of the Copyright, Designs and Patents Act 1988.

All rights reserved. No part of this book may be reprinted or reproduced or utilised in any form or by any electronic, mechanical, or other means, now known or hereafter invented, including photocopying and recording, or in any information storage or retrieval system, without permission in writing from the publishers.

Trademark notice: Product or corporate names may be trademarks or registered trademarks, and are used only for identification and explanation without intent to infringe.

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data
Routledge handbook of global citizenship studies / edited by Engin Isin and Peter Nyers.
p. cm.
Includes bibliographical references and index.
1. World citizenship. 2. Citizenship. I. Isin, Engin F. (Engin Fahri), 1959- II. Nyers, Peter.
JZ1320.4.R68 2014
323.6–dc23
2013043537

ISBN: 978-0-415-51972-4 (hbk)
ISBN: 978-0-203-10201-5 (ebk)

Typeset in Bembo
by Cenveo Publisher Services

Contents

Contributors

Yasmeen Abu-Laban is Professor in the Department of Political Science at the University of Alberta. She has published widely on issues relating to the Canadian and comparative dimensions of gender, ethnicity and racialization processes, border and migration policies, and citizenship theory. She is the co-editor of *Surveillance and control in Israel/Palestine: population, territory, and power* (2011), co-editor of *Politics in North America: redefining continental relations* (2008), and editor of *Gendering the nation-state: Canadian and comparative perspectives* (2008). She is also the co-author (with Christina Gabriel) of *Selling diversity: immigration, multiculturalism, employment equity and globalization* (2002).

Zahra Albarazi is a Researcher at the Statelessness Programme, an initiative of Tilburg Law School in the Netherlands. Her area of research and expertise has been the understanding of statelessness and nationality in the MENA region. She coordinated the 2011–2012 MENA Nationality project and was the principal researcher for a project looking at the link between statelessness and gender discrimination in the region. She has engaged in various trainings and outreach events on statelessness and holds an LLM in International Law from the University of Leeds.

Hilâl Alkan received her BA and MA at Boğaziçi University, Istanbul. Her PhD at the Open University, UK, focused on Islamic charitable organizations as the loci of social citizenship and civic gift-giving. She was awarded her degree in 2013 and now teaches at a number of Istanbul universities. She is active in the Women for Peace Initiative, which tries to establish a long-lasting and gender-aware peace in Turkey. She is especially interested in issues of citizenship, the sources and articulation of rights, and the paradoxes of gift- and care-giving relationships.

Munzoul A.M. Assal is Associate Professor of Social Anthropology and Deputy Director of the Peace Research Institute at the University of Khartoum. Prior to his current position he was the Director of Graduate Affairs at the same university. His research focuses on refugees, internal displacement, and citizenship. His major publications include *Sticky labels or rich ambiguities? Diaspora and challenges of homemaking for Somalis and Sudanese in Norway*, (2004*), Diaspora within and without Africa: homogeneity, heterogeneity, variation* (2006), and *An annotated bibliography of social research in Darfur* (2006).

Lauren E. Banko is a Senior Teaching Fellow in the Department of History, School of Oriental and African Studies (SOAS), University of London. She received her PhD in 2013. Her research focuses on the history of the modern Arab Middle East and in particular, nationality, citizenship,

and popular politics under the Palestine Mandate. She is also interested in the history of the Palestinian Arab diaspora and Arab politics during the interwar era.

Ingrid Brudvig is a graduate student in the Department of Social Anthropology at the University of Cape Town. Her research focuses on transnationalism, Somali diaspora, and the role of micro-entrepreneurship on networks of conviviality and conceptualizations of global citizenship.

Roger Canals works as a Researcher and Professor at the Department of Anthropology of the University of Barcelona. He holds a PhD in Social and Cultural Anthropology from the École des Hautes Études en Sciences Sociales (Paris) and the University of Barcelona. He has published numerous articles on Afro-American religions – mainly on the cult of María Lionza in Venezuela – as well as the book *L'image nomade* (Éditions Universitaires Européennes, 2010). A specialist on visual anthropology, he has made several ethnographic films, mainly on popular religiosity in Venezuela, Puerto Rico, and Barcelona. He has been invited to be a research fellow at the University of Manchester.

Elena Cirkovic is an External Fellow with the York University Centre for International and Security Studies. She was previously a Visiting Scholar with the Bonn University North American Studies Program. She obtained her PhD at the Osgoode Hall Law School of York University. Her MA degree is from the Political Science Department, University of Toronto. She has published on the topics of international human rights law, transnational law, self-determination, and legal pluralism in the *German Law Journal* and *American Indian Law Review*.

Daniel Conway, PhD, is Lecturer in Politics and International Studies at the Open University. He recently published *Masculinities, militarisation and the End Conscription Campaign: war resistance in apartheid South Africa* (2012) and is currently working on a project exploring the history, lives, and identities of the British in South Africa.

Hartley Dean is currently Professor of Social Policy at the London School of Economics and Political Science. His 25 years in academia were preceded by a 12-year career as a welfare rights worker in one of London's most deprived multicultural neighbourhoods. His principal research interests stem from concerns with poverty, social justice, and welfare rights. Among his more recently published books are *Welfare rights and social policy* (2002), *Social policy* (2006 and 2012), and *Understanding human need* (2010). He was previously an editor of the *Journal of Social Policy*.

Sara Rich Dorman, PhD has degrees in Political Science from Memorial University in Canada and the University of Oxford in the UK. She currently teaches at the University of Edinburgh and is a past editor of *African Affairs*. She has a particular interest in African Politics, with an emphasis on post-liberation states, and conducted research in Zimbabwe and Eritrea. She has published on the politics of NGOs, churches, elections, and state-society relations, as well as the politics of nationalism, citizenship, and nation- and state-building in Africa, especially in the Horn of Africa and southern Africa.

Rachel F. Giraudo is Assistant Professor of Anthropology at the California State University, Northridge. She received her PhD in Anthropology from the University of California, Berkeley in 2011. Her interests include indigeneity and identity politics in southern Africa, cultural heritage, tourism, and development.

Elspeth Guild, Jean Monnet Professor *ad personam* Radboud University, Nijmegen and Queen Mary, University of London, and associate senior research fellow at the Centre for European Policy Studies, Brussels, has specialized in EU borders and immigration law for more than 20 years. She coordinates the European Commission's Network of Experts on Free Movement of Workers which the Radboud University manages, bringing together academic experts from the 27 Member States providing national reports annually on the implementation of EU law in the Member States, thematic reports, regional conferences, and a national conference each year. She is also co-editor of the *European Journal of Migration and Law and Free Movement of Workers* (the European Commission's online journal) and on the editorial board of the journal *International Political Sociology*. She is co-editor of the book series *Immigration and asylum law and policy in Europe* published by Martinus Nijhoff.

Xavier Guillaume is Lecturer in International Relations at the University of Edinburgh. He recently published *International relations and identity* (2011) and has edited, with Jef Huysmans, *Citizenship and security* (2013).

Zhonghua Guo is Professor of Politics at the Department of Politics, Sun Yat-Sen University, China. He was previously Visiting Professor at the University of Sheffield, UK and Guest Professor at Umea University, Sweden. His recent publications include *Citizenship in the context of modern politics* (2010), with Xiao Bin and Guo Taihui, and *Citizenship in changing societies* (2011). He has also edited two special volumes on citizenship studies for the *Political Review of Sun Yat-Sen University* (vol. 6, 2011) and the *Annual Review of Chinese Political Science* (vol. 2, 2013).

Jack Harrington is currently preparing a monograph on citizenship in the French and British empires. He has been a European Research Council funded Research Associate at the Open University, has taught at the universities of St Andrews and Edinburgh and been a Visiting Fellow at the University of Mainz. He holds a PhD from the University of Edinburgh. He has a background in volunteering policy.

Kate Hepworth is a Research Associate at the Institute for Culture and Society, University of Western Sydney. She was awarded her PhD from the University of Technology, Sydney in 2012.

Edwina Howell is an activist and academic who works on the Foley Collection at Moondani Balluk, Victoria University. In 2005 she was admitted as a barrister and solicitor to the Supreme Court of Victoria. She was awarded a PhD from Monash University in 2013 for her thesis on anthropology and the Black Power Movement in Australia. With Dr Andrew Schaap and Dr Gary Foley she recently edited *The Aboriginal Tent Embassy: sovereignty, black power, land rights and the state* (2013).

Suzan Ilcan is Professor of Sociology at the University of Waterloo and Balsillie School of International Affairs in Waterloo, Canada. Her research focuses on global governance and international organizations in the context of humanitarian and development aid, social justice and citizenship, and migrant activism. She is the author of *Longing in belonging: the cultural politics of settlement* (2002), co-author of *Issues in social justice: citizenship and transnational struggles* (2013) and *Governing the poor: exercises of poverty reduction, practices of global aid* (2011), and editor of *Mobilities, knowledge, and social justice* (2013).

Engin F. Isin is Professor of Politics in the Department of Politics and International Studies (POLIS) at the Open University, UK. He is the author of *Cities without citizens* (1992), *Being political* (2002), and *Citizens without frontiers* (2012), and is one of the Chief Editors of the journal *Citizenship Studies*.

Niraja Gopal Jayal is Professor at the Centre for the Study of Law and Governance. She is the author of *Citizenship and its discontents: an Indian history* (2013), *Representing India: ethnic diversity and the governance of public institutions* (2006) and *Democracy and the state: welfare, secularism and development in contemporary India* (1999). Among the publications she has edited, co-edited or co-authored are *The Oxford companion to politics in India* (2010), *Democracy in India* (2001), *Local governance in India: decentralization and beyond* (2005), and *Drought, policy and politics in India* (1993).

Dina Kiwan, PhD, has been Associate Professor at the American University of Beirut, since September 2012. Educated at the Universities of Oxford, Harvard, and London, she was previously Senior Lecturer in Citizenship Studies at Birkbeck College, University of London, and Co-Director of the International Centre for Education for Democratic Citizenship (ICEDC). Publications include *Education for inclusive citizenship* and as editor, *Naturalization policies, education and citizenship: Multicultural and multination societies in international perspective* (2013).

Dora Kostakopoulou is a Professor of European Union Law, European Integration and Public Policy at the University of Warwick. Formerly, she was Jean Monnet Professor in European Law and European Integration and Co-Director of the Institute of Law, Economy, and Global Governance at the University of Manchester (2005–2011) and Professor of European Union Law and Director of the Centre for European Law at the University of Southampton (2011–2012). She is the author of *Citizenship, identity and immigration in the European Union: between past and future* (2001) and *The future governance of citizenship* (2008).

Alex Latta is Associate Professor of Global Studies at Wilfrid Laurier University and in the Balsillie School of International Affairs in Waterloo, Canada. His research explores citizenship and socio-ecological conflict in Latin America, focusing on the politics of water, energy policy, and hydroelectric development in Chile. He has published work in *Environmental Politics, Citizenship Studies, Latin American Perspectives, Latin American and Caribbean Ethnic Studies*, and *Interdisciplinary Studies in Literature and Environment*. Latta and Wittman's co-edited *Environment and citizenship in Latin America: natures, subjects and struggles* (2012) examines intersections of environment and citizenship from various geographic and disciplinary perspectives.

Charles T. Lee is Assistant Professor in the School of Social Transformation, Arizona State University. He works at the interface of critical social and political thought, cultural and post-colonial theory, and critical citizenship studies. His current research focuses on the cultural politics of everyday at the margins of liberal social life, involving a book-length study that investigates the quotidian practices and discourses of abject subjects such as migrant domestic workers, global sex workers, transgender people, and suicide bombers as alternative performances/improvisations of 'citizenship', and their implications for rethinking agency, resistance, and social justice in the capitalist circuits of neoliberal globalization.

Gal Levy, BA, MA, (Tel Aviv University), PhD (LSE), is a senior member of the teaching faculty at the Open University, Israel, and the founding academic director of NYU Tel Aviv.

He has published locally and internationally on the interrelationships between citizenship, education, ethnicity, urbanism, and class. He is co-chair of a research group on alternative Arab education in Israel (supported by ISF 217/09). Most recently he has published in *Citizenship Studies*, *British Journal of the Sociology of Education*, and *Educational Review*. He is currently working on a book tentatively entitled *Thriving for citizenship: struggling for citizenship beyond rights*.

Willem Maas is Jean Monnet Chair and Associate Professor at Glendon College, York University, Toronto. He is the author of *Creating European citizens* (2007), the *Historical dictionary of the European Union* (2014), and editor of *Multilevel citizenship* (2013), *Democratic citizenship and the free movement of people* (2013), and *Sixty years of European governance* (2014).

Bronwen Manby, is a Senior Adviser in the Africa Regional Office of the Open Society Foundations, responsible among other things for coordinating the work of the foundations in Africa on the right to a nationality. She was previously Deputy Director of the Africa Division of Human Rights Watch. She has written widely on citizenship rights, including *Struggles for citizenship in Africa* (2009) and *Citizenship laws in Africa: a comparative study* (2nd edition, 2010), as well as studies on Kenya, Zimbabwe, Sudan, and other countries.

Martina Martignoni is a Researcher at the School of Management, University of Leicester. She is currently working on a project on postcolonial organizing, in particular on the practices and forms of self-organization of Eritrean migrants in Milan. A historian by training, she has previously worked and published on the genealogy of cultural and postcolonial studies (*Saperi in polvere. Una introduzione agli studi culturali e postcoloniali*. Collettivo Bartleby, Eds, (2012). Verona: Ombre corte) and on the concept of nation inside the French and Italian communist parties (in *Diacronie. Studi di Storia Contemporanea*).

Judy Meltzer holds a doctorate in Political Science from Carleton University, Canada. Her research interests include citizenship, critical development studies, and social theory. She was previously senior analyst for the Andean region at the Canadian Foundation for the Americas. Her recent publications appear in *Post-neoliberalism in the Americas* (Macdonald and Ruckert 2009), the *International studies encyclopedia* (2010), and *Environment and citizenship in Latin America* (Latta and Wittman 2012). She is co-editor of a Special Issue of *Citizenship Studies* on Narratives of Citizenship in Latin America (2013) and *Elusive peace: international, national and local dimensions of conflict in Colombia* (2005).

Aoileann Ní Mhurchú is a Lecturer in International Politics in the School of Social Sciences at the University of Manchester. Her research is located at the intersection of three areas: critical citizenship studies, international migration, and questions of time and space in political and philosophical thought. Her main interest is in exploring various experiences of multinational belonging – in terms, for example, of fluidity, lack, or exclusion – and investigating how these challenge traditional spatio-temporal statist understandings of political subjectivity. She has published in *Citizenship Studies*, and *Alternatives: Local, Global, Political* and has a forthcoming monograph with Edinburgh University Press.

Seungsook Moon is Professor of Sociology at Vassar College where she served as Chair of the department and Director of Asian Studies Program. She is the author of *Militarized modernity and gendered citizenship in South Korea* (Duke University Press, 2005, reprinted 2007), *Kunsajuŭie*

kach'in kŭndae: kungminmandŭlgi, simindoegi, kŭrigo sŏngŭi chŏngch'i, (Seoul: Alternative Culture Publication, 2007), and co-editor of, and a contributor to, *Over there: living with the U.S. military empire from World War II to the present* (Duke University Press, 2010). As a political and cultural sociologist and scholar of gender studies, she has published numerous articles on such topics as citizenship, military service, civil society and social movements, collective memories, and globalization and food. She is a recipient of the Fulbright Scholar Award and the Korea Book Review Editor of the *Journal of Asian Studies*.

Ian Anthony Morrison is an Assistant Professor of Sociology at the American University in Cairo. His publications include articles in *Citizenship Studies* and *The Review of European and Russian Affairs*, as well as several chapters in edited volumes. His research interests include continental, social and political thought, the sociology of religion, and citizenship and nationalism studies.

Catherine Neveu is a CNRS Senior Researcher at IIAC (TRAM), Paris. Working at the junction of anthropology and political science, she has directed several international and national research programmes in France on citizenship processes. With John Clarke, Kathleen Coll and Evelina Dagnino, she recently published a co-written book: *Disputing citizenship* (2014).

Francis B. Nyamnjoh is Professor of Social Anthropology at UCT, South Africa, which he joined in August 2009 from the Council for the Development of Social Science Research in Africa (CODESRIA) in Dakar, Senegal. He has researched and taught at universities in Cameroon and Botswana.

Peter Nyers is Associate Professor of the Politics of Citizenship and Intercultural Relations in the Department of Political Science at McMaster University, Canada. His research focuses on the political struggles of non-status refugees and migrants, in particular their campaigns against deportation and detention and for regularization and global mobility rights. He has published widely on these themes, including authoring the book *Rethinking refugees: beyond states of emergency* (Routledge 2006), and is one of the Chief Editors of the journal *Citizenship Studies*.

Dimitris Papadopoulos is Professor of Sociology and Organization in the School of Management, University of Leicester. His work on labour and transnational migration, on politics and technoscience, and on experience and subjectivity has appeared in numerous journals and in several monographs, including *Escape routes: Control and subversion in the 21st Century* (Pluto Press 2008), *Analysing everyday experience: social research and political change* (Palgrave 2006), and *Lev Vygotsky: work and reception* (2nd ed., Lehmanns Media 2010). He is currently completing *Crafting politics. Technoscience, organization and material culture* (forthcoming with Duke UP), a study of autonomous politics, materialism, and alternative interventions in technoscientific culture.

Delphine Perrin has been granted an EU Marie Curie Fellowship to conduct a 2-year research project (2013–2015) on lawmaking in the domain of migration in the Maghreb (MIGRINTERACT), at Aix-Marseille University. She was previously a Research Fellow at the European University Institute (EUI) in Florence. She is Associate Researcher at IREMAM (Institute for Research and Studies on the Arab and Muslim World) in Aix-en-Provence and at the Centre Jacques Berque in Rabat. Her research interests include comparative law and policy on asylum, migration, and citizenship in North Africa and in the European Union.

Teresa Pullano is Marie Curie Postdoctoral Fellow at the Centre of Political Theory (CTP) at the Université Libre de Bruxelles and teaching fellow at Sciences Po, Paris. She recently published *L'espace de la citoyenneté en Europe* (Presses de Sciences Po, 2014). Her research focuses on the restructuring of statehood in Europe, studying EU state space within processes of regionalization and globalization and reconceptualizing European citizenship. She holds a PhD from Sciences Po, Paris and was Fulbright-Schuman fellow at the Department of Political Science, Columbia University, New York.

Francesco Ragazzi is Lecturer in International Relations at Leiden University, and Associate Researcher at the Centre for International Studies and Research (CERI / Sciences Po, Paris). He obtained his PhD in political science from Sciences Po, Paris and Northwestern University, Chicago. Prior to his appointment at Leiden University, he was a Research Fellow at the School of Oriental and African Studies (SOAS) in London (2008–2009). He is member of the editorial board of the journal *Cultures & Conflits*.

Charles V. Reed, a historian of modern Britain and the British Empire, is an Assistant Professor of History at Elizabeth City State University, the University of North Carolina. He is completing work on a book on nineteenth-century royal tours of empire and British imperial culture, tentatively titled *Royal subjects, imperial citizens: the royal tour and the making of British imperial culture, 1860–1911*. He is also the List Editor and Book Review Editor for H-Empire, the H-Net listserv dedicated to the study of empires and colonialism.

Cristina Rojas is Professor at the department of Political Science at Carleton University, Canada. Her research focuses on decolonizing global governance, critical development, and emancipatory practices of citizenship. Her current research is on indigenous women and the decolonization of the patriarchal state in Bolivia. Her most recent articles are published in *Citizenship Studies, Globalizations*, and *Third World Quarterly*. She is the author of *Civilization and violence: regimes of representation in nineteenth-century Colombia (2002)* and co-editor of *Elusive peace: international, national and local dimensions of conflict in Colombia* (2005).

Vanessa Ruget is Assistant Professor of Political Science at Salem State University, Massachusetts. In the past, she taught political science at the American University – Central Asia and at the OSCE Academy in Bishkek, both located in Kyrgyzstan. She received her PhD in 2000 from the University of Bordeaux. Her current research focuses on citizenship, migration, and democracy in Kyrgyzstan. It has appeared in *Problems of Post-Communism*, *Citizenship Studies*, *Communist and Post-Communist Studies*, and *Central Asian Survey*.

Anne Spry Rush is a Lecturer in British and Empire History at the University of Maryland, College Park. Her interests include identity, status, and culture in Britain and its empire, with an emphasis on colonials in the twentieth-century Caribbean and British Isles. She is the author of *Bonds of empire. West Indians and Britishness from Victoria to decolonization* (2011), which explores British imperial identity through a focus on war, radio, voluntary organizations, education, and royalty.

Kim Rygiel is Assistant Professor of Political Science, teaches in the graduate program at the Balsillie School of International Affairs and is Research Associate with the International Migration Research Centre at Wilfrid Laurier University, Canada. She is the author of *Globalizing citizenship* (UBC Press 2010) and co-editor (with Peter Nyers) of *Citizenship,*

migrant activism and the politics of movement (Routledge 2012). Her work has appeared in the journals *Citizenship Studies* and *Review of Constitutional Studies* and as several book chapters including 'The securitized citizen' in *Recasting the social in citizenship*, edited by E. F. Isin (2008).

Leticia Sabsay is a Research Associate at the Department of Politics and International Studies at the Open University, appointed to the 'Oecumene – Citizenship after Orientalism' ERC project. Until she left Argentina in 2002, she was Assistant Professor of Communications at the University of Buenos Aires. Since then she has continued to collaborate with this University as a faculty member of the Gino Germani Research Institute for the Social Sciences. She has authored *Las normas del deseo. Imaginario sexual y comunicación* (Cátedra 2009), *Fronteras sexuales. Espacio urbano, cuerpos y ciudadanía* (Paidos 2011), and *The political imaginary of sexual freedom* (Palgrave forthcoming).

Shirin Saeidi researches on gender, sexuality, and nation-building in the Middle East, with a particular focus on post-1979 Iran. She completed her BA in government and politics at the University of Maryland, College Park and her MA in political science at George Mason University. In 2012, she was awarded a PhD degree from the University of Cambridge. She has been the recipient of several research awards at Cambridge, and her 2010 paper in the journal *Citizenship Studies* was selected as the editor's choice article for the edition.

Romola Sanyal is a Lecturer in Urban Geography at the London School of Economics and Political Science. She has previously taught at University College London, Newcastle University and Rice University, Houston, Texas. She received her PhD in 2008 from the University of California, Berkeley. Her co-edited book, *Urbanizing citizenship: contested spaces in Indian cities* (with Dr Renu Desai) was published in 2011.

Andrew Schaap teaches politics at the University of Exeter. He is the author of *Political reconciliation* (2005) and editor of *Law and agonistic politics* (2009). He is co-editor (with Danielle Celermajer and Vrasidas Karalis) of *Power, judgment and political evil: in conversation with Hannah Arendt* (2010) and (with Gary Foley and Edwina Howell) of *The Aboriginal Tent Embassy: sovereignty, black power, land rights and the state* (2013).

Mimi Sheller is Professor of Sociology and Director of the Center for Mobilities Research and Policy at Drexel University, Philadelphia. She has published extensively in the fields of Caribbean Studies and Mobilities Research. She is the author of *Democracy after slavery* (2000), *Consuming the Caribbean* (2003), *Citizenship from below: erotic agency and Caribbean freedom* (2012), and *Aluminum dreams: lightness, speed, modernity* (2014). She is founding co-editor of the journal *Mobilities*, Associate Editor of *Transfers*, and co-editor with John Urry of *Mobile technologies of the city* (2006) and *Tourism mobilities* (2004).

Reiko Shindo is an Assistant Professor at the Graduate Program on Human Security at the University of Tokyo. Her research areas include the politics of claiming citizenship, the concept of borders, and the role of language in migration. Her articles appear in *Citizenship Studies* (2009), *International Political Sociology* (2012) and *Third World Quarterly* (2012). In 2011, she worked as a programme adviser at the PKO office in the Cabinet office, Japan. She was awarded a PhD by Aberystwyth University in 2013.

Nevzat Soguk is Professor of Political Science at the University of Hawai'i Manoa and Adjunct Professor of Global Politics at RMIT University, Australia. He is author of two books: *States and strangers: refugees and displacements of statecraft*, (University of Minnesota Press 1999) and *Globalization and Islamism: beyond fundamentalism* (Rowman and Littlefield Publishers 2010). He is also the co-editor of *Arab revolutions and world transformations*, (Routledge 2013) and *International global governance*, (Sage Publications 2013). His research is guided by an interest in international relations theory and global political and cultural transversality. He has presented his work at conferences around the world, including Indonesia, Thailand, Austria, France, Hungary, Canada, the UK, Mexico, and the USA. He was formerly Deputy Director of the Global Cities Institute at RMIT University, Australia.

Claire Sutherland lectures in Southeast Asian politics at Durham University in the UK. Her core research interests are nationalist ideology and nation-building, with a comparative focus on European and Southeast Asian cases, and she has a developing interest in museum representations of the nation, migration, and citizenship. Publications include *Soldered states: nation-building in Germany and Vietnam* (2010) and *Nationalism in the twenty-first century: challenges and responses* (2012).

Thomas Swerts is a PhD Candidate in Sociology at the University of Chicago. He previously received his Master's degree in Political Science at the University of Leuven. His research interests include irregular migration, citizenship studies, social movements, and political theory. He recently published on transnational environmental activism in India (2013). For his dissertation research, he is currently conducting a comparative ethnographic study of the political mobilization of undocumented migrants in Chicago and Brussels. He also serves as a manuscript reviewer for the *American Journal of Sociology* and the *International Journal of Urban and Regional Research*.

Noah Tamarkin is Assistant Professor of Comparative Studies at the Ohio State University. He was a 2012–2013 Mellon Postdoctoral Fellow at the University of Pennsylvania's Penn Humanities Forum. He received his PhD in Cultural Anthropology from the University of California Santa Cruz in 2011. His work has appeared in *The Annals of the American Academy of Political and Social Science* and is fourthcoming in *Cultural Anthropology*. He is currently completing a book entitled *Jewish blood, African bones: The Afterlives of Gentic Ancestry*.

Katherine E. Tonkiss is a Postdoctoral Research Fellow at the School of Government and Society, University of Birmingham, where she was also awarded her PhD in 2012. She recently published her first monograph, *Migration and identity in a postnational world*, with Palgrave Macmillan, and has also published a range of journal articles on subjects including migration ethics, postnationalism, European citizenship, and national identity.

Bryan S. Turner is the Presidential Professor of Sociology at the Graduate Center, the City University of New York. He is a Professorial fellow at the Australian Catholic University, Melbourne, Autralia. He recently published *Rights and Virtues* (2008) and *Religion and Modern Society: Citizenship, Secularization and the State (2011)*. He is one of the chief editors of the journal *Citizenship Studies*. He was awarded a Doctor of Letters by Cambridge University in 2009.

Peter Vermeersch is a Professor of Politics at the University of Leuven in Belgium (KU Leuven), where he is affiliated with the Institute for International and European Policy and the

Centre for Research on Peace and Development. In 2007 and 2008, he was a visiting scholar at the Minda de Gunzburg Center for European Studies, Harvard University. He is the author of *The Romani movement: minority politics and ethnic mobilization in contemporary Central Europe* (2006) and *Het vredesfront* ('The peace front', 2011).

Laura van Waas, PhD, is Senior Researcher and Manager of the Statelessness Programme of Tilburg Law School in the Netherlands. She is the author of *Nationality matters – statelessness under international law* (2008), an in-depth analysis of the international normative framework relating to statelessness, in addition to numerous other academic publications on nationality and statelessness. She has worked for UNHCR on several successive statelessness projects, drafting public information materials, developing training programmes and delivering training on statelessness, and undertaking comparative regional research on statelessness situations. She has also been commissioned to undertake research or provide training for a number of other international organizations.

Maggie Walter, PhD, a descendant of the Trawlwoolway people from north-eastern Tasmania, is a sociologist at the University of Tasmania. Her other roles include: Deputy Director of the National Indigenous Researcher and Knowledges Network, editorial board member of the journal *Native American and Indigenous Studies*, and long-term steering committee member of the national Longitudinal Study of Indigenous Children. Recent publications include *Indigenous statistics: a quantitative research methodology* (2013) and *The globalizing era and citizenship for indigenous Australian women* (2010).

Kathryn L. Wegner is a College Research Associate at Clare College, the University of Cambridge. A historian of education, she earned a PhD from the University of Illinois at Chicago in 2010, and is working on a book, *Progressive citizenships: schooling youth in immigrant Chicago, 1900–1940.*

Sarah Marie Wiebe is an Assistant Teaching Professor at the University of Victoria. Her dissertation *Anatomy of place: ecological citizenship in Canada's Chemical Valley* examined struggles for environmental and reproductive justice and the impact of pollution on the Aamjiwnaang First Nation. She has several forthcoming publications on the politics of reproductive justice and ecologies of indigenous citizenship. At the nexus of citizenship, biopolitics, and environmental politics, her research interests focus on the role of the body in citizen protest, mobilization, and struggles for knowledge. In addition to researching and writing on these topics, she has also published on critical methodologies and is currently working on several projects emphasizing visual research methods. As a collaborative researcher, she assisted indigenous youth with the production of a documentary film, *Indian givers*, which is publicly available online.

Hannah Wittman is Associate Professor in the Faculty of Land and Food Systems at the University of British Columbia in Vancouver. She conducts collaborative research on food sovereignty, local food systems, and agrarian citizenship with peasant and farming networks in Brazil, Guatemala, and Canada. Latta and Wittman's co-edited volume *Environment and citizenship in Latin America: natures, subjects and struggles* (2012) examines intersections of environment and citizenship from various geographic and disciplinary perspectives. Her work also appears in the *Journal of Rural Studies*, *Journal of Peasant Studies*, *Agriculture and Human Values*, *Canadian Journal of Development Studies*, and *Human Organization*.

Sezai Ozan Zeybek is an Assistant Professor at Bilgi University in Istanbul. He had tried to avoid military service as long he could, worked the system, and finally got a letter of exemption. His piece in this book with Hilâl Alkan is partly a review of that three-year-long struggle. Since then, he has taught on postcolonial thought and political ecology in Turkey and published essays on urban ecology, militarism, and provincial towns. In the summer of 2013, he took part in the Turkish Occupy Movement for Gezi Park – a hopeful new avenue for Citizenship Studies.

Acknowledgements

We knew from the start that we wanted this *Handbook* to both shape a critical agenda for the field of citizenship studies and at the same time provide a glimpse of what people who are doing research in the field thought was important, vital, and relevant. To balance these two admittedly challenging aims, we combined an open call for contributions with carefully selected invitations to those whose work we find impressive. The very high number of submissions to our call for contributions and the enthusiastic response to our invitations were evidence of the vitality and variety of the field. We are immensely grateful to those who took the time to submit a proposal and all who accepted our invitations. To all the contributors to the *Handbook* we express our thanks for writing such rich, challenging, and politically incisive chapters. The high level of professionalism that each author demonstrated in meeting deadlines and responding to our successive comments was truly edifying. We learned so much from the chapters and we think readers of this *Handbook* will share our enthusiasm in reading them.

We believe that the global scope of the *Handbook* as well as the conceptual depth and empirical richness of the individual chapters demonstrates the creativity, commitment, and intellectual courage that characterize citizenship studies today.

Our greatest thanks go to Jack Harrington, who served as the managing editor of the *Handbook*. In addition to his formidable administrative and organizational skills that kept everyone and everything on track, Jack emerged as a challenging intellectual interlocutor whose ideas and contributions helped shape our thinking about globalizing citizenship studies. We are immensely grateful to him and very pleased that he accepted our invitation to write the introductory guide to the volume.

We received invaluable support for this project from Lisa Pilgram and Radha Ray at the Open University. Our editor at Routledge, Gerhard Boomgaarden, with Emily Briggs and Emma Hart, have been extremely supportive of the project from day one. Thanks also to Nick Holdstock and Donald Watt for their expert copy-editing skills and to Sue Usborne for Meticulous proofreading.

Engin Isin would also like to acknowledge that this project has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP7/2007–2013) / ERC grant agreement n° 249379. Peter Nyers acknowledges the financial and institutional support given by the Institute of Globalization and the Human Condition at McMaster University.

Finally, we thank, as always, our partners and families: Evelyn, Oona, Géza, and Bea. Without their edifying presence in our lives a project such as this would neither be possible nor perhaps even a sensible endeavour.

Introduction

Globalizing citizenship studies

Engin F. Isin and Peter Nyers

The field of citizenship: legality and performativity

There are various ways of defining citizenship and, as we have witnessed in the interdisciplinary field of citizenship studies, each falls short of a satisfactory clarity or comprehensiveness. Whether citizenship is defined as membership, status, practice, or even performance, it carries an already assumed conception of politics, culture, spatiality, temporality, and sociality. To say, for example, that 'citizenship is membership of the nation-state' assumes so much and leaves so much out that it becomes an analytically pointless statement. Ironically, it is also the most common definition offered today. Similarly, to say that 'citizenship is performance' leaves as much unsaid as said about the way in which it comes into being and functions.

Is there a wide-ranging approach that can capture something essential about citizenship without making too many assumptions about what it involves? Is there a definition that leaves plenty of room for questions but still provides a focused perspective? *Our best offer is to define citizenship as an 'institution' mediating rights between the subjects of politics and the polity to which these subjects belong.* There are several things of note in this minimalist yet broad-ranging definition. First, 'institution' here should obviously not imply a narrow conception of organization. It implies a broader conception of processes through which something is enacted, created, and rendered relatively durable and stable but still contestable, surprising, and inventive. Second, we use the term 'polity' to move away from the idea that the state is the sole source of authority for recognizing and legislating rights. There are international polities such as the European Union or the United Nations as well as many other covenants, agreements and charters that constitute polities other than the state. Third, note that we suggest using 'political subjects' rather than 'citizens' as the agents of the mediation in hand. This is because not all political subjects will have the designation of citizens. This also clarifies our use of 'belongs', which we take to include official and non-official forms, legal and extra-legal belongings. Note also that we use 'subjects' in the plural because citizenship involves collective mediations and not just the relationship individuals have with their polity. Either way, whether certain political subjects can make claims to being, or constitute themselves as, citizens is an important aspect of the politics of citizenship or politics *for* citizenship. Finally, note the double meaning of 'political subjects'. Just now we used it to signify those people who have constituted themselves as subjects of politics in the sense that they

act as political subjects. But 'political subjects' can also mean those issues that are the topic of discussion under the designation 'political'. In other words, the topics that come under discussion during the mediation of rights between political subjects and polities are themselves a political subject. So when we say 'mediation between the subjects of politics and the polity to which they belong', we mean that politics *for* citizenship involves both where and how this mediation occurs, who becomes implicated in these rights, and what rights are the focus of mediation.

Yet this wide-ranging but focused statement still belies the fact that the citizen of a polity almost never belongs only to that polity but to several nested, if not overlapping and conflicting, series of polities ranging from the city, region, the state, and the international. Clearly, in the contemporary world the dominant polity is the state, but even its dominance is now implicated in various international and regional polities evinced by international covenants (e.g. the European Convention on Human Rights), multilateral agreements (e.g. the North American Free Trade Agreement), supranational bodies (e.g. the European Union) and shared sovereignty arrangements (e.g. Scotland or Quebec). This is further complicated by the fact that many citizens (and non-citizens) in the contemporary world do not reside in their birthplace but in their adopted countries. All this places a citizen in a web of rights and duties through which he or she is called upon to performatively negotiate a particular combination that is always a complex relationship.

For these reasons it is misleading to begin thinking about citizenship as a unified (or unifying) and static relationship. A Chinese government cannot have a unified and singular relation with its citizens, since their lives are mediated not only through their rights from, and duties to, the Chinese state but also through human rights, environmental or cultural discourses to international politics beyond its borders. Similarly, a British government cannot have exclusive relations with British citizens, as their lives are implicated in, and interdependent with, the European Union as a supranational polity, the European Convention on Human Rights, and myriad other mutual rights and duties toward other polities. Even in the area of national security – long the domain of the sovereign, often in exceptionalist forms – private corporations have emerged as competitors in the emerging market for providing protection to citizens, militaries, individuals, and neighbourhoods. Whilst still dominant, the state, therefore, cannot be said to have an exclusive claim over its members.

How do we then approach citizenship in the contemporary world? If indeed it is a negotiated and dynamic institution mediating rights between political subjects and their polities, two key dimensions require emphasizing. One is the combination of rights and duties that defines citizenship in a polity. The other is the performance of citizenship. Research in citizenship studies tends to follow parallel lines with scholars adopting or favouring one dimension over the other. We consider both dimensions to be indispensable for understanding how citizenship mediates rights between citizens and the polity to which he or she belongs.

The combination of rights and duties is always an outcome of social struggles that finds expression in political and legal institutions. Traditionally, in modern state societies, three types of rights (civil, political, and social) and three types of duties (conscription, taxation, and participation) defined the relationship between the citizen and the state. Civil rights include the right to free speech, to conscience, and to dignity; political rights include franchise and standing for office; and, social rights include unemployment insurance, universal health care, and welfare. Although conscription is rapidly disappearing as a citizenship duty, taxation is as strong as ever and jury duty, even as it is increasingly challenged under certain circumstances, still serves a fundamental role. Moreover, new rights have appeared such as sexual, cultural, and environmental rights with varying degrees of success of institutionalization (e.g. witness the struggles over same-sex marriage in the United States and Europe). Again, as we have mentioned, whether

classical (civil, political, social) or expanded (sexual, environmental, cultural), these rights and duties are mediated through other polities that influence the actual combination that obtains in a given polity at a given time.

The older and more theoretical classifications of ideas of citizenship (such as liberalism, republicanism, and communitarianism) make much less sense now given the contemporary complications just mentioned. Since the combination of rights and duties and their performance vary greatly across polities, it is probably more accurate to speak about various citizenship regimes that characterize a similar, if not co-dependent, development of certain combinations. We can, for example, talk about an Anglo-American regime (e.g. Britain, the US), a North European regime (e.g. Denmark, Norway), a continental regime (e.g. France, Germany), a South American regime (e.g. Brazil, Chile), a South Asian regime (e.g. India, Pakistan), and so forth. We can also talk about postcolonial citizenship regimes (e.g. India, Brazil, Ghana), post-communist citizenship regimes (e.g. Poland, Hungary, even China), neoliberal citizenship regimes (e.g. Britain, the US), post-settler citizenship regimes (e.g. Canada, Australia), or settler regimes (e.g. Israel). Arguably, each of these regimes has a different combination of rights and duties of citizenship but each displays a recognizable culture of rights and duties. The proliferation of these overlapping regimes, moreover, speaks to the need for scholarship on citizenship to appreciate the multiple ways in which citizenship has itself been globalized. The field of citizenship studies is globalizing because people around the world are articulating their struggles through citizenship.

The performance dimension of citizenship highlights two issues. First, rights and duties that are not performed remain as inert or passive rights and duties. These rights and duties are brought into being only when performed by citizens. Consider, for example, conscription as a duty. As we have mentioned, although declining, if it exists on paper, states may occasionally invoke this in times of conflict or war. Secondly, since citizenship is brought into being by being performed, non-citizens can also perform citizenship. In fact, those who do not have the status of citizenship but obtain it by making claims to it often negotiate many rights and duties. This performative aspect of citizenship has been expressed in various ways, most notably in the language of active versus passive citizenship.

These two dimensions of citizenship permeate social and political life to a greater degree than meets the eye. It is citizenship studies scholarship that brings them into light in analytical terms. When people mobilize for legalizing same-sex marriage, rally for social housing, protest against welfare cuts, debate employment insurance, advocate the decriminalization of marijuana, wear attire such as turbans or headscarves in public spaces, leak information about the surveillance activities of their own governments, seek affirmative action programmes, or demand better health-care access and services, they tend not to imagine themselves as struggling for the maintenance or expansion of social, cultural, or sexual citizenship rights. Nor do governments recognize them as such. Instead, people invest in whatever issues seem most related and closest to their social lives, and dedicate their time and energy accordingly, and governments respond or fail to respond to these demands. There are two points to make about such struggles. First, they are irreducibly social struggles that arise from social existence. To classify such struggles either as redistribution (economism) or recognition (culturalism) misses their complexity and the political stakes involved. Secondly, while they may not clearly articulate it, it is important to acknowledge that when people engage with such issues, whatever differences may separate them in values, principles, and priorities, they are performing citizenship, even those who are not passport-carrying members of the state (non-citizens). But by so doing they shape both subjects of politics and political subjects. Thus, citizenship is certainly much more than legal status, although formal legal citizenship remains important for accessing citizenship rights. Although

it mediates between citizens and polities, citizenship does not always take the form of demands on government.

We can conclude that if citizenship mediates rights between political subjects and the polity to which they belong, it also involves the art of being with others, negotiating different situations and identities, and articulating ourselves as distinct from, yet similar to, others in our everyday lives. Through these social struggles, citizens develop a sense of their rights as others' obligations and others' rights as their obligations. This is especially true for democratic citizenship, as it is the only form of citizenship that approaches the combination of rights and duties as a dynamic (and thus contested but changing and flexible) outcome and its creative performance as a fundamental aspect of a democratic polity. Citizenship, especially democratic citizenship, depends on the creative and autonomous capacities of political subjects whose performance of citizenship is not only the driving force for change but also the guarantee of the vitality and endurance of the polity. Governments may see domains of citizen engagement as separate from each other in the everyday governing of the polity and in the social lives of their citizens, but occasionally an event reminds everyone that citizens are indeed participating in the performance and enactment of citizenship. It is in this deep and broader sense that citizenship is social and polities (or, rather, authorities responsible for governing them) neglect this often with perilous consequences. This is where the responsibilities of citizenship studies scholarship may assume a significant public and political role.

The figure of citizenship

We have seen how central citizenship is to understanding how people become claimants and thereby constitute themselves as political beings in relation to the polities to which they belong. But what of the *figure* of the citizen? In contemporary political debates and analyses of political mobilizations, the figure of the citizen remains highly enigmatic, vacillating between being an object of desire and derision. The figure of the citizen is at once a figure of hope and enlightenment, on the one hand, and deep pessimism and suspicion on the other. Hope, because citizenship remains the dominant institution through which civil, political, and social rights are enacted and enjoyed. Enlightenment, because citizenship is said to confer upon its bearer human dignity, autonomy and agency. By contrast, the pessimism about citizenship arises because there are inevitable inequalities as to how these rights are distributed. The suspicion towards citizenship comes from misgivings about its ability to move beyond some fundamental exclusions it enacts on the basis of race, gender, place of birth, sexual orientation, and so on. Citizenship in this view is not just a name for membership, but a title or a rank that separates, excludes, and hierarchizes.

While citizenship as an institution is dynamic and mutable, the figure of the citizen today is a polarizing figure. The citizen stands for inclusion, membership, and belonging, but at the expense of others who are excluded, non-members, and outcasts – strangers, outsiders, and aliens. The citizen stands on one side of the political, social, and cultural borders of the polity, with non-citizens on the other. The inside/outside logic of this narrative has not surprisingly generated significant criticisms, to the extent that some commentators, on both the Right and the Left, have declared citizenship to be an unsustainable category through which to organize modern political life. What is the substance of this criticism and why do we insist upon the continued relevance of citizenship?

Caught as it is between these twin discourses of hope and despair, a commonly heard criticism of citizenship is that it is in decline. In its most general form, the criticism of citizenship is couched in a broad critique of modernity. Citizenship, it is said, suffers the same pressures as other categories from western political traditions – such as the state, sovereignty, society, and so

on – that are being fundamentally problematized by processes of neoliberalization, globalization, securitization and postmodernization. In this rendering, all the categories of modern politics are in crisis and citizenship is no exception (Fahrmeir 2008).

In contemporary political debates, the pessimism about citizenship is often framed in relation to the increasingly restrictive barriers that are being placed on international mobility and on attaining citizenship itself. These restrictions are enacted through the twin dimensions of legality and performativity that we discussed above. The proliferation of citizenship tests across national contexts is a good example. Here, one's success in becoming a legal citizen is dependent upon the demonstrations of certain attitudes, dispositions and values. Studying for citizenship is not about critical consciousness or becoming an active, let alone an activist, citizen, but is rather about learning and conforming to the 'correct' form of civic behaviour demanded for newcomers.

These misgivings about citizenship are not limited to how it erects barriers or excludes non-members, but also include criticisms about the present-day gap between the legal and performative dimensions of citizenship. As we have already mentioned, constitutional rights and duties that are not performed are passive rights and duties. Rights and duties are brought into being only when citizens actively perform them. The falling rates of voter participation, the widespread cynicism towards taxation, and the decline in military conscription are all key features in this passivity. Moreover, many of the rights of citizenship are being stripped away, often in the name of 'national security' (too risky to the polity as a whole to guarantee individual rights) or 'responsible citizenship' (some citizens are not worthy of rights because of their perceived behaviours). The traditional distinction between citizen and 'second-class citizen' is therefore giving way to a pluralized field of racialized citizens, neurotic citizens, irregular citizens, abject citizens, and so on.

According to this line of critique, the promises of citizenship are empty promises. For example, while the pillars of Marshall's (1949) figure of the citizen – as someone who enjoys civil, political, and social rights – have long been criticized for not taking into account deep social inequalities unaddressed by these rights, today a more disturbing critique is emerging: the performance of these rights is increasingly meaningless, without substance. We have performativity without content: citizens are workers, but there are no jobs; citizens are participants, but public spaces are disappearing; citizens are endowed with the capacity for political speech, but no one is listening. Yet, citizenship remains a part of the state's apparatus of capture. In binding the individual to the polity of the state it forecloses the possibility for alternative forms of political subjectivity. The citizen becomes the prisoner of the state, or more ominously, of the institution of citizenship itself (López-Petit 2011).

This line of critique has led some to conclude that the institution of citizenship is now a hopeless category that is complicit with the ongoing exclusions and exploitations of state and capitalist forms of power. As such, citizenship is beyond rehabilitation; it should be deserted, abandoned, and discarded. The task of reinvigorating progressive politics, according to one philosopher, must now begin by asking the question, 'What if we refuse to be citizens?' (López-Petit 2011). These critiques are animated by a certain imaginary about politics, which claims that the only politics that can contest institutions of domination and exclusion come from the 'outside'. Citizenship is too closely associated with the state – with the Inside – and is therefore complicit with existing systems of domination and exclusion. The space of freedom and autonomy must be created elsewhere. We therefore find ourselves in the situation where there is a competition to invent new names to describe the political subjects that are enacting political agency today. Whether it is the Activist or the Actant, the Militant or the Multitude, there is no lack of new concepts that are ready to sweep away and then take the place of citizenship.

These gestures are provocative. Indeed, we share many of these criticisms, and we have written, along with others (Isin 2002, 2004, 2008, 2012; Nyers 2003, 2006a, 2006b, 2011), about

the limits of citizenship, conventionally conceived. We admit that there is something seductive about the gesture of 'refusal', which, like 'exit', 'exodus', and 'desertion', has come to inform debates on the Left about new forms of being political (Virno 1996). Ultimately, however, we are critical of gestures like 'refusal' when they are framed in relation to an imaginary of political space that is 'outside' citizenship. While the imaginary of the outside is quite deep-seated in debates on the Left, it is nonetheless marked by some serious limitations – not least a certain academicism. For example, a common counterargument is that those who argue most vociferously for rejecting citizenship can do so because they have nothing to risk. There is the paradox that it is precisely citizenship in its legal, constitutional form that enables a rejection of citizenship. Consider, for example, when activists who reject citizenship for its perceived connections with neoliberal capitalism and statism fall back on their citizenship to combat the excess of the state police forces (e.g. through court battles about civil rights to free speech, assembly, and so on).

More fundamentally, at stake here is the larger issue of whether there is an outside from which one can speak, act, and be political. Here, we agree with Foucault, Deleuze, and others who argue that there is no such outside, only immanent relations and struggles. This does not preclude the possibility of ruptures, breaks, or disruptions of the relations between people and polities that the institution of citizenship mediates. On the contrary, the dynamism of these immanent struggles ensures that citizenship is subject to what Balibar (2004: 10) calls 'permanent reinvention'. But if the challenge does not lie in finding an alternative to citizenship as a way of naming political subjects or even political subjectivity, a more difficult and uncomfortable question remains: Is citizenship something we can even reject?

Derrida's idea of 'erasure' provides some help in addressing this question (Derrida 1998). For Derrida, to write 'under erasure' is to write and delete simultaneously, to script and cross out, to present and bracket, create and destroy. Erasure allows one to posit something affirmatively and yet remain skeptical and question it as a problematic. Erasure brings both the concept and the deletion to the forefront in order to allow for some critical distance. In this way, erasure involves a different kind of temporality. Arendt put this time of erasure as the space between 'no-longer' and 'not-yet' (Arendt 2005: 158–62). It demands a disposition that is both, and yet not quite, after the past and before the future. Far from being politically debilitating, the indeterminacy of this orientation allows for the negotiation of many of citizenship's paradoxes and ambivalences. To approach citizenship 'under erasure' is to script and delete the concept simultaneously.

There are some important implications of Derrida's sensibility for our relationship to citizenship. The 'no-longer' implies that we can no longer think of citizenship in the way we used to; the 'not-yet' reminds us that we are not quite at the situation where it no longer applies. In other words, we have a responsibility to what we inherit but that does not mean we have to be dogmatic. It is difficult to escape from the categories we inherit. We find in that space between the 'no-longer' and 'not-yet' neither optimism nor pessimism and neither hope nor despair but a space of hyper-activism – an activism without guarantees and without programmes and yet with considerable vigilance and skepticism. But if citizenship is always to come, do we even have the right to give it up? Do we have a choice about our responsibility to the past and that which is still to come? We believe that Derrida's sensibility (with echoes of Kierkegaard, Nietzsche, Heidegger, and Arendt) is what underlies much of what could be described as 'critical citizenship studies'.

The worlds of citizenship

As the discussion above illustrates, not only do we think that citizenship can be understood as an institution mediating relations between political subjects and their polities, but also that this institution belongs to world history rather than arbitrarily drawn cultural segments of it such as

'Europe' or 'The West'. This second assumption is harder to maintain and is controversial. This is because, for generations, especially since the beginning of the twentieth century, social sciences in the West operated with the assumption that citizenship was a uniquely Western institution that not only explained the differences between despotic and authoritarian regimes in the East but also ostensibly explained why the West 'took off' and the East has stagnated. Thus the assumption crosses over from being an analytical distinction between East and West to include a normative assumption of the Western conception of the political subject being superior to its Eastern counterpart. Regrettably, we do not find this assumption only in the classics of the twentieth century but still pervading dominant forms of social sciences and humanities in the twenty-first. It is still often assumed that if citizenship exists in the East (or South), it is only because it has been historically imported from the West. And since it is imported from the West, it always remains imperfect in its development and always catching up with the original, which keeps changing. That historically non-European or non-Western societies would have developed citizenship in the sense in which we defined it as a mediating institution between political subjects and their polities remains an alien assumption in dominant social sciences and humanities.

This is often done by ignoring or neglecting the specific ways that citizenship is enacted globally and working with an all-encompassing idea of 'liberal democracy'. So rather than analytically and specifically investigating the ways in which the relations between political subjects and polities are mediated, the preference has been for developing a definition of 'liberal democracy' that ostensibly obtains in the West and comparing whether Eastern societies have reached it as an end point. We have witnessed the operation of this logic (which we may call 'democracy's empire') during the so-called rise of Brazil, Russia, India, and China at the beginning of this century. The question often asked about these societies is whether their economic growth can be matched with political development to reach liberal democracy. The answers invariably revolve around how liberal democracy pervades the West and is lacking in the East (and the South). The assumption here is that these societies could not find alternative and different ways of mediating relations between political subjects and their polities and that their economic development (a euphemism for capitalism) must be matched with political development (a euphemism for liberal democracy). This has been most visible in the development of the Copenhagen Criteria for entry into the European Union as a member state and the way in which such criteria as 'democracy', 'rule of law', 'human rights', and 'the protection of minorities' are understood and used in negotiations with successive Turkish governments. The imposition of such criteria has the effect of ruling out the possibility that Turkish society may wish to develop modern institutions mediating relations between political subjects and their polities in a manner that is not mimetic but authentic, carefully observing its historical trajectories. Thus, the mantra of liberal democracy, whilst bypassing citizenship as a mediating institution, performed a similar logic to nineteenth-century orientalism though with a different focus and emphasis. If orientalism in the nineteenth century was at pains to describe why the East did not develop, and in the twentieth century it was used to explain why the bright future decolonization promised was seemingly not delivered, in its twenty-first century form orientalism sets the East on the path to the West's development.

We have also witnessed this neo-orientalism more recently during the so-called Arab Spring. Again, for many scholars it was convenient to interpret the uprisings and demonstrations in Libya, Tunisia, Egypt, and Syria as yearnings for liberal democracy, at the same time forgetting that these previously authoritarian regimes have been covertly or overtly either products of Western imperial and colonial adventures or have been supported by imperial powers not only through arms sales but also through cultural diplomacy throughout the twentieth century, but especially in its later decades and the early twenty-first century's. Be that as it may, it has been particularly instructive to see a new orientalism at work. Without following the universal script

of liberal democracy, it seemed impossible that so many people who have lost or risked their lives and creatively and inventively challenged authorities and their violence could and would have been capable of imagining and enacting mediating institutions between political subjects and their polities. Many scholars have been unable to accept or entertain that possibility precisely because of the orientalist construct of liberal democracy.

To investigate citizenship as a mediating institution between political subjects and their polities disrupts this game of benchmarking with liberal democracy and aims to focus attention on the ways in which the kernel of any political order – the political subject – is brought into being. This not only challenges contemporary forms of neo-orientalism, but also the historical hubris that comes with the assumption that certain key political concepts – namely citizenship – are only conceivable in terms of their Western origins.

The struggles of citizenship

So far we have emphasized how our definition of citizenship as an institution that mediates between political subjects and the polities to which they belong is a historical and dynamic definition, which is open to contestations about the meaning and content of the institution, the terms of the mediation, and the sites of belonging. Because contestation is at the heart of our definition, we believe that citizenship is fundamentally about political struggles over the capacity to constitute ourselves as a political subject. We use 'ourselves' here to indicate that as authors we do not see ourselves independent from these struggles, and also to emphasize that the constitution of political subjectivities is always simultaneously individual and collective struggles. As citizenship studies scholars we position our investigations of citizenship in ways that are attuned to, and part of, these struggles.

As we have already seen, whether in terms of classical (civil, political, social) or expanded (sexual, cultural, environmental) rights, the rights of citizenship have always involved social struggle. This includes the struggle for a right to be recognized as a right in the first place, and then the struggle for the breadth and depth of these rights (who gets what and how much). If struggle both precedes the conferral of rights and extends long after its recognition as legitimate by the polity and other citizens, we argue that the same is true for citizenship itself. The point is that prior to being recognized as a rights-bearing subject, people engage in a struggle that requires the enactment of subjectivity that is capable of rights. Arendt famously described this as a struggle for the 'right to have rights' (Arendt 1973). We would revise this formulation slightly and emphasize the agential part of this struggle by insisting that what is at stake is the right to *claim* rights. This is the struggle for political subjectivity – that which we call citizenship.

But are we merely interpreting every struggle as citizenship? The sensibility we ascribed to Derrida above would lead us to answer 'no-longer' and 'not-yet'. Citizenship is not always about struggle – it is obviously part of the state's toolbox of management and governance of the population, both at the national and international level. In response to the claim that citizenship has lost all its relevance to the contemporary politics, we would say 'not-yet'. We insist that citizenship enables subjects to become claimants. It therefore always already involves moments of transformation: from the static recipient to the dynamic claimant, from passive to active. Crucially, this involves the claim to rights that one does not have or otherwise would have no business claiming.

Struggles of citizenship in relation to the polity are most obviously made in relation to the modern state. However, we have already seen how citizens do not belong to one polity but to many overlapping and conflicting polities (city, region, state, international). These polities are not in a historical queue for dominance, but are rather coeval and marked by a contested coexistence. The struggles of citizenship are therefore also struggles about authority in spaces and times

that are autonomous, yet implicated, in the space of the dominant polity of the state. The revival and international spread of the Sanctuary City movement is a good illustration of this struggle over space. Sanctuary movements aim to provide protection and rights to non-citizens who are living in a city but without the legal authorization of the state. As a result, refugees and irregular migrants are able to enact themselves as claimants in relation to the cities and towns in which they live. They are able to claim many of the rights of social citizenship through municipal authorities and agencies, even if many civil and political rights are denied them. Moreover, once local authorities, such as school boards, begin declaring certain zones or places in the city as off limits to immigration and removal officers, they begin to take on the duties of protection that are usually jealously guarded by state-level officials. Similarly, struggles over creating a digital commons without commercial and governmental intrusion to enable people to share their knowledge and expertise have offered us a glimpse of an incipient 'digital citizenship' in cyberspace.

Our definition of citizenship can also apply to other cosmologies of being political. Many of our political concepts have different inflections when you combine them with other values or visions – e.g. indigenous approaches to protests will incorporate radically different ideas of space, time, and property rights. The border struggles of indigenous people living in territories that traverse international boundaries are a good illustration of this complexity. Making claims as a Mohawk living in Kanion'ke:haka territory and possessing a broader citizenship to the Haudenosaunee Confederacy gives radically different meanings to the terms citizen, polity, and the international. The terminology of the Westphalian system of states remains the same, but it is under erasure: it is 'no-longer' the citizenship, sovereignty, and internationalism of the Westphalian system, but it is also 'not-yet' a situation in which these categories for explaining the institutions involved in the mediation of political subjects with the polities in which they belong are no longer required.

Since citizenship involves struggles that are not just about rights and recognition, but about the contested constitution of subjectivity and polities themselves, we argue that citizenship remains a significant site through which to develop a critique of the pessimism about political possibilities that we saw above. It is only when we assume that the powers of sovereignty and capitalism are ubiquitous that such a deep pessimism about political agency is able to take root. Our approach to citizenship is broader and speaks of the multiple forms of polities that people find themselves in a contested and conflicting relationship to. Again, while it is arguably true that the state remains the dominant polity today, this does not change the fact that there are a host of other polities, too, that involve both obvious and not so obvious forms of political community. We believe that the focus on the struggles of citizenship allows for both a critical engagement with sovereign power and capitalist power, but also rescues more contingent and unexpected moments of political action, subjects, and polities from being relegated to the sidelines of political analysis.

The cover photograph of the *Handbook* captures this essential point. Pictured is a housing squat in Berlin, beautifully painted in lively colours and with evocative illustrations. Painted also is the slogan of this community: 'Es wird immer komplizierter einfach zu leben.' – 'It is becoming ever more complicated to live simply.' The simple right to housing becomes an act of citizenship because it is a right that has to be repeatedly claimed and performed through social struggle.

The incipient citizenship(s)

There are then struggles all around the world that no longer recognize the limits imposed on people and their political subjectivities but have not yet articulated terms appropriate beyond these limits. Calling these struggles 'incipient citizenships' may remind us of our responsibility

as scholars to not only politically recognize these struggles but also analytically shape them. We know something that may well elude the agents engaged in the struggles over the space between 'no-longer' and 'not-yet', that new political subjectivities never became incipient citizenships without being waged against already established norms, authorities, dominations, and power relations. If women's struggles for equal rights still sound so recent that is not only because the memories of the suffragettes are still fresh but also because these struggles still continue in the present (Mayhall 2003). Are there no traces of the suffragettes in Femen? Similarly, 2013 may well have 'celebrated' the fiftieth anniversary of Martin Luther King's 'I have a dream' speech or seen the unveiling of Rosa Park's statue in Washington, but is the struggle for civil rights for blacks not as intense as it was half a century ago? Finally, to a new generation the struggles over rights for lesbians, gays, queers, and trans peoples may appear 'almost won' but will they remember 'Stonewall', which symbolized decades of brutal police raids in New York, San Francisco, and Toronto (Armstrong and Crage 2006)?

The point here is not simply to remember the lineages of continuing struggles over rights but to emphasize that the politics of citizenship, or perhaps politics *for* citizenship, requires, as Weber once put it, strong and slow boring of hard boards. Yet it not only takes passion and perspective, as Weber thought, but it also takes *time*. The space between 'no-longer' and 'not-yet' may sound like a small space but it is an enduring time. So politics *for* citizenship takes not only passion and perspective, and time; above all it requires boundless patience, perseverance, and resilience. All incipient citizenships embody these qualities in those who did their time for them. In an age of 'clicktivism', simultaneity, and instant gratification, this may well not be the lesson that will resonate. Yet it is perhaps the most enduring lesson that we learn from the history of struggles.

This is a lesson that Foucault drew from his historical studies of political subjectivities (Foucault 1997). His approach to the present as being neither new nor eternal but a specific constellation inspires our approach to incipient citizenships signifying a space of politics between 'no-longer' and 'not-yet'. For Foucault one of the enduring qualities that we inherit from the Enlightenment – not as an event but as an ethos – is precisely this approach to contemporary struggles that refuses to fit them into an already known series (such as 'liberal democracy') while acknowledging (as we did above with women's rights, civil rights, and sexual rights) their lineages and inheritances. Methodologically, this requires us to approach contemporary struggles with a keen eye and ear for the practical vocabularies that people use and then evaluate whether and, if so to, what extent these struggles constitute incipient forms of citizenship. It may have come as a huge surprise to Edward Snowden that the American security apparatus is spying on American citizens as well as non-citizens. He may have interpreted this as a breach of the first amendment of the constitution. But it is scholars who identify it as a key issue of citizenship rights and remind us that the first amendment is a politically gained right of specifically American citizenship. Similarly, as the famous 'bodies upon the gears' speech by Mario Savio on 2 December 1964 taught us, the guarantee of free speech consists not only in its legality but also performativity (Vaughn 1998). Sometimes free speech must take the form of an interruption of the dominant speaking order. Unless there is vigilance about such rights – and, at times, a daring to enact them in defiance of dominant powers – corporate and state authorities will violate them in the name of commercial or security interests.

We said earlier that it is in this performative sense that citizenship is social and polities (or, rather, authorities responsible for governing them) neglect this often with perilous consequences. Yet, the legal aspect of citizenship is equally significant, as it both enables and provokes its performativity. It is at the intersection between legality and performativity where the responsibilities of citizenship studies scholarship may assume a *global* public and political role. We hope this *Handbook* contributes to articulating those responsibilities.

References

Arendt, Hannah (1973), *The origins of totalitarianism* (2nd edn., New York: Harcourt Brace Jovanovich).

Arendt, Hannah (2005), *Essays in understanding 1930–1954: formation, exile, and totalitarianism* (New York: Schocken Books).

Armstrong, Elizabeth A. and Crage, Suzanna M. (2006), 'Movements and memory: the making of the Stonewall myth', *American Sociological Review*, 71 (5), 724–51.

Balibar, Étienne (2004), *We, the people of Europe? Reflections on transnational citizenship* (Princeton: Princeton University Press).

Derrida, Jacques (1998), *Of grammatology* (Baltimore: The Johns Hopkins University Press).

Fahrmeir, Andreas (2008) *Citizenship: the rise and fall of a modern concept* (New Haven: Yale University Press).

Foucault, Michel (1997), 'What Is Enlightenment?', *Ethics: subjectivity and truth* (The essential works of Michel Foucault, 1954–1984, 1; New York: New Press), 303–20.

Isin, Engin F. (2002), *Being political: genealogies of citizenship* (Minneapolis: University of Minnesota Press).

Isin, Engin F. (2004), 'The neurotic citizen', *Citizenship Studies*, 8 (3), 217–35.

Isin, Engin F. (2008), 'Theorizing acts of citizenship', in Engin F. Isin and Greg M. Nielsen (eds.), *Acts of citizenship* (London: Zed Books), 15–43.

Isin, Engin F. (2012), *Citizens without frontiers* (London: Bloomsbury).

López-Petit, Santiago (2011), 'What if we refuse to be citizens? A manifesto for vacating civic order', *borderlands e-journal* 10:3, 1–11.

Marshall, Thomas H. (1949), *Citizenship and social class*, ed. T. B. Bottomore (Pluto Perspectives; London: Pluto Press).

Mayhall, Laura E. Nym (2003), *The militant suffrage movement: citizenship and resistance in Britain, 1860–1930* (Oxford: Oxford University Press).

Nyers, Peter (2003), 'Abject cosmopolitanism: the politics of protection in the anti-deportation movement', *Third World Quarterly*, 24, 1069–93.

Nyers, Peter (2006a), *Rethinking refugees: beyond states of emergency* (London: Routledge).

Nyers, Peter (2006b), 'The accidental citizen: acts of sovereignty and (un)making citizenship', *Economy and Society*, 35, 22–41.

Nyers, Peter (2011), 'No one is illegal between city and nation', *Studies in Social Justice*, 4, 127–43.

Vaughn, Pamela (1998), 'Cicero and Mario: the scholar as activist', *Pacific Coast Philology*, 33 (2), 87–96.

Virno, Paolo (1996) 'Virtuosity and revolution: the political theory of exodus', in Michael Hardt and Paolo Virno (eds.), *Radical thought in Italy: a potential politics* (Minneapolis: University of Minnesota Press), 189–209.

Navigating global citizenship studies

Jack Harrington

Thinking about citizenship studies globally requires charting the complex and diverse ways in which people constitute themselves politically. To the same degree, the global perspective also exposes and exasperates the strains and discords in the concept as we understand it today. The chapters of this *Handbook* are collected into two thematic sections, four broad geographic regions, and two deterritorialized groupings ('Diasporicity' and 'Indigeneity'). Beyond the convenience of compiling and reading, these divisions represent little more than one of the few mutually exclusive ways of clustering the chapters. Even then, we talk of 'Africas', 'Asias', and so on. The plural denotes the multiple ways in which such conceptions are actually rendered. In terms of what they say about citizenship, the chapters can also be drawn together into many overlapping, sometimes jarring, sets of topics. The following guide aims to identify the most striking of those other groupings in order to indicate to the reader more detailed areas of interest and also to suggest trends of current and future concern. The themes identified below are by no means comprehensive; instead they reflect the multifarious nature of citizenship itself as it is experienced across the globe.

Beyond the mix of disciplines and geographical foci, the chapters in this *Handbook* share a vision of citizenship as continually reconstituted and renewed through struggle across a range of sites and scales, and not simply at the level of the nation state. Four major themes will be elaborated below. The first examines the most pronounced methodological innovations and trends reflected in the *Handbook* as a whole. The second looks at the ways in which contemporary citizenship across the globe is conceived historically. When navigating global citizenship studies, western paradigms of a classic Greco-Roman lineage are often less relevant than the history of colonial struggle, modern state formation, and the erosion of social-democratic norms in the face of neo-liberalism. The third section reviews chapters that explore how citizenship in an era of globalization is increasingly less about membership of a polity and more about traversing boundaries between polities. The fourth and final section evaluates the unifying theme of the *Handbook* – citizenship as struggle.

Methods for understanding citizenship on a global scale

A number of common approaches and methodologies become clear in this global survey of citizenship. Few chapters preserve a neat division between citizenship as status and the ways in

which it can be practised or performed. Yet, points where the two connect raise four major issues, discussed below: how to talk about citizenship as political subjectivity across a range of polities and cultures; the need for a topological understanding of how citizenship is located and related to concepts of borders; the idea of citizenship as something that is performed or enacted; and how citizenship as a grouping of rights connected to a polity is to be recognized.

First, the *Handbook* moves beyond Euro-American dominance in thinking about citizenship. This can be seen as an attempt to abandon assumptions that come under unbearable strain when writing on a geographically global scale. An overwhelmingly strong principle that emerges is that an ever-expanding concept of the liberal subject should not be mistaken for the ability to perceive multiple political subjectivities. Edward Saïd's *Orientalism* continues to trouble our understanding of why certain groups are assumed to be unable to enjoy certain rights, particularly with reference to Islam (see Banko, Kiwan, Perrin). In his chapter, Morrison reminds us that it is not simply Islam that has been attenuated as a political force by the perspective of orientalism. He argues that an effect of orientalism, and of Saïd-inspired critiques of it, has been the marginalization of Buddhism's role in shaping Asian citizenships. Indeed, orientalism is merely a particular set of discursive strategies that suggest certain groups lack the full capacity to act as political subjects. Cirkovic likens the assumed unsuitability of citizenship norms for the Balkans to orientalism. Equally, the tendency to see indigenous political practices as simply traditional or somehow static is challenged by Latta and Wittman and by Wiebe. As Sabsay demonstrates with sexual citizenship, 'the universalization of individualized free will, rationality, and moral autonomy as *the conditions of possibility* of sexual politics within the field of sexual citizenship, restricts our ideas of political subjectivity to a specific cultural tradition, namely that of liberalism'. At the same time, as Guo illustrates in relation to China, we must provide analytical space to understand how 'Western' concepts have been appropriated and resignified as much as they have been imposed. Indeed, as Lee cautions, discussing citizenship on a global scale increases rather than lessens the dangers of Western bias, Eurocentrism, or orientalism. At stake is the way in which conceptual frameworks limit our ability to analyse citizenship as it is manifested around the world. A major preoccupation in this regard is the binary of insider/outsider or the analogous one of citizen/alien. The ways in which the mutability of such positions are used by governments for political expediency are considered by Dorman and Hepworth. Understanding citizenship as the capacity or the attempt to traverse this divide is the conceptual focus of a number of chapters including those by Hepworth, Nyamjoh and Brudvig, and Swerts. Yet, multi-ethnic populations and differentiated citizenship statues within polities expose the inadequacies of such binaries to convey the complexities of how people are excluded from the full enjoyment of citizenship (see Abu-Laban, Albarazi and Van Waas, Assal, Ilcan, Jayal, and Reed and Rush). Pullano and Ní Mhurchú both caution against foregrounding binaries of inclusion and exclusion at the expense of recognizing how a mesh of alterities is continually produced to mark the borders between who can and who cannot be a citizen (Isin 2002).

Secondly, as citizenship becomes increasingly deterritorialized, problems of relating it to space become more apparent, and many chapters address the need for a topological approach. As Hepworth puts it, 'while "illegality" has often been assumed to be produced at the border – in the act of crossing with or without authorization – it is, in fact, also produced beyond and within the borders of the nation-state through various technologies that differentiate and regulate individuals before, during, and after that crossing'. The concept of border cannot simply be understood spatially (see Pullano, and Martignoni and Papadopoulos). Rygiel's concept of transgressive citizenship, using the example of recording and memorializing the deaths of illegal immigrants crossing borders, shows how bodies themselves have 'the potential to subvert or undermine the ontological borders underpinning modern citizenship of whose lives should

count, that is of who should be recognized as a political subject with the rights to have rights'. Indeed as Hepworth states: 'A topological approach emphasises the proliferation of inside-out and outside-in positions that are produced through the act of delimiting the border.'

Thirdly, the question of how citizenship is enacted through what people do is a recurrent theme in the *Handbook*. The imposition of laws or the supposed enjoyment of rights that have actually been eroded or never exercised make peoples' actions a major concern of citizenship studies. The growing body of academic scholarship on acts of citizenship is critically assessed at length by Guilluame, Ní Mhurchú, Neveu, and Soguk. Examples of how citizenship rights are claimed through acts are provided by Alkan and Zeybek, Canals, Conway, Guild, Meltzer and Rojas, and Swerts. Alkan and Zeybek, Lee, Neveu, and Rygiel all show in very different ways, that overtly political gestures of outward resistance are by no means the only kinds of actions that constitute acts of citizenship.

Finally, to capture something so intricate, multiform, and mutable it is helpful to think in terms of regimes of citizenship. As Guilluame notes in his chapter: 'The concept of regime of citizenship precisely enables us to understand citizenship in its necessary connected historicity but also interlinks it with other globalized phenomena.' At the point where identity as a marker of citizenship is ambiguous, the idea of regimes is useful. This is most obviously the case in supranational contexts such as European Union (EU) citizenship. To select only one example, Pullano illustrates how the nexus of EU-level and national institutions provides multiple sites in which EU citizenship can be enacted institutionally, which in turn produces differential spaces and frontiers within the European space. Yet, an important element of the concept of regime is that it prevents us from subsuming questions of legal status beneath struggles over the performance and practice of who can be a citizen. As Manby says: 'Statute law has sometimes been described as essentially irrelevant to the daily struggles of individuals to "belong" where they live; yet laws adopted by national parliaments nonetheless both reflect these struggles and have profound effects far from capital cities.' Moreover, the tension between competing legal regimes is a frequent aspect of citizens' struggles. This is seen most acutely when the presence of human rights becomes a channel for claiming citizenship rights, blurring the boundaries between the two (see Alkan and Zeybek, Ilcan, and Cirkovic). The concept of regimes is an example of how attempts to draw divisions between citizenship as status, as practices, or as enacted disguise the ways in which these are frequently interrelated (see Ní Mhurchú).

Historical formations and their critique

At first glance, surprisingly few of the chapters take Greek and Roman citizenship as their starting point, even for the purposes of critique. It is perhaps inevitable that a *Handbook* which exposes Euro-American bias and assesses the ways in which citizenship is being reconfigured and contested has only so much to say about the invented 'classical origins' of citizenship. The historicized vision of citizenship evoked and questioned by these chapters is decidedly modern and has three distinct but interwoven themes: the legacies of colonialism; the formation of the nation state; and Western twentieth-century social democracy as the basis for T.H. Marshall's model of citizenship.

Postcolonial legacies affect not simply peoples and states but also conceptions of how citizenship is bounded, conferred, and withheld. In the nineteenth and twentieth centuries British imperial citizenship, for example, offered the paradox of a supposedly universal access to subject rights, at the same time as a de facto exclusion based on constructions of race (see Manby, Reed and Rush), orientalism (see Banko) or ethno-linguistic markers of nationhood (see Lee). This aspect is explored in the context of post-Soviet Central Asia by Ruget. As Manby notes in the

case of postcolonial Africa, 'although the question of colonial borders was addressed… the related issue of how to treat the peoples cut in half by those borders, or individuals who had moved within the previous colonial territories, was not resolved (even on paper) in the same way'. And as Nyamnjoh and Brudvig, and Sanyal show, the promise of a city-hopping cosmopolitan citizenship is in practice seldom within the grasp of those racialized groups that colonialism perpetuated. Yet, in many contemporary states, the pretence of citizen equality has at times prevented the remedying of historic injustices colonialism has inflicted on certain groups of people such as the Scheduled Castes in India (see Jayal) or Aboriginal peoples (see Walters). In the mid-twentieth century, colonialism in many cases was replaced by foreign (i.e. Euro-American) backing for repressive governments, as in South Korea, the Middle East, and North Africa (see Moon and Ilcan). European settler colonialism led not simply to movements of populations to other parts of the world, but also to the creation of new states and thus new citizenship statuses to assert territorial sovereignty (see Abu-Laban, Walters, and Meltzer and Rojas). As Manby observes, vast colonial migrations continue to make the granting of citizenship a contentious and politicized issue in many African states. Anti-colonial struggles also constitute many contemporary citizen identities. This can be in a technical legal sense, where much political capital has been made of granting or withholding citizenship on the basis of participation in colonial struggles (see Dorman and Manby). As Conway notes, in South Africa the need for unity in resisting the apartheid regime marginalized the demand for gay and women's rights at the same time as benefitting from protest by these movements. In this sense, as Dorman and Sabsay among others remind us, colonial legacies have in turn been reshaped by subsequent political and social struggles. Lee's chapter alerts us to the ways in which citizenship itself is a concept that can carry with it not only colonially imposed norms but also the possibility of neo-colonial interference, exemplified by US foreign policy on the invasion of Iraq in the early 2000s.

While the decline of state power is a dominant theme, an equally common one is its resurgence, reconstitution, and resignification. The assertion of the legitimacy of contiguous mutually exclusive states brings with it certain historically derived assumptions about the role of the citizen in supporting such a claim. The granting or deprivation of citizenship rights and obligations is a central part of state-formation or of asserting the completeness or legitimacy of the state itself. Two chapters explore conscientious objection to conscription, one of the classic forms of obligation to the state. Protest over the citizen's right to conscientious objection become a site of contest over the legitimacy of the state's military aims and thus the state itself (see Alkan and Zeybek and Conway). Conscription exemplifies a common incongruity in citizenship as an institution, a universal obligation that only falls on certain members of the society – heterosexual men or 'whites', for example. In the same way, the public who deem themselves to have an interest in the state can be construed to include a broader international diaspora. Equally, the case of indigenous peoples frequently exposes citizenship status as a means for the state to assert territorial sovereignty. As Wiebe and Howell and Schaap show, if the conferring of national citizenship rights threatens to undermine indigenous peoples' claims to use and settle on their lands, they have little choice but to reject that status in order to assert their precedence over that state's claims to sovereignty. Hence, in 1972 Aboriginal protesters in Australia established a tent embassy (Howell and Schaap), and in 2012 an indigenous leader, Chief Theresa Spence, went on a 44-day hunger strike demanding state-to-state relations between her people and the Canadian government. In Africa, as Giraudo and Tamarkin note, the interstate roaming of indigenous peoples has been seen by many states as a threat to their sovereignty, as the internationally recognized rights and protections of such peoples can move with them across state boundaries. Thus Botswana has distinguished between indigenous people and autochthonous people, the latter supposedly being original to the state. In other words, to the extent that citizens are a marker of their state's

existence and its claims to sovereignty, the two concepts can, and frequently do, undermine as much as they reinforce each other.

Critiques of T.H. Marshall's model of citizenship reveal the inadequacy of a conception of such rights based primarily on the experience of Britain up to the social-democratic consensus of the mid-twentieth century. While Marshall's division of civic, political, and social rights was a taken as a description to encompass the totality of citizenship rights, it was primarily conceived as a historically contingent, successive sequence of rights gained from the eighteenth through to the twentieth century in British history. It is the inappropriateness of this trajectory for other polities that is the basis of the critiques contained in this volume. The move beyond Marshall is a move beyond what is encompassed by the term and its geographical and historical specificity. Turner's contribution reminds us that Marshall overlooked the issue of minorities or of social difference more generally. This creates an obvious tension in wealthy former white-settler states where one might think Marshall's scheme would apply. As Abu-Laban observes: 'The mere existence of indigenous peoples in Canada, many of whom live on reserves and exercise a unique set of rights, challenges our conventional ways of thinking about citizenship through individual, civic, or (neo-)liberal models.' For Walters, the Marshallian model is the essence of what such states deny to indigenous peoples who supposedly enjoy such rights as citizens. As many of the chapters demonstrate, economic crisis and the neo-liberal restriction of the scope of social rights make the social-democratic model as anachronistic for 'the West' as for anywhere else. If this creates strains at a national level it also turns still emerging legal categories such as EU Citizenship into battlegrounds over social and civil rights (Guild, Kostakopoulou, and Pullano). As Abu-Laban, Dean, Guillame, Levy, Pullano, and Sheller all convey, the crux of the issue is not simply the historical specificity of Marshall's concept: it is rather a vision of citizenship as something granted and fixed rather than embodied, enacted, or negotiated by would-be citizens themselves. But we can go further. As Dean suggests, abandoning the Marshallian model with social citizenship at its zenith allows for a radical reassessment of the place of the social. If the social is the site of negotiations and contestations, it not only precedes the civic and the political, as Dean argues; it is also the impetus for the excluded to demand civic and political recognition. As will be seen, the strong emphasis on citizenship constituted through struggle that permeates this book reflects this approach.

Traversing frontiers of citizenship

If the idea of citizenship as membership of a polity is not as coherent, contained, complete, and exclusive as it implies, there are two overarching reasons. First, if citizenship is membership of a polity, an individual must have multiple citizenship identities just as he or she is a member of several polities. The second is that, as Seyla Benhabib has observed, far from being a neat package conferred through membership, citizenship rights are increasingly disaggregated (Benhabib 2004). This leads to a series of analytical problems to do with the relationship between the citizen and his or her polity addressed at length in the *Handbook*, each of which is discussed in this section. These are: how the nation and the state coalesce (or fail to) in the citizen; how people express their belonging to a polity; how and why polities distinguish between citizens and foreigners or others; and how citizenship is enacted on the different scales and overlapping sites of multiple polities.

The question of who is and who is not a citizen is still too often decided by political instrumentalism. Nation-building campaigns can be a way of asserting a state's borders, a government's legitimacy, or a particular group's distinct rights. Such constructed identities can include elements that transcend the national. Perrin shows this using the example of the Arabization of

Berbers in Algeria or the granting of citizenship to children of native Arabic-speaking fathers (see also Assal and Manby). Increasingly, as Ragazzi and Ruget show in the case of the former Communist bloc countries and as Sutherland illustrates with the case of Vietnam, a state's attempts to build the nation through its citizenry can extend beyond national boundaries. Such moves create a deterritorialized citizenship, at odds with a general shift towards the postnational. The Indian government has at times reversed a trend towards acquiring citizenship through *jus soli* (birth), using *jus sanguinis* (descent) and even a religious element to exclude largely Muslim migrant populations from Bangladesh and accommodate low-caste Hindu migrants from Pakistan (see Jayal). Ruget uses the case of post-Soviet Central Asia to highlight the limitations of ethno-linguistic definitions of nationhood, when citizenship rights are also shaped by large-scale migration, issues of minority inclusion, and major shortfalls in social, economic, and political rights. In Bosnia-Herzegovina, Cirkovic sees international efforts to enshrine a multi-ethnic nationhood through group rights to political representation as an anomalous contravention of basic human rights. As Martignoni and Papadopoulos show: 'The concept of integration in particular – based on a naturalization of borders – implies the existence of a coherent "subject of reception", a homogenous and close-knit social group that should receive, welcome 'the other', and potentially integrate "otherness".'

If the construction of ethnic identities can be used by states to confer rights, it can also be a site for rights-claiming. Resistance to the category of foreigner is one of the most common examples of such a struggle (Shindo). As Hepworth, Ní Mhurchú, and Rygiel illustrate, claiming the right to have rights fundamentally subverts the notion of the foreigner as inimical to the citizen. Canals uses the idea of religious practice and dance to show how this can be done without accepting the logic of assimilation. Equally, Brudvig and Nyamnjoh use literature to convey the ways in which intimacy and conviviality can overcome such divisions in a world more frequently characterized by migration.

The scales on which people can be constituted are not simply a nested series running from the local, through the state-level, to the regional, and then the global. Dean observes that the 'conscious process of social accommodation surely preceded, and now transcends, the invention of the city (that bestowed on citizenship its etymological root) or the nation-state (that bestowed on it its modern form)'. Equally, as Wiebe and Latta and Wittman illustrate, the citizenship practices and acts of indigenous peoples, particularly in relation to the environment, must not be recognized only at the point at which they interact, with or struggle against, the state. Nor should they be characterized simply as 'traditional knowledge'. Yet, national citizenship, too, has become increasingly deterritorialized in an effort to incorporate diasporic communities (see Ragazzi and Sutherland). Other trends also challenge the notion of a postnational world of cosmopolitan citizenships (see Dean and Lee). Sanyal contrasts the vision of a new urban India of international elites with the lived experience of those poor and marginalized city populations who are most affected by such projects. If the city is one example of an alternative polity to the state, the refugee camp as a site of humanitarian government is another (see Ilcan). Undoubtedly, European citizenship is the most legally sophisticated example of a supranational regime. As Maas observes:

> no other continent has anything even remotely resembling a continental citizenship: the very limited additional rights that citizens of the United States, Canada, and Mexico have as a result of the North American Free Trade Agreement (NAFTA) or those granted to citizens of member states of Mercosur or the African Union, for example, pale in comparison with the extensive equality promised by a European Union citizenship that removes EU member governments' authority to privilege their own citizens over those from other EU member states.

EU citizenship is not simply one scale up from national citizenship. Nor does its derivation from member-state citizenship tell us much about how the enactment of each relates to the other. As Pullano puts it:

> the tensions already existing in national citizenships between autonomy and equality, or between inclusion and exclusion, are not only still present in the European context, but they are taking up more complex and profound structures, since they involve the reshaping of national patterns of differentiation as well' (see also Tonkiss).

While it is clear that citizenship is frequently enacted on multiple scales, this necessitates a closer mapping of those different scales and their links rather than the presumption of a global or globalizing scale in all cases.

Understanding citizenship as struggle

As will already be clear, all of the chapters in the *Handbook* remind us that citizenship rights are not simply gained through struggle but constituted by it as an act in itself. Even understood primarily as status, citizenship is impermanent, capable of reconstitution, and therefore contestable. We are still left with the question of how to understand what is happening when struggles occur and what they produce. In different ways, many of the chapters affirm Dean's observation that we need 'a post-Marshallian concept of citizenship that is truly social; that centres on negotiation around human needs and social rights, and is not necessarily subservient to frameworks for constitutional civil and political order'. Constituting oneself as a citizen is not simply a question of accessing rights through pre-existing civil and political channels; more often than not, it is a response to the unavailability of such recourse. While all chapters suggest struggle is intrinsic to citizenship, four major struggles recur throughout the *Handbook*. These are: resistance to narrowly economic rationales for citizenship; the plight of migrants, particularly irregular or undocumented workers; the continuing struggle to address the unequal treatment of women in citizenship laws and persistent gender inequality; the worldwide flourishing of protest movements in 2011 typified by the so-called 'Arab Spring'.

Struggles can arise from the tension between a narrowly economic definition of citizenship and a wider basis founded on the social. Soguk defines this narrowness in terms of a cold economism that disproportionately burdens the most vulnerable members of society, as it exerts a ruthless biopolitical logic (see also Rygiel). Equally, Latta and Wittman show how struggles against corporate and state-led extractivism in South America reveal 'societal fault lines directly related to the uneven enjoyment of meaningful citizenship'. This is most apparent with regard to EU citizenship. As Kostakopolou argues, the task is not to expand the scope of EU citizenship beyond its economic basis. Rather, it is to refute the premise that its foundations were not social. Mobility rights were, she argues, 'always intended to enable European workers to enjoy equal treatment not only in the workplace, but also in the broader social environment of the host member states and in the political arena'. This involves recognition of the social projects that have historically been integral to European integration (see Pullano and Maas). Moreover, as Tonkiss observes, it requires research and policy responses that acknowledges the impact such mobility has in terms of cultural and political integration into the life of host member states. As will be seen when we review coverage of the 2011 protest movements, a key element of understanding such struggles is recognizing that social justice is not only an underlying cause, but what ultimately gives them legitimacy as acts of citizenship.

One of the most extensively covered areas is how migrants claim their rights as citizens. This is more than the plight of non-citizens or those deemed to legally not have the rights they go

on to claim through struggle. All too often, migrants are vulnerable to being denied rights they legally possess. Within the European Union, Roma citizens of EU member states, have found the rights of mobility this confers upon them openly flouted by member-state governments (see Cirkovic, Maas, Pullano, and Vermeersch). As Tonkiss shows, the formal recognition of EU citizenship rights can belie barriers to belonging that EU migrants face in other member states. The implications of the EU border regime for so-called 'Third Country Nationals' are considered by both Guild and Rygiel. Canals uses the example of African-American identity for Venezuelans in Barcelona to illustrate how migrant communities can have their diasporic identities reconfigured in host countries. Methodological implications of understanding migrants' struggles in terms of citizenship are critically examined by Martignoni and Papadopoulos. The ways in which irregular or undocumented workers have little choice but to act as political subjects and demand the rights that they do not have are discussed by Hepworth, Ilcan, Lee, Rygiel, Soguk, and Swerts. Through such actions the legal status of citizenship expands to incorporate new subjects (Nyers 2003). In this way, the experience of migrants highlights the inherent possibility of recognition through struggle that is a key aspect of citizenship even as it excludes.

In many contexts, gender discrimination against women continues to be a common feature of citizenship. As legal status, it continues to enshrine discrimination against women in many nationality laws. Specifically, the slow decline of the practice of acquiring citizenship only through one's father (patrilineal descent) is discussed by Albarazi and Van Waas, Dorman, Manby, and Moon. Saeidi provides a nuanced account of the ways in which the regime of the Islamic Republic of Iran has restricted certain rights for women (such as access to certain professions) at the same time as depending heavily on women as political organizers and campaigners. The overarching question of how the citizen as a political subject remains gendered is discussed in the context of the Caribbean by Sheller. As Sheller shows, the category of citizen 'historically excluded women, dependents, slaves, former slaves, and servants, precisely because their bodies were stigmatized as overly sexual, emotional, and incapable of the higher rationality of disembodied objectivity, which was understood as a bourgeois, white, and heterosexual masculine trait' (see also Reed and Rush). Lee cautions that the apparent need to assert acceptable gender norms in terms of citizenship rights can frequently become a source of neocolonial interference.

When we conceive of struggle on a global scale, not confined to a specific national or other jurisdictional context, a number of questions arise. The first is what struggles across the world actually share in common. The power of common languages and action of struggle, rather than a deeper essential unity, is a theme taken up by Levy and by Martignoni and Papadopoulos. Howell and Schaap show how the black power movement in the US provided an inspiration and a possible political language for Aboriginal campaigners in Australia the 1960s and 1970s. The second question addressed in the *Handbook* is that of the legacies of the protests, street occupations, and other movements that began in 2011, typified for many by the 'Arab Spring'. Insights into the Arab Spring itself are offered by Kiwan and Perrin. Levy and Soguk provide analytical frameworks for linking the 15M movement in Spain, Occupy in North America and Europe, and events in North Africa and the Middle East. As Levy states, one must be sceptical of:

> explanatory frameworks that left us misinformed on the possibility of a protest of this magnitude until the very moment of its eruption. Instead, it is time to focus on the actors themselves, to explore their vocabulary, and to listen to the words they weave into their actions.

In this sense, the events of 2011 and their repercussions remind us of the need to continually question and reassess what it is that we call citizenship.

The *Handbook* certainly demonstrates that citizenship as a concept is constantly being reconfigured. Historical and contemporary accounts show that struggles to be regarded under the label of citizen and to enjoy commensurate rights are what actually comprise citizenship itself. As the following chapters attest, only an interdisciplinary approach can capture and analyse such a dynamic. In the same way, thinking about citizenship globally necessarily involves working on multiple scales and investigating the connections between them. Referring to EU Citizenship, Kostakopoulou writes of its 'radical potential'. Conceivable only as the interaction of several polities and as something defined by the promise of what it can become as much as what it has overcome, EU citizenship is, in this sense, little different from the range of citizenships explored in the *Handbook*. As the different chapters show, the nexuses that make up the sites where citizenship occurs are so various that normative models derived from the historical experience of particular regions have become self-evidently inadequate. If the chapters prove that we cannot talk about a 'global citizenship', they also demonstrate that it is only at a global level that we can begin to appreciate that it is ultimately citizens who constitute themselves.

References

All references are to chapters within the *Handbook* unless otherwise stated.

Benhabib, S. (2004) *The rights of others: aliens, residents, and citizens*, Cambridge: Cambridge University Press.

Isin, E.F. (2002) *Being political: genealogies of citizenship*, Minneapolis and London: University of Minnesota Press.

Nyers, P. (2003) 'Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement', *Third World Quarterly*, 24, 1069–93.

Saïd, E. (1979) *Orientalism*, London: Vintage Books.

Part I
Struggles for citizenship

This page intentionally left blank

1

Contested citizenship of the Arab Spring and beyond

Gal Levy

> Remember this: We be many and they be few. They need us more than we need them. Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing.
>
> Arundhati Roy, *Confronting Empire,* 2003[1]

When do we know that something that happens *is* an event, that is, 'produce[s] a rupture in the given order' (Isin 2012: 131)? How can we be informed about an event while it is ongoing, as we are trying to capture the transformative moment? Eric Hobsbawm, in the wake of a controversy about the French Revolution gave a pretty simple answer. Rejecting the revisionist interpretation of this event, he sided with contemporaries, because they 'were not concerned with historical analysis for its own sake [and hence] tended to emphasize what they saw as new and dynamic, rather than what they regarded as relics of the past due to move to the margins of social reality' (Hobsbawm 2004 [1989]: 477). This view tacitly implies a rejection of the notion that an explanation can outweigh the experiences of the actual players. Accordingly, even the lack of adequate words to describe the new social reality could not take away from the discovery of contemporaries that what they were experiencing was a new reality. Thus, when the existing epistemological frameworks no longer satisfy the search for an explanation we may hear, as Roy did a decade ago, 'another world that is on her way'.

How can we conceive of these times, after the 'Arab Spring' and the protests that engulfed the world from 2011? The answer, I propose here, should be sought not in 'the search for an essence hidden behind human activities', but rather 'the surface aspects that give them meaning and significance' (Tully 1999: 163). In other words, the meaning of the *Social Protest* – encompassing the events of the Arab Spring, the encampments of 15M in Spain and the Tents Protest in Israel, and the Occupy Movements in democratic capitalistic regimes – needs to be construed not from explanatory frameworks that left us misinformed about the possibility of a protest of this magnitude until the very moment of its eruption. Instead, it is perhaps timely to focus on the actors themselves, to explore their vocabulary, and to listen to the words they weave into their actions (Emmerich 2011).

This chapter seeks to discern the new voices and vocabulary that redraw the extent and expanse of political subjectivity in a post-protest era. Rather than imposing explanations,

I first examine the unfolding of the *protest* and its coalescence across various locations, spaces, and contexts, to create a single event which, for the sake of simplicity, I term *the social protest*. Evidently, this event was at once directed against dictatorial and neoliberal regimes, and despite these diverse contexts, it spoke in one language. Next, I explore this language of citizenship as a site and a means of *resistance*, making particular reference to New Social Movements (NSMs), civil society, and radical democracy. These paradigmatic epistemological frameworks of analysis have shaped our understanding of social change and critical thinking in the post-World War II period, and animated the extension of citizenship and the rendering of rights discourse universal. In the final part I revisit the notion of *rights* in order to point out its limits and to explore the new language of democracy that emerged in the course of the social protest. More particularly, I propose to see the social protest as a game-like activity that has broadened the struggles of and for democracy and, all the more, reshaped the ways of participation and representation, thereby offering citizenship new trajectories in the post-protest era.

Protest

Anti-establishment and anti-capitalism protests are neither new nor exclusive to specific societies in the post-World War II era. In this period, the world has witnessed the growth of capitalist democracies and the birth of new states in the wake of decolonization, and also seen New Social Movements advocating against the malaise of 'modernization' (e.g. Slater 1985); the expansion of civil society against the shrinking of the political (Cherniavsky 2009); and the call for radical democracy to undercut the limits of liberal democracy (Purcell 2013). These conceptions have been at once descriptive and prescriptive. Their power lies in being not merely analytical tools, but informing our sociological and political understanding on what is to be done. NSMs, civil society, and radical democracy called upon citizens to act, while reshaping our vocabulary about social change. However, in light of the social protest it becomes timely to revisit them and ask what is and what is not left of their legacy that would render explicable contemporary conceptions of citizenship and democracy beyond the Arab Spring.

When the social protest erupted across the globe in 2011 it soon became evident that one major trigger and source of inspiration for it was the popular uprisings in Tunisia and Egypt, each marking an earthquake that shook the 'old global order' within and beyond the Arab world. If, as is commonly contended, the Arab countries constituted the last bastion against *democratization*, then these uprisings unearthed repertoires of action that were seen to be absent in this part of the world. However, the 'Arab street', notoriously and unjustly known as a space for futile political rage and harsh oppression (Bayat 2010), spawned a new public sphere, a space that has been reappropriated by subjects of despotic regimes, who sought to reconfigure themselves as political activists. Technology was part of this, but it was the physical contact and presence in the urban space that mattered (Lopes de Souza and Lipietz 2011: 620). At least in Egypt, this was in addition to the building of a counter-political society in the streets of the large cities (Bayat 2010; el-Ghobashy 2011). In 'the West', these events were observed with astonishment and scepticism, at least in the highest echelons of power and amongst brokers of 'knowledge' in the corporate media (DeLuca, Lawson, and Sun 2012). Soon, this 'knowledge' turned out to be partial and stereotypical, as professionals, workers, and political activists were inspired to act by new knowledge that emerged from the streets of Cairo and Tunis (Trudell 2012), and formed the basis of a new subject – an activist citizen, who is not merely a player in the political arena, but, rather, willing to redefine the rules of the game (Isin 2009). When this happened, it also became clearer that the Arab Spring was about toppling not only the old despotic regimes from within, but also the global economic neoliberal order from without (Armbrust 2011;

Bergh 2012). Against this shared enemy, the protesters in the affluent economies and in the forsaken South could articulate a common call for a new democratic order.

Inspired by the events, mainly in Egypt as well as Tunisia (Kerton 2012), before long the protest unfolded at a rapidly increasing pace. On 15 May 2011, the harsh repression of a small demonstration by *Democracia Real Ya!* (*Real Democracy Now*),[2] ignited a larger-scale protest in Madrid's Puerta del Sol, known as 15M and also as the *indignados* ('the outraged'). No single issue united the protesters. Yet, they shared a resentment toward the political partisan system for being corrupt and detached from the people, rage against the banking and financial systems, and anger for being dependent upon a precarious labour market (Marti-Puig 2011). The immediacy of technology allowed the protest to spread rapidly both geographically and through various public spaces, rendering, to a degree, traditional concepts of leadership undesired. The virtual networks thus summoned the protesters, while concomitantly allowing them to sound their own voices (Fuster-Morell 2012). In an echo of some feminist movements of earlier decades, being leaderless was a praxis of liberation (Gautney 2011). Soon, the virtual space translated into a real physical space of encampments and assemblies, where spaces for open discussion and debate were formed, rendering meaningful the ideas of deliberative and direct democracy and non-hierarchical decision-making (Hughes 2011; also Benhabib 1996; Young 2003).

The new space foregrounded a new political subjectivity, at first in the Arab cities and later in the different sites of the Occupy Movement (Abourahme and Jayyusi 2011; Kerton 2012). One symbolic figure who marks this transition is Mohamed Bouazizi, the Tunisian street vendor who, like Jan Palach in Prague, set himself on fire on 17 December 2010 in protest against his humiliation by municipal officials. Thus, the Arab Spring, like the Prague Spring of 1968, was literally ignited. The subsequent image that comes to mind is of young men and women – in Prague and in China's Tiananmen Square, and again in Cairo's Tahrir Square – standing still, unshielded in the face of the armoured tanks surrounding them. Abourahme and Jayyusi (2011: 626) echoing Michel Foucault's observations from revolutionary Iran, argue that this 'is the most enduring aspect of the Arab revolts: the sense that people, ordinary people – through this novel relationship between politics and experience – were remaking themselves, shedding off years of conditioning and inertia to emerge as political subjects'.

It was also, the authors propose, a moment of creation of new collective subjectivities, when people self-organized to protect and care for themselves in newly created public spaces. It was a moment of both confusion and clarity. The realization of a new self, capable of transcending the neoliberal moment, had given the protesters a sense of clarity in becoming political subjects and moreover in articulating their collective subjectivities (Harvey 2012: 161–2). Thus, one participant in an Occupy UK encampment testified:

> The striking and amazing thing in those first weeks was how much people were actually listening to each other. Many of us came from a fairly radical political background, and had strong opinions, but Occupy seemed to promise a way of getting beyond all sitting in separate corners, shouting, 'You're wrong!' at everyone else.
>
> *(Anonymous 2012: 442)*

This (female) observer was soon disillusioned, especially by the difficulty of keeping the camp safe, mostly for women, but also by the challenge of remaining inclusive in an unwelcoming environment. In a different manner, six months into the protest and after the toppling of Egyptian President Hosni Mubarak, it appeared that 'there is no counter totality, no ideological assemblage to carry us into the "permanent revolution" and towards new formations of political structure' (Abourahme and Jayyusi 2011: 626). The subsequent ousting of the democratically

elected president Mohamed Morsi in 2013 by a military coup was a bloody testimony to this sense of uncertainty. While not suggesting that the purpose and reasoning underlying this series of events were unclear to its participants, it brought to the fore the discrepancy between a new will for collective action and a reality of fragmented social solidarity and continuous de-politicization of citizenship under neoliberalism and tyranny (Brown 2011; Dean 2011). Nonetheless, the absence of readily available 'ideological assemblages', in Egypt or elsewhere, was not necessarily a misfortune for the moment of the protest.

This moment was an opportunity to form a 'broad-based democratic uprising' (Brown 2011); it created new openings for deliberation, largely previously unknown to many of its participants. From Tahrir Square to Tel Aviv's Rothschild Boulevard, to Zuccotti Park in lower Manhattan, it was a moment 'to foster the creation of sites and processes of deliberation among diverse and disagreeing elements of the polity' (Young 2003: 104). A new language of hand gestures that emerged from the *indignados* encampments in Spain alongside other innovations like the 'human megaphone', traversed the globe, compelling the protesters to rethink 'old' notions of deliberation, connectedness, and communality, and, to borrow from Deleuze and Guattari, to escape domination in 'smooth space', where 'desire is relatively free from the apparatuses of capture and can produce according to its will.' (cited in Purcell 2013). This was a moment when the absence of a new vocabulary for participation and representation stimulated an open-ended deliberation which allowed others' points of view to be heard (Halvorsen 2012: 428), and hence made it possible to transcend particularistic interests (Young 2003: 106). This was, in other words, a 'smooth space' where, to paraphrase Young, deliberative democracy theory *qua* democratic theory understood itself as a critical theory, exposing 'the exclusion and constraints in supposed fair processes of actual decision-making, which make the legitimacy of their conclusions suspect' (2003: 118).

As protesters around the world were occupying, indeed reclaiming, the public space, they not simply 'revived the classical image of the nation as *res-publica*', as Brown (2011) contends. They indeed spawned new relationships between the public and the private, whether by redefining the spatial boundary between them or by rendering the interests of citizens visible in the public sphere (Harvey 2012: 159–164; Aslam 2012).

At the time of writing (2013), two years after the kindling of the worldwide protest against the tyrannies of authoritarianism and neoliberalism, it still remains to be seen where this event is heading. Whichever way one turns, our understanding of the social protest should not, however, be separated from a critical reading of the 2008 global financial crisis, and of the traces of the distancing of the major democratic capitalist economies from the post-World War II Keynesian model (Streeck 2011). It was not by happenstance that 'the end of the Cold War pronounced the free market victorious and neo-liberalism the best growth policy for countries' (Sassen 2011), rendering the financial markets free from territorial constraints. Nor was it surprising that the most famous utterance of the time was Margaret Thatcher's 'there is no such thing as society. There are individual men and women, and there are families'.[3]

The disintegration of the concept of society, perhaps more than anything else, connected the fate of authoritarian and democratic neoliberal regimes. As both types of regime aimed at breaking social solidarities, or preventing them from forming, they furnished a parallel will to rise against them, a will that crosscut most, if not all, social divisions (Rose 1996; Brown 2011). In the wake of the global financial crisis, then, the availability of networked communication technologies (Dean 2011) has been turned around as a means of undermining individualization. These technologies thus allowed individuals to transcend their solitary existence as they gathered in a new physical public space (Aslam 2012; Castells 2012). Furthermore, social media technologies formed the grounds for collective action, not only within bounded polities, but

also across them. In other words, they created a new opportunity for individuals to speak again in the first person plural, and to replace the neoliberal 'I-self' with a new political subjectivity.

Resistance

In recent decades, citizenship has grown into an extensive field of study. If at first most writing followed the path of T. H. Marshall's now classic concern with the evolution of individual rights – whilst expanding our understanding of the legal, institutional, and social meanings of this evolution, and of the 'civilized existence' of the working class – contemporary scholarship has extended into new terrains. Mainly, *citizenship studies* has become a critical prism, rendering our ways of seeing social struggles subtler and richer. Consequently, the less we focus on the citizen as a rights-bearing member of society, the more we are able to see the person behind the citizen as a claim-making agent. Similarly, the more we turn our attention away from the 'doer' – the active agent – to the 'deed' of claim-making, the more we are capable of capturing the *enactment of citizenship* rather than the condition of being a citizen (Isin 2008). Within this shift, I ask us to revisit our conception of citizenship between designating membership status in a society of rights-bearing individuals and necessitating political subjectivity.

Our understanding of citizenship oscillates between seeing the political subject as a passive bearer of rights and as an active political agent in a given social order. According to western classical thought, in the Greek *polis* the pendulum tilted, at least in the so-called classical age, towards action. Thus, for instance, in Aristotle's view, the human was 'a creature formed by nature to live a political life' (Pocock 1998: 35). Political life was to be materialized in the public sphere, where laws were written and lived by. Being a Roman citizen was about 'the possession of things and the practice of jurisprudence' (Pocock 1998: 36). Citizenship implied the freedom to act by law and to seek the law's protection. In modernizing Europe, the conception of citizenship became entangled with the rise of capitalism and nation-states. It designated the citizen at once as a bearer of rights – primarily protecting the right of the male citizen to his private property – and committed to the good of the nation, chiefly as a soldier. As the idea of citizenship outgrew the walls of the medieval city, so did the territorial boundaries of the nation-state become its terrain (Weber 1998), and so did politics come to be identified with society (Rose 1996: 333). For Marshall (1998), this view of the nation-state as a homogeneous, totalizing space was crucial to rendering the evolution of citizenship a way of granting the working class access to 'civilized existence' (Benhabib 2004: 172). With the suffragists' struggle and the extension of rights to women, the contours of citizenship were redrawn once again, overlapping the boundaries of the nation-state's territory.

In the 1960s and 1970s, this single space was seen as fragmented and hierarchical rather than homogeneous and levelled. The rise of NSMs in relation to the rapid advancement of the welfare state in Europe and the US marked the first crisis of post-World War II democratic capitalism (Streeck 2011: 10). This also posed the first of many subsequent challenges to the conception of citizenship in the west. More particularly, in the eyes of its contemporaries, the uprisings of 1968 was seen as 'a pivotal moment' establishing that 'the state is primarily an agent of repression rather than liberation' and that 'class is only one of many axes around which people mobilize' (Purcell 2013). Ideologically, the NSMs struggled to materialize the principles of universality and egalitarianism on which the ideals of modern citizenship were premised (Pfister 2012: 244). Two strands were identified with the NSMs – that is, beyond the working classes, who in retrospect, 'made the 20th century their own' (Therborn 2012). One strand was the *unaffiliated* (Rose 1996: 440), mainly non-whites and women. Left behind by the working-class movement and now hoping to move to the centre, they were fighting for basic citizenship rights. The other strand was led by middle-class ideologues and activists who challenged

the destructive physical aspects of progress (Brand 2012: 283). The ideologies of the NSMs, chief among them environmentalism and disarmament, transcended national boundaries. Their organizations and patterns of popular mobilization remained bounded by the territory of their respective nation-states. Nonetheless, NSMs uniquely tied together questions regarding the unequal distribution of goods and risks within societies, with demands for recognition, which gave rise to a new politics of identity.

The NSMs and the rising politics of identity were both predicated on the fundamental ideas of citizenship (Kymlicka and Norman 1994), and eventually substantiated the idea that in democratic capitalism, economic progress is a citizenship right in itself. This 'translated into political expectations, which governments felt constrained to honour but were less and less able to, as growth began to slow' (Streeck 2011: 10; also, Harvey 2007). Subsequently, democratic capitalism shifted into a new phase, whereby full employment was no longer a condition for political legitimacy and 'the struggle between market and social distribution moved from the labour market to the political arena' (Streeck 2011: 14). Electoral pressure thus replaced trade-union demands, and as governments were adhering to the new doctrine of 'the rule of the free market', a new space was opened – civil society. Certainly not a new concept, civil society designates different things for different people. It includes Non-Governmental Organizations comprising the fast-growing aid-oriented 'Third Sector', caring for society where the state is rolling back, but also politicized, human-rights oriented NGOs that sought to challenge the neoconservative politics of the rising neoliberal state. Thus, whereas the former organizations contributed to the depoliticization of social citizenship, the latter were working against the neoliberal state's inclination to curtail any attempt to politicize social issues by rendering them too specific or too particular rather than symptomatic or universal (Dean 2009: 15; Cherniavsky 2009: 15).

Yet, as Dean (2009: 16) convincingly demonstrates for the US, civil society became a refuge for the 'left', that was in fact accepting the triumph of capitalism, and hence contributing to the depoliticizing of the social effects of the reign of the free market. So while the 'right' politicized almost every aspect of life – from school curricula to climate science, from stem cell research to the family, civil society was constantly deprived of its political edge. As society itself was fragmenting into lifestyle communities and spaces of control (Rose 1996), 'being political', at least for the 'left', became satisfied by a relatively modest aspiration. Civil society, argued Michael Walzer in *The Civil Society Argument* (1998: 306), 'is sufficiently democratic when in some, at least, of its parts we are able to recognize ourselves as authoritative and responsible participants'. Against this, the call to 'radicalizing the site of democracy required a rethinking of the place of citizenship within politics' (Rasmussen and Brown 2003).

Whether or not we accept Dean's assertion that depoliticization was mainly a problem for the left not the right, repoliticizing social relations became pertinent. This required understanding citizenship as an activity rather than identity, or, to reiterate Isin and Nielsen (2008), shifting our perspective from the doer to the deed. But it also entailed that the 'location of struggle […] is at the site of subject formation, in the way citizens understand their relationship to the political world and themselves' (Rasmussen and Brown 2003). In this context, depoliticization is indeed a misleading term, because it succumbs to the idea that citizenship is fixed and agreed upon, and that citizenship acts are restricted to the formal institutions of democracy (Tully 1999). However, even if, the left seems to have forsaken the political game, or to cite Dean (2009:18) again, when it is 'in a position of true victory', when 'our enemy speaks our language', the game is not over and done with. Beyond the seeming cosiness of the middle class, there are those who incessantly push the boundaries of citizenship to fit them to their own size.

'Becoming political', writes Isin (2002: 275) in the concluding chapter of his genealogical investigations of citizenship, 'is that moment when the naturalness of the dominant virtues is called

into question and their arbitrariness revealed.' In the 1990s, the making of the neoliberal state was no longer an exclusive project of the conservative right. A new Third Way politics was seeking a middle ground between right and left, and between capital and labour, mobilizing the corporate business sector by supporting their 'downsizing' strategies, which resulted in increasing levels of unemployment among native citizens. The state, now led by 'transformed leftists', was enacting anti-immigrant policies, accusing immigrants of 'taking the jobs' from the unemployed, while concomitantly increasing its pressure on the latter by cutting welfare allocations and rendering the state (super)punitive for the poor (Rose 2000; cf. Zinn 2003: 643; Wacquant 2012: 75–76).

In Israel too, in the early 2000s, the middle class was reassured that what it was experiencing was the trickling down of economic growth. In fact, as Israel was entangled again in a bloody conflict with the Palestinians, the middle class had not only turned away from its support of the 'peace process'; it willingly devoted itself to the thorough marketization of the economy (Shalev and Levy 2005; Ram 2008). In 2003, an anticlerical campaign led by the neoconservative *Shinui* Party led to the staggering achievement of fifteen parliamentary seats, gained with the support of the middle-class vote. However, long before the Tents Protest, the rolling back of the state was already felt at the margins of society. People in peripheral working-class towns were losing jobs and income-support benefits; workers in public services were facing downsizing as a result of privatization; and the Organisation for the Disabled was protesting against the cuts in disability benefits. A symbolic figure of this struggle was Vicki Knafo, a single mother of three, who marched from her southern home town to Jerusalem, where she set up a tent in front of the Ministry of the Treasury. Israel Twitto, a social activist, took his three teenage daughters from the deserted bus which they had made their home and set up an encampment in Tel Aviv's most exclusive shopping area, ironically named the State Circus (*Kikar Ha-Medina*), renaming it the Bread Circus (*Kikar Ha-Lekhem*[4]; Sarig 2003). This was the outcry of what is known as 'the Second Israel', the Jewish (Mizrahi) working class that found itself left behind when the state stampeded to embrace the global markets. Twitto was optimistic about the strength of this protest:

> 'Quiet Revolution' I call it, like Gandhi, […]. Slowly we shall wake Israeli society up. It's not easy to get people out into the streets, especially people who are ashamed of their situation. But this revolution will succeed, because the government […] does not give the citizens a chance to survive. On the contrary, it only creates more difficulties. And the more public awareness and sympathy [the protest] receives […] the faster it will happen.
>
> *(Sarig: 2003)*

This political moment remained restricted, however, in two ways: first, by being confined to the Jewish society, as class-based conflicts usually do not transcend the ethno-national divide; and secondly, by not drawing the support of the middle class, which ignored the inclusive message that came out of the camps: 'We are not homeless: we are fighting for the character of Israeli society.' If citizenship is 'the point of view of those who dominate the city' (Isin 2002: 275), the Bread Circus Protest failed to penetrate its unity. Almost a decade later, much of the middle class came to realize that a class war was being waged and that the war cut through its ranks. Thus, in the Tents Protest, the middle class called upon all Israelis, Jews and Arabs, poor and well off, to join their struggle against the infringing of their social-citizenship rights.

Rights

The Tents Protest is not necessarily emblematic of the social protest everywhere. Still, the effects of this sweeping wave of anti-neoliberal protest, before, during, and after the general elections

(January 2013), permit a preliminary attempt at generalization based on this case. Particularly, in Israel, as in other capitalist democracies, subsequent elections left the neoliberal ideologues in power. To put it differently, not only did the 'old regime' remain intact in most places, but no serious opposition party emerged. Nonetheless, one could hardly dispute the newness of these times, as we are witnessing the rise of new conflicts, or better, old conflicts in new guises, and seeing the fundamental questions that pertain to the rise of modern democracy being re-posed. Namely, we envisage the articulation of a new public debate – also, thanks to recent technological innovations, in a new virtual public space – about questions of representation, privileges, and rights in a manner unknown in recent decades (see also Gitlin 2013: 11).

In the second half of the twentieth century we saw the rise of a politics of rights – encompassing struggles for recognition by the margins and by the *unaffiliated* (again, mainly women and people of colour), the quest to undo the wrongs of modernization (mainly disarmament and ecological movements), and to expand civil society as an alternative political arena, mainly for the middle class. In these times we have also seen the class struggle being depoliticized, and more significantly, the rise of a 'new right' that marginalized leftist politics (Dean 2009). Yet, in parallel, the struggle for citizenship has grown in both importance and scope. Evolving from a right-bearing member in a territorially bounded society into a claimant of rights beyond frontiers, the citizen became the focal point of the social order as well as of social analysis (Kymlicka and Norman 1994; Isin 2012). Does the social protest mark a new course of action for citizens and non-citizens seeking to change the balance of power between them and the state? Let me answer this by looking at the social protest as an event (Isin 2012), or a game-like activity (Arendt 1961) where citizens (and non-citizens) become engaged in free activities as 'struggles *of* and *for* more democratic forms and practices of participation in the games in which we are governed' (Tully 1999: 180).

It is now clear that since the 1970s, we have been increasingly governed by a single game – where 'we' includes capitalistic democracies and almost any contemporary state – namely, the neoliberal game. This form of governance or governmentality is characterized by a transformation which is both economic and political, and, accordingly, 'the market is the organizing and regulative principle of the state and society' (Brown 2003). Under this regime, state legitimacy is based on the health of the economy, for which the state (interestingly, not the market, as the 2008 meltdown proved) is responsible, even at the cost of the health of its individual citizens. This new structure of legitimacy – grounded in a neoliberal ideology that 'normatively constructs and interpellates individuals as entrepreneurial actors in every sphere of life' (Brown 2003) – shifts the social order away from a conception of citizenship as binding the bourgeoisie to the disciplinary forms and practices of the modern nation-state and to the notion of civic participation (Cherniavsky 2009).

To a degree, and not in full accord with the 'depoliticization' argument, the neoliberal governmentality does not negate the idea of citizenship. Rather, it construes a specific kind of citizen, configured exhaustively as *homo oeconomicus* whose activism is manifested in being a rational consumer of politics. This does more than delineating the 'model neo-liberal citizen [as] one who strategizes for her/himself among various social, political and economic options, [and] not one who strives with others to alter or organize these options' (Brown 2003); it also demarcates a clear distinction between the responsible moral citizen, who adheres to this logic, and those who lack that moral responsibility.

This new governmentality yields a sterilized 'body politic' (Brown 2003), rendering the ideal citizen, in Isin's (2009) terms, 'active' (namely playing within the rules) rather than 'activist' (i.e. challenging them). Being political, then, is about making (a calculated) choice, without asking what we are choosing or what we are choosing from. Here neoliberalism dissociates the

bourgeoisie from the disciplinary forms and practices of the nation-state. If in the post-1945 era the aim of public policy was to solidify the bond between the state and the bourgeoisie (and the mobilized working class) by offering state-based solutions to societal demands, since the 1970s, the state gave way to the market in addressing social needs. Increasingly, the state retreated from the notion of social citizenship, and citizens were asked to entrust their fate to market-based, mostly for-profit organizations offering supposedly non-political solutions to allegedly non-political problems. Against this backdrop, for citizens to opt out of politics was not a matter of indifference or apathy. Rather, the terms of being political were changing.[5]

For the conservative right of the 1980s, the assertion that 'there [was] no such thing as society' implied that individuals were required to manage themselves and that collective action was now a thing of the past. This became evident in the breaking up of trade unions, as well as in the decline in partisan membership across the political spectrum and in all capitalist democracies. In the 1990s, Third Way solutions were designed to rectify the declining popular support in the left (Rose 2000). In its new politics – where 'Citizenship becomes conditional on conduct' (Rose 2000: 1407; see also Wacquant 2012) – the Third Way did not mark a critical break with neo-right politics, other than perhaps in bringing the community to the forefront of politics, and giving 'civility a definite shape, that of a civil religion' (Rose 2000: 1409). In this sense, Third Way communitarianism on the left, just like individualism on the right, marked the limits of the political, and hence of citizenship activism. Whether the rational consuming-minded citizen for the right, or the ethical self-managed working citizen for the left, the subject of government was almost one and the same. Either on the right or on the left, the (neo-)self became embedded in the prevailing logic of the market. Manifestly, the market was the determinant boundary of the political, rendering the 'rights discourse' its organizing principle.

'There are no natural rights', writes philosopher Raymond Geuss (2001: 146), and yet, 'we can expect with reasonable confidence that rights discourse will continue to flourish' (ibid., 150). One reason for this is that 'an economically advanced society will be understandably obsessed with efficiency, predictability, and security, especially in assigning powers and responsibilities for the control of economic assets'. The second is that 'a doctrine of "individual human rights" is connected in a plausible way with deep human needs and powerful human motives' (ibid., 151). It gives one 'control over objects of immediate use' by determining a relation of possession. But 'if I insist on seeing the social world as a collection of rights, perhaps it will be true that what I take to be "my rights" will be respected' (ibid., 151–2). That is to say, the rights discourse persists not because of its intrinsic value to sustaining individual freedoms, as its capacity in this respect is limited.[6] It endures because it helps in maintaining a seemingly orderly society, and more pertinently, a liberal one (ibid., 154). In neoliberal times, 'everyone', citizens and non-citizens alike, has become a 'consumer' of human rights, subjugated by a 'human rights' discourse.

This of course is not to suggest that everybody enjoys equality. Rather, if, being a claimant of rights underlies all struggles for citizenship, as Isin (2002) aptly demonstrates, in the post-1945 era we witness the rapid extension of this struggle from within the citizenry to groups lying outside the scope of legal citizenship (e.g. McNevin 2011). Non-citizens in particular have proved the vitality of citizenship as they looked to stretch 'beyond the habitual' (White 2008), thus changing the meaning of being a citizen and of citizenship acts (Isin 2012). Also, the rise of the alter-globalization movement, as well as of global migratory movements, reduced the importance of territoriality in determining 'the right to have (or claim) rights' (e.g. Benhabib 2004: 65), and still without rendering the state redundant. Thus, the scope of the struggle over citizenship has moved to another terrain, transcending territorial boundaries, but still grounded in local contexts. The social protest, I propose in conclusion, embodied this change.

A retrospective look at the Tents Protest in Israel from the perspective of the 2013 general elections reveals some of the unique features of this event. Events, writes Isin (2012: 131), 'are actions that become recognizable (visible, articulable) only when the *site*, *scale* and *duration* of these actions produce a rupture in the given order' (my italics). Seen from this prism, calling the Tents Protest an event requires further justification; the following attempt to do so also sheds new light on the conception of citizenship in the wake of the social protest.

Site

Interestingly, in Israel and elsewhere, the social protest was not simply taking place in specific spaces or places. The movement, and each event, became known separately by the space in which they took place. Tahrir Square thus became synonymous with the anti-dictatorial uprising in Egypt, and the 15M was identified with Spain's Puerta del Sol, as was the Tents Protest with Tel Aviv's Rothschild Boulevard, from where it spread throughout the country; and of course, the Occupy Movement was all about the space it occupied. The act of reclaiming the public space was not merely a habitual act of demonstration, as it has been previously, in numerous marches or rallies. Rather, the protesters were demonstrating the will of citizens, or perhaps their duty, to reclaim their 'right to the city' (Harvey 2012; Purcell 2013). It was, moreover, a statement on how the separation of the public from the private, through processes of privatization, was stripping individuals of their powers, rendering them politically alienated. Thus, as they imbued these occupied spaces with new meanings, turning the cityscape, to use Henry Lefebvre terminology, into an 'urban society […] characterized by active citizens who commit to managing themselves and their space autonomously' (Purcell 2013), the citizens turned places into sites. They have instilled in them 'the strategic value for the struggle for rights that is the basis of enacting citizenship' (Isin 2012: 133). Eventually, the site of struggle in Tel Aviv – the boulevard – was evacuated and renovated so that it would be unfit for a similar encampment in the future. Over two years later, a small encampment across from the train station, populated by truly homeless individuals and families remains as a reminder of the site there once was. As is attested by its being overlooked by passers-by, the media and politicians, it is doubtful whether this new location could be called a site in Isin's sense.

Scale

In Israel, the protest's slogan read: 'the people demand social justice', prompting questions regarding the ambiguity of the term 'people', given Israeli society's ethnicized character (e.g. Monterescu and Shaindlinger 2013). Thus, the protest has temporarily left aside typical categories and scales – such as ethno-nationalities, ethnicities, or religions – and introduced instead 'the people' as a seemingly all-encompassing homogeneous and consensual collectivity. This new scale indicated or suggested the coalescence of a new constituency, a public, which welds together the various parts of society (Hickel 2012; Calhoun 2013). The overarching support for the protest was indeed a manifestation of a new scale, revealed also in the array of speakers from across the social spectrum. This spirit nonetheless dissipated as the 2013 general election campaign accelerated, foregrounding an empty discourse of 'new politics' and a call to bring the middle class back to the centre of public attention. Eventually, while the elections failed to undo the old divisions, it generated a political awareness amongst citizens that proved the scale of the social protest, its reach and scope (Isin 2012: 134), attesting to the uniqueness of its effects and to its becoming an event.

Duration

If we accept that the actual time an event takes up does not account for the length of an act (Isin 2012: 134), then it makes sense to claim that the social protest in Israel lasted longer than the ten weeks of the actual occupation of the public space. Indeed, the duration of this act, which makes this event into an act of citizenship, is manifested in the new political jargon and awareness that became prevalent during the election campaign and, perhaps more importantly, still lingers in the post-election public discourse. Thus, beyond what is normally counted as extra-parliamentary activism, the social media have become a vociferous platform where representatives' actions and speeches are being evaluated and judged against that which is constantly reconceptualized as the social protest's values or goals. In this respect, the protest has not yet lost 'its performative force through which subjects become political' (Isin 2012: 134).

We can now wonder whether the social protest was, or is, an act of citizenship, and hence, an enactment of a new political subjectivity (Isin 2012: cf. Ch. 4). To put it differently, if the neoliberal constitution of the self has reached a hegemonic status, rendering invisible the actual construction of the neoliberal citizen, it is timely to ask whether, and in what way, does citizenship after the social protest constitute a shift in what it means to be political. If in the post-1945 period of decolonization and the growth of the welfare state, to be political had been about incorporating the conception of rights into the institution of citizenship, what does it mean to be a citizen when the rights discourse has already been naturalized in our political language, whether we approve of it or not (Geuss 2001: 154), and whether its spokespersons are from the right or from the left (Dean 2009: 18)?

I end with one of many examples that became ubiquitous in the post-protest era. The new Israeli government (formed 18 March 2013) is headed by the veteran Likud party and its main ally *Yesh Atid* (literally, 'there is a future'), a new centre-right party that came second, brought forth by the call for a change that came out of the protest.[7] Its leader – an inexperienced politician, a former publicist and TV presenter – presents himself as the ultimate spokesperson of an *all-Israeli* middle class, fighting to eradicate the protectionism of the Ultra-Orthodox minority, which is presumably undermining the financial solidity of the middle class. Appointed Minister of the Treasury, he was assigned the task of presenting the government with a new budget, which had been the main pretext for calling early elections. Less than a fortnight after his appointment, the new minister was about to face his opponents. Three activists went to scout out the minister's street in preparation for the first Saturday night demonstration against the proposed budget cuts. Approaching his villa, in an affluent Tel Aviv neighbourhood, they were stopped by a security guard. They asked politely whether this was the minister's residence, but the guard refused to answer. In return he asked who they were, and they simply answered: 'We want to organize a demonstration.' 'But who are you?', he insisted, and they responded casually: 'We are … democracy. Democracy …'.[8]

This short and simple statement, I propose, encapsulates the change in the political subjectivity in the post-2011 era. One activist group that takes part in organizing the weekly demonstrations against the budget is wittily named 'the Not-Nice People', referencing PM Golda Meir's utterance 'They're not nice' at the Israeli Black Panthers, who in the early 1970s demonstrated against the continuous deprivation and state of poverty of Jews from Islamic and Middle Eastern origin (*Mizrahim*). In the Israeli discourse however, it is not they but the *Ashkenazi* (Jews of European descent) middle class – the Minister of the Treasury's electorate – who are recognized as democratic. Hence, as these three proclaimed *Mizrahi* activists were heading towards the villa in the name of democracy, they personified the post-2011 'new politics', but in a rather opposite way to that offered by the villa's proprietor and his triumphant middle-class party. Whereas

for the latter, 'new politics' remains an empty slogan, masking its neoconservative agenda with a political list of non-professional politicians. For this grassroots activist group – like groups of its ilk – 'new politics' is about shattering the building blocks of the old order, where the *unaffiliated* were considered undemocratic and as being unable to represent themselves.

Unlike the NSMs, these new activist groups do not run big organizations or offer extensive ideologies, although their ideas are far from superficial and at times they mobilize masses to rally their causes. Such groups also challenge and re-extend 'the boundary drawn around the use of "democracy" in the eighteenth century […] to refer to any activity in which people assemble and negotiate the way and by whom power is exercised over them, on the ground that these too are games of "governance" (in the non-restrictive sense)' (Tully 1999: 178). The 'Not-Nice' group also echoes Chantal Mouffe's notion of 'agonistic pluralism'. It rejects the coherence of a social movement by suggesting the element of struggle among different particularist groups, thus using rather than ignoring the tension between the principles of universalism and particularity. For 'agonistic pluralism', Mouffe writes (2000: 103), 'the prime task of democratic politics is not to eliminate passions from the sphere of the public, in order to render a rational consensus possible, but to mobilize those passions towards democratic designs'.

This calls for a new relation between ideas and political organization. One activist expressed his dilemma in a Facebook post titled '*A Homeless Idea* – I have no Community'.[9] 'The reception of the idea of democracy in the 'Not-Nice' organization', he explains, 'is different (and naturally more difficult) than in an organization that makes democracy its direct demand.' Having lost faith in civil society or in big social movements, he seeks a place where 'an idea can be matched to a community', thus not becoming 'home-less', and hence unidentified and misinterpreted. To be part of 'a struggle community', he claims, would be to subscribe to one ideational demand – 'democracy or revolt'. This activist, a lawyer by profession, is active in legal battles as well as on the streets, and he is not unfamiliar with the principles of democratic deliberation. Yet, by not seeking a rational consensus, he defies the current state of affairs as a charade, offering instead to establish democracy by forming small, face-to-face, leaderless struggle communities that transcend superficial social divisions. The alternative to this action, he states clearly, is revolt.

Finally, while we are still living the legacy of the paradigmatic epistemological frameworks of the NSMs, civil society, and radical democracy, all of which were shaping the rights discourse and rendering citizenship paramount in setting the terms of the relationship between subjects and the state, and between citizens themselves – a new epistemology is making its way up. The post-2011 social protest vocabulary has not relinquished the discourse of rights, and yet the new sites of struggle, its new scale, and its endurance beyond the protest itself, may all suggest that this is *an* event, an *enactment of citizenship* (Isin 2012: 131). If Mark Purcell (2013) is correct in suggesting that the neoliberal state shares a specific form of oligarchy with both the welfare state and state socialism, rendering each primarily concerned with only a part of the citizenry, the various protesters too share a common answer. Their answer is derived from the long-fought struggle over citizenship, but it is all the more sharply aimed at rejecting the neoliberal subjectivity, which relieves the state of its responsibility to care for all citizens (and non-citizens). The voice that thus surfaces from the protest, in the social media, in the streets, and in the parliaments, is not seeking more rights, but simply to 'be the public' (Calhoun 2013). This voice undermines the main thrust of neoliberalism, which attempts to create rights-bearing selves. Instead, it offers to redraw the boundary around democracy so that the struggle over citizenship in the years to come can create new forms of political activism.

Notes

1 A speech at the World Social Forum, Porto Alegre, Brazil, on 27th January, 2003. Available online at www.sustecweb.co.uk/past/sustec11-4/following_speech_by_arundhati_ro.htm (accessed 30 May 2013).
2 For their manifesto, see www.democraciarealya.es/manifiesto-comun/manifesto-english/ (accessed 10 December 2013).
3 Prime Minister Margaret Thatcher, talking to *Women's Own* magazine, October 31 1987. Available online at http://briandeer.com/social/thatcher-society.htm (accessed 13 September 2013).
4 In Hebrew, *Bread Circus* is a pun, simultaneously meaning a 'loaf of bread' and a public place of assembly (landmark, plaza, roundabout) named Bread'.
5 It is beyond our scope here, but still noteworthy for the sake of avoiding nostalgia. The welfare state, too, bears its own responsibility for rendering the citizens politically apathetic and idle. See e.g. Cherniavsky 2009, Purcell 2013.
6 Particularly after the social protest it has been shown that governments have become even harsher on political activists, monitoring their activities on social media and forcefully repressing almost every protest.
7 *Yesh Atid* won 19 of the 120 Knesset seats, making it the second-largest party in the 19th Knesset, and hence pivotal in the ruling coalition, against most if not all expectations. In media interviews, many of its voters claimed that the party represented a clean slate and that they were hoping, following the protest, for a 'new politics' and to get rid of the 'old and ugly politics'.
8 The 'expedition' was, like almost any political activity these days, videotaped and posted on YouTube and on the group's Facebook page on 31 March 2013. Available online at http://youtube/4f5RJoGak20 (accessed 16 April 2013).
9 Barak Cohen's Facebook page, http://tinyurl.com/homeless-idea posted on 12 April 2013 (accessed 13 September 2013).

References

Abourahme, N. and Jayyusi, M. 2011. 'The will to revolt and the spectre of the real', *City: Analysis of Urban Trends, Culture, Theory, Policy, Action*, 15, 6, 225–30.
Anonymous. 2012. 'Occupy – The end of the affair', *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 11, 3–4, 441–5.
Arendt, H. 1961. *Between past and future: six exercises in political thought*, Viking Press: New York.
Armbrust, W. 2011. 'The revolution against neoliberalism', *empirestrikesblack*. Available online at http://empirestrikesblack.com/2011/03/the-revolution-against-neoliberalism/ (accessed 31 December 2012).
Aslam, A. 2012. 'Politics, out of the ordinary', *Theory and Event*, 15, 4.
Bayat, A. 2010. *Life as politics: how ordinary people change the Middle East*, Stanford University Press: Stanford, CA.
Benhabib, S. 1996. *Democracy and difference: contesting the boundaries of the political*, Princeton University Press: Princeton, NJ.
Benhabib, S. 2004. *The rights of others: aliens, residents and citizens*, Cambridge University Press: Cambridge.
Bergh, S. I. 2012. 'Introduction: researching the effects of neoliberal reforms on local governance in the southern Mediterranean', *Mediterranean Politics*, 17, 303–21.
Brand, U. 2012. 'Contradictions and crises of neoliberal-imperial globalization and the political opportunity structures for the global justice movements', *Innovation: The European Journal of Social Science Research*, 25, 3, 283–98.
Brown, W. 2003. 'Neo-liberalism and the end of liberal democracy', *Theory and Event*, 7 (1). Available online at doi:10.1353/tae.2003.0020 (accessed 30 December 2012).
Brown, W. 2011. 'Occupy Wall Street: return of a repressed res-publica', *Theory and Event*, 14, 4. http://muse.jhu.edu/journals/theory_and_event/v014/14.4S.brown.html (accessed 6 January 2013).
Castells, M. 2012. *Networks of outrage and hope: social movements in the Internet age*, Polity Press: London and New York.
Calhoun, C. 2013. 'Occupy Wall Street in perspective', *The British Journal of Sociology*, 64, 26–38.
Cherniavsky, E. 2009. 'Neocitizenship and critique', *Social Text*, 27, 1–23.
Dean, J. 2009. *Democracy and other neoliberal fantasies: communicative capitalism and left politics*, Duke University Press: Durham, NC.

Dean, J. 2011. 'Claiming division, naming a wrong', *Theory and Event*, 14, 4.
DeLuca, K., Lawson, S., and Sun, Y. 2012. 'Occupy Wall Street on the public screens of social media: the many framings of the birth of a protest movement', *Communication, Culture & Critique*, 5 (4), 483–509. doi:10.1111/j.1753-9137.2012.01141.x
Emmerich, Z. 2011. 'Aspect showing and the practical dimension of human affairs', *Intellectual History Review* 21, 1, 57–69.
Fuster-Morell, M. 2012. 'The free culture and 15M Movements in Spain: composition, social networks and synergies', *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 11, 3–4, 386–92.
Gautney, H. 2011. 'What is Occupy Wall Street? The history of leaderless movements', *The Washington Post*. October 11. Available online at www.commondreams.org/view/2011/10/11-12 (accessed 13 September 2013).
Geuss, R. 2001. *History and illusion in politics*. Cambridge University Press: Cambridge.
el-Ghobashy, M. 2011. 'The praxis of the Egyptian Revolution'. *Middle East Research and Information Project*, 41 (258). Available online at www.merip.org/mer/mer258/praxis-egyptian-revolution (accessed 30 December 2012).
Gitlin, T. 2013. 'Occupy's predicament: the moment and the prospects for the movement', *The British Journal of Sociology*, 64, 3–25.
Gordon, U. 2012. 'Israel's "tent protests": the chilling effect of nationalism', *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 11, 3–4, 349–55.
Halvorsen, S. 2012. 'Beyond the network? Occupy London and the global movement', *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 11, 3–4, 427–433.
Harvey, D. 2007. *A brief history of neoliberalism*, Oxford University Press: Oxford.
Harvey, D. 2012. *Rebel cities: from the right to the city to the urban revolution*, Verso: London and New York.
Hickel, J. 2012. Liberalism and the politics of Occupy Wall Street. *Anthropology of this Century*, 4. http://aotcpress.com/articles/liberalism-politics-occupy-wall-street/ (accessed 30 May 2013).
Hobsbawm, E. 2004 [1989]. 'The making of a "bourgeois revolution"', *Social Research* 71, 3/Fall, 455–80.
Hughes, N. 2011. 'Young people took to the streets and all of a sudden all of the political parties got old: the 15M Movement in Spain', *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 10, 4, 407–13.
Isin, E. F. 2002. *Being political: genealogies of citizenship*, University of Minnesota Press: Minneapolis, MN.
Isin, E. F. 2008. 'Theorizing acts of citizenship'. In E. F. Isin and G. M. Nielsen (eds.), *Acts of Citizenship*, Palgrave Macmillan: London, 15–43.
Isin, E. F. 2009. 'Citizenship in flux: the figure of the activist citizen'. *Subjectivity*, 29, 367–88.
Isin, E. F. 2012. *Citizens without frontiers*, Continuum: London.
Isin, E. F. and Nielsen, G. M. 2008. *Acts of citizenship*, Palgrave Macmillan: London.
Kerton, S. 2012. 'Tahrir, here? The influence of the Arab uprisings on the emergence of Occupy', *Social Movement Studies: Journal of Social, Cultural and Political Protest*, 11, 3–4, 302–8.
Kymlicka, W., and Norman, W. (1994). 'Return of the citizen: a survey of recent work on citizenship theory', *Ethics*, 104, 2, 352–81.
Lopes de Souza, M. and Lipietz, B. 2011. 'The "Arab Spring" and the city', *City: analysis of urban trends, culture, theory, policy, action*, 15, 6, 618–24.
Marshall, T. H. 1998. 'Citizenship and social class'. In G. Shafir (ed.), *The citizenship debates: a reader*, University of Minnesota Press: Minneapolis, MN.
Marti-Puig, S. 2011. 'The "indignados": new Spanish social movement against the crisis'. In J. Bryne (ed.), *The Occupy handbook*, Back Bay Books: New York, 209–17.
McNevin, A. 2011. *Contesting citizenship: irregular migrants and new frontiers of the political*. Columbia University Press: New York.
Monterescu, D. and Shaindlinger, N. 2013. 'Situational radicalism: the Israeli "Arab Spring" and the (un) making of the rebel city', *Constellations*, 20, 2.
Mouffe, C. 2000. *The democratic paradox*. Verso: London.
Pfister, T. 2012. 'Citizenship and capability? Amartya Sen's capabilities approach from a citizenship perspective', *Citizenship Studies*, 16, 2, 241–54.
Pocock, J. G. A. 1998. 'The ideal of citizenship since classical times'. In G. Shafir (ed.), *The citizenship debates: a reader*, University of Minnesota Press: Minneapolis, MN.
Purcell, M. 2013. *The down-deep delight of democracy*, Wiley-Blackwell: London.
Ram, U. 2008 *The globalization of Israel: McWorld in Tel Aviv, Jihad in Jerusalem*, Routledge: London and New York.

Rasmussen, C. and Brown, M. 2003. 'Radical democratic citizenship: amidst theory and geography'. In E. F. Isin, and B. S. Turner (eds.), *Handbook of citizenship studies*, Sage Publications Ltd: London.

Rose, N. 1996. 'The death of the social? Re-figuring the territory of government', *Economy and Society*, 25, 3, 327–56.

Rose, N. 2000. 'Community, citizenship, and the Third Way', *American Behavioral Scientist*, 43, 1395–1411.

Sarig, M. 2003. '*Kikar Ha-Lehem* Goes South', *Ha-aretz* 16 February 2003 (Hebrew). www.haaretz.co.il/misc/1.862490 (accessed 16 April 2013).

Sassen, S. 2011. 'The global street: making the political', *Globalizations*, 8, 5, 573–9.

Shalev, M. and Levy, G. 2005. 'The winners and losers of 2003: ideology, social structure and political change'. In A. Arian and M. Shamir (eds.), *The elections in Israel 2003*, Transaction Publishers: New Brunswick, NJ and London, 167–86.

Slater, D. 1985. 'Social movements and a recasting of the political'. In D. Slater (ed.), *New social movements and the state in Latin America* (Vol. 29). CEDLA Amsterdam, 1–26.

Streeck, W. 2011. 'The crises of democratic capitalism', *New Left Review*, 71, 5–29.

Therborn, G. 2012. 'Class in the 21st century', *New Left Review*, 78, 5–29.

Trudell, M. 2012. 'The Occupy Movement and class politics in the US', *International Socialism*, 133. www.isj.org.uk/index.php4?id=775&issue=133 (accessed 22 December 2012).

Tully, J. 1999. 'The agonic freedom of citizens', *Economy and Society*, 28, 2, 161–82.

Wacquant, L. 2012. 'Three steps to a historical anthropology of actually existing neoliberalism', *Social Anthropology*, 20, 1, 1–121.

Walzer, M. 1998. *The civil society argument*. In G. Shafir (ed.), *The citizenship debates: a reader*, University of Minnesota Press: Minneapolis, MN, 291–308.

Weber, M. 1998. 'Citizenship in ancient and medieval cities'. In G. Shafir (ed.), *The citizenship debates: a reader*, University of Minnesota Press: Minneapolis, MN.

White, M. 2008. 'Can an act of citizenship be creative?' In E. F. Isin and G. M. Nielsen (eds.), *Acts of citizenship*, Zed Books: London and New York, 44–56.

Yiftachel, O. 2006. *Ethnocracy: land and identity politics in Israel/Palestine*, University of Pennsylvania Press: Philadelphia, PA.

Young, I. M. 2003. 'Activist challenges to deliberative democracy'. In J. Fishkin and P. Laslett (eds.), *Debating deliberative democracy*, Blackwell Publishing: Malden, MA, 102–20.

Zinn, H. 2003. *A people's history of the United States 1492–present*, Perennial Classics: New York.

2

Genealogies of autonomous mobility

Martina Martignoni and Dimitris Papadopoulos

Approaching mobility from an autonomous point of view requires shifting our perspective from the order of instituted control to the primacy of migrants' movements, that is to read the formation of sovereignty through mobility, rather than the other way round. An autonomous perspective on mobility attempts to see migration not simply as a response to political and economic pressures but as a constituent force in the making of polity and social life (Karakayali and Tsianos, 2005; Mezzadra, 2006, 2010; Papadopoulos *et al.* 2008; Papadopoulos and Tsianos, 2013; Rodriguez, 1996). Yann Moulier Boutang has offered an impressive account of this movement historically (Moulier Boutang, 1998). The autonomy of migration approach foregrounds that migration is not primarily a movement that is defined and acts by making claims to instituted power. It rather means that migrant mobility *itself* becomes a political movement and a social movement that subsequently forces constituted power to reorganize itself.

The autonomy of migration thesis highlights the social and subjective aspects of mobility before control. It rejects understanding migration as a mere response to social malaise (e.g. Jessop and Sum, 2006). Instead migration is autonomous, meaning that it has the capacity to develop its own logics, its own motivation, and its own trajectories that control comes later to respond to (Transit Migration Forschungsgruppe, 2006). This does not of course mean that mobility operates independently of control. Very often it is subjected to it and succumbs to violent state or private interventions that attempt to tame it; probably the politics of detention and deportation is the best example of such violence that shows how migrant mobility can be halted and brutally controlled (Schuster, 2003; Tyler, 2010).

In this sense, the autonomy of migration thesis is about training our senses to see movement before capital – but not independent from it – and mobility before control – but not disconnected from it. One of the most common critiques of the autonomy of migration approach (Düvell, 2006; Sharma, 2008) is that it replaces all these different migrant subjectivities and the diverse concrete spatialities of movements with a big narration of migration. When we talk about autonomous migration we do not intend to subsume all different types, cases, and approaches to migration under one single sociopolitical movement; rather, we attempt to articulate their commonalities, which stem from the *struggles for movement* that each of the different migrations is involved in. The supposedly abstract and homogenizing category of migration

does not try to unify all the existing multiplicity of movements under one single logic but to signify that all these singularities contribute to an affective and generic gesture of freedom that evades the concrete control of moving people.

Mobility in the autonomy of migration approach implies a kind of politics that neither entails uniformity nor abstraction. Rather mobility here refers to a concrete empirical condition: the real struggles, practices, and tactics of migrants that facilitate movement and escape control (Anderson *et al*. 2009). This approach to migration is an answer to the heterogenizing practices of state regulation of mobility: sovereignty breaks the connectivity between multiple migratory subjects in order to make them visible and render them governable subjects of mobility. This is achieved by operationalizing the category of the citizen and by creating different classes of citizens – in particular through their immigration status (Anderson, 2010). The heterogenizing effects of power should not be confused here with the multiplicity of mobile subjectivities and struggles.

Citizenship and borders are the main two (interconnected) tools for governing and controlling the autonomy of migrations and at the same time they are continuously challenged and reshaped by people on the move. These two tools, far from being used to affirm a sharp inside/outside distinction – in terms of presence in a country, or access to citizenship and rights – are instead used in order to divide, differentiate, and, ultimately, control mobility (De Genova, 2002). The inception of differentiated ways to access a country and the invention of different categories of citizens are therefore processes that strengthen and simultaneously erode the institution of citizenship itself. If in fact 'full citizenship', meaning access to full rights, could be seen as the maximum goal of migrants, the creation of different 'levels' of citizenship undermines the meaning of citizenship itself and who is a legitimate citizen. In this sense, autonomy of migration affirms that mobility has the power, because of the movement of people itself, to put in crisis citizenship as one of the main institutions of the nation-state. This does not mean that migration is all about struggles over citizenship, though; rather, struggles over citizenship are the effects of the control of – and at the same time an opportunity for – autonomous mobility. The autonomy of migration approach opens the possibility of looking at migration as a complex movement that entails the creation of new meanings and practices of belongingness, everyday life, and politics as well as of new imaginaries of hope that go beyond the battle over citizenship. Migratory mobility nurtures the possibility of freedom of movement not only as a practice but as an affect: it embodies the hope which gives strength to people to move when they are on the road. Migration in this sense exists as a virtuality that becomes actualized and materialized through the diverse movements of people.

These multiple aspects of autonomous mobility are configured and reconfigured differently in each specific historical chronotope. It is therefore impossible to talk about a single genealogy of autonomous mobility. Rather, we encounter various genealogies that sometimes meet and reinforce each other, and sometimes develop in independent ways. What follows describes three different trajectories of autonomous mobility 'embodied' in historically determined cases: first, the capacity of migrations to trigger processes of creation of new forms of life; secondly, the power of migrants to challenge and continuously redefine borders and polity; and thirdly, migration as affirmative of autonomous political struggles in labour markets. These three genealogies of autonomous mobility are discussed by using three vignettes that allow us to trace various forms of autonomy inside migration processes: the creation of new forms of life inside migrations is approached through the experiences of radically divergent organizations born in the encounter of the two sides of the Atlantic between the sixteenth and the eighteenth century; the challenge to, and redefinition of, borders is developed through a focus on contemporary migrations, particularly those between Mexico and the US and in Europe; finally, the question

of labour is approached by examining forms of exodus from relatively stable systems of labour organization that forced capitalist production to reorganize itself and introduce new patterns of work and production.

Vignette 1: Creating new forms of life

Autonomy of migration draws attention to the irreducibility of contemporary migratory movements to structural economic or social explanations and suggests that migratory processes often exceed the relation to organized sovereign control by building alternative transnational communities of existence. Autonomous mobility is therefore about investigating contemporary migration as a social movement that interrupts sovereignty as well as as an organizing practice for supporting and facilitating freedom of movement. Here we mean a form of organizing and modes of relationality that are entailed within, but also go beyond, the traditional question of mobilizing migrants against their oppression and for their rights vis-à-vis existing institutions. We rather understand organization as the practice of producing alternative ontologies, that is alternative everyday forms of existence and alternative *forms of life* (Bishop, 2011; Papadopoulos, 2011, 2012; Papadopoulos and Tsianos, 2013; Winner, 1986).

A crucial moment in which the violence of control over mobility was powerfully deployed but at the same time multiply challenged was the transatlantic slave trade. We can find inside the 'Middle Passage' and the history of the encounter of people and the exchanges of goods between the two sides of the Atlantic not only a history of slavery, violence, and expropriation, but also one of self-determination, autonomy, and continuous and multi-faced revolt against oppression. Marcus Rediker and Peter Linebaugh (2000) described the 'many-headed hydra', a restless composition of the oppressed of the Atlantic, which remained for a long period the most worrying social actor for the ruling classes of the seventeenth and eighteenth centuries (Mulot and Tsianos, 2010). Refusal and revolt against slavery, indentured labour, and the expropriation of the commons created the possibility for the encounter of different mobile people and the creation of autonomous interethnic cultures and mobile multiracial communities. Interestingly, race, nation, religion, and belonging were not an issue for these organizations – and they would not be until the end of the eighteenth century.

The very different groups of people composing the 'rebels of the Atlantic' first of all invented and adopted a new language for communicating. This language emerged in the everyday life of the ships: slave and trade ships, but also pirate ships. The ship was indeed 'a meeting place where various traditions were jammed together in a forcing house of internationalism' (Linebaugh and Rediker, 2000, p. 151). Slavers used to fill their ships with people from different territories of West Africa, which were very rich in linguistic difference, so that communication would be more difficult. But during the long middle passage enslaved people established novel ways of exchange through the creation of new languages, sometimes using previous knowledge based on 'maritime tongues' such as English- or Portuguese-based pidgins, created for trade reasons. Pidgin languages developed further on the ships, where the enslaved 'would call each other shipmate, sibbi (Dutch creole), or malungo (Portuguese in Brazil), all the equivalent of brother and sister, creating new kin to replace what had been destroyed by their abduction and enslavement in Africa' (Christopher *et al.* 2007, p. 15). Those new languages, formed amid the violence and terror of the slave ships, would become means of communication in the New World and also in Europe. Present in various communities, pidgin 'became an instrument, like the drum or the fiddle, of communication among oppressed: scorned and not easily understood by polite society, it nonetheless ran as a strong, resilient, creative, and inspirational current among seaport proletarians almost everywhere' (Linebaugh and Rediker, 2000, p. 154). Together with

language, a religion of the 'oppressed of the Atlantic' arose and migrated on the ships from one side of the ocean to the other. Biblical jubilee, joining religion and political action, is an interesting example of a widespread belief in the Atlantic. Present in the Old Testament, the jubilee is the year that comes around every fifty years when lands should go back to original owners, debts should be cancelled, slaves should be freed, and people should not work. Jubilee was adopted by many radical religious groups in the seventeenth and eighteenth centuries in the Americas and in Europe (Linebaugh, 1990).

Like religion and language, new forms of life developed in the encounter of people from Africa, Europe, and the Americas who were subjected to histories of forced plantation work, imprisonment, indentured labour, religious persecution, and dispossession of lands. The organizations they created were much more than a 'mosaic' of experiences and cultures. In the same way in which a new language, even if invented out of the mixture of other languages, has its own autonomy and characteristics, these multi-ethnic organizations – such as the maroon societies formed by fugitive slaves in many parts of the New World, from Cuba, Colombia, Venezuela, and Mexico to the Caribbean, from Brazil to Jamaica and the United States – revealed a capacity for the hybridization of differences and the creation of wholly new realities of everyday existence. Enslaved people were almost all brought from Africa, but they belonged to different areas and cultures of that continent and they often mixed with local communities; maroons did not share a common language, common culture, or forms of organization. How did they create ways of common understanding and organizing? While keeping as a starting base their diverse African heritages, they built a new Afro-American culture and form of life. Africa functioned as a common reference for a 'deep-level organizational principle', although 'no maroon social, political, religious, or aesthetic system can be reliably traced to a specific tribal provenience; they reveal rather their syncretistic composition, forged in the early meeting of peoples bearing diverse African, European, and Amerindian cultures in the dynamic setting of the New World' (Price, 1979, pp. 28–29). Relying on the knowledge of the territory gained during their enslavement and also playing on the unstable political situations that characterized the Americas of the eighteenth and the beginning of nineteenth centuries, slaves were able in some cases to escape and create autonomous ways of living (Nelson, 2008).

Maroon communities represented one radical form among the many different expressions of resistance employed by forced migrants and enslaved people. A multiracial composition was also animating revolts and insurrections, mutinies, and anti-impressment mobs in many parts of the Americas: Barbados 1649, Virginia 1676, New York 1741 are just some of these moments (Linebaugh and Rediker, 2000). Autonomous communities also arose inside the cities, like the Seneca Village in New York between 1825 and 1857, a strong autonomous black community where slave fugitives could find protection and alternative political movements were emerging (Alexander, 2008). All these autonomous mobilizations and cultures symbolically culminate in the St. Domingue slaves' revolution of 1791 (James, 1980) that established the first black republic in history. In all these instances, autonomy is not only a form of reaction to imposed oppression and control but primarily an act of creation of new forms of life.

Vignette 2: Redrawing borders and the contours of citizenship

Many authors – using different concepts and images (e.g. borderland, diaspora, double space, in-between, double consciousness) – have highlighted how migrations create transnational networks and subjectivities which do not 'adhere' to one single identity defined through citizenship but inhabit complex and fractured social spaces and, indeed, borderlands (Anzaldùa, 1987; Appadurai, 1996; Bhabha, 1994; Clifford, 1994; Gilroy, 1993). Although struggling for

obtaining formal rights, migrants are rarely concerned with citizenship *per se* in their country of residence (Mezzadra, 2006, pp. 62–3). In this sense the concepts of 'assimilation' and 'integration' are no longer sustainable and from the autonomy of migration point of view neither possible nor desirable either (Wimmer and Glick-Schiller, 2002). The concept of integration in particular – based on a naturalization of borders – implies the existence of a coherent 'subject of reception', a homogenous and close-knit social group that should receive and welcome 'the other' and potentially integrate 'otherness'.

Citizenship and borders, instead, far from being 'natural', are two interconnected concepts and tools constituting variable techniques of containment and management of mobile populations that contribute not only to determining their civic status but also their place in the global labour market and their exploitability (Anderson, 2007a, 2007b). It is therefore necessary to abandon any idea of borders and citizenship as fixed and immovable entities that are strictly and simply related to a sovereign territory (Rigo, 2006). The example of the European system of control of the Schengen area is paradigmatic of how borders 'develop into areas where sovereignty is shared among different actors and is sometimes delegated to private agents'. Borders perform 'diverse functions according to the side from which they are crossed' (Rigo, 2006, pp. 98–9). The southern borders of the European Union and USA especially have to be thought of first of all as crossed borders, a relation between the autonomous mobility of people and a varied form of private and state control. Since without the crossing there is no border – '[i]t's just an imaginary line, a river or it's just a wall…' (Biemann, 2002, p. 32) – the very nature of borders is defined by the crossing of mobile people who continuously pass through them and reshape their order. At the same time this relation between crossing people – *harragas*[1] – and borders, is performative of the subjectivities on both sides of the border. The border between Mexico and the USA, for example, creates and, simultaneously, is inhabited and constantly modified by a myriad of different hybrid subjectivities (Anzaldùa, 1987; García Canclini, 1995) which often contribute to the multiplication of the material and symbolic nature of borders – involving not only national belonging but also regional, religious and gender identities, etc. (Vila, 2000, 2005).

Borders are by definition porous and are permanently responsive to the migrations of people (Papadopoulos *et al*. 2008, p. 162 ff.). In fact, one can say that borders are shaped by responding to the autonomous movements of people and then reorder and reshape themselves as migratory flows vary in intensity and routes change in geographical location or mode of transport. Borders therefore have to be thought of as flexible tools because they change, 'making a world rather than dividing an already-made world' (Mezzadra and Neilson, 2012, p. 59) and also because they move with people. In this sense borders are not only lines of separation between states or geographical and political areas but also lines of differentiation that proliferate inside these same areas (Mezzadra and Neilson, 2013). They create systems of differential membership, that is different grades of irregularity and citizenship (Nyers, 2010a). It is through these differentiations of citizenship that the autonomy of mobility is channelled and the resulting legal categories produce exploitable subjects in labour markets. However, the introduction of different categories of citizens (and non-citizens) deeply undermines the system of citizenship itself that is ultimately founded on the dichotomy inside/outside – a dichotomy that cannot stand up to reality, as the autonomous movements of people put citizenship continuously under pressure to reorder itself (Nyers, 2010b).

Indeed, while we need to be aware of the intrinsic exclusionary function of citizenship (Papadopoulos and Tsianos, 2013), we also have to look at how the system of citizenship is practically contested and rendered incoherent by the very presence of illegalized migrants inside the territory of Europe and the USA. Not only do migrants often contest directly the intolerable regime in which they are forced to live but their mere everyday presence in a country challenges

existing political regimes by affirming that 'officially rightless non-citizens [can] assume the mantle of quasi-citizens by articulating political demands and making claims' (De Genova, 2009, p. 451; Karakayali, 2008). Migrants often confront practically the control regimes they are subjected to through everyday individual actions of resistance by taking advantage of situations of 'liminal legality' (Nakano Glenn, 2011) and self-organized networks of care and support (Bishop, 2011). From this point of view, citizenship – thought of as a process and not only from a juridical perspective – is still a space of conflict which can be opened up by 'acts of citizenship' (Isin and Nielsen, 2008) or by 'insurgent citizenship' (Holston, 2009) or by 'politics of citizenship that enhance […] the element of disagreement, the *common* experience of the non-belonging, the *collective* claim of an unrepeatable difference' (Mezzadra, 2006, p. 77).[2] Paradoxically, while migrants' actions and presence in a country open up the space of citizenship, they also radically contest it and point towards the necessity of establishing radically alternative forms of life and action (see Vignette 1; see also Bishop, 2011; Papadopoulos and Tsianos, 2013).

There are various examples of how migrants in Europe and the US are redrawing the contours of citizenship (Isin, Nyers, and Turner, 2008). The Sans Papiers movement, for example, started in 1996 in France with the occupation of St Ambroise Church in Paris by around 300 migrants. Their main demand was the regularization of all migrants living in France. From there the movement developed into a powerful campaign by occupying a different place every time they were evicted from the previous one in order to gain the support of several organizations – civil associations, unions, parties – while always maintaining their autonomy and self-organization (Cissé, 1997). From Paris the movement also spread to other cities in France, putting migrant politics on the agenda. The Sans Papiers directly targeted the institution of citizenship, but went far beyond that. Their practices created the conditions for the emergence of Euro-wide autonomous migrant politics and the no-borders movement and are still today sources of inspiration for other migrants who repeated similar tactics of self-organized struggle.[3]

To mention another example, in the US a movement of protest against the criminalization of migrants through the Border Protection, Antiterrorism, and Illegal Immigration Control Act, brought about the 'Day Without an Immigrant' on 1 May 2006, a general strike of migrants that has now become an international day of struggle for migrants' rights. These mobilizations targeted citizenship as an exclusionary instrument used by the US administration. Disenfranchized migrants turned the meaning of citizenship upside down, by claiming that citizenship *is* accessible to all, in order to get visibility in a strategic way. The crucial dimension of these mobilizations is that migrants were building autonomous politics that did not postpone the claim of social, political, and civil rights to the future but acted at this very moment to create new spaces of freedom and equality, as well as new encounters, subjectivities, and forms of life that asserted that 'everyone is a citizen'.

Vignette 3: Labour and autonomous organizing

Vagabondage makes its first appearance in France in about 1350; it is a term to describe undesirable forms of mobility which begin to become punishable under a series of decrees and laws (Geremek, 1994; Sachße and Tennstedt, 1986, 1998). In a society where the means of command is defined by the sedentary nature of the population, mobility challenges the very possibility of control. Long before the proletarianization of labour in proto-capitalist economies (Marx, 1988; Polanyi, 2001; Wallerstein, 1976), the wandering mob and the flight of the peasants expressed a struggle against the feudal rent system. Everywhere in Europe peasants were leaving their estates 'illegally'. This flight from the land spurred on the rapid growth of towns or flowed into colonization movements towards the east or led the peasants to the life of the vagabond.

In the passage from the fifteenth to the sixteenth century the feudal system was plunged into permanent crisis not by the need to remunerate peasants but by their flight. With the enclosures of common land in England and its conversion to grazing, the peasants were driven from the land (Allen, 1994) to form a new, unwilling army of paupers (Negt and Kluge, 2001; Polanyi, 2001). These enclosures began at the close of the fifteenth century, lasted for 150 years and increased again in the eighteenth century, this time in legal form under the 'Bill for Inclosure of Commons'. Even much later, in *Das Kapital*, Marx writes about the new 'free proletariat', that is those thrown off the land faster than they could be incorporated into manufacturing (Marx, 1988, p. 723).

The many different attempts during the late Middle Ages to suppress mobility (either through concessions or violently through coercion) and to stop peasants from flowing into towns failed to restrict vagabondage (Sennett, 1994). Instead, growing numbers of paupers and peasants caused the towns to erect dams to prevent people entering into their territories. Now, the peasants became *brassiers* (*braceros)* who entered the market by 'renting' their arms for a daily wage (Moulier Boutang, 1997). But the vagabonds were still not proletarians able to work. Gradually, a more systematic regime of control emerged as a response to the vagabonds. This was not so much an attempt to return the masses to the feudal system, but one to capitalize on their mobility and to absorb its potentials into a new system of accumulation of bodies and capital. Manufacture and proto-capitalist production followed the wandering masses. The new regime of control emerged to tame the autonomous mobility of the escaping mob (Aradau and Huysmans, 2009).

The most powerful way to tame vagabondage was the attempt to transform the habits and the bodies of the wandering masses by incarcerating them in workhouses in order to channel the energy of mobility into skills for productivity (for an extended discussion of this process, see chapter 4 in Papadopoulos *et al*. 2008). Looking back over the course of the seventeenth century, Foucault sees disciplinary power coalescing to subjugate and harness the body. Discipline superseded the mechanisms of feudal power and established forms of governing oriented towards the production of value. Foucault (1977) explicated this element of the subjugation of the mobile body by examining the workhouse, a model institution whose mission was to re-educate beggars and young idlers towards work. But contrary to what Foucault says at this point, disciplinary power came into being as it followed the autonomous mobilities and the escape of people from feudal rent and poverty. The escape of the vagabonds was a constituent force which challenged the feudal regime of control and forced it to gradually reorder itself. Disciplinary power came to produce its subjects only as a response to their autonomy. Disciplinary power emerged through transforming the escaping 'mob' into a productive workforce that allowed the establishment of a new, effective system of control. This new system of control was wage labour.

While Foucault (1977) sees the primacy of discipline in the making of the wage labourer, others try to tell the story from the perspective of the labour conflict (Castel, 2003; Geremek, 1994; Ignatieff, 1978). But their approach is also problematic: they eliminate the novel forms of agency which become evident in the moment of autonomous mobility by asserting that beggars and paupers were often day-labourers, i.e. they were *already* workers, so that it is doubtful whether disciplining and training for work were the driving forces behind the foundation of the workhouses. Although this point is correct, it neglects the fact that the vagabonds were primarily becoming mobile *in order to escape from work*. Control did not produce people through discipline, neither did it expand on their already existing capacities to be workers; rather it gradually transformed and appropriated the energies of people's autonomous mobility into the strictly regulated system of wage labour.

From an autonomous perspective, therefore, the permanent flight from the constriction of labour and the continuous attempt of capital to control it have shaped capitalism itself. The tension between the instinct to escape and despotism is the central element that pervades the whole history of the capitalist mode of production (Mezzadra, 2006, p. 53). Migrations therefore are not a marginal phenomenon or an external factor to labour markets: 'The control of workers' escape represents the most important element that has guided the birth, the erosion, and the substitution of the different forms of unfree labour as well as the genesis of social protection and of the statute of free and protected wage labour as it is codified in labour rights'[4] (Moulier Boutang, 1998, p. 16). For example, in the post-war period we had a system of labour protection organized around the full-time employment of the native (mostly white and skilled), male working classes. This is what we have elsewhere (Papadopoulos *et al*. 2008) called the national social compromise of full-time employment – a stable but changing balance of institutional power between the represented social groups that is developed as a means of regulating the distribution of labour rights and welfare protection amongst these groups. Limited to the industrial working classes of Global North economies in the post-World War II period – an exception for other historical periods, geographical locations, and employment sectors (Waterman *et al*. 2012) – the national compromise of full-time employment means that, as rights and protection are extended to some, they are held beyond the reach of others – on the basis of their sex, age, mode of employment, country of birth, or length of stay in the territory of the nation-state, etc.

The breakdown of the Fordist system of production in the 1970s and 1980s was the outcome of the crisis of the national social compromise of full-time employment which became increasingly unable to defend the new composition of the working classes. One important part of this new composition consists of migrant workers who gradually after the 1970s engaged in spontaneous autonomous migrant resistance in the factories and public spaces of Europe and the US. The autonomous political organizing of migrant and racialized workers together with the feminist mobilizations against sexism, workplace discrimination, and domestic work contributed to breaking the national social compromise of full-time employment that had existed since the beginning of the 1970s and forced control to reorganize itself and transform into a new system of work.

Autonomous mobility and the limits of citizenship

From the perspective of the current configuration of migration control, mobility is not the enemy. Mobility is considered, in fact, an economically (and sometimes socially) indispensable element of current societies: it only needs to be institutionalized through discourses of migration management and citizenship in order to sustain the new flexible configuration of life and labour. Autonomous mobilities directly challenge the discourse and practice of migration management and citizenship. But the autonomy of migration approach entertains a complex relation to citizenship, far from a simplistic rejection or uncritical embracement: while on the one hand autonomous mobilities exist only to the extent that they develop their own forms of life and practices of self-organized mobility, it is on the other hand important to stress the impact that autonomous mobilities can have on political institutions and the configuration of citizenship.

Does the demand for citizenship strengthen processes of exclusion and does it lead to the diminishing of migrants' autonomy by increasing state regulation? Is it possible to push the demand for citizenship so far as to subvert the very principle of exclusion that is embedded in the sovereign control to which citizenship is ultimately attached? There are possibly no abstract answers to these questions. But the key issue here is to view the struggle for citizenship

through the autonomous struggles of migrants, not the other way round – that is, to avoid the reduction of migrant struggles as always and ultimately addressing the institution of citizenship. The struggle for citizenship is only one of the lines of conflict that autonomous mobilities are engaged in and it is often not the most important one. In the three vignettes presented earlier we have discussed several aspects of an autonomous perspective on mobility: the creation of novel belongings, languages, and modes of cultures of living together, political practices that accommodate radical divergences, autonomous mobilizations of migrants that demand changes here and now, the subtraction from labour, the making of alternative forms of life and everyday networks of support and care. Autonomous mobility exists to the extent that it can contest its institutionalization on the ground by developing ways of existence and movements that exceed and undermine the ongoing securitization of sovereign politics (Nyers, 2009). An autonomous perspective on mobility puts, thus, the emphasis on the constituent power of mobility to change society, everyday culture, and politics. Of course, citizenship cannot be unaffected by its force.

Notes

1 The Arabic word *harragas* means literally 'the one who burns'. From the beginning of the migratory movements, especially of young people from North Africa to Europe, this word started to indicate the people who crossed the borders illegally, 'burning the borders', and then burning their identity documents to avoid recognition and imprisonment in special detention centres for migrants or repatriation (Papadopoulos and Tsianos, 2007).
2 Our translation.
3 Similar mobilizations happened across Europe, such as the protest camp and church occupation by migrants in Vienna in 2012 (http://corasol.blogsport.de/2012/12/29/statement-from-the-refugee-camp-in-vienna-which-was-evicted-violently/) or the symbolic occupation of a crane in Brescia, Italy in 2010 (Oliveri, 2012).
4 Our translation.

References

Alexander, L. M. (2008). Community and institution building in antebellum New York. In A. D. Nieves and L. M. Alexander (eds.), *"We shall independent be": African American place making and the struggle to claim space in the United States* (pp. 23–46). Boulder, Colorado: University Press of Colorado.

Allen, T. (1994). *The invention of the white race*. London: Verso.

Anderson, B. (2007a). Battles in time: the relation between global and labour mobilities. *Centre on Migration, Policy and Society. Working Paper*, 55.

Anderson, B. (2007b). A very private business: exploring the demand for migrant domestic workers. *European Journal of Womens Studies*, 14(3), 247–64.

Anderson, B. (2010). Migration, immigration controls and the fashioning of precarious workers. *Work, Employment & Society*, 24(2), 300–17. doi: 10.1177/0950017010362141

Anderson, B., Sharma, N., and Wright, C. (2009). Editorial: why no borders? *Refuge*, 26(2), 5–18.

Anzaldùa, G. (1987). *Borderlands: the new mestiza = la frontera*. San Francisco: Aunt Lute.

Appadurai, A. (1996). *Modernity at large: cultural dimensions of globalization*. Minneapolis, MN; London: University of Minnesota Press.

Aradau, C., and Huysmans, J. (2009). Mobilising (global) democracy: a political reading of mobility between universal rights and the mob. *Millennium – Journal of International Studies*, 37(3), 579–600. doi: 10.1177/0305829809103234

Bhabha, H. (1994). *The location of culture*. London: Routledge.

Biemann, U. (2002). Performing the border. *Rethinking Marxism*, 14(1), 29–47. doi: 10.1080/08935 6902101242044

Bishop, H. (2011). *The worlds that migrants are making: the politics of care and transnational mobility*. School of Social Sciences, Cardiff University, Cardiff: Unpublished PhD dissertation.

Castel, R. (2003). *From manual workers to wage laborers: transformation of the social question*. New Brunswick, NJ: Transaction Publishers.

Christopher, E., Pybus, C., and Rediker, M. (2007). *Many middle passages: forced migration and the making of the modern world*. Berkeley: University Presses of California, Columbia, and Princeton.

Cissé, M. (1997). *The sans-papiers, the new movement of asylum seekers and immigrants without papers in France: a woman draws the first lessons*. London: Crossroads Women's Centre.

Clifford, J. (1994). Diasporas. *Cultural Anthropology*, 9(3), 302–38. doi: 10.2307/656365

De Genova, N. (2002). Migrant 'illegality' and deportability in everyday life. *Annual Review of Anthropology*, 31(1), 419–47. doi: 10.1146/annurev.anthro.31.040402.085432

De Genova, N. (2009). Conflicts of mobility, and the mobility of conflict: rightlessness, presence, subjectivity, freedom. *Subjectivity*, 29(1), 445–66. doi: 10.1057/sub.2009.22

Düvell, F. (2006). *Europäische und internationale Migration. Einführung in historische, soziologische und politische Analysen*. Hamburg: Lit.

Foucault, M. (1977). *Discipline and punish: the birth of the prison*. London: Penguin.

García Canclini, N. (1995). *Hybrid cultures: strategies for entering and leaving modernity*. Minneapolis, MN: University of Minnesota Press.

Geremek, B. A. (1994). *Poverty: a history*. Oxford: Blackwell.

Gilroy, P. (1993). *The black Atlantic: modernity and double consciousness*. Cambridge, MA: Harvard University Press.

Holston, J. (2009). Insurgent citizenship in an era of global urban peripheries. *City & Society*, 21(2), 245–245. doi: 10.1111/j.1548-744X.2009.01024.x

Ignatieff, M. (1978). *A just measure of pain: the penitentiary in the Industrial Revolution*, 1750–1850. New York: Columbia UP.

Isin, E. and Nielsen, G. M. (eds.). (2008). *Acts of citizenship*. London: Zed Books.

Isin, E., Nyers, P., and Turner, B. S. (eds.). (2008). *Citizenship between past and future*. London: Routledge.

James, C. L. R. (1980). *The black Jacobins: Toussaint L'Ouverture and the San Domingo revolution* (new rev. ed.). London: Allison and Busby.

Jessop, B. and Sum, N.-L. (2006). *Beyond the regulation approach: putting capitalist economies in their place*. Cheltenham: Edward Elgar.

Karakayali, S. (2008). *Zwei, drei, viele Wege… zur Genealogie illegaler Migration in der Bundesrepublik Deutschland*. Fachbereich Gesellschaftswissenschaften, Johann-Wolfgang-Goethe-Universität, Frankfurt am Main: Unpublished PhD dissertation.

Karakayali, S. and Tsianos, V. (2005). Mapping the order of new migration. Undokumentierte Arbeit und die Autonomie der Migration. *Peripherie, 97/98*, 35–64.

Linebaugh, P. (1990). Jubilating; or, how the Atlantic working class used the biblical jubilee against capitalism, with some success. *Midnight Notes*, 10, 84–98.

Linebaugh, P. and Rediker, M. (2000). *The many-headed hydra: sailors, slaves, commoners, and the hidden history of the revolutionary Atlantic*. Boston: Beacon Press.

Marx, K. (1988). Capital, Vol. I. In K. Marx and F. Engels (eds.), *Collected works, Vol. 35*. London: Lawrence and Wishart.

Mezzadra, S. (2006). *Diritto di fuga. Migrazioni, cittadinanza, globalizzazione*. Verona: Ombrecorte.

Mezzadra, S. (2010). The gaze of autonomy. Capitalism, migration and social struggles. In V. Squire (ed.), *The contested politics of mobility. Borderzones and irregularity*. New York: Routledge.

Mezzadra, S. and Neilson, B. (2012). Between inclusion and exclusion: on the topology of global space and borders. *Theory, Culture & Society*, 29(4–5), 58–75. doi: 10.1177/0263276412443569

Mezzadra, S. and Neilson, B. (2013). *Border as method, or, the multiplication of labor*. Durham, NC: Duke University Press.

Moulier Boutang, Y. (1997). Papiere für alle. Frankreich, die Europäische Union und die Migration. *Die Beute*, 13, 50–63.

Moulier Boutang, Y. (1998). *De l'esclavage au salariat. Économie historique du salariat bridé*. Paris: Presses Universitaires de France.

Mulot, T. and Tsianos, V. (2010). Igwe bu ke – Multitude is strength. Zur Genealogie der egalitären Tendenz. *Sozial. Geschichte*, 3, 65–82.

Nakano Glenn, E. (2011). Constructing citizenship: exclusion, subordination, and resistance. *American Sociological Review*, 76(1), 1–24. doi: 10.1177/0003122411398443

Negt, O. and Kluge, A. (2001). *Geschichte und Eigensinn: Geschichtliche Organisation der Arbeitsvermögen, Deutschland als Produktionsöffentlichkeit, Gewalt des Zusammenhangs*. Frankfurt am Main: Suhrkamp.

Nelson, M. K. (2008). Hidden away in the woods and swamps. In A. D. Nieves and L. M. Alexander (eds.), *'We shall independent be': African American place making and the struggle to claim space in the United States* (pp. 251–72). Boulder, CO: University Press of Colorado.

Nyers, P. (ed.). (2009). *Securitizations of citizenship*. London: Routledge.

Nyers, P. (2010a). Forms of irregular citizenship. In V. Squire (ed.), *The contested politics of mobility. Borderzones and irregularity* (pp. 184–98). New York: Routledge.

Nyers, P. (2010b). No one is illegal between city and nation. *Studies in Social Justice*, 4(2), 127–43.

Oliveri, F. (2012). Migrants as activist citizens in Italy: understanding the new cycle of struggles. *Citizenship Studies*, 16(5–6), 793–806. doi: 10.1080/13621025.2012.698509

Papadopoulos, D. (2011). Alter-ontologies: towards a constituent politics in technoscience. *Social Studies of Science*, 41(2), 177–201. doi: 10.1177/0306312710385853

Papadopoulos, D. (2012). Worlding justice/commoning matter. *Occasion: Interdisciplinary Studies in the Humanities*, 3 (March 15, 2012), http://occasion.stanford.edu/node/79.

Papadopoulos, D. and Tsianos, V. (2007). The autonomy of migration: The animals of undocumented mobility. In A. Hickey-Moody and P. Malins (eds.), *Deleuzian encounters. Studies in contemporary social issues* (pp. 223–35). Basingstoke: Palgrave Macmillan.

Papadopoulos, D. and Tsianos, V. (2013). After citizenship: autonomy of migration, organisational ontology and mobile commons. *Citizenship Studies*, 17(2), 178–96. doi: 10.1080/13621025.2013.780736

Papadopoulos, D., Stephenson, N., and Tsianos, V. (2008). *Escape routes. Control and subversion in the 21st century*. London: Pluto Press.

Polanyi, K. (2001). *The great transformation: the political and economic origins of our time*. Boston, MA: Beacon Press.

Price, R. (1979). *Maroon societies: rebel slave communities in the Americas* (2nd ed.). Baltimore: Johns Hopkins University Press.

Rigo, E. (2006). Citizens and foreigners in the enlarged Europe. In W. Sadurski, A. Czarnota, and M. Krygier (eds.), *Spreading democracy and the rule of law? The impact of EU enlargement on the rule of law, democracy and constitutionalism in post-communist legal orders* (pp. 97–119). DE: Springer: Dordrecht, Netherlands.

Rodriguez, N. (1996). The battle for the border: notes on autonomous migration, transnational communities, and the state. *Social Justice*, 23(3), 21–37.

Sachße, C. and Tennstedt, F. (1986). *Soziale Sicherheit und soziale Disziplinierung: Beiträge zu einer histor. Theorie der Sozialpolitik*. Frankfurt am Main: Suhrkamp.

Sachße, C., and Tennstedt, F. (1998). *Bettler, Gauner und Proleten: Armut und Armenfürsorge in der deutschen Geschichte*. Frankfurt am Main: Fachhochschulverl.

Schuster, L. (2003). *The use and abuse of political asylum in Britain and Germany*. London: Frank Cass.

Sennett, R. (1994). *Flesh and stone: the body and the city in western civilization*. London: Faber.

Sharma, N. (2008). Escape artists: migrants and the politics of naming. *Subjectivity*, 29, 467–76.

Transit Migration Forschungsgruppe (ed.). (2006). *Turbulente Ränder. Neue Perspektiven auf Migration an den Grenzen Europas*. Bielefeld: Transcript.

Tyler, I. (2010). Designed to fail: a biopolitics of British citizenship. *Citizenship Studies*, 14(1), 61–74.

Vila, P. (2000). *Crossing borders, reinforcing borders: social categories, metaphors, and narrative identities on the U.S.-Mexico frontier*. Austin, TX: University of Texas Press.

Vila, P. (2005). *Border identifications: narratives of religion, gender, and class on the U.S.-Mexico border*. Austin, TX: University of Texas Press.

Wallerstein, I. M. (1976). *The modern world system*. New York: Academic Press.

Waterman, P., Mattoni, A., Humphrys, E., Cox, L., and Esteves, A. M. (2012). For the global emancipation of labour: new movements and struggles around work, workers and precarity *Interface: A journal for and about social movements*, 4(2).

Wimmer, A. and Glick-Schiller, N. (2002). Methodological nationalism and beyond: nation-state building, migration and the social sciences. *Global networks*, 2(4), 301–34.

Winner, L. (1986). *The whale and the reactor: a search for limits in an age of high technology*. Chicago: University of Chicago Press.

3

Global citizenship in an insurrectional era

Nevzat Soguk

'10 tips to promote global citizenship….' is how a recent article in the *Guardian* newspaper starts. (King, 2012) But what global citizenship means is never really foregrounded in the article. This is not unusual in conversations on global citizenship. Like the buzzwords 'global' and 'citizenship' from which it is formed, 'global citizenship,' both as concept and praxis, is often simply announced rather than exemplified or substantiated. To be sure, theoretically, innovation on the concept of global citizenship is rich and textured, pointing to varying formations of global citizenry in areas ranging from human-rights activism to environmental advocacy to multinational corporatism.[1] In actuality, the subjects of those innovations figure infrequently in the categorical ways in which they are heralded in prevalent popular discourses. Delanty (2000), Falk (2002), Dower and Williams (2002), Isin (2000), Isin and Wood (1999), and Held (2002), among others, have advanced the critical theoretical frontiers early on with a view to substantiating instances or practices, if not incipient regimes, of global citizenry. Archibugi (2008) and Hans Shattle (2008) have recently added considerable depth to the field to ideas of cosmopolitan democracy and civil society. Yet, despite considerable advances in theory, global citizenship as a practical ordering ideal and political agency is yet to establish strong roots (Bayart, 2007). It remains resilient as an aspiration but is unable to shake off doubts about its materiality. It is this paradoxical state – rich in theory, sparse in actuality – that allows the *Guardian* to talk casually of '10 tips to promote global citizenship', or corporate organizations as diverse as the World Bank, Oxfam, and Hewlett Packard to define themselves as global citizens.[2] Still questions regarding global citizenship hang uneasily in the air.

A literature search offers a plethora of ideas, all anchored in a common call on citizens to awareness, that is, for citizens to be attentive to the developments in the world, to be outraged by injustices, and to participate in politics in order to effect change both locally and globally. At first glance, these are objectives that deserve endorsement. Being aware, being engaged, and acting together with fellow humans on the world's diverse issues carry a cosmopolitan promise otherwise absent in calls to power and identity fuelled by mercantilist nationalism or competitive and often predatory capitalism. A close inspection, however, reveals that the concept of global citizenship, like the popular discourse itself, is fraught with tensions.[3]

The tension that is most fundamental is found in the concept's affinity with modern territorial citizenship. The concept is still bound up within the state–territorial order of the globe and

rests on the authenticity claims regarding citizen subjects. It searches for global citizenship in the trappings of the state–territorial order, whether in international governmentality or non-governmentality instead of looking into transitions from the order or the outright transgressions of the order. It rests on the ideal of citizen subjects' presumed abilities and willingness to act as transnational actors. To put it simply, the ideas on global citizenship are still bound up in the local–global antimony anchored in Cartesian territoriality. What is needed is an approach that situates citizen agency under prevailing planetary conditions, which are neither purely local nor decidedly global but rather transversal – an interactive totality in which new forms of political agency militate, even if they are as yet concealed, waiting, as Deleuze puts it, to emerge:

> we know that things and people are always forced to conceal themselves, have to conceal themselves when they begin. What else they could do? They come into being within a set which no longer includes them and, in order not to be rejected, have to project the characteristics which they retain in common with the set. The essence of a thing never appears at the outset, but in the middle, in the course of development, when its strength is assured.
> *(1984: 37)*

This is the critical ethos that energizes my approach to global citizenship in this chapter. Instead of celebrating something called a 'global citizen', I reflect critically on the global conditions that have exposed citizen subjects' vulnerabilities across the world. Instead of privileging political agency through the citizen–nation-state chain, I treat agency as increasingly enabled in transversal conditions. Following Glissant, I see 'transversality' as deep historical relations, extending in multiple directions linking people and places together without collapsing them into one another or treating them as territorially contained and determined. (Glissant, 1996: 66–7) In these conditions, agency is found not in simple assemblages of citizens into national or global movements but in insurrectional movements born of the struggles of human beings within dominant political and economic sets, which no longer fully include them even as they appear to represent them. Migrants and citizens or natives and strangers have increasingly more in common in their alterity within the dominant relations and institutions. There is a common insurrectional dimension to their conditions found in the abjection visited upon both citizen and migrant lives. Without reflecting on this nexus, it is difficult to assess the extant and emergent realities of what might one day justifiably be characterized as global citizenry. Situating my thoughts within the critiques by Édouard Glissant, Paul Gilroy, Fredric Jameson, and Paul Virilio, I aim at such a critical reading, even if only in fragments.

From territorial to transversal politics: agency in an insurrectional era

The contemporary lines of flight appear to be conditioned by the ontology of debt to modernity as the source or the measure and not sufficiently by the politics of escape from it. Jacques Derrida famously raised the question of whether there is any outside to capitalism, treated as a text (Derrida 1994). Many took the question literally spatially, that is, spatiality as a function of capital's expanse over *terra firma*, but only a few treated the question politically, to speak of the spatial as a function of the temporal – in terms of the sense we make of spaces we shape through the practices of time we imagine and empower. Derrida's concern was with the possibilities of the flight of escape from the singular theoretical hegemony of the meta-idea which capitalism has come to represent. That is, theory has to always exceed the debt it owes ontologically to the source. In other words, returning to Derrrida's question, there is always an outside, found in orientations that go beyond the preoccupation with prevailing anchors – territoriality,

nationhood, and citizenship in modern governmentality. Seeing the 'outside' requires a leap in thought, a new position across space, a new sense of timing time and placing space.

Even a slight reorientation of thought from the territorial to the transversal alters the axiomatic view of the prevailing boundaries. Territorial is anchored exclusively in the nation-state form. The transversal is characterized more richly by multiple scales and levels of movements, including nanopolitical and metapolitical (Soguk, 2007). These scales and levels are inflected by territorial imperatives but are not fully determined by them. What is more is that transversal levels and scales travel through, over, under, along with, and against the territorial modes, altering the boundaries of the territorial – their insides and outsides – in form and content. Their challenge is not merely to the territorial as the dominant form but as the hegemonic mode through which modernity has historically been expressed as a pure measure of the political.

Transversality construed as mélange is not space of formlessness or measurelessness. It is not carnivalesque with fleeting marks or striations on political geographies. Rather, it supports political and economic coherences, among others, those not always or not fully empowered on the maps of the visible. Migrant movements, for example, are enabled in the transversal openings in the territorially striated space. While their movements appear to project a sheer chaos in direction, intention, and results, they share in the knowledges of the commonspaces – whether of economic deprivation or political repression – which not only trigger, but also inject a coherence to, their mobilization. The depths and expanses, unregistered in the territorially oriented distribution of the sensible, say between Mexico and the USA or North, or Sub-Saharan Africa and the European Union, become a compass of a new insurrectional subjectivity and positionality. Migrants operate, live, and die in overlapping or convergent spaces and domains as citizens. Tensions and conflicts exist in these spaces along ethnicity, race, and religion. Yet the common alterity compels awareness that they are collectively measured and marked politically as alien or strange as much as seen necessary or indispensable economically – at once both inside and outside the territorial orders, at once, strangers and citizens. Citizens in revolt in search of their 'basic protections' are now prevalent rather than exceptional, as seen in the Occupy Movements in Europe and the United States, the Arab Revolutions in the Middle East, and most recently in the economic collapse in Spain, Greece and Cyprus – all with roots in the transversal systemic conditions.

How do we comprehend and theorize these transversal emergences without either overreading their significance for citizenship or, inversely, capitulating to the dominant norm in mimicry of its logics and modalities? How do we theorize them beyond registering them as spectacular eruptions of political capacities, powerful today and deflated tomorrow?

The Zapatista rebellion in Chiapas, Mexico offers quick yet crucial insights. For all the celebrations around the world at the time of its eruption in 1994, the Zapatistas constantly spoke of the necessity of establishing a new participatory movement – 'a movement of movements' that is organized across the world just like global capitalism along a transversal ideological project. The Zapatistas worked over a decade concealed under the jungle's penumbra, before erupting, à la Deleuze, into the historical crucible of capitalism, the modern state, and indigeneity. And not surprisingly, it is the solid grounds of the preparatory work that still impel the Zapatista movement from strength to strength. While nowadays the Zapatistas hardly ever figure in current political imaginaries, the movement continues to cultivate new forms of participatory agency, or one may say, new forms of citizenship in Mexico and beyond. It is informed by the political geography of its struggles but it also practises mastery over geography by harnessing its modern mechanics to its transversal political solidarities.

In this sense, the world's so-called first 'postmodern revolution' had a deep modern consciousness rooted in an emancipatory orientation and strategic groundwork. The forms, tactics, and methods of their struggles might have been construed as 'postmodern', commensurate with

the times, but not their ordering beliefs regarding the underlying cause of their struggles. Much has been made of the Zapatistas' use of the Internet to reach sympathizers around the world, but it was the messages that registered in people's political consciousness and imagination. The consistent Zapatista message of 'dignity and justice' issued an ideology of emancipation from the local and global constellations of domination, thereby not only crystallizing the pivotal issues but also galvanizing collective energies within and beyond Mexico. It managed to tell the Maya story as an indigenous story of displacement and domination, but also as a novel citizenship story. Finally and most importantly, it cast both the indigenous Maya story and the Mexican nation story into the fold of the global capital story as the meta-story – as that which is more definitive of, than external to, both the Maya displacements and Mexico's systemic capture by the neoliberal economic machine. In a fundamental way, the Zapatista rebellion is a transversal insurrectional movement under the orchestrated chaos of the world's seemingly limitless differences. It highlights the conditions of chaotic heterogeneity and its coherences in Mexico and beyond, and simultaneously abstracts from them its ideals of emancipation.

In this sense, beyond the singularity of the struggle, the Zapatista rebellion erupted onto the historical scene as a political intervention, clarifying in a new line of flight the entire world differently. It moved the world from the end of history to the ends (read: limits) of triumphalist politics of the global capital and neoliberal state. As an event, it delivered an unexpected jolt to the political consciousness across the world, beginning to reveal the elements of the new subaltern politics already gnawing at the edges of the capitalist political–economic coherence. Its links with other movements in the Americas, particularly in Bolivia, Ecuador, and Venezuela, fostered radical popular militations. Moving through the 'transversal networks, the lessons of these struggles 'extended in multiple directions linking unlikely people and places'.

Édouard Glissant and chaotic coherence of capitalism

Édouard Glissant was among those who alerted us to coherence in capitalist chaos. He calls this systemic coherence the *chaos-monde*, a chaos-world with its own temporality and spatiality through which the most infinitesimal human experiences, be they of individuals or communities, are assigned a place, a position, and a status. In their particularity and uniqueness, every individual, every community coheres to the world through the confluences of global capitalism. They represent *echos-monde*, the obscured expressions of human persons around the world. (Glissant, 1997: 91–5) Nevertheless, Glissant insists, these expressions echo more than the characteristics of their singularity, they also echo the experiential 'unities whose interdependent variances jointly piece together the interactive totality' of the world (1997: 93).

As Glissant puts it, the echoes are at work in the matter of the world:

> they prophesy or illuminate it, divert it or conversely gain strength within it. In order to cope with or express confluences, every individual, every community, forms its own *echos-monde*, imagined from power or vainglory, from suffering or impatience… *Echos-monde* thus allows us to sense and cite the cultures of peoples in the turbulent confluence whose globality organizes our *chaos-monde*. The confluence is not chaotic, it is neither fusion, nor confusion: it acknowledges neither the uniform blend – a ravenous integration – nor muddled nothingness.
>
> *(1997: 93–95)*

Insurrections emerge in this confluence of power and suffering, production and destruction, extraction and pollution. Elsewhere, Giorgio Agamben (1998) calls this crucial confluence of

power relations the 'zone of indistinction', where politics over bodies acquires its economy and efficiency. Its 'turbulent confluence, neither a uniform blend – a ravenous integration – nor muddled nothingness,' organizes the order of the *chaos-monde*. On the other hand, the confluence gives rise to commonspaces where experiential convergences reveal the interplay of power and suffering or extraction and pollution. Zones of indistinction are diffused, and the hidden potentials for radical knowledge and praxis are clarified.

The sulphur mines in Indonesia, the silver mines in Bolivia, and the Cobalt mines in the Congo are revealed as commonspaces, linked not only to one another through the subterranean veins in mine pits, but also to glittery metropolises of the world through the supply lines of capitalist *chaos-monde*. In the cobalt mines of the Democratic Republic of the Congo, for example, while 'the local men toil barehanded to feed an insatiable global demand for cobalt, their radioactive harvest poisons the water and air around them even as it feeds their families.' However, a who's-who list of nationalities comes together to facilitate cobalt's routes within the coherent chaos of global capitalism. A form of global citizenship or global bondage within dominant relations?

> The route the cobalt takes … passes through many hands from mine to border. First come the mainly Congolese buyers, such as Mwengala's boss. They sell it to larger traders – a polyglot collection of Lebanese, Greek, Indian, Zimbabwean, and South African businessmen – who concentrate the ore, by hand or in a furnace, before selling it. Once the cobalt crosses the border into Zambia, Tshiswaka loses track of it. Some ends up in China … In 2003 that 28 percent of China's imported cobalt concentrate came directly from the Democratic Republic of Congo.
>
> *(Drohan, 2004)*

Still, this knowledge of indistinct zones of connection within capitalist coherence has to be organized into its own coherence in order to have any political powers. Clearly, the conditions for such a shift in the political consciousness are amply manifest around the world. Although any rise in political awareness does not necessarily generate or galvanize action, it helps dispel the myth of borders in the world as the boundaries of acceptable and legitimate horizons of life. It reveals borders as facades beyond which commonspaces of insecurities are precariously situated. Indeed, behind the glitter of mega-city lights and sky-piercing towers, a multitude of insecurities – from economic deprivation to environmental degradation – cohere to dole out unequal access to means of living to citizens. These insecurities arrest millions of ordinary citizen lives and condemn them to a living conditioned through alienation, hardship, and exploitation. They quietly and cruelly grind people down – everywhere.

Paul Gilroy, postcolonial melancholia and neo-colonial economism

Not ironically, the cruelties concentrate against the background of celebrations of capital, always triumphalist in outlook, always already announcing itself in pure and objective economism. Yet, in his *Post-colonial melancholia*, Paul Gilroy (2004) reminds us about the open secret of capital's meta-story. Capital's economic logic is largely dependent on instituting and sharpening numerous hierarchies of inequality and exploitation across peoples and places. 'There is, Gilroy states a 'calculus that assigns differential value to lives according to their locations and racial origins or considers that some bodies are more easily and appropriately humiliated, imprisoned, shackled, starved, and destroyed than others.' In order to illustrate this logic, Gilroy draws on the words of Lawrence Summer, a former World Bank economist, the former president of Harvard

University, and a former Obama economic advisor. On the economics of 'exporting pollution to less developed countries,' Summer (quoted in Gilroy, 2004: 11) writes in a memo worth quoting extensively on the lethal politics of pure economism that conceals or camouflages its benchmark logic and calamitous prospects:

> I think that the economic logic behind dumping a load of toxic waste in the lowest wage country is impeccable … I've always thought that under-populated countries in Africa are vastly UNDER-polluted, their air is probably vastly inefficiently low compared to Los Angeles or Mexico City. The concern over an agent that causes a one in a million change add the odds of prostate cancer is obviously going to be much higher in a country where people survive to get prostate cancer than in a country where under 5 mortality is about 200 per thousand.

Gilroy highlights the prevailing logic of economism as the neo-colonial form of domination. Further, he suggests, behind the facade of a sterile language of market imperatives and managerial efficiency are old divisions and hierarchies along race, among others, which this new colonial form reactivates, owes a debt to, and yet also works to conceal. Assumptions about racial hierarchies, argues Gilroy, are central to securing the arguments in Summer's words and more importantly in the broader logic of economism within which Summer's words intersect with global orientations and regimes of value and meaning. The political is concealed in the rhetoric of economism, where the market axioms can cast peoples and places across the world into spaces of worth and worthlessness, of agency and inefficiency. Large numbers of humans are thus positioned in what Gilroy (2004: 43) calls 'spaces of death', where 'like the generic enemies, the invisible prison inmates, and all other shadowy third things, they are lodged between the animal and the human' (Gilroy, 2004: 11). Their lives can be arrested, exploited, and processed into the abyss of the prevailing economic logic.

> The lowly biopolitical status common to all these groups underscores the fact that they cannot be reciprocally endowed with the same vital humanity enjoyed by their rulers, captors, conquerors, judges, executioners and other racial betters.
>
> *(Gilroy, 2004: 11)*

Agamben's thoughts on 'Homo Sacer' resonate deeply in Gilroy's take on the new colonial economism. Through Agamben, Gilroy suggests the 'lowly' peoples, such as African bodies, continue to remain expandable, representing, not unlike the flora and the fauna of the land, no more than the sites where others carry out their political and economic activities. To quote Paul Virilio, they become '*matière dernière* – final deposits of the underclass undergoing an intense biological exploitation' (Virilio, 2005: 173). Measured, managed and portioned, and pressured to understand and offer themselves as the 'final resource', these lowly people, the subalterns are being more intensely farmed than their historical counterparts.

Gilroy is correct on racial biopolitics. Virilio, however, is more instructive in comprehending how the economism (of the new colonial form) makes the biopolitical possible as metapolitics of the world. Observations on the 'lowly' people, defined in Gilroy primarily in terms of historical racial relations, have to be recast in planetary lights of subalternity in what Virilio calls the 'transpolitical' world order (in criss-crossing and interrelating spatialities and temporalities of the First and the Third Worlds and the normative shifts in territorial state and nation forms). In some ways, while spaces of singular racial, ethnic, gender, and religious identities continue to display differences that are meaningful, they are also being judiciously fashioned into masses of 'lowly' people around the world. Regardless of their formal status, citizens or not, more

and more people are incorporated into political–economic calculus as objects of pure economism at times, as sites of extraction and, at other times, as sites of pollution. Virilio tells us that this pivotal shift to biopolitical, where the authenticity of the political body is obliterated into the physical body, is pulled off ironically in the name of the political body, that is, as citizen subject (Virilio, 2004: 165–167).

Yet, in the confluence of global capitalism and territorially unbound statism, traditional citizenship as a space of modern authority and privilege has lost its centre. It is fragmented, diffused, and, in the words of Fredric Jameson, 'amputated', possessing little effective historical agency (Jameson, 1991: 17).[4] This phenomenon is differentially experienced and disparately manifested across the world's diverse geographies of privilege and abjection. Ironically, in Western countries where citizenship has historically been afforded concrete political and economic protections, the amputation of the citizen subjectivity is now more deeply, if still surreptitiously, operationalized. While still in the political unconscious, the diminishing role of citizenship is a crisis that is forming. As I will elaborate shortly, Jameson has more to say on this crisis in the West. Curiously, Virilio, too, has not written systematically on the state of citizenship beyond the West. Paradoxically, for me, this lacuna stimulates theorizing on insurrectional politics. For beyond the West, in countries where citizenship always existed largely in name, the central anchors of life already largely operate in a post-citizen era/mode. Citizenship, which effects little to no concrete political and economic agency, commands little to no legitimacy. Citizen subjectivity fails even to veil citizen abjection.

In spite of these ontological differences, ultimately, what becomes apparent is a universal crisis of citizenship. The citizen subjectivity is largely a colonized, objectivized subjectivity on the one hand, and a subjectivity of abjection on the other. Surely, it still can and does enthral many in a certain kind of manufactured sublime. The recent histories of popular and governmental discourse on migrants in the US and Western Europe attest to the seductive powers of the nation and citizen stories. Inversely, for others, citizenship was and remains an ephemeral dream, imported with the winds of colonial modernity into what under state-centric modernity have subsequently become the quasi-states of the Third World. Think of the hundreds of citizen women and children in the Congo who escape within their country to floating artificial islands on a lake in order to save their lives (Lewis, 2012). Or think of a fourteen-year-old Bolivian, a citizen miner, who every day has to enter the bowels of the earth in order to support his family.[5] In all such situations, prevailing realities belong to an incommensurate ontology. Regardless of its varying fortunes in history, nowadays, citizen subjectivity is increasingly unable to cope with the insecurities visited upon 'citizen' bodies, now extracting from them and now polluting them. Let me then, once more, return to Jameson, who long ago alerted us to a certain kind of decline of the capacities of citizen subjects under the postmodern form/logic of capitalism. It is only now that his concerns can be articulated into insurrectional times.

Fredric Jameson, postmodern capitalist form, and citizen-subjects' amputation

The postmodern condition, Jameson famously contends, works to exhaust in citizen subjectivity any transformative instincts and convictions. 'We are submerged in its henceforth filled and suffused volumes to the point where our now postmodern bodies are bereft of spatial coordinates and practically (let alone theoretically) incapable of distantiation' (Jameson, 1991: 48–9). There is 'no creativity, no coalitional alliances, and no effective oppositional forms of consciousness' (Sandoval, 2000: 32). It operates by locating citizen subjectivity in a world of seemingly limitless plurality anchored in a similarly vast universe of organizing ideas, relations, and institutions

along race, ethnicity, class, religion and so on. Heterogeneity expresses a politico-aesthetics in postmodern capitalist form as though it is the inexorable mode of life. Jameson notes, however, that heterogeneity that is privileged is primarily discursive, articulated in stylistic and formative plurality as though the plurality's world is 'devoid of normative cohesion' (Jameson, 1991: 55). When stylistic and discursive heterogeneity without normative or ethical codes becomes dominant, the world is made visible only as a façade, while its deep structural politics and economics remain hidden (Jameson, 1991: 65). The political–economic ideas that make such an alignment between the façade and the depths rise into the status of hegemony. For Jameson, the postmodern form represents this kind of hegemony, not of normative heterogeneity after/beyond the modern but of 'plurality of the form' orchestrated to obfuscate or camouflage the singularity of the ruling norm – that is, global capitalism. The ruling ideology that pretends to plurality, but can only, if at all, tolerate it in style, not in logic or norm or ideology. Plurality in method or approach, not in theory, and by extension, not in ideology, is the sort of heterogeneity capitalism in postmodern form wishes for and works to promote. Not only are its proponents disciplined in this ethics, but also its opponents are pressed to construct themselves, their citizen subjectivity, in light of the same ethics.

Jameson submits, as I see, that the weight of form over norm, method over theory, style over ideology is unmistakable in the contemporary era. The weight does not represent a final triumph. It represents hegemony – no controlling codes, no norm, theory, or an ideology capable of mapping the mobile terrain of postmodern conditions for the subaltern masses or the 'lowly' people around the world. Instead a fragmentation, operating under the guise of pluralism as the absolute supremacy of the autarkic local, works to diffuse political projects. Citizen subjects have lost their critical positions in the social order that does not make itself easily legible. Fragmentation prevents the nodes of politics from being connected to reveal the larger or broader logic of control. As a result, subjects cannot easily develop capacities to act and struggle beyond their immediate environment. Citizen subjects have become immobilized or 'neutralized by spatial as well as social confusion' (Jameson, 1991: 54). They are anchorless, disoriented, and incapable of 'cognitively mapping' their positions inside postmodern capitalism. No moment of greater truth in globalization beyond individual lives can be imagined and acted upon.

For Jameson, all of these conditions necessitate new struggles in which the transformative consciousness of the people can be developed (Jameson, 1991: 90–1). Notwithstanding the disagreements with Jameson's categorical pronouncements on radical movements, his broad observations regarding the logic of capitalism remain remarkably relevant to theorizing the present and the future from transformative struggles. His critique anticipates the contemporary radical movements echoing collective pains and aspirations.

Contemporary struggles manifest the kind of radical transformative consciousness Jameson is yearning for. They have already invented languages, strategies, positions, and thinking reflecting a new attitude on opposition to the conventional ideal and idioms of peoplehood and community or nationhood. These new struggles find justification and support in the continued efforts to incarcerate historical subjectivities in the Cartesian geopolitical paradigms in support of the supremacy of territorial statism, nationalism, and exclusionary citizenship. For several decades now, the struggles have been stymied in a *stasis* through a convenient coalition of modern and postmodern forms that offered commodified aesthetic relief and release as substantive resolution of foundational material contradictions in citizen life.

The end of the Cold War, taken as a substantiation of the victory of capitalism over socialist ideals, started this era. However, the claims of victory also sharpened the critical focus on capital's inability to deliver on the ideological promises of wealth and emancipation in the post-Cold War era. Increasingly, in the absence of a demonized counter-ideology, these contradictions

are being clarified as deep systemic problems, translating into greater vulnerabilities for citizen subjects, whether they live in the West or in the Rest. What the Arab revolts represent for the Middle East and North Africa, the Occupy and the Indignant movements in the US and Europe display in the West – signs of deeper systemic crisis (Soguk, 2011).

While there are still vast qualitative and quantitative differences in the ways people of different economic and political geographic locations receive and accommodate the systemic vulnerabilities, the differences are being flattened to emerge and be exposed as gradations of vulnerability as opposed to guarantees of security for citizen subjects. In short, what is more fundamentally unsettling is that the very foundational subjectivity of the modern state-supported capitalist order – citizenship – is in crisis even in places considered to signify privileged locations and positions. What is still forming is the active political consciousness of the crisis, especially in the West. Unpacking the dynamics of this crisis that has as yet no proper name in the West is key to understanding the dynamics of insurrectional politics born in the Rest.

This state of consciousness of crisis in the West leads to deficits in understanding of the links to the conditions of abjection in the Rest. The rhetoric of citizenship in the West still obfuscates the plight of peoples both in the West and the Rest. This chasm, as Étienne Balibar suggests, lends itself to politics of blended 'hierarchizing', creating and unequally distributing vulnerabilities around the world and fostering insurrections (Balibar, 2004: 57).

Transpolitical order and citizens as the 'living death' in Paul Virilio

Paul Virilio speaks of this crisis in *Negative Horizon*. However, going further than Jameson, he locates the crisis conceptually in a more tightly regimented international condition he calls a 'transpolitical' condition. Not unlike Jameson, Virilio highlights a qualitative osmosis in the political qualities and powers of citizenship in the postmodern era.[6] In many ways, he argues, modern citizenship has long become a 'process leading to a disappearance' of rights-bearing citizenship by turning citizens into 'foreigners within' transpolitical societies and anational states; where the living citizens, and others, are little more than living–dead (*mort–vivant*) in permanent deferment.

According to Virilio, enabling this process is a new transnational economy of production and division of means of power. As nations' economic bodies are diffused transversally, so are their bodies-politic becoming 'something' other than what they know themselves to be. They know themselves as peculiar spatialities and temporalities expressed historically in nation-state forms across the world; yet both the nation and state forms are being unbound temporally and spatially.

Virilio maintains that, curiously, in spite of an intense transpoliticization and deterritorialization, there still exists a deep attachment to the idea of the nation-state form as being ultimately definitive of human political and economic conditions around the planet. This attachment, this exceeding passion, is due in large part to the fact that the world's political identities can be imagined more easily by appeals to the maps of colourful divisions signifying peculiar historical nation and state formations than by conjuring ideals of cosmopolitanism or global humanism.

In short, for Virilio, as early as the 1980s, there seems to have been a critical disconnect between the postmodern historical conditions shaping the material lives of citizens and the prevailing political consciousness that still operates through modern modes of identity. Crucially, the disconnect serves as a productive space of political control in the contemporary era. It obfuscates the process of disappearance of citizenship as critical constitutive agency or subjectivity in the political realm while preserving an ideal image of citizenship. The disappearance is a

function of the transpoliticization of the state – from presumably *national* to *anational* – where the new political and economic spatiality is a concentration of power increasingly defined by the global movements of capital, not by the constitutive powers of modern citizenry. Yet, Virilio submits, the transpolitical as a deflation of the capacities of modern citizen subjectivity can never be recognized or registered as anything outside the nation-state form, but simply as its new temporal expression. And the more skilful the transpolitical, *anational* powers deferring the rise of such knowledges in the interplay of political and economic forces, the more intense is the politics of disappearance. The facade of rights-bearing citizenry conceals the reality of citizens as 'living dead', increasingly there as a support for a political–economic order beyond their grasp and control.

'Transpolitical power aims to create and maintain citizens in permanent deferral of their political subjectivities in support of their being in the world as the last resource' (Virilio, 2005: 170). Increasingly, Virilio claims, citizens around the world, most imperceptibly in the hegemonic West, are positioned as

> deposits of underclass undergoing intense biological exploitation… beyond the extensive and migratory exploitation of the work force of a transplanted proletariat that provides for worldwide industrial redeployment. Here we find a final form of transplantation indeed, a transpolitical transfusion for the felicity of an order beyond the national proficiencies and knowledge.
>
> *(Virilio, 2005: 173)*

The new zones of control and domination are no longer simply militaristic, but are shaped in 'the sinister dawning of slow regression of the nation, of the extermination of a civil society where the neo-feudal tyranny works to assume the discharge of the national state in the interests of a transpolitical/transnational state arising both everywhere and nowhere'. In this new post-modern era, Virilio predicts

> the traditional political enclosure will be succeeded by a great transpolitical disorder…the subject that will see the day will be born less mortal than visible, less a *topos* than a *chronos*, this subject will be born in the light of the time of a chronotopism of the living where mythical conditioning of the liturgy will give way to the technological conditioning of populations (in technological sublime) exploited in their bio-rhythms.
>
> *(Virilio, 2005: 175)*

In the face of this trauma,

> the principle of the geo-morphical identity of the citizen tends to be effaced; less a native (*originaire*) than a member of a society (*sociétaire*). There will be no delay in the imperceptible process whereby the citizen becomes nothing more than a stand in (*suppléant*).
>
> *(Virilio, 2005: 175)*

The struggles against this horizon yet being born are also where the new political can be shaped. Yet one thing remains clear, as Virilio emphasizes: 'return to the past', as in a return to the national state or to national community, is recourse to the *apolitical*. Now, when the political–economic zones are being constituted differently along complex, diffused, and non-isomorphic features, what needs retrieving from the past is a sense of politics as a collective project – a

task requiring a consciousness of the collective topographies in all their contours and hidden resources.

Return to the past is a return to the passive, a state of internal pacification coupled with external imperialisms in the name of citizen as a mode of liberation from the feudal tyrannies. The political turn, then, must be to the zones of new struggles, whether à la Gramsci or Deleuze, but with the critical sensibility articulated by Emanuel Levinas in *The rights of the man and the rights of the other*:

> the defense of the rights of man corresponds to a vocation outside the state, disposing, in a political society, of a kind of extra-territoriality, like that of prophecy in the face of the political powers of the Old Testament, a vigilance totally different from political intelligence, a lucidity not limited to yielding before the formalism of universality, but upholding justice itself in its limitations.
>
> *(Levinas, 2004: 283)*

In this sense, postmodernism, which many have seen as liberating from modern statism and capitalism, has largely been a return to the past, concealing its links to the universal claims of capital and statism in commodity sublime on the one hand and the sublime of the trans-nation on the other. However, as Jameson and Virilio argue, the 'post' in postmodernism does not have a referent beyond the modern horizon. Its instantiations, both materially and ideationally, are still rooted in territoriality enacted globally. They are not expressions of 'extra-territoriality', as envisioned in Levinas' desire to radically reposition political agency. Certain ontological and epistemic continuities in logic, intent, norm, and praxis remain definitive of the experiences of humankind. As with the modern form, the postmodern form, too, promised autonomy and agency but helped produce new forms of entrapment for people within the old ideas of governmentality: transnationalism that cannot exceed its nationalism and global citizenship that dares not see its roots in Orientalism.

Remarks in lieu of the 'Conclusion' that can never come…

It is not surprising that these impasses have in turn begun to engender counter-subjectivities, which are increasingly insurrectional in logic, intent, and practice. While in the past unfettered capitalist exploitations through worldwide colonialism and imperialism fuelled nation/territory-bound counter-mobilizations, the current network-based and hyper-flexible capitalism is giving impetus to similarly highly networked political movements. These new movements are pressuring the very foundations of the global state–territorial system in which they operate. It is this that interests me the most – the ever-intense transversal insurrections, as yet in the shadows, of the shadows, and indeed they are the shadows. It is possible to map the shadows by framing issues in new and unexpected ways. David Featherstone (2008), for example, refers to 'maps of grievances' through which subalterns accommodate a hierarchy but also defy its proscriptions. Whether found in immigrant or indigenous struggles, or the Arab or the Occupy uprisings, such are the struggles that have the promise to engender a fresh participatory ethos of theory and praxis. Their agents offer the best prospects as global citizens.

Notes

1 For rich and varied discussions, see: Christopher L. Pallas. 2012. 'Identity, individualism, and activism beyond the state: examining the impacts of global citizenship', *Global Society*, 26 (2); Leslie

Sklair. 2009. 'Globalization of human rights', *Journal of Global Ethics*, 5 (2): 81–97; Terence Lyon and Peter Mandeville. 2010. Think locally, act globally: toward a transnational comparative politics', *International Political Sociology*, 4 (2): 124–41; Luis Cabrera. 2010. *Practice of global citizenship*, Cambridge: Cambridge University Press; Nigel Dower and John Williams. 2002, *Global citizenship: a critical introduction*, London and New York: Routledge.

2 See the Oxfam website at <www.oxfam.org.uk/education/global-citizenship> for Hewlett Packard's Global Citizenship claims, see among other sites, <www8.hp.com/us/en/hp-information/global-citizenship/index.html>. For the Global Economic forum in partnership with the World Bank, see <www.weforum.org/issues/corporate-global-citizenship>. University College London markets itself as offering 'Education for global citizenship' at <www.ucl.ac.uk/global_citizenship>.

3 Another tension is manifested in the ethos underlying the global citizenship discourse. It is an ethos that conceptually alienates the very world it is interested in engaging. It distances subjects' worlds into sites exterior to those of global citizens. People are called to be outraged by social injustices but injustices are often accorded an ontological distance and their subjects a categorical civilizational exteriority – all to be found elsewhere in the world.

4 Jameson's use of the word is in the context of his discussion of 'pastiche' in the following fashion: 'But it is a neutral practice of such mimicry, without any of parody's ulterior motives, amputated of the satiric impulse, devoid of laughter and of any conviction…' (Jameson, 1991: 17). Cf. also '…from which everything interestingly complex about "Western civilization" has been amputated' (ibid., 334).

5 Devil as a protector. This points to a syncretic approach to good and evil.

6 The expression 'postmodern era' is Virilio's own.

References

Agamben, G. (1998) *Homo sacer: sovereign power and bare life*. Stanford, CA: Stanford University Press.

Archibugi, D. (2008) *The global commonwealth of citizens: toward cosmopolitan democracy*. Princeton and Oxford: Princeton University Press.

Balibar, É. (2004) *We, the people of Europe: reflections on transnational citizenship*. Princeton and Oxford: Princeton University Press.

Bayart, J.-F. (2007) *Global subjects: a political critique of globalization*. Malden, MA: Polity.

Delanty, G. (2000) *Citizenship in a global age: society, culture and politics*. Buckingham and Philadelphia: Open University Press.

Deleuze, G. (1984) *Cinema 1: the movement-image*. Minneapolis, MN: University of Minnesota Press.

Derrida, J. (1994) *Specters of Marx, the state of the debt, the work of mourning and the New International*. New York and London: Routledge.

Dower, N. and Williams, J. (eds.) (2002) *Global citizenship: a critical introduction*. New York: Routledge.

Drohan, M. (2004) 'Toxic lode: the mines of Shinkolobwe', *Amnesty Magazine*, Fall.

Falk, R. (2002) 'An emergent matrix of citizenship: complex. uneven, and fluid', in N. Dower and J. Williams (eds.) *Global citizenship: a critical introduction*. New York: Routledge.

Featherstone, D. (2008) 'Spatialities of transnational resistance to globalization: the maps of grievance of the inter-continental caravan', *Transactions*, 28 (4).

Gilroy, P. (2004) *Post-colonial melancholia*. New York: Columbia University Press.

Glissant, E. (1996) *Caribbean discourse*. Charlottesville, VA: University Press of Virginia, 66–7.

Glissant, E. (1997) *Poetics of relation*. Ann Arbor, MI: University of Michigan Press, 91–5.

Held, D. (2002) 'Transformation of political community: rethinking democracy in the context of globalization', in N. Dower and J. Williams (eds.) *Global citizenship: a critical introduction*. New York: Routledge.

Isin, E. F. (2000) *Democracy and citizenship and the global city*. London: Routledge.

Isin, E. F. and Wood, P. K. (1999) *Citizenship and identity*. London: Sage.

Jameson, J. (1991) *Postmodernism or the cultural logic of late capitalism*. Durham, NC: Duke University Press.

King, R. (2012) '10 tips to promote global citizenship in the classroom', *The Guardian*, 9 November. Available online at <www.guardian.co.uk/teacher-network/2012/nov/09/global-citizenship-10-teaching-tips>.

Levinas, E. (2004) 'The rights of the man and the rights of the other', quoted in Ian Balfour and Eduardo Cadava, 'The claims of human rights: an introduction', *The South Atlantic Quarterly* 10 (2/3).

Lewis, D. (2012) 'Congolese flee rape, murder onto floating islands', *Reuters*, 24 February. Available online at <www.freerepublic.com/focus/f-news/1584093/posts>.

Sandoval, C. (2000) *Methodology of the oppressed*. Minneapolis, MN: University of Minnesota Press.

Shattle, H. (2008) *Practices of global citizenship*. Lanham: Rowman and Littlefield Publishers.
Soguk, N. (2007) 'Border's capture: border crossing humans and the new political', in Prem Rajaram and Carl Grundy-Warr (eds.), *Borderscapes: hidden geographies and politics at territory's edge*. Minneapolis, MN: University of Minnesota Press.
Soguk, N. (2011) 'Uprisings in "Arab streets", revolutions in "Arab minds"', *Globalizations*, 8 (5): 595–9.
Virilio, P. (2005) *Negative horizon: an essay in dromoscopy*. London and New York: Continuum.

4

In life through death

Transgressive citizenship at the border

Kim Rygiel

Through the proliferation of restrictive border controls, differentiated and stratified rights to movement are produced, negotiated, and reimagined, increasingly on a global scale. Within this context, an extensive system of border controls has developed along the external borders of Europe, involving a network of actors, practices, and policies designed to force migrants back along 'pathways of expulsion'. As countries invest in tighter border controls, people are forced to take routes and means of travel that endanger their lives. From island detention centres like Lampedusa and Lesvos, to 'guesthouses' and security fences along the northern Turkish–Greek border, border controls not only restrict the mobility of some but also escalate violence, inequality, and exclusion along the border.

Reports tell of increasing numbers of irregular migrants crossing into Europe, particularly from Turkey to Greece by land and sea and of a growing number of migrant deaths (Amnesty International 2013; UNHCR 2012). Yet while reports bring 'us' news about the violence of the border and stories about migrant deaths, they often do so by representing irregular migrants and asylum seekers as objects to be controlled or as unwanted numbers or 'flows' of 'illegals'. As Grant (2011a: 69) writes:

> the crude and brutal arithmetic of migrant death has too often been seen by policy makers and the media as no more than a side effect of border control, without any recognition that each missing or dead migrant is an individual with rights and family relationships.

Such reports tell of tragedy, but often in ways that objectify persons, removing details about the person as a human being and political subject living in community with others. For all the talk of migrant deaths, the reporting does little to disrupt the way in which individuals and populations are governed through discourses, technologies, and practices of citizenship.

There is, however, another story that can be told about citizenship and the politics of death at the border. The increasing violence at the border has generated a growing activism by politicized groups of non-citizen migrants and citizens working in solidarity with them. This activism is often transnational: it links citizens and non-citizens across national and territorial borders. In this chapter I examine these border politics which restrict irregular migrants' mobility, on the one hand, but which, paradoxically, produce political responses based on border crossings

and networks of relationality that are disruptive of these very same borders. I do so by looking at activism involving migrant deaths at the border, specifically claims-making about rights to identity, burial, commemoration, and the reclaiming of bodies and property by family members. The chapter notes several examples of such politics but focuses in particular on the illustrative example of the Evros/Meriç Turkish–Greek land border. As outlined below, citizenship is a contested concept. Non-citizen migrants and migrant rights activists mobilize the language of citizenship in making social justice claims to greater rights. I ask whether such a politics of death can extend beyond a legal framework to disrupt core assumptions about territorial and ontological borders of belonging central to modern citizenship as biopolitical government. In the final section, I introduce the concept of transgressive citizenship to describe such activism as an alternative form of citizenship politics, which is defined through acts of crossing or transgressing physical borders and boundaries, as well as norms and conventions, and which is motivated by social justice concerns, as a basis for making claims to rights.

Contesting citizenship: citizenship as government

While citizenship is frequently understood as a political and legal institution entailing rights and responsibilities within the nation-state, citizenship can also be understood from a broader, sociological definition to include the practices, discourses, technologies, and forms of power involved in governing individuals and populations (Rygiel 2010).[1] This broader definition enables us to examine the ways in which citizenship is being 'reconfigured through new governing relations, actors, and locations' beyond the nation-state and national governments to include international organizations, private actors, and forms of self-government, such that we might speak of the ways in which citizenship is becoming a globalizing regime or system of government (Rygiel 2010: 45–6).[2] This broader approach also places citizenship politics at its centre. It thus "requires investigating not only the way in which citizenship involves institutions, legal status, and membership but also the way in which it operationalizes discourses, technologies, and practices of governing individuals and populations – in the process producing citizens and non-citizens" (Rygiel 2010, 12). Thus technologies of citizenship are never simply restrictive but also productive of new forms of politics, ways of being political, and political subjectivities. From this perspective, while border controls restrict the movement of certain individuals and groups, they also generate new understandings of citizen and non-citizen subjectivities. For this reason, as Isin (2002) illustrates, citizenship is constituted as much by the perspectives and practices of its Others, non-citizens for example and those lacking rights, status, and power, as it is by the dominant classes in society.

To illustrate this point, we might recall Rancière's (2004: 304) discussion of the French Revolutionary, Olympe de Gourges' argument that 'if women are entitled to go to the scaffold, they are entitled to go to the assembly'. Rancière (2004: 304) argues that although women were legally defined as non-citizens, when women were sentenced to death during the period of violence during the French Revolution from 1793–4 known as the Reign of Terror for being 'enemies of the revolution', the moment invoked the idea that women were also political subjects. De Gourges argued that women should have equal rights with men since 'if, under the guillotine, they were equal, so to speak, "as men", they had the right to the whole of equality, including equal participation to political life' (ibid.). For Rancière (2004: 305), this exemplifies politics as the moment in which those who 'have no part' challenge an injustice and insert their right to exist as political subjects and their right to speak and to be heard, thereby creating a disruption or 'dissensus'. For Rancière (2004: 303, 304) politics is 'about the border. It is the activity that brings it back into question' and 'the opening of an interval for political subjectivization'.

Here, citizenship is understood as being 'shaped in the very gap between the abstract literalness of the rights and the polemic about their verification' when those who lack legal citizenship status make claims to have 'the rights that they do not have' (Rancière 2004: 307).

In contrast to modern liberal approaches, which associate citizenship with an already settled status and set of rights and responsibilities, critical citizenship approaches such as Rancière's assume that

> the potential power of citizenship lies not here but, rather, in its potential to move individuals to act and to disrupt the normal order of things. A sense of contestation, challenge, or resistance is central to the understanding of citizenship, as is a notion of performance or engagement in enacting the politics of citizenship.
>
> *(Rygiel 2010: 41)*

This is why, as Isin (2002) argues, citizenship is fundamentally about 'being political'. Despite lacking legal citizenship status, people can still 'enact' themselves as citizens by engaging in 'acts of citizenship' (Isin and Nielsen 2008). As Isin and Nielsen (2008: 2) explain,

> To investigate citizenship in a way that is irreducible to either status or practice, while still valuing this distinction, requires a focus on those acts when, regardless of status and substance, subjects constitute themselves as citizens, or better still, as those to whom the right to have rights is due.

There is now a growing body of critical citizenship scholarship documenting how through 'acts of citizenship' non-citizens, such as the *sinpapeles* in Spain (Barbero 2012), the *sans-papiers* in France (McNevin 2006) and non-status immigrants in Canada (Nyers 2003), enact themselves as citizens. This chapter contributes to this literature by focusing on citizenship politics regarding migrant deaths, providing several examples for context but focusing on the particular example of the Turkish-Greek border.

Mobilizing over border deaths also draws attention to the ways in which citizenship is also fundamentally a biopolitical regime of government. Foucault (1978: 43) argued that biopower emerged in the eighteenth and nineteenth centuries as a way of governing populations through the management and administration over life itself – that is, over the various aspects of individuals and populations as living and dying beings. As Foucault (ibid.) argues 'one would have to speak of bio-power to designate what brought life and its mechanisms into the realm of explicit calculations and made knowledge–power an agent of transformation of human life'. As biopolitics, citizenship involves the management of life through various means of constructing and governing over desirable and undesirable citizen and non-citizen subjects. But more than this, citizenship is biopolitics in the sense that it is a means to regulate the very 'right to have rights', that is, the basic right to become a political subject (Arendt 1968: 297). In contrast to the formulation of biopolitics as something akin to Agamben's (1995) notion of 'bare life', that is biological life common to animals and humans as juxtaposed with the political life of citizen subjects, as I have argued elsewhere (Rygiel 2010: 94), 'bare life and political life converge in citizenship, with the right to have rights itself dependent on the right to life'. When Arendt noted (1968: 296) that the 'fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective', she was pointing to this convergence, where those deprived of citizenship rights are deprived of a first right to a political existence. For a person to have rights as a political subject with legal citizenship status, one must first be recognized

as a political subject. When people are denied recognition as political subjects, they must gain such recognition by making claims to the very rights that they do not have. Citizenship is biopolitics, in other words, because it is fundamentally about who has, and does not have, the right to be counted or recognized as a political subject as a first right, which is the right to life, and then only secondarily, the right to have other political, economic, and social rights that improve the quality of that life. This element of citizenship as a biopolitical regime of government reveals itself most starkly perhaps in the crisis of migrant deaths at the border and the growing activism in response.

In life through death: border transgressions, migrant solidarities

Evidence of border violence can be seen in the growing number of deaths of migrants who are buried, often anonymously, in unmarked graves. As Grant (2011: 62) comments:

> Evidence of loss of identity can be seen most powerfully in the growing number of burial places – in Southern Europe, North Africa, Yemen, the United States, the Caribbean – in which the bodies of unknown migrants are interred. These are the new migrant "potter's fields", places where the bodies of unknown people have traditionally been buried.

Among these 'potter's fields' are the gravesites of unidentified migrants. These include the cemetery in Oranto, where migrants who have died crossing the Straits of Oranto to Italy are buried, the cemetery at Canicatti, in Sicily, where Liberian migrants are buried (Grant 2011: 62–3), and the cemetery located in the village of Sidiro, in Greece, which is now the site of close to 400 unmarked graves of migrants who have died trying to cross from Turkey into Greece.

Alongside this tragedy of border violence and migrant deaths, however, is a growing activism of politicized groups of non-citizen migrants, families of missing or dead migrants, and activists working in solidarity with them. This activism is based around reclaiming and memorializing the missing and entails demands such as the right to know what has happened to migrants who have gone missing or have died in border crossings; the right to have the dead identified and properly buried, their lives and deaths commemorated; and the right for relatives to reclaim the bodies and personal belongings of the dead. Several examples illustrate this activism politicizing migrant deaths.

In 2008 a memorial, 'Porta di Lampedusa – Porta d'Europa' (Gateway to Lampedusa – Gateway to Europe) in the shape of a door facing the sea was built on the Italian island of Lampedusa to commemorate the thousands of irregular migrants who have died while trying to cross into Europe (*Spiegel* Online 2008). Organized by the Italian NGO, Amani (with support from NGOs Alternativa Giovani Onlus and Arnoldo Mosca Mondadori), as Amani explains, 'The fundamental significance of this work is to consign to memory this last two-decade period in which we have seen thousands of migrants perish at sea in an inhumane way in an attempt to reach Europe … often without burial and therefore without pity' (*Spiegel* Online 2008). More recently, in the summer of 2012, the Boats 4 People (www.boats4people.org) campaign was launched. Boats 4 People is an international coalition of activists and migrant and refugee rights organizations from across the Mediterranean, Africa, and Europe. The coalition emerged with the aim of ending migrant deaths at sea and fighting for migrant rights and freedom of movement at sea. The campaign began with a 'boat rally' in July 2012 from Italy to Tunisia. Arriving in Monastir in Tunisia on 13 July, the group held a memorial service to commemorate all of those migrants who have died at sea trying to cross into

Europe. The third and final example involves the case of an Italian feminist collective, the 2511 (*venticinqueundici*), working in solidarity with Tunisian families, particularly mothers, who were trying to learn what had happened to some 350 men who went missing from March to May 2011 while crossing the sea to Italy and were unaccounted for in any official records (Smith 2012). The feminist collective and families organized a campaign '*Da una sponda all'altra: vite che contano*/From one shore to another, lives which matter' to inquire into the whereabouts of, and what happened to, the missing relatives. This campaign led to 'an appeal' in October 2011 'to the Italian and Tunisian authorities to ask them to carry out a fingerprint check' to compare a list of fingerprints of missing Tunisians with those gathered by Italian authorities from migrants who arrived or were found dead (Smith 2012). The families also demanded assistance with 'geolocating' the text messages and calls they received from some of their children during the journey (Smith 2012).

Collectively, these individual examples of citizens mobilizing in solidarity with the survivors of border crossings and families of missing or dead migrants are illustrative of a growing citizenship politics in relation to missing and dead migrants. Citizens and non-citizens have demanded the right to know what happened to missing relatives, the right to the identification of bodies, and the right to reclaim these bodies and any personal belongings. In doing so they make demands for justice for state authorities to be held accountable for migrant deaths that occur as a result of border controls but also through reclaiming the meaning of migrant deaths. By insisting on the right for missing and dead migrants to be recognized as individual people, human beings with histories and families, and political subjects with the 'right to have rights', such activism challenges the framing of migrant deaths in terms of simple arithmetic or biopolitics that objectify individuals in the management of life and death of populations and where non-citizens' lives do not count as equal to the lives of citizens.

Where deaths can be proven to be the result of criminal acts, there are various domestic laws but also international treaties and laws that require governments to take action. For, in many cases,

> these deaths are in a real sense transnational deaths, in so far as death may have occurred in territory or waters far outside the "finding" State's jurisdiction … so the individuals have no links with the countries in which their bodies are found.
>
> *(Grant 2011: 63)*

Here international law becomes an important tool for recourse for seeking protection of migrants and prosecution over their deaths. Such rights are outlined in international treaties such as the 2004 UN Protocol against the Smuggling of Migrants by Land, Sea or Air and the 2003 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as well as the 1982 UN Convention on the Law of the Sea (Article 98) and the 1990 International Convention on the Protection of the Rights of All Migrant Workers.

However, the right to know what happened to a missing relative and to have the identities of missing and dead migrants made known is less clearly established under international law. Grant (2011: 63) asks whether '[i]n this situation of anonymous migrant death, is there a right for relatives to access records, and a duty on States to document identity in such a way that relatives can know whatever is knowable about the deaths?' Grant's (2011: 66) research raises the question as to whether identity can be seen as a right and migrants and their families as rights holders. Grant argues that according to international law, and often also domestic law, there is a body of law affirming rights to identity upon which the right to demand the identification of dead or missing migrants might build. She notes for example that

> the right to identity is now understood to encompass a right to access information about one's personal origins and to know one's parents; in the case of children, a child's right to "preserve" his or her identity includes the right to know his or her parents.
>
> *(2011: 66)*

Grant (2011: 68–9) also argues that under international humanitarian law there are several principles agreed to by states that set out rights with regard to identification and knowledge about the missing. For example, the International Committee of the Red Cross (ICRC)'s 2009 *Guiding Principles on the Missing* stipulates that 'everyone has the right to know about the fate of his/her missing relatives, including their whereabouts or, if dead, the circumstances of their death and place of burial if known, and to receive mortal remains' (ICRC 2009: Art. 7). In fact, even the Council of Europe (2007: VI.3) seems in agreement that a general right to identification and information should be granted.

Clearly, the support of international and domestic law is important in assisting families in their recourse for tracing missing relatives and seeking justice in relation to their deaths. The question that I would like to raise here, however, is whether such a politics has a transformative potential that extends beyond the development of a legal framework through which to make claims to rights in terms of citizenship politics. By asking questions related to rights in and through death, can such claims-making processes transgress into claims-making for rights to life, that is the right for non-citizen migrants to be counted as political subjects in ways that might disrupt the current borders between who gets counted as a citizen and political subject and who does not? If we consider such movements as illustrative of Rancière's notion of politics (2004) as being 'about the border' in which the 'uncounted' exert their right to be counted as political subjects, do such examples of politics provide an 'opening of an interval' for a different type of 'political subjectivization' (ibid., 304)? In her work on missing persons and politics, Edkins (2011: 268) makes the following observation:

> There is an intriguing connection between *the politics of missing persons*, or what happens when people go missing (…) and the ways in which personhood is regularly produced under current forms of political order in the West, *a politics that misses the person*, a politics that objectifies and instrumentalizes. (…) The search for the missing, and protests surrounding disappearances more broadly, can be rewritten as a demand for, or indeed an expression of, a different form of politics, one where the person *as such* counts: this could be called *a politics of the person as missing*.

Edkins (2011: 488) argues that this demand for an accounting of the missing is akin to a demand to be counted as a person rather than an object of government and can therefore be disruptive of the normal biopolitical order:

> In a similar way to that in which bare life or homo sacer is the product of the social order that the order cannot tolerate, so missing persons are the product of a social order without supplement whose existence (or, in this case, non-existence) disrupts that very order. Whether we phrase it in Agambian terms as the assumption of bare life or in Rancière's as the assumption of equality as speaking beings, relatives speaking in the name of that which is not there (the displaced, the missing, or the disappeared) are producing a political subjectivity (the missing person, the subject of a lack).

In the following, final section I look more closely at such questions through the example of politics of migrant deaths on the Turkish-Greek border. I ask whether such a politics of migrant

death can be understood not only as enacting a *'politics that misses the person'*, but whether it can disrupt current forms of citizenship as biopolitical government, gesturing towards a different form of transgressive citizenship politics at the border.

Transgressive citizenship at the border

Sidiro is a small Greek village located in the hills north-west of the town of Soufli, in the Evros region of Greece, about 60 km from the Evros/Meriç river that runs along 180 km of the 192.5 km border between Turkey and Greece. The village is home to about 465 Muslim Turkish Greeks but is also the site of a large cemetery where the bodies are buried of migrants who have died crossing into Greece from Turkey. According to the villagers, there are almost 400 migrants buried there as of the summer of 2013, with the number of dead almost surpassing that of the living villagers, which would soon make the village a necropolis or a city of the dead.[3]

According to the villagers, the bodies of the migrants were first buried in the Christian Greek cemeteries, but the Christian Greeks complained that they did not want the people being buried in their cemeteries. Officials began transporting the bodies 60 km from the river border into the hills of the Muslim villages, assuming that most of the migrants were Muslims. Despite the distance from the actual physical Turkish-Greek border, through the transport of bodies to Sidiro, the village becomes an extension or 'diffusion' of the border (Balibar 2002). According to the Hellenic League for Human Rights (Kofinis n.d.), the first dead migrants to be buried were Turkish Kurds in 1979 in the larger town of Alexandroupoli. When the local Muslims complained that there was not enough space, migrants started to be buried in other Muslim cemeteries in Didimoticho, Agriani, and then most recently in Sidiro (ibid.). However, the villagers of Sidiro also explained that they and the *müftü* (Muslim religious leader) of the Evros region became concerned that the migrants were not being given a proper Muslim burial. This might be seen as the start of the politicization of the migrants' deaths, for this was when the *müftü* became more actively involved in the burials to ensure that proper procedures are followed for a Muslim burial.

The Sidiro cemetery appears as a fenced-in area of dirt. It is only upon closer inspection that smaller mounds of dirt are visible, each unmarked, but representing an individual buried person. Unlike the cemeteries of Alexandroupoli and Agriani, where yellow metal plaques with numbers mark the graves of migrants, these more recent graves are no longer identified with such markers. According to the *müftü*, he 'keeps a plan of the cemetery where he marks, for each new grave, the protocol number of the body bag of the deceased person' but the older graves are impossible to identify since the dirt has been levelled and weeds have grown in and he can now 'only keep track of the persons buried in each row and not their exact position in the row' (Kofinis n.d.). In recounting the cemetery's history, the villagers explain their involvement in the burial of migrants as a way of helping in the only way now available to them, since they claim to have experienced harassment by Greek police for providing food, water, and transport to migrants (conversation, 2 August 2012). In describing their role in assisting with the burials they indicate the importance of providing a place in this world, if only to pass to the other world. They see their assistance with the burials as acts of responsibility, fulfilling a duty of providing a proper burial, even if it is for those who are strangers to their community. In describing the burials, the villagers do not use the more distancing term of *mülteci* or migrant, nor do they refer to them as strangers or outsiders. Rather they use a more universal and connective language referring to the migrants as persons or human beings, as for example when they despairingly say 'there is so much human waste' or the deaths are 'a waste of human lives' *('Insan ziyanligi')*.

In addition to the villagers, the cemetery has also been a point of mobilization for a group of Greek and German activists working in solidarity with families of those who have gone missing while trying to cross the border. The Welcome to Europe network describes itself as 'a grassroots movement that embraces migration and wants to create a Europe of hospitality' (www.w2eu.info/). The network became involved in helping relatives, some of whom lived in Germany as well as countries such as Iran, Iraq, and Afghanistan, to find relatives who had gone missing on their journey from Turkey to Greece. Inspired by a project undertaken by German activists, members of the group drove across Greece in a van they call the 'infomobile', collecting information about undocumented migrants and refugees, and helping to trace relatives who have drowned or disappeared trying to cross the country's borders (interview with R.M., 26 July 2012). This was how the group discovered the Sidiro cemetery in 2010, when at the time there were about 200 migrants buried in the cemetery (Infomobile/Welcome to Europe 2011: 3). To commemorate the lives of people who died trying to cross into Greece, the Infomobile group decided to hold a ceremony at Tychero. In coming together, the group produced the following statement explaining their reasons for holding the ceremony:

> We want to give back a piece of dignity to those whose lives disappeared – right here – into the senselessness of the European borders. We gathered for giving back a piece of dignity also to those who survived. A piece of dignity that was lost on the way to Europe, like the passports or the photographs showing the faces of the beloved ones that are carried away by the water. We want to give back a piece of dignity to all of us, who feel ashamed in the moment of these deaths because we failed in our attempt to stop this murderous regime and to create a welcoming Europe.
>
> *(Infomobile/Welcome to Europe 2011: 10)*

This case provides another illustration of how a transnational network of activists and family members mobilize for claiming rights for migrants – the right to identification, to be counted and reclaimed – albeit paradoxically through the very fact of their deaths. Politics is mobilized here with regard to the border, by the violence that ensues from the border, on the one hand, but also through solidarity that transcends the border, on the other. This illustrates Soguk's (2007: 288) observation that borders (or what he calls 'borderizations') should be considered not just in their function of separation but as 'practices of relationality that become possible in moments of tensions, conflicts, and contradictions as well as unexpected convergences of intentionalities'. In this regard, the border can be 'productive of a transformative form of politics' (ibid.).

It is in this context that I use the term 'transgressive citizenship' to invoke the idea of an 'alternative way of thinking and doing citizenship, based on acts of transgression of borders and boundaries motivated by concerns of social justice and solidarity' (Rygiel forthcoming). The *Oxford Dictionary* (1998, and online edition) defines 'transgress' as meaning 'to contravene or go beyond the limits set by a commandment, law, etc.' or 'to infringe or go beyond the bounds of (a moral principle or other established standard of behaviour)'. Transgressive citizenship thus refers to a form of politics, which is

> dependent on acts of crossing that disrupt a norm, rule or law. It involves forms of politics that are unconventional (crossing normative boundaries) but also transformative (in the sense that crossing disrupts the border). This would include political action that is transnational in nature (acts that cross national and territorial borders) but also action that disrupts and displaces borders of belonging (the ontological, legal and political divide between the

> citizen and non-citizen for example) as definitive grounds upon which to legitimize claims and access to rights and resources.
>
> *(Rygiel forthcoming)*

The question that the politics of migrant death further raises in this context of transgression is whether this transgression also includes a disruption of biopolitical borders between ontological statuses of the living and dead? Does a *politics of missing persons* provide the grounds upon which to make claims for migrants *through their death* to a *right to a political existence*, the right to life, as a first right, that is to be included among those that count in our societies and in our world? And if so, can this politics extend to the right to be counted not just post mortem but among the living? The mobilization of coalitions of citizens, non-citizens, families, activists and migrants working across borders transnationally and demanding rights for the families but also the migrants who have died transnational deaths suggests potential for such a transgression.

Conclusion

Isin (2012: 196–97) suggests we consider a new language for 'citizens without frontiers' to name a politics based on acts that 'traverse frontiers.' Such acts create 'autonomy and authority to function beyond the limits of the state' but where citizens do not themselves necessarily move across borders. While my examples here of transgressive citizenship clearly involve movement across borders – and through this, the movement *of borders* – I have also provided an illustration of a politics of those who do not move across borders but declare solidarity with those who do, like the transversal politics to which Isin refers. There is also present in the concept of transgression something similar to 'traversing' in the desire to capture the sense of going beyond stated expectations, laws, norms, or parameters in response to a sense of duty, responsibility, or calling where, as Isin says, 'traversal becomes an obligation as the foundation of … autonomy' (ibid.). Transgressive citizenship politics of death at the border has the potential to disrupt notions of borders – territorial borders where citizens engage with others across physical borders to challenge border controls that result in migrant deaths, but also borders of belonging. Transgressive citizenship disrupts the readily accepted equations of who is and is not and should be a citizen and the ontological borders underpinning modern citizenship of whose lives should count, that is of who should be recognized as a political subject with the rights to have rights.

As a biopolitical regime of government, modern citizenship is located in a history of biopolitics in the West. This is a history that has too often been one where it is only through the tragedy of mass deaths after the fact that 'we' come to recognize the dead as counting. But as we have seen from critical citizenship studies, citizenship is also a contested concept with alternative histories and histories in the making. The question that a politics of migrant deaths puts starkly before us is if we can create a different form of biopolitics in which the Others of citizenship, the non-citizens or 'those that have no part' do not have to die first before we recognize the ways in which they count.

Acknowledgements

Research was made possible by financial support from the Social Sciences and Humanities Research Council of Canada. Thank you to Feyzi Baban for his feedback and assistance with interviews; those who shared their knowledge about the Infomobile project and the situation at the Turkish-Greek border; and Elspeth Guild for pointing me in the direction of legal scholarship mentioned here. Thank you to co-editors Engin Isin and Peter Nyers and editorial assistant Jack Harrington.

Notes

1 The discussion of citizenship as government and biopolitics is based on Rygiel (2010, chapter 4). On Rancière and citizenship, see also Nyers (2003).
2 By regime of government I mean a set of rules, norms, discourses, and technologies of power with regard to governing the self and others.
3 I have discussed this cosmopolitanism-related case in a co-authored article with Feyzi Baban, 'Snapshots from the margins: Transgressive cosmopolitanisms in Europe', forthcoming in the *European Journal of Social Theory* and in Rygiel (forthcoming).

References

Agamben, G. (1995) *Homo sacer: sovereign power and bare life*. Stanford: Stanford University Press.

Amnesty International (2013) 'Refugees dying on dangerous routes to asylum in Europe', 20 March. Available online at <www.amnesty.org/en/news/refugees-dying-dangerous-routes-asylum-europe-2013-03-20> (accessed 30 June 2013).

Arendt, H. (1968) 'The decline of the nation-state and the end of the rights of men', in *The origins of totalitarianism*, San Diego, New York, and London: Harcourt Inc., 266–302.

Balibar, E. (2002) *Politics and the other scene*, London: Verso.

Barbero, I. (2012) 'Expanding acts of citizenship: the struggles of *sinpapeles* migrants', *Social and Legal Studies* 21 (4): 529–47.

Commissioner for Human Rights (2007) *The human rights of irregular migrants in Europe*, Strasbourg: Council of Europe. Issue Paper (2007) 1, 17 December. Available online at <https://wcd.coe.int/ViewDoc.jsp?id=1237553> (accessed 30 June 2013).

Edkins, J. (2011) *Missing: persons and politics*, Ithaca and London: Cornell University Press. Kindle edition.

Foucault, M. (1978) *The history of sexuality: an introduction*, Volume 1, New York: Random House.

Grant, S. (2011) 'Irregular migration and frontier deaths: acknowledging a right to identity', in M.-B. Dembour and T. Kelly (eds.), *Are human rights for migrants?: critical reflections on the status of irregular migrants in Europe and the United States*, Milton Park, Abingdon, Oxon and New York: Routledge.

Infomobile/Welcome to Europe (2011) *Lost-at-border*. Available online at <http://infomobile.w2eu.net/2012/01/16/lost-at-border-a-journey-to-the-lost-and-the-dead-of-the-greek-borders/> (accessed 1 July 2013).

ICRC, International Committee of the Red Cross (2009) *Guiding principles/model law on the missing, principles for legislating the situation of persons missing as a result of rights and interests of the missing and their families*. Geneva: ICRC. Available online at www.icrc.org/eng/resources/documents/misc/model-law-missing-300908.htm (accessed 10 December 2013).

Isin, E. F. (2002) *Being political: genealogies of citizenship*, Minneapolis, MN: University of Minnesota Press.

Isin, E. F. (2012) *Citizens without frontiers*, London and New York: Bloomsbury Academic. Kindle edition.

Isin, E. F. and Nielsen, G. M. (eds.) (2008) *Acts of citizenship*, London: Zed Books.

Kofinis, S. (no date) 'Report on the Muslim immigrants cemetry in Evros (Sidiro)', Hellenic League for Human Rights. Available online at <www.hlhr.gr/detailsen.php?id=586> (accessed 1 July 2013).

McNevin, A. (2006) 'Political belonging in a neoliberal era: the struggle of the sans-papiers, *Citizenship Studies* 10 (2): 135–51.

Nyers, P. (2003) 'Abject cosmopolitanism: the politics of protection in the anti-deportation movement', *Third World Quarterly*, 24 (6): 1069–93.

Rancière, J. (2004) 'Who is the subject of the rights of man?', *The South Atlantic Quarterly* 103 (2/3): 297–310.

Rygiel, K. (2010) *Globalizing citizenship*, Vancouver: University of British Columbia Press.

Rygiel, K. (forthcoming) 'The politics of bordering and citizenship: border controls as technologies of citizenship in Europe and North America', in Schwenken and Ruß (eds.), *New border and citizenship politics*, Milton Park, Abingdon, Oxon and New York: Routledge.

Smith, W. (2012) 'The case of the missing Tunisian migrants: from one shore to another, lives which matter', Translation into English from the original in French by Christopher Barrie. Nawaat.org. Available online at <http://nawaat.org/portail/2012/07/24/the-case-of-the-missing-tunisian-migrants-from-one-shore-to-another-lives-which-matter> (accessed 4 July 2013).

Soguk, N. (2007) 'Border's capture: insurrectional politics, border-crossing humans, and the new political', in P. K. Rajaram and C. Grundy-Warr (eds.), *Borderscapes: hidden geographies and politics at territory's edge*. Borderlines Volume 29, London and Minneapolis, MN: University of Minnesota Press, 283–308.

Spiegel Online (2008) 'Africans remembered: a memorial for Europe's lost migrants', Available online at <www.spiegel.de/international/europe/africans-remembered-a-memorial-for-europe-s-lost-migrants-a-560218.html> (accessed 4 July 2013).

UNHCR, United Nations High Commissioner for Refugees (2012) 'Mediterranean takes record as most deadly stretch of water for refugees and migrants in 2011', Briefing Notes, 31 January. Available online at <www.unhcr.org/4f27e01f9.html> (accessed 1 July 2013).

Part II
Positioning citizenships

This page intentionally left blank

5

Decolonizing global citizenship

Charles T. Lee

In an era of rapid transnational movement of human subjects, capital, commodities, informational technology, media images, and ideologies, – Arjun Appadurai in the 1990s famously described the myriad dimensions of global cultural flow by speaking of 'ethnoscapes', 'mediascapes', 'technoscapes', 'financescapes', and 'ideoscapes' (Appadurai 1996) – it is enticing to speak of a democratic vision of *global citizenship* that imagines new configurations of rights, responsibilities, and civic political institutions beyond national-territorial boundaries. In the last two decades, two genres of academic literatures have emerged that capture the invigorating sentiment and dynamic of the global turn to citizenship. The first genre, proceeding from the belief that human beings are 'citizens of the world', formulates conceptions of cosmopolitan or global citizenship from the 'high' vantage point of global governance and international civil society (Nussbaum 1996, Dower and Williams 2002, Benhabib 2004, Linklater 2007). In the words of Andrew Linklater (2002: 329), the idea of cosmopolitan or global citizenship does not lie in the creation of a global state or world government that replaces national sovereignties, but rather aims 'to extend elements of national citizenship … into the global arena in order that large monopolies of power are accountable to those who are most affected by them'.

The second genre, animated by the transnational and cosmopolitan practices of citizenship by the 'lowly' non-status subjects on the ground, proceeds through an even more nuanced set of critical investigations that looks specifically at how the predominantly non-Western undocumented migrants and refugees who are remaindered by the state-centric institutional structures in the international world order, engender 'informal or extrastatal forms of citizenship' (Sassen 2004: 187). Centring on these non-status subjects' political agency and lived experiences in adapting, negotiating, and contesting the rules and mechanisms of exclusion, exploitation, and survival in Western industrialized democracies, this set of critical studies attends to the alternative staging of citizenship precisely by those who lack official standing to participate in a democratic polity and claim citizenship rights, whether by way of their daily life activities and interactive networks in the community (Rocco 1996, 2004) or insurgent democratic political acts (Honig 2001, Nyers 2003, Gordon 2005, Isin 2009, McNevin 2011, Andrijasevic *et al.* 2012).

One may thus say that one emerging feature that underlies these two genres of studies in the last two decades is the *denationalization* of citizenship that seeks to stretch and expand its institutional configurations as well as practices and enactments beyond (though without transcending)

the locus of nation-states. While such political and intellectual efforts of denationalization critically generate a democratic opening to the enclosed system of citizenship, one troubling question nonetheless arises. Given Richard Falk's (2000: 6) warning that the 'discourse on citizenship, and its changing character, remains an essentially Western experience', to what extent has the denationalization of citizenship translated into *de-westernization* or even *decolonization* of citizenship? As I wish to indicate here, to the extent that the concept of citizenship arises from and is predominantly interpreted through the Western lineage and constellation of democratic political thought (i.e. liberal, civic republican, communitarian, deliberative, and radical democratic[1]), and that its material form remains deeply entrenched in Westernized political institutional structure, neither genre of literatures on denationalizing/globalizing citizenship has been able to detach itself from the 'contaminated' origin of white/Western hegemony that crafts the normative and institutional character of citizenship.

Specifically, with respect to the first genre, critics have pointed to the ways in which its discourse of global citizenship fails to interrogate the Western liberal democratic model as the constitutive paradigm (Bowden 2003, Arneil 2007). In fact, the credibility and legitimacy of this 'globalized' thinking on citizenship are subject to question when its intellectual sources and citations are predominantly white/Western and lack substantial cross-cultural dialogue and engagement with non-Western theories and philosophies in envisioning 'cosmopolitan' citizenship.[2] In respect of the second genre, while it powerfully positions irregular migrants and refugees as the central architects of extrastatal forms of citizenship, its archived and envisioned political contestations have not been able to decentre the Western liberal institutional structure of citizenship within which non-status subjects are materially embedded. In particular, for many global migrants, not only do they still need to assimilate into, and cope with, the Western liberal model of citizenship for survival in their everyday life (even as they also deflect and subvert it in complex and subtle ways) (Ong 2003, Manalansan 2005, Lee 2006), but any political demands engendered by their insurgent democratic campaigns and movements would also be inevitably compromised and circumscribed when they enter into a process of negotiation with Western liberal sovereign power in order to translate those demands into realizable institutional concessions or rights (Nyers 2003, Gordon 2005). Thus, even subversive resistance or enactments of citizenship by non-status migrants and refugees do not necessarily take place outside the normative structure of Western liberal hegemony, and in fact, may ultimately need to tap into it to deliver (albeit domesticated) entitlements and rights for the disenfranchised.

It is tempting, in the face of this deep and pervasive Western 'contamination' of citizenship, to speak of a counter-project of 'decolonizing global citizenship' in an emancipatory manner, to conceive of a political positioning that is above and beyond complicity in reiterating Western normativity and colonial power relations. But what if this liberatory posturing, rather than rupturing the Western inscription of citizenship at its core, actually replicates the transcendent aspirations of colonial enlightenment and liberal universalism to which it is opposed? And what if such complicity and contamination in whiteness/Westernness, owing to the historical, material, and structural entrenchment of citizenship in the liberal world order, is something that cannot possibly be superseded but can only be disrupted and negotiated?

In this chapter, I wish to articulate the inevitable limits of any decolonization project to transcend the white/Western moulding of global citizenship. This, however, does not spell the doom of futility; rather, it implicates that critical theorists and social activists ought to pursue the decolonization of global citizenship by recognizing and seizing such limits as the very given basis and instrumental conduits to generate a circuitous and nonlinear process of disruption and social change vis-à-vis white/Western hegemony. That is to say, just as Chantal Mouffe (1992: 14) has observed that 'radical democracy also means the radical impossibility of a fully

achieved democracy', I suggest that the political project of decolonizing global citizenship must take the radical impossibility of a fully achieved decolonization as its precondition. To articulate this positioning, below I identify and contrast two intellectual-political routes to decolonizing global citizenship. The first route, which I call *exogenous critique* (as shown through the works of Barbara Arneil and Chandra Talpade Mohanty), analyses the Western colonial elements as external to citizenship that can be quarantined and decontaminated; the second route, which I call *endogenous critique* (as shown through the work of Inderpal Grewal and my own formulation), sees such Western colonial elements as deeply entangled with, or immanent in, citizenship that can never be untangled or transcended. I demonstrate why it might be necessary to shift from the first to the second route in reconceiving the present–future horizon of decolonization struggles vis-à-vis global citizenship.

Exogenous critique

Exogenous critique construes citizenship as an intrinsic public good that has been usurped and inflected by liberal imperial influences in an undemocratic direction. This exogenous analysis conceives colonial aspirations and developments as being generated outside, rather than derived from, citizenship itself; therefore, a decolonized vision of global citizenship can be reclaimed and realized by cleansing itself of, or quarantining itself from, this external contamination and infection of Western hegemony. Barbara Arneil's (2007) article, 'Global citizenship and empire', exemplifies this line of thinking in her critical dissection of US foreign policy. In it, she identifies a shift in US imperial rule from a 'realpolitik' vision concerned solely with expanding its own self-interests and preserving its own national security in the immediate aftermath of 9/11, to a re-emerging 'liberal' form of civilizing empire that seeks to spread the ideal of global citizenship in the American image of free market and electoral democracy to other parts of the world as the 'war on terror' evolved in Iraq since late 2003. This shift came about as the Bush administration 'needed a new emphasis in their justification of America's continued occupation of Iraq' in light of the rising death toll of Iraqi civilians and American soldiers (Arneil 2007: 305). Stressing 'the higher moral principles of spreading freedom and democracy to the Middle East rather than simply "securing" American interests or regional stability', US imperial power 'seeks to create a different kind of empire, one governed by a single set of universal laws …, such as "democracy" and "freedom" to all' (ibid.).

This new vision of *liberal empire* is about globalizing a particular version of American citizenship, which, through its universal imposition, would 'make "citizens" out of non-western peoples by transcending custom through western political values' (Arneil 2007: 306). One quintessential feature of this liberal empire is that it exercises its imperial power not by excluding non-Western people from citizenship, but through the global promotion of neoliberal citizenship that actively incorporates non-Western people 'into a global market', turning them 'into consumers within an international marketplace' (ibid.). Thus defined as the supreme right 'to vote and to consume', citizenship becomes 'a vehicle that is used in the service of the imperial ends of both economic neo-liberal and political liberal imperial rule' (ibid.).

Importantly, given that this shift to liberal empire in American foreign policy 'does not so much oppose the principles of modern liberal democratic citizenship as co-opt them (in particular ways) for its own purposes' (Arneil 2007: 308), Arneil argues for an alternative vision of global citizenship rooted in two contrasting principles – social rights and shared fate – that would 'speak to empire and not simply against it' (ibid.). These two principles place emphasis on global poverty and inequality as a matter of international obligation that binds all global citizens who inhabit the planet and recognize their lives and security as deeply interdependent

(ibid.: 315–16). By arguing that this competing ideological vision of global citizenship 'has the potential to separate the imperial power (the Bush administration or a future administration that continues down the path of liberal empire) from that which gives it both legitimacy and force (the American electorate)' (ibid.: 323), Arneil expresses her belief that the imperialist infiltration can be quarantined and decontaminated, thus righting global citizenship onto a democratic path.

Animated by her antiracist and anti-imperialist feminist commitments, Chandra Talpade Mohanty (2003: 2) in *Feminism without borders* further extends the exogenous lens to examine the development of 'corporate citizenship' in the US academy and higher education institutions in the late modern context of 'the triumphal rise and recolonization of almost the entire globe by capitalism'. As universities around the world increasingly turn to the discourse of 'global citizenship' to foster the production and transmission of knowledge across borders and explore anew transnational research and student markets in the global economy (Rhoads and Szelényi 2011), Mohanty critiques the ways in which the master narrative of neoliberal ideology and corporate culture in the US academy, through 'discourses of consumerism, ownership, profit, and privatization' (Mohanty 2003: 9), 'situates students as clients and consumers, faculty as service providers, and administrators as conflict managers and nascent capitalists whose work involves marketing and generating profit for the university' (ibid.: 184–5). Thus diluting the academy as a crucial site of 'dialogue, disagreement, and controversy' with the mission of producing democratic citizens (ibid.: 170), this contaminating colonization of university by Western/global capitalism results in the privatization of citizenship, and 'global citizenship' in this context implicates the contracting out of 'food and janitorial services' and 'teaching and curricular projects', as well as 'the commoditization of higher education … through … prepackaged distance learning programs' (ibid.: 177).

As Mohanty argues, 'going "global" has led to U.S. education's becoming export-oriented to global markets: redesigning, repackaging, managing, and delivering educational "products" at offshore sites and for consumers in foreign markets' (2003: 186), and 'ideas of the public good, collective service and responsibility, democratic rights, freedom, and justice are privatized and crafted into commodities to be exchanged via the market' (ibid.: 184). She concludes that this neoliberal version of global citizenship 'facilitates U.S.- and Eurocentrism' (ibid.: 9) by producing 'unequal relations of labour, exclusionary systems of access, Eurocentric canons and curricular structures, sexist and racist campus cultures, and the simultaneous marginalization and cooptation of feminist, race and ethnic, and gay/lesbian/queer studies agendas in the service of the corporate academy' (ibid.: 174).

By constructing a series of binary oppositions – 'pedagogy of accommodation' vs 'pedagogy of dissent and transformation' (Mohanty 2003: 178), 'management perspective' vs 'social justice perspective' (ibid.), and 'corporate/consumerist citizens' vs 'democratic citizens' (ibid.: 174) – Mohanty views global academic citizenship as a transformational collective good and argues for an alternative ideological vision to decolonize and reclaim this citizenship in a democratic and just manner. Following Fanon's radical method that envisions decolonization as a transcendent process that involves a 'whole social structure being changed from the bottom up', Mohanty argues that the decolonization project necessitates 'active withdrawal of consent and resistance to structures of psychic and social domination' (ibid.: 7). She points to the emancipatory politics of the antiglobalization movements as providing a key site in engendering 'transborder democratic citizenship' as they formulate 'cross-border alliances against corporate injustice' (ibid.: 248–9).

While Arneil and Mohanty provide important analyses of the formation of US liberal empire and corporate citizenship in the academy, respectively, it is nonetheless doubtful that one may decouple the discourse of global citizenship from liberal imperial configuration and corporate

privatization simply through the appeal to an alternative political ideology. This is because what they take to be the two contrasting spheres of 'democratic citizenship' (rights, equality, justice) and 'consumer culture' (neoliberal, neocolonial, and Western imperial) have been so deeply interwoven and intertwined with one another in their liberalized global dissemination such that the former cannot be untangled and detached from the latter simply by way of anticolonial consciousness-raising or counter-hegemonic politics (Grewal 2005). As Inderpal Grewal (2005: 26) observes, 'the forms of civil society that enable democratic citizenship are the new technologies and new media that are controlled by multinational corporations'. To decolonize global citizenship by way of democratizing civil society and social consciousness (as Arneil and Mohanty advocate) necessarily entails the use of, and reliance on, global capitalist-consumerist circuits of media and information technologies to deliver and disseminate its message, which would enable its critical disruption, but also perpetually delimits the contours of its rupture. It is no longer possible for critical theorists and social activists to carve out and maintain a 'purified' oppositional sphere of democratic citizenship and social movement against the contaminating infiltration of liberal imperialism and global capitalism, for the former is not strictly juxtaposed against the latter but may be enabled precisely *through* the latter.

In fact, what has not been openly acknowledged in the exogenous critique is that democratic citizens are *also* producers and consumers within global capitalism, implicating their inevitable complicity in the perpetuation of the Western liberal imperial configuration of citizenship life. A democratic citizen may avow or share Arneil's ideological vision of social rights and shared fate even as his or her daily work activities and consumerist practices may continue to refuel and shore up the cycle of the neoliberal way of life. This observation unsettles the binary oppositions in the exogenous critique that emphatically separates the public good of democratic citizenship from capitalist and colonial infiltrations.

Minoo Moallem's (2006: 345) comment on Mohanty is thus suggestive: given that her 'antiglobalization feminist emancipatory project' is itself 'located within the political economy of an unequal exchange', when this emancipatory politics positions '"avant-garde" intellectuals, scholars, and activists as the bearers of truth', it may well end up 'stabilizing the meaning of capitalism' by stopping 'taking the risk of looking at its own limits or complicities with the very system to which it is opposed'. How then may we reconceive a decolonization project that would take capitalism and colonialism to their limits not by disavowing its complicity with the existing power structures (Moallem 2006: 345), but by recognizing, seizing, and negotiating its own complicit contamination in white/Western hegemony as the very given basis to generate a complex and nonlinear process of fissuring disruption and social change? It is to the endogenous critique that I now turn.

Endogenous critique

Endogenous critique aims to decolonize global citizenship through a different route: it views colonial and capitalist relations of power as being tangled with, or embedded within, citizenship itself; therefore, the discourse of global citizenship is already implicated in the hegemonic system and cannot be disentangled or transcended from such power configurations. Hence, reconceiving citizenship as a deeply contaminated product in its origin, endogenous critique does not approach the decolonization of global citizenship as the search for an impossible purity. Rather, here the decolonization project is repositioned as mobilizing the shifting and protean circuits of disruption in the midst of colonial contamination, which would collusively recapitulate the structure of global capitalism but would also reconfigure the terrain of white/Western hegemony by rupturing its embedded power relations.

Grewal's (2005) *Transnational America* exemplifies this endogenous approach, analysing 'global citizenship' as a technology of discourse – taking hold via the transnational diffusion of the notion of 'America' beyond the US national boundaries – that entangles with other assemblages of power in producing neoliberal citizen-subjects in different regions and in recuperating historical forms of colonial inequalities and subjectivities in new ways. As Grewal observes, this neoliberal version of the American dream and way of life, crafted simultaneously by the ascendancy of middle-class whiteness and the discourse of multicultural diversity since the late twentieth century, is circulated to other parts of the world through imperialist geopolitics, capitalist marketization, and transnational consumer culture. In the process, formations of democratic rights culture ('freedom') and consumer citizenship ('choice') are sutured together in their transnational transmission. 'Becoming American' comes to signify global citizenship, which is imagined through 'the marketing of "global" brands and the creation of "global" consumers', undergirded by the discourse of 'America as a sign of freedom … [that connotes] asymmetrical internationalism, corporate power, and white nationalism' (Grewal 2005: 9). Examining the traffic of this discursive construction of global citizenship-cum-the American dream through South Asians in India and the Indian diaspora community in the United States, Grewal argues that the American way of life is 'conveyed through transnational media advertising as a dominant white lifestyle of power and plenty as well as a multicultural and "global" one' (ibid.), creating and enabling the formation of 'new American subjects in diverse sites' (ibid.: 7).

This global dissemination of liberal democratic consumerist citizenship is instantiated in the cultural object of 'travelling Barbie' produced by the Mattel Corporation and exported to India, made possible by the Indian government's adoption of neoliberal policies (structural adjustment programmes) in the 1980s that opened up its domestic economy to foreign investment and competition. Rather than a simple narrative of Americanization or cultural imperialism, Grewal (2005: 23) foregrounds the transnational circulation of the Barbie product (and its embodied association with free trade, entrepreneurship, choice/freedom, and liberal consumer feminism) in an ensemble of power relations mobilized by multiple vectors of social forces and 'new technologies and rationalities' that she calls transnational connectivities. These connectivities include the Indian government's creation of Non-Resident Indian (NRI) as a financial category to induce the inflows of foreign capital, investment, and expertise from the South Asian diasporas; the transnationalization of the beauty and fashion industry in India aided by fashion magazines, advertisement of 'global' brands, Hollywood and Bollywood cinemas, and international beauty pageants that target Indian urban women (both in India and in its diasporas) of the middle and upper classes who aspire to be elite professionals; and Mattel's marketing strategy that actively incorporates the Indian child-consumer into the transnational 'youth' consumer market for its toy product lines. As Grewal (ibid.: 96) observes, the resulting transnational production of Barbie in a sari (in both white/blonde and dark-skinned/black-haired forms) at once 'retained its connections to white supremacy and power' *and* demonstrated a corporate multicultural sensibility 'as a valued aspect of cosmopolitan consumer culture'. As she writes (ibid.: 27), 'gender, race, class, and nationalism are produced by contemporary cultures in a transnational framework that is linked to earlier histories of colonization' as the travelling Barbie becomes 'Indian' in its dissemination and Indian citizen-subjects become 'American' in their lifestyle of consumption.

Grewal critically notes that while Mattel seeks to 'encourage young schoolgirls to become fashion designers and to incorporate girls into a transnational garment industry' by going to urban schools in India to sponsor fashion design competitions and hiring fashion models dressed in Barbie clothes to promote the event among the middle classes (Grewal 2005: 110), the production of Barbies is dependent on the manual labour of 'Asian women paid low wages for assembly line work' in multiple locations such as China, Malaysia, and Indonesia (ibid.: 97).

The global diffusion of democratic citizenship through consumer practices that embodies ideals of individual choice and autonomy, entrepreneurship and economic mobility, and freedom to trade and exchange thus intimately tangles with and reproduces anew global inequalities in racialized, gendered, and classed forms. As Grewal suggests, one cannot simply expect to transcend the collusive circuits of transnational connectivities that produce and disseminate the neoliberal discourse of global citizenship through 'vanguardist resistance' (ibid.: 24), an emancipatory politics that seeks to restore 'the pure, uncommodified self or … the uncontaminated other' (ibid.: 19) as seen in exogenous critique. Rather, she approaches resistance/decolonization in a Foucauldian way that recognizes 'the myriad and multiple ways in which neoliberal technologies produce all kinds of agency … that … moved in all kinds of directions and mechanisms that did not remain pure of their conditions of possibility, but created contradictions, tensions, and struggles' (ibid.). New social movements occupy a key role in the decolonizing struggle against neo-liberalism as they 'both used its programs and opposed them' in their 'critical responses and interventions', thus staging constant fracturing and interruption to its discursive figuration (ibid.).

Although Grewal illustrates persuasively the labyrinthine intertwinement between global citizenship and colonial-capitalist power relations by analysing the circulation of cultural objects and discourses (e.g. travelling Barbie, human rights) as transnational conduits of the Western ideal of democratic citizenship, I wish to go further than her analysis to investigate and extract even more deeply the endogenous root of Western colonial contamination that configures global citizenship. Specifically, while Grewal traces the entangled production of global citizenship within the ensemble of transnational connectivities underlined by white/Western hegemony, what has not been brought to the fore is that white/Western hegemony is always already immanent in the liberal democratic script of citizenship as a standardizing and universalizing way of life (even without the transnational circulation of cultural objects and discourses). The historical inception of liberal citizenship life with the expansion of European capitalist modernity that coheres in the modern liberal world order and international system of states forever marks its contamination in white/Western hegemony in its cyclical reproduction and global dissemination that engulfs almost all human subjects. What Grewal insightfully captures as the informational–technological–commercial circulation of cultural objects and discourses that enables the transmission of global citizenship can be considered as emanating from this core liberal life cycle, configuring, moulding, and shaping liberal citizenship life as its critical auxiliary instruments in diverse sites.

I have examined elsewhere this different conceptualization of liberal citizenship as a global *cultural script* – a domineering life cycle that is static, routine, and circuitous brought into being by European capitalist modernity (Lee 2010). This liberal cultural script is articulated by a wide array of shifting subscripts that mould subjects into 'proper citizens' in different social fields of human life – major examples include *politics*, *economics*, *gender*, and *life itself*. The *political* script divides human subjects into citizens of different national territories, and mediates and regulates their political participation via bureaucratic representative institutions (i.e. voting, deliberating, legislating, campaigning) with limited political ideological options. The *economic* script assigns citizen-workers the unending rituals of working, consuming, saving, investing, and increasingly in the neoliberal economy, enterprising, as law-abiding contributors to the cycle of capitalism. The *gender* script interpellates citizens through gender binary (as either *M or F*) and places them on a lifelong trajectory of respective masculine or feminine order towards heteronormative monogamous relationships and conjugal arrangements. With the onset of neoliberalism, homonormative monogamy (e.g. same-sex marriage, gays-in-the-military) and its mainstream constituents of middle-class gays and lesbians have also been increasingly incorporated into the

normative economy of gender–sexual citizenship in liberal social life (Duggan 2002, Puar 2007). Lastly, the *life* script predisposes citizen-subjects to a possessive, proprietary, and depoliticized pursuit of life, liberty, and happiness. While they are not the only examples, these major subscripts craft and shape a mundane and stagnant 'life cycle' of liberal citizenship in formulating a relatively fixed social, political, and moral order. This all-encompassing cultural script of liberal citizenship life pervades and penetrates essentially all terrains of human social spheres such that there can be no 'outside' to this unstoppable, domineering cycle.

As a cultural-material product of European capitalist modernity, the political life, economic life, gender life, and life itself embodied in the liberal citizenship script are inescapably racialized and thoroughly contaminated by the civilizing engineering of whiteness/Westernness. In the words of Ien Ang, this

> white/Western hegemony is … the systemic consequence of a global historical development over the last 500 years – the expansion of European capitalist modernity throughout the world, resulting in the subsumption of all "other" peoples to its economic, political and ideological logic and mode of operation… In other words, whether we like it or not, the contemporary world system is a *product* of white/Western hegemony, and we are all, in our differential subjectivities and positionings, implicated in it.
>
> *(Ang 1995: 65, emphasis in original)*

The historical and structural entrenchment of the contemporary world system – and its embodied global citizenship life – in the modern liberal world order suggests the inevitable collusion of the overwhelming number of global citizen-subjects in reproducing white/Western hegemony as they go about their daily routines and live through the liberal democratic script in their everyday life. As Ang (1995: 67–8, emphasis in original) argues:

> Any resistance to this overwhelming hegemony can therefore only ever take place from a position always-already "contaminated" by white/Western practices, and can therefore only hope to carve out spaces of *relative* autonomy and freedom *within* the interstices of white/Western hegemony.

This alternative observation of liberal citizenship as a cultural script and the impossibility of transcending this global liberal citizenship life cycle underscores even more thoroughly and intensely the binding complicity in decolonization struggles than Grewal's formulation, bringing to the forefront the tormenting dilemma that decolonizing agents must accept their complicity in reinscribing white/Western hegemony as an inevitable part of their acts of anticolonial disruption. In other words, any efforts to decolonize global citizenship cannot expect their being shaped into absolute forms of negation or refusal, but must ineluctably traffic and negotiate through the messy webs of complicity to produce contingent and transactional effects of social change. Yet, it is also precisely through this binding complicity and inescapable contamination that marginal subjects abjected by the global liberal citizenship life may improvise disruption and appropriation of the script to regain liminal spaces of rights, inclusion, and belonging.

This abject transaction is witnessed in the everyday work rituals of global sex workers who can be read as using intimate labour in the capitalist circuits of transnational prostitution and sex tourism to subtly and illicitly appropriate the economic script of liberal citizenship in procuring a living wage and spaces of economic inclusion and belonging in the shadow of capital. For instance, Afro-Caribbean migrant sex workers have deliberately sought to depict themselves in racialized misogynistic terms, such as 'mulatto babe' or 'chocolate brown', thus deviously

marketing their 'exotic' sexuality to garner more clients/profits and expand their spaces of economic livelihood (Spanger 2002: 130–2). Consider also the case of sex workers in Vietnam who serve Western clients by engaging in forms of 'expressive emotional labour', by which they emphasize their victimized poor condition and 'use their emotions as a form of currency, to induce feelings of sympathy and love through a series of lies designed to sustain and advance their standard of living' (Hoang 2010: 166). Thus, in their long-distance contact via emails with Western tourists who have engaged in sexual exchange with them and expressed interest in maintaining their relationships, they may improvise stories of personal or family crisis to implore their clients for large sums of financial gifts and assistance (ibid.: 174). Here, sex workers in Vietnam make use of the colonial fantasy/imagery of the victimized Third World woman to evoke love, sympathy, and saviour-like masculinity from their Western clients 'to obtain multiple remittances, advance their standard of living, and migrate abroad' (ibid.: 175).

These quotidian sex work practices that use racialized/colonialized abjection to appropriate spaces of economic citizenship at once recapitulate the white/Western structure of global capitalism *and* disrupt and reconfigure the embedded power relations between the Western client and the non-Western sex worker in relation to the global distribution of rights, dignity, inclusion and belonging. As Ang indicated earlier, it is only through the 'spaces of *relative* autonomy and freedom *within* the interstices of white/Western hegemony' that the decolonization of global citizenship can be staged, with its inescapable limits and complicities. This observation generates a different horizon in viewing the democratizing/decolonizing mobilization of the global sex workers' rights movement: the counter-hegemonic potential of such radical democratic activism is inevitably delimited and circumscribed by sex workers' reliance on capitalist marketization, sexual objectification, and colonial racialization as instrumental conduits to turn sex work into just not a legitimate, but profitable, enterprise that would sustain and regenerate their living and earning. No matter how progressive sex workers' rights claims – i.e. life, liberty, health, freedom from violence, fair and just working conditions, freedom of movement (Andrijasevic *et al.* 2012) – they are enabled into existence by these very oppressive forces (i.e. capitalism, misogyny, colonial racialization) upon which global sex work predicates. As such, the global sex workers' rights movement cannot transcend these cyclical forces of oppression; however, it can work to 'humanize' and ameliorate the abjection of intimate labour within the given inhuman economy, which it is itself complicit in reproducing.

Ultimately, as instantiated in global sex work, this formulation of endogenous critique that reconceives liberal citizenship as a global cultural script illuminates far-reaching lessons for social justice movements and decolonization struggles elsewhere: such movements and struggles need to be rethought not as simply representing pure and uncontaminated ideals to be set on a pedestal, but rather as protean instruments that must traffic in these racialized, gendered, sexualized, and neocolonial relations in order to bargain for abject people's citizenship rights in the age of global capitalism. Such is the disabling dilemma and enabling potentiality. The democratic futurity of the intellectual and political efforts to decolonize the Western liberal configuration of global citizenship life will hinge on these unceasing and imperfect politicized struggles to contest, negotiate, and expand the appropriable spaces of rights, inclusion, and belonging for marginal subjects with the premise of the radical impossibility of a fully achieved decolonization.

Conclusion

If I have so far gestured to the need to shift from exogenous critique to endogenous critique in thinking about the project of decolonizing global citizenship, I wish to nonetheless conclude by underscoring both of their contributions and limits, as well as their mutually constitutive roles in

the ongoing decolonization struggles. For its part, exogenous critique awakens a political aspiration for the purity of citizenship that advances our vision beyond the status quo and shifts our horizon from what 'is' to what it 'can be' or 'should be'; however, such aspiration is precisely delimited by the impossibility of transcending the global liberal citizenship life cycle that continually infiltrates and makes inroads into any presence and opening of democratic purity. On the other hand, endogenous critique shrewdly takes the contamination of citizenship as a given and seeks to create and expand spaces of livable life within the existing global liberal economy; however, its imagination of 'another world' or 'alternative political possibility' is affixed to, and constrained by, its conceived structural reality. We may, in the end, need to live with both: any political contestation/resistance to decolonizing global citizenship cannot happen without the vision for purity, but to move things forward and advance its vision, it has no other way but to negotiate with the contamination of white/Western hegemony. One should thus always have exogenous vision at heart, but know that such vision can only be realized endogenously in democratic politics, and can never be fully completed. It is, however, through this perpetual tension and struggle between purity and contamination, and between being exogenous and endogenous, that critical scholars and activists may help create the most potent transformation of global citizenship that is yet to be seen – in ways that are complex, nonlinear, and unexpected.

Acknowledgements

Preliminary ideas in this essay were conceived during my participation in the transnational feminist research cluster, 'Local and global feminisms and the politics of knowledge', at the Arizona State University, and I would like to thank the cluster participants, especially Karen Leong, Ann Hibner Koblitz, Karen Kuo, Heather Switzer, and Roberta Chevrette, for the many critical readings and discussions that stimulate my thinking on this piece. Special thanks also to Engin Isin and Peter Nyers for inviting me to contribute this chapter and for their comments on this essay – their scholarship has been pivotal to my thinking on citizenship.

Notes

1 For an overview of the liberal, civic republican, communitarian, and radical democratic conceptions of citizenship, see the chapters by Peter H. Schuck, Richard Dagger, Gerard Delanty, and Claire Rasmussen and Michael Brown, respectively, in Isin and Turner (2002). For an overview of the deliberative democratic model of citizenship, see Habermas (1996).

2 Abdullahi Ahmed An-Na'im (1995) makes a similar point in the arena of international human rights, questioning the legitimacy of the 'universal' standards of human rights instruments when their value orientations are predominantly Western and lack the engagement of cross-cultural dialogue to define such standards.

References

Andrijasevic, R., Aradau, C., Huysmans, J., and Squire, V. (2012) 'European citizenship unbound: sex work, mobility, mobilization', *Environment and Planning D: Society and Space* 30: 497–514.

Ang, I. (1995) 'I'm a feminist but … "Other" women and postnational feminism', in B. Caine and R. Pringle (eds) *Transitions: new Australian feminisms*, New York: Palgrave Macmillan.

An-Na'im, A. A. (1995) 'Toward a cross-cultural approach to defining international standards of human rights: the meaning of cruel, inhuman, or degrading treatment or punishment', in A. A. An-Na'im (ed.) *Human rights in cross-cultural perspectives: a quest for consensus*, Philadelphia: University of Pennsylvania Press.

Appadurai, A. (1996) *Modernity at large: cultural dimensions of globalization*, Minneapolis: University of Minnesota Press.
Arneil, B. (2007) 'Global citizenship and empire', *Citizenship Studies* 11 (3): 301–28.
Benhabib, S. (2004) *The rights of others: aliens, residents and citizens*, Cambridge: Cambridge University Press.
Bowden, B. (2003) 'The perils of global citizenship', *Citizenship Studies* 7: 349–62.
Dower, N. and Williams, J. (eds) (2002) *Global citizenship: a critical introduction*, New York: Routledge.
Duggan, L. (2002) 'The new homonormativity: the sexual politics of neoliberalism', in R. Castronovo and D. D. Nelson (eds) *Materializing democracy: toward a revitalized cultural politics*, Durham: Duke University Press.
Falk, R. (2000) 'The decline of citizenship in an era of globalization', *Citizenship Studies* 4 (1): 5–17.
Gordon, J. (2005) *Suburban sweatshops: the fight for immigrant rights*, Cambridge: Harvard University Press.
Grewal, I. (2005) *Transnational America: feminisms, diasporas, neoliberalisms*, Durham: Duke University Press.
Habermas, J. (1996) 'Three normative models of democracy', in S. Benhabib (ed.) *Democracy and difference: contesting the boundaries of the political*, Princeton: Princeton University Press.
Hoang, K. K. (2010) 'Economies of emotion, familiarity, fantasy, and desire: emotional labour in Ho Chi Ming City's sex industry', in E. Boris and R. S. Parreñas (eds) *Intimate labours: cultures, technologies, and the politics of care*, Stanford: Stanford University Press.
Honig, B. (2001) *Democracy and the foreigner*, Princeton: Princeton University Press.
Isin, E. F. (2009) 'Citizenship in flux: the figure of the activist citizen', *Subjectivity* 29: 367–88.
Isin, E. F. and Turner, B. (eds) (2002) *Handbook of citizenship studies*, Thousand Oaks: Sage.
Lee, C. T. (2006) 'Tactical citizenship: domestic workers, the remainders of home, and undocumented citizen participation in the third space of mimicry', *Theory and Event* 9 (3).
—— (2010) 'Bare life, interstices, and the third space of citizenship', *Women's Studies Quarterly* 38 (2): 57–81.
Linklater, A. (2002) 'Cosmopolitan citizenship', in E. F. Isin and B. Turner (eds) *Handbook of citizenship studies*, Thousand Oaks: Sage.
—— (2007) *Critical theory and world politics: citizenship, sovereignty and humanity*, New York: Routledge.
McNevin, A. (2011) *Contesting citizenship: irregular migrants and new frontiers of the political*, New York: Columbia University Press.
Manalansan, M. F., IV. (2005) 'Migrancy, modernity, mobility: quotidian struggles and queer diasporic intimacy', in E. Luibhéid and L. Cantú Jr. (eds) *Queer migrations: sexuality, U.S. citizenship, and border crossings*, Minneapolis: University of Minnesota Press.
Moallem, M. (2006) 'Feminist scholarship and the internationalization of women's studies', *Feminist Studies* 32 (2): 332–51.
Mohanty, C. T. (2003) *Feminism without borders: decolonzing theory, practicing solidarity*, Durham: Duke University Press.
Mouffe, C. (1992) 'Preface: radical democratic politics today', in C. Mouffe (ed.) *Dimensions of radical democracy: pluralism, citizenship, community*, New York: Verso.
Nussbaum, M. (1996) 'Patriotism or cosmopolitanism', in J. Cohen (ed.) *For love of country: debating the limits of patriotism*, Boston: Beacon Press.
Nyers, P. (2003) 'Abject cosmopolitanism: the politics of protection in the anti-deportation movement', *Third World Quarterly* 24 (6): 1069–93.
Ong, A. (2003) *Buddha is hiding: refugees, citizenship, the New America*, Berkeley and Los Angeles: University of California Press.
Puar, J. K. (2007) *Terrorist assemblages: homonationalism in queer times*, Durham: Duke University Press.
Rhoads, R. A. and Szelényi, K. (2011) *Global citizenship and the university: advancing social life and relations in an interdependent world*, Stanford: Stanford University Press.
Rocco, R. (1996) 'Latino Los Angeles: reframing boundaries/borders', in A. J. Scott and E. W. Soja (eds) *The city: Los Angeles and urban theory at the end of the twentieth century*, Berkeley and Los Angeles: University of California Press.
—— (2004) 'Transforming citizenship: membership, strategies of containment, and the public sphere in Latino communities', *Latino Studies* 2: 4–25.
Sassen, S. (2004) 'The repositioning of citizenship: emergent subjects and spaces of politics', in P. A. Passavant and J. Dean (eds) *Empires of new clothes: reading Hardt and Negri*, New York: Routledge.
Spanger, M. (2002) 'Black prostitutes in Denmark', in S. Thorbek and B. Pattanaik (eds) *Transnational prostitution: changing global patterns*, New York: Zed Books.

6

Practising citizenship from the ordinary to the activist

Catherine Neveu

In the literature on citizenship, both classical and contemporary, it is usually considered that the notion necessarily implies that citizens as political subjects are 'active'. While such 'activity' is differently envisioned according to the academic, theoretical, or contextual backgrounds of authors, its connections with what is usually called 'the ordinary' largely remains to be explored and empirically renewed. This chapter thus has as its main aim to offer some guidelines about the complex and intricate connections between citizenship 'activity' and ordinariness. The discussion relies on an approach of citizenship that affirms it has no essence which is immutable across time and space; indeed

> if citizenship is now increasingly recognized as a contested idea, this diversity is not a mere multiplicity of views but entails disputes between distinct, divergent or even antagonistic meanings. Specific contexts typically contain such conflicting conceptions of citizenship – and the associated attempts to install them as the recognized, legitimated and institutionalized form. Such conflicts continue, even after one conception of citizenship has been institutionalized – it remains the focus of further efforts to challenge, inflect or translate it.
>
> *(Clarke et al. 2014)*

After a brief overview of different approaches to 'active citizenship' and an exploration of its relationships with research advocating a deeper involvement with 'ordinariness', some proposals are made about the methodological implications of such an approach. The inclusion in citizenship studies of sensitive dimensions, of vigilance and care, as well as the need to reflect more in depth on figures of continuity or ruptures between daily activities and political subjectification are the provisional conclusions suggested.

Who is the 'active citizen'?

Active citizens tend to come in many different shapes, both in the literature and in public policies. No doubt its ancient differentiation from the passive one[1] has played an important part in the common representation according to which the active citizen is the one who votes, actively takes part in public life, and manifests interest in politics. But let us first consider a more recent

style of active citizen, the one called for in a growing number of public policies, 'one who is no longer dependent on the welfare state and is willing to take a full part in the remaking of modern societies' (Newman and Tonkiens, 2011: 9). These authors retrace the 'paradoxical rise' of this active citizen in Western Europe, first in the claims of social movements from the 1970s onwards for a larger redistribution of power and resources. By demanding choice and autonomy for citizens, and especially women, these movements strongly contributed to the recognition of those active citizens, able and willing to shape their lives (Newman and Tonkiens, 2011). But they also offer a second reading of the contemporary success of active citizenship: that it is not 'the triumph but rather the ultimate disowning or even devouring of social movements' (ibid: 10) by policymakers. Indeed, in many sectors (care of the elderly, health or crime) active citizenship is now 'used to discipline rather than liberate and empower citizens' in a context of transformation of the welfare state. Newman and Tonkiens do not choose between these two narratives, and stress the need to empirically sustain and contextually locate 'how different forces and pressures come together in particular places, services and struggles' (ibid: 11). What has to be underlined, though, is the extent to which their analysis of such a 'paradoxical rise' is a clear example of the 'Janus' face of citizenship processes. This double-sided dimension can be located on the one hand in the fact that similar procedures, schemes, or qualities (responsibility for instance) can be referred to so as to serve very different, or indeed contradictory political projects (for different examples, see Neveu, 2011a and b; Newman and Tonkiens, 2011; Dagnino, 2007). But more generally, it points to an essential tension of citizenship processes: that they can, at the same time or successively, discipline or emancipate, enforce norms or open up new possibilities for their questioning and transformation[2]. This Janus face of citizenship processes is all the more important to stress here in that discussions, including academic ones, on active citizenship do all, to different degrees, concern this paradoxical tension.

Indeed, and this is a second figure of the active citizens, they are often described as those who comply with what is expected from them, who actively engage in prescribed forms of public activity. No doubt this figure can be found in the above-mentioned policies, but more generally speaking (and this is especially true in certain sectors of French political science), it is also that of the 'good' citizen of opinion polls and sociological research: those who can express an opinion on request, participate in elections or participatory democracy schemes, and demonstrate and mobilize in trade unions or voluntary groups. Now such 'active citizens' are often contrasted with those supposed to be their opposite: the 'ordinary' ones. Thus for Mariot:

> By paying attention to the sole militants or other '*active*' citizens […], and generally to the more involved among them, the specialist in political attitudes learns a lot about these public space *freaks* that are the most mobilized (especially in social movements), but leaves out all the *ordinary* passers-by, the members of these famous silent majorities, whatever the reasons of this apparent abstention (disinterest, 'remise de soi', rejection, conformism or consent).
>
> *(Mariot, 2010: 92–3; my italics)*

Thus by working on 'active' (mobilized, demonstrating concern and expressing claims) citizens, social scientists would miss out on the practices, opinions and representations of the vast majority of citizens: the silent, 'ordinary' ones. This figure of the active citizen would thus be both a sociological norm (the 'good' one) and a sociological freak (an extraordinary marginal).[3]

Before discussing certain implicit representations of this conception, a third figure of the active citizen must be introduced. While it has certain common traits with the second one, it also differs from it, and again its characteristics connect it with the notion of 'ordinariness'. According to Isin (2009), the 'active citizen' is the one who engages in what he describes as

practices, 'routinized social actions that are already instituted' such as tax paying, voting or enlisting; they are contrasted with the 'activist' citizen's *acts* that 'break routines, understandings and practices' (Isin, 2009: 379):

> Thus we contrast 'activist citizens' with 'active citizens' who act out already written scripts. While activist citizens engage in writing scripts and creating the scene, active citizens follow scripts and participate in scenes that are already created. While activist citizens are creative, active citizens are not.
>
> *(Isin, 2008: 38)*

As with the second figure, this type of active citizen is engaged in prescribed and planned actions;[4] but while it was in the previous case contrasted with 'ordinary' (silent) citizens, it is here contrasted with those activist citizens who 'make a difference' by questioning established roles and inventing new sites and types of citizenship. While the active citizen is somehow delegitimated in the first case for being 'too active' and vocal, in the second case it is for conformity and compliance.

This brief overview of three figures of the active citizen does not do justice to either the complexity of this notion or to each of these figures.[5] Its aim was to lay some landmarks to discuss the intricate relationships between activity and ordinariness within citizenship processes, and the methodological challenges they pose. Some of these connections have already been touched upon: silence and abstention, or engagement in routine practices, as the 'ordinary' regime of citizenship vs public space freaks or acts of citizenship.

In both cases, the 'ordinary' is thought of either as these moments when 'nothing happens' in political terms; that is 'nothing' according to a very restrictive definition of politicization that defines it as manifesting interest in the formal political sphere (parties, elections, and public debates), or as 'routines' that reproduce the usual legal and social framework. There can seem to be certain similarities between these two figures of the 'active citizen'.[6] Thus it could be considered that the activist citizen entertains striking connections with the (traditional) figure of the militant activist, with the potential risk of conveying a rather 'heroic' conception of these acts and actors, even though Isin and Nielsen, as well as several contributors to their book, underline that such acts can indeed take place in very 'ordinary' situations of daily life, such as travel on a bus, and be enacted in very 'ordinary' ways, such as 'simply' talking back. Holston also underlines the importance of 'ordinary' acts for publicly asserting one's rights and thus transform daily representations and practices, when he observes, apropos of interactions in a queue at a bank counter, that

> trafficking in public space is a realm of modern society in which city residents most frequently and predictably experience the state of their citizenship. The quality of such mundane interaction may in fact be more significant to people's sense of themselves in society than the occasional heroic experiences of citizenship like soldiering and demonstrating or the emblematic ones like voting and jury duty.
>
> *(Holston, 2008: 15)*

But these two conceptions deeply differ in their conception of citizenship, and as a consequence, in their empirical focus. Mariot starts from a predefined conception of what citizenship is,[7] and conceives of the absence of visible exterior signs of 'activity' as either consent, submission, or lack of interest, while Isin, with others, conceives of citizenship as a relational process of

subjectification, a contingent and contested institution constantly recreated by political subjects through dissent, as 'always in the making' (Balibar, 2001).

Ordinariness

Developments in citizenship studies in the last two decades have clearly marked a departure from abstract definitions and underlined its essentially fluid and disputed dimensions (see among others Hobson and Lister, 2001; Clarke *et al.* 2014; Staeheli *et al.* 2012; Isin 2009):

> Some current debates revolve around the question of what citizenship 'is'. But like 'democracy', citizenship is not reducible to a single definition; rather it requires and encourages interpretation, thus making the idea both exciting and useful for a wide range of people precisely because its meanings are fluid and flexible.
>
> *(Taylor and Wilson, 2004: 155)*

It flows from such conceptions that citizenship can only be grasped contextually 'in a situation', when it is 'activated'. If such 'situations' are not limited to the ones prescribed and framed by theory or law, they are not (and this is central to this chapter's argument) limited to visible and explicit scenes either. In other words, acts of citizenship can be performed in very discreet ways, through daily experiences, and under less visible guise than is usually considered, through experiences often qualified as 'ordinary'. This raises a central methodological question I will come back to: how can one grasp such discreet, 'low-noise' practices?

But before that, one needs to examine more closely the very notion of 'ordinary/ordinariness', which, like the 'active citizen', presents a complex intermingling of meanings and representations. According to Corcuff, one can distinguish three 'types' of ordinariness: a cognitive one (perception and action schemes that constitute a kind of ordinary background for our activities); a contextual one (what crops up and reproduces itself in daily life; the ordinary is here synonymous with the daily); and ordinary agents contrasted with specialists (Corcuff in Marie *et al.* 2002). This last use of 'ordinary' is indeed often found in political science literature (see for instance Aït Aouda *et al.* 2011), as well as in a growing number of governance schemes. Celebrated for their solid common sense, or their lay knowledge of problems through their daily uses of spaces or services, 'ordinary citizens' are called upon to participate in a whole array of commissions and schemes aiming at democratizing decision-making processes or bettering services.[8] But calling upon and celebrating ordinary citizens can also be analysed as a powerful depoliticization device:

> Ordinary people are seen as a counterbalance to the dangers and 'dirtiness' of politics – they are not contaminated with the corruption, collusion and cynicism of existing politics. […] In the context of these concerns about 'actually existing politics', ordinary people are valorized *because they are not political*. They are seen as occupying positions that are above or below politics: below, because they are seen to be concerned with more 'everyday' issues; above, because they are not engaged in the venal, corrupt or collusive pursuit of power and self-interest in the manner of politicians.
>
> *(Clarke, 2010: 640–2)*

Indeed, and interestingly enough here, the renewed interest in 'ordinary citizens', together (and partly for the same reasons) with that in 'active citizenship', is often connected to the contemporary crisis of representative democracy and to changes in governance (see for instance Marie

et al. 2002; Clarke, 2010). And as the 'active citizen', the ordinary one can be 'enrolled' by very different, or even opposite political projects, and endowed with a variety of qualities or defects; another example of the Janus face of citizenship processes. But in many cases, reference to the adjective 'ordinary' is not really problematized, and it then means 'daily', 'routine', and is used to designate activities which are somehow considered as not pertaining to the realm of 'politics'; to that extent those uses are connected to Clarke's argument about the (supposedly) non-political character of ordinary people, but while he analyses contextual uses aiming at depoliticizing the debate, most literature (sometimes uncritically) tries to explore the political dimensions of 'ordinary' activities. Taylor and Wilson thus argue that:

> ordinary people often engage with the powerful in scenarios that, at first sight, seem to have little to do with the stuff of citizenship (funeral dances, religious sects, marching competitions, school gardens) yet in politicized context these activities have a great deal to do with the nitty-gritty negotiations of power, reckoning up of political deals, exercise of political agency, declaration and redefinition of 'belonging' and, therefore, the very fabric of citizenship.
>
> *(Taylor and Wilson, 2004: 157)*

Yet in line with Corcuff's distinction between different realms of the ordinary, but adding another dimension are a number of authors who underline the etymological connection between the 'ordinary' and the rule; Favre underlines that as a noun '*ordinaire'* refers to 'repeated moments or practices in institutions where a power is exercised on the individual: it has to be remembered, the "ordinary" is here linked to hierarchised social orders, the church and the army' (Favre in Marie *et al.* 2002: 277); and for Staeheli *et al.*:

> Ordinary is often taken to mean standard, routine, or average, but its etymology refers to the Latin word for order, including social and legal order. We use the broader meaning of ordinary to highlight the ways in which citizenship is simultaneously constituted through encounters with law and daily life. […] Ordinariness thus fuses legal structures, normative orders, and the practices and experiences of individuals, social groups and communities, making citizenship both a general category and a contingent resource for political life.
>
> *(Staeheli et al. 2012: 630–1)*

As can be seen from this brief discussion, ordinariness is not a straightforward category; it can be used in many different ways and sustain a variety of approaches. What is more, whether it is used in common conversation, mobilized in public policy, or critically discussed as a category for social sciences, the reference to the ordinary should also be understood contextually. Indeed in certain contexts or depending on who acts, any given activity can be ordinary or not;[9] even in very 'extraordinary' moments, such as revolutions, there can be ordinary moments too. And as Joseph usefully reminds us: 'On the street, the unexpected is not opposed to the ordinary, it is on the contrary its routine' (Joseph in Marie *et al.* 2002: 98).

The 'ordinary' here will be approached as the way through which members of a society produce, in the lived world, an understanding of their universe and endow it with meaning (Pharo, 1985); it can thus allow for highlighting the competences anyone draws from its daily experiences, competences to perceive, practise, and formulate judgements on the 'vivre-ensemble' and the common good, especially outside or at the margins of practices and sites 'branded' by classical approaches to citizenship. So here, the ordinary will be used as a tool to include in the frame that which usually does not have access to *visibility*, neither for policies nor often from researchers, those 'feeble signals' of citizenship (Carrel and Neveu, 2014).

Empirically exploring feeble signals

As has been said earlier, there is now a huge social science literature exploring the discreet, 'ordinary' processes through which people 'become political' (Isin, 2002, 2009). Boudreau *et al.* have thus analysed how Latina women with no such previous experience finally ended up joining the US marches against immigration reform in Los Angeles, and explored the continuities between daily experiences of the city and political events (Boudreau *et al.* 2009).

But exploring the political and citizenship 'in the ordinary' does carry some methodological difficulties and necessities. The first one is certainly the time span required; in her research, Overney spent ten years following and observing a group of residents in Lyons. She was thus able not only to locate the 'feeble signals' of 'low-noise' practices, but above all to grasp the meanings people endow them with and their accumulation over time (Overney in Carrel and Neveu, 2014). While not necessarily requiring such a long time span, empirically grounding the analysis of 'low-noise' practices and acts does need time. After having explored citizenship processes in mostly 'branded' spaces and sites (neighbourhood committees, local volunteer groups, i.e. places where 'active'/'activist' citizens usually gather), I am myself engaged in long-term fieldwork at a community centre (*centre social*) in a small city in France. This *centre social* has been selected because of its banality[10] and understanding how processes of 'becoming political' can emerge through such routine activities as social gatherings held once a week or how training young people for childcare cannot be done within a few weeks, nor can it be grasped solely by interviews.

'Tracking' ordinary citizenship might also require some sort of 'cultural intimacy' (Herzfeld, 2005). In his research on figures of citizenship in a secular scout group[11] Vanhoenacker shows how his own training as an *éclaireur* made him aware that 'citizenship' was a central notion for the group, even though it was never mentioned or hardly referred to in its daily activities. Literally 'scouting' to identify the feeble marks and follow the tenuous trails of this 'ordinary citizenship', his complete participation in the local group allowed him to locate *in situ* references to, and uses of, citizenship without delimiting a priori its sites or times of occurrence:

> Such an ethnographic approach of citizenship is interesting precisely in that it does not presuppose its architecture: it is not about assuming the citizenly character of volunteering or of a certain relationship to authority or the public good, but on the contrary about letting these relations [of citizenship] spread themselves through the intersubjective relations that exist within the group.
>
> *(Vanhoenacker, in Carrel and Neveu, 2014)*

Apart from these useful insights on the effects of such 'cultural intimacy', this research opens up another relevant field for the current discussion. Following the 'trail' of citizenship through a multi-sited ethnography (within the local group and the national headquarters), Vanhoenacker progressively realized that the 'ordinary citizenship' his own experience told him was so central to the EEDF (*Éclaireuses et Éclaireurs de France*, the French guide and scout association), was indeed not so 'ordinary'. 'Citizenship talk' (Clarke, 2010) within the EEDF is in fact a tool adults use both to (re)present the secular scout movement to public authorities and as a means to (try and) control the 'youth societies' the local groups are thus enacting the paradox of the 'education of the sovereign': 'follow me and you will be autonomous'; once again, Janus shows his disciplinary/empowering faces.

If an in-depth, prolonged, and sometimes multi-sited fieldwork is necessary to locate and understand 'low-noise' acts of citizenship or less visible (or rendered invisible) ways of 'being political', it is also because citizenship (in the processual and fluid conception adopted here)

has strong connections with vigilance and care: 'As a "constraint to follow up things", vigilance is close to citizenship (Chateauraynaud, 1999)' (Overney in Carrel and Neveu, 2014). In her research on a group of people involved in their neighbourhood in Lyons, she considers that:

> If one intends to take seriously this involvement for and in the neighbourhood, vigilance would belong to a "small politics": the issues about which the GTI [the name of the group] warn are in priority and in their majority those taking place in La Duchère [the name of the neighbourhood] or that matter to it. The public critics carried by participants relies on small resources, those "arts of doing" (De Certeau, 1990) forged along their usual, actual and singular attachments to places, by a very close view on the issues. But observation shows these should not too quickly be stripped of political scope. The way inhabitants apprehend and "journey" through the neighbourhood, how they enquire after issues that concern them, must be paid full attention […] The aim is to describe these experiences of the neighbourhood that constitute the forms of an ordinary political participation, and thus precise the content of this small politics.
>
> *(Overney in Carrel and Neveu, 2014)*

Yet such attention paid to daily and discreet vigilance and care practices, and to the acts that follow them, requires taking some distance with citizenship conceived as a view from afar, a generalized standing point, or as purely individual; in other words, to decentre citizenship from its taken-for-granted meta-narratives (see Clarke *et al.* 2014), and especially the liberal one that still dominates much research and theorization on it. This is also what Staeheli *et al.* underline:

> The concept of ordinary allows us to consider values and rationalities beyond those generally associated with liberal democracy, that are mobilized in political debate and contestation, and that are enacted in the everyday. Situating citizenship in daily life allows other rationalities and other values to enter politics as legitimate and normal, such as values of care, mutuality, love, respect, and other-regardingness.
>
> *(Staeheli et al. 2012: 630)*

This is no doubt a central issue, both in conceptual and methodological terms: exploring 'ordinary' low-noise acts of citizenship requires including in the frame attachments, feelings, and emotions, and sensitive relationships to sites and people. It thus requires considering citizens and citizenship, as practised and lived, as anything but unencumbered (ibid: 637). To that extent, attention, care, and vigilance as daily, routine acts of citizenship also question the notion that in order to be 'good citizens' political subjects should 'look after their own affairs' instead of worrying about the common ones, and complicate simplistic visions according to which contemporary processes of individuation would mean a growing indifference and a lack of solidarity and concern (Ion, 2008). As Isin and Nielsen stress:

> [Nielsen's chapter] demonstrates how ordinary acts of citizenship emerge, breaking with assumed civic norms and habits. An alternative approach to citizenship studies focuses on acts that challenge the non-participatory stance assumed when we travel under the assumption that we live together not across difference but also out of a much-needed indifference.
>
> *(Isin and Nielsen, 2008: 9)*

'Participation' then (and this is also an important issue for empirical research) should not be looked for only in the sites that public institutions brand as 'dedicated' to it (neighbourhood

committees, users' commissions, or public debate devices), nor only in the explicit and visible moments of its collective and public expression (demonstrations or mobilizations); but also in mundane practices of being and talking together about common concerns, taking the bus daily, and thus discovering social and spatial segregation in the city and sharing this experience with other passengers (Boudreau *et al.* 2009), challenging public norms and habits (Holston, 2008); all 'these sorts of small actions, challenges, and the experiments to which they give rise can lead to varied forms of contact and engagement that hold the potential to nudge established patterns of control and authority and to anticipate new political acts' (Staeheli *et al.* 2012: 630).

To that extent, the search for acts of citizenship within the ordinary should also include exploring citizenship *practices* (in the meaning given to this word by Isin). Indeed as conforming, banal, and compliant as they might seem, they can also be subverted and endowed with dissenting meanings and representations. In a very stimulating piece of research on voting in India, Banerjee uncovers how voting can be grasped as an *act*, and not just a practice, of citizenship. She shows that low-caste villagers in Bengal vote in very large numbers not because they consider this will change their daily living conditions, or because they trust in corrupt politicians seeking their vote. They do so because it is one of the few occasions they have to actually feel the equality of all citizens (one person, one vote) in an otherwise highly unequal society, and because they can sensitively experiment with this equality while queuing for hours at the polling station with voters of all castes (Banerjee, 2012).

What has been pleaded for in this chapter is an approach to citizenship processes and acts that would pay close attention to their groundings in 'ordinariness'. The issue is not one of getting lost in the analysis of minuscule interactions in daily life that would lose sight of the wider scenes and contexts in which people act and struggle;[12] nor is it one of praising the 'ordinary' as more vital to citizenship processes than their more exceptional and/or visible expressions. What has been argued for is the need not to contribute further to rendering invisible certain types of acts such as 'banal' and discreet vigilance, worry, and care for sites, people and relationships. Including such sensitive, creative, subversive and (sometimes) 'ordinary' dimensions in the analysis implies both distancing oneself from the dominant liberal meta-narrative on citizenship, and using methodological tools adapted to such a standpoint.

What still has to be explored in depth are issues of continuities and ruptures, the conditions of circulations between the different scenes of citizenship acts (discreet, feeble, tenuous and public, vocal), and how thresholds can be passed, how, why and when such trespassing become irreversible by changing so deeply the context and aspirations that no return to the previous ones could be envisioned.

Notes

1 Especially during the French Revolution, when only propertied and tax-paying male individuals were considered 'active citizens'.
2 This Janus dimension of citizenship can also be observed in such practices as voting; Déloye thus showed how educating (future) voters in the French Republican school of the early twentieth centry also implied teaching them that going on strike was not a 'relevant' choice for (good) citizens; see Déloye, 1994.
3 Such a conception attributes to 'margins' precisely a marginal status, the really sociologically and politically relevant processes being those taking place within the numerical majority; for a discussion of, and references for, this view of 'margins' and centre, see among others Neveu 2013.
4 Indeed what is here described as 'practices' and 'acts' could be considered as belonging respectively to the 'disciplinary' and 'empowerment' sides of citizenship referred to above.
5 Newman and Tonkiens stress the need for detailed empirical research to grasp the meanings of 'active citizenship' in different contexts (2011: 11); as they also underline (ibid: 19) such a contextualization

should be extended to the reading of social science literature, since the 'qualities' attributed to active citizens also depend on who the authors are 'discussing' with, i.e. the context of their research. Thus Mariot is engaged in a critical discussion with certain sectors of French political science, while Isin's theorization of acts might also be connected to the fact that 'citizenship' is often reduced in English-language literature to a formal status (and considered as identical to nationality).

6 As for the 'active citizen' in Newman and Tonkiens, the aim is first of all to empirically understand what this term means and refers to in context; such an approach is thus in line with Isin's proposal to pay attention to 'what is called citizenship' instead of defining it abstractly.

7 As well as from a disputable notion that what theory says does actually exist in reality; see Neveu 2013.

8 But again, such a 'category' is more complex than this 'simple' contrast between lay people and specialists; thus certain analysts consider that those participating in such commissions and schemes cannot be defined as 'ordinary citizens', precisely because they are 'active' and thus not 'really' ordinary (Mariot, 2010).

9 Thus Jobard underlines that beating up demonstrators can be very ordinary for riot police, while being beaten might not be so for demonstrators themselves (quoted in Marie *et al*. 2002)

10 i.e. located in a very 'ordinary' neighbourhood with no specific 'problems'. A *centre social* is a neighbourhood facility, usually run by a volunteer group supported by local authorities and public funding, that provides different support for the population such as sports and cultural activities, childcare, as well as informal meeting spaces.

11 *Eclaireuses et Eclaireurs de France* (EEDF), the French guide and scout accociation was created in France in 1911. See Vanhoenacker, 2011 and 2013.

12 A tendency that can be found in *certain* pragmatist approaches; and pragmatic sociology tends to occupy a significant part of the research on citizenship and participation in France.

References

Aït Aouda, M., Bennani-Chraïbi, M., and Contamin, J.-G. (2011) 'Indicateurs et vecteurs de la politisation des individus: les vertus heuristiques du croisement des regards', *Critique internationale*, 1(50): 9–20.

Balibar, E. (2001), *Nous, citoyens d'Europe? Les frontières, l'État, le peuple*, Paris: La Découverte.

Banerjee, M. (2012) 'Why India votes? Lessons from an anthropological perspective', communication for the workshop *L'anthropologie et le politique: pratiques et enjeux de pouvoir à l'ère de la globalisation*, Musée du quai Branly, Paris: 29 March.

Boudreau, J.-A., with Boucher, N. and Liguori, M. (2009) 'Taking the bus daily and demonstrating on Sunday: reflections on the formation of political subjectivity in an urban world', *City*, 13(2–3): 336–46.

Carrel, M. and Neveu, C. (eds.) (2014) *Citoyennetés ordinaires: ce que l'enquête empirique fait aux représentations de la citoyenneté*, Paris: Karthala.

Chateauraynaud, F. and Torny, D. (1999) *Les sombres précurseurs: une sociologie pragmatique de l'alerte et du risque*, Paris: EHESS.

Clarke, J. (2009), 'Parler de citoyenneté: discours gouvernementaux et vernaculaires', *Anthropologie et Sociétés*, 33(2): 43–62.

Clarke, J. (2010), 'Enrolling ordinary people: governmental strategies and the avoidance of politics?', *Citizenship Studies* 14(6): 637–50.

Clarke, J., Newman, J., Smith, N., Vidler, E., and Westmarland, L. (2007) *Creating citizen-consumers: changing publics and changing public services*, London: Sage.

Clarke, J., Coll, K., Dagnino, E., and Neveu, C. (2014) *Disputing citizenship*, London: Policy Press.

Dagnino, E. (2007) 'Participation, citizenship and democracy. Perverse confluence and displacement of meanings', in C. Neveu (ed.), *Cultures et pratiques participatives: perspectives comparatives*, Paris: L'Harmattan, 353–70.

Déloye, Y. (1994) *École et citoyenneté. L'individualisme républicain de Jules Ferry à Vichy: controverses*, Paris: Presses de la FNSP.

Herzfeld, M. (2005) *Cultural intimacy: social poetics in the nation-state*, New York: Routledge.

Hobson, B. and Lister, R. (2001) 'Keyword: Citizenship', in J. Lewis, B. Hobson, and B. Siim (eds.), *Contested concepts; gender and social politics*, London: Edward Elgar.

Holston, J. (2008) *Insurgent citizenship: disjunctions of democracy and modernity in Brazil*, Princeton: Princeton University Press.

Ion, J. (2008) 'Engagements publics et citoyennetés: quelques clés d'analyse sur les transformations de la citoyenneté' in A. Belbahri (ed.), *Les enjeux de la reconnaissance des minorités: les figures du respect*, Paris: L'Harmattan, 21–32.

Isin, E. (2002) *Being political: genealogies of citizenship*, Minneapolis, MN: University of Minnesota Press.
Isin, E. (2008) 'Theorizing acts of citizenship', in: E. Isin and G. Nielsen (eds.) *Acts of citizenship*, London: Zed Books.
Isin, E. (2009) 'Citizenship in flux: the figure of the activist citizen', *Subjectivities* 29, 367–88.
Isin, E.F. and Nielsen, G.M. (eds.) (2008) Acts of Citizenship, London: Zed Books.
Marie, J.-L., Dujardin, P., and Balme, R. (eds.) (2002) *L'ordinaire: modes d'accès et pertinence pour les sciences sociales et humaines*, Paris: L'Harmattan.
Mariot, N. (2010) 'Pourquoi il n'existe pas d'ethnographie de la citoyenneté', *Politix*, 4(92): 165–94.
Neveu, C. (2011a) 'Just being an "active citizen"? Categorisation processes and meanings of citizenship in France', in Newman and Tonkiens (2011), 147–60.
Neveu, C. (2011b) 'Habitants, citoyens: interroger les catégories', in M.-H. Bacqué, and Y. Sintomer (eds.), *La démocratie participative: histoires et généalogies*, Paris: La Découverte: 39–50.
Neveu, C. (2013) '"E pur si muove" ou comment saisir empiriquement les processus de citoyenneté', *Politix* 26(103): 205–222.
Newman, J. and Tonkiens, E. (eds.) (2011) *Active citizenship: responsibility, participation and choice*, Amsterdam: Amsterdam University Press.
Pharo, P. (1985) *Le civisme ordinaire*, Paris: Librairie des Méridiens – Klincksieck.
Staeheli, L., Ehrkamp, P., Leitner, H., and Nagel, C. (2012) 'Dreaming the ordinary: daily life and the complex geographies of citizenship', *Progress in Human Geography*, 36(5): 628–44.
Taylor, L. and Wilson, F. (2004) 'The messiness of everyday life: exploring key themes in Latin American citizenship studies. Introduction', *Bulletin of Latin American Research*, 23(2): 154–64.
Vanhoenacker, M. (2011) 'Education in a French secular group of scouts: a site to study tensions over citizenship', *Citizenship Studies*, 15(8): 1047–59.
Vanhoenacker, M. (2014) 'Suivre la trace de la citoyenneté dans le scoutisme laïque des éclés', in Carrel and Neveu (2013).

7

Sexual citizenship and cultural imperialism

Leticia Sabsay

It would be enough to rapidly scan the global media, or briefly surf through transnational alternative journalist networks, to see that almost on a daily basis we are confronted with an infinite puzzle of news concerned with sexual battles across the globe. From the successive SlutWalk marches against sexual assault that have taken place in several cities since 2011 or the Pussy Riot imprisonment in 2012, to the campaign to restrict abortion in Spain, and the gay rights march lead by Mariela Castro in Cuba in 2013, in fact, the list could be endless. If we look at the contemporary global scene, the question then arises: how can we understand the conflicts over difference, culture, race, hegemonies, and power that these sexual struggles pose? What do these sexual battles tell us about sexual citizenship on a global scale? How can we give an account of the extreme heterogeneity of sites, genealogies, meanings, struggles, and trajectories where rights concerning our sexual lives are put at stake? To what extent do they point to the emergence of sexual citizenship understood as a paradigm as it has been circulating internationally, and how does this paradigm affect what counts as sexual freedom and justice?

Before we consider these questions, let us first have a look at some of the major news events of the first months of 2013. In late March of that year, Facebook and other social networks, including bloggers and Internet media from around world, were the site of a heated debate on how certain discourses on gender and Lesbian, Gay, Bisexual and Transgender (LGBT) rights have become the occasion for the promotion of Islamophobia. The controversy began when a call to speak up in defence of Amina Tyler, an activist from Tunisia who was allegedly threatened with death by stoning for posting a topless picture of herself, went viral on the Internet. This gave rise to a subsequent viral thread of posts and blogs condemning Islam/Arabs/Muslims (the confusion with these terms is part of the Islamophobic machine) for their disrespect for women's freedom and equality, which is already a contested issue given the heterogeneous positions in this regard among many different Muslim groups, Muslim feminists, and queers amongst them. The case also opened the way for activists from Femen, a global feminist protest movement that originated in Ukraine in 2008, to initiate an overtly Islamophobic campaign along with extensive broadcasting of blatantly Islamophobic discourses, which, in an all-inclusive move, simply treated 'Islam' as a fanatic monolithic movement characterized by its antidemocratic, fundamentalist, and sexist and heterosexist attitudes.[1]

The controversial picture of Amina was posted on Femen's Tunisian Facebook page. Making naked breasts public has been part of Femen politics for some time and this was not the first time that this has generated an adverse reaction.[2] When attempting to hold a topless protest in Brussels where the Russia–EU summit was taking place, Ukraine's Femen activists were arrested by the Belgian police on 21 December 2012, the EUbusiness news portal reported.[3] This would not be the first time Femen activists would face this fate, nor would it be the only site where they were arrested. About two months before Amina Tyler's case, on 13 January 2013, four activists staged a topless protest for gay rights at the Vatican, as Pope Benedict XVI was reciting his prayers. According to the Agi news agency: 'The activists, with slogans "In Gay We Trust" painted on their backs, staged the protest in the centre of St. Peter's Square and so they were detained by Vatican police'.[4]

The official position of the Roman Catholic Church against homosexuality is widely known. Hence, the minimal attention that mainstream global media paid to the fact that the newly elected Pope was the man who launched 'a war of God' against the movement in favour of gay marriage in Argentina, where same-sex marriage has been legal since 2010.[5] A few days after Francesco – the controversial Argentine Jesuit – became the new Pope of the Roman Catholic Church, a gay couple in Buenos Aires were brutally beaten at a private party for 'showing off' their gayness in front of others. The aggressor, one of the guests at the party (an upper-class gathering taking place in a posh suburban area of the city), argued that 'now that we have an Argentine Pope, there cannot be (openly declared) fags in Argentina'.[6] This is also the country that was in the spotlight of the international media for sanctioning one of the most progressive gender identity laws in the world in 2012.

As for trans issues in Latin America, in July 2012 the Ecuadorian Confederation of Trans and Intersex Communities launched a challenging campaign, 'My gender in my ID card', demanding that ID cards should state the gender with which a person identifies regardless of their assigned gender at birth. This campaign has accompanied the Project to Reform the Civil Registry Law, which was presented to the Ecuadorian Government in March 2013.[7] One of the most salient conservative arguments against this demand was that this would work as a shortcut for gay people to be able to get married – so that if, for instance, two women want to get married, having one of them classified as male in her ID will entitle them to do so as if they were heterosexuals – and in so doing, the argument goes, they would be able to defraud the state in order to gain access to taxation discounts and benefits. The differential distribution of suspicion regarding the motives or personal reasons why people get married is outrageous, and of course not limited to Ecuadorians; this is the default logic when it comes to gay and lesbian couples applying for family reunification within the EU. They will be suspected (and even more so if one of the partners happens to be bisexual) and investigated in ways that most heterosexual couples probably will not.[8]

With the UK Government presenting the Marriage (Same Sex Couples) Bill 2012–13 to Parliament on 24 January 2013, same-sex marriage became a key issue in the inauguration of the winter/spring global media 'sexual rights' season that year. At that moment, the bill had two readings with a third to come and there was widespread consensus in the UK about the need to pass this Act. But in the meantime, the US was exposed, once again, for its more than contradictory position when it comes to gay politics, with the Supreme Court about to rule on the constitutional legitimacy of Proposition 8, the bill that California passed on gay marriage in 2008, and for which an injunction was issued in 2010. The US brands itself as *the name* for freedom, it prides itself on its supposed vocation for tolerance, and so claims to welcome sexual diversity; and it does so to some extent when it comes to popular culture, although mostly in a homonormative fashion, that is, it presents a normalized version of gay and lesbian identities and

lives according to hegemonic heterosexual standards (e.g. *Modern Family*, *The New Normal*).[9] In terms of consumption, some market trends also give a warm welcome to sexual diversity whenever profit makes it convenient; there is no doubt that the pink economy has been a thriving niche for decades now. However, when it comes to legal recognition, things become much less clear. With France also discussing a gay-marriage bill that same year, 2013 witnessed a return to questions within the LGBT and Queer social movements regarding what a democratic LGBT agenda should be, and to what extent same-sex marriage represents the culmination of a long, steady journey towards sexual justice.

As we can see from the above examples, the list of news items where sexual matters figure as a struggle for sexual rights is seemingly endless, and this is quite apart from the myriad of stories that do not make it into the globalized media, let alone those that escape our attention because of language boundaries. At the same time, we can appreciate the cross-cultural and cross-national contexts in which these scenes evolve and make sense. How can we make sense of the resonances that might be found among these struggles despite their significant differences and particularities? Is this somehow chaotic mosaic of scenes revolving around sexual struggles an expression of the expansion of the paradigm of sexual citizenship on a global scale? Maybe 'global' is far too big a scale to think about. Maybe sexual citizenship is far too big a domain to think about as well. And yet, almost everywhere we can find social movements making claims driven by principles of sexual rights, along with civil organizations and international human rights organizations aiding the development of local and trans-local sexual politics, and 'raising awareness' of the need to achieve key sexual liberties.

In different ways, the mosaic points to the entanglement of at least three already extremely complex topics, from both a historical and a theoretical point of view: citizenship, sexuality, and rights. This chapter analyses some aspects of this recent entanglement within the context of the emergence of the sexual citizen. In doing so, the aim of the chapter is to map some of the challenges and predicaments that the paradigm of sexual citizenship might be posing for progressive and radical sexual politics when considered on a global scale.

What do we mean when we talk about sexual citizenship?

The notion of sexual citizenship is not a clear-cut concept, nor does it respond to a normative definition. Sexual citizenship rather refers to a field of meanings that started to emerge and has continued to grow since political and academic debates opened up questions about the possibility and the implications of starting 'to view sexualities through the lens of citizenship' (Bell and Binnie 2000: 1). In general terms, it evokes those sexual politics that articulate the sexual claims of sexual dissidents – mainly LGBT collectives – in the language of rights. It also designates the field of sexual policies directed towards so-called sexual minorities, which could be understood as a process of sexual governmentalization.[10]

But when, where, and how did sexual politics start to cut across the language of rights and subsequently give rise to debates over the implications of this entanglement? Trying to outline the field of meanings of sexual citizenship is, in fact, telling the story of how certain politics have emerged and been addressed and others have not. There might be nothing that could be called sexual citizenship apart from the actual political and intellectual practices that are enacted in its name. And the stories of these practices may vary enormously around the world. Therefore, to try to give an account of what sexual citizenship might be is, from the very start, a risky task. It might even betray the intention of this author, for it would mean, from the start, choosing one trajectory over others (normally this trajectory tends to be that of the US or the UK, or more generally the Euro-North Atlantic) and reinforcing, from that viewpoint, the authority of

this story over that of the rest of the world. Conversely, one could ask if sexual citizenship is, after all, an invention of the 'West'. In that case, one could define sexual citizenship according to hegemonic 'Western' understandings and proceed to nuance the argument at a later point, indicating how the figure of the sexual citizen has expanded and then assumed different shapes and promoted different practices, meanings, and politics in other places. However, these opposing positions – either there are many sexual citizenships depending on the story we tell, or there is one occidental sexual citizenship that has been exported somewhere outside of this imagined West – only make sense if the stories of colonialism are dismissed. In fact, one cannot think of the contemporary notion of sexual citizenship without taking into account the longer sexual history of colonization and later forms of hybridization and *mestizaje* which are features of the postcolonial condition.

The current translation of sexuality into the language of rights on an international scale has not emerged out of a historical void, and it would be difficult to argue that this process has entailed the mere imposition of a Euro-North Atlantic sexual paradigm onto other worlds, as if at this point in history we could distinguish between pure modern-Western and non-modern-Western sexual identities and politics. Rather, the current globalization of sexuality along with the extension of the language of rights and the reconfiguration of sexual identities that go with it, have been taking place against the backdrop of former processes of sexual colonization. As Joseph Massad has argued, the naturalization of heterosexuality and the subsequent naturalization of the hetero-homo binary on which current sexual politics is based, are embedded in a longer history that started in a prior colonial context (Massad 2007). In a similar manner, Maria Lugones (2007) analyses how the gender system and the heterosexualism that goes with it were introduced in Latin America during colonial times. This fact complicates any linear or univocal account, for the sexual orders of current postcolonial contexts have been configured in the aftermath of different colonial encounters, and while they are not purely other, neither are they based on a univocally colonized understanding of sexuality. For instance, while in most cases homophobic legislation in such contexts has been inherited from colonial rule, current forms of homophobia cannot simply be attributed to the imposition of a foreign system of sexual values, nor can they lead to a nativist version of a vernacular culture charged with intrinsic homophobic views.

It is in the aftermath of this long process of hybridization that current forms of cultural imperialism work. They are articulated, as Edward Saïd might put it, upon 'the interdependence of cultural terrains in which colonizer and colonized co-existed and battled each other through projections as well as rival geographies, narratives, and histories' (Saïd 1994: xx). Following Saïd's reasoning, the question then would be to underscore those articulations of cultural imperialism that continue to strip 'the outlying regions of the world' of any 'integrity worth representing without the West', seizing them according to 'Western' standards, even '*after* decolonization, *after* the massive intellectual, moral, and imaginative overhaul and deconstruction of Western representation of the non-Western world' (Saïd 1994: xix).

How can we interpret the homophobic reactions in Argentina and Ecuador described above if we do not take into account this longer history of colonial encounters while paying attention to the syncretic contemporary new formations of homophobia? From a position convinced of both the purity and the supremacy of so-called Western modern values, this backlash against sexual diversity would be attributed to the 'backwardness' of Latin American societies, portrayed as undeveloped and therefore still subjected to traditionalist (and macho-oriented) views. Against this progressive narrative it should be noted that the Ecuadorian arguments against homosexual relations were for the most part pragmatic and cast in the neoliberal language of the economic responsibilities of the citizens with regard to the State. In the case of Argentina, the aggressor had beaten the gay guests, sending one of them to hospital with major injuries,

because they were dancing and kissing at a party at a moment when 'Argentina's decency' was in the international spotlight. According to the aggressor, it was precisely now, with the election of an Argentinian Pope, that they should have hidden. The reference to the Pope indicates that the hetero-nationalist sentiment was already prompted as a result of Argentina's contemporary international image, cast in line with international official Catholic standards rather than according to an exclusive vernacular 'criollo' tradition.[11]

Indeed, one of the aspects that complicate the politics of sexual citizenship is that, as Bell and Binnie already argued in 2000, we must consider sexual citizenship as a transnational construct. According to the authors,

> Instances in the politics of trans-national sexual citizenship, such as the 'Europeanization' of human rights law, the regulation of immigration policies or the globalization of sexual identities, ask that we re-evaluate the boundaries of sexual citizenship and rights claims in recognition of the changing shape of the world.
>
> *(2000: 5)*

Sexual citizenship might be considered as a transnational field not only because, from the point of view of states, it is linked to international human rights laws and treaties that bind political institutions at a national level, but also because the political practices that sexual citizenship mobilizes cut across national boundaries, both at the level of civil institutions and activism, and at the level of cultural practices, mass culture, and political discourse. If, following Engin Isin (2008, 2012), we understand citizenship as a myriad of practices that exceed the sphere of state-oriented politics, and conceive it rather as a form of enacting multiple political belongings on the basis of 'the right to claim rights', we may find that sexual citizenship is enacted in manifold ways which could include cultural expressions, activism, and other practices that we might not interpret as 'citizenship-oriented' in the first instance, such as Femen activism or Pussy Riot neo-punk performances. In a similar manner, as the examples with which this chapter opened demonstrated, demands regarding sexual rights are constantly shaped by the overlap of the national, the local, the global, the transnational, the regional, and the trans-local, showing that the state (let alone the nation-state) cannot be the only, or even always the most relevant reference point for analysing the political field that sexual citizenship opens.

And yet, as the field of sexual citizenship has been shaped by the globalization of sexual identities under the guise of the language of rights, it has raised particular concerns in relation to the cultural violence involved in processes of universalization. Indeed, sexual citizenship is a paradigm that conceives sexuality as the inextricable entitlement of every human subject, and this mere assertion already implies a whole set of assumptions about subjectivity, sexuality, and politics, which, I would argue, actually point to a sovereign subject that coincides with the abstract citizen of liberal democracies. For instance, the tension between those who understand sexual rights as a universal goal that should be extended to everybody, regardless of their cultural background, and those who see this process of expansion of the discourse of sexual rights as a form of cultural imperialism, is paramount. This fact raised questions about the cultural loss that might be involved as the price to pay for inclusion in the realm of sexual citizenship both globally and also at a local level. Although sexual citizenship must necessarily be an open concept, since the form it takes depends on the actual demands and movements that give meaning to it, it seems that the concept already bears a set of assumptions about how sexual subjects should be in order to be considered legitimate claimants of sexual rights.

Therefore, despite the fact that the dichotomy between Euro-North Atlantic modern sexualities and their others is based on untenable unified versions of history and treacherous unitarian

subject formations, we are still witnessing the hegemony of Euro-North Atlantic epistemic frameworks for setting the parameters within which the fields of sexuality and politics become intelligible. I would argue that it is precisely this hegemony – translatable into the naturalization and subsequent universalization of the figure of the sovereign citizen-subject belonging to the liberal conception of the political community – that is at the root of the tensions provoked by the globalization of sexual politics under the guise of sexual citizenship. Of course, this hegemony is related to colonial legacies, but it cannot be subsumed under them. Rather, it implies a re-articulation of power relations in the light of a new geopolitical scene.

Interestingly enough, this universalizing trend arose in parallel with the emergence of the politics of recognition and the praise of differences. This coexistence does not indicate a paradoxical situation or a tension between these supposedly opposing positions. On the contrary, as I demonstrate below, it has been precisely through the politics of difference and the multiplication of (sexual, cultural, ethnic, religious) identities, that the liberal constitution of the citizen-subject has expanded. Therefore, in order to grasp the main difficulties of sexual citizenship, taking as a starting point the political uses it actually enables on a transnational scale, we should take into account this combination. To do so, in the following sections I turn my attention to two other entangled trends that shaped the context in which global sexual citizenship has been working: the politics of recognition and the culturalization of citizenship.

The politics of recognition

The common understandings of sexual citizenship at the level of global politics are associated with antidiscrimination ideals, the respect for human rights, principles of tolerance, and a growing consensus about the need to achieve gender and sexual equity and to expand key liberties. These are all valuable ideals, and yet the collectives involved in sexual politics, along with the scholars concerned with sexual matters, have not been unanimous in welcoming the translation of sexual freedom and justice ideals into the language of rights. The politics of sexual citizenship has, from the start, been a controversial subject, with unconditional advocates and fierce critics on each side of the spectrum and many positions in between. Among those who have attempted to reconcile positions on sexual citizenship is Jeffrey Weeks, who welcomed the possibilities opened up by the emergent sexual citizen, without dismissing the radical critique of sexual orders altogether (1998). In a less celebratory fashion, but still acknowledging both its limits and its possibilities, Bell and Binnie expressed their ambivalent position towards its politics, recognizing its power for 'mobilizing (maybe even colonizing) the notion of citizenship with an agenda of sexual politics', while also expressing their preoccupation with the limitations and the costs of such politics, which, according to the authors, necessarily involve a degree of compromise (Bell and Binnie 2000: 2). Along the same lines, Darren Langdridge (2006, 2013) among others also points to the two dimensions of sexual citizenship as a restrictive institution that constrains the kind of sexual claims that can be made in its name while also pointing out that sexual citizenship enables people to fulfil their quest for acceptance and opens paths for legitimating other ways of living gender and sexuality, leading to potential social change.

These arguments arise against the backdrop of one of the most prominent debates that have accompanied the emergence and development of sexual citizenship under the framework of the politics of recognition: the tension between the assimilation of sexual dissidents and social transformation. Do the claims to the right to same-sex marriage, which are espoused by current mainstream sexual politics, imply the domestication of sexual dissidence? Are these politics of inclusion a path to equality or do they assimilate former sexual others to heteronormative understandings of relational, sexual, and affective life? Do they point to a transformation of

social institutions or are they extending the rules of marriage as the most legitimate way for lovers to be associated? The controversy over same-sex marriage is in fact more complex, as it also involves questions regarding the reinforcement of the heterosexualized split between the public and the private domains, the racialized dimension of marriage, the relationship between marriage and private property, and questions regarding class as well as who has access to marriage anyway. But leaving aside these other dimensions, what remains true and is at the core of current mainstream debates is that these positions represent two opposite poles between radical change and transformation on the one hand, and total complicity with current sexual norms on the other. They are sustained in a strict dichotomy between necessary social determination and radical 'agentic' social change.

It is not easy to understand the pervasiveness of this vexed debate when staged in these terms. Michel Foucault dismantled this dichotomy when he developed the idea of regulative and productive power in his *History of sexuality* (1990). And yet, the idea that we could overcome domination by virtue of a sovereign subjectivity capable of knowing and deciding which norms to follow seems to continue to be the rule.

Against this fantasy of sovereign mastery, Foucault argued that there is neither any such thing as absolute freedom, nor any imaginary place in which to exercise it; there is no agency outside power. Furthermore, Foucault would argue that no matter what the imagined radical change is about, it will not bring us any closer to that imagined natural and absolute state of freedom. Rather, it will simply lead us to a new form of regulation – that is, to a new set of norms. Conversely, Foucault also contends that there is no power able to control its effects to the point of determining agency completely (Foucault 1995).[12] On the one hand, what appears to be merely social reproduction or assimilation (gays getting married), in fact transforms that which has apparently been merely reproduced (the institution of marriage). On the other hand, that which appears to be radically opposed to current norms (BDSM subcultures)[13] is actually in dialogue with them (even regulated by them) and is more dependent on them than might be expected at first sight (see Langdridge 2006, Woltersdorff 2011).

Furthermore, such sovereign mastery over the norms that regulate us would be undone by what, following Judith Butler, can be understood as the iterability of the political meaning of such norms (Butler 1993). We cannot adjudicate a fixed political meaning to a practice without referring it to a broader constellation that includes its history and the impact of actual 'glocal' contexts. What might appear to be assimilation in one spatial-temporal location could have a different transformative value in another. In this sense, the fact that the politics of sexual citizenship are framed by globalization further complicates the picture. For instance, the political meaning of same-sex marriage in the US might not have the same resonances as it has in France, where it was at the centre of public attention after a bill for same-sex marriage was put under discussion in the first months of 2013, provoking mass homophobic demonstrations and violent reactions on the part of far-right movements.[14] Further, it might not even have the same political value for different groups within the same political community, so that for instance, for some activists such as the French group Les Indigènes de la République, the gay marriage agenda not only implies a trend towards normalization but also, and more significantly, the imposition of a white way of behaving as gay onto racialized queer French communities.[15]

In the US, the return of gay marriage to the news opened the debate about the link between gay marriage and demands for equality (be it the treatment of LGBT people as equals, namely extending the (not so) universal right to marriage to LG people, or the more vexed controversy among queers as to whether gay marriage is only of interest to a normative white gay elite). In this context, the BBC World Service addressed the issue in its *Boston Calling* Programme of 31 March 2013. The approach the programme chose for bringing US gay marriage news into the

global arena was: what do US migrants think about same-sex marriage? When the presenter of the programme asked 'migrants who come from places that enjoy far less freedom than us' about their opinions, the migrants seemed to consider same-sex marriage as representing the American brand of freedom. While for LGB advocates of gay marriage in the US, such as Lambda, this was an issue primarily related to equality, for the migrants, it reflected a search for freedom, full stop.

The second controversial aspect I would like to refer to bears on the problematization of sexual identities. The debate about the limits of the politics of recognition with regard to sexual identifications has been extensive. In part, the queer movement emerged in the US as a reaction to this politics, not only questioning the shift from a politics of social transformation to a politics of inclusion, but also disputing its identitarian logic.[16] And again, the question of the exclusionary logics of identity, together with its regulatory dimension, has assumed a different and far more complicated character when assessed across cultural contexts. In this regard, it has been widely argued that one of the main problems of the politics of sexual recognition is that it had been framed by the globalization of sexual identities according to the Euro-North Atlantic models (Binnie 2004, Eng, Halberstam and Muñoz 2005, Lugones 2007, Massad 2007, Thomas 2007, Haritaworn 2012). As Houria Bouteldja states, the problem arises when white/Western LGBT rights movements mobilize an identity politics that is based on the presumption that 'the homosexual political identity' is universal. From this standpoint:

> The goal is therefore to convince non-Whites that they *must* identify as homosexual. This is the choice offered by hegemonic homosexual activism: pride or shame, coming out of the closet … In this discourse, any resistance to LGBT identities is seen as an effort to hide or closet, if not as latent or explicit homophobia. How can this assimilation of sexualities – hetero or homo, hidden or visible – be justified?
>
> *(Bouteldja 2013, n.p.)*

If the path to emancipation within this framework requires everyone to comply with hegemonic LGBT transnational identities, this politics will only lead to assimilationist logics that affect and marginalize racialized subjects.[17] And it affects queers who, independently of being ethnically marked or not, cannot identify with such positions either.

In my view, the multiculturalist responses to humanist universalization of sexual identities remain limited because, while they do multiply the spectrum of available possibilities for sexual identifications according to cultural differences, they do not necessarily challenge the normative field within which such identifications become intelligible, nor would they question the link between sexuality and identity (Sabsay 2013). Concerning the implications that this logic has for conceiving political agency, my contention is that within the politics of recognition, the knowability of our identities – which are assumed to be identifiable – as well as the horizon of sexual claims invested in rights, points to a self-centred subject capable of self-awareness and control built upon the paradigm of transparency (Ferreira Da Silva 2007). I further develop this argument in the next section, while addressing the relationship between rights claims, the recognition of identities at the intersection of sexuality with culture, and the universalization of the sovereign subject.

The culturalization of citizenship

The sexualization of the frontiers of so called Western modernity has emerged in the context of a relatively recent process that has been characterized as the 'culturalization of citizenship', or more broadly, the 'culturalization of politics'. It has been argued that this culturalization of citizenship and politics has led to the depoliticization of differences, by converting political

differences into cultural differences. Conversely, it has also led to the politicization of cultures, that is, the transfiguration of culture into a political battlefield, and the conversion of culture into an object of political battle and governmental power. In this context, sexuality, or rather the political approach to sexuality in different societies, has been culturalized with a new sign as well (Butler 2008, Bracke and Fadil 2012). This process relies on the assumption that the way in which each society regulates the sexual lives of its subjects is a key trait of its culture, indicating the extent to which each culture 'has evolved' in a progressive line towards (liberal) democratic ideals. These are the terms in which the Western civilizational impulse is currently mobilized, enabling the rearticulation of an orientalist scheme that delineates the contours of civilization and its phantasmic other: on the one hand, a sexually progressive, democratic, and tolerant society, and on the other, cultures that are sexually conservative, authoritarian, and intolerant.

This is the context in which the debates about the instrumentalization of sexual politics for the promotion of Islamophobia and neocolonial projects have been taking place. And that is why, the Islamophobic reaction provoked by Amina's case, which included a racist campaign against Islam on the part of Femen activists rather than focusing on the transnational multiple and multilayered configurations of sexism and heterosexism, so easily assumed that this was a cultural problem. Within this framework, an already demonized 'culture' was converted into the emblem of sexism and heterosexism, while sexism and heterosexism were converted into that culture's 'defining signifiers'. In Spanish-speaking contexts, and in the Spanish media in particular (which is especially drawn to picking up on sensationalist West North-African stories), it was even asserted that Amina had been condemned to death by stoning by a Tunisian fatwa, but soon after (or even while it was happening) this outburst of racist judgments was spread all over the Internet, it turned out that it was false, because Amina had been neither legally denounced nor condemned. The Network of Muslim Women in Spain had explained that first of all, there is no death penalty in Tunisia, nor did any fatwa (a legally binding pronouncement) take place in this case; just the misogynistic and sexist declarations of a Tunisian ulema, who, by the way, publicly denied he had gone so far as to say that Amina had to die.[18] In this case, again, some misogynistic declarations became metonymic of the whole Islamic culture understood as a clear-cut monolithic entity.

Questions of cultural imperialism with regard to sexual matters, the intersection between sexual politics and economic justice, race, neocolonial impulses, and secularism, have been centre stage since 9/11, drawing from the context and following the logics of the culturalization of citizenship, arriving at what we could interpret as the culturalization of sexual politics. The question then arises: what are the implications of the sexualization of cultural difference, by means of which the culturalization of sexuality also occurs? How does this entanglement refigure the processes described above about sexual citizenship more generally?

Discussing the context of the culturalization of politics, Wendy Brown (2006) argues that whenever culture – or in this case, sexuality reconceived as sexual culture – is viewed as a right, something more universal, from beyond culture and prior to culture, has already been accepted, and that is the liberal subject form. As Brown states, the language of cultural rights 'implies an ability to isolate … the culture and the individual', and this ability, she concludes, 'rests on an autonomous, pre-cultural, Kantian subject to whom such judgment and assertion is available' (Brown 2006: 168–9). Brown argues that the liberal individual subject is construed as free from culture and, within this framework, culture always appears in the plural and as specific, while the liberal individual subject is conceived as universal, because it is positioned as an ontological foundation of freedom and rationality. Following her argument, one might suggest that in fact, the human (of sexual human rights, for instance) is equated to this liberal subject, and by this displacement the model of Western rationality is universalized. While sexual cultures can never

be universal, the sexual liberal subject is assumed as a universal ontological a priori. The logic by which this occurs is through the configuration of this subject as an ontological fact, prior to any particular culture to which s/he might belong, and also, prior to any gender and sexual culture to which s/he might ascribe.

That is why the alternative to the reduction of the sexual to a monolithic culture – which is always a hegemonic version of it and cannot give an account of its own internal heterogeneity and counter-voices – cannot be to resort to the moral autonomy of an individualized universal subject. From this liberal perspective, the attitudes we might have towards our own sexual way of being and others', becomes a matter of an autonomous relation to values, understood as the product of our rational capacity for deliberation and individual choice. And as we have seen with Brown, this already implies having been co-opted by the cultural imperialism of the liberal subject form. The problem here is not that just of opposing a cultural (or socially determined) version of sexual cultures with an individualist one. Such a liberal version of sexuality understands sexuality as an entitlement (a right) that any and all individuals have, and conceives of sexuality as peripheral to the constitution of the individual and exterior to the subject's core, which is understood as primarily rational and in possession of a free will. In a similar manner, the sort of entanglement between cultural difference and sexuality that leads to multiple cultural diverse sexual identities might be misleading if such a framework envisions both sexuality and culture in this way, for the understanding of sexuality and culture (and their combination) as the entitlements of an abstract sovereign subject is already indebted to a liberal framework that conceives such a subject as an ontological foundation of politics.

Following Brenna Bhandar (2011), one could argue that this ontological subject form, which is entitled to culture or sexuality as their objectified rights, is also indebted to ownership conceived as a paradigm. According to Bhandar, this is 'a subject for whom certain qualities or properties are prefigured as the bounds of intelligibility that are co-emergent with relations of ownership' in such a way that ownership becomes the form in which the 'propertied subject' constitutes itself ontologically as prior to what he or she might possess (2011: 228). Furthermore, revising the rationale of coloniality, Bhandar also shows how this subject is a racialized one.

Indeed, according to Brown, the conversion of culture into a right brought with it the transformation of culture into an object – the objectification of culture – a property that a subject *has*. So, her argument follows, cultural difference can be tolerated only when the subject of culture has accepted becoming a liberal subject who *has* a culture instead of coming to exist in it, that is, a subject who chooses his or her attachment to culture and the way in which s/he might exercise their belonging to it.[19] Therefore, the defence against Islamophobia and liberal classic discourses of fundamental rights beyond cultural difference that does not question the objectification of sexuality and culture as something that a subject *has* would only reinforce the hegemony of the liberal assumptions which are embedded in different positions (classical liberal, pluralist, and multiculturalist), and which form the basis that configures the sovereign subject as an ontological foundation for any politics, including sexual politics.

Conclusion

This chapter highlighted some of the predicaments of sexual citizenship when it is mobilized on a global scale, showing that much of the difficulty with which the paradigm of sexual citizenship is confronted is indebted to the particular entanglement between subjectivity, sexuality, and politics that sexual citizenship enables.

Considering the difficulties faced by sexual citizenship in the light of the globalization of sexuality that forms its context, we have seen that sexual citizenship is already a transnational

construct. In this regard, I contended that although the field of sexual citizenship could not be easily reduced to the univocal and straightforward expansion (and imposition) of mainstream sexual rights agendas onto the rest of the world, it does follow the hegemony of Euro-North Atlantic models. Furthermore, I have argued that it does so in a way that reinforces Western modern political rationality, in that sexuality is converted into a right to which any individual is entitled pointing to a sovereign subject that coincides with the abstract citizen of liberal democracies.

Sexual citizenship on a global scale cannot be considered without linking it to current iterations of cultural imperialism, which, in turn, have sexualized cultural frontiers. In this context, my argument has been that the global expansion of Westernized versions of sexual politics, together with the naturalization of liberal understandings of political subjectivity and agency, should be considered in the context of the politics of recognition and the culturalization of citizenship.

With regard to the politics of recognition, I have suggested that both the tension between claims to inclusion and social transformation, and the tension between cultural difference and assimilation, rely on the figure of a sovereign subject. In the former case, the ideal of sovereignty appears in the form of an agency capable of self-consciousness, autonomy of thought, and the idea that freedom derives from knowledge and reason: knowledge about the conditions to which we are subjected, and reason to decide for ourselves how to relate to those conditions and potentially change them. In the latter case, it is the demand to be recognized according to a knowable identity that exposes an 'aspiration to sovereignty', as understood by Patchen Markell (2003). As the author would put it, within the politics of recognition, political action is based on the mastery and the transparency of who we are, even when the identities at stake are considered fragmented, multiple, and unstable. In effect, the expectation is that recognition will occur at least provisionally, insofar as ongoing changes around us will constantly give rise to new identifications of what is other to us – that is, what we are not – as well as what we are, in a process of continual fixation. Such provisional fixations will make those shifting identities identifiable, privileging the subject's sovereignty over the past and the present against its openness to an unknown relational future (Markell 2003).

In relation to the understanding of sexuality as a cultural trait, that is, as a specific sexual culture within the logics of the culturalization of citizenship, we have seen that through the culturalization of sexuality sexual citizenship remains a liberal construct. If sexual citizenship works with a culturalized notion of sexuality that separates the subject from culture and sexuality, it is doomed to sustain rather than question the defining faculties of the sovereign subject (rational consciousness and free will). It is in this context that, by virtue of the logics of sexual citizenship, subjects are conceived as *having* a sexuality, which remains objectified as a set of rights. To paraphrase Brown's argument, then, subjects can enter the multicultural game of sexuality only on the condition that they abandon their attachment to culture and become liberal subjects who are prior to, and morally autonomous from, the sexuality (or the sexual culture) that they allegedly *have*.

With Brown, I have argued here that the universalization of individualized free will, rationality, and moral autonomy as *the conditions of possibility* of sexual politics within the field of sexual citizenship restrict our ideas of political subjectivity to a specific cultural tradition, namely that of liberalism. This is the problem that certain human rights frameworks and international LGBT organizations are facing, when adhering uncritically to these universalist versions of the subject of politics. But it is also the problem of pluralist and multiculturalist approaches as well, as the multiplication of culturally diverse forms of being sexual is already over-determined by the liberal subject form.

How can one think of a notion of sexual citizenship able to challenge this paradigm? Should one rather abandon the framework of sexual citizenship in search for post-sovereign forms of political subjectivity? Maybe, when considering a sexual politics in opposition to the objectification of culture and sexuality, it might be useful to think of sexuality along the lines of Judith Butler's work, where she argues against the ontology of the sovereign subject (Butler 2005, Butler and Athanasiou 2013). If sexuality could be also understood as the *locus* of our own social dependency, a site that exposes us to our radically relational ontological condition, an experience by which we are reminded of our fate as dispossessed beings, maybe such an understanding would help us to develop notions of sexual freedom and justice that challenge the liberal constructions of the individual and of the Euro-North Atlantic modern tradition that gave rise to it.

Notes

1 Available online at www.huffingtonpost.co.uk/2013/03/22/topless-tunisian-feminist-amina-stoning-death _n_2930611.html (accessed 2 April 2013).
2 Ukraine's radical feminist movement Femen was established in 2008 and devoted mainly to protests on women's and gay and lesbian issues. Later the group made headlines for pro-democracy and anti-corruption protests in Russia, Ukraine, and London.
3 Available online at http://en.rian.ru/world/20121221/178316284.html (accessed 2 April 2013).
4 Available online at www.nydailynews.com/news/world/amina-tyler-supporters-set-topless-jihad-day-april-4-article-1.1301311 (accessed 2 April 2013).
5 Available online at www.huffingtonpost.com/2013/03/15/argentine-gay-pope-francis-war-of-god-against-same-sex-marriage_n_2885596.html (accessed 2 April 2013).
6 Available online at www.infonews.com/2013/03/25/sociedad-67107-agreden-a-joven-gay-con-papa-argentino-no-hay-putos-argentinos.php (accessed 2 April 2013).
7 See www.proyecto-transgenero.org/videos.php (accessed 8 April 2013).
8 See ILGA Report of February 2012, *Europe's Contribution to the Green Paper*, available online at http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2012/pdf/0023/famreun/internationalorganisationssocialpartnersngos/international_lesbian_gay_bisexual_trans_and_intersex_association.pdf (accessed 14 April 2013).
9 Lisa Duggan describes homonormativity as a 'politics that does not contest dominant heteronormative assumptions and institutions but upholds and sustains them while promising the possibility of a demobilized gay constituency and a privatized, depoliticized gay culture anchored in domesticity and consumption' (Duggan 2002: 179).
10 In fact, as has been extensively argued, citizenship has always been gendered and sexualized. In this regard the scholarship concerned with sexual citizenship would also include the critical analysis of citizenship as a heteronormative construct (see Richardson 2000, 2004, Phelan 2001), that is, a construct built upon the presumption that heterosexuality is *the* norm, as within conventional notions of citizenship, heterosexuality is assumed to be the 'normal' standard against which all other sexualities are measured. Even when citizenship is not marked as specifically sexual, citizenship, as an institution, is already sexual as it participates in the multiple processes through which heterosexuality is naturalized.
11 Interestingly enough, while the establishment of the Argentine Catholic Church – the new Pope included – has been publicly despised in Argentina for its complicity with State terrorism and the repressive politics during the last dictatorship, gay activists' first reaction to the reported incident was to ask the government to heighten the repressive measures for those convicted for discriminatory acts, legitimising in this way the very same repressive police apparatus that took part in the disappearing of people, and has been historically involved in the persecution of sexual dissidents, not to mention its homo/lesbo/transphobic ethos. The tensions among different governmental bodies – for instance, between the legislative and the repressive apparatuses – as well as within progressive forces, and in relation to religious institutions, point to a constellation whose complexity would simply remain obscured by the portrayal of Argentina as being a more or less sexually modernized space according to Euro-North Atlantic standards.
12 Judith Butler's performative reading of Foucault also points in this direction: we are habilitated by power *qua* subjects and asked to comply with social norms, but these norms can be transformed (or even subverted) through unexpected forms of repetition, the introduction of new (and contradictory

norms), or the displacement of norms altogether. In Butler's theoretical scheme, the displaced repetition of a norm does not merely reproduce the norm, but transforms it. At the same time, Butler also suggests that any social change comes from the negotiation with existing norms, and – along the lines of Foucault – cannot come from a radical exteriority that has no relation to existing norms, for such an outside does not exist as such. As Butler would suggest, following a Derridean path, this outside would be a power effect by which discursive practices create their own exterior (see Butler 1993, 1997).

13 BDSM is an abbreviated acronym that stands for the three following dyads: B/D for Bondage and Discipline; D/S for Dominance and Submission: and S/M for Sadism and Masochism.

14 This does not mean, however, that each particular context can be assessed in isolation. It is clear, for instance, that the international symbolic value that the legalization of same-sex marriage in the US, the UK, and France would have in these homonationalist times also affects the dynamic of this process at a domestic level.

15 Available online at www.decolonialtranslation.com/english/gay-universalism-homoracialism-and-marriage-for-all.html (accessed 18 April 2013).

16 Since the early 1990s a critical mass of scholarship from the Euro-North Atlantic has questioned the politics of recognition proper to sexual citizenship considering a wide array of domains and implications, such as the limits of identity politics that rely on representational politics of inclusion (Warner 1993), the liberal pluralist form in which sexual politics enter into dialogue with governmental institutions (Cooper 1994), the reduction of public concerns to the legal realm (Berlant 1997), the appeal to sameness and normalization (Warner 2000, Richardson 2004), and the privatization of the sexual sphere along with the advancement of neoliberal logics (Duggan 2003, Richardson 2005). Since then, the field has expanded enormously posing new questions and challenges in the light of changing political moments and geopolitical contexts, today shaped by the sexualization of democratic rhetoric, homonationalist logics (Puar 2007), pinkwashing strategies and racist trends within sexual progressivism (see Douglas, Jivraj and Lamble 2011, Haritaworn 2012).

17 By LGBT hegemonic transnational identities, I refer to the conjuncture of Euro-North Atlantic models of gender and sexual identification that cut across national borders and are encouraged by international organizations.

18 Available online at http://perderelnorte.com/al-islam/pechos-y-fatuas-comunicado-de-red-musulmanas/ (accessed 2 April 2013).

19 Saba Mahmood (2012) makes a similar point in relation to the notion of religious freedom within minority politics, which relies on a liberal conception of the subject of religion – that is, the configuration of subjectivity as split from, and prior to, religion.

References

Bell, D. and Binnie, J. (2000) *The sexual citizen: queer politics and beyond*, Cambridge: Polity.

Berlant, L. (1997) *The queen of America goes to Washington City: essays on sex and citizenship*, Durham, NC: Duke University Press.

Bhandar, B. (2011) 'Plasticity and post-colonial recognition: "owning, knowing and being"', *Law Critique*, 22, 227–49.

Binnie, J. (2004) *The globalization of sexuality*, London: Sage.

Bouteldja, H. (2013) 'Gay universalism, homoracialism and "marriage for all"'. Available online at www.decolonialtranslation.com/english/gay-universalism-homoracialism-and-marriage-for-all.html (accessed 18 April 2013).

Bracke, S. and Fadil, N. (2012) '"Is the headscarf oppressive or emancipatory?" Field notes from the multicultural debate', *Religion and Gender*, 2: 1, 36–56.

Brown, W. (2006) *Regulating aversion. tolerance in the age of identity and empire*, Princeton, NJ: Princeton University Press.

Butler, J. (1993) *Bodies that matter: on the discursive limits of 'sex'*, New York, NY: Routledge.

—— (1997) *The psychic life of power: theories in subjection*, Stanford, CA: Stanford University Press.

—— (2005) *Giving an account of oneself*, New York, NY: Fordham University Press.

—— (2008) 'Sexual politics, torture and secular time', *The British Journal of Sociology*, 59: 1, 1–23.

Butler, J. and Athanasiou, A. (2013) *Dispossession: the performative in the political*, Cambridge: Polity Press.

Cooper, D. (1994) *Sexing the city: lesbian and gay politics within the activist state*, London: Rivers Oram Press.

Douglas, S., Jivraj, S., and Lamble, S. (eds.) (2011) 'Liabilities of anti-racist queer critique', Special Issue of *Feminist Legal Studies* 19: 2, 107–91.

Duggan, L. (2002) 'The new homonormativity: the sexual politics of neoliberalism' in R. Castronovo and D. Nelson (eds.) *Materializing democracy: toward a revitalized cultural politics*, Durham, NC: Duke University Press, 175–93.

—— (2003) *The twilight of equality? neoliberalism, cultural politics and the attack on democracy*, Boston, MA: Beacon Press.

Eng, D., Halberstam, J., and Muñoz, J. E. (eds.) (2005). 'What's queer about queer studies now?', Special Issue of *Social Text*, 23: 3–4.

Ferreira Da Silva, D. (2007) *Toward a global idea of race*, Minneapolis, MN: University of Minnesota Press.

Foucault, M. (1990) *The history of sexuality, vol. i: an introduction*, New York, NY: Vintage Books (Originally published 1976).

—— (1995) *Discipline and punish: the birth of the prison*, New York, NY: Vintage Books (Originally published 1975).

Haritaworn, J. (ed.) (2012) 'Women's rights, gay rights, and anti-Muslim racism in Europe', Special Section in *European Journal of Women Studies*, 19:1, 73–114, and 19:2, 237–52.

Isin, E. (2008) 'Theorizing Acts of Citizenship', in E. Isin and G. Nielsen (eds.) *Acts of citizenship*, London: Zed Books, 15–43.

—— (2012) *Citizens without frontiers*, London: Bloomsbury.

Langdridge, D. (2006) 'Voices from the margins: sadomasochism and sexual citizenship', *Citizenship Studies*, 10:4, 373–89.

—— (forthcoming 2013) 'Gay fathers, gay citizenship: on the power of reproductive futurism and assimilation', *Citizenship Studies*, 17.

Lugones, M. (2007) 'Heterosexualism and the colonial/modern gender system', *Hypatia*, 22:1, 186–209.

Mahmood, S. (2012) 'Religious freedom, the minority question, and geopolitics in the Middle East', *Contemporary Studies in Society and History*, 54: 2, 418–46.

Markell, P. (2003) *Bound by recognition*, Princeton, NJ: Princeton University Press.

Massad, J. (2007) *Desiring Arabs*, Chicago, IL: University of Chicago Press.

Phelan, S. (2001) *Sexual strangers: gays, lesbians and dilemmas of citizenship*, Philadelphia, PA: Temple University Press.

Puar, J. (2007) *Terrorist assemblages: homonationalism in queer times*. Durham, NC: Duke University Press.

Richardson, D. (2000) 'Claiming citizenship? Sexuality, citizenship and lesbian/feminist theory', *Sexualities*, 3:2, 255–72.

—— (2004) 'Locating sexualities: from here to normality', *Sexualities*, 7: 4, 391–411.

—— (2005) 'Desiring sameness? the rise of a neoliberal politics of normalisation', *Antipode. A Radical Journal of Geography*, 37: 3, 515–35.

Sabsay, L. (2013) 'Queering the politics of global sexual rights?', *Studies in Ethnicity and Nationalism*, 13:1, 80–90.

Saïd, E. (1994) *Culture and imperialism*, New York, NY: Vintage Books.

Thomas, G. (2007) *The sexual demon of colonial power: pan-African embodiment and the erotic schemes of empire*, Bloomington, IN: University of Indiana Press.

Warner, M. (1993) *Fear of a queer planet: queer politics and social theory*, Minneapolis, MN: University of Minnesota Press.

—— (2000) *The trouble with normal: sex, politics and the ethics of queer life*, Cambridge, MA: Harvard University Press.

Weeks, J. (1998) 'The sexual citizen', *Theory, Culture & Society*, 15: 3, 35–52.

Woltersdorff, V. (2011) 'Paradoxes of precarious sexualities: sexual subcultures under neo-liberalism', *Cultural Studies*, 25: 2, 164–82.

8

Topologies of citizenship

Kate Hepworth

In March 2008, a hand-drawn image of an American Indian in full headdress appeared throughout Milan on posters emblazoned with the words: 'they suffered immigration, now they live on reservations'. Part of the national campaign for the *Lega Nord* (Northern League), a party that would come to power in April as part of Berlusconi's winning coalition, the poster was less a statement of policy than a polemical vision of an imagined future in which Italians had conceded sovereignty and were forced to live in restricted and controlled areas of their own territory. This poster operated within a national election campaign that was fought – by both major coalitions – on questions of security, migration, and European integration. This campaign continually invoked images of a country under siege from an 'influx' of illegitimate outsiders: '*clandestini*', who circumvent border controls to enter the nation, and 'nomads' from new European Union member states, for whom – it was said – the border no longer existed. In the language of these campaigns, the outsiders were already inside the nation but they were also waiting at its borders.

As invoked in these campaigns, the 'nomad' and the *clandestino* can be considered 'paradigmatic non-citizens'; like the 'illegal immigrant' or the 'asylum seeker' elsewhere, their 'presence on the frontier delimits and defines national space, as [they] license the political and economic asymmetries that prevail within' (Perera, 2007, p. 649). In other words, when imagined at the frontier of the nation, these figures are presented as an absolute outside to citizenship and used to enact a homogenous zone of political belonging that is now under threat. However, this enactment of an enclosed citizenship also produces states that are at once included within and excluded from the political community. These inside-out and outside-in states of citizenship require a topological understanding of the relationship between citizenship and non-citizenship. This topological understanding of citizenship is elaborated in this chapter in relation to two specific modalities of non-citizenship, which correspond to the figures of the *clandestino/a* and the nomad as invoked in the campaign discussed above. These modalities are the 'intimate foreigner' and the 'abject citizen' respectively.

Immanent outsiders and struggles over citizenship

Commonly translated as 'illegal immigrant', the term '*clandestino/a*' is, in the first instance, used to suggest a legal relationship to the state. It refers to those who are deemed to have crossed the

boundaries of the state without authorization, as well as to those who cross with authorization, but who remain once that authorization has expired. However, the term cannot be reduced to a simple legal relationship to the state, as the term is typically engaged in the dramatization and criminalization of particular forms of migration. In fact, Colombo and Sciortino (2003) note that there was an increasing use of this term in Italy from the 1990s onwards, which accompanied a growing tendency for the media and politicians to differentiate between 'legal' and 'clandestine' migrants, rather than between Italians and immigrants (see also Hepworth, forthcoming, 2014). This practice reflects similar situations elsewhere in which the term 'illegal immigrant' is used to frame particular mobile subjects as 'criminal' or 'culpable' subjects, because of the manner in which they crossed the border of the state (Squire, 2011, p. 8).

In order to highlight the ways in which the category of the 'illegal migrant' is deployed as part of broader processes that differentiate between legitimately and illegitimately mobile subjects, a growing body of literature has moved away from this category to instead focus on 'irregularity' (e.g. De Genova and Peutz, 2010; Squire, 2011). In the first instance, the terms 'irregularity' and 'irregular migration' are used so as to not reinforce the linguistic criminalization of migrants through the use of the term 'illegal immigrant'. As these authors note, the use of the term 'illegal immigrant' risks reinforcing the discursive criminalization of particular forms of mobility, even when the intention is to critique that process. By contrast, the use of the term 'irregular' acknowledges that particular movements may be unauthorized by states, while at the same time highlighting the contingencies that underpin the criminalization of unauthorized movement.

In order to highlight these contingencies, and the temporalities of irregularity and regularity, Squire (2011) argues that irregularity should be considered as a 'condition' and not simply as a legal status. She argues that where the term 'illegal migrant' describes a legal relationship to the state established by the state, an understanding of 'irregularity' as a condition introduces a more complex and dynamic understanding of the relationship between states and those who move across their borders with or without authorization:

> If irregularity is a produced condition, it is produced both through the movements and activities of national, international and/or transnational agencies as well as through the movements and activities of migrants and citizens. More accurately, it is a condition that is produced in the interrelation or collision of these heterogeneous movements and activities. Irregularity is not a legal or social status an individual holds, in this sense, but rather it is a condition that migrants and citizens move in and out of depending on whether their movements and activities are targeted for control by national, international and/or transnational agencies. [It is] constituted through political struggle.
>
> *(Squire, 2011, p. 8)*

This understanding of irregularity acknowledges that while 'illegal migration' is typically understood in relation to the territoriality of the nation-state, it may also be produced by non-state actors operating at and beyond the level of the state. For example, while 'illegality' has often been assumed to be produced at the border – in the act of crossing with or without authorization – it is, in fact, also produced beyond and within the borders of the nation-state through various technologies that differentiate and regulate individuals before, during, and after that crossing.

Significantly, this approach does not position 'illegal migrants' as victims subjected to the rules of the state. Instead, it understands unauthorized border crossing and residence within the state as political acts. This has significant implications for citizenship and political belonging, with political subjectivity understood to exceed the domain of the citizen as sovereign subject. It recognizes that non-citizens may negotiate, undermine, intervene, or make claims on

citizenship (Isin, 2013; Isin and Nielsen, 2008); they are able to be political. Here, 'being political' signifies:

> being implicated in strategies and technologies of citizenship as otherness. When social groups succeed in inculcating their own virtues as dominant, citizenship is constituted as an expression and embodiment of those virtues against others who lack them. … Becoming political is that moment when the naturalness of the dominant virtues is called into question and their arbitrariness revealed. … [Throughout history] these acts [have] redefined the ways of being political by developing symbolic, social, cultural, and economic practices that enabled them to constitute themselves as political agents under new terms, taking different positions in the social space than those in which they were previously positioned.
>
> *(Isin, 2002, pp. 275–6)*

These acts challenge the distinction between citizens and non-citizens, producing a range of subject positions that are neither wholly included in nor excluded from the political community (Isin, 2002), and suggests a topological approach to citizenship. The following section elaborates on what a topological approach to citizenship implies, before concluding with two examples of subject positions that are both included within, and excluded from, the political community.

A topological approach to citizenship

In their introduction to a special issue of Theory, Culture and Society entitled *Topologies of Culture*, Lury, Parisi and Terranova (2012) outline the increasing influence that mathematical theories of topology have had on the social sciences. This influence, they argue, can be understood both in terms of a reconfiguration of understandings of the social world, as well as suggesting new modes of intervening in that world; topology, in other words, operates here as both an analytic and as a mode of intervention that fundamentally shifts the organization and experience of the world. Their proposition relies on detailed analysis of the histories of topological thinking and stems in particular from their acknowledgement of different – and often quite divergent – understandings of topology that have emerged within mathematics itself. Of particular relevance to the following discussion of citizenship is the way in which topology redefines our understanding of space and surface, so that they are no longer understood in terms of fixed points with determinate positions, but as dynamic and continuous fields of relations. As Mezzadra and Neilson (2012, p. 60) state, a 'topological approach' emphasizes 'moving beyond the surface of the Euclidian plane and the Cartesian grid to introduce a new spatial thinking that identifies fields of relation rather than discontinuous points and lines'.

Furthermore, a topological approach reframes the function of borders or boundaries. Rather than separating discrete states or spaces existing a priori, topology emphasizes the border's role in constituting those spaces and establishing the quality of the relationship between them. In other words, the spaces or states separated by a border or boundary are not understood to exist prior to the defining of the border, but emerge simultaneously with it. A topological approach emphasizes the proliferation of inside-out and outside-in positions that are produced through the act of delimiting the border. Although borders are used to indicate a clear division between two states or spaces, the practice of defining that border actually results in numerous, seemingly paradoxical positions that may, simultaneously, be both included within, and excluded from, the political community.

Thinking citizenship topologically allows us to think the political subject beyond or outside the figure of the sovereign citizen (Isin, 2013). It allows for a consideration of those modes

of political subjectivity that exceed understandings of the citizen as a sovereign subject with a precise, singular relationship to territory and sovereignty, recognizing that subjects may act politically across multiple domains and spaces beyond the borders of citizenship or territory. Furthermore, this approach acknowledges the diverse modes of subjectivation that emerge from both within and without the political subject, as the subject constitutes itself in relation to itself and to others.

A topological approach to citizenship that understands citizenship as dynamic and emergent does not preclude an analysis of citizenship regimes and their ordering practices (i.e. the topological does not supplant the topographical). Instead, it allows for an understanding of how these orders are continually reproduced, as well as an investigation of the proliferation of subject positions that emerge alongside that order (see also Mezzadra and Neilson, 2008, 2012). The range of inside-out and outside-in subject positions produced through these practices of citizenship has been the subject of a range of literature that has emerged in the last few years, with terms such as 'abject cosmopolitanism' (Nyers, 2005), 'alien citizens' (Ngai, 2004), 'abject citizens' (Hepworth, 2012; Sharkey, 2008), 'graduated citizenship' (Ong, 2006), 'undocumented citizens' (McNevin, 2012), and 'irregular citizenship' (Nyers, 2011). Each of these terms was coined to describe a complex relationship to the political community, either by describing how one may experience citizenship without belonging, or acknowledging the ways in which irregular migrants may claim a political subjectivity irrespective of their lack of legal citizenship status. Furthermore, each of these cases underscores the idea that in thinking of irregularity as a condition it is not enough to consider modes of exclusion; it is also important to consider how this condition operates within processes of 'differential inclusion' (Mezzadra and Neilson, 2008). That is, though irregularity may be presented as a singular state produced through discourses or acts of exclusion, it in fact consists of multiple subjectivities with distinct relationships to the political community.

Finally, with topologies stressing the emergent conditions and the relationship between change or deformation and continuity, it is important to note that connections do not simply mean relationships between already existing objects or positions, but may also include relations to or with non-existent or possible states or objects (Terranova *et al.* 2012, p. 16). This understanding of the nature of relations and connections allows, as will be detailed below, for an expanded understanding of citizenship that goes beyond the spatial (the relationship between inside and outside) to include the temporal. In the cases described below, a temporal understanding of citizenship acknowledges how one's present condition, or the way in which particular subjects experience their relationship to the political community they find themselves within, is intimately tied up with their potential incorporation into, or expulsion from, that community.

The final two sections of this chapter illustrate these modes of differential inclusion through two modalities of non-citizenship: the 'intimate foreigner' and the 'abject citizen'. The 'intimate foreigner' refers here to undocumented domestic workers and describes their relative exclusion from the linguistic criminalization of the *clandestino*. By contrast, the term 'abject citizen' was coined to refer to the ways in which Roma were abjected or expelled from Italian and European citizenship by virtue of their real or perceived nomadism. Here their nomadism was understood as an excessive mobility that not only expelled Roma from sedentary society, but from any form of territorial belonging, most specifically that of the nation-state.

Intimate foreigners

> [My employers] tell me that this law is for the 'bad ones', those of us who work, who are good, we are trapped in the middle.
>
> *(Paola, cited in Hepworth 2014)*

> both employers and migrant domestic workers are looking for '*brave persone*' (decent, good people). 'Being decent' refers to the moral characteristics of the person, especially honesty and trustworthiness, often named by the employers as the most important assets of a domestic worker. This also reveals the personal nature of domestic work. Trustworthiness becomes crucial in this kind of work, as the workplace is a home and the work involves intimate relations with the persons being cared for.
>
> *(Nare, 2009, p. 11)*

The term 'intimate foreigner' was originally coined by Parreñas (2008, p. 109) to suggest how care workers in Italy 'maintain intimate knowledge and deep-seated familiarity with the daily lives of their Italian employers but yet remain outsiders in Italian society'. In this formulation, the care worker is understood as an insider (in the Italian home) and as an outsider (in the Italian nation). This relationship between the care worker's insiderness and outsiderness is more complex than that suggested by this original formation. In the first instance, although care workers may be familiar with the intimate lives of their employers, they are still included in the home as foreign bodies; they are not, as many employers argue, 'one of the family' (Anderson, 2000; Nare, 2009). In the second instance, their presence as 'outsiders' in the nation is mediated by their ongoing, intimate presence in Italian homes. Although many may be present in Italy irregularly, their presence in the home means they resist the criminalization associated with other irregular migrants; their presence in the nation is generally perceived to be legitimate irrespective of their actual legal status.

According to Boris and Parreñas (Boris and Parreñas, 2010, p. 2), intimate labour involves:

> Bodily and psychic intimacy: manipulating genitalia, wiping noses, lifting torsos, and feeding mouths, but also listening, talking, holding, and just being there. The presence of dirt, bodies, and intimacy, however, helps to stigmatize such work and those who perform it.

Furthermore, as Boris and Parreñas (2010, p. 3) go on to argue, intimate labour involves the forging of interdependent relations (however temporary or enduring), even as it requires the 'maintenance of precise social relations between employers and employees or customers and providers'. Intimate labour does not exclude that workers might care *about* those that they are employed to care *for*, even as their relationships are enabled and mediated by an economic exchange (Nare, 2009; Zelizer, 2007).

This intimate relationship between citizen employers and migrant employees became particularly significant in the period following the election campaign discussed at the beginning of the chapter. Following their election, Berlusconi's coalition announced a number of laws targeting 'illegal migration', the most controversial of which was a law making clandestine migration a criminal offence punishable by up to four years in jail. (The penalty was later changed to a fine.) A discussion of the legal significance of this legislation is beyond the scope of this chapter and is detailed elsewhere (Hepworth, forthcoming, 2014). Here it is enough to note that the legislation primarily served a discursive or symbolic function, by emphasizing the distinction between 'illegitimate', 'criminalized', and 'clandestine' or irregular migrants and 'legitimate', legally present, migrants.

However, irregular domestic (and in particular care) workers were not easily reduced to either of these categories. Although irregularly present in the nation, and thus officially a target of the crime of clandestinity, their intimate labour in Italian homes meant that they resisted the symbolic criminalization associated with the figure of the *clandestino/a*. For this reason, a number of politicians argued for an amnesty for domestic workers to be held alongside the promulgation

of the legislation. These debates introduced a third, intermediary category that was neither fully regular nor irregular: the not-yet-regularized (Mastrobuoni, 2009; Melting Pot Europa, 2008). This category avoided the discursive criminalization of undocumented domestic workers by implicitly acknowledging the administrative impediments to lawful entry and regularization. While domestic workers may have been irregularly present in the nation, they were discursively excluded from the category of the *clandestino/a*.

Where the term 'intimate foreigner' imagines the relationship of the irregular domestic worker to the political community spatially – as intimately contained within, but also excluded from that community – the term 'not-yet-regularized' suggests that this relationship is also temporal. Through this second term, the ambivalence of the inside-out spatial relationship is understood in terms of a potential transformation of status (from irregular to regular). Where the *clandestino/a* is – through the crime of clandestinity – imagined by the state in relation to their imagined deportation, the domestic worker was imagined in terms of their potential incorporation into the political community. However, this incorporation is always precarious and contingent; it is only imagined in relation to their employment as domestic workers.

The abject citizen

> Before Romania's EU accession, Rome was the safest capital in the world. We need to repatriate people again; otherwise cities like Rome, Milan, and Turin can't cope with the situation.
>
> *(Veltroni in La Repubblica, 2007)*

The term 'abject citizen' suggests a seemingly paradoxical state in which 'someone can be thrown away, considered worthless, yet still formally be vested with privileges and identity' (Sharkey, 2008, p. 239). The term 'abject citizen' draws on the concept of the 'abject cosmopolitan' coined by Nyers (2003, p. 1075) to describe the ways in which irregular migrants and asylum seekers contest the juridical order of citizenship by making claims of that order through their unauthorized mobility across borders (De Genova and Peutz, 2010, p. 15). In contrast to this 'outside-in' relationship to the political community, the 'abject citizen' begins within the juridical order of citizenship and is then symbolically (or even literally) expelled from that order. Both the abject cosmopolitan and the abject citizen make visible divisions on the basis of legal status or affective belonging to the political community through their (physical and/or symbolic) presence, and their claims to citizenship (through that presence or otherwise) undermine the naturalness of that abjection.

In Italy, the 'nomad' is the paradigmatic example of the 'abject citizen'. There, the term 'nomad' is used to collectively describe a range of gypsy communities (generally Roma or Sinti), irrespective of whether they actually still engage in nomadic practices. In fact, although almost all Roma and Sinti in Italy are sedentary, they are still understood in terms of their '(real, probable, or imagined) nomadism' (Sigona, 2007). In the first instance, the assumption of nomadism serves to symbolically position Roma in opposition to sedentary society. In the second instance, when this assumption was codified in policy, it served to literally expel Roma and Sinti to the peripheral and marginal spaces of the city, to the so-called 'nomad camps' that were established in the 1970s and 1980s for the so-called 'protection' of 'nomadic people' (Brunello, 1996; ERRC, 2000; Hepworth, 2012; OsservAzione, 2008; Piasere, 2008).

In reinforcing assumptions of Roma and Sinti nomadism and in physically relegating them to the marginal spaces of the city, the nomad camp can be considered an 'abject space'. However,

they can also be considered 'abject spaces' in a more narrow sense; as 'spaces in which the intention is to treat people neither as subjects (of discipline) nor objects (of elimination) but as those without presence, without existence, as inexistent beings, not because they don't exist, but because their existence is rendered invisible and inaudible through abject spaces' (Isin and Rygiel, 2007, pp. 183–4). This second, narrower meaning of 'abject space' becomes relevant as we consider the 'abject citizenship' of Romanian Roma living in Italy, who were the second target of the election campaign discussed at the start of this chapter.

That campaign was focused on the arrivals of Romanian Roma into Italy following the dropping of visa requirements for Romanian and Bulgarian citizens at the start of 2007. This gave Romanian and Bulgarian citizens the right, as European citizens, to move and reside freely in any member state of the European Union. The campaign built on and escalated already prevalent anti-Romani rhetoric, grossly overstating the numbers of Romanian Roma in Italy, as well as invoking a flood of Roma yet to come, should entry to Italy not be restricted again. Following the election, the government announced a 'nomad emergency decree', which declared a 'state of emergency with regard to the settlements of nomadic communities'. This decree extended measures introduced just prior to the election campaign to facilitate the deportation of European citizens, as well as setting aside significant funds for the management of authorized and unauthorized 'nomad camps' around Italy.

While the Italian government has argued that their measures facilitating the deportation of European citizens did not explicitly target Roma, and that furthermore, the 'nomad emergency decree' was not racially or ethnically targeted legislation but legislation targeting particular typologies of space, the European Union and numerous scholars have argued otherwise (for a detailed discussion of the legislation, see Hepworth, 2012). In fact, it was the government's own policy of creating 'nomad camps' as the normative model for Roma and Sinti housing that has been used to show how this legislation was, in fact, ethnically targeted and explicitly aimed at curbing Romanian Roma migration to Italy, that is, it was intended to stop Romanian Roma from enacting their European citizenship.

It is important to note that despite the measures to facilitate their deportation, very few Romanian Roma were actually deported under the legislation. Rather than spectacular acts of deportation, the legislation actually induced a more general condition of 'deportability', in which the potential for deportation is lived and experienced as a more general sense of precariousness that affects one's access to the labour market, to housing, and to schooling. Thus, although Romanian Roma were rarely physically expelled – or abjected – from the territory of the nation-state, in inducing a condition of deportability the legislation discursively abjected them from the political community of European citizens, and prevented them from enacting many of the rights associated with membership of that community. Furthermore, through their deportability, Romanian Roma living in encampments in Italy, experience a condition not dissimilar to that of irregularity described above, irrespective of their legal status and right to reside in Italy as European citizens.

Conclusion

This chapter opened with two figures who were presented as absolute outsiders to citizenship: the *clandestino* and the nomad. However, it was argued that the deployment of these figures to enact a homogenous zone of political belonging resulted in a proliferation of subject positions that were neither wholly within nor completely excluded from the political community, such as the 'abject citizen' and the 'intimate foreigner'. These inside-out or outside-in modalities of non- or partial citizenship are modes of political subjectivity beyond citizenship and begin

to indicate what is at stake in thinking of citizenship topologically. In the first instance, they indicate that citizenship is an emergent condition, continually produced through the struggles between those who constitute themselves as members of the political community and those outsiders who make claims to that community. This produces non-citizen subjectivities that can be thought of temporally as well as spatially; it is not just that one's condition or status changes over time, but that the experience of (non-)citizenship in the present is modulated by the potential inclusion in the political community or eventual removal from that territory. More significantly, a topological approach to citizenship recognizes that political subjects may act politically across a number of sovereign and territorial domains, irrespective of their status within those domains. In other words, political subjectivity is dislocated from the figure of the citizen as sovereign subject.

References

Anderson, B. (2000). *Doing the dirty work: the global politics of domestic labour*. London: Zed Books.

Boris, E. and Parreñas, R. S. (2010). *Intimate labors: cultures, technologies, and the politics of care*. Stanford: Stanford University Press.

Brunello, P. (1996). *L'urbanistica del disprezzo: campi rom e la società italiana*. Rome: Manifestolibri.

Colombo, A. and Sciortino, G. (2003). 'The Bossi-Fini law: explicit fanaticism, implicit moderation and poisoned fruits', in J. Blondel and P. Segatti (eds.), *Italian politics: the second Italian government* (pp. 162–79). New York: Berghahn Books.

De Genova, N. and Peutz, N. (eds.). (2010). *The deportation regime: sovereignty, space, and the freedom of movement*. Durham: Duke University Press.

ERRC (2000). *Campland: racial segregation of Roma in Italy*. Country Report Series. Budapest: ERRC.

Hepworth, K. (2012). 'Abject citizens: Italian "nomad emergencies" and the deportability of Romanian Roma', *Citizenship Studies*, 16(3–4), 431–49.

Hepworth, K. (2014). 'Encounters with the clandestino/a and the nomad in Milan: the emplaced and embodied constitution of (non-)citizenship', *Citizenship Studies*, 18(1), 1–18.

Isin, E. (2002). *Being political: genealogies of citizenship*. Minneapolis: University of Minnesota Press.

Isin, E. (2013). *Citizens without frontiers*. London: Bloomsbury Academic.

Isin, E. and Nielsen, G. (2008). *Acts of citizenship*. London: Zed Books.

Isin, E. and Rygiel, K. (2007). 'Abject spaces: frontiers, zones, camps', in E. Dauphinee and C. Masters (eds.), *Logics of biopower and the war on terror* (pp. 181–203). Houndsmill: Palgrave Macmillan.

Lury, C., Parisi, L., and Terranova, T. (2012). 'Introduction: the becoming topological of culture' DOI: 10.1177/0263276412454552. *Theory, Culture & Society*, 29(9), 3–35.

McNevin, A. (2012). 'Undocumented citizens? Shifting grounds of citizenship in Los Angeles', in P. Nyers and K. Rygiel (eds.), *Citizenship, migrant activism and the politics of movement*. Abingdon, Oxon: Routledge.

Mastrobuoni, T. (2009, July 7). 'Quali badanti, è una legge contro le donne italiane', *il Riformista*, p. 2.

Melting Pot Europa (2008, June 25). 'Pacchetto sicurezza – linea dura, ma non per le badanti', *Melting Pot Europa*. Available online at www.meltingpot.org/articolo12728.html.

Mezzadra, S. and Neilson, B. (2008). 'Border as method, or, the multiplication of labor', *EIPCP*. Available online at http://eipcp.net/transversal/0608/mezzadraneilson/en.

Mezzadra, S. and Neilson, B. (2012). Between inclusion and exclusion: on the topology of global space and borders. *Theory, Culture & Society*, 29(4–5), 58–75.

Nare, L. (2009). 'The making of "proper" homes: everyday practices in migrant domestic work in Naples', *Modern Italy*, 14(1), 1–17.

Ngai, M. (2004). *Impossible subjects: illegal aliens and the making of modern America*. Princeton: Princeton University Press.

Nyers, P. (2003). 'Abject cosmopolitanism: the politics of protection in the anti-deportation movement', *Third World Quarterly*, 24(6), 1069–93.

Nyers, P. (2005). *Rethinking refugees beyond states of emergency* (new ed.). Abingdon, Oxon: Routledge.

Nyers, P. (2011). 'Forms of irregular citizenship', in V. Squire (ed.), *The contested politics of mobility: borderzones and irregularity* (pp. 184–98). Abingdon, Oxon: Routledge.

Ong, A. (2006). *Neoliberalism as exception*. Durham: Duke University Press.

OsservAzione (2008). *The 'latest' public enemy: Romanian Roma in Italy: The case studies of Milan, Bologna, Rome and Naples*. Florence: Osservazione. Available online at www.osservazione.org/documenti/OSCE_publicenemy.pdf.

Parreñas, R. S. (2008). 'Perpetually foreign: Filipina migrant domestic workers in Rome', *Migration and domestic work: a European perspective on a global theme* (pp. 99–112). Aldershot: Ashgate.

Perera, S. (2007). 'White shores of longing: "impossible subjects" and the frontiers of citizenship', *Continuum: Journal of Media and Cultural Studies*, 23(5), 647–62.

Piasere, L. (2008). *I Rom d'Europa*. Rome: Laterza.

Repubblica, La (2007, June 30). 'Sicurezza, Veltroni carica i sindaci: "Via ai rimpatri o nessuno ce la fa"', *La Repubblica*. Available online at www.repubblica.it/2007/10/sezioni/cronaca/tor-di-quinto/veltroni-sindaci/veltroni-sindaci.html.

Sharkey, A. (2008). 'Abject citizenship: rethinking exclusion and inclusion: participation, criminality and community in a small town youth centre', *Children's Geographies*, 6(3), 239–56.

Sigona, N. (2007). 'Lo scandalo dell'alterità: rom e sinti in Italia', in S. Bragato and L. Menetto (eds.), *E per patria una lingua segreta: rom e sinti in provincia di Venezia* (pp. 17–32). Venice: Nuova-dimensione.

Squire, V. (2011). 'The contested politics of mobility: politicizing mobility, mobilizing politics', in V. Squire (ed.), *The contested politics of mobility: borderzones and irregularity* (pp. 1–25). Abingdon, Oxon: Routledge.

Zelizer, V. (2007). *The Purchase of intimacy*. Princeton: Princeton University Press.

9

Citizenship beyond state sovereignty

Aoileann Ní Mhurchú

This chapter outlines the emergence of a new approach which is increasingly deployed to investigate the complexities of citizenship in a globalizing context. This is an approach which involves refusing state sovereignty and its corresponding spatial and temporal framework as a necessary starting point for questions about political identity and belonging in a globalizing world. I explore how this new approach attempts to provide another starting point for thinking about citizenship to that of linear progressive time and territorial bounded space linked to the nation-state in order to open up the manner in which political identity and belonging can be conceptualized beyond coherency, unity, and homogeneity. This new approach can be understood as an attempt to *re*position how we think about citizenship in such a way as to make state sovereign time-space a problem rather than a (necessary) solution.

This chapter first considers how state sovereignty has been interrogated in the work of a growing interdisciplinary network of scholars associated with the new emerging field of critical citizenship studies (CSS) and outlines the limitations which have been identified with the state sovereign temporal and spatial framework. I then move on in the second section to consider how this new approach of challenging state sovereign time and space has been deployed as well as the new types of sovereignties it has investigated. In the third section of the chapter I discuss what is at stake in this shift away from taking sovereign linear time and bounded space as necessary starting points for investigating citizenship. I argue that what is at stake is the ability to recognize citizenship as something which need not necessarily be associated with a certain status (a rights-bearing subject) or a particular type of community (along a particular scale which is local, national, or global) but which can be associated with struggles linked to heterogeneous sites and subjectivities.

Interrogating state sovereignty

There is a general consensus that the world is undergoing profound structural transformations which are undermining the principle of state sovereignty. While the simple fact of state sovereignty is itself often problematized, however, state sovereignty tends to remain the starting point nonetheless for most accounts which interrogate alternatives to current practices of politics. This is insofar as the use of the word 'sovereignty' is assumed to refer to power or authority and therefore

to indicate an attribute of the state. What tends to be focused upon from the mainstream perspective is how the particularity of state sovereignty as the basis of politics needs to be resisted or transcended by more universal concepts of political community and identity. This focus on resisting or transcending state sovereignty is normally associated with ideas of 'cosmopolitan', 'global', or 'transnational' citizenship which are presented as newer, more inclusive and progressive forms of political identity and belonging (Benhabib 2006; Kylmlicka 2007; Linklater 2007). Such work focuses on the need for, and possibility of, post-national citizenship which is based on universal rights and duties of personhood, instead of rights and duties grounded only in the particularity of the nation-state. New forms of political community are seen as being enabled by virtue of the state sharing its power with higher (supranational) and lower (subnational) authorities, as existing national loyalties yield over time to both cosmopolitan and local attachments. Within such literature, the focus is on both the ongoing possibility and/or problems of realizing such communities.

However, for other theorists, it is precisely this supposed obviousness of political belonging as always already (and only) informed by dualistic claims about precise particularity and humanity, or about exclusion and inclusion, which must be questioned. What is emphasized by such scholars is the need to understand how the concept of sovereignty, as politics, is formed in relation to the state in terms of certain tensions and oppositions, but is not *limited* to the state and to these specific tensions and oppositions (Balibar 2004: 135). What certain theorists, such as Étienne Balibar (2004), Engin Isin (2002), Ayelet Shachar (2009), and R. B. J. Walker (1999), challenge is the presumption that 'sovereignty' as political life must *continue* to be associated with the state and with such a territorial bounded binary framework. What is suggested, instead, as I discuss below, is the possibility of many alternative competing and contending sovereignties. Such interrogations of state sovereignty build on previous observations made in international politics that 'we have become so used to thinking about political life as if state sovereignty is the only guide to what is possible, that it even informs our understanding of what alternatives there might be' (Walker and Mendlovitz 1990: 2). Those writing in citizenship studies similarly ask 'how can we resist this?' More specifically, they ask 'what happens to citizenship when the nation and the state are no longer assumed to be the inevitable starting points from which politics is defined?' (Closs Stephens and Squire 2012a: 551).

Arguing that citizenship is 'a more confounding concept than most who employ the word usually recognize' (Bosniak 2006: 1), a growing number of scholars emphasize the failure of a state sovereign understanding of the world to account for *new* configurations of politics which are linked to a crisis of fluctuating political identities and belonging. What is argued is that phenomena such as the internationalization of economic activity, technological virtualization, the globalization of social justice movements, and the diversity of flows of people across the world are contradicting and undermining existing understandings of politics associated *with* the state. They are not simply transcending or working against state sovereignty. Instead they are creating other times and spaces of politics: we can call these the 'new frontiers of the political' (McNevin 2011).

By interrogating state sovereignty, what is challenged is the idea that citizenship, which is recognized as an increasingly complex phenomenon in today's globalized world, must continue to be defined by an opposition between an inside and an outside (Balibar 2004); between identity and difference (Bosniak 2006; Isin 2002) between inclusion and exclusion (Nyers 2011); between the past and the present (Closs Stephens 2010; Shapiro 2000); and between particularism and universalism (Walker 1999). What is pointed to is the very specific temporal and spatial assumptions of this statist binary framework. These oppositions reinforce a bounded territorial spatial understanding of political belonging and identity. They do so by emphasizing the necessity of community *within* clearly defined boundaries such as race, ethnicity, culture,

gender, nationality, the local, or the global. Such oppositions furthermore reinforce a historical temporal movement within such clearly defined boundaries; that is, they reinforce the necessity of a movement from being an outsider to *becoming* a citizen. It reinforces the idea 'that political life should follow a distinct journey' which is linked to a type of unitary national culture and coherency (Closs Stephens 2010: 34; Shapiro 2000). In contrast to such a traditional conception of community that is linked to ideas of territorial boundedness or even just sociocultural homogeneity, 'this work aim[s] to address and uncover alternative spatialities and temporalities of citizenship, which either defy or at least complicate the space-time of the nation-state' (Closs Stephens and Squire 2012: 434). This new critical citizenship approach complicates the manner in which citizenship has come to be *linked* to ideas of 'unity', 'commonality', 'homogeneity' and to particular sites, such as the modern rights-bearing individual subject.

It has become almost a cliché to make references to the temporal and spatial novelty of the postmodern and multicultural world in which we now live. Yet, actual challenges to state sovereign time and space are increasingly rare and/or do not go far enough as they most often get hung up on the question of scale (Closs Stephens 2013); that is, they often presume that we merely need to shift our focus from the national up to the global, or down to the local. These failed attempts at challenging state sovereign time and space focus on how citizenship works within either smaller or larger communities which share a common purpose; the emphasis continues, as such, to be on what Balibar (2004: 66) refers to as 'gathering particularities in unity'. This commonality, albeit now linked to subnational and supranational community, is not dissimilar to the idea of a nation conceptualized as a territorialized entity with calculable boundaries demarcating inside from outside, past from present, citizen from human. What is therefore argued is that such mainstream work merely shifts the venue of political community: for example, from the bounded space of nationality, to the bounded space of humanity (Balibar 2004; Honig in Benhabib 2006; Walker 1999).

Modern citizenship emerged precisely through the twin concepts of a common nationality – a demos which shares the privileges of sovereignty in a bounded space – and a common humanity – an ethnos which shares a progressive temporal journey. Therefore, 'we don't necessarily succeed in re-designing the spatial and temporal framework for citizenship by shifting the emphasis from one of these notions to the other' (Closs Stephens 2010: 33). While a mainstream focus emphasizes how the gap between humans and citizens is narrowing, as citizens are increasingly defined *by* their humanity, the division between citizen and human which constitutes the basis of modern subjectivity is maintained; the citizen continues to be distinguished from the (mere) human. Mainstream accounts are therefore critiqued for how their attempts to shift the focus to the global posit once again multiplicity, difference, and conflict 'outside' and separate from general interest and sharing 'inside' (Balibar 2004: 65).

In contrast to this, what is emphasized by the growing interdisciplinary network of scholars linked to a new field of critical citizenship studies is how we now live in a world in which many people are increasingly on the move in asymmetrical ways (Squire 2011). Citizenship has therefore become 'an institution in flux' (Mezzadra 2011: 121; Isin 2009). This is resulting in a much more complex and richer sense of political identity and belonging than that captured by the idea of multiplicity, difference, and conflict 'outside' and separate from general interest and sharing 'inside', which needs to be resolved in the image of a progressive political identity. This is a world which is better understood in terms of fragmented temporal belonging and de-territorialized spatial belonging (where the boundaries between 'citizen' and 'non-citizen' are increasingly blurring) rather than in terms of statist linear progressive belonging and bounded territorialized spatial belonging (where 'citizens' remain clearly distinguishable from 'non-citizens'). What is emphasized therefore is the need to consider how tension and conflict – what Isin

(2002) refers to as 'alterity' – exists *within* political identity and belonging. The next section of this chapter considers how new alternative spatio-temporal understandings of political identity and belonging have been conceptualized within critical citizenship studies.

Deploying a new approach: exploring alternative sovereignties

How has this new approach of challenging the space-time of the nation-state been deployed and what new sovereignties has it investigated? By definition, because it is based on refusing temporal coherency and spatial management as its starting points, the type of alternative citizenship imaginaries which are invoked are not based on ideas of progression – for example, from particularism to universalism, from exclusion to inclusion. Nor are they based on ideas of coherent co-existing bounded spaces – the local, national, and global – between which political subjects can move and exercise their rights within. To put it simply, citizenship is not sketched out here in advance in terms of the resolution of identity and difference in a narrative which is containable within a particular type of new 'global' bounded community or 'global' subject. Instead this new approach is deployed by exploring the *tensions* between the binary foundations of the nation-state: inclusion/exclusion, citizen/human, local/global. This is done by emphasizing how otherness (and thus plurality, contradiction, inconsistency) is implicated *in* citizenship. What is explored is how '[c]itizenship and otherness are […] really not two different conditions but two aspects of the ontological condition that makes politics possible.' (Isin 2002: x). This new approach has been deployed by refusing to presume the categories of identity and difference in advance (Closs Stephens and Squire 2012a), in recognition that such a move is what provides the statist foundational dualistic guarantees which are then presumed to be in need of resolution.

This approach of thinking about political community and belonging in terms of citizenship as alterity (what Isin (2002) refers to a 'a logic of alterity'), rather than in terms of a distinction *between* citizenship and alterity (what Isin (2002) refers to as 'a logic of difference') has been employed in various different contexts; these include religion, urban encounters, the politics of indigeneity, and employment (see, for example, Isin and Neilsen 2008; Closs Stephens and Squire 2012b). What is focused upon are situations that 'emerge from the paradox between universal inclusion in the language of rights and cosmopolitanism, on one hand, and inevitable exclusion in the language of community and particularity on the other' (Isin and Neilson 2008: 11). Instead of starting with ideas of obligation, status, justice, rights, and order, what is considered are instances in which these concepts are contested, disrupted, and problematized – when the subject of citizenship is uncertain and the questions of status or practice are important but *insufficient*. Attention turns away from trying to identify those moments when citizenship is a recognizable repetition of practices (linked to order, rights, justice) which reinforce the boundaries of a particular community, towards those moments when citizenship is 'enacted' in unfamiliar ways (Isin and Neilson 2008). I focus on one key context, which is perhaps the main context in which this approach has so far been employed, in order to draw out many of the issues raised; this is the context of irregular migration.

Migration is an especially significant phenomenon because it is understood in mainstream citizenship studies as indicating the limits of citizenship. Because citizenship is linked to membership of a particular community, 'citizens' are normally, by definition, differentiated *from* migrants. Mainstream discussions about citizenship therefore focus on migrants as the archetypal group in need of 'inclusion' in more globally oriented local or (trans)national communities. In contrast to this, what those who refuse state sovereignty point to is the manner in which many irregular migrants sit at the intersection of citizenship and alterity as people 'whose ongoing presence is not officially sanctioned by the state in which they reside' but who nonetheless play

a role in shaping the society from which they are excluded (McNevin 2011: 1). Irregular migration is a category which includes those who have crossed borders illegally, overstayed visas, fled conflict and disaster, or are seeking asylum from political persecution.

What is explored by critical citizenship scholars is how irregular migrants complicate ('contest' (McNevin 2011)) the boundaries of the community in which they live and thereby complicate the territorial bounded framework of citizenship more generally, by moving *between* the categories of us and them, insider and outsider, the national and the global. The ways in which they do so in new temporally and spatially significant ways has been increasingly documented. Such groups have been shown to challenge attempts to posit them as 'outside', awaiting 'inclusion', and only future possible members. For example, what is pointed to is how such groups often insist that they are *already* citizens at the same time as they fight to be recognized as citizens in a particular context (McNevin 2011; Mezzadra 2011; Rigo 2011; Sajed 2010). They often engage in certain activities, such as protesting, which is usually a preserve *of* citizens, in order to demand citizenship rights. In other words, what is looked at is how these people demand citizenship for all intents and purposes in many ways from *within* the space of citizenship, thus upsetting the spatial cohesiveness and linear narrative of the political community. Where non-officially recognized citizens engage in such activities, it is argued that they generate new sovereign spaces and new subjectivities precisely by being *both* insiders and outsiders, and presenting themselves as citizen non-citizens (McNevin 2011; Nyers and Rygiel 2012; Squire 2011). Such a focus has been used to explore how citizenship can be linked to obvious *and* not so obvious subjects (Weber 2011). Two groups which have been the focus of much discussion in this regard are the *sans-papiers* movement in France and the migrants who took to the streets on 1 May 2006 in the United States.

The *sans-papiers* (literally 'without papers') are a group of irregular migrants, including asylum seekers but also long-term working residents whose status was made irregular by legislative changes. They began as a movement in 1996 and have engaged in occupations, hunger strikes, petitions, and demonstrations in order to reject the illegality which has been ascribed to their presence; they have insisted instead on their legitimacy and have demanded their right to remain in France with regularized status. McNevin (2011) draws attention to the language used by the *sans-papiers*. It is the language of citizenship in the mouths of non-citizens: they demand, they insist, and they refuse.

The 1 May 2006 marches and demonstrations in the US were undertaken by irregular migrants who similarly, but also in their own way, challenged the illegality associated with their presence. Nyers points out that these marches and demonstrations entitled 'A Day Without Immigrants' can be understood as bringing together the largest mobilization of workers in the history of the US. They saw migrants withdrawing their labour in order to demonstrate how important this labour was to the economy. In other words, they saw migrants emphasize their presence as part of the American community *through* their absence: '"A Day Without Immigrants" can be analysed as an example of how absence can be put into play in the mobilization and, indeed, creation of political subjects' (Nyers 2011a).

The new sovereign spaces which are mobilized by such groups are ones which are highly contradictory and paradoxical. They are defined by their 'multidimensional contestations of citizenship' (McNevin 2011: 107). The *sans-papiers* and the 2006 marches, for example, draw on both transnational norms and allegiances which challenge the authority and territoriality of the national polity but also draw on the discourses of French and American nationalism which strengthen the boundaries of such polities. While they draw on relevant French and American nationalisms, however, they also reject the monolingual framework which has defined both polities. They make their demands in the national language at their demonstrations, occupations, and marches but with foreign-language placards, music, dress, and performances. For example,

street protests in 2006 in California saw singing of the American National anthem in Spanish. What is emphasized in the critical citizenship studies literature is the irregular, uneven nature of current mobilizations which *fuse together* ideas of inclusion and exclusion, presence and absence, identity and difference, particularism and universalism, and nationalism and self-determination (Butler and Spivak 2007; Squire 2011). This distinguishes them from existing state sovereign spaces: of inclusion versus exclusion, identity versus difference, particularism versus universalism, nationalism versus self-determinism.

Such contradictions and irregularity, it has been argued, cannot be separated from the wider global political economy, the neoliberal state, and transnational practices of colonialism which place restrictions on mobility (McNevin 2011; Mezzadra 2011); nor, from how hierarchical categories such as race and gender are integrated into these processes (Rygiel 2011; Sajed 2010). What is looked at is how such a system is neither inclusive nor exclusive, but creates simultaneously new forms of inequality and social exclusion, as well as new forms of political activism and citizenship identities (Nyers and Rygiel 2012). To put it simply, the production of irregularity is not understood 'as a unilateral process of exclusion and domination managed by state and law, but as a tense and conflict-driven process, in which subjective movements and struggles of migration are an active and fundamental factor' (Mezzadra 2011: 121). What is explored, as such, is how migrant experiences invoke the importance of irregularity, illegality, non-documentation, and exclusion but in the context of the regular, legal, and documented framework of citizenship and inclusion. It is in this context that such experiences are linked to *new* sovereignties such as 'irregular citizenship' (Nyers 2011b), 'illegal citizenship' (Rigo 2011), and 'undocumented citizenship' (McNevin 2012), which cannot be traced back to the time-space of the nation-state. Instead, Rigo (2011: 202, emphasis added) argues that such expressions 'lay bare a situation and suggest meaning that *exceed[s]* the rules according to which human mobility is regulated by the border sovereignty of legal systems'.

A new agenda: beyond status and bounded community

The need to reject state sovereign time and space as the necessary starting point for questions about citizenship and embrace a logic of alterity is linked to the ability to begin to liberate citizenship from status (someone) and bounded community (somewhere). Rather than starting with these and presupposing who is and who is not a citizen – for example, a rights-bearing subject rather than a subject who officially bears no rights – and/or where citizenship takes place – for example, among people of a similar culture, history, language, or ideology and along a particular scale which is local or global – citizenship can instead begin to be associated with certain sites of struggle and contestation which have the potential to constitute citizenship anew. What has been argued is that it is only by separating citizenship *from* status and bounded community that it is possible to begin to explore properly the way in which citizenship 'is not just a legal status but it also involves practices of making citizens – social, political, cultural and symbolic' (Isin 2009: 17). What is at stake is an ability to think about citizen subjectivity as something which can be linked to new sites of struggle beyond voting, social security, and military obligation and across frontiers and territorial boundaries. To put it simply, such an approach enables an imagining of 'the spaces of citizenship to come' (McNevin 2011: 9). It enables them to be explored in terms both of their possibilities and impossibilities (Nyers and Rygiel 2012: 1)

This type of approach provides for a way of engaging with 'the multiplication and reiteration of spatial and temporal borders' in a globalizing world (Rigo 2011: 210). Isin (2002: 30) argues that what is at stake is an understanding of what is (im)possible:

> While the logics of exclusion would have us believe [only] in zero-sum, discrete, and binary groups, the logics of alterity assume overlapping, fluid, contingent, dynamic, and reversible boundaries and positions where agents engage in solidaristic strategies such as domination and authorization or alienating strategies such as disbarment across various positions within social space.

Indeed the European Union is often pointed to as a key example of the globalizing nature of the world today. Rigo (2011) highlights, however, that European space (including European citizenship) is activated *through* practices of free movement. This space is activated through mobility, which results in a highly complex institutional framework of managing borders, involving intricate interaction between the various legal systems of the member states and between the EU institutions. The result, he argues, is a 'variable geometry European citizenship' which works through many different levels or scales (subnational, national, global), subjects (individuals, states, NGOs), and functions (rights, legality, informality, absence of rights) (Rigo 2011: 205). Only some of the aspects of European space can be linked back to territoriality and borders which function to separate non-citizens from the space allocated to citizens. Many other aspects are linked to non-territorial spatiality which merely differentiates the former from the latter within the same legal and political space. It is by refusing the time-space of the nation-state that such (im)possibilities can be considered, explored and critiqued.

Essentially, the value of this type of approach is that it is able to explore novel ideas, such as 'process' (shifting citizenship subjectivities), 'encounter' (contradictory temporalities), and 'fragmentation' (heterogeneity). These can be contrasted with the more traditional ideas emphasized in mainstream approaches including 'presence' (exclusion or inclusion), 'unity' (a coherent narrative which binds people together), and 'bounded space' (homogeneity). Instead of continuing to presume that citizenship must manifest in terms of linear narratives containable within bounded spaces (such as local, global, international, culture, etc.) and linked to certain types of (pre-existing rights-bearing) subjects, those refusing state sovereignty as a starting point can consider how to think about citizenship as a series of interrelations. They can look at how citizenship might be understood in terms of lines, points and/or tensions (Closs Stephens and Squire 2012a; Shindo 2011), insecurities (Shapiro 2000), and traces (Ní Mhurchú 2010, forthcoming) which are not reducible to ideas such as the local, the global, or the national, inclusion or exclusion, nor to a particular status such as individual citizen or human, but combine several of these ideas at once, in often contradictory ways.

A refusal to engage in an analytical framework that automatically supposes the logic of a state sovereign spatio-temporal framework is not to ignore moments when this type of logic does come into play. It is rather to avoid 'automatically presume[ing] such a logic to be manifest' (Squire 2009) and instead allow for the possibility that citizenship can be conceived of via processes of differentiation which are 'irregular, abnormal, strange' as well as coherent, regular and unified.

Conclusion

Mainstream accounts of citizenship emphasize that states continue for the foreseeable future to exist as the most important political unit. In contrast to this, yet without dismissing the importance of the state, there is a growing body of literature in citizenship studies which points out that certain experiences of political belonging and identity no longer fit with the regularity of existing state sovereign politics. This scholarship argues that many experiences need to be retheorized in terms of how they occupy another form of time and space. This chapter has

therefore considered how such scholarship adopts a new approach; this scholarship uses the language of citizenship, while refusing State Citizenship's 'reified spatial frame (the modern territorial nation-state), specific subject (the autonomous citizen) and mode of political practice (claiming rights)' (McNevin 2011: 100). It does so in order to consider the potential alternative configurations of political communities in a globalizing world. By refusing the political time-space of the nation-state as its starting point, this scholarship is able to consider the limitations of existing understandings of citizenship and explore how political identity and belonging is changing; it is able to explore how this is shifting away from being experienced only in terms of coherency, unity, and homogeneity and occupying instead new times and spaces linked to ideas of encounter, fragmentation, heterogeneity, and process.

Unlike statist accounts, this scholarship does not continue to focus on where boundaries are being redrawn in terms of inclusion and exclusion, inside or outside the state. Rather it looks at how boundaries are being redrawn beyond the presumed convergence between territorial space and a particular type of autonomous subjectivity. It has liberated citizenship from having to be associated with a certain status and a bounded community. In doing so it is able to explore how citizenship is being made anew through various social, symbolic, and cultural sites and subjectivities on a regular basis without presupposing where these sites are (local, global, or national) or who these subjectivities might be (humans or citizens, documented or undocumented persons, neighbours or migrants). This alternative approach is able to explore how citizenship is being made anew through a veritable, as opposed to a calculative, geometry which cuts across many of these aforementioned spaces incorporating aspects of several of them, often simultaneously, but is no longer reducible to any single one of them.

References

Balibar, É. (2004) *We, the people of Europe? Reflections on transnational citizenship*, Princeton and Woodstock: Princeton University Press.

Benhabib, S., with Waldron, J., Honig, B., and Kymlicka, W. (2006) *Another cosmopolitanism* (ed. R. Post), Oxford: Oxford University Press.

Bosniak, L. (2006) *The citizen and the alien: dilemmas of contemporary membership*, Princeton and Woodstock: Princeton University Press.

Butler, J. and Spivak, G. C. (2007) *Who sings the nation state?* London: Seagull Books.

Closs Stephens, A. (2010) 'Citizenship without community: time, design and the city', *Citizenship Studies*, Vol. 14, Issue. 1, pp. 31–46.

Closs Stephens, A. (2013) *The Persistence of Nationalism*, London: Routledge.

Closs Stephens, A. and Squire, V. (2012a) 'Politics through a web: citizenship and community unbound', *Environment and Planning D: Society and Space*, Vol. 30, Issue 3, pp. 551–67.

Closs Stephens, A. and Squire, V. (eds.) (2012b) 'Citizenship without community', Special Issue, *Environment and Planning D: Society and Space*, Vol. 30, Issue. 3, pp. 434–576.

Isin, E. (2002) *Being political: genealogies of citizenship*, Minneapolis and London: University of Minnesota Press.

Isin, E. (2009), 'Citizenship in flux: the figure of the activist citizen', *Subjectivity*, Vol. 29, pp. 367–88.

Isin, E. and Neilsen, G. M. (2008) (eds.) *Acts of citizenship*, London: Zed Books.

Kymlicka, W. (2007) *Multicultural odysseys: navigating the new international politics of diversity*, Oxford: Oxford University Press.

Linklater, A. (2007) *Critical theory and world politics: citizenship, sovereignty and humanity*, London: Routledge.

McNevin, A. (2011) *Contesting citizenship: irregular migration and new frontiers of the political*, New York: Columbia University Press.

McNevin, A. (2012), 'Undocumented citizens? Shifting grounds of citizenship in Los Angeles', in P. Nyers and K. Rygiel (eds.) *Citizenship, migrant activism and the politics of movement*, New York and London: Routledge, pp. 165–83.

Mezzadra, S. (2011) 'The gaze of autonomy: capitalism, migration and social struggles', in V. Squire (ed.) *The contested politics of mobility: borderzones of irregularity*, London: Routledge, pp. 121–42.

Ní Mhurchú, A. (2010) 'Citizenship as absolute space, citizenship as contingent trace', *Alternatives: Global, Local, Political*, Vol. 35, Issue. 4, pp. 373–401.

Ní Mhurchú, A. (forthcoming) *Ambiguous citizenship in an age of global migration*, Edinburgh: Edinburgh University Press.

Nyers, P. (2011a) 'Academic responses: part ii "missing citizenship"', in C. Weber *I am an American: filming the fear of difference*, Bristol: Intellect Ltd, pp. 216–19.

Nyers, P. (2011b) 'Forms of irregular citizenship', in V. Squire (ed.) *The contested politics of mobility: borderzones and irregularity*, London: Routledge, pp. 184–98.

Nyers, P. and Rygiel, K. (eds.) (2012) *Citizenship, migrant activism and the politics of movement*, London: Routledge.

Rigo, E. (2011) 'Citizens despite borders: challenges to the territorial order of Europe', in V. Squire (ed.) *The contested politics of mobility: border zones and irregularity*, London: Routledge, pp. 199–215.

Rygiel, K. (2011) 'Governing Borderzones of Mobility through e-borders: the Politics of Embodied Mobility', In: V. Squire (ed.) *The contested politics of mobility: borderzones and irregularity*, London: Routledge, pp. 143–68.

Sajed, A. (2010) 'Postcolonial Strangers in a Cosmopolitan World: Hybridity and Citizenship in the Franco-Maghrebian borderland', *Citizenship Studies*, Vol. 14, Issue. 4, pp. 363–80.

Shachar, A. (2009) *The birthright lottery*, London: Harvard University Press.

Shapiro, M. (2000) 'National times and other times: re-thinking citizenship', *Cultural Studies*, Vol. 14, Issue. 1, pp. 79–98.

Shindo, R. (2011) 'Rethinking community: translation space as a departure from political community', *International Political Sociology*, Vol. 6, Issue. 2, pp. 149–64.

Squire, V. (2009) 'On marginality', *ENACT Enacting European Citizenship Project, Work Package 3. Enacting Mobility: A More Democratic European citizenship?* Available online at www.enacting-citizenship.eu/index.php/sections/blog_post/316/.

Squire, V. (ed.) (2011) *The contested politics of mobility: borderzones of irregularity*, London: Routledge.

Walker, R. B. J. (1999) 'Citizenship after the modern subject', in: K. Hutchings and R. Dannreuther (eds.) *Cosmopolitan citizenship*, London: MacMillan Press Ltd, pp. 171–200.

Walker, R. B. J. and Mendlovitz, S. (eds.) (1990) 'Interrogating state sovereignty', in: R. B. J. Walker and S. Mendlovitz (eds.) *Contending sovereignties: redefining political community*, London: Lynne Rienner Publications, pp. 1–12.

Weber, C. (2011) *I am an American: filming the fear of difference*', Bristol: Intellect Ltd.

10

A post-Marshallian conception of global social citizenship

Hartley Dean

The object of this chapter is to position social citizenship as a process that is axiomatically global. The chapter proceeds from the premise that rights of citizenship are socially constructed. In that sense, all rights are social. However, the term 'social rights' has conventionally applied to the rights supposedly established by modern welfare states (Marshall, 1950). But the services and protection that are guaranteed by welfare states are complex contemporary manifestations of social processes that have always been central to human existence.

To assert that social rights of citizenship in particular are socially constructed implies two things. First, they are an expression of our **sociality**: they imply that humans, as interdependent social beings, make claims upon each other, claims based on shared experience and constructions of need. Secondly, like all rights they are not pre-ordained or analytically divined, but have their origins in **negotiation** between human beings as to the means by which needs may be acknowledged or recognized. The concepts of sociality and negotiation provide intersecting dimensions within which competing constructions of needs and rights may be understood. They resonate – in some senses – with those of 'group' and 'grid' in cultural theory (Douglas, 1977). Sociality is concerned with the extent to which individuals are bound and *protected* through social group membership, while negotiation is concerned with the extent to which the rules and conventions of everyday life and communication are governed and *shaped* though either formalized or informal frameworks of understanding.

The significance of this analysis is that it enables us better to evoke a multi-layered or multi-dimensional conceptualisation of social citizenship that 'loosens its bonds with the nation state, so that citizenship is defined over a spectrum that extends from the global, through to the local' (Lister, 2003: 196). Citizenship, for these purposes, is construed not as a status, but as a process. Social citizenship thereby provides a conceptual ground for a politics of need (Fraser, 1997; Soper, 1981); an understanding of citizenship which, contrary to Marshallian theory, does not follow in the wake of civil and political citizenship, but precedes it (cf. Isin *et al.* 2008). However, the chapter concludes that the idea of *global* social citizenship is not so much a unifying project for the perfection of social citizenship, as a way of reconceptualizing the diverse forms that it may take.

The needs-rights nexus

Need is a notoriously elusive concept. Equally, the concept of rights is perennially contested. Human needs are concerned on the one hand with the basics of biological survival; on the other, with fundamental parameters of human existence – with the quality of our lives, work, and relationships. Discussions of human need are widely framed in terms of whether it is *absolute* or culturally *relative* (e.g. Doyal and Gough, 1991). Similarly, discussions of social rights – rights to health and social care, to housing or education, and/or to a protected standard of living – have been framed in terms of whether they are *realizable* imperatives, or merely *aspirational* goals (Cranston 1976). My argument is that long-standing distinctions between absolute and relative needs and between realizable and aspirational rights may together be distilled into the two dimensions to which I allude above: sociality and negotiation.

Sociality

Marx (1844) equated human need with the constitutive characteristics of our 'species being', and he counted 'sociality' as one such defining characteristic. J. S. Mill (1859) conceded that sociality and individuality must each 'obtain their due'. It is to sociality and its accommodation to individuality that we might attribute the invention we now call 'citizenship'. That conscious process of social accommodation surely preceded, and now transcends, the invention of the city (which bestowed on citizenship its etymological root) or the nation-state (which bestowed on it its modern form).

Human need is at one and the same time both individual and social (Titmuss 1955: 62). The human being is an individually embodied and sentient creature, but also utterly interdependent on other human beings; not merely in relation to her 'thin' survival needs, but also her 'thicker' needs – for sense of self, the means of consciousness and fulfilment (Dean 2000; 2004; 2010). The distinction between thin and thick needs (Soper 1993) does not necessarily imply that one kind of need is less important or worthy than another (cf. Walzer 1994); it defines a continuum of needs with different kinds of social orientation. The two distinct models of citizenship that emerged following the so-called Western Enlightenment – the liberal and the civic-republican (Oliver and Heater 1994) – may be regarded as expressions of those different kinds of orientation. The liberal (anglophone) model constituted the citizen as an autonomous individual whose freedom to survive nonetheless depended on collective guarantees. The civic-republican (continental European) model constituted the citizen as a member of a political community whose ability to participate depended on the integrity of the social order.

The focus may then have been on civil and political rights, rather than what we now call social rights, but each model implied a different understanding of human need and social well-being. Each understanding had its origins in a more ancient philosophical distinction between *hedonic* and *eudaimonic* well-being (Aristotle, c. 350BC). The thinner, liberal understanding of need and well-being tends to the hedonic, to a utilitarian approach that regards the human condition as a struggle for the pursuit of pleasure and the avoidance of pain. This translates into a contractarian understanding of citizenship rights; citizenship entails a contract between citizen and state whereby each individual forgoes unbridled freedom in return for protection against predation and unfair competition by other individuals. The thicker, civic-republican understanding of need and well-being tends more to the eudaimonic, to an approach that regards a good life as the pursuit of 'virtue', civic engagement, and spiritual fulfilment. This approach translates into a more solidaristic understanding of citizenship; citizenship entails belonging and commitment within a social collective upon which the individual depends for mutual protection against shared risks.

For heuristic purposes, we can understand sociality as a dialectical dimension with two opposing poles: the **individual** pole is thinner, tending to the hedonic, liberal, and contractarian; the **social** pole is thicker, tending to the eudaimonic, civic-republican, and solidaristic. It is within this dimension that ostensibly contradictory but essential compromises evolve.

Negotiation

The evolution of the needs-rights nexus does not occur 'naturally'. It is negotiated. Negotiation revolves around relatively formal or abstract conceptualizations of human need on the one hand and relatively informal or grounded perceptions as to its substance on the other; around relatively formal 'top-down' prescription of rights on the one hand and relatively informal 'bottom-up' demands for rights on the other.

Human need can be conceived in a reflexive or systemic way as being *inherent* to the individual by dint of her humanity. Or else it may be conceived in an *interpretive* manner with reference to the experience of everyday life. Inherent conceptions of human need require an explicit or implicit theory of 'personhood' and translate into *doctrinal* understandings of social rights. Interpreted conceptions of human need may be culturally constituted or pragmatically formulated and translate into *claims-based* understandings of social rights. Inherent conceptions entail a strong, if not hegemonically dominant, conceptual framework that may be intellectually, ideologically or possibly religiously derived. They envisage the individual normatively: for example, as a utility maximizer pursuing her objective interests; as a market actor pursuing her subjective preferences; as a psychological subject responding to inner drives; as a human being striving to realize her humanity. Doctrinal understandings of rights correspondingly attribute rights to the dictates of God or Nature, or some legal code, moral logic, or intellectual principle. Interpretive conceptions of need entail a hegemonically weaker or more flexible conceptual framework. Interpretation may occur as a matter of social custom or the conventions of everyday discourse and practice; or through the struggles of community activists; or it may be undertaken on behalf of the citizenry, for example, by responsive welfare professionals or policymakers. Claims-based understandings of rights correspondingly regard rights as the realization of legitimate demands or as achievements of struggle.

Inherent and interpretive conceptualizations of need are interdependent and both are dialectically implicated in the negotiation of rights. They relate to each other through what Giddens (1987) defined as a 'double hermeneutic'. Formalized theories of inherent need may be called upon strategically in aid of demands for the recognition of needs that have been informally interpreted, while informally interpreted needs may come in time to influence formalized conceptual understandings or beliefs. Human needs are defined and redefined across time and space through lived experience. The actual origins of social rights can therefore be difficult to disentangle, since just as inherent and interpreted needs inform each other, so do doctrinal and claims-based rights. Legal frameworks, charters, declarations or conventions, and established social legislation may enshrine doctrines forged through compromises negotiated during struggles long past and may formally incorporate demands once articulated informally from below (Bottomore, 1992). The subaltern demands of community activists and others may entail the artful adaptation of dominant ideologies once handed down from above (Scott, 1985).

Within the needs-rights nexus social rights are achieved, synthesized, or negotiated at the point where competing formulations of rights collide. For heuristic purposes, we can once again envisage the negotiation dimension as a continuum with two poles: the **formally** framed, tending to inherent conceptions of need and doctrinal conceptions of rights; and the **informally** framed, tending to interpretive conceptions of need and claims-based conceptions of rights.

A needs-rights taxonomy

The substantive negotiation of social rights occurs within particular social contexts and relations of power. If we consider how the dimensions of sociality and negotiation intersect with one another, it is possible to identify four locations within the needs-rights nexus. First, at the intersection between the individual pole of the sociality dimension and the informally framed pole of the negotiation dimension, needs are **circumstantial** and reflect the imperative of survival in a hazardous and competitive social environment. Insofar as one can claim against another a right to have needs met, it is necessarily **conditional**. Autonomous individuals may bargain with one another for the means to satisfy their needs and this may give rise to everyday claims, expectations or 'rights', which regulate the conditions upon which some semblance of a bilateral exchange is conducted. The concept of rights may be tenuously transposed to a wider multilateral context, but if a person is unable to satisfy her needs independently, her right to 'social' assistance will depend on whether she deserves to be helped. The administration of rights requires the exercise of authority and judgement. Entitlement is conditional on obedience.

Second, at the intersection between the individual pole of the sociality dimension and the formally framed pole of the negotiation dimension, needs are **particular** and reflect the call for autonomous enterprise in a harmoniously functioning market economy. The right to have needs met is doctrinally conceived in that the efficacy of markets is believed to depend on principles of equal opportunity. Such a right arises **selectively** where it can be proved that a particular need exists and a particular benefit will result from meeting it. A right to targeted assistance arises if a person can show that with good reason she lacks the means of subsistence and therefore the ability productively to participate. Insofar as markets may fail to foster the skills and promote the health of the labour force, a right to education and health care arises. The administration of rights must be efficient and consistent with the maintenance of an effective market economy. Entitlement correlates with civic duty: the principle that autonomous individuals should strive for productive participation and self-sufficiency.

Third, at the intersection between the social pole of the sociality dimension and the informally framed pole of the negotiation dimension, needs are held in **common**, reflecting an imperative of conformity and stability in a protective, but hierarchically ordered, society. The right to have needs met is claimed on the basis that one belongs to, and accepts one's place within, the social collectivity. Rights are **protective** and arise because the common denominator shared by all members of society is a degree of present or potential vulnerability. Conceding rights to people binds and guards them from subversive influences; it preserves those traditional institutions and practices upon which social order depends. Entitlement is a matter of mutual moral obligation.

Fourth, at the intersection between the social pole of the sociality dimension and the formally framed pole of the negotiation dimension, needs are **universal** and reflect the call for human fulfilment. The right to have needs met is a moral imperative. Rights are axiomatically inclusive, comprehensive in nature, and **unconditional**, though they may attach to citizens in response to different contingencies during different parts of the human life course. Entitlement is premised on an ideal of collective responsibility.

This is no more than an idealized heuristic model, but it enables us to elaborate a wider understanding of the dimensions of social citizenship in its global context.

Social citizenship as a multidimensional concept

The focus so far has been on the various and contested ways in which social citizenship translates needs into rights. There is no single model of social citizenship that may be adopted or

promoted on the global stage. To understand this we require a post-Marshallian concept of citizenship that is truly social, that centres on negotiation over human needs and social rights and is not necessarily subservient to frameworks for constitutional civil and political order, and that accepts 'that perhaps citizenship is social before it is civil and political' (Isin *et al.* 2008). Conceived in this way, social citizenship is constituted through the realities of human interdependency; it is a quotidian human practice that preceded and now transcends the invention of the city and the nation state; it can encompass a politics of need, rather than a politics of civil order; it reflects the manner in which we frame our claims on others and recognize the claims they make on us as *social* rights.

Sociality: multiple sites of interdependency

In relation to the concept advocated here, the term social *citi*zenship is a misnomer. It could have been applied, for example, to the governance of interdependency within nomadic hunting and gathering or pastoral groups, or in village settlements as much as to those within cities. Social citizenship assumes the centrality of the social human being.

In practice, the ancient Athenian citizenship ideal restricted government not just to the inhabitants of the city but exclusively to its patrician male inhabitants (Held, 1987: ch. 1). The Western Enlightenment ideals that subsequently established the rule of law and liberal democracy within the territories of sovereign nation states provided the necessary preconditions for the dominance of capitalism (Turner, 1986). Insofar as social rights of citizenship were conceded to those without power or property, the form they took represented not so much a negotiated victory for the working class as a framework for the regulation of labour power (Offe, 1984). According to Lockwood, the structuring of life chances and social identities in the welfare states of the global North was 'the direct result of the institutionalisation of citizenship under conditions of social and economic inequality' (1996: 532). The fine-tuning of social rights provides a mechanism for 'civic stratification' and the relative advantages or disadvantages citizens might experience depending on their social status. In this way social citizenship was subordinated to a process whereby a market economy was embedded in a market society (Polanyi, 1944).

Recent decades have witnessed territorial decoupling and recoupling of social rights, for example at the European level (Ferrera, 2005) and within emerging economies, such as China, where social policy provision exhibits a considerable degree of 'variable geometry' (Shi, 2012). More fundamentally, however, transformations associated with globalization (Amin, 1997), neoliberalization (Harvey, 2005), and the increasing 'liquidity' of social membership and belonging (Bauman, 2000) could either extinguish or transform the significance of social citizenship. As the risks to which human subjects are exposed become increasingly individualized (Beck and Beck-Gernsheim, 2001) and their social attachments more fluid, they are enjoined to become increasingly self-governing individual subjects rather than social citizens (Rose, 1996). Economic processes become increasingly dis-embedded from social structures (Jessop, 2002), so diminishing their relevance to everyday struggles and class identities. The space for social citizenship is attenuated.

Is it possible to reconceptualize social citizenship for a post-Westphalian era? If, as suggested, we may attach the term 'citizenship' to pre-Westphalian or even prehistoric human societies, it is surely possible to apply it in a global context. As Yuval-Davis suggests, 'citizenship should not be seen as limited to state citizenship alone, but understood as the participatory dimension of membership in all political communities' (2011: 201). Essential here is the dimension of participation as much as membership, of *practice* or 'enactment' (Isin, 2009) as much as status or belonging. We shall return to the question of who may constitute a 'political' community,

but any community must also have a social context and just as we hold multiple and overlapping social identities (Taylor, 1998), so any social being can embrace layered combinations of subnational, transnational citizenships, or citizenships based on indigenous or diasporic, ethnic, or religious identities.

Williams points to the way in which globalization creates a context in which 'relations of interdependence are created that exceed the boundaries of the territorial state' (2007: 242). The effective communities so created may result from transnational migration or new forms of consumer, cultural, or political alliances. Citizenship may be regarded as a constitutive element of these interdependencies, not necessarily through formal membership, but shared awareness of some common cause. The solidarities spawned by such interdependencies may sometimes be thin, but as the significance of territorial boundaries dissolves it is possible to envision a multiplication of diverse sites of social citizenship, ranging from local to global. In the global South, some social movements and their academic allies – the post-development theorists – have become sceptical of the role of the state as guarantor of social rights. Social rights claims can seem at best trivial and at worst co-opting, the mere 'politics of demand' (Escobar, 1995; Waterman, 2001). But it is surely possible to imagine sites of social citizenship where the 'politics of demand' would entail the recognition of locally or globally shared human needs and interdependencies that do not necessarily require the subjugation of the communities affected to the power of failing or corrupt state governments.

Negotiation: multiple sites of dialogue

This alternative concept acknowledges that the negotiation of social rights can take place at a variety of sites, from the global to the local. Arguing for the introduction of a social rights clause in the Canadian constitution, Nedelsky and Scott sought thereby to promote social rights as 'sites of dialogue' or 'sites of social struggle'. Social rights, they asserted, should be understood not only in institutional terms, but in relational terms, as the means by which we may structure relationships of interdependency (1992: 69).

Insofar as social citizenship entails a process of negotiation, it is political. It entails a politics focused not on the promotion of a market economy, but the satisfaction of human need; not on procedural freedoms and legal minima, but substantive social rights and optimal fulfilment. Marx contended that humanity's needs may be defined by the characteristics that radically define our species. The revolution he sought would lead to a society without commodities, in which need would replace value as the measure of things. Recognizing that such a revolution will not happen any time soon, Soper (1981) outlines what a politics of needs might entail in present circumstances. The problem, she contends, is that any society that attempts to read its needs from what it consumes is evading the question of needs. What is required is a strategy for the development of a different kind of social planning, with more relevant information and more social participation in decision-making processes.

Flesh is put on the bones of this idea by Nancy Fraser who advocated a 'politics of needs interpretation' (1989: ch. 8). Her starting point was a critical account of political discourses of need. For 'needs talk' to enter the political sphere, it must be 'publicized', projected from the economic sphere of labour relations and the domestic sphere of personal relations into the public forum of political debate. Our private everyday livelihoods and personal needs are political: a politics of needs interpretation would democratize them. In present circumstances, Fraser claimed, it is only occasionally that the hidden 'runaway needs' become politicized through 'oppositional' forms of discourse. By and large it is the 'expert' discourses of professional problem-solvers that colonize the definition of needs. In describing the dialogic nature of claim and

counterclaim, definition and redefinition, entailed in the politics of need interpretation, Fraser captured precisely the dialectical relationship referred to above between inherent and interpreted conceptions of human need. Moreover, she declared herself to be in favour of 'translating justified needs into social rights' (1989: 183).

Through a critique of the liberal democratic public sphere, Fraser (1997: chs. 1 and 3) addresses what would be an essential precondition for a politics of needs interpretation, namely 'parity of participation' for those silent and oppressed groups or publics whose voice is drowned out by more vocal and powerful publics. Connected with this call is a wider demand that a politics of *redistribution* should go hand in hand with a politics of *recognition* (Fraser and Honneth, 2003). Fraser additionally demands a new politics of *representation*, claiming it is not merely that some people's voices (and needs) go unrecognized, but the issues of social justice and citizenship affecting them are 'misframed' (2010: 19). Frame-setting in a post-Westphalian global order would be best governed by the 'all-affected principle': the principle that 'all those affected by a given social structure or institution have moral standing as subjects of justice in relation to it' (2010: 93).

The framing of needs claims and their projection into the public sphere entail processes of negotiation between inherent and interpreted understandings of need and between doctrinal and claims-based conceptions of rights. There is a resonance here with Gramsci's notion of hegemonic struggle (1971). The negotiation 'dimension' conceptualized in this chapter is intended heuristically to capture the dialectic between strong and weak hegemonic conceptual frameworks, the tension between powerful/top-down and subaltern/bottom-up roles in the negotiation of rights.

Key to any politics of need, however, is the extent to which there can be resistance to social injustice and a basis for the negotiation of claims. Barrington Moore's (1978) historical analysis of the circumstances in which moral anger at social injustice may spill over into resistance suggests different ways in which popular indignation can be either fostered or contained. People may not experience injustice if they are unaware that they are relatively disadvantaged compared with others in society (cf. Runciman, 1966). Nevertheless, Moore observes that people may subscribe to a 'dog in the manger taboo' such that they will resent those who amass wealth and advantage, yet wilfully frustrate the chances of those who have not; to meritocratic principles of equivalence such that they might object, for example, when they are paid less than they think their work is worth, or when others are paid more; to a guarded acceptance of class hierarchies and compensatory principles of *noblesse oblige*, though when provoked they may challenge the established order; to principles of equality achieved through mechanisms of social insurance, though they may yet question the fairness of the risk pooling that is involved.

For resentment to be expressed through negotiation there must be a forum. The forum in ancient Athens or Rome was a physical space in which public debate and negotiation between citizens took place. The term has become a metaphor for open debate, albeit that the negotiation of social rights that bear on the lives of ordinary citizens in modern nation states has tended to take place in remote legislative chambers at best or at worst in smoke-filled rooms. Abstract principles for open and uncoerced negotiation have been defined through Habermas' (1987) concept of the 'ideal speech situation' that might be realized within a global communication community (Apel 1980). We now live in a world where the capacity to communicate across time and space dissolves the significance of territorial boundaries and makes virtual communities with shared needs and interdependencies possible. A new generation of social media (Facebook, Twitter, Wikipedia, Tumblr, etc. – whose reach and accessibility are augmented by wireless penetration) allows interactive communication and forms of virtual participation that can lead to actual engagement and protest. Castells contends that such technologies have

ushered in an era of 'open source' politics and a range of possibilities that transform the way society operates (2009: 412).

If this is right, we must rethink the basis of social citizenship in order to understand how it might develop in future.

Taxonomy: modes of social citizenship

Drawing on the needs-rights taxonomy outlined above, we can generate a further taxonomy, through which to illustrate four ideal type modes of social citizenship defined with reference to the dimensions of sociality and negotiation. These are modes of social citizenship that do not necessarily conform to different kinds of welfare-state regime (though they may have done in the past) but to layered and overlapping social processes by which people may negotiate their relations of interdependence, in whatever time, territorial space, or social/political community they may be found.

The first mode is founded on **habits of survival** and is characterized by relatively weak sociality and a hegemonically weak negotiating framework. It is a mode hitherto consistent with the Poor Law regimes that preceded the modern capitalist welfare states (Thane, 1996) or with what have been dubbed 'insecurity regimes' in the global South (Gough, *et al.* 2004). People's priority in this mode is to secure a sufficient livelihood in competition with their neighbours. The hardships of life must be regarded as one of life's natural hazards. Notions of fairness and grounds for resistance are likely to be premised on the 'dog in the manger taboo' (Moore, 1978), since those who are luckier than others should observe the same rules as anybody else.

The second is founded on **utilitarian practices** and is characterized by relatively weak sociality, but a hegemonically strong negotiating framework. It is a mode hitherto consistent with a liberal welfare-state regime (Esping-Andersen, 1990) or with what have been dubbed 'productivist regimes' in the global South (Gough, *et al.* 2004). People's priority in this mode is to maximize their personal utility. Insofar as there may be hardships in life, these will be seen as stemming from degrees of failure in individual economic performance and/or from a lack of opportunity to succeed. Notions of fairness and grounds for resistance are likely to be premised on a belief in equal reward for equal effort (Moore 1978), since people should get what they deserve (and no more) having regard to how hard they have studied and/or worked, assuming that they have had equal opportunities.

The third is founded on **communitarian customs** and is characterized by strong sociality, but a hegemonically weak negotiating framework. It is a mode hitherto consistent with a conservative or corporatist welfare-state regime (Esping Andersen, 1990) or with what have been dubbed 'informal welfare regimes' in the global South (Gough, *et al.* 2004). People's priority in this mode is customary conformity. Insofar as there may be hardships in life, these are regarded as a natural feature of the social order and as more or less inevitable. Notions of fairness and grounds for resistance are likely to be premised on the principles of *noblesse oblige* (Moore, 1978), since people should be able to look to social institutions and those in authority to look after them.

The fourth is founded on **cosmopolitan principles** and is characterized by strong sociality and a hegemonically strong negotiating framework. It is a mode hitherto consistent with social democratic welfare-state regimes (Esping Andersen, 1990) or, up to a point, with some emerging 'welfare-state regimes' in the global South (Gough, *et al.* 2004). People's priority in this mode is to be compliant citizens. Insofar as there may be hardships in life, these are believed to stem from failures of social organization and are inherently unjust. Notions of fairness and grounds for resistance are likely to be premised on social-insurance equality (Moore, 1978), since social membership should lead to universal entitlement and inclusivity.

These modes of social citizenship and the claims to which they give rise will inevitably intersect and overlap. But any conceptualization of global social citizenship must necessarily recognize the spectrum of claims and contestations to which it gives rise. Habits of survival, utilitarian practices, communitarian customs, and cosmopolitan principles may all lay claim to some basis in social citizenship with different implications and limitations so far as the ways in which human needs may come to be recognized and social rights can be implemented.

Conclusion: a multi-layered politics of need

The underpinning argument is that social citizenship may be conceptualized as a politics of need; as a quotidian politics of demand that may be expressed at a variety of levels; as the struggle to achieve recognition for human needs through a variety of negotiated means, ranging from local customs to international covenants. Social citizenship has found and will continue to find expression through a number of modes, some of which are at best suboptimal and at worst counterproductive. It could be argued that the optimum mode of social citizenship is that characterized by cosmopolitan principles (Appiah, 2007; Delanty, 2000; Held, 2010). But as an ideal, cosmopolitanism is hardly new (Dwyer, 2010; Fine, 2007). And though social democracy, premised on cosmopolitan universalism, arguably represents the 'strongest' form of social citizenship, the idea that all human beings are citizens of the 'cosmos' is so far removed from the everyday struggles of the world's most disadvantaged inhabitants as to be a distraction. To promote *global* social citizenship we must first adopt a new and critical way of thinking about the daily practices through which human beings have always negotiated and will continue to negotiate their interdependency; to embrace not only the heady world of supra-politics, but the gritty world of what Scott has referred to as 'infra politics' (1990: 183) and Holston as 'insurgent citizenship' (Holston, 2009; Davy and Pelissery, forthcoming); to nourish the sociality and negotiation upon which social citizenship is founded; to acknowledge the multitude of fragmented and often suboptimal manifestations of social citizenship that emerge around the world; wherever possible, to 'publicize' human need.

As social beings, our *social* citizenship is the expression of our universal interdependency. It is global.

Acknowledgement

This chapter is an edited version of Dean, H. (2013) 'The translation of needs into rights and the negotiability of social citizenship', *International Journal of Social Welfare*, 22(51), 532–539. It was informed by the discussions of The Road to Global Social Citizenship Co-operation Group, convened at the Center for Interdisciplinary Studies (ZiF) in Bielefeld, Germany during the spring of 2011.

References

Amin, S. (1997). *Capitalism in the age of globalization*. London: Zed Books.
Apel, K. (1980). *Towards the transformation of philosophy*. London: Routledge.
Appiah, A. (2007). *Cosmopolitanism: ethics in a world of strangers*. New York: Norton.
Aristotle (c. 350BC). *Eudemian ethics – books I, II and VIII* (1982 edn. translated by M. Woods). Oxford: Clarendon Press.
Bauman, Z. (2000). *Liquid modernity*. Cambridge: Polity.
Beck, U. and Beck-Gernsheim, E. (2001). *Individualization*. London: Sage Publications.
Bottomore, T. (1992). 'Citizenship and social class, forty years on', in T. Marshall and T. Bottomore (eds.), *Citizenship and social class*. London: Pluto, 55–93.

Castells, M. (2009). *Communication power*. Oxford: Oxford University Press.
Cranston, M. (1976). 'Human rights, real and supposed', in N. Timms and D. Watson (eds.), *Talking about welfare*. London: Routledge & Kegan Paul, 133–44.
Davy, B. and Pelissery, S. (2013) 'The citizenship promise (un)fulfilled: the right to housing in an informal setting', *International Journal of Social Welfare* 22(51), 568–564.
Dean, H. (2000) 'Towards an embodied account of welfare', in K. Ellis and H. Dean (eds.), *Social policy and the body: transitions in corporeal discourse*. Basingstoke: Macmillan, xi–xxv.
Dean, H. (ed.). (2004). *The ethics of welfare: human rights, dependency and responsibility*. Bristol: The Policy Press.
Dean, H. (2010). *Understanding human need*. Bristol: The Policy Press.
Delanty, G. (2000). *Citizenship in a global age*. Buckingham: Open University Press.
Douglas, M. (1977). *Natural symbols*. Harmondsworth: Penguin.
Doyal, L. and Gough, I. (1991). *A theory of human need*. Basingstoke: Macmillan.
Dwyer, P. (2010). *Understanding social citizenship* (2nd edn). Bristol: The Policy Press.
Escobar, A. (1995). 'Imagining a post-development era', in J. Crush (ed.), *The Power of Development*. London: Routledge, 211–27.
Esping-Andersen, G. (1990). *The three worlds of welfare capitalism*. Cambridge: Polity.
Ferrera, M. (2005). *The boundaries of welfare: European integration and the new social politics of social protection*. Oxford: Oxford University Press.
Fine, B. (2007). *Cosmopolitansim*. London: Routledge.
Fraser, N. (1989). *Unruly practices: power, discourse and gender in contemporary social theory*. Minneapolis: University of Minnesota Press.
Fraser, N. (1997). *Justice interruptus: critical reflections on the 'postsocialist' condition*. London: Routledge.
Fraser, N. (2010). *Scales of justice: reimagining political space in a globalizing world*. New York: Columbia University Press.
Fraser, N. and Honneth, A. (2003). *Redistribution or recognition?* London: Verso.
Giddens, A. (1987). *Social theory and modern sociology*. Cambridge: Polity.
Gough, I., Wood, G., Barrientos, A., Bevan, P., Davis, P., and Room, G. (2004). *Insecurity and welfare regimes in Asia, Africa and Latin America: social policy in development contexts*. Cambridge: Cambridge University Press.
Gramsci, A. (1971). *Selections from the prison notebooks*. London: Lawrence and Wishart.
Habermas, J. (1987). *The Theory of communicative action: vol 2: lifeworld and system*. Cambridge: Polity.
Harvey, D. (2005). *A brief history of neo-liberalism*. Oxford: Oxford University Press.
Held, D. (1987). *Models of democracy*. Cambridge: Polity.
Held, D. (2010). *Cosmopolitanism: ideas and realities*. Cambridge: Polity.
Holston, J. (2009). 'Insurgent citizenship in an era of global urban periperies', *City and Society*, 21(2), 245–67.
Isin, E. (2009). 'Citizenship in flux: the figure of the activist citizen', *Subjectivity*, 29(1), 367–88.
Isin, E., Brodie, J., Juteau, D., and Stasiulis, D. (2008). 'Recasting the social in citizenship', in E. Isin (ed.), *Recasting the social in citizenship*. Toronto: University of Toronto Press, 3–19.
Jessop, B. (2002). *The future of the capitalist state*. Cambridge: Polity.
Lister, R. (2003). *Citizenship: feminist perspectives* (2nd edn.). Basingstoke: Macmillan.
Lockwood, D. (1996). 'Civic integration and class formation', *British Journal of Sociology*, 47(3), 531–50.
Marshall, T. H. (1950). 'Citizenship and social class', in T. Marshall and T. Bottomore (eds.), *Citizenship and social class* (1992 edn.). London: Pluto, 3–51.
Marx, K. (1844). 'Economic and philosophical manuscripts', in L. Colletti (ed.), *Early Writings* (1975 edition). Harmondsworth: Penguin, 279–400.
Mill, J. S. (1859). *On Liberty* (1972 edn.). London: J. M. Dent.
Moore, B. J. (1978). *Injustice: the social bases of obedience and revolt*. New York: Macmillan.
Nedelsky, J. and Scott, C. (1992). 'Constitutional dialogue', in J. Bakan and D. Schneiderman (eds.), *Social justice and the constitution: perspectives on a social union for Canada*. Ottawa: Carleton University Press, 59–84.
Offe, C. (1984). *Contradictions of the welfare state*. Cambridge, MA: MIT Press.
Oliver, D. and Heater, D. (1994). *The foundations of citizenship*. Hemel Hempstead: Harvester Wheatsheaf.
Polanyi, K. (1944). *The great transformation*. New York: Rinehart.
Rose, N. (1996). 'The death of the social?', *Economy and Society*, 25(3), 327–56.
Runciman, G. (1966). *Relative deprivation and social justice*. London: Routledge & Kegan Paul.

Scott, J. (1985). *Weapons of the weak: everyday forms of peasant resistance*. New Haven, CT: Yale University Press.
Scott, J. (1990). *Domination and the arts of resistance: hidden transcripts*. New Haven, CT: Yale University Press.
Shi, S.-J. (2012). 'Towards inclusive citizenship? Rethinking China's social security in the trend towards urban-rural harmonisation', *Journal of Social Policy*, 41(4), 789–810.
Soper, K. (1981). *On human needs*. Brighton: Harvester.
Soper, K. (1993). 'The thick and thin of human needing', in G. Drover and P. Kerans (eds.), *New approaches to welfare theory*. Aldershot: Edward Elgar, 69–81.
Taylor, D. (1998). 'Social identity and social policy: engagements with post-modern theory', *Journal of Social Policy*, 27(3), 329–50.
Thane, P. (1996). *Foundations of the welfare state* (2nd edn.). Harlow: Longman.
Titmuss, R. (1955). 'Lecture at the University of Birmingham in honour of Eleanor Rathbone', in P. Alcock, H. Glennerster, A. Oakley, and A. Sinfield (eds.), *Welfare and wellbeing: Richard Titmuss' contribution to social policy* (2001 edn.). Bristol: Policy Press, 59–70.
Turner, B. (1986). *Citizenship and capitalism: the debate over reformism*. London: Allen and Unwin.
Walzer, M. (1994). *Thick and thin*. Notre Dame, IN: University of Notre Dame Press.
Waterman, P. (2001). *Globalization, social movements and the new internationalisms*. London: Continuum.
Williams, M. (2007). 'Non-territorial boundaries of citizenship', in S. Benhabib, I. Shapiro, and D. Petrovic (eds.), *Identities, affiliations and allegiances*. Cambridge: Cambridge University Press, 226–56.
Yuval-Davis, N. (2011). *The politics of belonging: intersectional contestations*. London: Sage Publications.

11

Can there be a global historiography of citizenship?

Kathryn L. Wegner

In the 1990s, many scholars raised questions about the meaning and relevance of citizenship in the context of unprecedented economic globalization, transnational governance, and new forms of communication. Scholars in the historical profession wondered about the historical construction and evolution of citizenship. The history of citizenship was first explored in national narratives, but by the early 2000s transnational and global histories of citizenship appeared in the historiography. This essay theorizes that by considering historical narratives in international context and comparison, a global historiography of citizenship enhances our understanding of citizenships and denaturalizes citizenship as Western. Thus, this survey of scholarship in the history of citizenship written in English, since the 1990s, offers both the historian and the citizenship scholar a place to start when trying to understand common definitions, themes, and approaches historians use to understand citizenship.[1] Because of the lengthy and more developed historiography of citizenship of France, Britain, and the United States, this essay disproportionately focuses on these nation-states, but it will be followed by a discussion of the relatively younger transnational and global histories and histories of citizenship in Asia, Africa, Latin America, and Eastern Europe.

Generally historians writing about citizenship tend to focus on one of a few topics or themes, most often in a national context. Moments of crisis portend changes in the meaning of citizenship (e.g. war, immigration/migration, social movements, extension of suffrage, abolition of slavery, decolonization), and many histories show how the dramatic event(s) transformed the meanings of citizenship. Other histories of citizenship – cultural or social histories – emphasize the quasi-citizenship status of marginalized groups such as African-Americans in the United States, Turks in Germany, or transient labourers in Brazil. This line of inquiry follows Engin Isin's (2002) work in not assuming a coherent, unified Western citizenship, and recognizing that migrants, minorities, and aliens possess distinct experiences of citizenship and thus contest its very meaning.

Other histories seek to understand the qualitative nature or everyday meaning of citizenship, exploring how through interactions with the legal system, school system, or the welfare state people's ideas of citizenship were constructed. Other historians have defined citizenship "types" as they presented themselves in particular historical moments, such as consumer citizenship, economic citizenship, corporate citizenship, social citizenship, or moral citizenship. Finally,

many works, especially those published after 2000, explore intersections between citizenship, gender, and race, often in a postcolonial context.

What is called citizenship?

The first question historians of citizenship must confront is: what is called citizenship? (Isin, 2009, p. 369). Defining citizenship is problematic, as the concept is socially constructed and historically contingent, and thus historians often rely on the explanatory constructs theorized by political scientists. Twentieth-century political theorists such as John Pocock, Quentin Skinner, and the Cambridge School, Jurgen Habermas, John Rawls, Adrian Oldfield, Will Kymlicka, Derek Heater, and sociologist T. H. Marshall are some of those most often cited by historians. Excerpts of these theorists' writings on citizenship have been edited and assembled in two collections by Ronald Beiner (1995) and Gershon Shafir (1998). Derek Heater's (2006) list of the most common ways citizenship has been defined has also been frequently utilized. In showing that citizenship has been defined as a status; identity; civil, political, or social idea; as a set of rights and duties; as a local, national, or supranational idea; as a legal status; or as a theory and practice, Heater (2006, p. 2) provides a place to start for the historian of citizenship.

In addition to relying on one of these definitions of citizenship, historians of North America and Europe also often utilize political theorists' characterizations of citizenship as a tension between the Greek and Roman traditions. A familiar historical narrative describes Greek citizenship as participation and Roman citizenship as the possession of legal rights, both of which include an emphasis on the development of civic virtue in youth through education. The Habermasian view is that the Greek tradition offered civic republicanism, which proposed that people were inherently political, that they practise citizenship through public spheres, and that participation was the central element of citizenship. John Rawls described the legacy of Roman citizenship as liberal-individualist, or a liberal citizenship, one that emphasizes an individual's rights and duties. Derek Heater (2004a) in *A Brief History of Citizenship* and historians of the United States such as Noah Pickus (2005) and Gary Gerstle (2002) use the tension between republican and liberal conceptions of citizenship as their framework.

The ways in which the early modern and modern worlds drew on these notions of classical citizenship, especially the Spartan model of citizenship training, the best example of state provision of citizenship education before revolutionary France, is considered by Heater (2004b, p. 3), but is otherwise unexplored. How did educational theorists appropriate the language of classical philosophers in advocating mass education or education for citizenship? How have these classical models of citizenship influenced its development in Europe, North America, and the parts of the world that do not consider themselves descendants of Greece and Rome? These questions require answers.

Historians have also taken up the idea of social citizenship as proposed by British sociologist T. H. Marshall (1950). In a series of lectures at the University of Cambridge in 1949, Marshall (1950, p. 10) laid out a teleological view of British citizenship in which citizens first achieved civil citizenship, consisting of the 'rights necessary for the individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice … [through] … institutions like Parliament and local government councils'. The political element of citizenship developed later with the expansion of suffrage, where political citizenship provided the 'right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body' (Marshall, 1950, p. 11). Finally, social citizenship, the concept of Marshall's that garnered the most attention, was explained as the 'economic welfare and security to the

right to share to the full in the social heritage and to live the life of a civilized being', which he saw as developing alongside mass education and the modern welfare state (Marshall, 1950, p. 11). Marshall has been criticized for his teleological views and the absence of women and ethnic minorities in his theoretical framework. Others have noted that his theory developed in the wake of mass secondary education and the establishment of national health care, a moment that redefined the relationship between the state and its people. In spite of criticism, Marshall's English model has been a starting point for many historians.

Relying on Western models of citizenship, such as Marshall's, is problematic for a historiography of global citizenship. In this post-orientalist moment historians must take care not to suggest that citizenship is necessarily a Western idea, or worse that some people or nations are incompatible with citizenship (Isin, 2005). For historians who feel compelled to start with a working definition of citizenship, the conceptual frameworks borrowed from the Western tradition have proven useful; however, a global history of citizenship must not assume that citizenship is uniform and European.

Citizenship and liberty during revolutions

Central to a historiography of global citizenship should be an analysis of political revolutions in the modern world. In revolution, assertions of individual desires for liberty redefine the relationship between the people and their ruler(s) and forge new citizenships. Historians of the French Revolution were the first to take seriously citizenship as a topic of historical inquiry, and they did so by centring citizenship in the historical narrative of the French Revolution. The narrative turned away from its dramatic and complex events, the ways that revolutionaries and counter-revolutionaries acted out ideologies, and its elements of class struggle when the citizenship historians intervened to show how revolutionaries saw citizenship and how 'a citizen', over the course of the revolution, came to mean a socially useful person endowed with civic virtue, and the opposite of 'privileged, aristocrat, member of faction, [or] troublemaker' (Dawson, 1993, pp. xiv, xvi). For French historians, French revolutionaries invented modern citizenship and state-funded citizenship education, but whether the struggle for citizenship was a cause of the revolution, as Simon Schama (1989) argued, or an outcome of the revolution, remains a central question for these historians. To Eli Sagan (2001, p. 7) the disappointment of the revolution was the failure of French revolutionaries to create Aristotelian citizens who were capable of ruling and being ruled. To be a real citizen, argued Sagan (2001), is thus to accept, allow, and be part of, when necessary, the loyal democratic opposition. French historiography is still preoccupied with understanding citizenship, although more recently it has turned towards the family, nation and citizenship, and the citizenship status of foreigners and Jews (Birnbaum, 2000; Ngaire Heuer, 2005; Rapport, 2000).

Across the Atlantic in a parallel revolution, citizenship also proved central to revolutionaries, but historians of the American Revolution are newer to its exploration. As in France, the term 'citizen' in the British colonies was defined by its opposite, meaning to the American revolutionaries the state of not being a 'subject'.

The American Revolution and citizenship

During the American Revolution, revolutionaries afforded the 'citizen a crucial and heady status, one distinct from the inequality required and expected of subjecthood' (Bradburn, 2009, pp. 10–11). Citizenship in a democratic republic would be very different from its status in a monarchy. In fact according to Douglas Bradburn's research 'subjecthood and citizenship were

understood to be polar opposites, with subjecthood representing a feudal status of perpetual allegiance and inferiority, and citizenship representing a "modern" status of equality and freedom, a mark of "a new order"' (Bradburn, 2009, p. 11).

Bradburn's book is one of many in the past fifteen years on citizenship, a factor partially attributable to the inspirational American Historical Association conference's Presidential Address in 1997 by Linda Kerber titled 'The Meanings of Citizenship', in which she proposed an American 'braided citizenship', a definition of citizenship as an idea full of inconsistencies and contradictions, albeit inherently American ones (Kerber, 1997). To Noah Pickus (2005), these particulars of American citizenship were forged in the unique debates between the Republicans and Federalists in the first few decades after independence, when Republicans regarded the nation as held together by citizens' shared belief in liberalism and self-government, and the Federalists who saw the nation as united by citizens' shared national origin and language. These two components of American citizenship – sharing of civic principles and sharing a national identity were moulded into a tenuous civic nationalism that, he argued, has essentially defined American citizenship until the present day.

The long histories of citizenship in the United States draw on faith in American exceptionalism, an idea from Alexis de Tocqueville's 1835 *Democracy in America* that claimed that the American nation was qualitatively unique (Wood, 2011). Historians of citizenship have found American exceptionalism unavoidable, tending towards explanations of how American democracy, liberty, and a civic nationalist citizenship are one of a kind.

In an influential article in 1992, Nancy Fraser and Linda Gordon asked the exceptionalist question: why is there no social citizenship in the United States?[2] Many historians since have explored how United States' citizenship is exceptional given the nation's limited welfare state. One way that historians of American citizenship might escape the search for American exceptionalism is to place the United States in a global, or at least European, narrative, something that this essay hopes to inspire.

In American historiography, citizenship also appears in work on the Progressive Era. Citizenship as defined as a legal construct and sometimes as a social identity is an important topic in Progressive Era (1890–1920) history, and is often discussed as it relates to democratic theory at the turn of the twentieth century. Scholarship on John Dewey, Walter Lippmann, Theodore Roosevelt, and other Progressives often asks what the role of the citizen in a democracy should be. Immigration historians also discuss citizenship to varying degrees, as immigrants are the perfect case for testing the inclusiveness of citizenship in a particular era. Martha Gardner's (2009) book on women immigrants and the barriers they faced in acquiring legal citizenship is a good example. Mae Ngai's (2005) fantastic *Impossible subjects: illegal aliens and the making of modern America* describes how immigration law created the category of illegal aliens, one that had not existed before the 1920s. Gary Gerstle (2002) and Desmond King (2005) also write long immigration history narratives that discuss the significance of access to citizenship for immigrants.

Historians of education and schooling also naturally engage with these debates and have contributed to our understandings of the connections between citizenship and the nation's intention to teach it through state-funded public schooling (Zimmerman, 2005; Selig, 2008; Steffes, 2012; Moss, 2009). The consensus here is changing, as historians now see the issue as more complicated than the revisionist take that has mostly held sway since the 1970s and argued that citizenship education was the state's approach to indoctrinating its youth in a notion of citizenship that emphasized docility, obedience, and a submission to the capitalist social order and status quo (Spring, 1976). Historians of education are now joining the larger historiographical trend of exploring citizenship in local contexts.

Other histories of American citizenship explain types of citizenship. Kerber's (1976) epublican motherhood' described American women's special role as citizens in educating and preparing their sons for republican self-rule. Others like Gary Cross (2002), Lizbeth Cohen (1998), and Meg Jacobs (2006) write about the development of consumer citizenship in the early and mid-twentieth century, in part to explain how consumer citizenship supplanted an emerging workers' rights conception of citizenship that was emerging in the 1930s. In short, the historiography of citizenship in the US has focused on the revolutionary period, the Progressive Era at the dawn of the twentieth century, and 1930s New Deal period of state-building and social welfare, and seems to be turning from long narratives of citizenship to explorations of local citizenship in particular historical moments. Histories of citizenship in the new century more often than not focus on gender and citizenship, and partial or quasi-citizenships, such as the state of African Americans in the Jim Crow post-bellum American South, the state of the physically and mentally disabled, or cases of partial citizenship status for gay or lesbian people.

Subjects or citizens in British history?

Perhaps American exceptionalism is not that exceptional, given that the historiography of British citizenship seems also fixated on understanding the unique status of British citizens in a constitutional monarchy. The central paradox in British history is that in what has always been a monarchy (with the exception of the 11-year republican period), it has also been the site of widespread electoral franchise, the birth of political parties, and arguably deep political participation. Furthermore, British common law established a definition of citizenship that defines international law, that is, that citizenship is determined by *jus sanguinis* or *jus soli*, by right of blood or place of birth (Heater, 2006, p. 164).

Regardless of these contributions to the development of citizenship, historians of Britain have emphasized the fact that British law does not discuss citizenship. Heater (2006) traced citizenship's history from its humanist origins in Locke, Hobbes, and John Stuart Mill to the present day, and argued that not only does British law not discuss citizenship, but in a state without personal sovereignty it cannot really exist; in other words 'no republic, no citizenship'. Rieko Karatani (2003, p. 2), a historian of the modern commonwealth, agreed, noting that existing work emphasizes the absence of British citizenship, claiming that nothing in British common law actually defines who 'belongs' or what it means to 'belong' to the British state. Karatani (2003) tries to rectify this reading of Britain as lacking citizenship with his book on British citizenship and the empire.

Although the interpretations of Britain as lacking citizenship do exist, even more historians have searched for what forms of citizenship *were* present. For the early modern historian Patrick Collinson (1987), Britons should be regarded as 'citizens concealed within subjects'. He was responding to a central question in the historiography of British political history that sought explanations for the rise of republicanism prior to the Civil War. Collinson found that the ideas of self-government were present in a variety of places existing, for the most part, harmoniously within the monarchial system. Men participated on local councils, and in guilds, and were increasingly familiar with classical scholarship on republicanism. Phil Withington (2005) showed how freeman or 'citizens' of towns possessed rights and duties such as holding property, levying taxes, and voting for members of Parliament.

In the British Empire citizenship takes on a larger meaning. Citizenship is not located in the citizen-state relationship, but in the affective connections between individuals and their nation-state. Guy Goodwin-Gill (2003, p. vii) wrote that citizenship was in the 'personal

link between subject and sovereign – the bonds of loyalty and allegiance'. In the nineteenth century this shared loyalty to, and protection by, the sovereign is what united the people of the empire. How this 'imperial citizenship' was constructed and promoted is explored as an ideological history in Daniel Gorman's (2006) *Imperial citizenship: empire and the question of belonging*. The implications of 'imperial citizenship' for women in the British Empire, and in particular how suffrage are achieved in the early twentieth century are topics taken up in a new edited collection titled *Women's suffrage in the British Empire: citizenship, nation, and race* (Fletcher *et al.* 2000).

Gender again makes an appearance in Matthew McCormack's (2006) *Independent man: citizenship and gender politics in Georgian England* where he explores the intersections between masculinity and politics and the 'manly' ideal of independence in the political world. In the later nineteenth century Lydia Murdoch (2006) uses the case of orphans to show how conflicts between middle- and working-class notions of citizenship created an anti-poverty sentiment amongst the middle class that contributed to the development of a minimalist welfare state.

The post-war story of British citizenship is also told as the refashioning of belonging for the post-empire and increasingly multicultural nation-state. This scholarship parallels that of modern Germany, where five recent books (Mushaben, 2008; Klopp, 2002; Mandel, 2008; Nathans, 2004; Eley and Palmowski, 2008) discuss national unity and the integration of ethnic minorities, the Turkish community in particular. In Britain, Ann Dummett and Andrew Nicol (1990), Randall Hansen (2000), and Sonya Rose (2004) represent a new British historiography that is increasingly interested in what immigration history illuminates about the meaning of citizenship and Britishness. Karatani (2003) showed that the post-war era is in some ways the richest for the study of British citizenship, given that British subject and Commonwealth citizen were proclaimed to have the same meaning in the 1948 British Nationality Act. It was not until 1981 that a Nationality Act in Britain declared British citizenship a legal category. From discussions of citizenship as weak, the historiography has moved in the last few years to exploring the multiple and overlapping citizenships of supranational EU citizenship, national, regional e.g Scottish, or local e.g Greater London Authority.

A Chinese citizenship?

The exceptional citizenships in the United States and the United Kingdom were almost always presumed to be present, which is not the case in other historiographies. While there are certainly political histories exploring the relationship between citizens and their rulers which we might broadly see as citizenship history, the historical scholarship that specifically positions its narrative in a longer history of citizenship rarely imagines the presence of non-Western versions of citizenship. Citizenship in the East is either a clear import from the West or absent and unimaginable. Chinese historian Peter Zarrow (1997) found that in the late-Qing constitutionalist state, citizenship with the right of suffrage was offered to educated and propertied men, who drew on a Western citizenship discourse in their discussions of modernization and state-building, and led to the growth of the Republican Party in the decade leading to the Revolution (p. 16). Zarrow's discussion of the influence of Western ideas on Chinese republicans is unsurprising given the interconnected histories of the East and West.

In R. Bin Wong's (1999) history of the Chinese twentieth-century communist state, citizenship is shown to be absent. Wong writes, that 'Chinese subjects lack the institutional foundation to be citizens', for he assumes that, without a public sphere or civil society, citizenship is nonexistent (p. 112). In its place the state relied on mass movements, and so

Chinese citizens in the Communist state became part of social movements, not 'citizens in a representative political system' (Wong, 1999, p. 12). In applying a Western definition of citizenship, Wong fails to imagine what a distinctively Chinese citizenship might look like, instead bemoaning the lack of a particular Western citizenship in China. Historians of the non-Western world would complicate our understanding of citizenship by showing how citizenship, differently defined, developed in the East. Ultimately, the limited yet emerging historiography of Chinese citizenship suggests the continued persistence of orientalist interpretations of Eastern history. A global historiography of citizenship must demonstrate the influence of Western conceptions of citizenship without essentializing citizenship by assuming a singular Western model.

African, Asian, South American, and Eastern European citizenships

The historiographies of citizenship in Africa, Asia, South America, and Eastern Europe are in development, and their mostly national narratives help complicate the historiographies of citizenship in western Europe and the United States. For example, recent work on the Ottoman Empire tied the instability of Ottoman citizenship to the empire's lateness in establishing infrastructure and economic development, suggesting that what the Chinese republicans believed – that citizenship and modernization are linked – might be one way to understand modern citizenship (Salzmann, 1999, p. 38). A recent book on postcolonial India helps us see a more cynical legacy of the English legal system and the liminal and contested citizenship within India in the years following partition (Roy, 2010). Alastair Davidson's (1997) book on postcolonial Australian citizenship advances a definition of citizenship that does not require national belonging and shows how citizenship manifests in a multicultural state. In Brazil the growth of settlements on the peripheries of the megacities of São Paulo and Rio de Janeiro have inspired many to consider what access to citizenship poor, often transient residents possess. James Holston's book on 'insurgent citizenship' based its claims on discussions with people on the fringe, and he found that citizenship can be universally inclusive and generally inegalitarian; one can feel fully a part of the nation, yet lacking the rights of membership (2008, p. 40). Recent scholarship (Robins, 2005; Nyamnjoh, 2006; Werbner, 2004) on Africa explores the limitations of citizenship in modern South Africa, and the postcolonial challenges for the continent in *Making nations, creating strangers: states and citizenship in Africa* (Dorman *et al.* 2007). The paucity of scholarship on the history of citizenship (in English), particularly on South America remains (Fischer, 2010). These contributions, however small, on the origins of citizenship, development in multicultural states, the challenges of postcolonialism, and citizenship's contestability by marginal subjects challenge the Western citizenship narrative.

On Eastern Europe the historiography is leaning towards explorations of gender and disability, a trend following American and British historiography. Recent books on citizenship and gender in Czechoslovakia and on gender in contemporary Russia, and a study of disability in post-socialist Ukraine round out the most recent scholarship (Phillips, 2010; Feinberg, 2006; Calazza, 2002), each illustrating how citizenship is contested by national minorities.

Finally, global or transnational histories help us see commonalities across many citizenships. Gender and the antislavery movement, race in post-emancipation societies, the impact of masculinity in creating Western political culture, and memory in Japan, Germany, and the US are examples of connections citizenship historians have made between nation-states or regions (Zaeske, 2003; Cooper, Holt, and Scott, 2000; Clark, Dudink, and Hagemann, 2012; Hein and Selden, 2000). Rogers Brubaker (1992) compares the invention of national citizenship in France and Germany, carrying it through to the present day to show how each nation integrates

immigrants. Kamal Sadiq's (2010) *Paper citizens: how illegal immigrants acquire citizenship in developing countries* is a good introduction to the concept of 'documentary citizenship', where newly arrived migrants easily acquire citizenship papers allowing them to pass as citizens of a nation without belonging or sometimes even permanently living there. These international perspectives are places to start, but the historiography is still emerging.

Conclusion

All of the histories of citizenship struggle with similar challenges, starting with how to define citizenship – as a legal construct, as a social category, an identity, or an idea, or something else altogether. Because citizenship is an inherently positive term, there is a danger in describing citizenship in a teleological narrative, which is obviously problematic, since the extension of citizenship rights is often selectively applied, quickly reversed, transitory, or fleeting. The few studies that draw on or help build transnational, comparative, or global narratives have the difficult act of balancing the national particularities with the global commonalities. These conceptual or theoretical concerns call for more consideration.

The task for historians of citizenship is first to show how citizenship has been constructed as natural in the West and weakly imported or impossible elsewhere. Then we can begin to draw together histories of citizenship across time and space to denaturalize modern citizenship's origin in European nation-states. It helps us see how citizenship is and is not necessarily a Western idea, and more research into the history of citizenship in the non-Western world can help us see how Africans and Asians have drawn on Western ideas of citizenship, but have also crafted their own ways of thinking about peoples' rights and duties to nation-states and empires. In this way, a historiography of global citizenship is a bold mission – one that might decentre the West as the foundation of liberalism and republicanism. Histories of citizenship can illuminate how peoples around the world have worked out living together and governing themselves, and show how ordinary people in many places and times have used, if not the particular term, then the language of citizenship, to demand better lives. Thus a global historiography of citizenship, one that we are only beginning to construct, has the possibility of showing how citizenship is both universal and historically contingent.

Notes

1 Bibliographies created by the Center for the Study of Citizenship at Wayne State University in the United States (http://clasweb.clas.wayne.edu/citizenship) and the book review archive of H-Citizenship, an H-Net listserve (www.h-net.org/~citizen/) are useful places to start.
2 Fraser and Gordon (1992) expanded T. H. Marshall's analysis to explore how gender inequality has contributed to a dismissal of social citizenship in the United States.

References

Beiner, R. (1995) *Theorizing citizenship*, Albany, NY: SUNY Press.
Birnbaum, P. (2000) *Jewish destinies: citizenship, state and community in modern France*, New York: Hill and Wang.
Bradburn, D. (2009) *The citizenship revolution: politics and the creation of the American Union, 1774–1804*, Charlottesville, VA: University of Virginia Press.
Brubaker, R. (1992) *Citizenship and nationhood in France and Germany*, Cambridge, MA: Harvard University Press.
Calazza, A. (2002) *Mothers and soldiers: gender, citizenship, and civil society in Contemporary Russia*, New York: Routledge.

Cohen, L. (1998) The New Deal state and the making of citizen consumers, in S. Strasser, C. McGovern, and M. Judt, (eds.), *Getting and spending: European and American consumer societies in the twentieth century*, Cambridge: Cambridge University Press: 111–26.

Collinson, P. (1987) The monarchical republic of Queen Elizabeth I, *Bulletin of the John Rylands University Library of Manchester*, vol. 69: 394–424.

Cooper, F., Holt, T.C., and Scott, R. (eds.) (2000) *Beyond slavery: explorations of race, labor, and citizenship in postemancipation societies*, Durham, NC: University of North Carolina Press.

Cross, G. (2002) *An all-consuming America: why commercialism won in modern America*, New York: Columbia University Press.

Davidson, A. (1997) *From subject to citizen: Australian citizenship in the twentieth century*, Cambridge: Cambridge University Press.

Dawson, P. (1993) Introduction, in R. Waldinger, P. Dawson, and I. Woloch (eds.), *The French Revolution and the meaning of citizenship*, London: Greenwood Press: 1–2.

Dorman, S. R., Hammett, D. P. and Nugent, P. (eds.) (2007) *Making nations, creating strangers: states and citizenship in Africa*, Leiden: Brill.

Dudink, S. Hangemann, K., and Clark, A. (eds.) (2012) Representing Masculinity: Male Citizenship in Modern Western Culture, London: Palgrave Macmillan.

Dummett, A. and Nicol, A. (1990) *Subjects, citizens, aliens, and others: nationality and immigration law*, London: Weidenfeld and Nicolson.

Eley, G. and Palmowski, J. (eds.) (2008) *Citizenship and national identity in twentieth-century Germany*, Stanford, CA: Stanford University Press.

Feinberg, M. (2006) *Elusive equality: gender, citizenship, and the limits of democracy in Czechoslovakia, 1918–1950*, Pittsburgh, PA: University of Pittsburgh Press.

Fischer, B. (2010) *A poverty of rights: citizenship and inequality in twentieth century Rio de Janeiro*, Stanford, CA: Stanford University Press.

Fletcher, I. C., Nym Mayhall, L. E., and Levine, P. (eds.) (2000) *Women's suffrage in the British Empire: citizenship, nation, and race*, New York: Routledge.

Fraser, N. and Gordon, L. (1992) Contract versus charity: why is there no social citizenship in the United States? *Socialist Review* 22: 45–68.

Gardner, M. (2009) *The qualities of a citizen: women, immigration, and citizenship, 1870–1965*, Princeton, NJ: Princeton University Press.

Gerstle, G. (2002) *American Crucible: Race and Nation in the Twentieth Century*, Princeton, NJ: Princeton University Press.

Goodwin-Gill, G. S. Forward (2003), in R. Karatani, *Defining British citizenship: empire, commonwealth, and modern Britain*, London: Frank Cass Publishers: vii–viii.

Gorman, D. (2006) *Imperial citizenship: empire and the question of belonging*, Manchester: Manchester University Press.

Hansen, R. (2000) *Citizenship and immigration in post-war Britain*, Oxford: Oxford University Press.

Heater, D. (2004a) *A brief history of citizenship*, Edinburgh: Edinburgh University Press.

Heater, D. (2004b) *A History of Education for Citizenship*, London: Routledge Falmer.

Heater, D. (2006) *Citizenship in Britain: a history*, Edinburgh: Edinburgh University Press.

Hein, L. and Selden, M. (eds.) (2000) *Censoring history: citizenship and memory in Japan, Germany, and the United States*, London: M. E. Sharpe.

Holston, J. (2008) *Insurgent citizenship: disjunctions of democracy and modernity in Brazil*, Princeton, NJ: Princeton University Press.

Isin, E. F. (2002) Citizenship after orientalism In: E. F. Isin and B. S. Turner (eds.), *Handbook of citizenship studies*. London: Sage, pp. 117–28.

Isin, E. F. (2005) Citizenship after orientalism: Ottoman citizenship, in F. Keyman and A. Icduygu (eds.), *Citizenship in a global world: European questions and Turkish experiences. Routledge Studies in Governance and Change in the Global Era*. Abingdon, Oxon.: Routledge, pp. 31–51.

Isin, E. F. (2009) Citizenship in flux: the figure of the activist citizen, *Subjectivity* 29: 367–88.

Jacobs, M. (2006) *Pocketbook politics: economic citizenship in twentieth-century America*, Princeton, NJ: Princeton University Press.

Karatani, R. (2003) *Defining British citizenship: empire, commonwealth, and modern Britain*, London: Frank Cass Publishers.

Kerber, L. K. (1976) The republican mother: women and the enlightenment: an American perspective, *American Quarterly*, Vol. 28, No. 2: 187–205.

Kerber, L.K. (1997) The meanings of citizenship, *The Journal of American History* 84, no. 3: 833–54.
King, D. (2005) *The liberty of strangers: making the American nation*, New York: Oxford University Press.
Klopp, B. (2002) *German multiculturalism: immigrant integration and the transformation of citizenship*, Westport, CT: Praeger.
McCormack, M. (2006) *Independent man: citizenship and gender politics in Georgian England*, Manchester: Manchester University Press.
Mandel, E. R. (2008) *Cosmopolitan anxieties: Turkish challenges to citizenship and belonging in Germany*, Durham, NC: Duke University Press.
Marshall, T. H. (1950) *Citizenship and social class: and other essays*, Cambridge: Cambridge University Press.
Moss, H. (2009) *Schooling citizens: the struggle for African American education in antebellum America*, Chicago: University of Chicago Press.
Murdoch, L. (2006) *Imagined orphans: poor families, child welfare, and contested citizenship in London*, Rutgers, NJ: Rutgers University Press.
Mushaben, J.M. (2008) *Changing faces of citizenship: social integration and political mobilization among ethnic minorities in Germany*, New York: Berghahn Books.
Nathans, E. (2004) *Politics of citizenship in Germany: ethnicity, utility and nationalism*, Oxford: Berg Publishers.
Ngai, M. (2005) *Impossible subjects: illegal aliens and the making of modern America*, Princeton, NJ: Princeton University Press.
Ngaire Heuer, J. (2005) *The family and the nation: gender and citizenship in Revolutionary France, 1789–1830*, Ithaca, NY: Cornell University Press.
Nyamnjoh, F.B. (2006) *Insiders and outsiders: citizenship and xenophobia in contemporary southern Africa*, New York: Palgrave.
Perry, J. (2006) Consumer citizenship in the interwar era: gender, race, and the state in global-historical perspective, *Journal of Women's History* 18, no. 4: 157–72.
Phillips, S. D. (2010) *Disability and mobile citizenship in postsocialist Ukraine*, Indianapolis, IN: Indiana University Press.
Pickus, N. (2005) *True faith and allegiance: immigration and American civic nationalism*, Princeton, NJ: Princeton University Press.
Rapport, M. (2000) *Nationality and citizenship in Revolutionary France: the treatment of foreigners, 1789–1799*, London: Clarendon Press.
Robins, S. L. (ed.), (2005) *Limits to liberation after apartheid: citizenship, governance and culture*, Oxford: Oxford University Press.
Rose, S. (2004) *Which people's war? National identity and citizenship in Britain, 1939–1945*, Oxford: Oxford University Press.
Roy, A. (2010) *Mapping citizenship in India*, Oxford: Oxford University Press.
Sadiq, K. (2010) *Paper citizens: how illegal immigrants acquire citizenship in developing countries*, Oxford: Oxford University Press.
Sagan, E. (2001) *Citizens and cannibals: The French Revolution, the struggle for modernity, and the origins of ideological terror*, New York: Rowman & Littlefield.
Salzmann, A. (1999) Citizens in search of a state: the limits of political participation in the Late Ottoman Empire, in M. Hanagan, and C. Tilly (eds.), *Extending citizenship, reconfiguring states*, New York: Rowman & Littlefield: 37–66.
Schama, S. (1989) *Citizens: a chronicle of the French Revolution*, London: Penguin.
Selig, D. (2008) *Americans all: the cultural gifts movement*, Cambridge, MA: Harvard University Press.
Shafir, G. (1998) *The citizenship debates: a reader*, Minneapolis, MN: University of Minnesota Press.
Spring, J. (1976) *The sorting machine: national educational policy since 1945*, New York: McKay.
Steffes, T. (2012) *School, society, and state: a new education to govern modern America, 1890–1940*, Chicago: University of Chicago Press.
Tocqueville, A. de (2004 [1835]) *Democracy in America*, New York: Literary Classics of the United States.
Werbner, R. (2004) *Reasonable radicals and citizenship in Botswana: the public anthropology of Kalanga elites*, Bloomington, IN: Indiana University Press.
Withington, P. (2005) *The politics of commonwealth: citizens and freemen in early modern England*, Cambridge: Cambridge University Press.
Wong, R. B. (1999) Citizenship in Chinese history, in M. Hanagan and C. Tilly (eds.), *Extending citizenship, reconfiguring states*, New York: Rowman & Littlefield: 97–122.
Wood, G. S. (2011) *The idea of America: reflections on the birth of the United States*, New York: Penguin Press.

Zaeske, S. (2003) *Signatures of citizenship: petitioning, antislavery, and women's political identity*, Durham, NC: University of North Carolina Press.

Zarrow, P. (1997) Citizenship in China and the West, in J. A. Fogel and P. G. Zarrow, *Imagining the people: Chinese intellectuals and the concept of citizenship, 1890–1920*, London: M. E. Sharpe: 3–38.

Zimmerman, J. (2005) *Whose America? Culture wars in the public schools*, Cambridge, Mass.: Harvard University Press.

12
Regimes of citizenship

Xavier Guillaume

When in March 2004 the French parliament adopted a law banning the veil, or any obvious religious signs, from public schools, one could see in this national legislation a specific domestic answer to the so-called 'veil affairs' which started in France as early as 1989. For almost fifteen years, teenage Muslim girls were constructed as a threat to the unity and stability of the French Republic because their (assumed) attachments, loyalties, and goals were seen as incompatible with the values, principles, and common project expressed by a Republican ideal.

Yet, what the 'issue' of the veil uncovers is rather the multiple sites from which citizenship can be engaged with, as to think about the veil in France is to engage with the contemporary and historically constituted interlinks between citizenship and migration (as most of these girls are considered to be *issus de l'immigration* whether or not they hold French citizenship), religion (as these girls are Muslim), secularism (as it is the normative European standard posited), post-colonialism (as an origin and factor for the specific relations between some migrants or French citizens *issus de l'immigration* and French 'natives'), urbanization (as it is the specific, often imagined, space of the relations between outsiders and insiders), integration (as the specific political issue at stake), or security (as this 'issue' has been presented and constructed as a threat to French society), and so on. As is obvious from this non-exhaustive list, these interlinks are not limited to the territorially defined boundaries of France (see Guillaume 2007: 751–7), and thus require a conception of citizenship that goes beyond a static, institutional and formal understanding.

Citizenship is in effect still widely considered a domestic institution that may have international ramifications depending on the legal frameworks states may be bound to. This understanding of citizenship, however, puts emphasis, if not solely concentrates, on this formal picture of citizenship's institutional dimension, whether domestic or international. From a global perspective, however, citizenship has not only to be read in the diverse dynamics of its multiple spatialities, from local municipalities to international agreements, but also in the multiple ways in which it is legislated *and* enacted at *both* the domestic and international levels. Citizenship in that respect is also a site and a source of struggles over what being a citizen means. Issues over, and the repertoires through, which institutions, procedures, practices, and acts are meeting do not limit themselves any more to the confines of the (nation-)state. In other words, citizenship is a globalizing process that is constituted by global and globalized institutions, procedures, practices, and acts participating in the constitution of citizens and non-citizens alike. To offer a reflection

in terms of *regimes of citizenship* is a way of engaging with the multiple ways in which citizens and non-citizens are not only considered formal holders of institutionalized status, but also become political through practices and acts. Looking at regimes of citizenship enables us to analyse how the *interplays* between the 'domestic' and the 'international' are delimiting, enabling, or disabling citizens and non-citizens as political beings.

In this light, citizenship regimes refer to the complex global interplays by which these spaces and polities are shaping contemporary categories and hierarchies of being political (Isin 2002), of being a (non-)citizen. Regimes of citizenship thus not only refer to the specific institutional regimes domestically or internationally delineating and regulating the formal rights and obligations of citizenship-holders or of non-citizens alike. Rather, the concept of a regime of citizenship is here understood as the (a) dynamic and interwoven relationships, (b) in interconnection with complex historical processes (such as modernity, secularism, (post)colonialism, or state formation), of (c) conduits that are implemented locally, nationally, regionally, internationally and transnationally, *but also* forms of political enactment about being political as (non-)citizens, which may or may not be crystallized in formal or informal institutions. These conduits and forms of political enactment are (d) a series of practices and acts, having emerged and/or been designed 'in order to answer specific purposes', and (e) have as effects the establishment and/or contestation of regimes of jurisdiction and truth (Foucault 2001[1980]: 841–9, see also Dean 2010[1999]: 27–33, Isin 2002, 2008, 2013).

Before engaging with the different dimensions of this concept and exploring how regimes of citizenship highlight the interplays between different constitutive political dynamics and spatialities constituting citizenship, the chapter begins by presenting how citizenship has first been conceptualized as a formal institution. In so doing, it documents how this static conception has limiting effects for understanding citizenship *both* as domination and as empowerment, but more importantly for understanding it as a dynamic globalizing process. In order to do so, I engage with two central works in citizenship studies, Rogers Brubaker's *Citizenship and nationhood in France and Germany* (1992) and Yasemin Nuhoğlu Soysal's *Limits of citizenship* (1994), which have engaged with the *institution* of citizenship from a domestic and an international perspective respectively. While both works suggest a different outlook about what is at the heart of the definition of membership of a polity, they both significantly understand citizenship as an institution that, though resulting from different interacting factors, nonetheless is primarily construed as a formal category, in Hanna Pitkin's (1967: 59) sense, that is as a category that lies 'outside the activity' of citizenship itself, 'before it begins or after it ends'. The chapter then moves onto the concept of regime of citizenship to show how a conception of citizenship as a complex interweaving process enables the delineation of both the formal *and* symbolic borders that enable or disable one's participation in the political community. A solely formal understanding of citizenship would limit our comprehension of the fact that certain groups – whether culturally, religiously, ethnically, socially, sexually, or economically defined – can be disadvantaged, marginalized, or suffer from a lack of social and political recognition *despite* their formalized membership of a polity (see Young, 1990: 54–5).

Citizenship as an ((inter)national) institution

Rogers Brubaker's (1992) influential discussion of the institution of citizenship situates it as an essential, necessary and inherent sovereign ability a nation-state possesses in order to define national/political membership. Citizenship, therefore, is the legitimate exclusionary legal mechanism by which nation-states define the boundaries distinguishing home (the community of citizens) from the foreign (the residually defined non-citizens). In that respect, Brubaker is very

much interested in citizenship as a formal status and how this status is defined and given from an institutional standpoint (see for instance Brubaker 1992: 14, 21–2, 30). He advances that specific path-dependent trajectories, determined by specific 'cultural idioms' about what nationhood is, and their reinforcement or activation 'in specific historical and institutional settings', affect and shape the ways in which citizenship is designed as a 'powerful instrument of social closure' (Brubaker 1992: 16, 23). His discussion of the classic cases of France and Germany, the former considered an ideal–typical case of a *jus soli* state, the latter of a *jus sanguinis* one, while elegant, is problematic in many respects. His account of both French and German cases can be shown to be at times anachronistic or over-determining readings in light of citizenship's historical shape and evolution in both countries in the nineteenth and twentieth centuries (see respectively, for instance, Noiriel 2006 [1988], Sammartino 2009).

What Brubaker seems to leave out from his discussion, and what is highlighted by his critics and is crucial to understanding citizenship as a global(ized) phenomenon, is not only the interconnectedness of multiple levels of institutional frameworks, but also their participations in larger historical processes such as modernity, secularism, or (post)colonialism. Moreover, it also neglects the fact that citizenship is also something that emanates from those upon whom it is enacted as a marker of being an insider or an outsider; a marker that is not limited to institutionalized forms of distinction through the marker of nationhood, but also to other forms of identification such as gender or religion. In fairness, despite his state-centric view of citizenship, Brubaker recognizes that citizenship also is an international institution. He does so, however, only to the extent that it is a result of a diffusion and uniformization of the ways in which modern states define their own political boundaries on the basis of their territorially defined sovereignty (Brubaker 1992: 26, 31). Citizenship itself, however, rather than nation-states, might be the actual enacting process by which nation-states come to be seen as the governing entity of populations and that the international (i.e. the inter-statal system) is the result, and not the origin, of citizenship as a specific form by which sub-populations are created under the aegis of territorially defined political entities (see Hindess 1998). Citizenship might thus be as much a tool of domination as of empowerment, whereby non-citizens are not only residually defined but actively constituted, while citizens themselves are hierarchically situated according to a variety of criteria (for instance, being unemployed, a woman, a homosexual, a Muslim, and so on).

Yasemin Nuhoğlu Soysal (1994) in her influential reading of citizenship as a post-national institution has taken the opposite path to Brubaker's by showing how citizenship has become more and more an international institution that constrains nation-states to open up membership of their polity to non-nationals. This predominance of the international over the national arises from 'transnational discourse and structures celebrating human rights as a world-level organizing principle' (Soysal 1994: 3), highlighting the 'increasingly intertwined … global modalities of rights' that 'reverberate through nation-state-level arrangements and premises of citizenship' (Soysal 1994: 6). Soysal's focus, however, is essentially an institutional one, as she stresses that 'the institutionalized rules and definitions of the global system' are providing 'models for and constraints on actions and policies of the nation-states in regard to international migration and migrants' (Soysal 1994: 6).

The emergence and, according to Soysal, the contemporary predominance of the individual person as the legitimation criterion for the attribution of rights, notwithstanding the actual nationality of the resident, is the result of international/transnational governmental and non-governmental organizations' influence, whether through norm diffusion or direct policy influence, on domestic institutions and policies (Soysal 1994: 41, 143–9). Despite the professed absence of a 'unified, homogeneous and global institutional order' (Soysal 1994: 6), Soysal's framework, however, does not take into account the fact that citizens and non-citizens alike might partake of or resist what amounts to a global liberal order, which is linearly defined from

the standpoint of a hegemonic institutional apparatus, whether one considers the vast majority of international non-governmental organizations or the United Nations (see Kymlicka 2007).

Soysal's linearity can be seen in her overemphasis on international influence over the domestic institution of citizenship. States, however, have, in parallel with the growing international influences and pressures highlighted by Soysal and others, reasserted their prerogatives in managing migration and, by extension, their prerogatives in designing and managing their national communities most notably through forms of obligations put on would-be citizens and long-term migrants to show their loyalty to the state and their cultural and linguistic integration into the national-political community (see Kofman 2005). Moreover, it is important to note that the 'internationalization' at work in the institution of citizenship identified by Soysal does not only work on its empowerment side; it can also be seen on its domination side. Deportation, for instance, can be seen as an international governmental practice of citizenship (Walters 2002). As William Walters shows, deportation is an international police of population in the sense of an international art of government, because it consists of a

> compulsory allocation of subjects to their proper sovereigns, or, in many instances of statelessness, to other surrogate sovereigns …. In the face of patterns of international migration, deportation serves to sustain the image of a world divided into 'national' populations and territories, domiciled in terms of state membership.
>
> *(Walters 2002: 282; see also Hindess 1998)*

In this light, one can identify a variety of bilateral or multilateral agreements and arrangements aiming at managing populations grounded on specific understandings of who are insiders and who are outsiders – for instance the multiple European Union frameworks managing the EU's internal and external migration policies (see Kuus 2011).

This engagement with the works of Brubaker and Soysal highlights on the one hand the preponderance of formalist conceptions of citizenship, whether or not they substantially take into account international dimensions, and on the other the underlying empowering and emancipatory script usually associated with citizenship. In other words, on the one hand, to approach citizenship as a global and globalized phenomenon one has to consider that citizenship is also an active process which has 'effects of reality' (Foucault 2001[1980]: 847, 853) and thus we have to take into account citizens' discourses and practices as enacting the boundaries of citizenship beyond what is (institutionally) bestowed and endowed, to borrow T. H. Marshall's terms (1997 [1963]: 300), thus (de)limiting the political participation in, and membership of, the polity (see Alejandro 1993), but one has also to consider, with Engin Isin (2002, 2008), that citizenship is also an act that ruptures existing citizenship status and practices, and regimes of jurisdiction and truth, through the self-enactment of people as new political subjects who are due, in Arendtian fashion, the right to have rights (Isin 2008: 18, 36, 38; see Arendt 1966).

On the other hand, global(ized) citizenship cannot be set outside normative questions that are usually bracketed by Brubaker and Soysal's types of approach because citizenship enacts a social order (see Favell 2001). Moreover, citizenship can arguably be considered a global(ized) social order, and this is crucial for the analytical rationale for introducing the concept of regime of citizenship, as citizenship is legislated and enacted through the mobilization of resources and repertoires that are interwoven in such a way that it cannot simply be analysed in institutional terms or in terms of the influence of one 'level' of institutionalization over another; rather, the concept of regime of citizenship makes it possible to weave these different resources and repertoires together, in their specific historicities and contextualities, in their plural constitutive dynamics. It is to this concept of regime of citizenship that we now turn.

Citizenship as regime

In order to approach citizenship as a globalizing phenomenon the remainder of this chapter engages with the concept of regime of citizenship. A regime of citizenship is understood as the (a) dynamic and interwoven relationships, (b) in interconnection with complex historical processes (such as modernity, secularism, (post)colonialism, or state formation), of (c) conduits that are implemented locally, nationally, regionally, internationally and transnationally, *but also* forms of political enactment about being political as (non-)citizens, which may or may not be crystallized in formal or informal institutions. These conduits and forms of political enactment are (d) a series of practices and acts, having emerged and/or been designed 'in order to answer specific purposes', and (e) have as effects the establishment and/or contestation of regimes of jurisdiction and truth (Foucault 2001[1980]: 841–9, see also Dean 2010[1999]: 27–33, Isin 2002, 2008, 2013). From a methodological standpoint it is important to stress that we are not talking of one single global regime of citizenship. Rather, regime of citizenship is an operational concept delineating the specific scope of interweavings a researcher is engaging with in order to answer a specific *problématique* and research question. In other words, a researcher interested in indigenous movements in Latin America and another in migration and citizenship in the European Union will refer to different regimes of citizenship, each resulting from the specific assemblage (see Marcus and Saka 2006; Sassen 2006) relevant to their own research question.

This specific assemblage has to take into account the global(ized) character of citizenship and of the political communities thereby delimited, enabled, and disabled. Global citizenship is principally characterized by a double movement regarding citizenship: a pluralization and a fragmentation (see Isin and Wood 1999). Not only, on the one hand, are rights and obligations redefined by international regimes of governance, as Soysal (1994) argued, but nation-states are also confronted with the pluralization of forms of identities and loyalties that are notably linked to the 'decline of master narratives, fragmentation of worldviews and localization of critiques' (Isin and Wood 1999: 157). These have in turn resulted, for instance, in new social movements grounded in consumerist, ecological, religious, and gender issues that may take their origins, their inspirations, or their dynamics from outside the territorially defined boundaries of the nation-states. Moreover, nation-states are not only facing the challenges of information technologies, whether as new forms of political and social mobilizations or as new forms of governmentality, but they also have to grapple with alternative, and sometimes competing, forms of loyalties related to postcolonial, diasporic and/or urban identifications often in opposition to a more national form of collective political identity (Isin and Wood 1999: 155–60). While a formal understanding of citizenship can grapple with certain dimensions of global citizenship, what is key here is the *dynamics* that are at work and, more particularly, how they are interwoven together. For instance, to engage with the question of citizenship in France, or more generally in Europe, is to engage with the contemporary and historically constituted interlinks between migration, religion, secularism, postcolonialism, security, urbanization, integration, diaspora, generations, and so on, which are not limited to the territorially defined boundaries of France, if only to take into account the impact of the European Union framework, or to the institutional or normative frameworks defining a specific international order (see Guillaume 2007: 751–7).

Let us then rapidly show how the French situation can help illustrate how considering citizenship as a regime can make it possible to link up its different globalizing dimensions. First, it is impossible to simply limit the process of articulation of a French political and social order to France as a territorially bounded space, as expressed in its dominating articulation of a French national identity, via citizenship. More, a specific (dominant) French national identity has to be situated and to be seen as enacted in its interweaving with alternative articulations, themselves

enacting specific demands for recognition or redistribution that call for a rethinking of France's social and political orders. These orders are grounded in the specific mobilization of 'complex historical processes' such as secularism and republicanism, or France's international role and historical legacies, most notably its colonial past and its aftermath. To take but the example of republicanism, one can witness a complex evolution and engagement with the idea of *la République* within the French polity that has been informed by different and competing articulations of a French national identity from the nineteenth to the twenty-first centuries (see Noiriel 2001; Rosanvallon 2004), most notably under the influence of colonialism and colonial policies (see Dubois 2000).

In terms of how citizenship is governed, we can illustrate this by the process of naturalization, or more largely integration, which has undertaken in western Europe a double movement with, on the one hand, more facilitated procedures for the naturalization of immigrant populations of the second and third generations or the acceptance of multiple citizenship, but, on the other, an important shift towards more stringent procedures and symbolic ascriptions to migrants. This is coupled with an increasing relevance of transnational frameworks, such as the European Union, for understanding a certain convergence, which does not necessarily only translate in legal terms as a reaction to migration and multiculturalism as potential issues (see Vink and de Groot 2010). Actually, rather than speaking of procedures of naturalization, which would only hint at the process of acquisition of formal endowments, it is more appropriate to talk of naturalization as being part of 'integration programmes', which not only include citizenship tests but also 'language tuition and civic orientations or education courses, intended to provide information about the history of a country, its legal system, culture, values and way of life' (Kostakopoulou 2010: 1). These arguably participate in forms of 'conduits of conduits' of migrants that are attuned to what a country's dominant self-understanding and representation is and how it is projected as the condition of the possibility of being political. This dominant self-understanding and representation forms the basis of what is considered central in the 'social cohesion, national unity and belonging' by which migrants have to abide and not necessarily enter into political interaction with (Kostakopoulou 2010). This is illustrated, in the French case, by ceremonies of naturalization (see Mazouz 2008). While these ceremonies are designed to mark in a well-orchestrated manner the incorporation of new citizens into the national (political) community, they often end up 'constantly reaffirming and signifying that [these new citizens] are different and illegitimate' (Mazouz 2008: 89). Though now formally part of the French political community, those who are *naturalized* are constantly reminded even in this ritual moment that they still, and always will, have to strive to conform to a set of non-negotiable conduits to being/becoming French citizens.

As has been noted, however, to define a regime of citizenship one has also to identify what 'acts of citizenship' (Isin 2008) are at work in their interweavings with these 'conduits of conduits' illustrated above. In the French case, one can identify a variety of alternative enactments of French citizenship that are emanating from quarters of the population that may be French citizens, formally, but are not recognized as such by the dominant articulation of French national identity, or by some that may be formally outside the French political community but strongly inserted in the societal fabric and political economy of local communities or even the country. Among these different enactments, some French citizens, thus formally endowed with rights and duties, are articulating demands for recognition of their cultural specificities, for instance being Muslim, and have often done so, as elsewhere in Europe, by mobilizing translocal forms of religious identification and mobilization (see Mandaville 2001). These citizens have pushed the established boundaries of a specific formation of the secular (Asad 2005), now still dominating France's political debates that excludes any forms of (non-Christian) religiousness from informing legitimate modes of being political.

Other forms of enactments emanating from French citizens, sometimes linked with demands for recognition, are concentrating on demands for redistribution in areas abandoned by the state. This is for instance the case of young unemployed in the *banlieues*, those lost territories of the *République* (Viguier 2011). Finally, one can also witness forms of enactments emanating from non-citizens, such as the *sans-papiers*, and see how their aspirations to forms of recognition and entitlements are engaging with the boundaries of French citizenship (see McNevin 2006). Whether French Muslims, the unemployed youth in the *banlieues*, or the *sans-papiers* are articulating modes of being political challenging the dominant mode of politicality and to understand their interconnections with the latter, they should be resituated to the more general contexts of North and Sub-Saharan African immigration into the country, France's historical and contemporary political and economic involvement with these regions, as well as the very strong social problems in highly urbanized suburban France where a majority of these migrant populations, some now French citizens by law, are located.

Finally, it is important to resituate as well in their entanglements these enactments with regimes of truth, such as the dominant readings of republicanism and *laïcité* (laity) in contemporary France, that establish specific modes of being political. *Laïcité*, for instance, is clearly perceived as participating in the dominant definition of what the French national community is supposed to be. In the terms of a *Report to the President of the Republic* issued by a commission of experts on the question of *laïcité*, 'laity is not only a rule of the institutional game, it is a foundational value of the republican pact allowing accommodating a life in common [*un vivre ensemble*] and pluralism, diversity' (Stasi 2003: 36). Hence, explicit and implicit references to republican ideals, establishing a regime of truth about being political in France, are continually used in the public sphere by numerous social agents – the state, intellectuals, mass media, and so on – to legitimate a certain vision of French citizenry/national identity that has to only be understood in its dialogical performance with what is depicted as communitarianism (*les communautarismes*), that is different and/or alternative self-understandings/representations of being political in France seen as threatening to this regime of truth.

This regime of truth, in turn, is reinforced by a regime of jurisdiction, as can be illustrated by the reactions to the so-called French 'veil affair'. The principal reaction to this event came through a law against ostentatious religious symbols in schools almost unanimously voted for by the French parliament (Loi 2004–228). This law was clearly cast by institutional actors and perceived by the public as a law against forms of communitarianism, constructed as un-republican ideologies. Such ideologies are seen as potentially threatening to the sheer fabric of French society and its ability to foster a 'common life' among a variety of communities and collective identities through *laïcité*, which articulates 'national unity, the *République*'s neutrality, and a recognition of diversity' (Stasi 2003: 18). In terms of regimes of truth and jurisdiction, those who are expressing, at least in the public sphere, ideas in opposition to the dominant conception of *laïcité* or to the law itself are thus deemed to be un-republican, and not to be good French citizens, or not worthy to be such. This has the effect of delegitimizing any alternative conceptions of being political in France and of constructing as non-negotiable a specific form of politicality, which should be at heart negotiable whether in democratic or republican terms (Gianni 2013).

The French case well illustrates how engaging a globalized phenomenon such as citizenship necessitates moving beyond solely institutional and formal conceptions of citizenship, whether centred on the (nation-)state or the international, to engage with the multifarious forms by which citizenship is governing political subjects but also empowering them. The concept of regime of citizenship enables us to understand citizenship in its necessary connected historicity but also interlinks with other globalized phenomena such as immigration (Boswell 2003), security (Guillaume and Huysmans 2013) or religion (Mandaville 2001), to name but a few of

the most obvious from the above, in order to make sense of citizenship's globalized and globalizing dynamics.

Bibliography

Alejandro, Roberto. 1993. *Hermeneutics, citizenship, and the public sphere*. Albany, NY: SUNY Press.

Arendt, Hannah. 1966. *The origins of totalitarianism*. San Diego, CA: Harcourt Inc.

Asad, Talal. 2005. *Formations of the secular. Christianity, Islam, modernity*. Stanford, CA: Stanford University Press.

Boswell, Christina. 2003. 'The "external dimension" of the EU immigration and asylum policy', *International Affairs* 79 (3), pp. 619–38.

Brubaker, Rogers. 1992. *Citizenship and nationhood in France and Germany*. Cambridge, MA: Harvard University Press.

Dean, Mitchell. 2010 [1999]. *Governmentality: power and rule in modern society*. London: SAGE Publications.

Dubois, Laurent. 2000. '*La République Métissée*: Citizenship, colonialism, and the borders of French history', *Cultural Studies* 14 (1), pp. 15–34.

Favell, Adrian. 2001. *Philosophies of integration: immigration and the idea of citizenship in France and Britain*. 2nd ed. Houndmills: Palgrave.

Foucault, Michel. 2001 [1980]. 'Table ronde du 20 mai 1978', in Daniel Defert, François Ewald, and Jacques Lagrange (eds.), *Michel Foucault: dits et écrits II*, 1976–1988. Paris: Quatro Gallimard, pp. 839–53.

Gianni, Matteo. 2013. 'The Democratic integration of difference: reflections on the paradoxes of the French republican model of citizenship', in Jean-Christophe Merle (ed.), *Spheres of global justice: global challenges to liberal democracy: political participation, minorities and migrations*. Dordrecht: Springer.

Guillaume, Xavier. 2007. 'Unveiling the "international": process, identity and alterity', *Millennium: Journal of International Studies* 35 (3), pp. 741–58.

Guillaume, Xavier and Huysmans, Jef. (eds.) 2013. *Citizenship and security: the constitution of political being*. London: Routledge.

Hindess, Barry. 1998. 'Divide and rule: the international character of modern citizenship', *European Journal of Social Theory* 1 (1), pp. 57–70.

Isin, Engin F. 2002. *Being political: genealogies of citizenship*. Minneapolis, MN: University of Minnesota Press.

Isin, Engin F. 2008. 'Theorizing acts of citizenship', in Engin F. Isin and Greg M. Nielsen (eds.) *Acts of citizenship*. London: Zed Books, pp. 15–43.

Isin, Engin F. 2013. 'Two regimes of rights?' in Xavier Guillaume and Jef Huysmans (eds.) *Citizenship and security: the constitution of political being*. London: Routledge, pp. 53–74.

Isin, Engin F. and Wood, Patricia K. 1999. *Citizenship and identity*. London: SAGE Publications.

Kofman, Eleonore. 2005. 'Citizenship, migration and the reassertion of national identity', *Citizenship Studies* 9 (5), pp. 453–67.

Kostakopoulou, Dora. 2010. 'Introduction', in Ricky van Oers, Eva Ersboll, and Dora Kostakopoulou (eds.) *A re-definition of belonging? Language and integration tests in Europe*. Leiden: Martin Nijhoff Publishers, pp. 1–23.

Kuus, Merje. 2011. 'Policy and geopolitics: bounding Europe in EUrope', *Annals of the Association of American Geographers* 101 (5), pp. 1140–55.

Kymlicka, Will. 2007. *Multicultural odysseys: navigating the new international politics of diversity*. Oxford: Oxford University Press.

Loi 2004–228. 'Loi n° 2004–228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics'. Available online at www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=MENX0400001L (accessed 30 January 2013).

McNevin, Anne. 2006. 'Political belonging in a neoliberal era: the struggle of the *sans-papiers'*, *Citizenship Studies* 10 (2), pp. 135–51.

Mandaville, Peter. 2001. *Transnational Muslim politics. reimagining the Umma*. London: Routledge.

Marcus, George E. and Erkan, Saka. 2006. 'Assemblage', *Theory, Culture & Society* 23 (2–3), pp. 101–6.

Marshall, Thomas H. 1997 [1963]. 'Citizenship and social class', in Robert E. Gooding and Philip Pettit (eds.), *Contemporary political philosophy: an anthology*. Oxford: Blackwell, pp. 291–319.

Mazouz, Sarah. 2008. 'Une célébration paradoxale: les cérémonies de remise de décrets de naturalisation', *Genèses* 70, pp. 88–105.

Noiriel, Gérard. 2001. *État, nation et immigration: vers une histoire du pouvoir*. Paris: Belin.
Noiriel, Gérard. 2006 [1988]. *Le creuset français: histoire de l'immigration, XIXe-XXe siècles*. Paris: Seuil.
Piktin, Hanna F. 1967. *The concept of representation*. Berkeley, CA: University of California Press.
Rosanvallon, Pierre. 2004. *Le modèle politique français: la société civile contre le jacobinisme: de 1789 à nos jours*. Paris: Seuil.
Sammartino, Annemarie. 2009. 'After Brubaker: citizenship in Modern Germany, 1848 to today', *German History* 27 (4), pp. 583–99.
Sassen, Saskia. 2006. *Territory, authority, rights: from medieval to global assemblages*. Princeton, NJ: Princeton University Press.
Soysal, Yasemin Nuhoğlu. 1994. *Limits of citizenship: migrants and postnational membership in Europe*. Chicago: The University of Chicago Press.
Stasi, Bernard. 2003. *Commission de réflexion sur l'application du principe de laïcité dans la République. Rapport au Président de la République*. Paris: La Documentation Française. Available online at www.ladocumentationfrancaise.fr/var/storage/rapports-publics/034000725/0000.pdf (accessed 30 January 2013).
Viguier, Frédéric. 2011. 'The suburbs', in Edward Berenson, Vincent Duclert, and Christophe Prochas (eds.), *The French Republic: history, values, debates*. Ithaca, NY: Cornell University Press, pp. 262–71.
Vink, Maarten P. and de Groot, Gérard-René. 2010. 'Citizenship attribution in Western Europe: international frameworks and domestic trends', *Journal of Ethnic and Migration Studies* 36(5), pp. 713–34.
Walters, William. 2002. 'Deportation, expulsion, and the international police of aliens', *Citizenship Studies* 6 (3), pp. 265–92.
Young, Iris M. 1990. *Justice and the politics of difference*. Princeton, NJ: Princeton University Press.

Part III
Africas

This page intentionally left blank

13

Citizenship in Africa

The politics of belonging

Sara Rich Dorman

Citizenship in Africa has been increasingly contested since the end of the Cold War. The unexpected saliency of these issues has shaped our understanding of both democratic and violent political struggles on the continent. But this also raises questions about how and why 'citizenship' has taken on this particular role in African political thought and practice.

Elections in particular have led to violent confrontations in places as widespread and diverse as Zanzibar, Côte d'Ivoire, and Cameroon, where ethnic groups have been chased out of areas or denied voting rights because they are not considered 'autochthonous'. In Zambia, Botswana, and Zimbabwe citizenship, race, and gender have been woven into exclusionary narratives, depriving many of the right to vote and leaving others stateless. And in South Africa xenophobic violence has been directed at 'foreigners', with deeply traumatic effects.

Despite these upsurges in recent years, these tensions are not simply of a modern derivation, nor do they reflect any simple account of 'nationalism' or nation-building. Nearly all of them have roots in colonial and precolonial practices, laws, and norms, but they increasingly shape and refract contemporary political tensions and challenges.

To understand this process, we must look to the nature of African statehood and political struggles for power in African states. We need to emphasize the way in which political institutions facilitate elite instrumentalization of identity discourses. For the most part political competition in African states is not organized around ideology, but around identity politics, which immediately lends itself to definitions of 'insiders' and 'outsiders'. But this tendency is not inherently 'African' nor simply an artefact of colonial institutions. Rather, it is shaped by the interaction of political institutions over generations, reducing the scope for political mobilization and activity to narrowly defined practices.

These practices become particularly potent, as repertoires of autochthony link claims to land or other scarce resources to historical narratives and remembrances. As Boas and Dunn emphasize, strategies that politicize autochthony claims are 'politically lucrative' because they offer an explanation for people's difficult daily lives and 'trying circumstances' as well as an apparent solution (2013, 123).

But we need also to look more broadly at the way in which citizenship was shaped by the colonial encounter such that it continues to be racialized, as well as how it shapes political identities and practices. Citizenship debates in African states have been particularly challenged not

only to extend citizenship rights to previously disadvantaged groups, as in the West, but also to accommodate the presence of previously privileged minority racial groups (Heilman, 1998; Mamdani, 2001). In interrogating these underpinnings of what 'citizenship' means in an African context, we can then contemplate the 'normalization' of the study of citizenship in Africa and the implications of that for relationships between citizens and states.

Political institutions: shaping belonging

At independence, many observers predicted widespread inter-state war in postcolonial Africa as a result of its arbitrary, colonially imposed borders. Instead, Africa's borders have changed less than any other major region, and it has had remarkably few secessions (Englebert and Hummel, 2005). This might suggest that nation-states were not at the heart of political battles. But in fact, the opposite is true. The emergence of citizenship as a major factor in civil conflict and political battles reveals the ongoing legacy of Africa's state formation. Rather than conflicts between states, politics plays out in battles for control within states – and citizenship has become the preferred battleground.

The colonial state and its postcolonial successor centralized control by virtue of the importance of exports and imports, for colonially derived extraction economies. As such, control of the state – especially the capital city and ports – is central to political power. African states have rarely been effective in collecting direct forms of taxation, except as import and export duties. Fred Cooper termed this the 'gatekeeper state' (Cooper, 2002). The political effect of these institutional practices has been that political competition has focused on control of key ministries, which enable politicians and emergent businesspeople to 'straddle' the gate – developing their political careers via patronage and also their business empires (Allen, 1995, 304). This strategy resulted in a bitter winner-takes-all or zero-sum game approach to politics. Control of the state was key to both political and financial advancement.

In this context – and that of political parties organized as coalitions of interests – minority groups tended to seek inclusion in political projects, rather than articulating divisive or separatist agendas. Across the continent, political institutions and norms of rule encouraged political dissidents to seek to control states from their capitals, rather than to seek to leave them or join others, or otherwise contest state boundaries. This is particularly salient in Africa where minority ethnic groups may be the majority in adjoining states, or where disadvantaged groups in one state may find themselves 'advantaged' across the border.

Taking on board this analysis of state institutions and of the way in which African states project their power, we can see that deciding who can participate in the political game is central to maintaining power. In the early years after independence, Africa's fledgling democracies experienced a series of shocks – mutinies and attempted coups, strikes, and protests. In some cases, this led to years of instability, but in others, strong leaders were able to seize control and 'stabilize' the relationship between states and citizens – a key factor here being the balancing of competing interests between different ethnic groups or regional blocs.

In many states, the fear of fissiparous politics and potential state fragmentation created an overwhelming emphasis on 'national unity', which rejected discourses of 'difference', in theory, if not always in practice. Under these pressures, states like Côte d'Ivoire and Tanzania became de facto or de jure one party states, where leaders were able to manage diversity and maintain control of the 'gate'. Stability trumped representativeness or accountability. As a result, despite hugely fragmented multi-ethnic and multi-linguistic populations, in most cases citizenship conflicts did not emerge as significant political cleavages until the 1990s when political and neoliberal economic shifts made these issues newly salient throughout the continent.

Migration and borders

These political institutions also reflected two further aspects of the reality of postcolonial African politics – the nature of the international system and the challenges of broadcasting authority across terrain. Most scholars accept Jackson and Rosberg's (1982) description of weak African states as 'juridical', suggesting that they exist because of international legal recognition of their existence rather than competent administering of their territories. Postcolonial leaders colluded in this, more concerned with maintaining control of the revenue streams generated by capital cities and ports than 'broadcasting' their authority into the hinterland. But we need to look inside the states, as well as at the international system, to fully understand these dynamics.

Colonially derived states were designed primarily for resource extraction rather than for control, and institutions and infrastructure encouraged this (Cooper, 2002). Herbst (2000) expands the significance of this observation by arguing that, historically, African states were less concerned about control of territory, and more concerned about control of people. Thus, what mattered was not so much where you lived as to whom you acknowledged allegiance. He proposes that this model of governance can be tracked from the precolonial to the colonial period, and thus into the postcolonial. Linking these international relations approaches with the more sociological explanations of the state from historians, we get closer to understanding these dynamics. Postcolonial African states have typically not devoted much in the way of resources to administering hinterlands or borders, because both internal and external political realities rewarded control of ports and capitals, through which resources flowed. But they have exerted quite a remarkable level of resources to identifying who 'belongs' in a territory.

For example, if we consider the relatively frequent use of 'expulsion' by African states to demonstrate their authority, Herbst's argument becomes even more significant. While some of these mass expulsions, such as that of the Ugandan Asians or Nigeria's expulsion of over a million foreign workers in 1973, were covered in the media, most have been more or less overlooked. But in fact, going back to the 1950s we see thousands of migrants being expelled from Côte d'Ivoire and Chad, and then in the 1960s, Cameroon, Sierra Leone, Guinea, Gabon, and Ghana follow suit, and in the 1970s Zambia, Uganda, Nigeria, and Kenya join in, to name only a few. Rather than controlling borders or enforcing visa restrictions, the tendency seems to have been to react politically to the presence of workers, often scapegoating them at times of political or economic turmoil (Gray, 1998).

An apparent paradox to note here is that in many countries the notion of who is a citizen is based on colonial-era boundaries. As Mahmood Mamdani showed in the case of Kinyarwanda speakers in the eastern Congo, some groups were considered indigenous because they lived in the Congo before the Belgians came, while others were not given citizenship because they immigrated to the area after the birth of the colonial state. Thus "we consider colonialism to be the dividing line between who is indigenous and who is not" (Mamdani, 2002, 495). To be fair, not all states follow this. Somalia is probably the best known case of a state which has explicitly extended citizenship to all ethnic Somalis, including those beyond its putative borders, but that itself is a reaction against the colonially derived fragmentation of ethnic Somalis into five different states.

But to complicate this further, many of the colonial and postcolonial states actively encouraged migration of people across boundaries, especially where regional governance existed, as in French West Africa and the Central African Federation. Indeed, given the small size of many states and their labour shortages, colonial economies were dependent on trans-frontier labour mobility. The farms and mines of southern Africa relied on state-sanctioned forced labour and state-organized recruitment across state lines – leaving the descendants of Malawian, Zambian,

and Mozambican workers scattered across South Africa and Zimbabwe. The Côte d'Ivoire cocoa boom relied on workers recruited for the cocoa plantations. Houphouët-Boigny actively offered land and opportunity to workers from the Northern regions of Côte d'Ivoire, but also to those from adjacent states, and balanced their political interests with those of his core followers.

These aspects of African states and their postcolonial political realities meant that questions of 'who belongs' and 'who can play the political game' were tightly managed under single party and military rule which dominated the 1970s and 1980s, but became even more salient when competitive political institutions were re-introduced in the 1990s.

Liberalization and instrumentality

At the end of the Cold War many African states responded to internal political protests and shifting priorities of donors by liberalizing their economic and political systems. This process had two interrelated effects. On an economic level, it created tensions between groups – especially those whose economies were most affected by being opened up to market forces. At the same time, the reintroduction of political competition also brought in new – or in some cases renewed – tensions, as politicians competed for votes and clients. To a large extent, the state system remained as 'winner-takes-all' as before, so incentives continued to prioritize access to state power. A final complication was the age of the nationalist politicians who had taken power at independence. As a number of them died and others became less effective, their role in holding together disparate coalitions became weakened or disappeared altogether.

Côte d'Ivoire (Ivory Coast) is a particularly good example of such patterns. A stable and relatively prosperous state for much of the early postcolonial period, Ivory Coast relied on cheap migrant labour and free access to land, and the political system was predicated on these factors. During the colonial and early postcolonial period, migrants from the north of the country and adjoining territories had been encouraged to relocate to the south. In some cases, this was forced labour on European-owned plantations, but with the abolition of forced labour after World War II, land was granted to those who utilized unused land. More and more labour was recruited to work on the new smallholdings. Buoyed by economic growth, mainly from coffee and cocoa exports, political leaders tightly managed the agricultural economy and the state administration through party structures.

Despite tensions, relationships between the different ethnic groups were not the subject of political challenge while the economy remained strong and Houphouët-Boigny remained in power. But declining prices for coffee and cocoa on the world markets created an economic crisis, and this arrangement began to unravel. As unemployment increased and pressures on land became more intense, northern migrants were scapegoated and forced out. The death of Houphouët -Boigny in 1993 also created a succession crisis and further destabilized the political system.

All of these pressures came together with the advent of elections in the 1990s to create what we might consider to be the perfect storm for citizenship conflicts. It was in this context that 'foreigners' became a key tool of the electoral contests, first played by one side, and then by the other. In this way, the notion of 'Ivoirité' came to dominate political debate, but was also used to justify institutional arrangements that increasingly excluded 'northerners'. In 1994, the electoral code was amended to prevent those whose parents had been born outside the Ivory Coast from becoming president. This move alone sparked years of contestation. Rather than winning groups over, the tactic of choice was to nullify their ability to participate in electoral politics. But as Ruth Marshall-Fratani emphasizes, this was 'more than a simple electoral tactic' (2007, 45). It both reflected and refracted beliefs about sovereignty and citizenship from within

the elites and the masses – revealing deep-seated commitments to a territorially bounded notion of ethnicity. In Côte d'Ivoire, these political contests of the 1990s reflected broader pressures over land, resources, and political control, which rumbled on through the 2000s, with civil war erupting in 2002 and again in 2011.

In Zimbabwe and Zambia, citizenship debates have likewise focused on elections with a particularly party political angle, such that the right to vote has been severely circumscribed and in some cases manipulated. In Zambia, this remained primarily an elite debate about the birthright of presidential candidates, whereas in Zimbabwe it played out in terms that were not just racial, but also symptomatic of a perceived urban/rural divide in the wider population, with overtones of the autochthony debates discussed below.

Zambian citizenship debates revolved almost entirely around the somewhat esoteric question of the place of birth of the fathers of senior political figures and, in particular, presidential candidates. There was no subterfuge here – a specific constitutional amendment was brought in requiring presidential candidates to prove that their parents were Zambian by birth. Kenneth Kaunda, a respected nationalist figure before independence, had been president of Zambia from 1964 until multiparty rule was reintroduced in 1991. Yet, when the Movement for Multiparty Democracy came into power in 1991, they began targeting senior members of his party. And when Kaunda mooted a return to electoral politics before the 1996 election, he too was threatened with deportation, on the basis that while he was born in what is now Zambia, his parents had been from what is now Malawi. While Kaunda was not deported, in 1999 he was indeed stripped of his citizenship. But this is an equal opportunity game, and Kaunda's successor as president, Frederick Chiluba then saw his citizenship challenged in court, on the basis that he was born in what is now the DRC (Democratic Republic of Congo). In his case though, his citizenship was confirmed on the basis that he had been resident in Zambia at the time of independence. A draft Zambian constitution, proposed in 2007 and still under debate in 2013, has ratified dual citizenship, for those who are citizens by birth.

In contrast to the Zambian case, where politically prominent individuals were targeted, in Zimbabwe entire groups of voters began to be targeted after the hotly contested constitutional referendum and parliamentary elections of 2000. In the run-up to the 2002 presidential elections, an estimated 100,000 citizens whose parents had been born outside the modern boundaries of Zimbabwe were denied citizenship. The white community – numerically insignificant but economically powerful – was the most obvious target of this, especially as the seizure of farms brought international condemnation in their defence. But it also affected many black Zimbabweans whose fathers had been mineworkers or farmworkers. As in Zambia, this reflected the thorny question of the application of *jus sanguinis*, and long-term cross-border population flows, but also the underlying unease of dual citizenship, and as we see below, of citizenship being extended through the mother's line.

In 2001, the Citizenship Act was further amended to require further proof of renunciation of putative dual citizenships – even where descendants might never even have visited their father's country of origin. Previously, Zimbabweans had been required to renounce their citizenship to the Zimbabwean authorities, but the new Act required that they renounce it to the authorities of the second citizenship and provide documentary evidence that they had done so – a service that most embassies did not provide.

Although this stipulation was widely thought to be targeting whites, it also affected the descendents of Malawian, Zambian, and Mozambican immigrants. After much protest from neighbouring countries and the increasingly powerful regional political grouping SADC (Southern Africa Development Community), the Zimbabwean government amended the Citizenship Act in 2003 to enable migrants and children of migrants from SADC countries to

'confirm' their Zimbabwean citizenship. Most strikingly, the new Zimbabwean constitution of 2013 has moved to allow dual citizenship for those born in Zimbabwe, and this was confirmed by a Constitution Court ruling in late June 2013.

In allowing dual citizenship Zimbabwe and Zambia are following many other African states moving in that direction (Manby, 2010, 7), with immediate implications for the depoliticization of such tensions. Interestingly, however, the pressure for this trend comes from diaspora groups, which want to be able to take on citizenships abroad, without endangering their claim on political participation and residency 'at home'. While this move may make it more difficult for political instrumentality to be deployed, it does not remove the basic questions of citizenship from political contestation framed in terms of questions of 'indigeneity' and 'autochthony', nor does it necessarily shift the moral framework and terms of debate so as to prevent the emergence of xenophobic violence.

Gendered understandings

Questions of gender cut across those of migration and citizenship in ways that further reveal the underpinnings of the system. Like many other postcolonial debates, justification for limiting women's rights is couched in terms of class and tradition, but is also tightly interconnected to the questions raised above about 'belonging' and control over labour and land.

At independence, most states did not allow women to extend their citizenship to foreign-born husbands and children of those husbands, on the premise that in most African societies, women should 'go to their husband's homeland' and add their labour (and children) to his lineage. The assumption that men should be able to endow their wives with citizenship, but women could not, was thus premised on traditional patterns of kinship and labour control — including, importantly, the notion that children belong to the father's family, giving them rights over fertility and labour. This remained unchallenged until the 1990s.

The best known challenge is that of Unity Dow, a Botswanan lawyer married to an American man, who fought to establish her children's right to Botswanan citizenship (Dow, 1995), but similar cases have occurred throughout the region. Ironically, because Unity Dow and her husband had one child born before they were married, and two children after that, the eldest child – born out of wedlock to a Botswanan mother – was a citizen, while the younger siblings were not.

Zimbabwe's citizenship laws were similarly challenged in court and ruled unconstitutional in 1994. This ruling proved controversial, and the government attempted to annul it through a constitutional amendment that would have reinstated the original gendered discrimination. The debate over this decision was captured in a interview that President Mugabe gave on TV in which he stated that 'in our culture women must follow their husbands' (Nkiwane, 2010, 332). At the same time, it was suggested the question of citizenship was only an issue for elite women who wished to 'import' husbands from overseas, rather than 'normal' women. Of course, given the nature of cross-border ties and labour migration, this was not true, and Nkiwane's (2010, 333) account suggests that it was indeed the threat of pressure from rural women that led the government to move to a gender-neutral law.

While many African states have moved to change their citizenship laws so that they afford greater gender equality, Bronwen Manby's meticulous research reveals that at least a dozen countries still discriminate against children born to a foreign father, and more than two dozen either do not allow women to pass citizenship to foreign spouses or apply different criteria to husbands from those applied to wives seeking to become citizens (Manby, 2010, 45–50).

Beyond instrumentality?

As the Ivorian and Zimbabwean examples suggest, while there has been an element of political instrumentality to the way in which citizenship debates have been fanned by political leaders, they have also been closely intertwined with discourses of indigeneity, autochthony, and xenophobia. The instrumental game-playing was successful because it resonated with underlying beliefs about belonging, while also inflaming tensions over access to resources and, in particular, claims to land.

Boas and Dunn plausibly suggest that autochthony discourses offer 'a sense of primal security and certainty' (2013, 10) to 'societies facing ontological uncertainty' (2013, 11). This certainly chimes with the rise of xenophobia in South Africa after 1994, with thousands of 'foreigners' brutally chased out of their homes and workplaces (Neocosmos, 2006; Landau, 2010). Clearly indigeneity claims resonate with many who feel threatened by changes and vulnerability, and seek ways to advance their own interests.

But not all claims to indigeneity are necessarily about being 'first-comers'. In contrast, Balaton-Chrimes (2011, 2013) suggests that indigeneity claims can also be understood as an attempt to gain equality, rather than special status. She cites here the Nubian community in Kenya. Having arrived from Sudan as soldiers in the colonial state, they settled in what is now the Nairobi district of Kibera. In recent years they have sought to be categorized as 'indigenous', that is, to be treated like the other black African ethnicities, rather than as analogous to Asian or white immigrant communities.

The Nubian case highlights the pernicious effect of colonial discourses on racial divides in African states – not simply the obvious 'white-colonizer' and 'black-subject' divide but the creation of particularly ambiguous categories of belonging for minority groups, who often filled the role of 'middlemen' in the colonial political economy. This category was crucial to the operation of the 'gatekeeper' state, limiting the emergence of an indigenous middle class, which might start demanding 'no taxation without representation'. Instead, limited and controlled immigration was allowed from particular groups – across the continent, Lebanese, Asian, and Greek traders occupied a peculiar hybrid space, not 'white', but also not 'native', while also filling a key economic niche. However, without security of tenure or political power, they could never threaten the political arrangements, as the risk of deportation or being denied import/export and trading permits was always present.

However, they were not the only occupants of such a hybrid space, but were joined by generations of migrant workers from neighbouring countries. The colonial cadastral surveys coined the category of 'native strangers' to accommodate migrants of African origin into legal structures (Neocosmos, 2006), but Mamdani calls these groups 'subject races' (2001, 27), emphasizing their political position with its lack of citizenship rights.

The deep suspicion of dual citizenship which has already been discussed reflects concerns about the mixed allegiances and loyalty of those – especially males – who come from other cultures. In these interconnected cases of dual citizenship and the treatment of former 'subject races' we can see that the roots of Africa's citizenship crisis did not emerge from the post-Cold War era and are not simply linked to neo-liberalism, but reflect constitutive tensions in the founding of the postcolonial states.

One challenge for states with large settler populations was how to incorporate those previously privileged minority groups 'into the national fabric' (Heilman, 1998, 372). But this, perhaps, does not fully capture the ambiguous nature of these groups, caught between conflicting issues of culture, economics, and political loyalty. In the postcolonial setup, most former settlers and 'subject races' maintained their economic rights to property and business. This privilege,

accompanied by continued cultural distinctiveness and limited intermarriage, has complicated political relationships with host communities. Thus, Idi Amin found the Ugandan Asians to be easy scapegoats, while in Zimbabwe, the continued privilege and separate lives of many (but not all) whites, was resented by land-poor Zimbabweans. Bierwirth similarly documents that even when Lebanese migrants had taken on Ivorian citizenship, attempts to exercise their democratic rights were not taken seriously by officials (1999, 92).

But these distinctions seem to go beyond questions of privilege or skin colour, and reflect a sense that citizenship, read as belonging, embodies something beyond blood or birth – a commitment to a set of cultural ideals.

Analysing citizenship in Tanzania, Brennan (2006) proposes that

> the category of citizen consisted of three discernable ideals: someone who was 'African'; someone who either worked as a labourer in urban areas or, preferably as a farmer in rural areas, and someone who not only refrained from but also fought exploitation.
>
> *(2006, 391)*

This idea of citizenship as something earned, with both racial and moral attributes, finds resonance elsewhere in the continent.

These discourses – of being sons of the soil and of being 'developers' – are not necessarily distinct, especially where land has been fought for in a liberation war. John Lonsdale notes that in Kenya, the real autochthons are the weakest political players, so instead, claims to territory are made by more powerful groups in relation having 'improved' the soil or 'brought development'. Those who merely 'know' or 'understand' the land are less worthy than those who 'worked' the soil to produce crops (2008, 306). So claims to land are not simply about 'first-comers' but also about what contribution has been made.

A similar pattern played out in Zimbabwe, where the colonial urban/rural divide was reinforced by the liberation war which took place primarily in the countryside, leaving urban workers as somehow suspect in their loyalty to the nation. The idea that citizenship is rooted in the soil links up urban/rural divides in colonial states, where explicit attempts were made to exclude unemployed Africans and women from cities, with racialized discourses. While these themes remained somewhat latent in the early years of independence, they did not disappear, and as political competition heated up in the late 1990s, President Mugabe emphasized the 'sons of the soil' who formed his party's core votes and sought to exclude urban voters, stigmatizing them as 'totem-less' i.e. lacking a connection to traditional spirits of the earth (Raftopoulos, 2007). Urban residents – variously cast as 'workers', 'migrants', and privileged minority ethnic groups – were depicted as disloyal and not fully citizens.

In Kenya, the Nubians note that their existence is precarious because they 'lack a rural home' (Balaton-Chrimes 2011, 208; 2013, 340). Lonsdale further explores this, reminding us that to many, urban Kenya is an area of 'houses not homes' (2008, 309), a trope that chimes with Zimbabwean discourses which justified the 2005 urban clearances on the basis that urban shacks were not homes and that all citizens had 'proper' homes in the rural areas to which they could return (Dorman, 2007).

This discourse conflates many groups of supposedly 'totem-less' voters – urban workers who supported trade unions, descendants of Malawian and Mozambican workers, and white, coloured, and Asian communities. But it also implies that 'indigenous' black Zimbabweans who support opposition groups are lacking in their attachment to the nation and that only those without a strong connection to the land would do so (Raftopoulos, 2007). This was no mere rhetoric, though; it was linked to explicit attempts to deny urban voters and 'suspect' minorities

the right to vote, through the manipulation of electoral legislation, the amendment of citizenship laws, and bureaucratic obstacles preventing these groups from claiming citizenship.

Like Zimbabwe, other states that have emerged from liberation wars have also linked citizenship to particular expectations – most often a commitment to fighting for the state. Guinea-Bissau and Mozambique grant citizenship to those who fought for their independence (Herbst, 2000, 236), while Eritrea makes it clear that citizenship is only extended to those who will participate in national service, i.e. defending the country (Dorman, 2005, 201). In Rwanda, notions of good citizens permeate much broader expectations of behaviour, with peasants being told to use only commercially fired bricks to build their houses and expectant mothers being told that they would be considered 'enemies of the state' if they gave birth at home.

There is also evidence that citizens in post-liberation states such as these have lower expectations of vertical accountability – that is, they are less likely to feel that voters have the right to hold elected leaders to account for their behaviour (Bratton and Logan, 2013, 322). Thus, this reflects a more passive form of citizenship – despite the barriers to citizenship being higher here. This moves us beyond thinking about citizenship as limited by legal constraints and more about the content of citizenship in particular African states – what it means to be a citizen, rather than a subject, and the implications of this.

Normalizing citizenship in Africa?

So far, the emphasis here has been on citizenship as a cause of tension and conflict, or at the very least as a contested legal status. Recent work by Michael Bratton (2013) and colleagues using Afrobarometer data on political attitudes encourages us to think about what citizenship might look like in Africa, outside this rather limiting framework that focuses on citizenship as a political instrument or instigator of conflict. Bratton's work draws our attention to the acts of being a citizen – rather than the legal status of being a citizen. He encourages us to ask what it means to be a citizen of an African state and the implications of this for democratic institutions and practice.

The Afrobarometer data (Bratton and Logan, 2006), drawn from a cross-national series of opinion polls, raises important questions about how citizens understand their roles and responsibilities within democratic institutions. It reveals that African respondents in many countries value their institutions and strongly agree that citizens need to be more involved in challenging the actions of their political leaders. Three-quarters (74 per cent) agree that citizens should question their leaders more, compared with just 23 per cent who instead think that people need to show more deference to authorities (Bratton and Logan, 2006, 8). But there is a much less clear sense of accountability. When asked who should ensure that MPs do their jobs once elected, only one-third of respondents mentioned voters (2006, 12). This suggests that what O'Donnell (1994) has called 'vertical accountability' is weak or lacking in many African states, despite a strong commitment to democratic practice on the part of voters.

This paradox results because democratic institutions, such as elections, are predicated on the assumption that those who participate are citizens, not just in the sense that they have the right to vote, but also that they will hold leaders accountable – by scrutinizing their actions, engaging with them throughout their term in office, and eventually rejecting them at the polls if their performance is not satisfactory. The Afrobarometer data reveals that this conception of citizenship is weak in most African states, although it also reveals interesting variations across states and historical experiences.

Much has been written about the limitations of the third wave of 'democratization' since the end of the Cold War, which has tended to focus on institutional challenges, but this analysis from Afrobarometer suggests that a key reason for those institutional weaknesses relates directly to the institutional and historical roots of citizenship in African states.

This is important because it moves our understanding of the limitations of current 'democratization' beyond simply focusing on either attitudinal factors ('Are Africans democrats'?) or institutional design. Bratton and Logan's analysis (2013), for instance, identifies that voters in countries which have been independent longer had shorter periods of autocratic rule and those in countries which did not have liberation struggles have a stronger commitment to accountability. This suggests that experience of independent, pluralist governance does lead to the development of more 'active citizens', which may prove reassuring to democratic theorists and practitioners.

However, their analysis also reminds us that we need to understand attitudes towards citizenship not merely as the instrumental practice of elites, but as having been shaped by the political culture and experience of individual countries, as the discussion above has also suggested. Attitudes will not be changed easily through 'civic education' campaigns, and different experiences of state formation may lead to diverse ideas and practice of citizenship within the African continent.

Afrobarometer's analysis thus confirms Mamdani's (1996) seminal analysis of the weakness of democratization in Africa, whereby states were democratized institutionally, but subjects were not transformed into citizens. Powerful historical and institutional pressures mean that citizenship in many African states continues to be an expression of state control over a population, rather than a way in which citizens shape or constrain the actions of their elected representatives. Under such systems, citizens are unlikely to hold state officials to account for their political decisions and allocation of resources between elections, with concomitant effects on the sustainability of democratic practice.

Conclusion

In many African states, citizenship continues to be mainly about 'belonging' and who is included or excluded from the body politic. But belonging is not simply a question of birthplace or ethnicity; it also reflects tensions about control over labour and fertility. In many cases citizenship is not understood as a 'right' pertaining to territory or descent, but as a privilege that must be earned.

Although this appears to contradict prevailing discourses of autochthony and indigeneity, it may instead reflect a different register of use. The difficulty of making claims to indigeneity in African states, coupled with the political trajectories of the nationalist struggle, means that citizenship is often not linked so much to kinship in the sense of blood relations as to behaviour and belief, potentially not dissimilar to practices of fictive kinship which traditionally allowed migrants to be integrated into communities, giving them access to land, on condition that they provided labour and abided by the norms of their host communities. It is worth remembering that, although a law which would have given Angolan refugees in Zambia citizenship rights proved controversial and was ultimately abandoned, those same refugees had been living in villages, their children had been attending school, and they had able to get identity cards with little difficulty.

But in formal political institutions, the relationship of a citizen to a state is predicated on rights and responsibilities, and 'accountability' between elected leaders and the masses. Despite the extensive debates in some countries about citizenship and the saliency of the topic in many more, citizenship in Africa remains characterized by acceptance of authority, rather than being about changing the relationship between citizens and states.

References

Allen, Chris (1995) 'Understanding African politics', *ROAPE* 22, 65, pp. 301–20.

Balaton-Chrimes, Samantha (2011) 'Counting as citizens: recognition of the Nubians in the 2009 Kenyan census', *Ethnopolitics* 10, 2, pp. 205–18.

Balaton-Chrimes, Samantha (2013) 'Indigeneity and Kenya's Nubians: seeking equality in difference or sameness?', *JMAS* 51, 2. pp. 331–54.
Bierwirth, Chris (1999) 'The Lebanese communities of Côte d'Ivoire', *African Affairs* 98, 390, pp. 79–99.
Boas, Morten and Dunn Kevin (2013) *Politics of origin in Africa: autochthony, citizenship and conflict*. London: Zed Books.
Bratton, Michael (ed.) (2013) *Voting and democratic citizenship in Africa*. Boulder, CO: Lynne Rienner.
Bratton, Michael and Logan, Carolyn (2006) *Voters but not yet citizens: the weak demand for vertical accountability in Africa's unclaimed democracies. Afrobarometer Working Paper WP63*.
Bratton, Michael and Logan, Carolyn (2013) 'Voters but not yet citizens: the weak demand for vertical accountability', in Michael Bratton (ed.) *Voting and democratic citizenship in Africa*. Boulder, CO: Lynne Rienner.
Brennan, James, (2006) 'Blood enemies: exploitation and urban citizenship in the nationalist political thought of Tanzania', *Journal of African History* 47, 3, pp. 389–413.
Cooper, Fred (2002) *Africa since 1940: the past of the present*. Cambridge: Cambridge University Press.
Dorman, Sara (2005) 'Past the Kalashnikov: youth, politics and the state in Eritrea' in J. Abbink and Ineke van Kessel (eds.) *Vanguard or vandals: youth, politics and conflict in Africa*. Leiden: Brill.
Dorman, Sara (2007) 'Running from the land: urban development, citizenship and the Zimbabwean state', Paper presented at the Britain Zimbabwe Research Day.
Dorman, Sara, Hammett, Daniel, and Nugent, Paul (eds.) (2007) *Making nations, creating strangers*. Leiden: Brill.
Dow, Unity (ed.) (1995) The citizenship case: the Attorney General of the Republic of Botswana v Unity Dow (court documents, judgements, cases and materials). Gaborone: Lentswe la Lesedi (Pty) on behalf of Metlhaetsile Women's Information Centre.
Englebert, Pierre and Hummel, Rebecca (2005) 'Let's stick together: understanding Africa's secessionist deficit', *African Affairs*, 104, 416, pp. 399–427.
Geschiere, Peter (2009) *The perils of belonging*. Chicago: University of Chicago.
Gray, Christopher J. (1998) 'Cultivating citizenship through xenophobia in Gabon, 1960–1995', *Africa Today* 45, 3–4, pp. 389–410.
Heilman, Bruce, (1998), "Who are the indigenous Tanzanians? Competing conceptions of Tanzanian citizenship in the business community', *Africa Today* 45, 3–4, pp. 369–88.
Herbst, Jeffrey (2000) *States and power in Africa*. Princeton, NJ: Princeton University Press.
Jackson, Robert H. and Rosberg, Carl G. (1982) 'Why Africa's weak states persist: the empirical and the juridical in statehood', *World Politics*, 35, pp. 1–24.
Landau, Loren B. (2010) 'Loving the alien? Citizenship, law, and the future in South Africa's demonic society', *African Affairs* 109, 435, pp. 213–30.
Lonsdale, John (2008) 'Soil, work, civilisation and citizenship in Kenya', *Journal of East African Studies*, 2, 2, pp. 305–14.
Mamdani, Mahmood (1996) *Citizens and subjects*. Oxford: James Currey.
Mamdani, Mahmood (2001). *When victims become killers*. Oxford: James Currey.
Mamdani, Mahmood (2002) 'African states, citizenship and war: a case-study', *International Affairs*, 78, 3, pp. 493–506.
Manby, Bronwen (2010) *Citizenship law in Africa: a comparative study*. London: Open Society Foundation.
Marshall-Fratani, Ruth, 2007 'The war of who is who', in Sara Dorman, Daniel Hammett, and Paul Nugent (eds.) *Making nations, creating strangers*. Leiden: Brill.
Neocosmos, Michael (2006) *From 'foreign natives' to 'native foreigners': explaining xenophobia in post-apartheid South Africa*, Dakar: Codesria.
Nkiwane, Tandeka (2010) 'Gender, citizenship and constitutionalism in Zimbabwe: the fight against Amendment 14', *Citizenship Studies*, 4, 3, pp. 325–38.
O'Donnell, Guillermo (1994) 'Delegative democracy', *Journal of Democracy*, 5, 1, pp. 55–69.
Raftopoulos, Brian (2007) 'Nation, race and history in Zimbabwean politics' in Sara Dorman, Daniel Hammett, and Paul Nugent (eds.) *Making nations, creating strangers*, Leiden: Brill.
Whitaker, Beth Elise (2005) 'Citizens and foreigners: democratization and the politics of exclusion in Africa', *African Studies Review*, 49, pp. 109–26.

14

Trends in citizenship law and politics in Africa since the colonial era

Bronwen Manby

Among the most difficult challenges of nation-building tasked to the newly independent African states of the 1960s was the determination of who could claim membership of these polities: the definition of who was a citizen. In theory, the colonial legal regimes had established clear rules to assert the jurisdiction of the European powers over their subjects in Africa, while the transitional provisions of the independence constitutions allocated individuals to one state or another at the date sovereignty was transferred. In practice, there were many ambiguities in these laws, and many challenges to their legitimacy. Yet, although the question of colonial borders was addressed and presumed settled by the1964 decision of the Organization of African Unity (OAU) that these externally imposed lines would be respected[1], the related question of how to treat the peoples cut in half by those borders, or individuals who had moved within the previous colonial territories, was not resolved (even on paper) in the same way.

The denial of a right to citizenship to groups or individuals has been at the heart of many of the political or military crises of postcolonial Africa. The pattern of these crises is not haphazard. They are closely linked to the colonial heritage of each country and in particular the migration and land expropriation that was implemented or facilitated by the colonial authorities. The countries where citizenship has been most contentious – Algeria, Côte d'Ivoire, Democratic Republic of Congo (DRC), Uganda, Zimbabwe, and others – are often the countries that saw the greatest colonial-era migration, migration not only of Europeans and Asians to the continent, but in even greater numbers of Africans within the continent. The ability of incumbent politicians to assert that opponents are of doubtful nationality is founded on the same history, given scope by the lack of due process embedded in citizenship laws. Contemporary migration renews these challenges, which are not unique to Africa, but are given particular characteristics by the continent's history (Manby, 2009).

This article sets out some trends in citizenship law before and since independence. Through the detail of legal provisions we gain insight into the political struggles for membership by individuals and ethnic groups marginalized by those in power and also into the tools that legal provisions offer for building more inclusive citizenships in future. Statute law has sometimes been described as essentially irrelevant to the daily struggles of individuals to 'belong' where they live; yet laws adopted by national parliaments nonetheless both reflect these struggles and have profound effects far from capital cities. Although neither the OAU nor its successor, the

African Union (AU), has yet taken a binding decision against the manipulation of citizenship for political ends, activist agitation for an end to discrimination is beginning to bear fruit.

Citizenship law in the colonial period

Precolonial polities in Africa had of course their own systems for determining who could exercise or benefit from the rights accorded to members of the community; however, the concept of national citizenship as we know it today came into being in parallel with the development of today's states – in Africa as in Europe and elsewhere.

Under colonial rule, the nationality of individual Africans – their membership of a polity for the purposes of international relations – was determined by the European power with control of the territory.[2] At the same time, nationality in itself did not necessarily give the individual concerned full rights within the state, since only a limited few could participate fully in its government. All but a tiny number of African 'natives' were subordinate in status to the white-skinned citizens of the colonial states and subject to different legal systems; women of all races had fewer rights of citizenship than men. In all the colonial territories there was a clear division between nationality, the legal link between the individual and the state for international purposes, and citizenship, the status of a person with full civil and political rights within each territory.

In those territories under British control, the status of 'British subject' was applied to all those born within the 'crown's dominion', which included both the United Kingdom itself and those parts of the empire known as 'colonies' or 'dominions';[3] but most British-controlled territories in Africa were rather 'protectorates', nominally foreign territory managed by local government structures established under British protection, and the term 'British protected person' emerged to cover the people indigenous to these areas. The British Nationality Act of 1948, the first comprehensive attempt to organize nationality law by statute, established the new status of 'citizen of the United Kingdom and colonies' (a status abolished in 1981), granted to those born in the UK or in one of the colonies. The status of British protected person was codified by the new law and applied to persons born in a protectorate who were not citizens of the UK and colonies (see generally, Fransman, 2011). 'Native' courts adjudicated disputes related to non-European residents according to an interpretation of 'customary law', and 'natives' had lesser rights than Europeans, especially rights to own land.

Meanwhile, French territories in sub-Saharan Africa were from the early twentieth century divided between French West Africa (*Afrique occidentale française*, AOF), French Central Africa (*Afrique équatoriale française*, AEF), and Madagascar. Algeria, in North Africa, had a special status, forming part of metropolitan France; Morocco and Tunisia were protectorates, with nominally autonomous governments under French protection. A law adopted in 1881 divided nationals of French overseas territories into two main categories: French citizens (*citoyens français*), who were of European stock or mixed race; and French subjects (*sujets français*), including black Africans and other natives (*indigènes*) of non-European territories – among them Muslim Algerians who had not obtained French personal civil status (Weil, 2002 and 2003).[4] From 1946, the *Loi Lamine Guèye* (named after a Senegalese delegate in the constituent assembly that adopted the law) provided for inhabitants of France's overseas territories to have the same rights to citizenship as those in metropolitan France, but the subordinate citizenship of French nationals 'native' to the colonies remained in electoral law (Gonidec, 1959; Bruschi, 1987; Genova, 2004).

Portugal drew similar distinctions between 'European' and 'native' in its five colonies in Africa. Although Angola, Cape Verde, Guinea Bissau, Mozambique, and São Tomé and Príncipe were subject to repeated changes in political status, the basic policies on the ground remained more or less constant (Newitt, 1995; Nugent, 2004). As in the British and French

territories, there were two categories of citizenship, the *indígena* (native) and the *não-indígena* (non-native). The *não-indígenas*, European-born Portuguese and white-skinned foreigners, were full Portuguese citizens subject to metropolitan laws, whereas the *indígenas* were governed by the 'customary' laws of each territory. Similar rules applied in Spanish, Belgian, German, and Italian colonies while they were operational.

Transition to independence

The rules governing the allocation of citizenship during the transfer of sovereignty to the newly independent countries – the succession of states – still have important consequences today. In principle, the division between nationality and citizenship was now impermissible, and these laws were drafted accordingly: all nationals should have full citizenship rights, and nationality and citizenship became synonyms in international law. The reality was sometimes different.

In the French colonies the independence constitutions left the regulation of nationality to legislation by the new states. In sub-Saharan francophone Africa, the new nationality codes and transitional provisions were mostly fairly uniform, drawing on French law as it stood at the time, with, nonetheless, some notable variations. Since 1889, the Civil Code had provided that, in addition to the child of a citizen born in France, a child born in France of one parent also born in France became French (a rule known as double *jus soli*); while a child born in France of foreign parents could claim citizenship at majority. The code also allowed for naturalization after a residence period (reduced from ten years to three years in 1927, and increased again to five years in 1945) (Weil, 2002). These terms were included in most of the new nationality codes of the AOF and AEF territories (Decottignies and de Biéville, 1963). Also common was the concept of *possession d'état de national*: the formal recognition of the nationality of those who have always behaved and been accepted as nationals.

In Senegal, for example, the *Code de la nationalité* adopted in 1961 provided in its first article for the application of double *jus soli* and created a presumption that a person is a national if they have *possession d'état de sénégalais*. As a transitional provision, a right to opt for Senegalese nationality was also given to all persons from the former AOF territories, as well as persons married to Senegalese and persons from neighbouring countries, if they were resident in Senegal at the date of entry into force of the nationality code. Similar rules applied in most other AOF territories. By contrast, the nationality law adopted in Côte d'Ivoire sowed the seeds of troubles to come decades later, establishing rules that required 'foreigners' to take deliberate steps to be recognized as Ivorian; but without defining who in fact was a 'foreigner' (Manby, 2010; Manby, 2009, pp. 81–93).

Among all the former European colonies, nationality in the context of state succession was perhaps most immediately contentious in Algeria, as it had been during the colonial period. Despite Algeria's previous legal status as part of metropolitan France, only those Algerians who renounced Muslim personal status had been permitted to become full French citizens with the attendant civil and political rights, around 10,000 people by 1960. Would the new state be race-, religion-, and colour-blind, or would it differentiate between different categories of citizen, just as the French had done? The texts adopted by the *Front de Libération Nationale* (FLN) had appealed to those of European descent to integrate into the postcolonial state and promised a non-discriminatory future legal regime. In the March 1962 Évian Accords that ended the war of independence it was agreed that the Algerian-born *colons* would have the right to opt for Algerian nationality or to remain in Algeria as foreigners, with a three-year period of permitted dual nationality; French-born persons resident in Algeria were given the right to naturalize according to the general conditions applied, providing they renounced their French nationality.

Despite the massive exodus of the *pieds noirs* following the accords, these terms were included in the 1963 *Code de la nationalité*. The code also stated that those convicted of 'crimes against the nation' after the date of the Évian Accords would not have a right to nationality; while those participating in the liberation struggle were given a right to opt for Algerian nationality. In relation to those born after independence, the law included a limited double *jus soli* provision[5] and was on the face of it non-discriminatory in relation to the role of religion (though it discriminated on the basis of gender). Article 34 of the Code, however, in the section of the law dealing with evidence and dispute resolution, introduced a critical element of religious identity. The article reversed the direction of previous discrimination, defining 'Algerian' as a person of Muslim religion whose father and father's father was born in Algeria (Bendeddouche, 1982).

In most of the formerly British territories, nationality laws initially followed fairly uniform rules established by the 'Lancaster House'[6] independence constitutions, and the main controversies arose after the British had left. According to these rules, those who became citizens automatically were: first, persons born in the country at the date of independence with at least one parent (sometimes, more inclusively, as in Ghana, one grandparent) also born there, who were at that time citizens of the United Kingdom and colonies or British protected persons; and secondly, persons born outside the country whose fathers became citizens in accordance with the other provisions. Those persons born in the country whose parents were both born outside the country were entitled to citizenship by way of registration, on simple application, as were other citizens of the UK and colonies or British protected persons who were ordinarily resident in the country. Others could naturalize if they fulfilled the residence criteria (usually ten years) and satisfied the other conditions set. The laws were not gender neutral, and special provisions relating to married women were included, usually making them dependent on their husband's status. Paired British legislation provided for the rules by which individuals would retain or gain access to citizenship of the UK and colonies; since British law had always tolerated dual nationality, acquisition of a new nationality did not necessarily affect this right (Fransman, 2011).[7]

In the former Portuguese colonies, most of the new national constitutions and political regimes were given a socialist content when independence was attained following the 1974 collapse of the *Estado Novo* in Portugal. However, all the lusophone countries kept Portugal's civil law system, maintaining much of Portuguese colonial legislation, including the framework of the provisions on nationality that had been applied in the metropolitan territories. These were at that time fairly generous in granting nationality on the basis of birth in the territory. Some countries also voted for rules favouring the grant of nationality to those who had fought against the Portuguese and penalizing those who had collaborated with the colonial regime. For example, in Mozambique, individuals who had participated in the liberation struggle within the structures of FRELIMO (the *Frente de Libertação de Moçambique*) were given the right to opt for Mozambican nationality, and nationality was excluded for people who had been members of 'colonial-fascist political organizations'.

Trends in African nationality law since independence

Although the laws drafted for the new African states for the most part eschewed in their language the racism of the colonial era, nervousness about the loyalty of certain groups of residents – those who could be most easily asserted to be not 'from' the territory – nonetheless shaped the ways in which they were drafted and above all applied. Since then many modifications have been made, both in response to these concerns, but also following on the activism of the women's rights movement, and as part of attempts to achieve the political settlement of conflicts over belonging.

The three most striking trends in the amendments made to nationality laws in African countries have been, first of all, the abandonment in the Commonwealth countries of *jus soli* citizenship based on birth in the territory, in favour of a descent-based *jus sanguinis* system, initially based only on patrilineal descent – aimed at reducing access to nationality for recent immigrants to the country. Second, women's rights activists have achieved greater equality between men and women in relation to the ability to pass nationality to their children, which is now the norm, and to a lesser extent to their husbands. Finally, there has been a major shift towards acceptance of dual nationality, which was a minority position at independence but is now permitted in the clear majority of African countries. Racial, ethnic, and religious discrimination has proved more resistant to reform: explicitly discriminatory provisions remain in a small minority of countries, have been removed or reduced in some, but introduced in others or left untouched since independence – and discrimination in the application of the law is widely prevalent. There is also a mixed record on achieving greater respect for due process: executive discretion in the grant and deprivation of citizenship has been subjected to more controls in some countries, but left unfettered or increased in others.

The former French territories for the most part have had a greater stability than the Commonwealth countries in their laws (with the notable exception of Côte d'Ivoire), retaining the system that was in place in metropolitan France at the time of independence, including the grant of nationality to the second generation born in a country; but they, too, have seen shifts to greater gender equality, including in North Africa. The much smaller number of former Portuguese colonies have also been relatively stable; the formerly Belgian Democratic Republic of Congo has seen major struggles over the definition of nationality; while the single former Spanish colony of Equatorial Guinea has seen only one nationality law since independence in 1975.

Independence-era provisions for comity among countries that were previously linked to the same colonial power, especially in the Commonwealth system, have been mainly abandoned. Efforts to replace these provisions with regional citizenships, or an African citizenship at continental level, have made most progress in West Africa, but have yet to make any real impact on national laws. Perhaps more significantly for the long term, activist demands for equal rights to nationality have begun to gain some traction in norm-setting among continental institutions.

The balance of *jus soli* and *jus sanguinis*

Nationality laws globally, whatever the legal tradition, combine in different strengths the two basic concepts of *jus soli*, where an individual obtains citizenship simply because he or she was born in a particular country, and *jus sanguinis*, where citizenship is based on descent from a parent who is himself or herself a citizen. A *jus sanguinis* principle need not have any ethnic or racial basis – the requirement is only that a parent be a citizen (including citizenship acquired as an adult by naturalization on the basis of long-term residence and other conditions) – but is often interpreted otherwise.[8] Thus, the acceptance of a *jus soli* right to nationality – whether solely on the basis of the place of birth of that child, or in modified form, by allowing those born in the country to apply for nationality at a later date, or granting nationality to those born in the territory of one parent also born there (double *jus soli*) – provides for more rapid (legal) integration of migrant populations.

At independence, the Commonwealth countries were bequeathed a *jus soli* rule, usually enshrined in their independence constitutions, which reflected the long-standing system in the UK that had been formalized in the 1948 Nationality Act as it applied both in the United Kingdom and in its overseas territories. Under these constitutions, a child born on the territory after independence was a citizen from birth as of right, subject only to the exception that this did not apply if the father was entitled to diplomatic immunity or was an enemy alien and

the mother was not a citizen. Provision was made for citizenship by descent for those not born in the country, but children born outside the territory were citizens only if their fathers were citizens at the time of the birth.

Most of the Commonwealth countries took steps quite rapidly to amend the *jus soli* provisions included in their independence constitutions in order to restrict the right to nationality of children born in the country. The trend to remove *jus soli* continued over several decades, and in some cases, such as Kenya's 1985 constitutional amendment, the abandonment of *jus soli* was made retroactive to independence, so that some people who had been citizens then lost their citizenship. As of the end of 2012, only Lesotho and Tanzania among the Commonwealth countries retained a *jus soli* law (at least on paper) for all children born on their territory (absolute *jus soli* was ended in the UK itself by the 1981 Nationality Act).[9]

The majority of these revisions have removed *jus soli* completely, including for children who do not have the right to any other nationality. They thus do not comply with the provisions of the 1990 African Charter on the Rights and Welfare of the Child requiring states to ensure that their constitutions and citizenship laws give nationality to a child born on the territory who would otherwise be stateless (Article 6). Even recent reforms, such as the new constitution adopted in Kenya in 2010, have for the most part not taken account of the Charter, despite its near universal ratification and despite activists' calls for the revised constitution to take account of international obligations. Although the new constitution had taken important steps to redress past exclusions from citizenship, it was thus found in violation of its obligations by the African Committee of Experts on the Rights and Welfare of the Child in 2011 in its first ruling on the nationality of Nubian-Kenyan children.[10] Only South Africa guarantees that every child has a right to a nationality in its constitution and also ensures that this is the case in its citizenship law by providing both that a child born on the territory who would otherwise be stateless is South African and (since 2010) for citizenship to be given on application, on the basis of birth and residence till majority. (A handful of constitutions also provide for the right to a nationality, but the implementing law does not respect this in its provisions.)

By comparison with the Commonwealth countries, the basic framework of the civil law countries has remained quite stable, and in particular those countries that adopted the double *jus soli* and birth plus residence provisions (of which Côte d'Ivoire was not one) have for the most part retained this rule to date.

The main exception to this rule was Algeria, where a 1970 *Ordonnance* increased the primacy of descent over birth in the territory, removing the double *jus soli* provision in the 1963 nationality code. The *Ordonnance* also kept, in only slightly amended form, the provision under a section headed 'evidence' (*preuve*), stating that nationality of origin can be shown by establishing that the person is of Muslim religion whose father and father's father was born in Algeria; and it made naturalization more difficult, including for women married to Algerian men. In 2005, the provision was again amended, this time to reduce gender discrimination by providing that the two generations of people born in the country could be either from the male or female line – but they must still be of Muslim personal status.

Gender equality

At independence and until recently, gender discrimination was the norm in citizenship law, though it was expressed in different ways. Female citizens were not able to transmit citizenship to their foreign spouses or to their children, if the father was not also a citizen.

From the early 1990s, however, this situation began to change, as women's rights organizations fought for reforms to the laws. A key moment was the 1992 *Unity Dow* case in

Botswana, when the Court of Appeal upheld a woman's right to pass Botswanan citizenship to her children. Since then, a large number of countries have acted to reduce or remove gender discrimination in nationality law. Despite this trend, gender equality remains more controversial in relation to questions of nationality than in other areas. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, though adopted as late as 2003 and generally radical in its implications, reflects this unease, creating exceptions allowing discrimination in the right of a man to acquire the nationality of his wife, and a child to acquire the nationality of its mother (Article 6(g) and (h)).

With respect to the right of a woman married to a foreigner to pass her nationality to her children, discrimination was almost universal at independence and further elaborated in many countries by discrimination based on birth in or out of wedlock. In this, the laws reflected the situation in the colonial powers at that time and indeed globally. Despite the trend to reform, around a dozen countries in Africa still discriminate on the grounds of gender in granting citizenship rights to children, even if the discrimination is only to require them to opt for nationality or to give them the right to refuse it (Manby, 2010).

Gender discrimination in relation to the transmission of nationality by marriage has been more resistant to change. At independence, the anglophone countries adopted the English system, by which marriage in itself had no effect on a person's nationality, but a woman marrying a citizen could obtain nationality by registration (a less discretionary process than naturalization), usually on condition that she renounced her former nationality. Most francophone countries in turn followed the French nationality code of 1945, by which a woman marrying a national automatically acquired the nationality of her husband, but with the ability to refuse this within a certain period after the marriage, while a woman marrying a foreigner automatically lost her original nationality. Some followed a system more similar to that in the Commonwealth states, where the woman could obtain the nationality of her husband by option, upon application submitted within a certain time after marriage (Dutroit *et al.* 1976; Dutroit and Masmejan 1991). By the end of 2012, increasing demands for gender equality in marriage rights had removed discrimination in the transmission of nationality to a spouse in around a half of African countries, even though in some countries the decision was rather to remove the privileged access to nationality for a foreign wife, than to extend the easier terms to a husband (Manby, 2010).[11]

Dual nationality

Historically, international law treated dual nationality as an anomaly to be avoided, mainly for reasons of state security, but also to avoid doubling burdens on the individual caused by obligations such as military service. Though some countries, such as Britain, had no provisions on loss or renunciation of nationality in case of acquisition of another, the vast majority did not allow dual nationality, including France at the date of independence of its African territories. This situation has been reversed in recent years. Although it is still too early to talk of a norm allowing dual nationality – some countries remain strongly against – the trend is clear, and Africa is no exception.

At independence, most African countries took the decision that dual citizenship should not be allowed: they wished to ensure that those who might have a claim to another citizenship – especially those of European, Asian, or Middle Eastern descent – had to choose between the two possible loyalties. Dual nationality in case of marriage was equally frowned upon (Dutroit *et al.* 1976; Dutroit and Masmejan 1991).[12] Increasingly, however, the post-independence migration of Africans from Africa has grown to match colonial-era migration from Europe and Asia to Africa. This new African diaspora has brought political pressure to bear on 'home'

governments to change the rules on dual citizenship and to concede that people with connections to two different countries need not necessarily be disloyal to either state.

Many African states have thus either changed their rules to allow dual citizenship or are considering such changes. Among those countries that had initially prohibited but as of the end of 2012 permitted dual citizenship were: Angola, Burundi, Congo Republic, Djibouti, Gabon, Gambia, Ghana, Kenya, Mozambique, Nigeria, Rwanda, São Tomé and Príncipe, Sierra Leone, Somalia, Sudan, and Uganda. Others, including Egypt, Eritrea, and South Africa, allowed dual citizenship, but only with the official permission of the government, or only in case of a woman's marriage, or only for citizens from birth. In a few, such as Senegal, dual nationality was tolerated in practice, though the law appeared to forbid it on paper. In total, at least 33 countries in Africa allowed dual nationality in some form at that date. In other countries, such as Tanzania and Liberia, amendment of the law was under active discussion (Manby, 2010).

Some governments, however, have continued to use a prohibition on dual citizenship for political purposes. In Zimbabwe, for example, a policy was developed from the turn of the millennium to require those persons who had a potential claim on another citizenship to renounce it, even if they had never taken steps to claim the nationality of the second state. The new rules were clearly aimed at excluding possible opposition supporters from voting in general elections. Despite constitutional amendments adopted in 2009 that opened up the possibility of law reform to allow dual citizenship, the policy remained in place as of the end of 2012, though under pressure for further reform in light of upcoming polls (Manby, 2009, pp. 39–50; Manby, 2012b). The Republic of Sudan (North Sudan) introduced a ban on dual nationality specifically for people who became nationals of the new Republic of South Sudan in 2011, even though dual nationality had been generally allowed since 1993. The new state of South Sudan, however, followed continental trends by adopting a nationality law that permits dual nationality (Manby, 2011 and 2012a).

Racial, ethnic, and religious discrimination

Although most African nationality laws at independence avoided the explicit racial discrimination of the colonial legal system, some countries introduced rules specifically designed to exclude recent migrants from full citizenship rights and in particular to exclude the descendants of European and Asian immigrants from citizenship by birth, even if they might have the right to naturalize. In other cases, including DRC and Côte d'Ivoire, it is rather other African immigrants who are most controversial.

Liberia and Sierra Leone, both shaped by their history as refuges for freed or returning slaves, still prevent those not 'of Negro descent' from becoming citizens, in Liberia even by naturalization. Sierra Leone, which at independence in 1961 had the usual Commonwealth *jus soli* rule, introduced racial discrimination in 1962. Though gender discrimination in these provisions, defining 'negro-African descent' only through the male line, was removed in Sierra Leone in 2006, the racial discrimination remained as of 2012 (though its removal was under discussion in both countries). In Malawi, a 1966 amendment to the Citizenship Act (removed in 1992) restricted citizenship from birth to those of a parent citizen who must also be 'a person of African race' (unless the child would otherwise be stateless).

DRC and Somalia both retain ethnically discriminatory provisions established in the 1960s. In DRC, where the right of the Banyarwanda to Congolese nationality has been controversial since independence and a central issue in the civil war, the terms of the 2004 peace agreement attempted to resolve this question. But although the agreement and subsequent legislation provided more generous provisions for naturalization and recognition of citizenship than had

previously existed, the most important clause still granted nationality of origin on the basis of ethnicity to 'every person belonging to the ethnic groups and nationalities of which the individuals and territory formed what became Congo at independence' in 1960. Though the date was moved forward from 1885, as it had stood since 1981, the fundamental basis of the law remained membership of ethnic groups popularly understood to be Congolese – which often excluded the Banyarwanda (Manby, 2009, pp. 66–80). In Somalia's case, the 1962 citizenship law, still nominally in effect, provides for any person 'who by origin, language or tradition belongs to the Somali Nation', to obtain citizenship by operation of law. The 2004 Transitional Federal Constitution affirmed this discrimination with its reference to citizenship for 'every person of Somali origin'. Though obtaining recognition of Somali nationality is generally frustrated by the absence of a functioning administration for two decades, those Somalis of Bantu ethnicity have historically faced particular problems in obtaining papers.

In North Africa, religious discrimination was the rule in nationality law, but has been reduced somewhat in recent years. Nonetheless, Algeria, Egypt, Libya, and Morocco still provide to different degrees for privileged access to citizenship for those of Muslim religion and/or Arab origin. Christians, Jews, Bah'ai, and other minorities have all faced difficulties in obtaining recognition of nationality at different times across the region.

In the AOF countries, explicitly discriminatory legal provisions were and remain rare. However, in Mali, though the law does not generally discriminate in the rules it applies for children with citizen parents, it provides privileged treatment for children born in Mali of a mother or father 'of African origin' who was also born in the country – treatment not extended to those without a parent 'of African origin'. In Chad, the provision on *possession d'état de Tchadien* is similarly restricted to those of 'African ancestry' (*de souche africaine*).

Nigeria, Swaziland, and Uganda introduced ethnic terms into their laws many years after independence, in 1979, 1992, and 1995, respectively. Though in Nigeria and Swaziland the possibility of citizenship from birth for those not of 'indigenous' origin was retained (if not always respected in practice), Uganda's 1995 constitution explicitly provides for a right to citizenship from birth only for those born in Uganda 'one of whose parents or grandparents is or was a member of any of the indigenous communities existing and residing within the borders of Uganda as at the first day of February, 1926' (Article 10). Ugandans of Asian descent unsuccessfully argued that they should be on the list of these 'indigenous communities' included in a schedule to the constitution. Uganda also excludes the children of refugees from access to citizenship. At the same time, the transitional provisions allowing simple registration of nationality for those resident in Uganda at independence without a parent born in the country were never fully implemented – allowing for the mass expulsion of Ugandan Asians by Idi Amin (Manby, 2009, pp. 50–6).

Racial or ethnic discrimination is widespread in many more countries, even if it is not written into the law. In Côte d'Ivoire, most notoriously, policy changes and amendments to the nationality code adopted from the mid-1990s effectively restricted access to nationality for those whose ancestors may have originated in neighbouring countries and required that candidates for the presidency must be 'Ivorian by origin', born to parents who were themselves both Ivorian by origin, but without clarifying what this requirement meant[13] (Manby, 2009, pp. 81–93).

Due process protections

Questions of citizenship have often been used to prevent specific individuals from challenging for political position or to silence those who criticize the government. Although there are other means of silencing journalists and blocking political candidates, denationalization has the

particular usefulness of effectively taking the individual outside the realm of legal rights and into what is claimed to be an area of exclusive and discretionary executive power. Among the best known victims of such tactics are Kenneth Kaunda of Zambia and Alassane Ouattara of Côte d'Ivoire – a former president and a former prime minister – but similar cases exist in many countries; Swaziland, for example, has frequently accused troublesome activists of not being Swazi (Manby, 2010; Manby 2009, pp. 127–40).

Given their political profile, several of these cases have been heard and condemned by the African Commission on Human and Peoples' Rights. Since the African Charter on Human and Peoples' Rights does not include a specific provision on the right to a nationality, the decisions have been based on articles relating to non-discrimination and due process of law (Articles 2, 3, and 7), as well as Article 5 on human dignity, Article 12 prohibiting mass expulsions (a provision unique to the African Charter among similar human rights treaties), and Article 18 on protection of the family (Manby, 2010).[14]

The Commonwealth countries have historically had particularly weak due process protections, though there is some progress towards reduction of executive discretion, especially in deprivation of nationality. A number explicitly exclude the right to challenge a decision under the citizenship law in the courts, though some then establish an administrative procedure by which the decision to grant or deprive of citizenship is made by a 'citizenship board' appointed by the relevant minister. Though most Commonwealth countries still follow (as the UK does not) the rule by which a citizen from birth cannot be deprived of nationality, many historically provided extremely broad grounds for deprivation of citizenship by naturalization. These grounds have been narrowed in many states, as in the case of Kenya's 2010 constitution; while in Gambia, Ghana, and Rwanda, the law now requires that the courts must hear an application from the government for a citizen by naturalization (only) to be denationalized rather than simply reviewing a decision made by the executive. In South Africa, section 25 of the Citizenship Act supplements the extensive due process protections of the post-apartheid constitution by stating that any decision of the minister may be reviewed by the High Court. Most civil law countries' nationality laws, by contrast, include a chapter that subjects decisions on nationality questions to review in the administrative courts that usually have jurisdiction in similar matters. Constitutional due process protections would also apply, and Burundi's 2005 constitution specifically provides that no one can be arbitrarily deprived of his or her nationality.

Many countries, whatever their legal tradition, still allow an unacceptably wide set of grounds for depriving a person of nationality. In Egypt, for example, citizenship, however acquired, may be taken away if the person is simply 'described as Zionist' – until reforms enacted in 2010, Libya included this and other draconian terms.

Due process in the grant of nationality by naturalization decisions is perhaps of less importance in terms of the consequence for the individual (unless otherwise stateless), but more widespread in practice. The laws of several countries – including those in civil law countries such as Comoros, Mali, Niger, Seychelles, and Togo – specify that there is no right to challenge in court the administrative rejection of an application for naturalization, and those of several others state that the minister responsible need give no reasons for his or her decision, which is regarded as being a matter of executive discretion. In Liberia, on the other hand, exclusive jurisdiction to naturalize is given to the courts, which must give reasons for denial of the application. Very few if any African states provide for easier terms of access to citizenship for stateless persons or refugees, despite their obligations under the African and international refugee conventions, and a move, prompted by lobbying from UNHCR, towards greater ratification of the 1961 UN Convention on the Reduction of Statelessness.

Preferential access to citizenship

Since independence, there has been an attempt to retreat from citizenship favouritisms based on linkages to a former colonial power, promoted especially by Britain's desire to retain comity among its former colonies, and put in place instead preferential access to citizenship and its privileges on the basis of a common African or regional identity.

At independence, the standard model citizenship law for the new states of the British Commonwealth usually provided for easier access to citizenship for nationals of other Commonwealth countries, both in the transitional measures and on an ongoing basis. The AOF countries similarly often included transitional provisions that provided easier access to citizenship for natives of other former AOF colonies (and other French colonies in general), though ongoing access was more rarely included. Some of the North African states – notably Libya and Egypt – also adopted provisions inspired by post-independence efforts to consolidate an Arab nationality and Muslim identity.

These provisions have largely been done away with, though they survive in dormant form in some of the laws of Commonwealth countries that have not been recently amended (such as in Malawi), and in the Arab states. In their place, have come efforts to form African and regional citizenships that are still faltering, but have recently been taken up with renewed vigour.

The failure of early post-independence efforts to give the ideology of pan-Africanism real political form was signalled by the OAU's 1964 decision that colonial borders would be respected. The project to build Africa-wide political structures and an African citizenship was put on hold until the turn of the millennium, revived through the unlikely figure of Libyan head of state Muammar el-Gaddafi. The September 1999 'Sirte Declaration' of the OAU called for the establishment of an African Union, in order to 'rekindle the aspirations of our peoples for stronger unity, solidarity and cohesion in a larger community of peoples transcending cultural, ideological, ethnic, and national differences'. In 2002, the OAU was replaced by the African Union, whose political and normative aspirations reach far further than its predecessor, though it is still based on an architecture more similar to that of the European Union than a close political federation.

The debates on these questions also relaunched the discussion of a common African citizenship that had flourished decades earlier. In 2002, the year the new African Union was created, a high-level meeting adopted a consensus statement urging that 'Africa should move towards a common citizenship, through the initial steps of harmonizing citizenship, naturalization, immigration and employment laws, and through progressively removing restrictions on travel'.[15] Further meetings endorsed the idea of an African passport.[16] In 2007, an African diplomatic passport was actually launched for staff and representatives of the AU structures, a small step towards the longer term aim. So far, however, these debates have largely remained on paper, at the level of meetings, without concrete progress towards the harmonization of citizenship laws on which a common citizenship would need to be founded.

At sub-regional level, efforts to promote aspects of a common citizenship have made greater progress. The Economic Community of West African States (ECOWAS) has had a common-form sub-regional passport and internal freedom of movement since 1979, as well as rules intended to make it easier to establish businesses across the regional borders. The revived East African Community has created a free movement regime among the five countries that make it up, with a common internal passport. Within the Southern African Development Community, however, disagreements over the content of a protocol on free movement led to a much watered-down version being adopted by the SADC summit in 2005, providing very few additional rights to those already held. Other regional communities are further behind.

In practice, the recognition of citizenship still depends on national-level laws and authorities. Even ECOWAS, with the most developed legal framework, is powerless to grant a person

'West African' citizenship if, for example, neither Côte d'Ivoire nor one of its neighbours will recognize that person's claim to their own citizenship. Although the theme for both 2013 summits of the African Union was 'Pan-Africanism and African Renaissance', African aspirations for a common identity and citizenship are still kept at the level of rhetoric by the political priorities of individual African governments. Yet progress continues. In May 2013, following years of advocacy by a coalition of human rights groups under the banner of the Citizenship Rights in Africa Initiative, the African Commission on Human and Peoples' Rights adopted a resolution on the right to a nationality, endorsing the concept of a protocol to the African Charter on Human and Peoples' Rights protecting this right.[17]

Notes

1 OAU Assembly, Res. 16 (II), Cairo Summit, 2nd Ordinary Session, 1964.
2 Ethiopia, never colonized, adopted a nationality law in 1930, which nonetheless drew on European traditions.
3 British territories in Africa usually belonged to one of three categories. First established were the 'colonies', largely the coastal trading enclaves, including Lagos and Freetown as well as Cape Town; of these, South Africa later became a self-governing 'dominion', while (most of) Kenya was designated a colony from 1920. The remaining territories were designated 'protectorates'. Only colonies and dominions were 'within the crown's dominion'.
4 The exception to this rule was the French civil status given to the inhabitants (black African as well as white) of four *communes* in Senegal which had enjoyed special privileges since the 1830s, including the option to access the courts under the civil code and the right to elect a deputy to the French parliament from 1848.
5 *Loi no. 63–96 du 27 mars 1963 portant Code de la nationalité algérienne, article 11* provided for nationality to be given to a child born in Algeria of two parents also born in Algeria after the date of independence (that is, unlike the similar provision in most other nationality codes, it would not apply to anyone already alive at the date of independence).
6 Lancaster House was the building in London where many of the constitutions were negotiated and finalized.
7 The southern African countries of Zimbabwe, Namibia, and South Africa had rather different trajectories, both legally and politically, which meant that not only was majority rule attained much later (in 1980, 1990, and 1994, respectively) but there was no succession of states as such at that date, since there was merely a change in government in an existing state with existing citizens. At that time, South Africa had complications relating to the previous deprivation of citizenship from those black South Africans who had been allocated the nationality of one of the nominally independent 'homelands'; all these had their South African citizenship restored. The new government also took steps to integrate some long-standing immigrant communities. On Zimbabwe, see Manby 2009, pp. 39–50.
8 There is perhaps a more important distinction in law between citizenship 'from birth' (termed 'nationality of origin' in the civil law countries) and citizenship 'by acquisition'. Citizenship from birth/by origin may be based either on descent (*jus sanguinis*) or on birth in the country (*jus soli*), but implies that a child has a citizenship from the moment of birth without any further procedures required for recognition by the state. Citizenship by acquisition relates to those who have become citizens as adults, as a result of marriage or naturalization on the basis of long-term residence. In many countries, the rights of those who are citizens from birth or by acquisition are the same, but others apply distinctions, especially in relation to the holding of public office. In addition, citizenship by acquisition may in most cases be more easily withdrawn.
9 In the case of Lesotho, the independence constitution 1966 (Art. 25) and the 1971 Lesotho Citizenship Order (section 5) both provide for *jus soli* for children born in the country after independence if the father was a Commonwealth citizen at the time of birth but not in other cases (unless the child would otherwise be stateless). However, the 1993 constitution provided for *jus soli* citizenship for all, with only the usual exceptions if the father was entitled to diplomatic immunity or an enemy alien. In the case of Tanzania, the *jus soli* provision has not in practice been applied to children of refugees born in Tanzania, though the state has taken other measures to extend nationality rights to refugee populations.

10 Communication 002/2009, *Institute for Human Rights and Development in Africa and Open Society Justice Initiative on behalf of Children of Nubian Descent in Kenya*, African Committee of Experts on the Rights and Welfare of the Child, 22 March 2011, paragraph 53.
11 This is the case in Botswana, Zambia, and Zimbabwe, where marriage gives no additional rights in relation to nationality, except in Botswana and Zimbabwe to reduce the time to naturalize. In Algeria also, marriage gives no additional rights, and a foreign wife or husband must naturalize in the same way as any other alien.
12 Though in some cases dual nationality was allowed in the case of a foreign woman married to a male citizen, or a female citizen married to a foreign man, even where dual nationality was generally not allowed.
13 Article 25, Constitution of Côte d'Ivoire, 2000: « *Le Président de la République … doit être ivoirien d'origine, né de père et mère eux-mêmes ivoiriens d'origine….* »
14 Communication 97/93, *Modise v. Botswana* (decided 2000); Communication No. 212/98, *Amnesty International v. Zambia* (1999); Communication No. 159/96, *Union Interafricaine des Droits de l'Homme and Others v. Angola* (1997); Communications Nos. 27/89, 49/91 and 99/93, *Organisation Mondiale Contre la Torture and Others v. Rwanda* (1996); Communication No. 71/92, *Rencontre Africain pour la Défense des Droits de l'Homme v. Zambia* (1996).
15 'Symposium on the African Union: Statement of Consensus', African Development Forum III: Defining Priorities for Regional Integration, Addis Ababa, Ethiopia, 3 March 2002.
16 Strategic Plan of the Commission of the African Union, 2004 – 2007; Report of the First Conference of Intellectuals of Africa and the Diaspora, Dakar, Senegal, 6–9 October 2004; Report on the African Union Conference of Ministers of Immigration to the African Union Executive Council Seventh Ordinary Session 28 June{ –}2 July 2005, EX.CL/197 (VII).
17 Resolution No. 234 on the Right to Nationality, adopted by the 53rd Ordinary Session of the African Commission on Human and Peoples' Rights, 9{ –}23 April 2013. Banjul, The Gambia.

References

Bendeddouche, Jacqueline (1982) *Notion de nationalité et nationalité algérienne* (2nd edn). Algiers: Société Nationale d'Édition et de Diffusion.

Bruschi, Christian (1987) 'La nationalité dans le droit colonial', *Procès: Cahiers d'analyse politique et juridique*, No. 18, Special issue on 'Le droit colonial', 1987–1988, pp. 29–83.

Decottignies, Roger and de Biéville, Marc (1963) *Les nationalités africaines*, Collection du Centre de Recherches, d'Études et de Documentation sur les Institutions et la Législation Africaines, No. 4, Paris.

Dutroit, Bernard and Masmejan, Denis (1991) *La nationalité de la femme mariée: vol. 2 Afrique: supplément 1976–1990*. Geneva: Librairie Droz.

Dutroit, Bernard, Dumuse, Daniel, Gonset, Yves, and de Riedmatten, Hélène Marie (1976) *La nationalité de la femme mariée: vol. 2 Afrique*. Geneva: Librairie Droz.

Fransman, Laurie (2011) *Fransman's British Nationality Law* (3rd edn). London: Bloomsbury.

Genova, James E. (2004) 'Constructing identity in post-war France: citizenship, nationality, and the Lamine Guèye Law, 1946–1953', *International History Review*, Vol. 26, No. 1, pp. 56–79.

Gonidec, Perre F. (1959) 'Note sur la nationalité et citoyennetés dans la Communauté', *Annuaire française de droit international*, Vol. 5, pp. 748–61.

Manby, Bronwen (2009) *Struggles for citizenship in Africa*. London: Zed Books.

Manby, Bronwen (2010) *Citizenship laws in Africa: a comparative study* (2nd edn). London: Open Society Foundations.

Manby, Bronwen (2011) *International law and the right to nationality in Sudan*. London: Open Society Foundations.

Manby, Bronwen (2012a) *The right to nationality and the secession of South Sudan: a commentary on the impact of the new laws*. London: Open Society Foundations.

Manby, Bronwen (2012b), *Draft constitution of Zimbabwe fails citizenship test*, blog entry on the Open Society Initiative for Southern Africa website. Available online at www.osisa.org/law/blog/draft-zim-constitution-fails-citizenship-test

Newitt, Malyn (1995) *A history of Mozambique*. London: Hurst & Company.

Nugent, Paul (2004) *Africa since independence: a comparative history*. London: Palgrave Macmillan.
Weil, Patrick (2002) *Qu'est-ce qu'un français: histoire de la nationalité française depuis la Révolution*. Paris: Grasset.
Weil, Patrick (2003) *Le statut des musulmans en Algérie coloniale: une nationalité française dénaturée*, EUI Working Paper, HEC No. 2003/3. Brussels: European University Institute.

15

Activist citizens and the politics of mobility in Osire Refugee Camp

Suzan Ilcan

The notion of emergency shapes our awareness of the possibilities of humanitarian interventions in social problems (Agier 2011; Calhoun 2008), the displacement of people within and across states, and the transformations and contestations of citizenship (Nyers 2006). Several declared emergencies, ranging from Angola and Rwanda, to Kosovo, Iraq, and, more recently, Syria, have generated new insights into the relations between humanitarian intervention, the formation of refugee camps, and the politics of mobility. Refugee camp operations often consist of an assemblage of state, national, and international actors engaging in aid practices that involve feeding and housing refugees, identifying and counting them, and managing their movements. These practices of 'humanitarian government' use certain types of knowledge expertise, mobility controls, and policing efforts to shape those who are cast as citizenship's outsiders. In response to these and other practices, refugees participate in justice struggles through 'acts of citizenship' (Isin 2009; McNevin 2011) that entail negotiating shared rights, identities, and new visions of change.

In contributing to the scholarship on refugee camps and activist citizenship, my analysis focuses on Namibia's Osire Refugee Camp, a former detention centre under the South African apartheid regime which was repurposed in 1992 to provide for the needs of largely Angolan refugees during the Angolan civil conflict. Through an analysis of archival, policy, media, and aid documents, I argue that the camp has endured beyond the civil conflict not only as a site of humanitarian government that amasses knowledge expertise, assembles migrant subjects, and enacts mobility control, but also as a site for engendering migrant politics. My analysis stresses that camp residents are transforming themselves from subjects of humanitarian government to activist citizens who demand social and legal rights, call for changes to living conditions in the camp, and engage in unexpected protests in response to governmental authorities. Such acts highlight the formation of new subjects of struggle, articulate injustices within and across states, and provoke new expressions of citizenship.

Humanitarian government, refugee camps, and the politics of mobility

During and shortly after World War II, many humanitarian organizations, such as the International Committee of the Red Cross (established in 1863), Oxfam (1942), United

Nations Relief and Rehabilitation Administration (UNRRA) (1943), CARE (1945), World Vision (1950), and select United Nations agencies, were inserting themselves into relationships with and between states and sometimes influencing the lives of migrant groups through their actions. For example, UNRRA, which operated from 1943 to 1948, was the first international relief and rehabilitation authority to care for and resettle 'displaced persons' as a result of the war (UNRRA 1946a). Its humanitarian work involved setting up holding camps for eligible displaced peoples, providing food and health care, and defining camp residents in new categories and biological abstractions (UNRRA 1946b) which elided the view of these people as people with histories, memories, and the ability to create new citizenship dynamics. Following the war, diverse international organizations, such as the United Nations High Commissioner for Refugees (UNHCR), emerged to provide aid and care for refugees during and after emergencies such as war, famine, coerced migrations, and other atrocities. UNHCR's operations, for example, often involve working alongside state actors, private enterprises, and local and national NGOs in an effort to remedy the social, political, or economic situations facing refugees, including those who live in refugee camps and in states that consider them as outsiders.

Humanitarian efforts to establish refugee camps and provide aid for refugees during and after emergencies are often thought to advance human welfare and civil society or influence international standards on the treatment of displaced populations. This form of aid, however, moves far beyond providing a simple response to remedy the ominous situations facing such marginal groups. It is increasingly about shaping and administering innumerable relations, actors, and subjects within and outside the humanitarian aid field or what can be termed 'humanitarian government'. Fassin (2007: 151), for example, asserts that this notion embodies a logic of humanitarian reason that operates within and outside state forms, and thereby blurs the boundary between what is governmental and what is nongovernmental. For Agier, the notion forms part of a globalizing movement that comprises the worldwide circulation of humanitarian organizations, networks, and actors which adds to the formation of a global mechanism that differentiates and manages 'undesirable' peoples, particularly those living in refugee camps (2010: 32; 2011: 5, 19).

Similarly, I view humanitarian government, which often operates under neoliberal or authoritarian rationalities, as an assemblage of state, national, and international actors that engage in aid practices which range from social service provisions and partnership relations to control measures and procedures. These practices contribute to the identification of certain marginal and migrant groups (such as refugees), to the regulation of their movements within and across states, and to the formation of their diverse responses to this form of government. The spaces of humanitarian government are far-reaching and range from detention, transit, and holding centres to camps for refugees and asylum seekers. Its inhabitants are frequently cast as citizenship's outsiders, targeted as objects of securitization, and under the administration of various authorities. While the practices of humanitarian government denote some of the ways that certain actors (states and humanitarian organizations) and their affiliated partners manage and make knowable their subjects, more scholarly attention needs to focus on the relationship between humanitarian government and refugee camps in terms of the politics of mobility.

The politics of mobility control in refugee camps

Modern forms of the refugee camp emerged from the 1951 Geneva Convention, which defined the refugee as a person who has left his or her country of nationality because of a fear of persecution. In contemporary times, refugees are often people who have been abandoned by their home countries as a result of war, famine, systemic violence, coerced migrations, and state governments that fail to protect or seek to destroy them (see Branch 2009; Ophir 2007; Grzyb

2013), or cast them as citizenship's outsiders. They are often housed in temporary spaces to live, ranging from makeshift tents and empty buildings, to more formally organized refugee camps that are usually established on marginal land (Hailey 2009: 325–6) and give their residents limited access to emotional, political, and legal support.

More than 40 million people around the world today are inhabitants of camp or camp-like spaces and are of concern to the UNHCR. Of this number, close to one-quarter are refugees massively concentrated in sub-Saharan Africa (2.7 million) and the Asia and Pacific regions (3.6 million) (UNHCR 2012a). These camps are generally run by states together with diverse international, national, and local organizations, including NGOs, which influence and shape the coordination and operation of refugee camps as well as the mobility of refugees. In this regard, the UNHCR and its implementing partners control the movements of refugees in such places as the Kakuma Refugee Camp in northern Kenya, the Lukole camp in northwest Tanzania (Turner 2006), Osire Refugee Camp in Namibia (Ilcan 2013), and other camps in sub-Saharan Africa and elsewhere. Tanzania's Lukole camp, for example, houses approximately 100,000 Burundian refugees, who are under the surveillance of a representative of the Tanzanian Ministry of Home Affairs and the camp commandant, while UNHCR and WFP (World Food Programme) manage their 'care and maintenance' and influence the camp's spatial design, housing arrangements, distribution of services, and procedures for entering and exiting the camp (Turner 2006: 760). UNHCR plays a pivotal role in managing, together with state actors, many refugee camps and it increasingly outsources its operations to copious NGOs. According to Agier (2010: 34), 500 NGOs were operating in 2000 and 575 in 2007, with the later comprising 424 national and 151 international NGOs.

The escalating formation of emergency refugee camps today serves as a reminder of the many population displacements that have occurred around the world, such as one of the world's major population displacements: the one-quarter of a million refugees who crossed Rwanda's eastern border to arrive in Tanzania on April 28, 1994 and entered the world's largest refugee camp, Benaco Camp, the following day (Hailey 2009: 324). Humanitarian and state authorities here, and in other refugee camps across and beyond Africa, can control the movements of citizenship's outsiders through the use of: restrictive immigration measures (Nyers 2010; Johnson 2012); forced resettlement plans (Branch 2009; Hailey 2009); biometric technologies for registering and categorizing camp refugees; and security technologies for policing camp perimeters (e.g. Ilcan 2013; Turner 2006), which can in turn lead to the hyper-securitization or militarization of camps. While refugee camps are frequently shaped by practices of humanitarian government, refugees respond to them in diverse and unexpected ways, such as through their engagement in hunger strikes, riots, confrontations with the police, public writing campaigns, organized weblogs on the Internet, collective petitions, or other kinds of contestations (see, for e.g. Johnson 2012; Moulin 2012).

I turn to Osire Refugee Camp and the relations between humanitarian government and the politics of mobility control, and the question of political agency. My analysis emphasizes how refugees engage in their own ways of enacting political belonging and citizenship.

Osire Refugee Camp

After Namibia's independence in 1990 and the flood of refugees entering the country from Angola because of the civil conflicts occurring there (1974–2002), international humanitarian organizations, the Namibian government, and security forces were paying close attention to the region. The UN reported that 'nearly 2 million Angolans were suffering from hunger, drought and disease' and there were 'at least 1,000 people dying daily' (UN 1993: 251). Humanitarian

governmental authorities soon became embedded in practices for controlling the direction and movements of refugees. Because of their homelessness and potential 'risks', they placed refugees in Osire Refugee Camp, a former detention centre for the apartheid regime of occupying South Africa. The Namibian government and UNHCR converted the detention centre into a temporary holding space for all refugees and asylum seekers in Namibia. Over 7,000 refugees were living at this camp by 1999 and the number reached a high of 23,000 in 2002 near the end of the Angolan civil war, a war that killed over 1 million people and displaced more than 4 million (UN 2001: 225, 228). Like other refugees, Angolan refugees constituted a 'crisis' since they were mobile, not citizens of Namibia, and lacking a sovereign territorial state (see Nyers 2006: 22 on the refugee crisis). Humanitarian authorities saw these refugees as a security problem, and they soon came under their governance.

Osire Camp is situated on a former 'white-owned' farm some 250 km north of Namibia's capital, Windhoek. This site is remote, as the nearest settlement is Otjiwarongo, a town 140 km away. Its expansive settlement of brick and mud houses is enclosed by fences. It houses some 6,900 refugees, with approximately 4,300 from Angola, 2,011 from the Democratic Republic of Congo (DRC), and 277 from Burundi (UNHCR/WFP 2011: 2). Osire Camp is operated by international and national aid organizations, NGOs, and state actors (police, teachers, nurses) whose diverse practices shape social and political relations within, across, and beyond this space.

The practices of humanitarian government organize and direct Osire residents' movements as a population and subject them to legal, security, and other forms of knowledge and expertise. Namibia's Ministry of Home Affairs and Immigration (MHAI), through its camp administrator, runs the facility, while UNHCR and WFP 'protect' and 'care' for the residents. The MHAI determines individuals' refugee status and its camp administrator systematizes the movement of refugees by recording and mapping new arrivals, registering deaths, and issuing study and leave permits. Other ministries, such as Education and Health and Social Services, have a controlling presence. From their station in Osire, Namibian police guard the camp day and night, control refugee movements, riots, and demonstrations, report cases of residents' trespassing on surrounding lands, and detain criminals. Even the warehouse storing WFP food is under round-the-clock surveillance by security guards whom UNHCR recruits and the Africa Humanitarian Action, an NGO, manages. Camp residents are even subject to control as they access WFP food. For example, new food ration cards were distributed to camp residents in 2011/2012. Each card bears 'the name, nationality, age, and gender of a person of concern' and typically includes a refugee ID number and picture. For children under the age of seven, their cards contain 'names of proxies who can collect food on their behalf' (UNHCR/WFP 2011: 24). According to the WFP, camp residents 'remain highly vulnerable', as they have limited access to arable land for cultivation, work permits, and the labour market, which in turn reflects 'the restriction of freedom of movement imposed by the [government]' (WFP 2007; see also UNHCR/WFP 2011: 8).

Emblematic of the practices of humanitarian government, UNHCR engages in biopolitical and security forms of knowledge to identify and control the movements of camp refugees and asylum seekers. Its registration system, RAPID, which began in 2003, identifies, counts, and categorizes the camp's population. It records select biographical data on each resident that classifies individual features (such as name, place of birth, place of origin, gender, family background, citizenship, and nationality) and biometric data that identify physical features by measuring bodily attributes (such as fingerprints) which in turn can alert authorities to 'risky' refugees in a spectacle of sovereign territorial security. The system amasses data in computers and searchable databases, which it shares across sites and cross-checks against other databases, engendering and circulating biopolitical and security forms of knowledge (Ilcan 2013). It also reveals changes in

the refugee population such as 'births, deaths, new arrivals, and departures' (UNHCR 2006: F5), creates new categories and groupings for the purpose of mobility control and thus new knowledge about its members, and thereby forges ideas of what constitutes humanitarian subjects. Once the system has completed this 'dehistoricizing' (Malkki 1996) and 'individuation' process (Agier 2010: 31), it can calculate each refugee's identity vis-à-vis birthplace, kin, community, citizenship, and ethnic background, and reterritorialize it along national and transnational dimensions. Such registration programmes resemble the use of census technologies in constructing knowledge of certain populations which can in turn produce new classifications and hierarchies of knowledge (e.g. Ruppert 2010). These programmes can also bring to mind the political processes of securitizing unwanted populations in border zones (e.g., Basaran 2011: 36), which can in turn legitimize mobility controls and the differential treatment of migrant groups.

Osire Refugee Camp has endured beyond the Angolan civil conflict as a site for comprising practices of humanitarian government that contribute to the assembling of goods and services, specialized forms of knowledge, and humanitarian subjects. While these governing practices are indeed crucial for understanding the politics of mobility control, they are, however, inadequate for understanding how camp residents respond to them and, in the process, how they produce new ways of 'being political' or engage in acts and struggles that present a 'sense of making a break, a rupture, a difference' (Isin 2009: 380). Narrating refugee acts and struggles in terms of activist citizenship focuses attention on how such acts incite a notion of politics that is based on the various relationships people have with one other which foster the necessity and demand for social and political transformation. In what follows, I argue that Osire Camp residents are political actors who engage in unexpected and irregular acts that refute claims about their outsider status and targeted marginalization. I begin this discussion by focussing on the notion of activist citizenship.

Activist citizenship

While some humanitarian organizations, together with states, participate in policing refugee camp borders, limiting the right of asylum and fostering anti-immigrant practices, several groups around the globe are developing ways to challenge these actions as they relate to matters of displacement, such as the no-border campaigns, migrant rallies, and other forms of solidarity politics (e.g. Glick-Schiller 2005; Nyers 2010; Soguk 2007). In various spaces and levels of intensity, refugees and migrants are participating in justice struggles through 'acts of citizenship' (Isin 2009; McNevin 2011). From the refugee protests in Australia's offshore detention camps, to the rights-claims of refugees at the Choucha Refugee Camp near the Tunisian-Libyan border, to the rallies by refugees for better health and security services at the expanding camps near the Turkish-Syrian border, and to the food riots and human rights demands in the Nakivale Refugee Settlement in Uganda, we can identify activist citizenship struggles that challenge territorial and national orders as well as other governmental practices. Such struggles over citizenship often entail negotiating shared rights, obligations, and identities as well as redefining the meanings of the camp and creating the possibilities for the formation of new political subjects and forms of politics (see Isin and Rygiel 2007). Kim Rygiel (2011: 2), for example, draws our attention to how migrant struggles in camps such as in Calais in France can be critical in inserting 'the social' back into the space of the camp and in redefining the meaning of the camp. Such struggles, she asserts, embody a certain vision of politics that emphasizes the rights and ability of migrants to become members of a community, which is a noteworthy dimension of enacting citizenship.

In contrast to the 'active citizen' who was generally associated with the politics of modern liberal citizenship, there are at least three levels of 'activist citizenship'. The first level denotes citizens who engage in understandings of citizenship as a 'static possession', a possession that McNevin stresses is controlled by state authorities that have the ability to 'transfer it to approved noncitizens' (2011: 99). Citizenship here is constituted as a legal and political institution and as a legal status, and its framing is in reference to the temporal and spatial specificity of the nation-state. However, reading migrant activism through the lens of citizenship can, as Nyers and Rygiel (2012) emphasize, open up more profound ways of thinking about citizenship, that is, conceiving of it not as a formal status or identity but as an enactment of political subjectivity through unanticipated, unfamiliar, and irregular acts.

The second level of activist citizenship refers to citizens who engage in provocative practices and processes that refute claims about their 'outside' status and targeted marginalization and which, in turn, surpass the legal understanding of citizenship. This form of activism refers to struggles and acts that in Isin's (2009) view of 'acts of citizenship' aim to interpose prevailing models of status and institutions and invoke new kinds of citizens. Such acts can prompt reflection on the substance of citizenship (McNevin 2011: 100), trigger the law and charitable or biopolitical responses (Aradau and Huysmans 2009: 602), and open up new spaces in which subjects can enact themselves as political beings (Squire and Bagelman 2012; Staeheli 2003).

The third level of activist citizenship refers to everyday people who decide to opt out of citizenship, either temporarily or permanently, as a way to demonstrate against the undemocratic, violent, or authoritarian state ruling relations in which they find themselves living. There are many examples. I am thinking here of the citizens of Angola and DRC who, as activist citizens, fled their home countries during and immediately after the civil conflicts occurring there and engaged in political forms of belonging through unexpected and irregular acts in Osire Camp. It is to these acts that I now turn.

Since the establishment of Osire Camp, camp residents have been and continue to be activist citizens. In articulating legal injustices, they demand recognition of political rights and refugee legislation. They call attention to the 'illegal' arrests and deportations of camp refugees (NEPAD 2006) and the need to improve the functioning of the Refugee Status Determination process and the state delivery of authorized documentation (work and exit permits and refugee passports). They appeal to the Namibian state and its humanitarian partners for change.

In more controversial acts, camp residents challenge their outsider status by engaging in social and political processes that exceed the legal understanding of citizenship, such as when they call for: education and protection to prevent sexual harassment, assault, and exploitation of women and girls in the camp; improvements to shelter, sanitation, and water supplies; and enhancement of livelihood conditions (access to food, seeds, crops) (see UNHCR/WFP 2011: 22–4). In October 2003, for example, camp residents engaged in a riot during food distributions in response to being told by humanitarian authorities that the food beneficiary list required verification. The head of the WFP Namibia office, Abdirahman Meygag, stated: 'We cannot give food to people not officially in the database, or who have double ration cards.' As the riot broke out, food distributions were suspended by Africare, the WFP implementing partner. The Namibian National Society for Human Rights reported that one refugee had suffered a gunshot wound when police intervened to control the riot. Other similar riots in Osire involved police intervention, such as when UNHCR announced reductions in paraffin rations (see IRIN 2003).

Osire Camp refugees challenge their outsider status by drawing attention to social injustices, enacting the unanticipated, and expressing a new understanding of political belonging. On 30 July, 2009, a group of Congolese women – who escaped the prevalent and systematic violence against women in their war-torn country of DRC – called for a meeting with local UNHCR

officials to demand a solution to their abhorrent living conditions, an event that was made manifest by public media. They expressed their concerns over social and physical insecurities in the camp and called upon the Namibian state to bring about solutions to what they described as 'state insecurity and uncertainty as well as psychological torture' in the camp. They asserted:

> We receive verbal threat[s] and other human rights abuses from Government authorities, such as 'who called you to come in Namibia, you Congolese', 'you are trouble makers', and 'we will finish with you' and 'if you are tired of Namibia pack your things and go' etc.
> *(Namrights, 6 August, 2009)*

Their presence in the camp, in discussions with governing authorities, and in the media does more than reveal their demands for change. It creates a socio-spatial field from which other political claims can be made and from which other actions can foster and advance momentum. The transformation of such a spatial field is often contingent on these and other kinds of acts, and the acts themselves can 'stretch' this field to include a broader public as McNevin (2011: 150) argues in her study of irregular migrants.

In the case of Congolese women, their activism is public and collective, continuous and forthright, and concentrating on relations of power. On 5 August, 2009, Congolese women formed an activist citizenship group, *Cry from Refugee Women* (CFRW), which aims to alter existing understandings of the meaning of the camp and bring about change. Members of this group call international attention to the social and political injustices occurring in the camp. They challenge humanitarian forms of government, negotiate their identities as activists, and mobilize other camp residents, NGOs, or public officials to support or respond to their call for immediate change. As such, their actions incite alternative modes of belonging and new expressions of citizenship, and push our thinking about what political belonging means.

Congolese women's positioning of citizenship comprises moments of political actions wherein these women engage in citizenship practices even when lacking legal status and political membership. Their ability to make claims to 'the rights' that they do not have, their 'non-citizenship' citizenship, bears similarity to other refugees and non-status and irregular migrants who remain in a state territory with the host state's explicit and ongoing sanction and who enlist their bodies, the streets, networks, media, and borders as sites of contestation for citizenship (see Isin 2009: 371). Anne McNevin (2011), for example, draws attention to the multiple ways in which irregular migrants find new ways of contesting their outsider status, such as through mass demonstrations demanding legalization or campaigns demanding political rights, which in turn reveal how irregular migrants can shape current citizenship dynamics.

Similar to the activism of the CFRW, other camp refugees and asylum seekers from DRC have been challenging their outsider status through the formation of a human rights organization, the *Association for the Defence of Refugee Rights* (ADR). On June 21, 2004, during World Refugee Day proceedings, its members protested against the treatment they received from Namibian state and UNHCR officials. The protest aimed to bring international attention to the violation of refugee rights by the Namibian authorities and the failure to grant refugee status to asylum seekers from DRC despite their residence in the country since the early 2000s. These activist citizens, however, were arrested for their actions and charged with 'public violence, incitement to public violence, resisting or willfully hindering or disrupting the Police in the execution of their duties'. Namibia's refugee commissioner, Elizabeth Negumbo, singled them out as 'troublemakers' (*The Namibian*, 24 June, 2004), but they were later acquitted of all charges.

A few years later, on 7 July 2009, 41 ADR members demanded changes to the living conditions in the camp. After their involvement in various protests and a letter writing campaign that

opposed the unsafe and inadequate living conditions at Osire, they reported having received death threats. Fearing for their lives, they fled the camp (Association for the Defense of Refugee Rights 2008). They were confined for weeks in a deserted area between Botswana and Namibia, viewed by state authorities as undocumented migrants, and later deported to their home countries as a consequence of their potential escape.

The use of deportation in the case above is not only a means of enacting and validating state sovereignty against those who have been identified as violating the borders of the nations of Botswana and Namibia, but is also a way of controlling the movement of non-citizen migrants and discriminating against them because of their vulnerable status. Nathalie Peutz and Nicholas De Genova emphasize that deportation, as a standardized technique of state power and thus as an efficiently 'global regime', muddles the specific political and administrative processes by which deportability is formed and enforced, as well as situated within the broader question of 'human freedom of movement'. They stress that deportation policies are instituted through diverse legalized discriminations, such as those based on class, race, religion, belief, and migrant status (2010: 6, 10), and the possibility of being deported (or 'deportability') can make undocumented migrants increasingly susceptible to being put in place and deported (see De Genova 2010).

On a larger scale, deportations, expulsions, population transfers, and coerced migrations are, as Nyers (2010: 425) informs us, a critical dimension of the constitutive relationship between political communities and foreigners. In November 2011, UNHCR initiated a new programme to repatriate Angolan refugees from several African countries and more than 14,000 returned to Angola (UNHCR 2012b). In May 2012, Angolan refugees at Osire Refugee Camp were informed that they had until 30 June 2012 to voluntarily return to their home country or face deportation as 'illegal' immigrants in Namibia. This action was prompted after the Namibian state, in partnership with UNHCR, ceased to grant refugee status to Angolan nationals because 'peace and tranquility have returned to Namibia's northern neighbour' (*The Namibian*, 27 April, 2012; UNHCR Namibia 2013). While UNHCR has been promoting the local integration of some Angolans whose refugee status ceased on 30 June 2012, other Angolan refugees have since left Osire Refugee camp and remain in Namibia as undocumented migrants. They are without access to legal citizenship status and vulnerable to being exiled, but have the potential to interrupt sociopolitical landscapes and act in solidarity with anti-deportation and immigrant movements.

Conclusion

While the practices of humanitarian government are critical for understanding the politics of refugee camps and mobility control, I have argued that they are insufficient for understanding how camp refugees respond to these practices and, in the process, participate in acts that contest claims about their outsider status and targeted marginalization. In drawing on and contributing to the scholarship on humanitarianism and refugee camps and on activist citizenship, I have focused my analysis on Namibia's Osire Refugee Camp, which has received scant academic attention. As a site for encompassing practices of humanitarian government, Osire Camp epitomizes interventions and mechanisms that aim to control migratory movements at various levels, at different times, and at irregular speeds. Its residents, however, engage in political belonging and articulate their injustices within and beyond the contentious spaces of the camp. In considering their knowledge of, and practices in, the camp, refugees demand social and political change, demonstrate and make public alternative understandings and meanings of the camp, and produce new spaces for making rights claims. As such, they are implicated in the formation of

new subjects of struggle, of solidarities across diverse social and legal justice fields, and of new expressions of citizenship. Indeed, reordering citizenship's others can induce critical attention to the claims of activist citizens in transforming the social history and potentialities of both politics and space.

References

Agier, M. 2010. 'Humanity as an identity and its political effects: a note on camps and humanitarian government'. *Humanity*, pp. 29–45.

——· 2011. *Managing the undesirables: refugee camps and humanitarian government* (Cambridge: Polity Press).

Aradau, C. and Huysmans, J. 2009. 'Mobilising (global) democracy: a political reading of mobility between universal rights and the mob'. *Millennium: Journal of International Studies* Vol. 37, No. 3, pp. 583–604.

Association for the Defense of Refugee Rights (ADR). 2008. Published Letter, 12 June 2008, Windhoek, Namibia.

Basaran, T. 2011. *Security, law and borders* (New York: Routledge).

Branch, A. 2009. 'Humanitarianism, violence, and the camp in Northern Uganda'. *Civil Wars* Vol. 11, No. 4, pp. 477–501.

Calhoun, C. 2008. 'The imperative to reduce suffering: charity, progress, and emergencies in the field of humanitarian action'. In Thomas G. Weiss and Michael Barnett (eds.), *Humanitarianism in question: power, politics, ethics* (Ithaca, NY: Cornell University Press), pp. 73–97.

De Genova, N. 2010. 'The deportation regime: sovereignty, space and the freedom of movement'. In N. De Genova and N. Peutz (eds.), *The deportation regime: sovereignty, space and the freedom of movement* (Durham, NC and London: Duke University Press), pp. 33–65.

Fassin, D. 2007. 'Humanitarianism: a nongovernmental government'. In M. Feher (ed.), *Nongovernmental politics* (New York: Zone Books), pp. 149–60.

Glick-Schiller, N. 2005. 'Racialized nations, evangelizing Christianity, police states, and imperial power'. *American Ethnologist*, Vol. 32, No. 4, pp. 526–32.

Grzyb, A. 2013. 'Mobility, human rights activism, and international intervention in Darfur.' In S. Ilcan (ed.), *Mobilities, knowledge, and social justice* (Montreal and London: McGill-Queen's University Press), pp. 377–96.

Hailey, C. 2009. *Camps: a guide to 21st century space* (Cambridge, MA and London: MIT Press).

Ilcan, S. 2013. 'Paradoxes of humanitarian aid: mobile populations, biopolitical knowledge, and acts of social justice in Osire Refugee Camp'. In S. Ilcan (ed.), *Mobilities, knowledge, and social justice* (Montreal and London: McGill-Queen's University Press), pp. 177–206.

IRIN 2003. October 20. 'NAMIBIA: unrest at Osire refugee camp'. Available online at www.irinnews.org/fr/Report/46782/NAMIBIA-Unrest-at-Osire-refugee-camp (accessed 10 November, 2011).

Isin, E. F. 2002. *Being political: genealogies of citizenship* (Minneapolis, MN: University of Minnesota Press).

——· 2009. 'Citizenship in flux: the figure of the activist citizen'. *Subjectivity* 29, pp. 367–88.

——· and Rygiel, K. 2007. 'Abject spaces: frontiers, zones, camps'. In E. Dauphinee and C. Masters (eds.), *The logics of biopower and the war on terror* (New York: Palgrave), pp. 181–204.

Johnson, H. 2012. 'Moments of solidarity, migrant activism and (non)citizens at global borders: political agency at Tanzanian refugee camps, Australian detention centers and European borders'. In P. Nyers and K. Rygiel (eds.), *Citizenship, migrant activism and the politics of movement* (London: Routledge), pp. 109–28.

McNevin, A. 2011. *Contesting citizenship: irregular migrants and new frontiers of the political* (New York: Columbia University Press).

Malkki, L. 1996. 'Speechless emissaries: refugees, humanitarianism, and dehistoricization'. *Cultural Anthropology*, Vol. 11, No. 3, pp. 377–404.

Moulin, C. 2012. 'Ungrateful subjects? Refugee protests and the logic of gratitude'. In P. Nyers and K. Rygiel (eds.), *Citizenship, migrant activism and the politics of movement* (London: Routledge), pp. 54–72.

The Namibian. July 12, 2004 '6 Osire refugees remanded again'. Available online at www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=5883&no_cache=1 (accessed 10 November, 2011).

——· April 27, 2012. 'Namibia: Angolan refugees get June 30 ultimatum', by Paulus Ashipala. Available online at http://allafrica.com/stories/201204270551.html (accessed 15 November, 2011).

Namrights. August 6, 2009. 'Now Congolese women refugees speak out'. Windhoek, Namibia. Available online at www.nshr.org.na/index.php?module=News&func=display&sid=1137 (accessed 2 October, 2011).

——· August 12, 2009. 'Namibia continues to flout refugees rights'. Available online at www.nshr.org.na/index.php?module=News&func=display&sid=1139 (accessed 4 January, 2011).
NEPAD (The Namibian Economic Policy Research Unit) 2006. *The African peer review mechanism: an independent preliminary assessment of Namibia*. March 2006. Windhoek, Namibia.
Nyers, P. 2006. *Rethinking refugees: beyond states of emergency* (London: Routledge).
——· 2010. 'Abject cosmopolitanism: the politics of protection in the anti-deportation movement.' In N. De Genova and N. Peutz (eds.), *The deportation regime: sovereignty, space and the freedom of movement* (Durham, NC and London: Duke University Press), pp. 413–41.
——· and Rygiel, K. 2012. 'Introduction'. In P. Nyers and K. Rygiel (eds.), *Citizenship, migrant activism and the politics of movement* (London: Routledge), pp. 1–19.
Ophir, A. 2007. 'The sovereign, the humanitarian, and the terrorist'. In M. Feher (ed.), *Nongovernmental politics* (New York: Zone Books), pp. 161–82.
Peutz, N. and De Genova, N. 2010. 'Introduction'. In N. De Genova and N. Peutz (eds.), *The deportation regime: sovereignty, space and the freedom of movement* (Durham, NC and London: Duke University Press), pp. 1–29.
Ruppert, E. 2010. 'Making populations: from censuses to metrics'. In L. Hempel, S. Krausmann, and U. Brockling (eds.), Sichtbarkeitsregime. Special Issue 25. (Wiesbaden: VS Verlag), pp. 157–73.
Rygiel, K. 2011. 'Bordering solidarities: migrant activism and the politics of movement and camps at Calais'. *Citizenship Studies*, Vol. 15, No. 1, pp. 1–19.
Soguk, N. 2007. 'Border's capture: insurrectional politics, border-crossing humans, and the new political'. In P. K. Rajaram and C. Grundy-Warr (eds.), *Borderscapes: hidden geographies and politics at territory's edge* (Minneapolis, MN: University of Minnesota Press), pp. 238–308.
Squire, V. and Bagelman, J. 2012. 'Taking not waiting: space, temporality, and politics in the city of sanctuary movement'. In P. Nyers and K. Rygiel (eds.), *Citizenship, migrant activism and the politics of movement* (London: Routledge), pp. 146–64.
Staeheli, L. 2003. 'Introduction: cities and citizenship'. *Urban Geography* Vol. 24, No. 2, pp. 97–102.
Turner, S. 2006. 'Negotiating authority between UNHCR and "the people"'. *Development and Change*, Vol. 37, No. 4, pp. 759–78.
UN 1993. *UN yearbook*. Chapter 1 on Africa (New York: United Nations).
——· 1997. *UN yearbook*. Chapter 2 on Africa (New York: United Nations).
——· 2001. *UN yearbook*. Chapter 2 on Africa (New York: United Nations).
UNHCR 2006. *Operational protection in camps and settlements: a reference guide of good practices in the protection of refugees and other persons of concern*. Geneva: UNHCR.
——· 2012a. *UNHCR global trends 2011: a year of crises*. Geneva: UNHCR.
——· 2012b. 'UNHCR repatriates almost 14,000 Angolans; steps up pace of return ahead of deadline'. June 8 2012. Available online at www.unhcr.org/4fd1f16e9.html (accessed 15 January, 2013).
UNHCR Namibia 2013. 'UNHCR regional operations profile – Southern Africa'. Available online at www.unhcr.org/pages/49e48588a7b.html (accessed 15 January, 2013).
UNHCR/WFP 2011. *Joint assessment mission report: Osire, refugee settlement, Namibia*. Windhoek, Namibia.
UNRRA 1946a. UNRRA: *German operations. Categories of displaced persons. Administrative order #29*. Mar 4, 1946. United Nations Archives (Geneva).
——· 1946b. UNRRA: *Basic assembly centre report*. February 9, 1946. United Nations Archive (Geneva).
WFP 2007. *World Food Programme: the situation of refugees: update: 1 July 2007*. Rome, Italy: WFP.

16

Struggles of citizenship in Sudan

Munzoul A. M. Assal

In Sudan, both law and common discourse focus on nationality (*jinsiya* in Arabic) rather than on citizenship (*muwatana*). Yet these two terms are often used interchangeably, even though compared with nationality, citizenship has a precise legal definition that provides access to specific rights. Citizenship is closely linked to the concept of rights as defined by national and international law, while nationality is a more ambiguous term which is closely associated with subjective understandings of community. Nationality is often defined and used more broadly, with reference to origin and to membership of a culturally defined community (Assal 2011), and may refer to membership of an ethno-national group that need not be established as an independent state (Bauböck 2006).

By failing to distinguish between nationality and citizenship Sudanese law and discourse blur the distinction between cultural origin and rights given by the state. Both law and discourse put particular emphasis on ancestry. In countries with multi-ethnic groups like Sudan, where ethnicity (for a definition of ethnicity, see Barth 1969) provides the basis for stratification, the emphasis on nationality, as vague as it is, results in disenfranchising those segments of the population that are at the bottom of the stratification ladder. The nationality framework is indeed problematic, as Sudan has never been a nation-state. The application of the nationality law reflects and reinforces marginalization and exclusion and other prejudices that exclude individuals from effective participation in society. The secession of South Sudan in 2011 was testimony to this.

Like many countries in Africa, Sudan has unresolved issues when it comes to citizenship. Sudan is the latest country to have experienced secession in Africa. The negative and challenging consequences of the secession are still lingering, chief among which are questions of citizenship. But long before the secession of South Sudan, Sudan faced decades-long struggles, most of which were instigated by exclusion and marginalization of some parts of the country. The struggles for citizenship rights led to wars, economic disasters, the secession of South Sudan, and still war is raging in Darfur, the Blue Nile, and the Nuba Mountains. Equality before the law, equality in wealth, and power-sharing are the main claims of the different armed groups that fought the central government in Khartoum. The call for equality is basically a call for enforcing citizenship rights.

But the struggle over citizenship in Sudan is not only related to post-independence complexity and diversity. It also has roots in the British colonial period (1898–1956): the colonial

government imposed a policy of closing some areas, e.g. South Sudan, and people are not allowed to enter without permission. In fact, imposing order and boundary regimes contributed to the identity problem Sudan is suffering. The creation and manipulation of tribes is also part of the British colonial legacy that shaped contours of citizenship in Sudan (Asad 1970).

This chapter contributes to the understanding of citizenship struggles in Sudan. It aims to articulate the specificities and generalities of the Sudanese experience. To achieve this, the chapter focuses on the questions which were raised in this introduction and also by reflecting on the challenges brought by the secession of South Sudan in January 2011 and the implication of this for the struggle of citizenship in Sudan. The diversity that characterizes Sudan is at the heart of the struggle over citizenship in the country. It is on the basis of this diversity that someone is either empowered or disenfranchised.

Sudan: diversity and citizenship challenges

Sudan is an amalgamation of many ethnic groups that differ in many respects: culturally, religiously, and ecologically. This rich diversity is often collapsed into limiting binary oppositions such as Arabs/Africans, Muslims/Christians, Southerners/Northerners (Assal 2009). The irony is that there are diversities within any and each of these categories. The country is also linguistically diverse, with Arabic as the lingua franca. Even with the secession of South Sudan, the country is still very diverse. This diversity is at the heart of Sudan's crisis, and for some scholars the country suffers multiple marginalities (Mazrui 1985); it is both Arab and African but on the periphery of both. In essence, the country suffers an identity problem (Deng 1995). Sudan is a member of both the African Union and the Arab League, a problematic identity that bears on the struggle for citizenship.

The country is made up of too many different groups of people. The Arabs migrated from the Arabian Peninsula in 632 and had the so-called Pact/Treaty that allowed them to settle in what later came to be known as Sudan (Hassan 1985). Initially they settled along the Nile valley and mingled with the Christian population, and in 1505 they established an alliance with indigenous groups and established the Sinnar Kingdom. Other Arab groups came to Sudan from the Maghreb through the western frontier and as a result the Arabic language and Islam spread in Sudan. Tribes are at the heart of Sudan's sociopolitical realities. For many scholars, tribes in Africa (and Sudan for that matter) are a colonial creation (Manby 2009, Asad 1970). Manby (2009: 5) thus states: 'institutions were created that for the most part followed the logic of what Europeans called "tribe", grouping together people whom the colonizers (and their anthropologists) decided had a common language and culture'. The need of the colonial administrators to count and classify subject people for many purposes prompted social anthropologists at the beginning of this century to undertake more detailed studies of social groups. Accounting for the misgivings which the colonial situation entails, Asad (1970: 128) reveals how 'tribe' was an 'administrative convenience' to the colonial administrator, a 'structure of inequality' for tribal leaders, and a 'theoretical construct' for the anthropologist. Asad's critique deserves a lengthy quotation:

> The criticism as it is developed here is necessarily directed at three targets which are connected in a triangular relationship of mutual confirmation – the colonial administrator, the Kababish, and the anthropologist. For the first the 'tribe' as an administrative convenience represented a unit of authentic interest, regulated but not shaped by the colonial government. For the second, the 'tribe' as an experience of structured inequality appeared as part of a just and natural world of rulers and ruled. For the third, 'the tribe' as a theoretical

> construct for approaching the problem of political domination was ultimately based on specific assumptions which he shared with the colonial administrator to the extent that both participated in a common cultural tradition. The first helped to create, the second to maintain and the third to validate the structure of inequality which was the tribe.

Manby and Asad's arguments are quite relevant for the Sudan case to the extent that 'tribal chiefs' are instrumental in supporting their subjects' claims to nationality. In other words, the state depends on the 'tribe' to authenticate claims to nationality. This, however, is tricky. Cross-border tribes can also claim nationality inasmuch as their kin can help support their claim. Tribal chiefs may also do this because they need the support of kin groups, particularly in volatile places like Sudan. This is especially the case with cross-border tribes between Sudan and Chad, Sudan and Eritrea, and Sudan and the Central Africa Republic.

There is a big community of West Africans in Sudan (Balamoon 1981). The migration of West Africans to Sudan took place during different periods in the nineteenth and twentieth centuries, but is believed to still be continuing. As in many parts of Africa (Manby 2009), the colonial government in Sudan facilitated the migration of West Africans for opportunistic reasons, as they represented cheap labour compared with nationals, to work on the cotton plantation in the Gezira Scheme (Barnet 1977). But even before the colonial government embarked on facilitating the migration of West Africans, these people came and settled in Sudan on their way to Mecca for pilgrimages, and over the years they brought their families and opted for permanent settlement in Sudan.

In recent decades, Sudan received hundreds of thousands of refugees from neighbouring countries, notably Eritrea, Ethiopia, and Chad. Refugees are a special category insofar as they have a law that regulates their presence and rights. But some of these refugees have been in the country since the 1960s and 1970s, but there are also newcomers. The extended presence of these groups poses challenges to citizenship, especially because Sudan does not allow the integration of refugees, even though many of those who have resided there a long time are *de facto* integrated into Sudanese society.

Legal aspects

Sudan enacted its first nationality law in 1957, one year after independence. This law replaced the 1948 'Definition of Sudanese Ordinance' which was in force during the British colonial rule (1898–1956). The ordinance defined a Sudanese as 'every person of no nationality who is domiciled in Sudan and (i) has been so domiciled since 31 December 1897, or else whose ancestors in the direct male line since that date have all been so domiciled' or who is the wife or widow of such a person. The 1957 Nationality Act (amended in 1994 and 2005) states that a person is Sudanese by birth if he 'was born in Sudan or his father was born in Sudan and he or his direct male ancestors had been resident in Sudan since 31 December 1897'. This date has changed several times and the last was 1956. The 1957 Act also provides for nationality by naturalization, on the basis of ten years' legal residence. Other conditions for being eligible for nationality by naturalization include adequate knowledge of Arabic and renouncing other nationalities.

Children born in Sudan to naturalized parents are considered nationals by birth, while a foreign woman married to a Sudanese man can naturalize in a period of two years. The later amendments to the 1957 nationality law (1994 and 2005) were progressive in that (1) no linguistic criteria were applied for naturalization; (2) the period for naturalization was reduced from ten to five years; (3) women were allowed to pass citizenship to their children; and (4) dual citizenship is allowed. Yet an element of discrimination exists: a Sudanese woman cannot

pass citizenship to her foreign husband. To obtain citizenship for her children, she must file an application in front of the relevant authorities (Babiker 2010). The privilege of having dual nationality does not apply for Southern Sudanese, however. Following the results of the 2011 referendum, the Sudan National Assembly adopted amendments to the 1994 National Act in relation to the deprivation of nationality of Southern Sudanese. The amendment added to article 10 (loss of nationality) reads: 'Sudanese nationality shall automatically be revoked if the person has acquired, *de jure* or *de facto*, the nationality of South Sudan.'

The General Administration for the Civil Registry provides a guide that clarifies the steps and procedures required for obtaining the nationality certificate. The steps needed in the application for nationality by birth include the following: (a) filing an application form that must be supported by the following documents: (1) nationality by birth certificate of either the father or the mother, brothers, or close male relatives; (2) nationality certificates of both parents for those whose parents were naturalized Sudanese; (3) birth certificate; (4) consent of the guardian for a minor whose mother is Sudanese by birth and presenting a marriage certificate; (5) documents showing maternal custody of a child whose father is not Sudanese; (6) any other documents as may be asked for by the immigration authorities; and (7) payment of the prescribed fees; (b) upon presenting the above documents, a thorough investigation is undertaken of the applicant and his witnesses; (c) the immigration officer handling the case then recommends the award of nationality or rejection of the application; (d) the granting authority then takes the appropriate decision after reviewing the procedures and documents; and (e) the applicant is granted a nationality certificate by birth upon satisfying the above procedures. The steps and procedures required for nationality by naturalization are stricter. In addition to most of the requirements in the case of nationality by birth, applicants for naturalization undergo a thorough investigation by a number of institutions including the alien registration administration, the criminological investigation department, national security and intelligence, and the police station of the district in which the applicant resides.

It is apparent from the above that the process of applying for a nationality certificate, whether by birth or naturalization, can be disenfranchising even though in recent years the immigration authorities have become more efficient, especially with regard to issuing nationality certificates, personal identification cards, and passports (Abdulbari 2011). In the countryside, people generally do not care much about documents, as they rarely use them. But in any case, people face difficulties when applying for nationality certificates, as they may not have all the supporting documents needed for their applications.

Following the evolution of the Sudan Nationality Acts of 1957, 1974, 1994, and 2005, and in spite of the otherwise difficult procedures and steps required in applying for a nationality certificate, it can be said that Sudan offers a generous citizenship law. Reducing the period required for naturalization, allowing dual citizenship, and granting women the right to bequeath citizenship to their children, are all positive changes in Sudan. Nonetheless, sometimes bureaucratic red tape and other malpractices defeat these positive changes. The intersection of ethnicity, tribalism, and racism (in its Sudanese brand) also contribute to defeating the otherwise generous citizenship law. But will a policy of making citizenship certificates accessible to everybody in Sudan automatically enfranchise people? Will such a policy result in equal sharing of wealth and power in the country and hence balanced development? These are all questions we need to keep in mind while analysing the struggles over citizenship in Sudan.

From nationality certificate to the national number

A system of civil registration was introduced in 2011. The introduction of this system coincided with the beginning of the secession of South Sudan. The authorities' main argument for

introducing the national registration system was 'to preserve the national identity'. In January 2013, the Minister of the Interior stated that Sudan hosts two million foreigners; only a quarter of them are residing legally in the country. The minister warned nationals not to provide sanctuary to foreigners and gave foreigners a period of six months to regularize their status or face deportation. Sudan's long borders make it difficult to control the entry of foreigners, and there is a concern that foreigners buy Sudanese official documents, especially nationality certificates and passports. Corruption is part of the equation, and related to this is human smuggling and trafficking.

A nationwide campaign was mounted to encourage people to register themselves. Mobile registration centres were established in Khartoum, which saw the beginning of the process. Everybody was given a national registry certificate which had an 11-digit identifying number. The aim of the introduction of the national number is to replace nationality certificates. As of May 2011, the authorities linked the provision of services to obtaining the national number, especially in Khartoum. Thus, if someone does not have a national number, they will not be allowed to leave the country (Sudan still enforces exit visas).

The national registration system is still limited to Khartoum and other adjacent areas. In the countryside and remote areas people still use their old identity card (nationality certificate or personal identity card). If adhered to, the civil registry system is a good system that makes it easy for individuals to obtain official documents relatively easily. Along with it also comes the emphasis on obtaining birth certificates for newborns. Before the introduction of the civil registry system, little attention was given to birth certificates, and most Sudanese have the so-called 'age approximation certificate' that sets the date of someone's birth as January 1st.

As good and noble as this is, there are concerns that the new system was meant first and foremost to screen people, especially after the secession of South Sudan. For the sceptics, the system was introduced to deprive Southern Sudanese of their nationality and also to know who is who. In any case, the introduction of the civil registration system is a significant shift in the laws and regulations on citizenship in Sudan. Time will tell whether this system is going to solve some of the problems related to the nationality framework or not. One thing, nonetheless, which is clear, is that the element of descent is still present even with the introduction of the new system. The challenges haunting citizenship in Sudan are more complex than can be resolved by the introduction of new registration systems. Ethnicity, social stratification, and social exclusion are the things that make the struggle for citizenship in Sudan similar to the experiences of other African countries, but also unique. The rest of the chapter will be devoted to analysing this.

The struggle of citizenship in Sudan: practices and challenges

In spite of the fact that Sudan nationality law has changed many times, often for the better, the law still predicates the basis of Sudanese citizenship on ethnicity and not on birth or other more objective criteria. Citizenship is still based on claims to ancestral origin and blood. Ethnicity is basically a political phenomenon and is also about boundary maintenance (Barth 1969, Jenkins 1998). While citizenship is also about boundary maintenance in so far as it defines membership of a given political community – a state, it is more objective, as it clearly defines the rights and obligations of those included within its fold. Predicating citizenship on ethnicity and blood is problematic, as has been stated earlier. It is problematic because it excludes or, at best, discriminates against those who cannot establish connections to Sudan as demanded by the Sudan Nationality Act. The West Africans represent an example of a category whose members struggle for citizenship. The following example, drawn from Assal (2011: 6), illustrates the difficulties faced by some categories of people.

In November 2010 the newspapers in Khartoum reported a case that illustrates how the system discriminates against certain segments of society. A Sudanese young woman, a housemaid in Khartoum, was arrested by the police in Omdurman while on her way to transfer money to her family. The police suspected that she was a foreigner living illegally in the country. The young woman, who is of West African descent, presented to the authorities all the necessary documents to show that she is Sudanese. (In Sudan there is a big community of West African origin, scattered across the country and generally known as Fellata.) But the police doubted the authenticity of the documents. The woman had to travel to where her family lives and get an affidavit from the local authorities confirming her identity. To her dismay, the police were still not convinced, and the case was referred to court.

Ironically, the family for whom the woman worked as a housemaid was of Asian origin, but they were never suspected by the police or asked to show that their members were residing legally in the country. The housemaid's case suggests that discrimination is also based on class and colour. Poor and lower-class people, especially those with darker skins, are more susceptible to random police checks. One can thus talk about some form of institutionalized racism in Sudan, where state agents, not ordinary people, indulge in racist acts.

Labels that are inscribed by society reflect some level of underlying racism in Sudan. For example, people from west Sudan are commonly known as Gharraba, a term that covers all those who come from Darfur and Kordofan. People from the Nile Valley who migrate to other regions of the country are known as Jellaba, while southerners and those from eastern Sudan are known as Ganubiyyin and Badawait, respectively (Harir 1994). All these group labels are considered pejorative to a greater or lesser extent. Shimalyyin is a term that is used to describe the people of northern Sudan, including Khartoum. This term, because of its association with the ruling elite, has no negative cultural connotations, and northerners are comfortable with being labelled Shimalyyin.

The negative attitudes reflected in these labels influence law enforcement agencies and contribute to inequality in access to social services provided by the state. For example, the case of the housemaid shows that being Fellata is disenfranchising (the Fellata are seen as a subgroup of the Gharraba). As a result of widespread stratification and discrimination, nationality and citizenship questions in Sudan are sensitive. In Sudan, when you ask someone about an official document, the person immediately fears that there must be a problem. When questioned about official documents, people feel insecure and threatened. This can be considered an indicator of the extent to which questions of identity in Sudan are problematic and also of how little trust people have in the authorities issuing the documents.

This example is indicative of a gamut of discriminatory policies, intentional or not, that face groups whose connections to the soil is deemed weak or cannot be established beyond reasonable doubt. This is something that is present in many African countries which base their citizenship on ethnicity (Manby 2009), but unlike the cases of Zambia, Botswana, and Côte d'Ivoire, citizenship has not so far been used as a tool to silence critics or exclude them from elections. However, in the political rhetoric, opponents often strive to denigrate each other by doubting their connections to the soil. But such denigration is normally kept to closed-door meetings and cyberspace discussions. Yet, these can also be indicative of the likelihood that such an aspect is also a potential for exclusion.

Denial of citizenship by bureaucratic red tape is yet another problem in Sudan. While less dramatic, it is widespread. A look at the requirements needed when applying for the nationality certificate mentioned above shows how difficult it can be for people to provide all the documents needed to support their applications. Immigration and administrative officials are given discretionary powers in deciding on vital matters such as identity papers. This means that decisions

about the fate of people can be informed by the whims of those in positions of decision-making and therefore somebody whose belonging to the place is in doubt can be excluded from the benefits that citizenship brings. Related to this is the denial of the right of people to exercise effective citizenship rights. In Sudan, because of lengthy civil wars and political instability, and owing to the fact that post-independence governments were mostly authoritarian, the Sudanese people were excluded from effective exercise of citizenship rights. The incumbent government's oppressive policies deny freedom of the press and expression. In January 2013, two Sudanese civil society organizations (Sudanese Studies Centre and Al-Khatim Adlan Centre for Enlightenment) were closed down by the authorities without following the proper legal procedures.

Marginalized groups face both ethnic discrimination and bureaucratic tyranny. According to Manby (2009: 21, emphasis in the original)

> marginalized groups can be excluded from *effective* exercise of citizenship rights even if their right to *legal* citizenship in itself is not contested, notably in the case of individuals subjected to slavery or its contemporary variations, or ethnic groups following a different lifestyle from the national norm.

As was indicated in the introduction of the chapter, nationality law reflects problems that are not strictly legal but also challenges of nationalism and state-building. Both Assal (2009, 2011) and El-Battahani (2008) discuss some of these larger problems and identity bottlenecks in Sudan and argue that inequality in citizenship rights is a reflection of, among other things, social stratification and the propensity to make central Sudan culturally dominant. Ahmed (2012) argues along the same lines that the language and dominant culture of those in power suppress regional cultures while neglecting other languages. Through these policies, indigenous groups are marginalized and weakened.

Post-secession challenges

The secession of South Sudan marked the failure of the nation-building project pursued by all post-independence governments in Sudan, but notably by the incumbent Islamist government whose policies of jihad and Islamization significantly contributed to the secession of South Sudan. Waging wars against its opponents and against the South Sudanese, the Islamist project turned into its antithesis: a destructive project that instead of building a strong nation ended up weakening and eventually dismembering Sudan. Needless to say, in the process, citizenship and human rights were violated often with impunity. One does not need to go further here by way of supporting this argument. The very fact that the Sudanese President has been indicted by the International Criminal Court (ICC) is illustrative of the situation. What is relevant here, nonetheless, is the implication of the secession of South Sudan on the struggles of citizenship in Sudan.

An immediate implication of the secession of South Sudan is the loss of nationality for Southern Sudanese. Southern Sudanese who have been residing in Sudan (some for their entire lives) had their nationality revoked. Hundreds of South Sudanese who had very little or no connection at all with South Sudan were stripped of their nationality even before acquiring the nationality of the new state. Following the results of the referendum of July 9, 2011 for self-determination that overwhelmingly supported the secession of South Sudan, the Sudan Government established a nine months' deadline for Southerners resident in Sudan to regularize their status by April 2012. Political tensions between the Sudan and South Sudan negatively affect citizens of the two countries who are living on the other side of the border. In March

2012, the two governments signed a framework agreement that has since been called "the four freedoms agreement" that includes (a) freedom of residence; (b) freedom of movement; (c) freedom to acquire property; and (d) freedom to work and undertake economic activity.

This agreement has yet to be implemented. Mutual mistrust and political tensions have thwarted the framework agreement. In May 2012, the two countries were on the brink of war following the short-lived occupation of Heglig (an oil-rich area) by the Southern Sudanese army. Later in the year, the two countries signed eight additional cooperation agreements, emphasizing the above four freedoms and economic cooperation between the two countries. Resuming the pumping of oil, which is needed by both countries, was a key aspect in the framework agreement. Nonetheless, these different agreements have not been implemented because there are serious security and border problems that need to be resolved first. Peoples' security and livelihoods were put at risk as a result of the secession of South Sudan. Hundreds of thousands of Southerners in the North remain in Sudan; some do not want to return to South Sudan, but their livelihoods and security are at risk.

Negative implications of secession on citizenship rights also apply in the case of Sudanese living in Southern Sudan. These include traders who have been living with their families in the South for decades, pastoralists and farmers who used to live in the northern parts of Southern Sudan, and pastoral groups who cross the border in search of water and pastures. These pastoralists, represented by the Missiriya of Abyei and the Rezeigat of Southern Darfur cross the border to Southern Sudan during the dry season (Saeed 2011). On both sides, however, there are many categories representing a 'population at risk' (Manby 2012: 6–10) that include: people of southern ethnicity resident in the North; people with one parent from Sudan and the other from South Sudan; people of mixed ancestry; members of cross-border ethnic groups; members of pastoralist communities; residents of Abyei (a contested area between Sudan and South Sudan); people separated from their families by the war; and members of historical migrant communities, especially those of West African stock (Mbororo and Fellata).

In Sudan, secession has a myriad negative implications for citizenship rights: owing to the tense relationship between Sudan and South Sudan, the Sudanese Government does not permit a free press or criticism of how it is handling the relationship with the new country. Likewise, the authorities dub anyone showing sympathy with South Sudan as unpatriotic and may even accuse them of treason. Cracking down on the free press and critical journalists increased significantly after the secession of South Sudan. The implementation of the different framework agreements between the countries may result in positive outcomes for citizens in both countries. This in turn may lead to the two countries living in safety and security as neighbours.

Conclusion

The challenges of citizenship are not unique to Sudan, but certainly Sudan has its own unique experiences, chief among which is the process of secession that took place in 2011. But more significant and common experiences are those expressed in the different forms of inequalities that contributed to secession. Some of these inequalities have been analysed in this chapter and the analysis shows that inequalities in the distribution of wealth and power are in fact reflected in, and reinforced by, the very law that informs acquiring citizenship.

It must be argued that the ethnic-based nationality framework is problematic, as there is no criterion that can objectively be verified, e.g. birth or length of residence and the verifiable establishment of connection to a certain place. As has been seen, the Sudan Nationality Act has undergone many progressive changes over the past decades in terms of allowing women to pass nationality to their children, reducing the period of naturalization, and allowing dual citizenship

(except for South Sudanese). Yet the challenge remains: whether citizens can actually exercise effective citizenship rights or not. Sudan's history of disrespecting the rights of its citizens over the past two decades is far from impressive.

The experience of citizenship in both law and practice leaves a lot to be desired in spite of the positive changes with regard to the efficiency of the immigration authorities. There is a need for a shift of focus from descent-based nationality to legally defined citizenship. A first step is to change the terminology: instead of *jinsiyya* (nationality), the word *muwatan* (citizenship) should be used. The change in terminology requires legal reform. Placing emphasis on citizenship with a defined set of legal rights applied equally to all citizens will weaken hierarchies based on ethnicity, class, or regional origin.

Vital registration, especially for births, is needed. The introduction of the Civil Registration System is a step in the right direction and it may, over time, make it easy for people to acquire citizenship certificates and passports or identity cards. While this system does not cover the whole country at the present time, it is hoped that it can do so in the coming few years, so that the country can eventually have a system of objective criteria for dealing with claims to citizenship.

References

Abdulbari, N. 2011. 'Citizenship rules in Sudan and post-secession problems', *Journal of African Law*, 55(2): 157–80.

Ahmed, A. 2012. 'Citizenship, identity, minorities and sub-cultures in Sudan' (in Arabic). Unpublished paper. Department of Sociology and Social Anthropology, University of Khartoum.

Asad, T. 1970. *The Kababish Arabs: power, authority and consent in a nomadic tribe*, London: C. Hurst & Company.

Assal, M. 2009. 'The question of identity in Sudan: new dimensions for an old problem', *Maghreb Review* 34 (2–3): 181–94.

Assal, M. 2011. *Nationality and citizenship questions in Sudan after the Southern Sudan referendum vote*. Sudan Report No. 1. Bergen: Chr. Michelsens Institute.

Babiker, M. 2010. *Legal framework of migration in Sudan*. CARIM Analytic and Synthetic Note No. 78. Florence: Robert Schuman Centre for Advanced Studies, European University Institute.

Balamoon, A. 1981. *People and economics in the Sudan: 1884–1956*. Cambridge, MA: Centre for Population Studies, Harvard University.

Barnet, T. 1977. *The Gezira scheme: an illusion of development*. London: Frank Cass.

Barth, F. 1969. 'Ethnic groups and boundaries: introduction', in F. Barth (ed.), *Ethnic groups and boundaries: the social organization of cultural difference*. Oslo: Universitetforlaget, pp. 1–23.

Bauböck, R. 2006. 'Citizenship and migration: concepts and controversies', in R. Bauböck (ed.), *Migration and citizenship: legal status, rights and political participation*. Amsterdam: Amsterdam University Press, pp. 15–32.

Deng, F. 1995. *War of vision: conflict of identities in the Sudan*. Washington: Brookings Institution.

El-Battahani, A. 2008. *Peace without unity: the dilemma of reconciling divergent perspectives in post-conflict Sudan*. Sudan Working Paper No. 4. Bergen: Chr. Michelsens Institute.

Harir, S. 1994. 'Recycling the past in the Sudan: an overview of political decay', in S. Harir and T. Tvedt (eds.), *Short-cut to decay: the case of the Sudan*. Uppsala: Nordic Africa Institute, pp. 10–68.

Hassan, Y. 1985. *Sudan in Africa*. Khartoum: Khartoum University Press.

Jenkins, R. 1998. *Rethinking ethnicity: arguments and explorations*. London: Sage.

Manby, B. 2009. *Struggles for citizenship in Africa*. London: Zed Books.

Manby, B. 2012. *The right to a nationality and the secession of South Sudan: a commentary on the impact of the new laws*. Nairobi: OSIEA.

Mazrui, A. 1985. 'The multiple marginality of the Sudan', in Y. Hassan (ed.), *Sudan in Africa*. Khartoum: Khartoum University Press, pp. 240–255.

Saeed, A. 2011. *Challenges facing Sudan after Referendum Day 2011: persistent and emerging conflict in the north-south borderline states*. Bergen, Norway: Chr. Michelsen Institute.

17

Transformations of nationality legislation in North Africa

Laura van Waas and Zahra Albarazi

A report produced by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2012 concluded that 29 countries worldwide retain gender discrimination in the transference of nationality to children, 12 of which are in the Middle East and North Africa (MENA) region (UNHCR 2012).[1]

These discriminatory laws do not allow women to pass nationality on to their children on the same terms as men. Disadvantaging women in this way raises a whole array of questions about the rights and responsibilities associated with citizenship. The lack of full and equal enjoyment of nationality rights by women also entails a series of serious practical problems. These include exposing women to social exclusion, potentially causing families to become separated as the combined effects of nationality and immigration policy drive them apart and – most worryingly – putting their children at real risk of statelessness. The related psychological impact can also be harrowing, as one Jordanian woman, whose six children are stateless as a result of gendered nationality laws, testified: It is 'not my mistake that I married a foreigner. I did not disobey my parents or the State in marrying my husband. Because of that, we all now live as though we were dead' (UNHCR and CRTD-A 2012: 4).

However, a wave of positive reform has recently swept through a subregion of the MENA: over the past decade, most North African states have amended their laws to introduce greater equality in citizenship rights for men and women, thereby bringing them closer in line with relevant international standards. The process in these countries is not yet complete, since there are still flaws in the legislation that need to be addressed. However, Tunisia, Algeria, Morocco, and Egypt all now allow women to transfer nationality to their children.

The domestic legal framework and setting that the reform movement had to contend with, as well as the ultimate pace and content of reform, vary from one state to another even within this subregion; nevertheless the achievement of legislative reform followed a similar path in most countries. This chapter explores three main questions on the question of gendered nationality law and the process of making the link to nationality gender-neutral in the MENA region.[2] After looking at why MENA states have traditionally treated women differently from men with regards to nationality rights, the chapter discusses the impact, in practice, of the flaws which still need to be addressed within MENA's nationality laws – focusing in particular on the problem of statelessness as a detrimental, but as yet underexplored, consequence of a gendered approach

to citizenship. The chapter then presents some trends in the way the North African reforms emerged, before reflecting on the lessons learnt from the method and content of these reforms as potential good practice examples for other parts of MENA. Here, the chapter seeks to provide a better understanding of how ongoing efforts to promote similar legal reforms in other countries of the MENA may benefit from, and build upon, the experiences of these North African states.

Origins of women's unequal citizenship rights in MENA

At the *Regional dialogue on gender equality, nationality and statelessness*, convened in 2011 by UNHCR and CRTD-A (2012) in Beirut, a woman from Yemen expressed her frustration that her children could not inherit her nationality. She voiced a question that lives in the minds of many women across the MENA region: 'Why are the children of a Yemeni woman considered as though they were the fruit from another tree?' (ibid.: 5) The simple matter is that women have historically faced disadvantage and discrimination in many areas – from employment rights to family law to political participation – and nationality law is no exception. Women's nationality rights were traditionally inferior to those of men. This is not just true of the MENA region, but was the case in much of the world throughout the late nineteenth and a large part of the twentieth century. It is only relatively recently that the international community has recognized that women should enjoy equal citizenship rights with men and that most states have reformed their nationality laws accordingly.

The historic gendering of citizenship law is a result of the convergence of two ideas: the unity of nationality within the family and the patriarchal ordering of society. If the ideal is for all members of the family to enjoy the same nationality and if the husband or father is deemed the head of the household, the logical consequence is to make women and children's nationality status dependent on that of the husband or father. This was the policy laid down in the vast majority of early citizenship laws and even accepted as legitimate by the first international agreements to deal with the regulation of nationality (see League of Nations 1930).[3]

It was while this traditional perspective of women and citizenship was very much at its height that 'the concepts of nation-states and nationality ties initially penetrated the vast Arab territories under Ottoman suzerainty' (Parolin 2009: 71). As the MENA states that we know today formed or gained independence, they adopted nationality acts inspired by the Ottoman Law on Citizenship of 1869 and the French and British codes in force during the early twentieth century when various parts of the MENA region were under colonial or mandate rule (el-Khoury and Jaulin 2012).[4] All of these sources enshrined the principle of paternal *jus sanguinis*, whereby nationality is transmitted from father to child and so this became a central feature of MENA states' nationality policy.[5] Similarly, nationality codes across the MENA region favoured the acquisition by a woman of her husband's nationality upon marriage. This meant that foreign women marrying national men were granted automatic or greatly facilitated access to nationality, while foreign men did not enjoy the same opportunities when marrying a woman from that nation.

This gendered perspective on nationality rights, while influenced by ideas imported from outside the region, sat comfortably with the heavily *patriarchal* MENA societies' attitude to the role of women:

> Middle Eastern states predominately have located women within patriarchal structures as subordinate mothers, wives, children, siblings […] The impact of patriarchy on the gendering of citizenship has been profound because kinship has permeated all domains, all spheres of life.
>
> *(Joseph 2000: 17)*

At the same time, MENA's traditional family, kinship, and religious structures also supported the *patrilineal* branding of identity. In other words, a person's identity (including name, tribal belonging, etc.) and religion are determined by those of their father, 'through the male genealogy' (ibid.: 18).[6]

These two regional traits, which defined the subordinate position of women and the central importance of the male bloodline, helped to pave the way for the natural acceptance of gendered citizenship rules – and, in particular, the adherence to paternal *jus sanguinis*. Moreover, as we have already indicated, when MENA states elaborated their first nationality codes, gendered citizenship rights were still very much the norm. Nor was a patriarchal and patrilineal conception of society something that was confined to the MENA region – this too was commonplace. However, a tidal shift was on the horizon. Following the establishment of the United Nations and the affirmation in the preamble of the Universal Declaration of Human Rights of the 'equal rights of men and women', a growing international women's rights movement lobbied for women's issues and empowerment. The most significant achievement – and a real turning point in the legal status of women – was the adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (see Edwards and Govil forthcoming 2014).[7]

In its treatment of nationality, CEDAW sought not to address the problems that arose from women's dependent citizenship as earlier treaties had done,[8] but simply to prescribe *equal* nationality rights for women to those of men (CEDAW 1979 Article 9). One of the most widely ratified of all the international human rights conventions today, with 187 state parties, CEDAW has had a massive influence on women's rights across the globe over the last three decades – including in the field of nationality law. The vast majority of states have de-gendered their citizenship acts and, according to UNHCR's audit cited in the introduction, just 26 maintain gender discrimination with respect to the transmission of nationality to children today. A significant proportion of these, however, are situated in the MENA region: Kuwait, UAE, Saudi Arabia, Qatar, Oman, Bahrain, Lebanon, Jordan, Mauritania, Syria, and Libya.[9]

Content and impact of the remaining gendered citizenship regimes

As we have mentioned above, twelve MENA countries do not grant women equal rights with respect to the nationality of their children. The same states also maintain a reservation to Article 9 of CEDAW, thereby expressing that they do not consider themselves bound to recognize women's equality in the enjoyment of nationality rights. While this is clearly a women's rights issue, an important question is: where gender discrimination persists, how exactly does this manifest itself in the regulation of citizenship and to what effect? This section looks at some of the consequences of gendered nationality rights, in particular the problem of statelessness.

Where states preserve a primarily paternal *jus sanguinis* system, women are only entitled to transmit their nationality to their children in certain exceptional cases – or, to put it another way, only in certain exceptional circumstances are children entitled to inherit the nationality of their mother.[10] The most common such situation is where the father is unknown or his 'filiation is not established', an example of which can be found in the Jordanian Nationality Law (Jordanian Law on Nationality 1954, No. 6 Article 3(4)), for instance because the child is born out of wedlock and has not been recognized or legitimated by the father.[11] A second situation in which many MENA laws allow the mother to transmit her nationality is where the father has none to offer because he is stateless himself.[12] Such a clause can be found in around half of the MENA states that do not generally recognize a woman's right to confer citizenship.[13]

The purpose of these two maternal *jus sanguinis* safeguards is to avoid leaving children without any nationality – i.e. to prevent statelessness. However, even with both of these special rules in place, the risk of statelessness is only reduced, not eliminated. For example, a child will still be rendered stateless if his or her father is known and holds a (foreign) nationality, but is unable to confer it to his child under the law of his country of origin. Problems may also arise where the father is deceased or where he is ignorant of, or unwilling to take, the necessary measures to ensure that his child acquires his nationality, as well as in the common circumstance in which the exceptional maternal *jus sanguinis* provisions are not implemented in practice. Only two MENA countries have a comprehensive safeguard against statelessness, as prescribed by international law (UN General Assembly 1961: Article 1), allowing any child born in their territory who would otherwise be stateless to acquire a nationality: Lebanon (*Decree No. 15 on Lebanese nationality* (1925): Article 1) and Syria (*Decree No. 276 on Syrian nationality* (1969): Article 3d). However, neither state implements this safeguard in practice (see Frontiers Ruwad 2011, KurdWatch 2010).[14] Therefore, across the MENA region, the adherence to paternal *jus sanguinis* in combination with incomplete or poorly enforced safeguards against statelessness has led to the troubling situation in which a child can be born on the territory of a MENA state to a mother who is a national of that state and yet still be left without any nationality. Such stateless children may be unable to attend school, access healthcare, or travel freely around the country, and if still stateless in adulthood they will continue to experience difficulties in areas such as employment, property ownership, contracting marriage, and registering or securing a nationality for their own children (see UNHCR 2010, UNHCR and CRTD-A 2012, Charafeddine 2009, Arab Women Organization of Jordan 2010).

It should be noted that other forms of gender discrimination in MENA's citizenship acts can also cause problems, including statelessness. Tunisia, for instance, grants citizenship to a child born in the country if both a parent and grandparent were also born in the country. However, Tunisian nationality is only conferred in this manner to the third generation if the male ascendants were born in the country: *father* and *grandfather* – so in the legislation citizenship cannot be acquired if the link is maternal (Tunisian Nationality Code 1963, Art. 7). Gendered regulations relating to the nationality of a spouse are very common. It is far easier for a foreign woman marrying, say, a Kuwaiti man to acquire his nationality than it is for a foreign man marrying a Kuwaiti woman. In a state like Kuwait – or UAE, Saudi Arabia, Syria, or Lebanon – where there is a significant stateless population, such gendered rules obstruct access to a nationality for a stateless man who marries a national woman. Since the woman is also unable to transmit nationality to her children and safeguards against childhood statelessness are either lacking or not implemented, not only is the father's stateless status prolonged, but it is also perpetuated through the next generation. It should also be noted that although reforms in these countries should be applauded, often there still remains gaps in the effective and successful implementation of the reforms, which will require further follow-up by national actors (see Women's Refugee Commission 2013).

Achieving reform in North Africa

Having demonstrated some of the severe problems caused by gendered nationality laws, this chapter now turns to the progress that has been achieved in removing discrimination from citizenship policy in the MENA, focusing particularly on North Africa. During the last decade, legislation across the subregion has undergone unprecedented development – most notably in revisions in citizenship policy and family law – which have rendered the transferal of nationality more gender neutral. The extent to which each country has successfully de-gendered

citizenship varies and some discrimination remains in most countries (Manby 2010).[15] However, in Tunisia, Algeria, Egypt, and Morocco, men and women can now transfer nationality to their children on an equal footing.[16] Elsewhere in the MENA, there are also signs of change, with Iraq introducing a gender-neutral *jus sanguinis* law in 2006 and both Libya and Yemen taking steps to amend their policy in 2010 (although with regards to Libya the reforms are yet to take full effect).[17] Other countries have also made some improvements for children born to female nationals and have made it easier for them to access citizenship, but have stopped short of granting full gender equality in nationality rights.[18] These developments demonstrate the potential for further reform across the MENA.

Nevertheless, to date the North African reforms have been the most sweeping and warrant further study to see what lessons can be distilled. While the method of achieving reform in North Africa differs from state to state, when one looks at an overview of the tactics used, many parallel processes do appear. Thus, some of the most significant steps in the development of these reforms emerged using the techniques outlined below.

All the initiatives began with the mobilization of women's rights movements. This was not difficult to achieve, as women's groups were already actively working to address various issues regarding gender discrimination in the region. These groups are well funded, well established, and their success has often been heralded in the wider region.[19]

These women's organizations set out to show the real impact of citizenship discrimination on affected families, and a good example of how this was carried out can be taken from the Moroccan campaign. Here, a network of 'listening centres' was established across the country, where women's organizations documented how the discriminatory law impacted the lives of many families throughout the country (UNHCR 2012).[20]

To establish public support for the cause, a strong media campaign was launched by the different organizations, presenting the problems stemming from gendered citizenship policies. The testimonials collected in the aforementioned listening centres, for example, were used in the Moroccan campaign. The tools produced included publications and brochures, in parallel with initiatives such as social media campaigns and radio coverage.[21]

Once information about the problem had been compiled and disseminated, active protests outside relevant parliaments and ministries began. An interesting example of this can be found in Egypt. The legal reform of 2004 in Egypt, which brought in gender equality in the transmission of nationality from parent to child, excluded children of Palestinian fathers from Egyptian nationality. However, large-scale protests led to this exclusionary policy being overturned.[22] In most cases, protests drew attention to a whole range of violations of women's rights, not just the flaws in nationality laws, making a stronger push for non-discrimination in the region.

The issue of gendered citizenship in North Africa also became a significant topic of interest amongst international civil society groups (see Freedom House 2005, Human Rights Watch 2010, Women's Learning Partnership 2006). This international recognition provided the national movements with further ammunition with which to lobby their respective governments. International human rights mechanisms also played their part, prompted by vocal women's rights groups. Most notably, the Committee on the Elimination of All Forms of Discrimination against Women repeatedly criticized the inequality in the transferral of nationality in the region.[23] Lobbying using international mechanisms continues today in pressuring countries yet to remove their reservations from CEDAW to do so (see OHCHR 2008).

Once the campaigns had gained some traction and public opinion was more sympathetic to the cause, the question of reform was presented for discussion in parliament. The women's movements identified supportive Members of Parliament, who were then able to call for a parliamentary session to discuss the issue. It is important to note that the North African reforms

in nationality law came about during a period where there were many other advancements in women's rights issues. Timing the initiation of the amendments was, therefore, vital. In Morocco, for example, there had been much preparation for amending the family law code in the country, so the campaigners successfully implemented this citizenship reform as an add-on procedure. Tunisia removed its reservations to the nationality clause in CEDAW during the period of transitional government after the revolution.[24] In Egypt, removing the remaining discrimination against children of Palestinians occurred amidst a host of post-revolution reforms. The women's organizations pressing for equal nationality rights therefore capitalized on momentum for change, often successfully piggybacking on the momentum for achieving greater gender equality across different areas of law and policy.

Challenges and opportunities on the road to equal citizenship rights

This section explores what can be understood from the method and content of the North Africa reforms as potential good practice examples for other countries in the MENA. As we have pointed out, a region-wide commonality is that the gender discrimination found in the nationality legislation of each country was brought in on the back of gendered British or French colonialist nationality frameworks. The codes therefore developed in similar ways. However it is essential to note that the region is not homogeneous and there are often few truly unifying regional issues shared by all countries, and so context-specific strategies need to be developed. However, the reforms in North Africa do provide examples of good practice that could be adapted and adopted by other MENA countries, with due regard for the challenges brought about by the different national settings. Dividing the strategies that were used by the reformed countries and separating the remaining MENA into subregions – the Gulf and the Levant[25] – is the most effective way to understand the challenges and opportunities on the road to equal citizenship rights. The success of North African movements on this issue resulted from their ability to amalgamate the different circumstances described below.

Responsive governments

From the example of North Africa it is clear that in order to implement reform, engagement must be established with responsive governments. In the Levant region this is currently a challenge. Across this subregion, because of the presence of a large Palestinian community, a common preoccupation of governments is the concern that allowing female citizens married to Palestinians to transfer nationality to their children has the potential to change the demographics of their country. In Lebanon, the fragile political system, which is based on confessional representation, presents an additional obstacle to achieving a positive response from the government to calls to amend the country's citizenship policy (Daily Star 2013).[26]

Present instability in this subregion also brings its own challenges and opportunities. At the time of writing, the armed conflict in Syria means that positive government engagement on this issue is currently unfeasible and the threat of political instability also lingers over the Levant. However, experiences in Tunisia and Iraq demonstrate that such challenges can quickly become opportunities. Tunisia removed its reservations to CEDAW under the post-revolution transitional government and Iraq reformed and de-gendered its citizenship legislation after regime change. Staying alert, within these trying times, for opportunities for positive engagement can yield success.

In the Gulf, direct engagement with certain elements of the government can and has proven to be successful. The monarchical and clan-based system means that long-standing cooperation

with authority figures is a necessity. One influential component of campaigns for gender equality in the region has been, for example, the positive engagement of 'first ladies' – wives, daughters, and other prominent female figures within the respective royal families. There have been recent steps forward in countries such as the UAE and Saudi Arabia allowing, under certain conditions, children of female nationals to apply for citizenship after reaching the age of majority.[27]

Civil society mobilization

It is clear that creating a space for action was one of the most effective methods by which change was achieved in North Africa. The mobilization of women's rights groups, continually working to generate and build on opportunities to engage governments for amendment of the nationality law, was the main force behind positive reform. One element of the civil society campaigns, informed by the North African example, that has potential across the region is the effort invested in rallying public opinion around the problem, including through well-planned outreach using mainstream and social media. Another method that should be utilized is engagement with religious institutions to encourage an increase in public awareness and highlight that there is no conflict between Sharia law and gendered citizenship. This can also result in increased direct pressure by religious institutions on governments.

In the Levant area, although it is not quite as open as most North African societies, there has historically been space for debating human rights issues. Civil society, specifically women's rights groups, is vocal and well organized. There is now also a network that brings together the organizations working on granting women the same legal entitlements to citizenship as men for the sharing of information and experiences across the Levant and North African countries, as well as for joint lobbying efforts at the regional and international level.[28] The existence of such a regional network facilitates putting pressure on, and engaging in discourse with, governments.

With regards to the Gulf, however, the North African example is one that cannot immediately be replicated. It is clear that change is more likely to be achieved through internal political dialogue rather than nationwide and very public civil society pressure.[29] This is particularly true as women's rights issues are often advanced and encouraged by international pressure and funding, something that would provoke resistance from the Gulf States.

Regional and international pressure

The North African women's groups made use of many of the international tools available to them to lobby for the removal of gender discrimination.[30] This is a practice that civil society movements in the Levant, in particular in Lebanon, are already copying (UN General Assembly 2010).[31] However what may be an interesting way in which the remaining countries can build on what the North African countries have achieved – whose reforms came about by utilizing national and international mechanisms – is to engage further with *regional* and *subregional* coalitions and bodies. A powerful player today, for example, is the Gulf Cooperation Council (GCC), an expanding organization with a growing influence in the subregion, which could exert more meaningful pressure on those Gulf States which are still hesitant about reform.

Other international bodies which could be engaged on this cause, building on national and regional momentum, include the Organization of Islamic Cooperation (OIC), which all MENA countries are members of. One of the existing successes of this body is the establishment of the Covenant on the Rights of the Child in Islam, which in Article 7 specifically prescribes the right of a child to acquire a nationality, a right which is often hindered because of gender discrimination in nationality legislation.[32] The Arab League[33] could also provide an opportunity

to advocate on the basis of conventions such as the Arab Charter on Human Rights, in which equality between men and women is upheld (Articles 1 and 3), as well as the right to a nationality (Article 29).[34] Exploring these alternative avenues for dialogue on gendered nationality laws may offer new and much-needed opportunities for presenting the case for reform in those MENA states where this goal is still some way off.

Conclusion

The MENA's gendered nationality laws are already the subject of much debate within broader regional dialogues on the position of women in society and the struggle for greater gender equality. In presenting their cause through the various avenues discussed in this chapter, the reform movement would do well to recall that, as we have explained, the removal of discrimination from citizenship laws is not only an important women's rights issue, but can also help to protect the rights of children and of families by alleviating some of the worrying knock-on effects of gender discrimination in nationality laws, including statelessness. Indeed, in a region that already hosts some of the world's largest stateless populations (UNHCR 2011), often living in extremely precarious conditions because of their lack of any nationality, (see Refugees International 2006; Human Rights Watch 2011a), it is disappointing that gendered citizenship laws which can have the effect of prolonging and perpetuating statelessness remain so firmly entrenched in so many MENA states and that this aspect of the issue receives so little attention.

Amal, a Lebanese woman whose husband is stateless and whose two children – unable to inherit their mother's Lebanese citizenship under the country's gendered nationality law – now follow in his unfortunate footsteps, expresses her disillusion with her predicament as follows:

> I feel lost and with so much pain it is killing me. I can't do anything for my children. I am Lebanese of a Lebanese father and I can't do anything for my husband and for my children.
> *(Constantine 2012)*

This sentiment of frustration, injustice and despair is echoed by other women in Amal's situation (UNHCR 2012).[35] In some instances, women who feel that they have been backed into a corner take matters into their own hands by claiming that their children are illegitimate so they *can* pass on their nationality, in spite of the social stigma this status engenders and the potential consequences of such action for the enjoyment of other family rights (Hijab 2002).[36]

By looking, on the one hand, at these extreme examples of the human impact of gendered citizenship policies and, on the other, at successful instances of reform, this chapter aimed to offer a fresh perspective on the movement for gender-neutral nationality laws in the MENA. As women's rights groups continue to press for change and as the issue perhaps draws more support from other sectors of civil society – such as child rights advocates – some of the observations made here may help these entities to make the best of the positive experiences in North Africa.

Notes

1 Note that this report lists Libya among the countries that have a discriminatory policy towards the transmission of nationality to children although it took steps to amend its nationality laws in 2010 to recognize gender equality in this area. However, a new provision (Article 11) was introduced into the law without the original paternal *jus sanguinis* provision (Article 3) being amended and it is unclear what the validity or effect of this 2010 reform is.

2 While we recognize that the debate on gender neutrality, de-gendering, or positive gender rights is well developed and has many nuances, this article largely avoids such terminological questions. This is

because with regard to citizenship law it is gender equality in the legalization that is being called for so that both men and women have equal treatment with regards to retaining, acquiring, and transferring their nationality, as prescribed for under international law, without limiting the scope for any future debate on positive discrimination.

3 League of Nations, *Convention on certain questions relating to the conflict of nationality law*, 13 April 1930, League of Nations, *Protocol relating to a certain case of statelessness*, 12 April1930, and UN General Assembly, *Convention on the nationality of married women*, 29 January 1957 all established rules that would help to avoid statelessness among women and children, but this was achieved through the elaborating of safeguards to redress the well-known side effects of gendered nationality laws rather than by prescribing equal nationality rights for women. The only exception was the Montevideo *Convention on the nationality of women*, adopted in 1933 within the Inter-American regional framework, which asserted in Article 1 that 'there shall be no distinction based on sex as regards nationality, in their legislation or practice'.

4 In fact, in the case of Lebanon, it was *during* the period of French mandate rule that the nationality law still in force today was adopted – by the French High Commissioner (Decree No. 15 of 19 January 1925).

5 *Jus sanguinis*, or 'law of blood', is the doctrine by which nationality is acquired at birth on the basis of descent from a parent who is already a national. It is the main principle underlying citizenship acts across the MENA region. The alternative doctrine for acquisition of nationality at birth is *jus soli*, or 'law of the soil' which involves conferral of nationality on the basis of birth on state territory.

6 See also Hijab (2002).

7 Note that many other international and regional human rights instruments echo CEDAW's approach to women's nationality rights and prohibit gender discrimination in this field.

8 See above at note 3.

9 See comments in note 1.

10 It is important to stress both aspects of the non-recognition of maternal *jus sanguinis*, since it is problematic from both the perspective of women's rights and of child rights. For that reason, not only Article 9(2) of CEDAW is relevant, but also Article 7 together with 2 and 3 of the Convention on the Rights of the Child (dealing respectively with the child's right to a nationality, to non-discrimination, and to treatment in accordance with his or her best interests).

11 It should, however, be noted that the social stigma towards unwed mothers that is prevalent in the region may prevent women from pursuing or succeeding in registering their child with the state, and claiming nationality under such provisions may therefore be problematic.

12 A stateless person is someone 'who is not considered as a national by any state under the operation of its law'. Article 1(1) of the 1954 United Nations *Convention relating to the status of stateless persons*.

13 Including Jordan, Libya, Mauritania, Saudi Arabia, and UAE.

14 This is clearly evidenced by the problems of statelessness in both countries which have persisted. from one generation to the next. See, for instance Frontiers Ruwad, *Invisible Citizens: Humiliation and a Life in the Shadows - A Legal and Policy Study on Statelessness in Lebanon*, 2011, available at: www.scribd.com/doc/77616884/Rs-Stateless-2011-English-final-5-1-12 [last accessed 13 January 2013]; KurdWatch, *Stateless Kurds in Syria. Illegal invaders or victims of a nationalistic policy?* Report No. 5, 2010, available at: http://www.kurdwatch.org/pdf/kurdwatch_staatenlose_en.pdf [last accessed 13 January 2013].

15 Only Algeria has achieved fully gender-neutral citizenship legislation.

16 This was done in Egypt (2004), Algeria (2005), Morocco (2007), Tunisia (2010) and Libya (2010). Note that the 2010 Tunisian reform brought in full gender equality with respect to the right to transfer nationality to children. However earlier amendments in 1993 and 2002 already alleviated, in part, the gender discrimination in the nationality law.

17 See above at note 1.

18 For instance, Saudi Arabia revised its laws in 2007 to allow sons of a Saudi mother and non-national father to acquire citizenship at the age of majority; United Arab Emirates introduced a similar policy in 2011, allowing *any* child (boy or girl) to apply for citizenship on reaching 18 if they have an Emirati mother and non-citizen father.

19 Human Rights Watch (2011b) for example stated that 'Tunisia has proven itself a leader on women's rights in the region, and we hope it will set an example to other countries as the calls for reform sweep the Middle East and North Africa.' To emphasize the extent of the organizations, in Algeria alone a handful of other organizations working on gender equality include: Tharwa Fadhma n'Soumeur, Association SOS Femmes en Détresse, Association Volonté Initiative et Engagement, Association Défense et Promotion des Droits des Femmes, Associatiation Indépendante pour le Triomphe des Droits des

Femmes. Cf. also the *20 Ans barakat* (20 years is enough!) movement in Algeria, a group specifically founded in 2003 with the mission to amend the Algerian Family Code and involved in lobbying for the reform of nationality policy.

20 This was discussed in a Gender Dialogue held by UNHCR in 2011 to discuss with affected women how gender discrimination leads to statelessness. See above at note 2.

21 The *20 Ans Barakat* campaign in Algeria was very active in terms of the media components to their advocacy campaign. For instance, a song about gender discrimination is available online at www.youtube.com/watch?v=DP3XFOncvCw (accessed 11 January 2013). The Organization CIDDEF, also in Algeria, created a substantial number of brochures and leaflets on the issue, one of which is available online at www.ciddef-dz.com/pdf/revues/revue-7/sommaire-7.pdf (accessed 14 January 2013).

22 The protests led to *Decree No. 1231*, issued on May 2, 2011. One of the organizations that backed this movement was the Women's Learning Partnership (see Women's Learning Partnership 2011).

23 See, for instance, UN Committee on the Elimination of Discrimination Against Women (CEDAW) (2005), G*eneral Recommendations: Algeria* and UN Committee on the Elimination of Discrimination Against Women (CEDAW) (2002), *General Recommendations: Tunisia*. In terms of civil society reports, the Center for Egyptian Women's Legal Assistance presented a report on Egypt to CEDAW which detailed the issue of gendered nationality rights (Center for Egyptian Women's Legal Assistance (CEWLA) (2003)).

24 Morocco was the first country in the region to withdraw its reservation to Article 9(2) of the *Convention against all forms of discrimination against women* (CEDAW) on December 10th, 2008. Tunisia was the second with *Decree 103* signed by the President of the Transitional Government Fuad Almabza on the 24th of October 2011.

25 For the purposes of this article the Gulf is Kuwait, Bahrain, Qatar, UAE, Oman, and Saudi Arabia and for the Levant area Syria, Lebanon, and Jordan (Iraq reformed its nationality law in 2006).

26 A ministerial committee studying the possible amendment of the nationality law in Lebanon rejected it in January 2013, reportedly because it posed 'severe threats to stability in the country and the fragile demographic balance of Lebanon' (Daily Star 2013).

27 See below at note 30. This trend has one exception - Kuwait - which has, over the generations, made its nationality laws more exclusionary, in particular by removing a clause that previously allowed children of Kuwaiti mothers and stateless fathers to acquire nationality. This step should be seen against the backdrop of Kuwait as a country which has a large population of stateless individuals – the Bidoon – numbering approximately 100,000. Conversely, however, some of the Bidoon who may have an opportunity of being granted citizenship include those whose mothers are Kuwaiti.

28 The 'My Nationality My Right' campaign whose projects can be followed online at http://nationalitycampaign.wordpress.com/ (accessed 14 January 2013).

29 There have been positive developments in the Gulf on women's rights issues which show there is scope for such reform. In January 2013, for example, Saudi appointed 30 women to the previously all-male consultative Shura Council.

30 As we have explained above, this was done, for example, by submitting reports to the CEDAW committee and utilizing the Universal Periodic Review process before the Human Rights Council.

31 In Lebanon's Universal Periodic Review in 2010 for example the issue of discriminatory nationality laws was presented (UN General Assembly 2010).

32 The text of the Covenant is available online at: www.oicun.org/uploads/files/convenion/Rights%20of%20the%20Child%20In%20Islam%20E.pdf (accessed 15 January 2013).

33 All countries are members apart from Syria whose participation was suspended in 2011. A real problem with charters of the Arab League, however, is that there is, as yet, no supervisory or enforcement mechanism.

34 The text of the Arab Charter is available online at: www.lasportal.org/wps/wcm/connect/c93eba804a7c700c8ca19c526698d42c/%D8%A7%D9%84%D9%85%D9%8A%D8%AB%D8%A7%D9%82+%D8%A7%D9%86%D8%AC%D9%84%D9%8A%D8%B2%D9%8A.pdf?MOD=AJPERES (accessed 15 January 2013).

35 See, for instance, the testimonies collected in UNHCR and CRTD-A (2012). At the time of writing, the authors were engaged in a project to further document the impact of gender discrimination in nationality laws and collect testimony from families affected in a number of MENA countries.

36 As we have explained in this chapter, many MENA countries exceptionally allow women to transmit nationality to their children if the father is 'unknown'.

References

Arab Women Organization of Jordan (2010). *Economic, Social, Political and Psychological Implications on Jordanian women married to non-Jordanians and their families*. Available online at www.el-karama.org/sites/default/files/Citizenship%20Report%20-%20EN.pdf (accessed 13 January 2013).

Center for Egyptian Women's Legal Assistance (CEWLA) (2003). *Shadow report on the status of Egyptian women in matters of personal status and forms of violence against women according to CEDAW Convention*. Available online at www2.ohchr.org/english/bodies/cedaw/docs/ngos/CEWLAEgypt_45.pdf (accessed 14 January 2013).

Charafeddine, F. (2009). *Predicament of Lebanese women married to non-Lebanese*. Field Analytical Study, UNDP. Available online at www.undp.org.lb/communication/publications/downloads/mujaz_en.pdf (accessed 13 January 2013).

Constantine, G. (2012). *Lebanon: born here but not a citizen*. Photo Story for the Pulitzer Center, 19 December 2012. Available at http://pulitzercenter.org/reporting/lebanon-stateless-gender-discriminating-citizenship-laws-women-rights-politics (accessed 14 January 2013).

Daily Star (2013). *Activist: rejection of nationality law sets dangerous precedent*, 16 January 2013. Available online online at: www.dailystar.com.lb/News/Local-News/2013/Jan-16/202419-activist-rejection-of-nationality-law-sets-dangerous-precedent.ashx#ixzz2IJet4mJH (accessed 18 January 2013).

Decree No. 15 on Lebanese nationality including amendments (1925). 19 January 1925. Available online at www.refworld.org/docid/44a24c6c4.html (accessed 23 September 2013).

Decree No. 276 on Syrian nationality (1969). 20 November 1969.

Edwards, A. and Govil, R. (forthcoming 2014). 'Women, nationality and statelessness: the problem of unequal rights', in A. Edwards and L. van Waas (eds.) *Nationality and statelessness under international law*, Cambridge: Cambridge University Press.

Freedom House (2005). *Women's rights in the Middle East and North Africa: Algeria*. 14 October 2005. Available online at www.unhcr.org/refworld/docid/47387b6a0.html (accessed 11 January 2013).

Frontiers Ruwad (2011). *Invisible citizens: humiliation and a life in the shadows: a legal and policy study on statelessness in Lebanon*. Available online at www.scribd.com/doc/77616884/Rs-Stateless-2011-English-final-5-1-12 (accessed 13 January 2013).

Hijab, N. (2002). 'Women are citizens too: the laws of the state, the lives of women', United Nations Development Programme: Regional Bureau for Arab States. Available online at www.unrol.org/doc.aspx?d=2899 (accessed 11 January 2013).

Human Rights Watch (2010). *Libya: step ahead for women on nationality rights*. September 2010. Available online at www.hrw.org/news/2010/09/02/libya-step-ahead-women-nationality-rights (accessed 11 January 2013).

Human Rights Watch (2011a). *Prisoners of the past. Kuwaiti Bidun and the burden of statelessness*. Available online at www.hrw.org/sites/default/files/reports/kuwait0611WebInside.pdf (accessed 15 January 2013).

Human Rights Watch (2011b). *Tunisia: government lifts restrictions on women's rights treaty*. September 2011. Available online at www.hrw.org/news/2011/09/06/tunisia-government-lifts-restrictions-women-s-rights-treaty (accessed 14 January 2013).

Joseph, S. (2000). 'Gendering citizenship in the Middle East', in S. Joseph (ed.) *Gender and citizenship in the Middle East*, Syracuse, NY: Syracuse University Press, pp. 3–30.

el-Khoury, M. and Jaulin, T. (2012). *Lebanon*. Country paper for the European Union Democracy Observatory – Citizenship.

KurdWatch (2010). *Stateless Kurds in Syria: illegal invaders or victims of a nationalistic policy?* Report No. 5. Available online at www.kurdwatch.org/pdf/kurdwatch_staatenlose_en.pdf (accessed 13 January 2013).

Law No. 6 of 1954 on Nationality (last amended 1987). 1 January 1954. Available online at www.refworld.org/docid/3ae6b4ea13.html (accessed 23 September 2013).

League of Nations (1930). *Convention on certain questions relating to the conflict of nationality law*, 13 April 1930. The Hague: League of Nations.

Legislative Decree 276 – Nationality Law [Syrian Arab Republic]. Legislative Decree 276. 24 November 1969. Available online at www.refworld.org/docid/4d81e7b12.html (accessed 23 September 2013).

Loi sur la nationalité en Tunisie, 12 March 1968. Available online at: www.refworld.org/docid/3ae6b4d128.html (accessed 23 September 2013).

Manby, B. (2010). *Citizenship law in Africa. a comparative study*. Open Society Justice Initiative, Available online at www.opensocietyfoundations.org/sites/default/files/citizenship-africa_20101118.pdf (accessed 11 January 2013).

OHCHR (2008). *Critical issues identified and presented by the Egyptian NGOs CEDAW coalition to the CEDAW committee pre-session scheduled 10–14 November 2008*. Available online at www2.ohchr.org/english/bodies/cedaw/docs/ngos/EgyptListofCriticalIssues_45.pdf (accessed 14 January 2013).

Organization of American States (OAS). *Convention on Political Asylum*. 26 December 1933. Available online at www.refworld.org/docid/4f3d180a2.html (accessed 23 September 2013).

Parolin, G. (2009). *Citizenship in the Arab world: kin, religion and nation state*, Amsterdam: Amsterdam University Press.

Refugees International (2011). *Buried alive: stateless Kurds in Syria*, 2006. Available online at http://www.refintl.org/sites/default/files/BuriedAlive.pdf (accessed 11 January 2013).

UN Committee on the Elimination of Discrimination Against Women (CEDAW) (2010). *General Recommendations: Tunisia*. CEDAW/C/TUN/CO/6. Available online at www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-TUN-CO-6.pdf (accessed 11 January 2013).

UN Committee on the Elimination of Discrimination Against Women (CEDAW) (2012). *General recommendations: Algeria*. CEDAW/C/DZA/1. Available online at www.un.org/womenwatch/daw/cedaw/cedaw20/algeria.htm#Article9 (accessed 11 January 2013).

UN General Assembly (1954). *Convention relating to the status of stateless persons*. 28 September 1954. United Nations Treaty Series, vol. 360, p. 117. Available online at www.refworld.org/docid/3ae6b3840.html (accessed 23 September 2013).

UN General Assembly (1957). *Convention on the nationality of married women*. 29 January 1957. Available online at www.refworld.org/docid/3ae6b3708.html (accessed 23 September 2013).

UN General Assembly (1961). *Convention on the reduction of statelessness*. 30 August 1961. United Nations Treaty Series, vol. 989, p. 175. Available online at www.refworld.org/docid/3ae6b39620.html (accessed 23 September 2013).

UN General Assembly (1979). *The convention on the elimination of all forms of discrimination against women (CEDAW)*. Available online at www.refworld.org/docid/453882a422.html (accessed 23 September 2013).

UN General Assembly (1989). *Convention on the rights of the child*. 20 November 1989. United Nations, Treaty Series, vol. 1577, p. 3. Available online at www.refworld.org/docid/3ae6b38f0.html (accessed 23 September 2013).

UN General Assembly (2010). *Report A/HRC/WG.6/9/LBN/2*. Available online at http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A.HRC.WG.6.9.LBN.2_Lebanon_eng.pdf (accessed 11 January 2013).

UNHCR (2010). *The situation of stateless persons in the Middle East and North Africa*. October 2010. Available online at www.unhcr.org/refworld/pdfid/4cea28072.pdf (accessed 11 January 2013).

UNHCR (2011). *Global trends 2011*. Table 7: Stateless persons, 2012. Available online at www.unhcr.org/pages/4fd9a0676.html (accessed 15 January 2013).

UNHCR (2012). *Background note on gender equality, nationality laws and statelessness*. 8 March 2012. Available online at www.unhcr.org/refworld/pdfid/4f59bdd92.pdf (accessed 13 January 2013).

UNHCR and CRTD-A (2012). *UNHCR and CRTD: a regional dialogue on gender equality, nationality and statelessness*. Available online at www.refworld.org/docid/4f267ec72.html (accessed 23 September 2013).

Women's Learning Partnership (2006). Claiming equal citizenship: the campaign for Arab women's right to nationality. Available online at http://play.learningpartnership.org/en/news/enews/2006/iss14/claiming (accessed 1 July 2013).

Women's Learning Partnership (2011) *Post-revolution, Egypt establishes right of women married to Palestinians to pass nationality to children*. 13 May 2011. Available online at www.learningpartnership.org/lib/post-revolution-egypt-establishes-right-women-married-palestinians-pass-nationality-children-1 (accessed 14 January 2013).

Women's Refugee Commission (2013). *Our motherland, our country: gender discrimination and statelessness in the Middle East and North Africa*. June 2013. Available online at www.refworld.org/docid/51c02a084.html (accessed 23 September 2013).

18

Conviviality and negotiations with belonging in urban Africa

Francis B. Nyamnjoh and Ingrid Brudvig

Urban life in Africa depends on the extent to which Africans circulate or are circulated. In a context characterized by accelerated and flexible mobility in many regards, limiting citizenship and belonging to bounded and legal indicators is problematic (Gupta and Ferguson 1992, 1997; Nyamnjoh 2007a; Geschiere 2009; Manby 2009; Isin 2012). The city, urban transport most especially, offers us a privileged site to fathom how Africans in their flexible mobility negotiate their citizenship through relationships (Holston 1998). As Edgar Pieterse (2008, 2009, 2010) argues, understanding the sense of belonging that citizens feel, display, mobilize, invest in, and invariably ambiguate is essential to the challenge of exploring and theorizing 'African cityness'. This chapter thus illustrates how forms of citizenship manifest and interplay in urban Africa in the context of public negotiations with belonging, being, and becoming. It draws insight from the experience of transit – and using public transport, in particular – to demonstrate the nature of social relations and conviviality in urban places characterized by mobilities. An analytical focus on conviviality in the everyday narrative of 'insiders' and 'outsiders' and their relationships as 'intimate strangers' demonstrates the thorny paradoxes of intimacy and mutuality, representative of contestations with belonging taking place in urban African crucibles of becoming (Nyamnjoh 2006a, 2011, 2012a; Pieterse and Simone 2013). Conviviality rests on the nuances inscribed and imbibed in everyday relations – the micro-trends of socialization. The nature of a study about conviviality involves an investigation into styles of relating, of sociability, and of how communality emerges from a negotiation of the constructive and the destructive. Conviviality may emerge from a resolution of frictions which, when turned into meaningful relationships, may actually facilitate mutual interests and mutual trust. Like Arthur Schopenhauer's porcupines compelled to keep their quills in check in the interest of huddling together for warmth in winter (Farmer 1998: 422), conviviality makes possible interdependence amongst humans whose tendency is to seek autonomy even at the risk of dependencies. This chapter further demonstrates the implications of notions of 'insiders' and 'outsiders' on the study of belonging in and around urban Africa where the reality of identities is composite, arguing that the complex nuances and nuanced complexities of everyday lives of African citizens and mobile Africans are best addressed through a complementarity between formal academic accounts and other perspectives; approaches and genres such as, but not exclusive to narrative fiction (Nyamnjoh 2011, 2012a, 2013). We point to how such alternative narrative techniques

create enlightening prospects for reflecting upon the complex and nuanced dynamics of 'insiders' and 'outsiders' and their manifestations in the everyday frontier lives of intimate strangers in urban Africa.

Urban conviviality has little room for neat dichotomies emphasizing distinct places and spaces for different social categories and hierarchies, as urbanites, like porcupines compelled to huddle together to keep warm in winter, can ill afford to insist rising above the messiness of everyday realities. The entangled, interconnected, or even mangled lives of urbanites suggest an approach at understanding them that seeks to marry the emotional and the rational which they embody as social and relational beings. While scholarly accounts of African mobility are rich, varied, and commendable (De Bruijn *et al.* 2001; Adepoju 2002; Crush and Tevera 2010; Crush and Frayne 2010; Landau 2011; Landau *et al.* 2013), they stand to be enriched by a broad range of perspectives and narratives distilled away from the ivory towers of academia and its logic of practice. Quantitative and survey-type studies proliferate, while there is a near absence of ethnographic studies even of the worst type (Owen 2011; Nyamnjoh 2013). Capturing the intricacies of mobile lives beyond the imperatives of objectivity and its veneer of rigour, entails an approach that privileges dignity, a common humanity and reflectivity as permanent work in progress (Nyamnjoh 2012b). This calls for greater modesty and open-mindedness in our pursuits as scholars, as we are challenged to be forever mindful that no one has the monopoly of insights, and often such insights might not be found in scholars but out there, amongst those on whom we base our scholarship. The standard expectations of what constitutes a scholarly text often do little justice to 'the multivocal and multifocal dimensions of everyday negotiation and navigation of myriad identity margins' (Nyamnjoh 2013: 653). In welcoming the fluid boundaries of belonging, we are led towards fiction and personalized accounts of belonging, as these intimate tales complement scholarly perspectives on mobility, thereby interrogating fixed notions of 'us' and 'them', 'citizen' and 'subject', 'urban' and 'rural', 'insiders' and 'outsiders'. Participatory research methods, however profoundly engaging, should be harmonized with alternative accounts, formed through narrative dialogue and reflexive considerations to ensure a multiplicity of perspectives that is critical to the production of knowledge (Nyamnjoh 2011, 2012a, 2012b, 2013).

Belonging, its trials and tribulations

While forces of globalization have fostered increased functional integration in the world economy, trends towards cosmopolitanism are, quite surprisingly, often impeded by hardened ideas of who belongs where, with whom, and under what conditions. The upsurge of political obsessions with belonging, best demonstrated by the excluding of 'strangers' from constitutional rights and social life and in various countries both in Africa and around the world, appears counter to the prospects of global market integration and capital flows (Geschiere and Nyamnjoh 2000; Ceuppens and Geschiere 2005). The exclusion of socially constructed 'outsiders' and the ever diminishing circles of belonging manifest through unexpected forms and equally unexpected force with which individuals and communities are claiming authenticity and autochthony over particular localities, cultures, and identities (Geschiere 2009; Comaroff and Comaroff 2009). The rapidly increasing mobility of people nationally and transnationally has generated a powerful renaissance of the rhetoric of 'purity' and 'belonging'. Rooted in local politics and at the intersections beyond the local and the global, claims to belonging – and therefore to special rights and entitlement to resources and freedoms – are not new, but have re-emerged with force in the twenty-first century. This has led to increasingly socially tenuous predicaments for those who inhabit African cities as crucibles of composite identities (Devisch

1996; Simone and Abouhani 2005; De Boeck 2008, 2009, 2010; Freund 2009; Landau 2011; Bekker and Therborn 2012; Ardayfio-Schandorf *et al.* 2012; Yengo 2012; Pieterse and Simone 2013), as density and diversity are frowned upon in the interest of fantasies of purity, beauty, and autonomy (Jacobs [1961] 2011). However, negotiating the boundaries of being an insider or an outsider should be always a work in progress. Belonging is permanently subject to renegotiation and is best understood as relational and situational. This mandates the need to understand interconnecting global and local hierarchies – be these informed by race, place, class, culture, gender, age, or otherwise – that shape connections and disconnections, and produce, reproduce, and contest distinctions between insiders and outsiders as political and ideological constructs which defy empirical reality (Nyamnjoh 2013: 654).

Urban modes of mobility in Africa

Mobility and migration are the order of the day in African cities and urban spaces (De Bruijn *et al.* 2001; Adepoju 2002; Crush and Tevera 2010; Crush and Frayne 2010; Landau 2011). Migration is often, but not exclusively, a survival response. The need to become mobile may be imperative when citizens and subjects in urban or rural spaces and places endure insecurities that limit their access to basic needs through normal channels. Further, when not simply relegated from 'townsmen' to 'tribesmen' by apartheid-type legislation and inequalities (Mayer 1971), without the certainty of regular employment or of a place to call home and without hope for a sustainable livelihood or access to satisfactory medical and educational services, urban residents become uncommitted to locality in the long term (Bank 2011). Despite family or other emotive commitments to locality, 'home' becomes an encumbrance when it no longer serves critical needs. One may respond to emerging insecurities by moving more frequently and with short notice, in which forging tactical alliances becomes critical (Murray and Myers 2006:119; Sharp 2008). Conviviality emerges through the formation of such tactical alliances, as they are often crafted out of mutual need – a reciprocity that holds great value in the context of urban anonymity. Mobile encounters involve experiments with multiple, layered, and shifting identities that are tried and tested through convivial interactions (Owen 2011; Nyamnjoh 2011, 2012a, 2013).

In Chinua Achebe's novel *Arrow of God* Ezeulu advises: 'The world is like a Mask dancing. If you want to see it well you do not stand in one place' (Achebe 1974: 46). To observe urban Africa in motion we must take a closer look at mobile urbanites in urban transport. The experience of urban mobility is marked not only by encounters between and beyond cities, but also by the experience of travelling within cities. Transit typifies both tales of travel and the experiences of urban life (Malaquais 2006: 38). Modes of transport are reflective of sociopolitical histories, relations with public service, and local economies. In South Africa, for example, urban public transport continues to be premised on the vestiges of urban socio-spatial and racialized distancing instilled by apartheid geography. The post-national liberation period in South Africa has witnessed continuing socio-economic marginalization of the majority of those previously excluded under apartheid. Dawson elaborates: 'Despite evidence of a burgeoning black middle class – commonly referred to as South Africa's "black diamonds" – the extension of citizenship to scores of poor, black South Africans has meant very little' (Dawson 2010: 382). Cape Town in particular, continues to endure urban separation and social segregation, characterized by divisions of society based on identity, what Arturo Escobar (2008) terms a 'political ecology of difference'. Despite a discourse of 'inclusivity' and 'democratic practice', the city continues to suffer from the effects of the past, which manifest through spatial distancing and social non-interaction amongst groups (Morgan and Guerrero Casas 2013). Thus, barriers to creating a deracialized society persist, as space continues to define access to resources, services, and land;

patterns of inclusion and exclusion; and relationships of power – both between socio-economic and political groups and within specific communities (Harris 2003). Further, the trends towards a discourse of cosmopolitanism are, quite surprisingly, often refuted by hardened ideas of who belongs where, with whom, and under what conditions. This continues to create fragmented spaces that prejudice inclusive means of transport, as township localities are dispersed and located farther away from major industrial and commercial towns than localities of their rising class counterparts. The spatial polarities of urban habitats create transport burdens that further distance urban neighbourhoods (Adeboyejo *et al*. 2011: 57; Cross 2013; Landau *et al*. 2013). Paradoxically, national citizenship and its emphasis on large-scale, assimilationist, and bounded notions of belonging (Nyamnjoh 2007b) fares poorly in a context characterized by disparate access, inherent urban contradictions, and facades of social unity.

The ubiquity of the kombi

Informal transport systems, such as that of the minibus taxi or kombi, an urban transport bus, provide a critical source of transport given the predicaments of spatial distancing and lack of transport alternatives in urban African cities. Celebrated as one of the most extraordinary socio-economic phenomena (Khosa 1991), advocates of free-market enterprise see the growth of the kombi industry as indispensible to the economy. Beyond their obvious utilitarian function, kombis provide a window on many socio-economic and political facets of postcolonial Africa. They are associated, as Mutongi writes,

> with issues of organized crime, indigenous entrepreneurship and informal economies, transition to democracy and to free market economies, class and respectability, popular culture, globalization, and rural-urban migration. They have also served as public sites where gossip is exchanged, fashions are displayed, politics are disputed, and crimes are perpetrated.
>
> *(Mutongi 2006: 550)*

Kombis provide a critical linkage between places of residency – including spaces of variants of wealth and marginality – and places of employment and public life. Ubiquitous to African cities, kombis represent a realm of mobility where socio-economic, cultural, and political ideas and values become public and contested. Thus, informal transport in African cities allows for greater public participation, social mobility, and perhaps even class abatement (Marshall 1963; Dawson 2010: 382) in ways that actualize both the possibilities and limitations of citizenship.

Dominant and often publicly preferred over formal means of public transport (Kumar and Barrett 2008), kombis, maintained by self-employed drivers, perform a critical role in the public transport industry. Since their profit is dependent upon presence, efficiency, and, critically, the maintenance of conviviality – including safety and trust – within the industry, prejudices are disincentivized in favour of collectivity, real or enacted. The often fierce competition among kombi drivers rarely spills over to involve passengers, although, as Kenda Mutongi (2006) argues in relation to the *matatu* in Kenya, passengers are sometimes co-creators of the fierce entrepreneurship and thuggery often associated with the minibus taxi industry. Conviviality in the kombi industry is dependent upon a web of social and economic relations between drivers and passengers, whose differences (which are often confronted in public spaces of mobilities) must be put aside, if only momentarily, in order for individuals to continue to reap mutual benefit. For many trapped in poverty and crammed ghettos this provides rare occasions to fulfil their expectations of citizenship otherwise confined to abstract statements in constitutions and public pronouncements by politicians.

Bellville as a place of transit

Drawing upon Bellville – a commercial trading area located approximately 25 kilometres from Cape Town and centrally connected via kombi and train and bus stations – one may argue that mobility is definitive of social life and citizenship, rather than exceptional. Mobility is 'ubiquitous' (Adey 2010: 1). It is experienced all the time and in many different forms such as through transport, daily routines in and around Bellville, and by way of life histories that have become characterized by movement. While people move in and out of Bellville, services, information, capital, and goods too become mobile (Adey 2010: 3). This has created an infrastructure of mobility that is characteristic of 'spaces of flows' (Adey 2010: 11). Bellville is representative of a plethora of urban spaces, characterized by mobilities and interconnection in Africa, where mobility is distinctive both for those who come and go on a daily basis and for those who are – or have become – more or less 'regulars' there. Public transport stations of Bellville are characteristic of close and varied as well as anonymous and fleeting encounters (Frank and Stevens 2007: 78), where social relations become constituted through various entities – what Latour (cited in Urry 2008: 13) calls 'circulating entities' – that bring about relationality within and between localities at varied distances. As urban spaces characterized by transit become increasingly diverse – frequented, as Bellville is, by local and pan-African migrants seeking income-generating opportunities such as informal trading, shopkeeping, and other ad hoc livelihoods – the spaces too become symbolic of movement and transition informed by ideas of being, redefining urban space in light of its multiple connections that cut across citizenship, place, and locality. We might suggest that belonging is, therefore, permanently subject to renegotiation – best understood as relational to the space, place, and landscape of mobilities in which it is situated. In places such as Bellville, belonging and citizenship are not inherently mutual and, as such, rights and privileges to the city do not inherently conflate with both citizenship and the sentiment of belonging.

The functionality of public transport services and the significance of the stations as prominent landmarks in Bellville are dependent upon a fine line of conviviality. As a multitude of travellers pass in, out, and through, each day, the kombi station becomes a place of intense negotiation and interaction, sometimes good and sometimes bad. In a place where the national reserve patrol commuter trains (Tyger Burger 2012) and migrants claim 'you must ride in first class, or they may beat you up and throw you out the window' (interview on March 15, 2013 in Bellville), it is clear that daily mobility in Cape Town poses the potential for violence and intimidation. Public transport stations are places where differences meet, where forms of collective life and collective experiences of otherness take shape. The kombi station may be analysed as a 'heterotopic space' (Foucault, 2007) – a space where conviviality is often contested, critical to the spatial dimensions of citizenship amongst migrant and local communities; or amongst those who may not otherwise find themselves in such close encounters with perceived 'others'. The kombi station becomes a space of conflict and competition as people struggle to meet their own personal objectives and to define their place and others' spaces. Bursts of deadly confrontation and conflict frequently erupt between taxi associations over control of stations and routes, 'pirates' (illegal market entry), and the number of taxis that a single operator can maintain without monopolizing the market. Known as 'taxi wars', conflict in the kombi industry is often violent and frequently leads to death and the destruction of property (Khosa 1991: 239). As the kombi station in Bellville demonstrates, conviviality may be a difficult force to cultivate and maintain, requiring vigilance and even suffering in order to collectively deter negativity and maintain equal accessibility to a critical service such as daily public transport.

Bellville, as a place of rapid movement and interchange of people, largely propelled by economic activities, daily transport services, and a myriad of other ways of getting by, is representative

of the possibilities for conviviality. Bellville, as a space of mobility, is a place shared by international migrants (such as the large numbers of Somalis who have established businesses and diaspora networks that involve Bellville), South African migrants (such as those who have migrated from other regions for work and income-generating strategies), and 'locals', as well as people passing through. Conviviality emerges in public places of transit such as Bellville because of the dynamics of social capital and forms of local governance that encourage notions of inclusion and belonging for people whose affiliations to South Africa represent a spectrum of citizenship possibilities. As a kombi driver who transits in and out of Bellville remarked, 'The taxi rank is the safest place of Bellville – if anyone steals from you then others will see and they will protect you' (interview on September 15, 2012 in Bellville). Furthermore, there is an informal office at the taxi rank in Bellville where 'if any taxi driver upsets a customer, the customer can report it to this office and the driver will get the shit beaten out of him' (ibid.). Public transport unites those who otherwise may not associate; once conflict erupts and destroys mutual benefit, one realizes that differences must be put aside. The thorny nature of human intimacy that is realized through public transport leads us to question whether autonomy can bear the closeness that dependence demands. Social codes while travelling in transit – so called transit mannerisms – are reflective of the moderate distance which people discover to be the only tolerable condition of intercourse; and those who transgress it are roughly told to keep their distance. This is representative of how the sentiment of belonging rests on a foundation of collectivity within individuality. Collectivity may be motivated by personal insecurity and communal desires for safety, generated by the uncertainties associated with mobility.

Mobile lives and literary mobility

The marriage of ethnographic research techniques and fictional narratives creates enlightening prospects for reflecting upon the dynamic interconnections of 'insiders' and 'outsiders' and their fleeting interactions while in transit. Fiction techniques further contextualize the emergence of conviviality in the lives and experiences of characters, highlighting the context of their mobility and their experience of negotiating the parameters of belonging. Most scholarly accounts of African mobility and citizenship (including ethnography) are limited to the extent that they often fail to capture the complexities and nuances of mobile Africans. However, fictional literature succeeds in narrating the everyday, thus mitigating the empirical nature of so-called social scientific studies in which subjects are often represented as research subjects rather than characters with personalities, feelings, and personal and social beliefs. Belonging has become a fervent desire expressed through a deepening nostalgia for 'indigenous' origination, a patrolling for 'authentic' citizens, and a discourse of heterogeneous group identity. However, such notions are often left uncaptured by scholarship through its reproduction of bounded notions of belonging. It is, therefore, through fiction and the use of narrative techniques that the experience of belonging in the everyday becomes compassionately portrayed (Nyamnjoh 2011, 2012a, 2012b, 2013).

Narrative fiction, the ethnographic imaginary, and citizenship's nuanced forms

The case has been made for the need for ethnography in understanding the relationships that make citizenship materialize in nuanced and complex ways that authenticate or challenge its legalities and abstractions. Thus, for example, Nevue *et al.* (2011: 946), argue that an ethnographic approach 'underscores the importance of being attentive to the specific ways in which citizenship is mobilized, without subsuming it under a universal narrative or theory'. Just as legal

indicators are hardly adequate for measuring the meaning of citizenship in Africa (Manby 2009), we argue that an ethnographic imaginary does not suffice to correct the limitations of an abstract and legalistic approach to citizenship. There is great value in the twinning of ethnography with fiction to demonstrate the resurgence of identity politics and guarded intimacy amongst intimate strangers in contemporary Africa (Nyamnjoh 2011, 2012a). The everyday reality of insiders and outsiders within the contexts of postcolonial Africa are explored narratively through works of fiction such as *Intimate Strangers* (Nyamnjoh 2010) and *A Nose for Money* (Nyamnjoh 2006b). The thrills and tensions, possibilities and dangers, and rewards and frustrations of social, cultural and physical boundary-making and boundary-crossing are narrated, for example, in *Intimate Strangers* (Nyamnjoh 2010). A complex fictionalization of 'the everyday', *Intimate Strangers* demonstrates the experience of navigating the waters of belonging in an African city as negotiator and navigator of various mobility and identity margins. It evokes empathy in the reader, as a reflexive reading creates a 'mirror effect'; its messages may be wholeheartedly familiar to many. In the tale, Immaculate, an outsider, a stranger, a *makwerekwere*, follows her fiancé to Botswana only to find he has gone to the United States and refuses to marry her. Immaculate is, however, determined to outwit victimhood. She recounts,

> I was disappointed, and jilted, and thinking about my parents. Everybody asked me to come home. But I thought, 'Do I want to show them I failed?' That's what came into my mind … Tough as the going was, I was determined to stick in there and hope for the best. Like a proud hunter, I refused to go home until there was game to show and share.'
>
> *(Nyamnjoh 2010: 20)*

Despite operating at the 'margins of society', Immaculate encounters a transnational researcher, Dr Winter-Bottom Nanny, who takes her on as a research assistant. Through her research on 'maids and madams', Immaculate learns how maids struggle to make ends meet and how their employers wrestle to keep them as 'intimate strangers'. The reader is brought into Immaculate's everyday world – introduced to what it means to be an intimate stranger – as the relationships that Immaculate forges with locals, citizens, and fellow outsiders of various backgrounds and social positions shed light on the experience of negotiating belonging in a foreign country.

Immaculate's encounters while travelling in kombis in Botswana demonstrates her experience in negotiating the boundaries of identity and belonging as a foreigner. Local social codes and mannerisms known and employed 'naturally' by so-called citizens leave her vulnerable, as she is yet to be acculturated into the know-how and lingo of informal taxis in Botswana. However, such proficiency is only gained through experience. She feels amateur in this new locality and bases her actions on the mannerisms learned in kombis in her home country. Despite her perceived social location as an 'outsider' or *makwerekwere* in other public and fleeting encounters, she is surprised to be neutrally, even positively, accommodated in the kombis in Botswana. She is welcomed as an intimate stranger by those who might otherwise perceive her as profoundly 'other'. Drawing upon Nyamnjoh's fictionalized account, his character, Immaculate, notes:

> When I would go forward to the kombi driver, he would say in Setswana, 'Pay the fare.' Although I didn't understand a word, I knew he wanted the money. So all the coins I had in my hand, I would just give them to this guy, which would sometimes annoy him, as he would have to spend time counting the money to find the right amount … What really impressed me about Botswana was, this guy didn't say, 'Oh, she is a foreigner! She doesn't know anything.' Even when annoyed, he would count the money patiently, take his and hand back my balance. I was so impressed. Back at home, there are situations where they

> will not bother about change. They will just take your money and go. But here, they have done like the bus driver to me in several cases. If I give too much money, they'll say, 'No, take your change.' They will not just keep quiet the way people would most likely do back home.
>
> *(Nyamnjoh, 2010:32)*

Immaculate's experience travelling in the kombi evokes her comparative consideration of 'us' and 'them' – redefining her own self-perceived status and the extent to which she is perceived to 'authentically belong' amongst citizens who might otherwise seek to take advantage of her as a newcomer. Rather than being subjected to social vulnerability, a victim on whom to prey, she is treated as any other citizen would be treated. The kombi, as a realm of belonging, rests on a fine line of conviviality, as the balance between autonomous, perhaps desirable, self-enhancement, in the case of Immaculate, may be sacrificed for collective long-term business goals and professionalism. Of course, this is not always the case, and tales from Bellville and elsewhere demonstrate how migrants and non-nationals, in particular, are taken advantage of – such as by being told that they have not yet paid, when in fact they have, forcing them to pay triple the fare lest they be harassed and further demonized for being foreign. As *Intimate Strangers* demonstrates, it is through literary forms and emotional appraisal that the tensions of being, belonging and becoming that bring together different worlds are explored through dimensions of servitude, mobility, marginality, transit and transition (Nyamnjoh 2013:664).

Fictionalizing the irony of citizenship and its encounters

In another instance in *A Nose for Money* (Nyamnjoh 2006b), Prospère, a migrant worker employed by the Mimboland Brewery Company as a delivery driver, laments having to battle traffic upon his return home to his wife Rose. The passage is reflective of convivial trials, bribing, and relationships that emerge while in transit and represent the performance of public citizenship. It provides a metaphor for the experience of battling for upward social mobility in Douala, Cameroon and of negotiating one's relationship as an 'insider'. While stuck in traffic, people seek to enhance their prospects for any further mobility – drivers attempt to circumnavigate and in doing so challenge not only fellow-drivers but driving codes; street hawkers descend on travellers who remain stuck without the prospect of mobility, their own mobility resting upon the chance that travellers may be convinced towards gestures of goodwill to pass the time; and police prey physically and emotionally on people's desperation in the face of immobility, accepting gifts as favours of institutionalized conviviality. Nyamnjoh writes:

> It was noon and the traffic was heavy as usual. The sound of impatient hooting filled the air as civil servants hurried home for their midday break. Cars jostled one another as they each tried to take advantage of little openings here and there, now and again, on the intensely pot-holed roads. Prospère was angry and impatient with the crawling traffic. Old battered cabs in yellow claimed both the roads and the sidewalks, stopping and starting with no regard for other vehicles. In connivance with their obstructions were policemen, stopping them not to address such irregular driving but to bore their way into the day's earnings. There was nothing he hated so much as having to wait when he had something pressing to do, and getting back home to Rose, who spent so much time alone, was pressing enough. He fumed at the cab driver and policeman exchanging papers and money in front of him. He worked hard for his money, and didn't like the thought of passing it over to law enforcement agents for nothing other than the right to go home. More than once he

> gambled with a tum into a side street, but the situation was never any better, and he only cursed his impatience or blamed others the more. Everywhere the traffic was thicker than the number of trees in the rubber plantation of the Mimboland Development Corporation of Kotim, and slower than a funeral procession. The fact that seven out of every ten drivers on the road at that time knew next to nothing about the Highway Code, only made matters worse. Driving in this car-infested pot-holed city of Sawang wasn't fun even at the best of times. At least not for him.
>
> *(Nyamnjoh, 2006b:3–4)*

Such traffic jams are a common occurrence in African cities (Mutongi 2006; Kumar and Barrett 2008), as the late Fela Anikulapo Kuti of Nigeria reminds us in his song, *Go Slow*, released in 1972.[1]

In another instance, Prospère finds his fate suddenly changed upon meeting two men on the side of the road desperate for car assistance after running out of fuel. Nyamnjoh writes,

> Prospère decided to give them a chance, his fears notwithstanding. Drivers and road users in general are forced to show solidarity towards one another. If you fail to help a fellow driver out of his mechanical hiccups or fuel problems, tomorrow it could well be your turn. One good turn deserves another. Who could drive on these roads without the assistance of others?
>
> *(Nyamnjoh 2006b: 33)*

Prospère's acquaintance with Jean-Marie and Jean-Claude, two counterfeiting and money-doubling businessmen, is driven by the hope of mutual opportunity. Circumstances of conviviality that guide their relationship change his life prospects, which the reader experiences alongside their unravelling. A myriad of encounters, negotiations, and navigations of difference influence Prospère's life, and he embodies the idea of flexible mobility and flexible identities – the composite reality of being African in an urban context where individuals are challenged to embrace, internalize, and celebrate multiple dimensions of being and belonging to steer (or become steered by) their life circumstances.

Porcupines and the predicament of space

Cities in urban Africa may be seen as communities of 'intimate strangers', regardless of what the law and fundamentalist tendencies towards frozen and fortressed articulations of belonging might suggest. The occupation of a shared urban space and similarities of motives for journeying towards a life in the city evoke an intimacy driven by collective experiences. However, intimacy is subjugated by the politics of belonging, creating tensions that forever hold 'strangers' an arm-and-a-half's length away. Urbanites are like Schopenhauer's porcupines, their quills out to protect against even the most warm-hearted neighbours. Like the porcupines in Schopenhauer's parable – who shuffle closer together seeking mutual warmth, only to feel the mutual effects of their own quills and shuffle back – an equilibrium point is reflective of the harsh contrariety of their context (Schopenhauer 1974; Farmer 1998). Defensive quills create a 'protective' barrier, reasserting notions of 'self' and distancing from the 'other'.

Physically intimate as a result of the overcrowded and often uncomfortable commute in minibus taxis, kombis and *matatus*, passengers' defensive quills are reflected through mannerisms such as the agentive retreat into earphones or mobile phones, signifying unavailability to those whose quills already reach too close. Yet, every daily experience of the tensions and dangers of

quills are subtle calls to detect and institutionalize ongoing strategies towards conviviality for all porcupines involved. The stories of Immaculate and Prospère demonstrate how intimate strangers' convivial encounters with one another reflect new and emerging identities, new social paradigms, and emerging configurations of urban rights and employment.

Conclusion

The rapid growth of cities has gone hand in hand with social confrontations over the use of urban space. Citizenship and belonging are negotiated in spaces of public transit, and, as demonstrated by way of example, Bellville's transit points for trains, taxis, and buses are dependent upon a fine line of conviviality. As a multitude of travellers pass in, out, and through each day, the zones of mobility and public transport become places of intense negotiation and interaction, sometimes good and sometimes bad. Conviviality emerges in the frequent interplay between dynamics of group autonomy on the one hand and interdependent communalism of groups on the other hand. Tensions are often put aside out of mutual necessity to make one's way throughout the city. Conviviality emerges out of the necessity to earn one's living, to surmount the tensions and divisions of inequality with attempts at flexibility propelled by the need to get by. Conviviality, in many ways, results from compliances with cultural implications of power. Its intricacies in the lived everyday are, in fact, steeped in tensions. Fiction captures the essences of conviviality as it is experienced in the everyday lives of intimate strangers and insiders and outsiders, thus enriching empirical research methods and the knowledge they generate.

As Immaculate recounts to Dr Winter-Bottom Nanny in *Intimate Strangers*, 'Life in the kombi, I think it just depends where you come from, who you meet, what makes them look at you, and how you take it all in' (Nyamnjoh, 2010:33). Urban negotiations over citizenship and belonging emerge in individualized, yet anonymous spaces, frequented by 'intimate strangers' whose closeness and shared social codes become the basis for new and enlightening prospects for inclusion. Kombis and other forms of informal public transport in African cities provide critical spaces for understanding interconnecting global and local hierarchies – be these informed by race, place, class, culture, gender, age, or otherwise – that shape connections and disconnections, and produce, reproduce, and contest distinctions between insiders and outsiders. Political and ideological constructs prove themselves futile when those who might otherwise employ a discourse of difference realize the economic necessity of maintaining a fine balance of collectivity. Such is the nature of conviviality, as it emerges from recognition of destruction and a conscious effort to positively reconstruct.

Note

1 http://songmeanings.com/songs/view/3530822107858730590/ (accessed 30 October 2013).

References

Achebe, C. ([1964] 1974). *Arrow of God*. London: Heinemann.

Adeboyejo, T. A., Bikam, P., Chakwizira, J., and Dayomi, M. A. (2011). 'Some missing dimensions of urban public transport in Africa: insights and perspectives from South Africa', *The Built & Human Environment Review* 4 (2): 56–84.

Adepoju, A. (2002). *Issues and recent trends in international migration in Sub-Saharan Africa*. UNESCO, Oxford: Blackwell.

Adey, P. (2010). *Mobility*. London: Routledge.

Appadurai, A. (2006) *Fear of small numbers: an essay on the geography of anger*. Durham, NC: Duke University Press.

Ardayfio-Schandorf, E., Yankson, P. W. K., and Bertrand, M. (2012). *The mobile city of Accra: urban families, housing and residential practices*. Dakar: CODESRIA.

Bank, L. (2011). *Home spaces, street styles: contesting power and identity in a South African city*. London: Pluto.

Bekker, S. and Therborn, G. (eds.) (2012). *Power and powerlessness: capital cities in Africa*. Cape Town and Dakar: HSRC and CODESRIA.

Bocquier, P., Otieno, A. T. A., Khasakhala, A. A., and Owuor, S. (2009). *Urban integration in Africa: a socio-demographic survey of Nairobi*. Dakar: CODESRIA.

Campbell, E. H. (2006). 'Economic globalization from below: transnational refugee trade networks in Nairobi', in M. J. Murray and G. A. Myers (eds.) *Cities in contemporary Africa*. New York: Palgrave Macmillan: 125–48.

Ceuppens, B. and Geschiere, P. (2005). 'Local or global? New modes in the struggle over citizenship and belonging in Africa and Europe', *Annual Review of Anthropology* 34: 385–407.

Comaroff, J. L. and Comaroff, J. (2009). *Ethnicity, Inc*. Durban: University of KwaZulu Natal Press.

Cross, C. (2013). 'Delivering human settlements as an anti-poverty strategy', in U. Pillay, G. Hagg, and F. Nyamnjoh, with J. Jansen, (eds.), *State of the nation: South Africa 2012–2013: addressing inequality and poverty*. Cape Town: HSRC: 239–72.

Crush, J. and Frayne, D. (2010). *Surviving on the move: migration, poverty and development in Southern Africa*. Johannesburg: Institute for Democracy in South Africa.

Crush, J. and Tevera, D. (2010). *Zimbabwe's exodus. crisis, migration, survival*. Johannesburg: Institute for Democracy in South Africa.

Dawson, M. (2010). 'The cost of belonging: exploring class and citizenship in Soweto's Water War', *Citizenship Studies* 14 (4): 381–94.

De Boeck, F. (2008). '"Dead Society" in a "Cemetery City": the transformation of burial rites in Kinshasa', in M. Dehaene and L. De Cauter (eds.), *Heterotopia and the city: public space in a postcivil society*. London and New York: Routledge: 297–308.

De Boeck, F. (2009). 'Death matters: intimacy, violence and the production of social knowledge by urban youth in the Democratic Republic of Congo', in A. Pinto Ribeiro (ed.), *Can there be life without the other*? Manchester: Carcanet Press: 44–6.

De Boeck, F., (2010). *Cemetery State*. Documentary film. Director: Filip De Boeck. Production: Filmnatie & Viewpoint Productions. Duration: 70 min. Lingala dialogue and English subtitles.

De Bruijn, M., Van Dijk, R., and Foeken, D. (eds.) (2001). *Mobile Africa: changing patterns of movement in Africa and beyond*. Leiden: Brill.

De Bruijn, M., Nyamnjoh, F. B. and Brinkman, I. (eds.) (2009). *Mobile phones: the new talking drums of everyday Africa*. Bamenda: Langaa.

de la Cadena, M. and Starn, O. (eds.) (2007). *Indigenous experience today*. Oxford: Berg.

Devisch, R. (1996), '"Pillaging Jesus": healing churches and the villagisation of Kinshasa', *Africa* 66 (4): 555–85.

Escobar, A. (2008). *Territories of difference: place, movements, life, redes*. Durham, NC: Duke University Press.

Farmer, D. J. (1998). 'Schopenhauer's porcupines: hegemonic change in context', *Administrative Theory & Praxis* 20 (4): 422–33.

Ferguson, J. (2006). *Global shadows: Africa in the neoliberal world order*. Durham, NC: Duke University Press.

Foucault, M. (2007). *Security, territory, population*. New York: Palgrave Macmillan.

Frank, K. A. and Stevens, Q. (2007). *Loose space: possibilities and diversity in urban life*. New York: Routledge.

Freund, W. (2009). The Congolese elite and the fragmented city: the struggle for the emergence of a dominant class in Kinshasa. Working Paper No. 54. Crisis States Research Centre, University of Kwazulu Natal.

Geschiere, P. (2009). *The perils of belonging: autochthony, citizenship and exclusion in Africa and Europe*. Chicago: University of Chicago Press.

Geschiere, P. and Nyamnjoh, F. B. (2000). 'Capitalism and autochthony: the seesaw of mobility and belonging,' in 'Millennium capitalism and the culture of neoliberalism' *Public Culture*, 12 (2): 423–52.

Gugler, J. and Geschiere, P. (1998). 'Introduction: urban-rural connection: changing issues of belonging and identification,' (guest-edited issue: 'The politics of primary patriotism') *Africa*, 68 (3): 309–19.

Gupta, A. and Ferguson, J. (1992). 'Beyond "culture": space, identity, and the politics of difference', *Cultural Anthropology* 7 (1): 6–23.

Gupta, A. and Ferguson, J. (eds.) (1997). *Culture, power, place: explorations in critical anthropology*. Durham, NC: Duke University Press.

Harris, B. (2003). 'Spaces of violence, places of fear: urban conflict in post-apartheid South Africa'. Paper presented on the *Conflicts and Urban Violence* panel, Foro Social Mundial Tématico, Cartagena, Colombia, 16–20 June 2003.

Holston, J. (ed.) (1998). *Cities and citizenship*. Durham, NC: Duke University Press.

Isin, E. F. (2012). *Citizens without frontiers*, London: Continuum.

Isin, E. F., Nyers, P., and Turner, B. S. (eds.) (2008). *Citizenship between past and future*. London: Routledge.

Jacobs, J. ([1961] 2011). *The death and life of great American cities* (50th anniversary edn). New York: Modern Library.

Khosa, M. M. (1991). 'Routes, ranks and rebels: feuding in the taxi revolution', *Journal of Southern African Studies* 18 (1): 232–51.

Kopytoff, I. (1987). *The African frontier: the reproduction of traditional African societies*, Bloomington, IN: Indiana University Press.

Kumar, A. and Barrett, F. (2008). *Stuck in traffic: urban transport in Africa*, Washington, DC: World Bank.

Landau, L. B. (2004). 'The laws of (in)hospitality: black Africans in South Africa.' African Centre for Migration and Society Working Paper. Johannesburg: University of the Witwatersrand.

Landau, L. B. (ed.) (2011) *Exorcising the demons within: xenophobia, violence and statecraft in contemporary South Africa*. Johannesburg: Wits University Press.

Landau, L. B., Segatti, A., and Freemantle, I. (2013) 'Urbanisation and migration: the governance of mobility and spatial inequalities', in U. Pillay, G. Hagg, and F. Nyamnjoh, with J. Jansen (eds.), *State of the nation: South Africa 2012–2013: addressing inequality and poverty*. Cape Town: HSRC: 355–77).

Malaquais, D. (2006). 'Douala/Johannesburg/New York: cityscapes imagined', in M. J. Murray and G. A. Myers (eds.), *Cities in contemporary Africa*, New York: Palgrave Macmillan: 31–52.

Mamdani, M. (1996). *Citizen and subject: contemporary Africa and the legacy of late colonialism*. London: James Currey.

Mamdani, M. (1998). *When does a settler become a native? Reflections of the colonial roots of citizenship in Equatorial and South Africa*. Text of Inaugural Lecture as A. C. Jordon Professor of African Studies, University of Cape Town, 13 May. New Series no. 208. Available online at http://hrp.bard.edu/resource_pdfs/mamdani.settler.pdf.

Mamdani, M. (ed.) (2000). *Beyond rights talk and culture talk*. Cape Town: David Philip.

Mamdani, M. (2009). 'African intellectuals and identity: overcoming the political legacy of colonialism', in W. Gumede and L. Dikeni (eds.), *The poverty of ideas: South African democracy and the retreat of intellectuals*. Johannesburg: Jacana: 122–42.

Manby, B. (2009). *Struggles for citizenship in Africa*. London: Zed Books.

Marshall, T. H. (1963). *Sociology at the crossroads and other essays*. London: Heinemann.

Mayer, P. (1971). *Townsmen or tribesmen: conservatism and the process of urbanization in a South African city*. Cape Town: Oxford University Press.

Morgan, M. and Guerrero Casas, M. (2013). 'Our streets belong to everyone, not just those who drive cars', *Cape Times*. 21 January 2013.

Murray, M. J. and Myers, G. A. (2006) *Cities in contemporary Africa*. New York: Palgrave Macmillan.

Mutongi, K. (2006). 'Thugs or entrepreneurs? Perceptions of *matatu* operators in Nairobi. 1970 to the present', *Africa* 76 (4): 549–68.

Neocosmos, M. (2010) *From 'foreign natives' to 'native foreigners': explaining xenophobia in post-apartheid South Africa: citizenship and nationalism, identity and politics*. Dakar: CODESRIA.

Nieftagodien, N. (2011) 'Xenophobia's local genesis: historical constructions of insiders and the politics of exclusion in Alexandra Township', in L.B. Landau (ed.), *Exorcising the demons within: xenophobia, violence and statecraft in contemporary South Africa*. Johannesburg: Wits University Press: 109–134.

Nevue, C., Clarke, J., Coll, K., and Dagnino, E. (2011). 'Introduction: questioning citizenships', *Citizenship Studies* 15 (8): 945–64.

Nyamnjoh, F. B. (2006a). *Insiders and outsiders: citizenship and xenophobia in contemporary Southern Africa*. Dakar: CODESRIA.

Nyamnjoh, F. B. (2006b). *A nose for money*. Nairobi: East African Educational Publishers Ltd.

Nyamnjoh, F. B. (2007a). '"Ever-diminishing circles": the paradoxes of belonging in Botswana', in M. de la Cadena and O. Starn (eds.), *Indigenous experience today*, Oxford: Berg: 305–32.

Nyamnjoh, F. B. (2007b). 'From bounded to flexible citizenship: lessons from Africa'. *Citizenship Studies* 11(1): 73–82.

Nyamnjoh, F. B. ([1991] 2007b). *Mind searching*. Bamenda: Langaa.
Nyamnjoh, F. B. (2010). *Intimate strangers*, Bamenda: Langaa.
Nyamnjoh, F. B. (2011). 'Cameroonian bushfalling: negotiation of identity and belonging in fiction and ethnography', *American Ethnologist* 38 (4): 701–13.
Nyamnjoh, F. B. (2012a). 'Intimate strangers: connecting fiction and ethnography', *Alternation* 19 (1): 65–92.
Nyamnjoh, F. B. (2012b). 'Blinded by sight: divining the future of anthropology in Africa', *Africa Spectrum* 47 (2–3): 63–92.
Nyamnjoh, F. B. (2013) 'Fiction and reality of mobile Africa', *Citizenship Studies* 17 (8): 653–80.
Owen, N. J. (2011). '"On se débrouille": Congolese migrants' search for survival and success in Muizenburg, Cape Town', PhD Thesis, Department of Social Anthropology, Rhodes University, Grahamstown, South Africa.
Pieterse, E. (2008). *City futures: confronting the crisis of urban development*. London: Zed Books.
Pieterse, E. (2009), African cities: grasping the unknowable. Inaugural Lecture. Cape Town: University of Cape Town.
Pieterse, E. (2010). Cityness and African urban development. Working Paper No. 2010/42. UNU-WIDER.
Pieterse, E. and Simone, A. (eds.). (2013). *Rogue urbanism: emergent African cities*. Johannesburg: Jacana.
Schopenhauer, Arthur (1974). *Parerga and paralipomena: short philosophical essays*. Trans. E. F. J. Payne. Vol. 2. Oxford: Clarendon Press.
Sharp, J. (2008). '"Fortress SA": xenophobic violence in South Africa', *Anthropology Today* 24 (4): 1–3.
Simone, A. M. and Abouhani, A. (eds.) (2005). *Urban Africa: changing contours of survival in the city*. London and Dakar: Zed Books and CODESRIA.
Tyger Burger. (2012). (Newspaper for Bellville and surrounds) 'Metrorail increases security priorities'. July 23, 2012. Available online at www.tygerburger.co.za/articles/articledetails.aspx?id=28468.
Urry, J. (2008). 'Moving on the mobility turn', in W. Canzler, V. Kaufmann, and S. Kesselring (eds), *Tracing mobilities: towards a cosmopolitan perspective*. Burlington, VT: Ashgate.
Yengo, P. (2012). 'Brazzaville: a global village of African culture', in H. Anheier and Y. R. Isar (eds.), *Cultures and globalization: cities, cultural policy and governance*. Los Angeles: Sage: 167–175.

19

Citizenship struggles in the Maghreb

Delphine Perrin

Although citizenship is a fundamental issue in postcolonial states, it has been hardly discussed within the Maghreb countries[1] since independence and until recently. Citizenship regulations were among the first legal texts to be adopted after independence.[2] Yet, they were subject to very few changes in the decades afterwards. This legislative stability has to be seen together with the strength of political regimes and elites in the region. It reflects not only a lack of democracy but also weakness in national questioning and difficulties in state-building.

During the last decade however, a wave of legal reforms has affected the Maghreb and led to unprecedented reforms of citizenship laws in the five countries. This was mainly inspired by the struggle of women for their rights at the regional and national levels, which led to the revision of legislation in Egypt in 2004, then in Algeria (2005), Morocco (2007), Tunisia (2010) and Libya (2010), and, on different grounds, in Mauritania (2010).

Very few studies have been undertaken on citizenship in Maghreb countries. Those studies mostly address aspects of citizenship through what might be called an essentialist orientalism, through the Arab identity of the Maghreb countries and their belonging to the Middle East as a whole (Belkziz 1967; Parolin 2009; Butenschon *et al*. 2000). They are thus studied as part of the Arab and Muslim world, without any kind of subregional specificity. Country-by-country approaches are also scarce, save in the case of Algeria. Because of its traumatic road to independence and its obsessive relationship with France, Algeria's attitude to citizenship after decolonization has been quite extensively studied by French and Algerian-French scholars (Étienne 1968; Mahiou 2005; Le Foll-Luciani 2012; Hosna 2007).

Two approaches have so far limited the relevance of studies of the Maghreb countries. First, there is the essentialist approach, which consists in interpreting their law mainly if not exclusively as dictated by Islam and a *sui generis* precolonial identity. It tends to ignore the political use and construction of ethno-religious determinants by the colonial powers during colonization and by the subsequent regime after independence. Maghreb regimes themselves have indeed provided the necessary material for an essentialist approach by imposing a uniform conception of the nation, considered as homogeneously Arab and Muslim, and by denying any diversity or alternative identity within the population. A second approach has consisted of interpreting the law in the Maghreb as a continuation or transposition of the former colonial power's legal order. The five Maghreb countries were, indeed, all colonized: Morocco and Mauritania by

Spain and France, Tunisia and Algeria by France, and Libya by Italy. The impact of the colonial powers on their law and practice has thus been observed but also presumed. Like the first, this second approach tends to ignore the diversity of regulations across the Maghreb, the specificity of each national route and the legal creativity of the different regimes. Those two approaches are focused on the past and based on the conception of a transhistorical and steady identity in the region, an identity which only colonization would have subverted. Yet the last decade's debates and reforms have highlighted the topicality of the struggles of citizenship – struggles which had been hidden for years and which have recently found the opportunity to emerge. Today, expatriates, women, and other parts of the Maghrebian populations, including Berbers, claim their recognition and their rights as full citizens.

Colonial inheritance

The five Maghreb countries are considered as Arab and Muslim countries and were all once colonies or protectorates. Citizenship is said to have been the creation of colonial powers, since the explicit notion of citizenship was first used in reference to the foreign presence in the territory. This form of citizenship, linking the state to the individual, is considered as distinct from an irreducible precolonial identity based on religion.

Unlike in Europe where sovereignty was primarily territorial, political power in North Africa was established through personal allegiance to authority. In the Western Sahara case before the International Court of Justice (ICJ)[3], Morocco claimed a precolonial sovereignty over this area. Rabat argued that its special character was based on the fact that its people were united by the common religious bond of Islam and the allegiance of the various tribes to the Sultan, rather than by territorial notions (Perrin 2011b: 6). Consequently, 'state' organization was not based on sovereign control over a territory, but on a personal oath to the Sultan as the Commander of the Faithful. Power links depended on Islam, and Arabic became the official national language of the Sherifian Kingdom. There was no strict definition of a citizen, independent of religion. Likewise, at independence, Algerian nationalists invoked the existence of an Algerian nation in the precolonial era, based on the religious bond of Islam. The Arabic language, repressed during colonization, was presented as a second pillar of Algerian citizenship (Hosna 2007: 4).

During the French Protectorate in Morocco, as during French colonization in Algeria, the necessary distinction between settlers and natives relied on *jus soli* (the Indigenous) and *jus religionis* – which also made it possible to separate Muslims and Jews from the indigenous (Hosna 2007: 6).

Decolonization sometimes led to reactions in the immediate post-independence era. Some provisions adopted in the first citizenship regulations certainly reflected a concern *vis-à-vis* the former colonists and tended to prevent former colonials or those who supported them from becoming nationals, but this position was not commonly shared by the Maghreb countries.

Rejection was most obvious in Algeria. Some Europeans and some Algerian Jews – naturalized French by the 1870 *Décret Crémieux* – had fought for independence and stayed in Algeria after the departure of the colonial power. However, a circular of 9 May 1963 relating to the application of the Code of Algerian Citizenship defined 'Algerian of origin' as referred to in the Code, as being a person who has at least two ascendants in paternal lineage born in Algeria with Muslim status. The provision was thus based on the discrimination established by the former colonists between the status of indigenous and the French, and it effectively excluded non-Muslims from the new nation. These 'externals' could apply for Algerian citizenship on the basis of their participation in the liberation struggle. Yet, most were upset at being excluded in such a way and held back from doing so (Le Foll-Luciani 2012: 6). Only French nationality

was thus offered to them, since the Accords d'Évian of 18 March 1962 had given Europeans in Algeria three years to choose between French or Algerian citizenship.

In Morocco, the 1958 citizenship Code retained the double *jus soli* introduced during the French Protectorate, a provision which grants access to citizenship through birth in the country and the father's or both parents' birth in the country. However, to prevent colonial descendants from benefiting from this provision, a temporal limit was introduced. Consequently, children born in Morocco to foreign parents also born there could become Moroccans only if their parents were born after independence. But no time limit was placed on double *jus soli* when applied to Arab-Muslim descendants. Indeed, a person born in Morocco to a foreign father also born there at any time could become Moroccan, if the father came from a country where the majority of the population practised Islam and spoke Arabic and if he belonged to this community. This provision aimed, at independence, at incorporating the numerous nationals of Algerian origin who were to live and work in Morocco. Combined with the previous provision, it also hindered access to citizenship for those from colonial lines, to favour national unity based on shared values. This atypical co-ethnic provision, which links access to citizenship to ethnic characteristics supposedly shared in the country, can be found in Egypt too. It is close to some equivalents in Africa, for instance in Mali, where co-ethnicity is based on African origins. The two forms of *jus soli* mentioned above, and thus the possibility of integrating third-generation foreign nationals, were retained in the 2007 Moroccan reform.[4] In Tunisia, *jus soli* only applies to the fourth generation, in paternal descent, born in the country, and a repudiation right is offered to persons born before 1963.

Until recently, Mauritanian legislation was particularly inspired by the French system and enabled the integration of second- and third-generation non-nationals. The 2010 reform, in some senses, decolonized citizenship law and affected the forms of *jus soli* that were inherited from colonization. The revision removed two major forms of *jus soli* from the previous law and reduced the scope of a third form. The provision enabling children born in the country to foreign parents to opt for citizenship when they come of age, as long as there had been a five-year residency, was suppressed. Similarly, any foreign national born in the country, who had previously been able to apply for naturalization without any previous residency requirement, now has to demonstrate a five-year residency. Mauritania used to grant nationality of origin through double *jus soli*, which disappeared with the reform. Actually, the revision was less inspired by an intention to decolonize law than by a will to reduce the scope of integration of persons likely to be considered as aliens in a nation where ethno-cultural diversity is an issue.

It has to be noted that the automatic acquisition of nationality at birth via double *jus soli*, which had appeared during colonization,[5] was retained at independence in Algeria, Morocco, and Mauritania, all of them former French colonies or protectorates. Yet, double *jus soli* was removed in Algeria seven years later, in 1970 (Mahiou 2005: 400), and in Mauritania in 2010, as if this colonial legacy could not fit these countries' national interests. Being a former French protectorate, Tunisia never opted for the double *jus soli*.

Today, there is hardly any colonial legacy or Maghreb-wide features based on a formerly shared colonial power. Some features are shared by two or more states, like Mauritania and Tunisia in their gender approach, or by Algeria and Libya through the lack of *jus soli*. The absence of a regional model is illustrated by the fact that some features are shared by only some countries of the area. It is also reinforced by the fact that some provisions or approaches are found in one Maghreb country and also in a country outside this area, to the exclusion of other Maghreb states. This is for instance the case with Morocco, which shares its co-ethnic double *jus soli* provision with Egypt alone. This is also the case with Libya, whose ethnic approach makes it closer to Syria and Jordan than to its Maghreb neighbours.

The diversity of citizenship laws in the Maghreb goes beyond, then, a shared colonial past and shared colonial boundaries. It seems also to go beyond the shared Muslim and Arab identity, which is emphasized in the five Maghreb states.

Arabness and Muslimness

Muslim identity is proclaimed in the constitutions of the five Maghreb countries, as well as belonging to the Arab world. These states define themselves as Muslim countries, belonging to the Great Maghreb, with Arabic as their official language. The Maghreb is said to conflate Islamic and Arab identity together and to ideologically link Muslimness and Arabness (Chaker and Ferkal 2012: 118). This leads to the negation of other identities, such as Berber Muslims, Arab Christians, or Jewish Maghrebians.

The gender discrimination which has affected citizenship laws, and especially the scope of *jus sanguinis* in the Maghreb, is not specifically based on Islam. Gender discrimination was widespread till the middle of the twentieth century. It was inspired by patriarchal values common to monotheistic religions. When the first texts on citizenship were adopted in the Maghreb, *jus sanguinis* was exclusively paternal. This was in line with a regional, if not a global, trend, since women had not yet gained equality in terms of citizenship-related rights in many parts of the world, including Europe and notably the former colonial powers.[6] The extent of gender discrimination varies greatly from one Maghreb country to the other and has recently been reduced.

Though mentioned in constitutions from the region, religion is quasi-absent from citizenship laws. Yet, in practice, it may be important in getting citizenship through naturalization and marriage.

Likewise, being an Arab is not a legal condition for citizenship, but it can facilitate access to citizenship. It is emphasized through the requirement to speak Arabic in order to be naturalized, except in Mauritania, where speaking one of three other languages listed in the law can enable naturalization.

Moreover, two national specificities are worth mentioning: the co-ethnic provision in Morocco, referred to above, which provides for a specific and preferential way to get citizenship for Arab-Muslims; and the pro-Arab approach in Libya, which provided Arabs with privileges in their access to citizenship. Law no. 18/1980 entitled 'Libyan Arab citizenship' added facilitations for Arabs wanting to become Libyan citizens to facilitations already provided in the 1954 citizenship law. Still, law no. 456 of 1986 also gave Arab nationals the same rights and duties as nationals if they decided to live in Libya without any need to become a Libyan national. The 2010 reform put an end to positive discrimination in favour of Arabs.

It is to be noted however that, even though they are Arabs, Palestinian nationals are not necessarily naturalized in Maghreb countries, which may avoid granting them citizenship, in accordance with the League of Arab States' 1965 Casablanca Protocol for the treatment of Palestinians in Arab states. The latter prescribed the granting of citizen rights without citizenship. In Libya, Palestinians were not naturalized and Palestinian women married to Libyan males were not granted citizenship, in exception to the provision applied to foreign women married to nationals. In July 2005, Mahmoud Abbas declared that the naturalization of Palestinians abroad would not be looked upon badly by the Palestinian Authority. Then, in October 2009, the Algerian Minister of Justice declared[7] that Palestinians constituted the second largest national group, after French citizens, to have obtained Algerian citizenship since 1970.

Algerians in Morocco or Moroccans in Algeria have also suffered from the consequences of troubled relations between neighbouring states. After the Algerian 'Black Walk' following the

Moroccan 'Green Walk' in 1975, King Hassan II reacted to the expulsion of Moroccan citizens from Algeria and requested that his administration treat Algerian applications for naturalization with circumspection. Yet, of the 1,646 persons who obtained Moroccan nationality between 1959 and 2007, 62 per cent were Algerians.[8] The great majority of applicants for Algerian citizenship are Moroccan citizens living in Algeria and working for Algerian companies. However, according to the Algerian Ministry of Justice, the nationalities with the largest number of people to be naturalized are the French followed by Palestinians, Syrians, Egyptians, Iraqis, Tunisians, and some sub-Saharan citizens. These applicants were, if not all Arab, then at least Muslim.

Finally, an ethnic approach is not necessarily based on Arab ethnicity. Granting citizenship is often a political gesture, intimately linked to interstate relations and national balances. This was particularly true when Libya offered citizenship in the 1980s to a number of (Berber) Tuaregs from Mali and Niger (Boilley 1999: 433), even if Gaddafi persisted in assimilating Berbers and Arabs.

While express mentions of Arab ethnicity or Islam are scarce on the books, they seem to be important criteria when granting citizenship. Access to citizenship in the Maghreb is, in any case, reputed to be long, difficult, and uncertain. The difficulty is not due to the legal criteria for naturalization, which are, for the most part, quite reasonable.[9] It is not due either to the number of requests made for citizenship. Reluctance to grant citizenship is rather based on a mix of immaturity in nation-building, of a closed and 'naturalist' – if not ethno-religious – conception of the nation, and of suspicion and fear toward difference and aliens. Yet, the rejection of diversity has recently been questioned.

It is striking that, unlike other countries in the Middle East, with the exception of Egypt, Maghreb states all reformed their citizenship laws during the last decade, between 2005 and 2010. These reforms are part of an unprecedented legal development in the region and are linked to revisions in related fields such as immigration[10] and family.[11]

Those reforms that preceded the 'Arab Spring' saw development in terms of democracy and the rights of citizens, mainly women and dual nationals, as well as an openness toward diversity. The 2011 uprisings accompanied and confirmed the call for diversity and for the extension of individual rights. They have resulted in, or they may result in, new changes affecting citizenship, insofar as some legal changes tend to improve women's rights, include the diaspora abroad, and recognize diversity in the nation.

Extending women's rights

Except in Mauritania, the latest reforms of citizenship laws in the Maghreb have improved women's rights and, by extension, children's rights. *Jus sanguinis* was initially exclusively paternal, which means that only the father passed his citizenship on to his children and wives.

Tunisia and Mauritania were the first states in the region to change this situation in the 1960s, when they recognized a mother's right to transmit citizenship to children born to foreign fathers. Yet, gender equality was not full even in these cases. The transmission of citizenship was automatic only when the child was born in the country. *Jus soli* was thus an additional necessary condition to female *jus sanguinis*. In Morocco, Algeria, and Libya, children born to a national mother and a foreign father remained aliens in their own country until they came of age. The transmission of the mother's citizenship was possible only when the father was unknown or stateless, to avoid statelessness.

In response to an international campaign for 'Arab Women's Right to Citizenship' and equivalent national campaigns, four of the five Maghreb countries followed the 2004 Egyptian precedent and revised their legislation. Algeria, Morocco, Tunisia, and Libya reformed their regulations to enable women to transmit citizenship to any children born to a foreign father.

Yet, only Algeria and Tunisia now offer strict equal rights between men and women in this regard. Mauritania is in fact behind its neighbours in terms of equality now, since a child born abroad to a Mauritanian mother does not get citizenship unless a specific declaration is made. In 2010, Tunisia removed this discriminatory provision, while Mauritania has maintained it despite further reforms in the same year. Even when born in Mauritania, children of Mauritanian women have the right to repudiate their citizenship upon declaration when they come of age, unlike children of Mauritanian fathers who are subject to another procedure if they want to give up Mauritanian citizenship. In its 2007 reform, Morocco opted for the Mauritanian model, by giving the opportunity to children born to a foreign father to repudiate their mother's Moroccan citizenship when they come of age, unlike children born to a Moroccan father. It is unclear whether Libya has actually changed its legislation. The Libyan reform, indeed, submits the mother's right to pass her citizenship to her children born to a foreign father to the authorities' approval. Moreover, the legislative reform still has to be specified in executive texts.

Only in Algeria can women pass their citizenship on to a foreign husband. Indeed, a male foreign national can apply for Algerian citizenship after three years of marriage to an Algerian woman, as can a female alien married to an Algerian man.[12] In the other Maghreb countries, gender discrimination is applied with regard to a foreign national's access to citizenship through marriage to a national. Foreign women are subject to a specific procedure related to marriage, while foreign men have to follow the naturalization process. The latter will benefit from facilitations in Tunisia, Mauritania and Libya, while in Morocco, marriage may be considered as an element showing integration to be taken into account in naturalization.

The 2007 Moroccan reform was closely connected to the 2003 reform of migration law and revealed a reluctance to accept mixed marriage. It extended the probationary time needed for a resident foreign woman married to a Moroccan citizen. This period, required before any submission for Moroccan citizenship is allowed, rose from two to five years, i.e. equal to the period required for general naturalization. Foreign nationals wishing to obtain Moroccan citizenship are now subject to the same residency requirement be they men or women, though not the same procedure. The government claimed here to be combating marriages of convenience, given a recent increase in the number of mixed couples.

Mauritania also extended the probationary time needed by a foreign woman married to a citizen before getting citizenship, from immediate citizenship to a five-year wait for the same, i.e. equal to the period now required of foreign males and females married to national citizens in conformity with the *Chariaa* to obtain their naturalization. It is thus to be noted that access to citizenship through marriage to a national has been lengthened for women as for men: the latter could previously have been naturalized without any pre-residency requirement. Moreover, a specific procedure is maintained for foreign women marrying a national in addition to the now un-gendered naturalization process.

There is still a long way to go before women obtain full equality as far as citizenship is concerned and this incomplete struggle has been revived by the events of 2011. Yet these reforms have improved women's rights and are a sign of acceptance of diversity in society, since children born to mixed couples are now considered nationals. Consequently, the number of dual nationals in the region will rise considerably.

Including the diaspora

Because of difficulties in nation-building and sensitivity in issues of belonging, the Maghreb countries have looked upon dual citizenship and expatriation with suspicion. At independence, Tunisia and Mauritania opted for the principle of disallowing multiple allegiances, which was

removed in Tunisia in 1975 and has just been suppressed in Mauritania. With its 2010 reform, Mauritania has thus accepted dual citizenship for its nationals, responding to a long-standing popular claim and an already widespread practice. Morocco and Algeria have never required their nationals to choose between Moroccan and Algerian citizenship when acquiring another citizenship. Moreover, in 2005 Algeria removed the requirement that new citizens discard their older citizenship in order to become Algerian citizens, a requirement that had been introduced in 1970 (Mahiou 2005: 395–407). The absence of any prohibition does not necessarily mean the acceptance of dual citizenship, however. Algerian President Bouteflika has always been hostile to it. When the citizenship law was reformed in 2005, he announced that dual nationals would be treated as aliens in Algeria and he threatened to adopt Mauritanian regulations, which at that time were based on a single allegiance. Bouteflika was here reacting to an announcement by the French Consul in Algiers, who in 2005 stated that about 100,000 Algerian requests had been made to reacquire French citizenship. This is, indeed, an Algerian specificity: its nationals benefit from possibilities inherited from colonization through which to reacquire French citizenship.[13] The Algerian-French dual citizenship is not only linked to immigration in France. It is also widespread among residents in Algeria, who are attracted by opportunities that this second citizenship may offer, above all in terms of mobility.

Yet dual citizenship is not compatible with some important offices. Candidates for the presidency of the Algerian Republic and their wives must be exclusively Algerian, as must people in charge of the main executive positions in the country. In Tunisia, candidates for the presidency had to have only Tunisian citizenship, Islam as their religion, and a Tunisian father, mother, and grandparents. Things have changed since: Moncef Marzouki, the provisional President in Tunisia after the 2011 uprising, and a former expatriate in France, is a dual citizen.

Algeria has developed more than its neighbours the rights of its diaspora, not least through the organization of elections abroad. In Morocco, while multi-allegiance is not officially criticized, being an expatriate leads to obstacles to participation in the political life of the country. Voting rights for all citizens was guaranteed by the 1962 constitution. However, it had never been implemented for expatriates, with the exception of the 1984–92 period when Moroccans residing abroad (MRAs) were represented in the Parliament by five representatives. Mohamed VI launched a royal initiative in 2005, asking the government to restore the full citizenship of MRAs, who account for around three million people, representing some 10 per cent of the population. Law no. 23–06 has enabled young Moroccans born abroad to be registered on electoral lists in Morocco in order to vote and be elected. So far, the theoretical right has been recognized, but it has not been implemented in practice. This reveals the uneasy relations between Morocco and its expatriates. While a Consultative Council of Moroccans Abroad was created in 2007 to strengthen the link between the Sherifian Kingdom and its diaspora, the government remains suspicious of Moroccans residing abroad and of their potential for destabilization. Yet, the 2011 reform of the constitution stipulates that Moroccans residing abroad shall benefit from full citizenship rights, including the right to vote and to be elected in local, regional, and national elections. This has been seen as an important sign of openness, together with further recognition of diversity in the nation.

Recognizing diversity in the nation

The reforms that preceded the 'Arab Spring' constituted a first step in the recognition of diversity that had been a fundamental failure of Maghreb states. As has been mentioned above, these states have opened the nation to mixed couples' offspring. The 2011 social movements have given other formerly hidden categories of the population the opportunity to claim their rights. This is the case with Berbers, who had suffered from Arabization policies introduced in

Morocco and Algeria in the 1960s[14], and from the denial of their existence in Libya. Even in the post-Gaddafi era, the acknowledgement of Amazigh culture and identity in the constitution is still considered by many as a threat to Arab authority and control in the region, and subsequently as a threat to the existence of Arab identity and culture (Eljarh 2012). In the Maghreb as a whole, the social movements have been called the '*Arab* Spring' and the new leaders in Libya and Tunisia referred to the *Arab* Maghreb, which they proposed to revive.

While Berbers are still struggling in Libya, where there have been demonstrations demanding that the new constitution recognize Amazigh culture and Tamazight as Libya's second language, they have obtained unprecedented recognition in Morocco. Indeed, the new Moroccan constitution now recognizes Tamazight as an official language of the Kingdom, next to Arabic. This is a fundamental step, ten years after Mohamed VI had started a policy recognizing the Berbers' cultural rights. In contrast, there has been no change in Algeria, where non-Arab-Muslim names are still forbidden,[15] although the *Imazighen* have been struggling against the state for more than forty years and have seen their language become recognized as a national language.

While Morocco's new constitution preamble now defines its components as being 'Arab-Islamic, Amazigh, and Saharan-Hassani', Mauritania has recently confirmed an Arabizing turn undertaken for more than a decade. The list of national languages mentioned in its constitution was changed in 1991. The list of languages given in the citizenship law was also modified in 2010, in conformity with the constitution, and reduced from seven to four languages. This has resulted from rationalization as well as amputation. The former list included Arabic, Toucouleur, French, Saracollé, Wolof, Bambaria, and Hassani. In the new list, Saracollé and Toucouleur have disappeared but remain recognized under another form, since Pulaar and Soninké have been added to Arabic and Wolof. French, Bambara, and Hassani have simply been suppressed, which confirms the 'decolonizing' intention. It also shows that Bambaras have been unable to obtain the recognition of their identity, unlike the Pulaar, Soninké, and Wolof.[16]

Moreover, it is interesting to note the removal of Hassani from the constitution and the new citizenship law – a language spoken in Mauritania, in the Western Sahara, and in the south of Morocco – whereas Morocco has introduced into its new constitution a provision aiming at protecting it. Here, the diversity of the Mauritanian population and of its origins is questioned. The 2010 reform of the citizenship law was arguably adopted to prepare for the 2011 census of the population, which revived the debates about *Mauritanité*. While the census sought to better distinguish aliens from nationals after citizenship rules had been refined, it led to tensions and questions about the status of the so-called Negro-Mauritanians and their assimilation to nationals from neighbouring states. The issue of equality between Mauritanian citizens rose in parallel with the issue of the treatment of foreign nationals living in the country. The census provoked strong reactions among the black Mauritanian population, whose members claimed that there was an attempt underway to remove their citizenship. A 'don't touch my citizenship' movement was created to denounce any questioning of the citizenship of a part of the population through discriminatory requests for evidence of their belonging to the Mauritanian nation. Whether these allegations are justified or not, the reform of the citizenship law unquestionably reflects closure with the restriction of the scope of *jus soli* without any extension of *jus sanguinis*. Unlike other Maghreb states that have recently developed an awareness of diversity in their societies, Mauritania has been evolving toward a rejection of the historical cultural mix of its population.

Conclusion

Citizenship in the Maghreb has recently seen significant progress, as an anticipation and a component of the 2011 upheavals. Progress in individual rights has resulted from the collective

struggles of groups affected: women, expatriates, cultural minorities. The few reforms adopted before and after the 2011 movements have not ended the struggles. On the contrary, women, Berbers and other 'communities' feel even more justified in their determination to change things, to have their society open up and to make progress to more inter-citizen equality, which is seen as an avatar of the key value of the 2011 upheavals: dignity.

The five Maghreb countries are still closed societies and new tensions have also arisen, in parallel with the development of citizens' rights. A more recent 'other', the immigrant, has now become the object of negation and rejection.[17] Racism is embedded in Maghreb societies that still deny it. Immigrants are not yet sufficiently organized to defend their rights, but a civil society in relation to immigrants has been progressively growing, mainly in Tunisia and Morocco, and will surely lead to the development of their rights.

Notes

1 This chapter deals with the five members of the Arab Maghreb Union: Libya, Algeria, Tunisia, Morocco, and Mauritania.
2 Libya (law no. 17/1954), Tunisia (law no. 63–7 of 22 April 1963), Algeria (law no. 63–96 of 27 March 1963), Morocco (Dahir no. 1–58–250 of 12 September 1958), Mauritania (law no. 1961–112 of 13 June 1961; law no. 1962–157 of 15 August 1962).
3 *Western Sahara*, ICJ, advisory opinion, *Rec. 1975*.
4 It is noteworthy that the 2007 Moroccan reform has added a residency requirement to the double *jus soli*, and put an emphasis on the link, which has to be real, between the individual and the Moroccan territory, rather than on exclusive descent. In both cases of double *jus soli*, the applicant has to have his/her main and regular residency in Morocco.
5 Introduced in Europe by France in 1851. It was only paternal. It was adopted in Spain in 1954.
6 The 1803 French civil code granted French nationality at birth only to a child born to a French father. Women had been able to pass their citizenship to their children since 1927 but total gender equality was not adopted until 1973. In Spain, though the 1889 Spanish civil code provided that persons born to a Spanish father or mother would be Spanish even if they were born abroad, only single mothers could in fact pass on their nationality. A child born to a foreign father and a Spanish mother was foreign. This changed in 1931 with women being able to keep their nationality even when married to a foreign national, but discrimination was re-established in 1954. It was not until 1982 that total gender equality was reached. In Italy, gender equality was adopted in 1983.
7 Algerian Minister of Justice, www.mjustice.dz, 21 October 2009.
8 Moroccan Minister of Justice, M. Bouzoubaâ (2007) *REMALD (Revue marocaine d'administration locale et de développement)* 178: 70.
9 The minimum residency requirement is five years in Morocco and Tunisia and seven years in Algeria. The 2010 Mauritanian reform doubled the residency condition, raising it to ten years, as is the case in Libya.
10 2003 in Morocco; 2004 in Tunisia; 2008 and 2009 in Algeria; since 2008 in Mauritania; 2004, 2005, and 2010 in Libya.
11 1993 in Tunisia, 2001 in Mauritania, 2004 in Morocco, and 2005 in Algeria.
12 Yet, a Muslim woman is still constrained to marry a Muslim man, according to family law.
13 French Civil Code, Chapter VII, 'Des effets sur la nationalité française des transferts de souveraineté relatifs à certains territoires'.
14 These policies were aimed at the spread of the use of Arabic by the suppression of French and other local languages such as colloquial Arabic and Tamazight.
15 Since 1981. In Morocco, they have been forbidden since 1996 but should be authorized after the constitutional reform. See Human Rights Watch's letter to Morocco's Interior Minister on the refusal of Amazigh names in 2009, available online at www.hrw.org/node/85427.
16 There is an 'Association for the reawakening of Pulaar in Mauritania', a 'Mauritanian association for the promotion of Soninké language and culture', an 'Association for the promotion of the Wolof language in Mauritania', and a 'Coordination for the promotion of Bambaras in Mauritania'.
17 See the cover of the Moroccan magazine *Maroc Hebdo* in November 2012 entitled 'The Black Peril'.

References

Belkziz, A. (1967), *La nationalité dans les pays arabes*, Rabat: éd. Cahiers de l'Université de Mohamed V.

Bensaâd, A. (ed.) (2011), *Mauritanie, pays-frontière et pays-pont: circulations migratoires, échanges et brassages*, Paris: Karthala.

Boilley, P. (1999), *Les Touaregs Kel Adagh: dépendances et révoltes: du Soudan français au Mali contemporain*, Paris: Karthala.

Butenschon, N. A., Davis, U., and Hassassian, M. (eds.) (2000), *Citizenship and the state in the Middle East: approaches and applications*, Syracuse, NY: Syracuse University Press.

Chaker, S. and Ferkal, M. (2012), 'Berbères de Libye: un paramètre méconnu, une irruption politique inattendue', *Politique africaine*, no. 125, pp. 105–26.

Eljarh, M. (2012), 'Amazigh in Libya: from Gaddafi's denial to new Libya's crippling silence', *Middle East Online*, 10 September 2012. Available online at www.middle-east-online.com/english/?id=54286.

Étienne, B. (1968), *Les problèmes juridiques des minorités européennes au Maghreb*, Paris: Éditions du CNRS.

Hosna, A. (2007), 'Accords d'Évian: processus d'une formation identitaire', *Revue Sciences Humaines*, June 2007, pp. 5–18.

Le Foll-Luciani, P.-J. (2012), 'Algériens non-musulmans à l'épreuve de l'indépendance', www.Laviedes idées.frh/Algeriens.non.musuimans.a.1.html. 2 April 2012.

Mahiou, A. (2005), 'La nationalité en Algérie', in *Regards critiques et perspectives sur le droit et la fiscalité*, Liber Amicorum Cyrille David, Paris: LGDJ, pp. 395–407.

Parolin, G. (2009), *Citizenship in the Arab world: kin, religion and nation state*, Amsterdam: Amsterdam University Press.

Perrin, D. (2011a), 'Immigration and citizenship law in the Maghreb: turning aliens into citizens', EUI Working Paper, RSCAS 2011/40, EUDO Citizenship Observatory.

Perrin, D. (2011b), *Citizenship in Morocco: national report*, EUDO Citizenship Report, RSCAS EUDO-CIT CR 2011/42, EUI.

20

Struggles for citizenship in South Africa

Daniel Conway

> The Republic of South Africa is one, sovereign, democratic state founded on the following values:
>
> (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.
> (b) Non-racialism and non-sexism.
> (c) Supremacy of the constitution and the rule of law.
> (d) Universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.
>
> *(Founding provisions of the Constitution of the Republic of South Africa, 1996)*

South Africa's first democratic constitution of 1996, which defines the content and scope of citizenship, emerged out of what the country's Constitutional Court accurately described as 'a deeply divided society characterized by strife, conflict, untold suffering and injustice which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge' (cited in Jagwanth, 2003: 7). The constitution was internationally noteworthy for its specific protection of women's and sexual minority rights and its extension of the rights of citizenship to socio-economic rights, such as the right to adequate health care, housing, and education (SAGI, 1996). During South Africa's first two decades of democracy, the Constitutional Court has proven its independence by upholding the constitution and advancing citizenship rights on a number of occasions (O'Regan, 2012). The struggle for citizenship was at the heart of the liberation struggle against the apartheid regime and within the complex dynamics of the anti-apartheid movement, increasingly sophisticated and intersectional demands for citizenship were made.

As with many constitutional blueprints, South Africa's constitutional rights for citizenship are not always matched in practice. The country's high rates of sexual violence, ongoing poverty and inequality, and public attitudes towards the rights of sexual minorities and immigrants lag well behind the spirit and letter of the constitution. Nevertheless, the achievement of formal citizenship rights in South Africa was the result of a prolonged and complex liberation struggle,

and analysis of South Africa demonstrates Werbner's claim that 'struggles over citizenship are thus struggles over the very meaning of politics and membership in a community' (1999: 221). This chapter begins with a contextual and historical overview before moving on to analysing the development of non-racialism as a basis for citizenship, non-sexism and gendered citizenship, contestations of white, militarized citizenship, and the achievement of sexual citizenship by the Lesbian, Gay, Bisexual and Transgender (LGBT) rights movement. As shall be made clear, all these citizenship demands emerged during the decades of the country's liberation struggle.

South Africa's complex racial politics are the result of the country's long history of colonization and conflict. South Africa became a Dominion of the British Empire in 1910 after a bitterly fought war between the British, who controlled the Cape and Natal regions of the country, and the Boer (or Afrikaner/Afrikaans-speaking) white population, who were descended from the first Dutch settlers in the country in the seventeenth century and controlled the 'Boer Republics' in the centre and north of what would become South Africa. The legacy of Britain's victory in the Boer War stoked an emergent Afrikaner nationalism, which was heavily influenced by Nazism in Europe (Van Der Westhuizen, 2008). The narrow electoral victory of the National Party in 1948 was driven as much by a desire to reduce the influence and power of Britain and English-speaking whites in the country, as it was by the fervently held belief that black South Africans should be excluded from all citizenship rights and South Africa should be returned to the Afrikaans-speaking white population. Added to this political-social mix is a significant Indian population, brought to South Africa by the British and mostly located in the Natal (now KwaZulu-Natal) region of the country and a significant mixed-race or 'coloured' population descended from indigenous groups, slaves, and white settlers, who speak Afrikaans and are predominantly in what is now the Western Cape province. The country's majority black population is also demarcated along linguistic, ethnic, and regional lines, most notably Zulus, Xhosas, and Sothos. The colonization of the country had been resisted by the black population from the start and assumed a more organized and political character in the early decades of the twentieth century with the formation of the African National Congress (ANC). Achieving the full rights of democratic citizenship was at the heart of political protest by the black majority throughout the twentieth century, but what was most significant was the development of the content and scope of those citizenship rights and the actions the liberation movement took to achieve them.

The Freedom Charter and non-racialism

The most significant and comprehensive statement of citizenship demands made by the liberation movement was made on 26th June 1955 with the signing of the Freedom Charter by the Congress Alliance. The formulation of the Charter, the public manner of its adoption, and the principles it contained were all typical of the liberation movement and resonated throughout the struggle against apartheid leading up to the post-apartheid constitution in 1996 (Strand, 2001). While the National Party government was energetically engaged in codifying 'apartheid' legislation aimed at removing South African citizenship from the black population and subordinating them in all aspects of political, social, and economic life, the ANC had sent some 50,000 volunteers across the country to collect 'freedom demands'. The resulting document was endorsed by Congress of the People, an umbrella movement including the ANC and other anti-apartheid groups, at a mass meeting in Johannesburg attended by 3000 people. The Charter began by stating that 'South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people' (ANC, 1955). This commitment to non-racialism and the insistence that a future South Africa would be based on liberal democracy with the rule of law was a key principle of the ANC and was

reflected by the multiracial leadership of the organization. The Charter went on to set out the socio-economic and other demands for a country free from apartheid, many of which, but not all, were embodied in the 1996 Constitution. For example, the Charter stated that 'The people shall share in the country's wealth' (ANC, 1955) and explained that this would be achieved by the nationalization of mine ownership and banks, something which never came to pass. The socio-economic rights to health, education, and housing were mostly incorporated in the 1996 Constitution, which was also the product of a mass consultation exercise between 1993 and 1996 and was finally debated and codified by the first democratic parliament which also served as a Constitutional Assembly (Strand, 2001). The Congress of the People's public meeting was broken up by the police, but the principles contained in the charter, particularly the commitment to non-racialism and inclusivity and to liberal democracy, continued to define the ANC and have framed South Africa's democracy.

Gendered citizenship and women's rights

The South African constitution extended and redefined gender based rights to include, for example, women's right to make 'decisions concerning reproduction', which resulted in the legalization of abortion, a specific commitment to 'non-sexism' and protection against 'hate speech' on gender grounds, the ability to institute gender-based affirmative action employment policies, and the creation of a framework for a Gender Equality Commission (SAGI, 1996). The incorporation of gender-based citizenship rights was not inevitable, but was the result of women's struggle for recognition and equality as part of the liberation movement and a cross-racial and cross-party women's coalition which lobbied for rights during the country's political transition. As Hassim notes, during the liberation struggle black women activists 'were engaged on a daily basis in shaping new understandings of the relationship between women's struggles and nationalist struggles, and in making connections between oppression and exploitation in the public sphere and women's subordination in the private sphere' (2006: 28). This was not a consistent or always successful process, but it did result in defining specific forms of women's citizenship and delivering gender rights, in formal terms at least. In 1990, the ANC executive returned to South Africa and stated that 'the emancipation of women is not a by-product of a struggle for democracy, national liberation or socialism. It has to be addressed within our own organization, the mass democratic movement and in the society as a whole' (cited in McClintock, 1993: 76). This achievement was the result of the undoubtedly important role women had performed in the struggle against apartheid. Yet it was also a recognition that the ANC had not always addressed gender rights and feminist concerns in its activities.

Black women occupied a pivotal and exposed position during apartheid. Their position in South Africa was characterized as the 'triple oppression' of class, race, and gender (Cock, 1993: 26). Nonetheless, black women proved to be militant and consistently active opponents of the apartheid system. As early as 1937, a woman ANC activist stated at a rally that 'we women can no longer remain in the background … The time has arrived for women to enter the political field and stand shoulder to shoulder with men' (cited in McClintock, 1993: 74). Gender rights were present in the 1955 Freedom Charter which had committed the liberation movement to equal pay for women and focused on providing free maternity care, as well as promising equal employment rights for highly feminized occupations, such as domestic work (ANC, 1955). However, there was suspicion of feminism and feminists across the liberation movement, particularly the effects feminist demands could have on the wider liberation struggle. This was summed up by one woman ANC activist who said, 'in South Africa, the prime issue is apartheid and national liberation. So to argue that African women should concentrate on and form

an isolated feminist movement … implies African women can fight so they can be equally oppressed with African men' (cited in Beall *et al.* 1989, 32). In other words, feminist concerns about women's emancipation and equality would weaken the imperatives of armed national liberation. Feminism's Western, capitalist connotations also provoked concern. The influential Mozambican President Samora Machel said that 'an emancipated woman is one who drinks, smokes, wears trousers, and mini-skirts, who indulges in sexual promiscuity, who refuses to have children' and thereby the very antithesis of African notions of respectable, heterosexual femininity (cited in Beall, Hassim, and Todes, 1989: 32). Women's protest was often circumscribed by the militarized, gendered dichotomy of South African apartheid-era politics. Women articulated traditional gender demands, such as improved maternal rights, only to see their agency lost to men, once army and police involvement encouraged men to use counter-violence.

One example of the role women played in the liberation struggle was in the Pass Law protests in the 1950s. During apartheid, the South African labour force was one of the most regimented in the world. Black South Africans' right to work and live in urban areas was regulated and restricted by the Pass Laws and 'influx control' system. This aspect of the state's denial of black citizenship rights represented perhaps the single most gendered aspect of apartheid and was a symbol of the insecurity, persecution, and violence black people faced. The Pass Law system meant that black people were classed as permanent visitors in white South Africa, liable to be removed from urban areas should they not possess the right documentation (which corresponded with the labour force needs of the white-controlled state). Opposition to the Pass Laws was constructed in gendered terms. Women, and in particular the more politically involved urban women, realized that this system would have greater negative effects upon them than on their male counterparts. Women's lack of access to the formal economy and their employment in precarious sectors like domestic labour for white families meant that dismissal or inability to get a job would result in arrest, possible physical abuse, and separation from their children. However, women's activism against the Pass Laws and in later campaigns did not necessarily mark their political parity with men.

Women were very active in opposition to the pass system in the 1950s. Many thousands of black women either refused to accept a pass or marched upon courthouses and police stations to throw them back. In Johannesburg, women marched to public offices with the aim of being arrested to overwhelm the prison system and two thousand were arrested. Within two weeks of the women's arrests, the male executive of the ANC seized control of the protests, paid the bail of the women prisoners and stopped the voluntary arrest strategy (Wells, 1993: 112–122). Women argued that as mothers the pass system threatened them with arbitrary arrest and separation from their children. Women therefore attempted to reassert the family as a domestic sphere outside political control (Wells, 1993: 1). However, once the women were arrested for protesting, the ANC executive changed the nature of the protest precisely because women, as mothers, had been removed from their children and homes. The pattern of women's activism and feminist demands being diluted and transferred to male control would recur in the 1980s and the reasons for it then were similar. Women were always likely to lose the initiative to men once their security was threatened by the police or army, for masculinity embodied the values of protector and defender of femininity (Hassim, 2006). This gendered dichotomy undermining women's activism was complicated by the fact that many black African women joined and played an active part in the armed struggle of the 1980s. Indeed, some 20 per cent of Umkhonto we Sizwe (also known as MK – the armed wing of the ANC) cadres were women, and in Namibia female guerrillas engaged in combat with South African Defence Force (SADF) troops (TRC, 1998; 290: Cleaver and Wallace, 1990: 6). The Truth and Reconciliation Commission (TRC) concluded that the majority of these women were drawn into the struggle because of the

suffering their families endured at the hands of the security forces (1998: 292). Black women's involvement in the struggle against apartheid was often necessitated by the state's encroachment on family life and domestic space, but it did not always lead to women's empowerment as activists or successful feminist demands. As apartheid's crisis deepened, however, new opportunities for women to advance feminist citizenship demands emerged.

'Motherism'

In the anti-apartheid struggle, the discourse and subjectivity of motherhood was a predominant method for the mobilization of black women. Indeed, in vernacular African languages, the term for adult woman is 'mother' (Gaitskell and Unterhalter, 1989: 72). Motherhood as a basis for women's citizenship developed into 'motherism' as an ideology and political language for women activists, which enabled them to make feminist demands of the ANC leadership. Hassim defines 'motherism' as 'a celebration of women as mothers, a link between women's familial responsibilities and their political work, and an emphasis on this aspect of women's roles as cutting across class and race barriers' (2006: 76). As such, it was a form of South African feminism and one that sought to reformulate feminism in indigenous terms, free from Western directives. Motherism was a basis for many of the consumer and rent boycotts of the 1980s, which were aimed at achieving women's rights as mothers. For example, in Grahamstown, women boycotted white- owned shops in a demand for better crèche facilities for their children (Cock, 1987: 138). Conceptualization of women's citizenship in 'motherist' terms also corresponded to the state's framing of white women, particularly Afrikaner nationalism's concept of the *volksmoeder* (mother of the nation/people) (McClintock, 1993). The conceptualization of women as mothers was also used as a political strategy and discourse by women in the white community, particularly by the predominantly English-speaking white anti-apartheid women's movement, the Black Sash (Spink, 1991: 30). Motherism sought to appeal across racial lines and involve white women in the anti-apartheid struggle, particularly against the militarization and violence of the apartheid state in which compulsory conscription for all white men enabled the state to prosecute a war on the Namibian border and, after 1984, use troops to try to suppress a general uprising in South African townships (Conway, 2012). An example of the attempt to create a multiracial anti-apartheid alliance using motherist discourse occurred in 1987, when the ANC Executive issued the following:

> Black mothers have to live with the agony of having to bury their children every day… Across the barricades, the white mothers see their children transformed and perverted into mindless killers … and they will surely turn their guns on the very mothers who today surrender their sons willingly or unwillingly to the South African death force. These black and white mothers must reach across the divide created by the common enemy of our people and form a human chain to stop, now and forever, the murderous rampage of the apartheid system.
>
> *(cited in Gaitskell and Unterhalter, 1989: 71)*

There were some limited results from these appeals, with women from Black Sash holding vigils for peace with black women activists (Beall, Hassim, and Todes, 1989: 43). However, the appeals did not reach much further into the white community. The militarization of white society meant that many white women, as mothers, thought it was their duty to support their sons and the apartheid state. Nevertheless, as shall be discussed below, the strains of conscription and the centrality of it as an act of white, masculine citizenship opened up possibilities for apartheid to be contested within white society. Motherism created an enabling basis for black women's

political activism and a means for black women ANC activists to advance feminist claims on the leadership. Motherism also allowed for cross-racial appeals, albeit with limited result. These women's alliances were to become crucial after 1990 and it was the cross-racial, cross-party, Women's National Coalition that successfully demanded that gender rights be included in both the interim and final 1996 Constitution (Hassim, 2006).

Demilitarizing white citizenship

White citizenship was premised on complicity with apartheid and a central act of white citizenship for men was compulsory national service in the SADF (Conway, 2012). Conscription constructed and framed dominant militarized forms of white masculinity as well as mediating intra-white class, political, and linguistic cleavages (Conway, 2012: 56–85). Conscription was presented to the white populace as a 'rite of passage' by which boys became men. The SADF was also widely considered to be the 'shield' behind which South Africa could be protected from what the government defined as a communist onslaught (Conway, 2012: 42–4). Despite the considerable personal and ideological investment white South Africans had in conscription, it was arguably the only aspect of apartheid that directly and potentially negatively affected them. The ANC identified conscription as an area on which they could covertly work within the white community and also undermine apartheid from within. Anti-conscription activism became the focus for the most significant anti-apartheid activism undertaken by white South Africans. White men who politically objected to conscription powerfully and symbolically challenged the racist and gendered norms of citizenship, tied as they were to military service (Conway, 2012: 86–8). Conscription had become a political issue in the 1970s as South Africa's military involvement in the region increased and groups such as the English-speaking churches became increasingly critical of apartheid. From the late 1970s a small number of white men started to publicly object to serving in the SADF for anti-apartheid reasons. In 1983, Black Sash declared that

> South Africa is illegally occupying Namibia and this is cause for many in conscience to refuse military service. When South Africa withdraws from Namibia there would be no need for a massive military establishment unless there has been a political failure to respond to the desires of the citizens, and that army will be engaged in civil war, which is a good cause for many to refuse military service. In such a civil war, if the state has to rely on conscription to man its army, the war is already lost.
>
> *(Spink, 1991: 219)*

A number of white liberal, anti-apartheid, student, and church groups debated this statement and decided to form the End Conscription Campaign (ECC). The ECC existed mainly in English-speaking white university campuses and surrounding areas in cities such as Cape Town, Johannesburg, Durban, and Grahamstown. The ECC used creative forms of protest including music, satire, art, and 'alternative national service' protests, which involved doing peaceful community work in black townships, to highlight the divisiveness of conscription, critique the militarization of apartheid, and offer a vision of a democratic, non-racial political future (Conway, 2012: 106–27). The trials of individual objectors were effectively used to highlight the realities of apartheid to a broader white audience and to serve as an iconic act of alternative citizenship to conscription.

The apartheid state responded with varying degrees of punitive measures and vitriolic discourses, ranging from the ECC and objectors being presented as a dangerous part of the liberation struggle, to them being well-meaning but naive young people who were being used by the ANC. One of the most pernicious responses was that objectors and their supporters were

cowardly and sexually 'deviant' with no valid political basis for their objection (Conway, 2008). The ECC was banned by the apartheid government in 1988, but this did not stop individual and collective groups of men from publicly objecting to military service for political reasons. The emergence of post-traumatic stress disorder in returning white conscripts, with its attendant symptoms of suicide and alcoholism, rising death rates, and net emigration began to undermine the state's contention that conscription created men out of boys and unified the white population (Conway, 2012: 114–15). The ECC and the white men who publicly objected to military service contributed to the liberation struggle by performing alternative, non-violent and non-racial 'acts of citizenship' (Isin and Nielsen, 2008), as well as symbolizing and exacerbating fractures in the white community about apartheid. The symbolic power of anti-apartheid and anti-conscription white South Africans also helped strengthen the non-racialist discourse of the ANC. During the transition, non-racialism as a founding clause of the constitution and the post-apartheid reconciliation process that was designed to help create a new non-racial, democratic South African citizenship became more credible precisely because there had been white men and women willing to defy the norms of apartheid and ally themselves with peace, democracy, and non-racial citizenship.

LGBT and sexual citizenship

The protection against discrimination on the grounds of sexual orientation, like women's rights, had been the result of an organized and highly effective LGBT rights movement during the transition and after (Croucher, 2002). Same-sex marriage was made possible in South Africa by the equality clauses in the constitution. The emergence of this movement was, like the women's movement, embedded in the struggles within the struggle for liberation. As with feminism, gay identity and gay rights had been perceived in some quarters of the ANC as Western, decadent, un-African and irrelevant to the main goal of liberating the country. Another complicating factor was that the nascent white gay rights movement adopted an 'apolitical' stance, focusing instead on white politics and distancing itself from the ANC (Conway, 2009). This approach was essentially complicit with apartheid governance. In the liberation movement, ANC activists such as Simon Nkoli, who came out as gay while standing trial for treason, challenged and helped change fellow ANC activists perceptions of homosexuality (Conway, 2009: 856). With many of the ANC leadership subject to international political and cultural influences while exiled in cities across the world, senior ANC figures based in London, such as Thabo Mbeki, came to openly advocate LGBT rights. In 1987, the white and racially exclusive nature of the broader gay rights movement in South Africa came to a head when the Gay Association of South Africa (GASA) and a gay magazine called Exit openly supported the National Party candidate for Hillbrow in the whites-only election. Despite homosexuality being outlawed in apartheid South Africa, Hillbrow had a number of gay bars and a significant white gay and lesbian population. Hillbrow was also an area where the Group Areas Act was being flouted by black, Indian, and coloured residents moving into what was officially a whites-only area. The National Party's candidate sought to garner white gay votes by promising to advance gay rights in white politics and reinstate Hillbrow as a whites-only area (Conway, 2009). This 'homonationalist' (Puar, 2006) campaign provoked anger from other white LGBT activists, such as those in the student movement and organizations such as the ECC, who were openly committed to the liberation movement and considered LGBT rights to be intersectional with women's and black South Africans' citizenship rights. The reaction to the Hillbrow campaign led to the decline of GASA and the rise of LGBT rights movements committed to the liberation struggle and well placed to lobby for the inclusion of LGBT rights during the transition (Croucher, 2002).

Contemporary citizenship

The intersectional and multiple rights contained in the South African constitution can be traced back to the liberal democratic, socio-economic rights-based and non-racial Freedom Charter of 1995 and to the struggles within the struggle to include gendered and sexual citizenship as important aspects of national liberation. The struggle for citizenship rights was also a contestation between Western and indigenous notions of citizenship, a process that is still ongoing. As a document, the constitution is an undoubted achievement and has led to progressive legislation in numerous fields. There is, however, a bitter irony when one considers post-apartheid social attitudes towards citizenship rights and societal trends. As a comprehensive review of public attitudes towards the constitution and society noted, 'South Africans still come across as deeply conservative – racist, homophobic, sexist, xenophobic and hypocritical in terms of sexual beliefs and practices' and they also remain ambivalent about democracy (Daniel *et al.* 2006: 20). For example, three out of four South Africans favoured a return of the death penalty, 74 per cent considered abortion to be wrong, 78 per cent thought gay sex was always wrong, 9 per cent thought it was wrong to some degree, and only 7 per cent of South Africans thought gay sex was not wrong at all (Daniel, Southall, and Dippenaar 2006: 36). Hassim notes that, despite the commitment to gender equality in the constitution, a formal mechanism for monitoring and promoting this equality and the internationally high level of women's representation in the South African parliament, 'South Africa has reached no social consensus about the political significance of women's interests relative to other issues of empowerment (most notably, race)' (2006: 194). The value of the gender equality clauses in the constitution is also seriously called into doubt by the country's high rates of sexual violence, HIV infection, and continued gendered economic inequality (UNAIDS, 2013; Sigsworth, 2009). Widespread xenophobic attitudes towards immigrants, which spilled over into violence in 2008, along with the consistently negative and hostile responses to South African democracy and post-apartheid society from the white community, call into question the value of the constitution's non-racialism (Daniel, Southall, and Dippenaar 2006: 27). These factors reveal how the achievement of citizenship is much more than the sum of a written constitution and forms an ongoing and fragile socio-economic process. Nevertheless, the existence of the constitution as a centre of South African governance and democracy offers the promise of gradually improving democratic, multi-sectional, and humane forms of citizenship.

The South African liberation movement overcame considerable institutional resistance and prejudice, collectively triumphing over an obscenely iniquitous form of government and repressive social organization. The case of South Africa demonstrates how 'acts of citizenship' (Isin and Nielsen, 2008) by anti-racist, pro-democratic, women's and LGBT rights campaigners can forge new and intersectional understandings of citizenship. If citizenship is considered to be 'rooted in an implicit bargain, or an invisible handshake between the individual and the state, in which citizens claim rights and protection in exchange for various obligations to deliver things that the state needs if it is to be effective' (Whiteley, 2008: 173), then South Africa can be considered to be a model of progressive, liberal, and intersectional citizenship embodying non-racialism, and gendered and sexual citizenship rights. The constitution has proved to be internationally groundbreaking in these terms and broadly robust. The socio-economic rights contained in the constitution have resulted in groups successfully demanding changes in government policy, such as when the Treatment Action Campaign successfully took the South African government to the constitutional court to ensure HIV-positive South Africans received antiretroviral medication to fulfil their right to 'adequate healthcare' (Kapczynski and Berger, 2009). However, if we consider citizenship to be constituted by 'a set of social practices that define the

relationship between people and states and among people within communities' (Canning and Rose, 2001: 427), then contemporary social attitudes, practices such as sexual, homophobic, and xenophobic violence, alongside continued socio-economic divides, raise deeply problematic questions about the efficacy of the spirit and clauses of the constitution and worrying doubts about the future. Perhaps though, just as Schrire argues that because of the enduring legacies of apartheid 'South Africa may not have the democracy it deserves', but that its constitution and civil society ensures 'it may well have the democracy that it can sustain' (2001: 148), so may the values and rights of citizenship contained in the constitution gradually take hold as the country enters its third decade of democracy.

References

ANC (African National Congress) (1955) *The Freedom Charter*. Available online at www.anc.org.za/show.php?id=72 (accessed 30 May 2012).

Beall, J., Hassim, S., and Todes, A. (1989) 'A bit on the side? Gender struggles in the politics of transformation in South Africa', *Feminist Review*, 33: 30–56.

Canning, K. and Rose, S. (2001) 'Gender, citizenship and subjectivity: some historical and theoretical considerations', *Gender and History*, 13 (13): 427–43.

Cleaver, T. and Wallace, M. (1990) *Namibia: women in war*, London: Zed Books.

Cock, J. (1987) 'Trapped workers: constraints and contradictions experienced by black women in contemporary South Africa', *Women's Studies International Forum*, 10 (2): 133–40.

Cock, J. (1993) *Women and War in South Africa*, Cleveland, OH: Pilgrim Press.

Conway, D. (2008) 'The masculine state in crisis: state response to war resistance in apartheid South Africa', *Men and Masculinities*, 10 (4): 422–39.

Conway, D. (2009). 'Queering apartheid: the National Party's 1987 'Gay Rights' election campaign in Hillbrow', *Journal of Southern African Studies*, 35 (4): 849–63.

Conway, D. (2012) *Masculinities, militarisation and the End Conscription Campaign: war resistance in apartheid South Africa*, Manchester and Johannesburg: Manchester University Press and Wits University Press.

Croucher, S. (2002) 'South Africa's democratisation and the politics of Gay Liberation', *Journal of Southern African Studies*, 28 (2): 315–30.

Daniel, J., Southall, R., and Dippenaar, S. (2006) 'Issues of democracy and governance' in U. Pillay, B. Roberts, and S. Rule (eds.), *South African social attitudes: changing times, diverse voices*, Cape Town: Human Sciences Research Council: 19–39.

Gaitskell, D. and Unterhalter, E. (1989) 'Mothers of the nation: a comparative analysis of nation, race and motherhood in Afrikaner nationalism and the ANC', in N. Yuval-Davis and F. Anthias (eds.) *Woman-Nation-State*, London: Macmillan: 58–78.

Hassim, S. (2006) *Women's Organizations and Democracy in South Africa: Contesting Authority*, Madison, WI: University of Wisconsin Press.

Isin, E. and Nielsen, G. (2008) 'Introduction: acts of citizenship', in E. Isin and G. Nielsen (eds.), *Acts of Citizenship*, London: Zed Books: 1–12.

Jagwanth, S. (2003) 'Democracy, civil society and the South African Constitution: some challenges', Management of Social Transformations (MOST) Discussion Paper 65, Paris: UNESCO.

Kapczynski, A. and Berger, J. (2009) 'The story of the TAC case: the potential and limits of socio-economic rights litigation in South Africa', in D. Hurwitz, M. Satterthwaite, and D. Ford (eds.), *Human Rights Advocacy Stories*, New York: Foundation Press: 43–80.

McClintock, A. (1993) 'Family feuds: gender, nationalism and the family', *Feminist Review*, 44, 61–79.

O'Regan, K. (2012) 'Text matters: some reflections on the forging of a new constitutional jurisprudence in South Africa', *The Modern Law Review*, 75: 1–32.

Puar, J. (2006) 'Mapping US homonormativities', *Gender, Place and Culture*, 8 (1): 67–88.

Schrire, R. (2001) 'The realities of opposition in South Africa: legitimacy, strategies and consequences', in R. Southall (ed.) *Opposition and democracy in South Africa*, London: Frank Cass: 135–48.

Sigsworth, R. (2009) '"Anyone can be a rapist": an overview of sexual violence in South Africa', Centre for the Study of Violence and Reconciliation. Available online at www.csvr.org.za/images/docs/sexualviolence.pdf (accessed 30 May 2013).

SAGI (South African Government Information) (1996) Constitution of the Republic of South Africa. Available online at www.info.gov.za/documents/constitution/1996/index.htm (accessed 30 May 2013).
Spink, K. (1991) *Black Sash: the beginning of a bridge in South Africa*, London: Methuen.
Strand, P. (2001) 'Finalizing the South African Constitution: the politics of the Constitutional assembly', *Politikon*, 28 (1): 47–83.
TRC (Truth and Reconciliation Commission) (1998) *Truth And Reconciliation Commission Of South Africa Report*, Volume 4. Cape Town: Juta & Co.
UNAIDS (2013) South Africa. Available online at www.unaids.org/en/regionscountries/countries/southafrica/ (accessed 30 May 2013).
Van Der Westhuizen, C. (2008) *White power and the rise and fall of the National Party*, Cape Town: Struik.
Walker, C. (1982) *Women and resistance in South Africa*, London: Onyx Press.
Wells, J. C. (1993) *We now demand: the history of women's resistance to Pass Laws in South Africa*, Johannesburg: Wits University Press.
Werbner, P. (1999) 'Political motherhood and the feminization of citizenship: women's activism and the transformation of public space', in P. Werbner and N. Yuval-Davis (eds.), *Women, citizenship and difference*, London: Zed Books: 221–45.
Whiteley, P. (2008) 'What makes a good citizen?: citizenship across the democratic world', in A. Park J. Cortice, K. Thomson, M. Phillips, M. Johnson and E. Clery (eds.) *British Social Attitudes: The 24th Report*, London: Sage.

This page intentionally left blank

Part IV
Americas

This page intentionally left blank

21

Transformations in imaginings and practices of citizenship in Latin America

Judy Meltzer and Cristina Rojas

This chapter looks critically at some of the key formations and transformations of citizenship in Latin America through the twentieth and first part of the twenty-first century, focusing on the Andean region in particular. In Latin America, citizenship and the constitution of a 'citizenry' have been key elements of post-independence nation-building projects since the nineteenth century. Despite efforts to institutionalize 'modern' liberal versions of citizenship, the boundaries of citizenship in the region have been circumscribed by racial, spatial, class-based, and gendered hierarchies. The realization of formal political and civil rights continues to be limited by weak democratic institutions and rule of law, and the limits to social rights are starkly evident in persistent poverty, extreme inequality, and lack of access to basic social services for significant proportions of the population (Tulchin and Ruthenburg 2007).

Rather than focusing on citizenship only in terms of its 'absences', this chapter looks beyond citizenship as a formal legal status to explore how it has been imagined, contested, and transformed in different ways over time. To do so, it highlights different empirical 'enactments' of citizenship[1] that have both normalized particular notions of 'good citizenship' as part of broader projects of government and development and transformed traditional conceptions of citizen rights. The first part of the chapter looks at how citizenship was understood and acted upon in projects for national integration and modernization in the late nineteenth and early twentieth centuries. It shows how the notions of belonging were contingent upon shifting ideas about race, biology, and culture. The second section highlights the dual deployment of discourses of citizenship and citizen rights in struggles for social transformation as well as in neoliberal strategies of development in the latter part of the twentieth century. The third and fourth sections draw attention to different areas of emerging research – on the intersections of citizenship and space, and how indigenous initiatives are 'decolonizing' citizenship, disrupting modern liberal conceptions. The final section points to potential avenues for future research.

Nation-building and citizen 'improvement' in the early twentieth century

Since independence in the nineteenth century and throughout the early twentieth century, countries in Latin America grappled with the challenges of constructing citizenship and a national citizenry in the context of highly divided societies. Racial, moral, and cultural stratification in

the region, shaped by colonial legacies, created a dissonance between liberal principles of equality and projects of modernization (see Larson 2004). Through the nineteenth and first half of the twentieth century, formal political rights tended to be restricted on the basis of race, education, property, gender, and literacy, resulting in highly unequal forms of citizenship and reproducing long standing inequalities. From the colonial period through the first part of the twentieth century and with some persistence, Indigenous populations were identified as obstacles to projects of national integration and modernization, underpinned by shifting epistemologies of race, biology, morality, character, and culture (see De la Cadena 2000).

This was particularly pronounced in the Andean region, where large Indigenous populations were deemed to lack the capacity for full citizenship, on the basis of notions of 'degeneracy' and 'civilization' in circulation at the time (Pratt 1992; Wilson 2004). Determinist biological taxonomies of population and race of the nineteenth century were combined with, and to some extent displaced by, more mutable cultural explanations through the early twentieth century, which allowed for the possibility of 'improvement' and the creation and integration of a national citizenry (De la Cadena 2000). These manifest in the various projects of modernization and citizen reform undertaken in the region during this period, ranging from infrastructural to hygiene and education (see Larson 2004; Clark 1998a, 1998b).

Wilson's (2004) account of the efforts made to restrict Indigenous populations from accessing urban public spaces in the highland town of Tarma, Peru in the late nineteenth century provides an illustrative example. She shows how emerging knowledge about public health and hygiene was mobilized as a marker of citizenship, used to associate Indians with dirt and disorder, which were considered antithetical to urban modernization and progress. Indian access to public space was restricted by regulating Indigenous cultural performances, considered antithetical to a civilized citizenry. Specifically, new municipal regulations for funerals, including obligatory death certificates and other administrative processes, were enacted to limit Indigenous rituals in the town's public spaces and undermine previously exercised 'rights of belonging'. These 'biocultural' narratives, in which Indigenous cultural practices were deemed to pose a particular danger for public health and national progress, were also prevalent in early twentieth-century Bolivia. Zulawski (2007) shows how the integration of Bolivia's Indigenous populations as citizens was seen to be contingent on changes in hygiene and a rejection of 'backward' traditional cultural habits and healing practices, constituted as an obstacle to the potential improvement of Indigenous populations and national modernization.

These narratives of citizenship were neither sequential nor singular. Cultural improvements for the constitution of Indigenous citizens in the Andes were also to be realized through education and work (see García 2005; Drinot 2011; De la Cadena 2000). In the late nineteenth and early twentieth century, these narratives were also refracted through different currents of 'Indigenismo', which broadly sought to 'revindicate' and 'resuscitate' the Indian from a state of 'backwardness', attributed to oppressive colonial rule (see Coronado 2009; De la Cadena 2000; García 2005).[2] Through the early to mid-twentieth century the problem of Indian integration became increasingly understood as cultural or 'acquired vices' that could potentially be overcome, opening the possibility for transformation and progress. By the mid-twentieth century, education and economic reform had become predominant solutions to advance modernization and expand citizenship throughout the region, and tropes of race, increasingly taboo in the post-World War II era, were displaced by narratives of ethnicity and culture (Clark 1998b; Wilson 2004).

These official narratives were also resisted, adapted, and reworked. Wilson (2004) notes, for example, that Indigenous populations in Tarma found ways to foil new regulations and subvert efforts to exclude them. Castillo (2009) also points to the ways in which Indigenous populations made increasing demands on authorities to secure legal recognition of communities

and community rights in Peru in the early twentieth century through use of legal 'petitions'. Similarly Mallon (1995) provides insight into the ways in which discourses of nationalism and democracy were challenged by rural populations in Mexico and Peru and the efforts to advance alternate, more egalitarian versions. What these accounts collectively highlight is that citizenship was not just a question of singular forms of exclusion, co-optation, or limits to formal rights, but more complex and contradictory, informed by emerging knowledge and crucial to how different projects of national modernization were imagined, operationalized, and reworked through the region. The ways in which these narratives of citizenship resurface in contemporary programmes to promote citizenship is discussed in a later section.

Citizenship revolutions: promises and paradoxes

Despite the centrality of citizenship to problems of national progress, and efforts by labour movements, women's and indigenous organizations to advance formal rights through the twentieth century, it was not until the 1980s that discourses of citizenship and citizen rights were explicitly deployed to legitimate a range of social and political projects through the region. This is attributed in part to transitions from authoritarianism and the so-called third wave of democratization (Roberts 2005; Schönwälder 2002). The key role that social movements played in mobilizing against authoritarian regimes is well documented, as well as the ways in which citizen and human rights were deployed as an important strategy in this context (Dagnino 1998; Eckstein 2001; Jelin 1996). This period saw the emergence of a range of urban popular movements and self-help organizations, including 'survivalist' community kitchens that not only served to meet basic needs in the context of harsh austerity measures and a reduced role for the state in social provision, but demanded and politicized rights to essential services such as water and sanitation (Dagnino 1998; Schönwälder 2002).

Through the 1980s and 1990s demands for rights grew and diversified through the region, pushing the boundaries of citizenship beyond formal legal provisions to re-define the criteria for inclusion and the very content of citizen rights (Dagnino 2007; Alvarez *et al.* 1998). As Alvarez *et al.* (1998: 12) put it:

> [P]opular movements, along with feminist, Afro-Latin American, lesbian and gay, and environmental movements, have been instrumental in constructing a new conception of democratic citizenship, one that claims rights in society and not just from the state, and that challenges the rigid social hierarchies that dictate fixed social places for its (non)citizens on the basis of class, race, and gender …

The gains made by Indigenous groups stand out in this regard. Indigenous organizations emerged in the 1970s and 1980s in the Andean region, becoming powerful political movements by the 1990s when country after country in the Andean region reformed their constitutions in what was perceived as a 'citizenship revolution' that included the recognition of collective property rights as well as the multicultural character of society (Yashar 2005, Van Cott 2005). Bolivia's 'water war' in 2000 is a well-known example, in which sustained popular revolt by Indigenous and other citizens groups succeeded in forcing the government to retract its efforts to privatize the municipal water system in Cochabamba, ultimately leading to the cancelling of the private contract (Postero 2007; Perreault 2006). In addition to nationwide protests, movements have also succeeded in advancing rights through formal political channels and processes of constitutional reform. Notably, Indigenous organizations in Ecuador successfully advocated for the recognition of Ecuador as a 'plurinational state' in the 2008 Constitution, considered an important step

towards transforming a highly exclusionary political system and advancing collective rights to land and natural resources (Becker 2011).

Other, more contentious enactments of citizenship seek to extend citizenship by exposing its absence. Lynchings in poor urban neighbourhoods in Cochabamba in Bolivia described by Goldstein (2004) provide an example of this. Goldstein (2004) suggests that these were more than just a form of mob violence or revenge – lynchings called attention to the failure of the state to protect its citizens in the context of reduced social service provision and increasing crime and violence. Goldstein suggests that lynchings constitute a 'spectacular cultural performance'– a way for people excluded from political and socio-economic life to insert themselves forcefully into the public sphere. In this respect, lynchings not only reflect a particular social order and demand for citizenship but also help disrupt it, by highlighting its absence. These absences are also revealed in alternate ways in which rights are secured. Jaffe (2012) also shows how residents of inner-city neighbourhoods in Jamaica look to neighbourhood leaders or 'dons' to secure rights associated with citizenship and provide services associated with states ranging from security to welfare and employment. This form of extra-legal governance relocates citizenship from the state to the neighbourhood, and reveals alternative sources of legitimacy and social order.

These types of transformative actions operate alongside other practices of citizenship promoted, for example, in government and development projects. There is a growing body of research on the permutations of neoliberal government in Latin American and the persistence of the market as a key mechanism for citizen integration (see for example Perreault and Martin 2005; Peck and Tickell 2002; Jayasuriya 2006). The move away from the orthodox neoliberal economic ('Washington Consensus') reforms of the 1980s and 1990s, combined with political shifts to the left in many South American countries has raised questions as to whether this represents the 'death of neo-liberalism' or just a transformation into a different *kind* of neoliberalism (see Macdonald and Ruckert 2009). This transformation of the neoliberal project is seen in the extension of a market logic to new spaces and in the persistent understanding of the 'good citizen' as active, economically astute, and responsible for mitigating her own risks such as poverty and unemployment through engaging in the market rather than receiving support from the state for example.

This paradoxical deployment of discourses of citizenship, citizen rights, and citizen participation by bottom-up resistance movements and neoliberal policymaking exhibits what Dagnino (2007) referred to as a 'perverse confluence' in their mutual emphasis on citizen rights and citizen participation albeit to different ends. Several scholars characterize this confluence not as an anomaly but as the 'latest phase in the project of state assimilation' (Sierra 2004 cited in Blackwell 2012: 713), referring to a state strategy of citizenship-making that links empowerment and inclusion of marginalized populations with participation in the market economy.

This conception of citizenship underpins many contemporary projects for democratization and social development being implemented in the region. Emblematic of these are the conditional cash transfer (CCT) programmes that emerged in the mid-1990s, first in Brazil and Mexico, and proliferated after 2000 to become one of the most popular anti-poverty social policy instruments in Latin America (De los Rios and Trivelli 2011). CCT programmes provide periodic cash payments to targeted individuals and households with a view to interrupting intergenerational patterns of poverty on the condition that certain provisions are met, including school attendance, medical visits, and participation in capacity-building programmes, for example for child-rearing and nutrition. While they have had mixed results with respect to their stated aims, relevant to the present discussion is the particular conception of 'good citizenship' that they help normalize, premised upon the individualized responsibility to accumulate capital in order to lift themselves out of poverty (see Meltzer 2013).

Similar assumptions can be traced in microcredit programmes, which offer small loans to poor individuals (primarily women) who would not normally be able to access credit. This model of development also assumes that individuals are responsible for mitigating poverty by engaging as entrepreneurs in the market. Lazar's (2004: 302) analysis of microcredit programmes promoted by NGOs in El Alto, Bolivia showed how these 'citizenship projects' align entrepreneurial, active, 'private' forms of citizenship with the promotion of capacity-building for human development. At the same time, Lazar documents how these can have contradictory effects, as women relied upon alternate economic strategies in order to repay loans, reinforcing traditional social networks and collective forms of organization.[3]

Persistent neoliberal narratives and practices of citizenship also underpin certain state efforts to recognize Indigenous rights. Hale (2002: 490, 507) contends that the recognition of Indigenous rights formed part of the logic of a 'multicultural neoliberalism' which embraced 'recognition' for those making legitimate claims and denied it to those whose claims go 'too far,' thus stripping citizenship of its 'radical excesses'. State reforms in Bolivia in the 1990s provide a useful example in this regard. The constitutional declaration of Bolivia as a 'pluricultural' and 'multi-ethnic' nation was aimed at creating a new type of Indigenous citizenship based on collective ownership of land, 'intercultural' education, and Indigenous participation in local politics (Postero 2007). The latter was operationalized through the Law of Popular Participation (LPP), and was intended to decentralize governance to explicitly enable Indigenous citizens to participate directly in local and regional politics via grassroots organizations. Postero (2007) suggests that underpinning these reforms were neoliberal assumptions about the inefficiencies of the state and the responsibility of local communities to manage their own resources. She also notes that while the LPP did offer Indigenous organizations the opportunity to participate in municipal politics, its greater effect was to disrupt previously existing forms of organizing and reinforce previous patterns of racialized exclusion and local power structures (2007: 142). At the same time, Postero (2007) shows that the LPP nevertheless created space for Indigenous protest and the promotion of an alternate 'post-multicultural' form of citizenship, which 'radically challenged neoliberal order' (2007: 228) and paved the way for the formation of the Movimiento al Socialismo (MAS) which brought the first Indigenous president – Evo Morales – to power in 2006. Indigenous scholars and activists further contend that the reach of Indigenous claims extends beyond a post-multicultural citizenship; Rivera Cusicanqui (2008: 206) suggests that the Indigenous insurgence in Bolivia in 2000 and beyond offered, for the first time, the possibility of indigenizing society.

Citizens and spaces

The past decade has also seen increasing attention to the ways in which conceptions of citizenship and who 'counts' as a citizen intersect with, and are co-constituted through, imaginaries of place in varied ways. While cities and urban centres have historically been conceived of as spaces of civilization – with the potential to help instil the attitudes, practices and behaviours conducive to 'good citizenship', contemporary analyses of citizenship and the city show it to be a site of transformation and varied enactments of citizenship.

Holston (2011), whose work has been influential in this regard, draws upon examples from Brazil to show how increased urbanization in the second half of the twentieth century has led residents of poor urban peripheries to lay claim to particular rights associated with living in the city, reflecting a new kind of 'insurgent urban citizenship' challenging long-standing inequality. In this context it is the city rather than the nation that is considered to be the key political community and the basis for claims to rights based on residential concerns such as housing, transportation, plumbing, day care, etc. Holston (2011: 349) shows how mobilization around 'rights to the city'

can disrupt unequal systems of rights and forms of rule, helping to normalize new conceptions of citizen rights based not on privilege but equality.

Different enactments of citizenship in urban spaces can also disrupt historical associations between certain places with particular identities and ideas of citizenship. This is explored in Irazábal's edited collection *Ordinary places, extraordinary events: citizenship, democracy and public space in Latin America* (2008), which shows how the ordinary or everyday use of 'extraordinary' urban public spaces, such as central plazas and historic boulevards can (re)enact citizenship through processes of reclaiming and resignifying public space. Irazábal invokes the act of taking to the streets as a critical political strategy that has characterized protest and citizen mobilization in Latin America – against international and domestic policies and politics ranging from IMF intervention to the '*piqueteros*' movement in Argentina. She distinguishes between the 'invited spaces' of citizenship, legitimated by organizations and state authorities for formal participation and engagement, and improvisational 'invented spaces' created informally and often becoming sites of confrontation that challenge the status quo. What becomes clear is that people enact and negotiate citizenship within and through the use of public spaces, and that brief events in urban public spaces can have transformational effects.

The city as a persistent site of civilization and reconfigurations of 'good citizenship' has been co-constituted with particular understandings of natural spaces and the environment. Historically, for example, rural highland and lowland areas in the Andean countries and the Indigenous populations that have traditionally lived there have persistently been located as outside of the national imaginary, depicted as 'backward' in juxtaposition to the modern civilizing impulse of urban areas. Lowland forest regions such as the Amazon have historically been constituted not just as physical backwaters but as 'space without citizens' (Grillo and Sharon 2012: 115). This narrative has been disrupted, in part, through the latter half of the twentieth century, as the extraction of mineral and oil resources in the region became increasingly important for national economic development and the mobilization of Indigenous populations in the region in response. Efforts to challenge extractive industrial development through the dual assertion of rights and the promotion of environmental justice have been successful. The cancellation of the Canadian firm Bear Creek's mining concession by the Peruvian government in the wake of protests, the disruption to Vale's iron ore mining operation in Brazil as a result of an Indigenous blockade of crucial rail lines, protests to block open-pit gold mining in Argentina, as well as longstanding efforts by Indigenous organizations in Ecuador to hold Texaco/Chevron legally to account for the oil contamination in the Amazon region (see Sawyer 2004) are but a few examples of this.

Alternative conceptions of 'good citizenship' are also being expressed through discourses of environmentalism. There is an emerging body of work on the intersection between questions of environment/nature and citizenship in Latin America that critically explores the boundaries between citizenship and environment/nature. By giving 'vitality' to nature and material things (see Bennet 2010), nature becomes more than just a backdrop to struggles for citizenship but is a constitutive agent, both transformative and transformed (see Latta and Wittman, this volume).

Decolonizing citizenship

Throughout the region Indigenous peoples are also disrupting traditional meanings of citizenship and rethinking modernity and politics. The concept of Indigenous citizenship was 'unthinkable' (Trouillot 1995) within modern and liberal categories, as Indians in America were pivotal to the establishment of frontiers between 'civilized' citizens who could claim rights, including rights to property and to form a government, and the Indigenous populations that had no part in politics or modernity and were therefore located outside history. Aymara sociologist Rivera Cusicanqui

(1990: 24) documents how, historically, Indigenous populations were denied rights until they had 'learnt the dominant logic and initiated a process of their own self-negation [as Indian]'.

Isin and Nielsen's (2008: 3) notion of 'acts' of citizenship is useful for conceptualizing the multiple ways in which 'improper'[4] people 'enact themselves' as citizens, in ways that break with conventional forms, and in doing so 'rupture social-historical patterns'. In a similar way Rancière (1999) argues that the citizen is not only the one who accepts the responsibilities assigned to him/her but the one who disrupts the given order by 'taking part in something to which she has no right' (Panagia 2009: 303). Indigenous peoples are not only stripping citizenship from its racist, colonial, and civilizing pretensions but also bringing onto the horizon alternative knowledge and worlds that were unthinkable within a colonial, modern universe. Proposals include valuing Indigenous concepts such as *Ayllu*, an Aymara sociopolitical organization based on relations of solidarity and reciprocity (Yampara Huarachi 2001); and recovering an Indigenous modernity which, according to Rivera Cusicanqui (2008: 214), was already in place in the sixteenth century linking communities in a transnational market and forming transcultural forms of citizenship.

The Zapatista rebellion in Mexico in the 1990s also opened up political space for decolonizing citizenship. The movement's quest for autonomy without seeking 'state recognition in order to verify or make real its existence' avoided the co-opting and de-politicized practices associated with multicultural liberalism (Speed 2006: 219). In response to the Mexican government's efforts to deny Indigenous autonomy by arguing that customary law did not guarantee individual women's rights (drawing upon gendered and racist stereotypes), Indigenous women called upon male authorities of Indigenous communities to alter their conduct and norms to accommodate their rights. In refusing to conceptualize their rights outside of a collective version, Indigenous women are changing both 'traditional' gender norms and paternalistic external protection (Speed 2006: 220). Blackwell (2012: 705) argues that Zapatista Indigenous women are thus enacting different forms of autonomy outside a liberal discourse of rights 'thereby generating a different form of belonging or cultural citizenship'.

In Bolivia and Ecuador, enactments of citizenship differ from those of the Zapatistas, as Indigenous struggles have translated into new constitutional rights and, in the case of Bolivia, opened the possibility of decolonizing the state. The recognition of plurinationality as the foundation of citizenship and the incorporation of Indigenous principles such as 'living well' (*suma qamaña* in Aymara and *sumak kawsay* in Quechua) challenge modern conceptions of progress and civilization, and recognize citizenship as heterogeneous. Both Ecuadorian and Bolivian Constitutions recognize collective rights, communal forms of democracy, and economy. The preamble of Bolivia's new 2009 Constitution states that Bolivia is leaving behind a colonial, republican, and neoliberal state, and declares Bolivia to be a plurinational communitarian state, incorporating ethical Indigenous principles and declaring decolonization to be a state responsibility, thus reconfiguring the conventional boundaries of politics. Ecuador's 2008 Constitution is also precedent-setting in granting rights to nature; the preamble of the Constitution explicitly states the aim of constructing a new form of citizen coexisting with nature, in order to achieve '*el buen vivir*' or 'living well' (Walsh 2010: 18; see also Acosta and Martínez 2009; Escobar 2010; Gudynas 2009; Radcliffe 2012). Indigenous populations in the Andes are thus challenging the modern distinction between nature and humanity. By bringing nature into politics, not only in mobilizing against its destruction but recognizing it as a political agent, Indigenous peoples in the Andes are enacting what De la Cadena (2010: 336, 360) refers to as a 'pluriversal politics'.

Along similar lines, and reflecting on the long history of Indigenous mobilizations in Bolivia, Rojas (2013) argues that Indigenous peoples have combined the modern logic of equality and the concept of difference as a way to reinstate a place for their own life-world. She refers to these 'acts of indigenship' that interrupt the established order and enact the worlds suppressed

by modernity. This was foregrounded in the widespread protests in 2000, when 'improper' demonstrations by women wearing *polleras* (Indigenous attire) with the 'wrong names' erupted into poor neighbourhoods and roads using an 'improper' language, a roar, to interrupt the social order and dismiss the neoliberal state (Mamani 2004). These acts of indigenship brought together men's and women's Indigenous organizations, trade unions, and peasant organizations in a Unity Pact to work together in the Constitutional Assembly created to draft the new 2009 Constitution.

Looking forward

This chapter has looked at different enactments and practices of citizenship at different moments and sites throughout the region, as a way to move beyond conventional conceptions of citizenship as a legal bundle of rights and duties. Nonetheless, questions of citizenship in relation to problems of democracy and state–society relations remain an important focus of political analyses in the region. Despite the success of diverse efforts to advance and expand citizen rights, persistent clientelism, as well as weak state institutions and rule of law combine to limit the exercise of political and civil rights throughout the region (see Taylor 2004). These contribute to high levels of citizen distrust and disenchantment with democratic institutions as well as with traditional mechanisms of representation (Latinobarómetro 2011). Compounding this are high levels of crime, violence, and persistent human rights violations, including the killing of protesters, harsh prison conditions, media intimidation, and minority and gender-based violence and discrimination (Human Rights Watch 2012). Moreover, significant portions of the population remain 'undocumented', which precludes them from exercising basic political rights and accessing services. Social rights also remain limited in the region – despite sustained economic growth and some gains in reducing poverty, Latin America remains one of the most unequal regions in the world, with many living below the poverty line and without access to basic services including clean drinking water (ECLAC 2012). These persistent limits to the substantive implementation of political, civil, and social citizen rights in the region make this an important area for continued investigation and advocacy.

At the same time, there are important emerging lines of critical inquiry that break with conventional analyses of citizenship and state–society frameworks. For example, as we have noted above, there is increasing critical attention to the forms of citizenship promoted within programmes for social and economic development (see for example Lazar 2004; Postero 2007; Lucissano 2006). These show that, regardless of intentions, these programmes are not purely technical, neutral, or natural solutions to redressing historical patterns of exclusion. Rather, they are embedded in contingent assumptions about the practices of belonging and 'good citizenship' often with depoliticizing effects. At the same time, the impacts and effects of programmes are never determinate, but contested and reworked in often unexpected ways. Continued analyses of these diverse effects are an important avenue of research – examples include Cameron's (2009) analysis of the 'infrapolitics' of participatory budgeting in the Andes, Lazar's (2004) study of microcredit initiatives in Bolivia, and Andolina *et al.*'s (2009) edited collection on *Indigenous development in the Andes*.

Attention to the ways in which citizenship and the citizen are co-constituted as part of broader constellations of processes, people, places, and things is another important emerging avenue of inquiry. Increasing cross-disciplinary attention to citizenship in the region is helping to illuminate this – the study of citizenship is no longer just the purview of political scientists or sociologists, but also geographers, urban planners, and anthropologists. For example, the complex constellation that constitutes the climate change problematic in Latin America is also the site of the emergent practices of citizenship. On the one hand, in offering a way to potentially

revalorize and protect forests for their important carbon stocks, actions to mitigate climate change may help legitimize Indigenous claims to previously unrecognized rights and territory in the region. On the other hand, climate change mitigation programmes implemented in Latin America such as programmes to reduce greenhouse gas emissions from deforestation and degradation (or REDD) are also linked to the geopolitics of climate security and novel types of 'enviropreneurial' citizenship (Baldwin and Meltzer 2012). This draws upon longer-standing assumptions about the immanent capacity of Indigenous populations to conserve nature, but also entails new capacities and responsibilities such as measuring forest carbon to help ensure the circulation of carbon and capital. These types of analyses are useful in tracing emergent forms of citizenship and showing how these are shaped by specific contexts.

Focusing on novel forms of citizenship, however, can come at the expense of attention to the ways in which longer-standing narratives of citizenship persist. While epistemological shifts have constituted 'the citizen' in different ways, narratives of citizenship are also rearticulated over time. For example, the requirements for particular standards of hygiene, cleanliness, and education that are conditions of contemporary cash transfer programmes rearticulate previous moral tropes that distinguished 'fit' from 'unfit' citizens and also invoke historical associations of certain populations as idle and dirty.

Investigation into the ways in which citizenship is being 'decolonized' or detached from European epistemologies and liberal versions is another important line of inquiry in Latin America. As Mignolo (2009: 4) puts it, 'the task of de-colonial thinking is the unveiling of the epistemic silences of Western epistemology and affirming the epistemic rights of the racially devalued'. As we have discussed above, Indigenous populations in the region are transforming modern liberal conceptions of citizenship that have historically operated to exclude them. Rojas (2013) shows how alternate life-worlds are being enacted by Indigenous populations in Bolivia, interrupting dominant narratives and opening the possibility for a new kind of politics. Taylor (2013), drawing upon examples from Argentina, also explores this through the notion of fundamental differences or 'diversality'. These lines of inquiry, which are thus far fairly unique to the region, may break ground for analyses elsewhere.

Collectively, the diverse themes highlighted in this chapter show that there are many promising avenues for future investigations into citizenship in Latin America; citizenship continues to be a productive entry point for understanding current and past practices of politics, projects of reform, and struggles for transformation. Particularly promising is the increasing orientation towards the different ways in which citizenship is understood and enacted through the region, how it is shaped by context and embedded in broader assemblages. The continued epistemological 'slipperiness' of citizenship – as a formal marker of differentiation and belonging, a mobile practice, strategy of government, and tool for transformation – ensures that future inquiry will continue to be diverse and innovative.

Notes

1 This draws upon Isin and Nielson's (2008) notion of 'acts' of citizenship, and attention to the various ways in which people 'enact themselves' as citizens, redefining rights and disrupting existing orders (ibid.: 3–10).

2 *Indigenismo* has different meanings, but it broadly refers to the social, political, and cultural discourses that became prominent in the first part of the twentieth century and converged around the aim of 'revindicating' the Indian from marginalized to central subject in projects of national integration and modernization (Coronado, 2009: 1).

3 See Schild (2007) for an insightful account of how individualized citizen responsibility for 'self-development' has been institutionalized in social policies in Chile.

4 Although indigenous peoples are not considered qualified to take part in politics or speak in this context, they nevertheless do so using 'words incorrectly, anachronistically, and improperly' (Panagia 2009: 303).

References

Acosta, A. and Martínez, E. (eds.) (2009) *Derechos de la naturaleza: el futuro es ahora*, Quito: Abya-Yala.

Alvarez, S., Dagnino, E., and Escobar, A. (1998) 'Introduction: the cultural and the political in Latin American social movements', in S. Alvarez, E. Dagnino, and A. Escobar (eds.) *Culture of politics, politics of culture: re-visioning Latin American social movements*, Boulder, CO: Westview Press: 1–29.

Andolina, R., Laurie, N., and Radcliffe, S. (eds.) (2009) *Indigenous development in the Andes: culture, power and transnationalism*, Durham, NC: Duke University Press.

Baldwin, A. and Meltzer, J. (2012) 'Environmental citizenship and climate security: contextualizing violence and citizenship in Amazonian Peru', in A. Latta and H. Wittman (eds.) *Environment and citizenship in Latin America: natures, subjects, struggles*, New York: Berghahn Books: 23–39.

Becker, M. (2011) 'Correa, Indigenous movements, and the writing of a new constitution in Ecuador', *Latin American Perspectives*, 176: 42–62.

Bennet, J. (2010) *Vibrant matter: a political ecology of things*, Durham, NC: Duke University Press.

Blackwell, M. (2012) 'The practice of autonomy in the age of neoliberalism: strategies from indigenous women's organising in Mexico', *Journal of Latin American Studies*, 44: 703–32.

Cameron, J. D. (2009) 'Development is a bag of cement: infrapolitics of participatory budgeting in the Andes', *Development in Practice* 19: 692–701.

Castillo, V. (2009). *Indigenous 'messengers' petitioning for justice: citizenship and indigenous rights in Peru, 1900–1945* (Unpublished doctoral dissertation), Ann Arbor, MI: University of Michigan.

Clark, K. A. (1998a) 'Racial ideologies and the quest for national development: debating the agrarian problem in Ecuador,' *Journal of Latin American Studies*, 30: 373–93.

Clark, K. A. (1998b) 'Race, 'culture' and mestizaje: the statistical construction of the Ecuadorian nation, 1930–1950', *Journal of Historical Sociology* 11: 185–211.

Coronado, J. (2009) *The Andes imagined: indigenismo, society and modernity*, Pittsburgh, PA: University of Pittsburgh Press.

Dagnino, E. (1998) 'Culture, citizenship, and democracy: changing discourses and practices of the Latin American Left', in S. Alvarez, E. Dagnino, and A. Escobar (eds.) *Cultures of politics, politics of cultures: re-visioning Latin American social movements*, Boulder, CO: Westview Press: 33–92.

Dagnino, E. (2007) 'Citizenship: a perverse confluence', *Development in Practice*, 17: 549–56.

De la Cadena, M. (2000) *Indigenous mestizos: the politics of race and culture in Cuzco Peru, 1919–1991*, Durham, NC: Duke University Press.

De la Cadena, M. (2008) 'Política indígena: un análisis más allá de la "política"', *WAN Journal* 4: 139–71. Available online at www.ram-wan.net/html/journal-4.htm (accessed 28 August 2009).

De la Cadena, M. (2010) 'Indigenous cosmopolitics in the Andes: conceptual reflections beyond "politics"', *Cultural Anthropology*, 25: 2, 334–70.

De los Rios, J. and Trivelli, C. (2011) 'Social mobilization in conditional cash transfer programs: seeking mid-term impacts', Proceedings from International Conference on Social Protection for Social Justice, Institute of Development Studies. Available online at www.ids.ac.uk/files/dmfile/DeLosRiosTrivelli2011SavingsmobilisationinCCTinPeruCSPconferencedraft.pdf (accessed 14 September 2012).

Drinot, P. (2011) *The allure of labour: workers, race, and the making of the Peruvian state*, Durham, NC: Duke University Press.

Eckstein, S. (2001) 'Power and popular protest in Latin America', in S. Eckstein (ed.) *Power and popular protest: Latin American social movements*, Berkeley, CA: University of California Press: 1–60.

ECLAC (2012) 'Social panorama of Latin America.' Economic Commission for Latin America and the Caribbean Briefing Paper. Available online at www.cepal.org/publicaciones/xml/4/48454/SocialPanorama2012DocI.pdf (accessed 14 February, 2013).

Escobar, A. (2010) 'Latin America at the crossroads: alternative modernizations, post-liberalism, or post-development? *Cultural Studies*, 24: 1–65.

García, M. E. (2005) *Making Indigenous citizens: identity, development and multicultural activism in Peru*, Stanford, CT: Stanford University Press.

Goldstein, D. M. (2004) *The spectacular city: violence and performance in urban Bolivia*, Durham, NC: Duke University Press.

Grillo, M.T. and Sharon, T. (2012) 'Peru's Amazonian imaginary: marginality, territory and national integration', in A. Latta and H. Wittman (eds.) *Environment and citizenship in Latin America: nature, subjects and struggles*, The Netherlands: Centro de Estudios y Documentación Latinoamericanos (CEDLA): 112–28.

Gudynas, E. (2009) 'La ecología política del giro biocéntrico en la nueva constitución de Ecuador', *Revista Estudios Sociales* (Bogotá) 32: 34–47.
Gudynas, E. (2012) 'Estado compensador y nuevos extractivismos: las ambivalencias del progresismo sudamericano', *Nueva Sociedad*, 237: 128–46.
Hale, C. (2002) 'Does multiculturalism menace? Governance, cultural rights and the politics of identity in Guatemala', *Journal of Latin American Studies*, 34: 485–524.
Holston, J. (2011) 'Contesting privilege with right: the transformation of differentiated citizenship in Brazil', *Citizenship Studies*, 15, 3–4: 335–52.
Human Rights Watch (2012) World Report 2013. Available online at www.hrw.org/sites/default/files/wr2013_web.pdf (accessed 10 February 2014)
Irazábal, C. (ed.) (2008) *Ordinary places, extraordinary events: citizenship, democracy and public space in Latin America*, London: Routledge.
Isin, E. and Nielsen, G. (2008) 'Introduction: acts of citizenship', in E. Isin and G. Nielsen (eds.) *Acts of citizenship*, London: Zed Books: 1–12.
Jaffe, R. (2012) 'Crime and insurgent citizenship: extra-state rule and belonging in urban Jamaica', *Development*, 55: 219–23.
Jayasuriya, K. (2006) *Statecraft, welfare and the politics of inclusion*, London: Palgrave Macmillan.
Jelin, E. (1996) 'Citizenship revisited: solidarity, responsibility, and rights', in E. Jelin and E. Hershberg (eds.) *Constructing democracy: human rights, citizenship and society in Latin America*, Boulder, CO: Westview Press: 101–20.
Larson, B. (2004) *Trials of nation making: liberalism, race, and ethnicity in the Andes, 1810–1910*, Cambridge: Cambridge University Press.
Latinobarómetro (2011) Corporación Latinobarómetro 2011 Report. Available online at www.latinobarometro.org/latino/LATContenidos.jsp (accessed 10 January 2012).
Lazar, S. (2004) 'Education for credit: development as citizenship project in Bolivia', *Critique of Anthropology*, 24: 301–19.
Lucissano, L. (2006) 'The Mexican *oportunidades* program: questioning the linking of security to conditional social investments for mothers and children,' *Canadian Journal of Latin American and Caribbean Studies*, 31: 53–86.
Macdonald, L. and Ruckert, A. (eds.). (2009) 'Post-neoliberalism in the Americas: an introduction', in L. Macdonald and A. Ruckert (eds.) *Post-neoliberalism in the Americas: beyond the Washington Consensus?* New York: Palgrave Macmillan: 1–18.
Mallon, F. (1995) *Peasant and nation: the making of postcolonial Mexico and Peru*. Berkeley, CA: University of California Press.
Mamani, P. (2004) *El rugir de las multitudes: la fuerza de los levantamientos indígenas en Bolivia/Qullasuyu*, La Paz: Ediciones Yachaywasi.
Meltzer, J. (2013) '"Good citizenship" and the promotion of personal savings accounts in Peru', *Citizenship Studies*, 17: 641–52.
Mignolo, W. (2009) 'Epistemic disobedience, independent thought and de-colonial freedom', *Theory, Culture and Society*, 26: 1–23.
Panagia, D. (2009) 'The improper event: on Jacques Rancière's mannerism, *Citizenship Studies*, 13: 297–308.
Patzi, F. (2007) *Insurgencia y sumisión: movimientos sociales e indígenas*. Bolivia: Ediciones Yachaywasi.
Patzi, F. (2012) 'Ser o no ser indígena en la Bolivia de hoy', *La Época*, March 18–24: 13.
Peck, J. and Tickell, A. (2002) 'Neoliberalizing space', *Antipode*, 34: 380–404.
Perreault, T. (2006) 'From the *Guerra Del Agua* to the *Guerra Del Gas*: resource governance, neoliberalism and popular protest in Bolivia,' *Antipode*, 38: 150–72.
Perreault, T. and Martin, P. (2005) 'Geographies of neoliberalism', *Environment and Planning A*, 37: 191–201.
Postero, N. G. (2007). *Now we are citizens: Indigenous politics in postmulticultural Bolivia*, Stanford, CT: Stanford University Press.
Pratt, M. L. (1992) *Imperial eyes: travel writing and transculturation*, London: Routledge.
Radcliffe, S. (2012) 'Development for a postneoliberal era? Sumak Kawsay, living well and the limits of decolonisation in Ecuador', *Geoforum*, 43: 240–9.
Rancière, J. (1999) *Dis-agreement: politics and philosophy*, Minneapolis, MN: University of Minnesota Press.
Rivera Cusicanqui, S. (1990) 'Democracia liberal y democracia de Ayllu: el caso del Norte de Potosí', in Toranzo Roca, C.F. (ed.) *El difícil camino hacia la democracia*, Bolivia: ILDIS: 9–51.
Rivera Cusicanqui, S. (2008) 'Violencia e interculturalidad: paradojas de la etnicidad en Bolivia hoy', *Willka*, 2: 201–35.

Roberts, B. (2005) 'Citizenship, rights and social policy', in C. Wood and B. Roberts (eds.) *Rethinking development in Latin America*, Pennsylvania: Pennsylvania State University Press: 137–58.
Rojas, C. (2013) 'Acts of indigenship: historical struggles for equality and colonial difference in Bolivia', *Citizenship Studies*. 17: 581–95.
Sawyer, S. (2004) *Crude chronicles. Indigenous politics, multinational oil, and neoliberalism in Ecuador*, Durham, NC: Duke University Press.
Schild, V. (2007) 'Empowering "consumer-citizens" or governing poor female subjects? The institutionalization of "self-development" in the Chilean social policy field,' *Journal of Consumer Culture*, 7: 179–203.
Schönwälder, G. (2002) *Linking civil society and the state: urban popular movements, the Left, and local government in Peru, 1980–1992*, Pennsylvania: Pennsylvania State University Press.
Sierra, M.T. (2004) 'Derechos humanos, género y etnicidad: reclamos legales y retos antropológicos', in R. Aída Hernández, S. Paz, and M. T. Sierra (eds.), *El estado y los indígenas en los tiempos del PAN*, Mexico City: CIESAS and Miguel Angel Porrúa.
Speed, S. (2006) 'Rights at the intersection: gender and ethnicity in neoliberal Mexico', in S. Speed, A. Hernández, and L. Stephen (eds.) *Dissident women: gender and cultural politics in Chiapas*, Austin, TX: University of Texas Press: 203–21.
Taylor, L. (2004) 'Client-ship and citizenship in Latin America', *Bulletin of Latin American Research*, 23: 213–27.
Taylor, L. (2013) 'Decolonizing citizenship: reflections on the coloniality of power in Argentina', *Citizenship Studies*, 17: 596–610.
Trouillot, R. (1995) *Silencing the past: power and the production of history*, Boston, MA: Beacon Press.
Tulchin, J. and Ruthenburg, M. (2007). 'Towards an analysis of citizenship in Latin America', in J. Tulchin and M. Ruthenburg (eds.) *Citizenship in Latin America*, London: Lynne Rienner Publishers: 1–10.
UNDP (2012) Regional Human Development Report for Latin American and the Caribbean 2010. Available online at www.idhalc-actuarsobreelfuturo.org/site/engl/index.php (accessed 5 January, 2013).
Van Cott, D. (2005) *From movements to parties in Latin America: the evolution of ethnic politics*, Cambridge: Cambridge University Press.
Walsh, C. (2010) Development as buen vivir: institutional arrangements and (de)colonial entanglements, *Development* 53: 15–21.
Wilson, F. (2004) 'Indian citizenship and the discourse of hygiene/disease in nineteenth-century Peru', *Bulletin of Latin American Research*, 23: 165–80.
Yampara Huarachi, S. (2001) *El ayllu y la territorialidad en los Andes: una aproximación a Chambi Grande*, La Paz, Bolivia: Ediciones Qamán Pacha CADA. El Alto: Bolivia.
Yashar, D. (2005) *Contesting citizenship in Latin America: the rise of Indigenous movements and the postliberal challenge*, Cambridge: Cambridge University Press.
Zulawski, A. (2007) *Unequal cures: public health and political change in Bolivia, 1900–1950*, Durham, NC: Duke University Press.

22

Ecological citizenship in Latin America

Alex Latta and Hannah Wittman

In early modern political thought, the emerging institution of citizenship is often theorized in terms of a departure from a hypothetical 'state of nature'. If that state of nature was partly a thought experiment for philosophers like Hobbes, Locke, and Rousseau, it was also an actually existing place in relation to the European civilizational project. The dawn of the modern era in the Old World was intimately tied to – and actually depended upon – colonial projects in the New World, where a civilizing mission addressed itself to indigenous populations that were seen to embody the very state of nature that Europeans had supposedly transcended. Indigenous peoples were to be either killed, enslaved, or civilized, while New World nature was to be tapped for its abundant wealth in minerals, timber, and agricultural soils. In this way, the colonies of the Americas contributed both ideologically and materially to the emergence of Western political society.

In Latin America today, the inheritance of the European civilizational project is clearly visible in a postcolonial order of national states and economies, but alongside it – and permeated through it – we can also find a series of powerful influences from autochthonous modes of political and economic organization. Notwithstanding the impacts of colonialism, many indigenous traditions of self-government have been conserved and adapted, providing a counterpoint to Western forms of political subjectivity and also contributing to hybrid identities and movements that are products of cultural collision and exchange in the Latin American region. From the Zapatistas in Mexico to indigenous movements in the Andean countries, to the landless workers movement in Brazil, uniquely Latin American forms of political agency have resisted, adapted, and reshaped both the Western institution of citizenship and colonial/postcolonial modes of controlling and organizing resource extraction, industrial expansion, agricultural production, and capital accumulation.

In what follows we explore a range of human-nature relationships that play into the formation of social and political (or sociopolitical) subjectivities in Latin America. We are interested in these 'socio-ecological' relationships both in material terms (how humans interact with biophysical systems) and in their social dimension (how these material interactions are understood, governed, and invoked in political debate). Our analysis examines the intersection between citizenship and ecology in the contexts of resource extraction, agricultural production, urbanization, and evolving forms of environmental governance. While we conduct this exploration through the

rubric of citizenship, we do so cognizant of the tensions this raises. The citizen – and indeed our whole lexicon for studying society, politics, and the environment – is part of a Western intellectual tradition that potentially effaces indigenous world views and cultural traditions. We must be open to different ways of constituting persons and collectives, and of mingling human and natural orders, if we are to understand the most important manifestations of ecological citizenship in Latin America.

Material relations and subjectivity: towards postcolonial ecologies

The evolution of citizenship in Latin America is inextricably linked to the hemisphere's uneven incorporation into what Jason Moore (2010) calls a *capitalist world-ecology*, embodied in the shifting colonial and postcolonial exploitation of the region's natural resources over more than five hundred years. National societies have been founded and reshaped in the crucible of economic boom-and-bust cycles tied to mineral and agricultural commodities such as silver (Peru, Bolivia), sugar (Brazil, Cuba), nitrates (Chile), oil (Venezuela), and soy (Argentina, Paraguay). Similarly, the institutions, norms, and practices of citizenship have shaped political subjects according to logics by which different groups – for example indigenous peoples, peasants, slaves, miners, and agricultural labourers – are included in or excluded from these dominant economic projects (Sundberg 2008). Thus, while modern environmental movements have opened a space for a self-consciously 'environmental' citizenship, such sociopolitical subjectivities are layered on top of historical sedimentations of citizenship that are already as much ecological as they are economic, cultural, or political.

Given the specific political and ecological dimensions of the region's historical and contemporary engagements with global capitalism, the relationships between nature and citizenship that predominate in Latin America are notably different in character from those in the Global North. The individualized and consumer-oriented invocation of responsibility associated with the 'green' citizen in North America and Europe is rare in Latin America, though it is growing in prominence as elites in the region join a global class of profligate consumers. Instead, nature is more often politicized through questions of environmental justice (Carruthers 2008), for example, as indigenous and other rural communities defend their lands and waters from mining, oil and gas extraction, logging, or hydroelectric dams and other infrastructure projects (Latta 2007); as peasants struggle to protect their land and livelihoods, and are forging new rural identities in the face of an expanding agro-industrial model of rural development (Wittman 2009); and in rapidly urbanizing settings, as poor communities struggle to claim rights to the city in the shape of water, sanitation, and other basic services, while simultaneously suffering disproportionately from the health impacts of industrial pollution (Auyero and Swistun 2009). In all these instances, social justice as a fundamental question of citizenship – in terms of both rights *and* opportunities for meaningful democratic participation – is intrinsically interwoven with the politics of the environment.

Closely tied to the alignment between environmental politics and social justice, citizenship also becomes entwined with nature in broader philosophical and social movements towards decolonization, where the politics of identity and race so closely map onto contestation over control of ancestral territories and the impacts of economic development on traditional rural livelihoods. Here we see most clearly the tension between citizenship and other modes of collective organization, leading to a range of responses amongst popular movements. At one end of the spectrum we can find efforts to achieve degrees of independence from the state, linking political and territorial claims for self-determination to traditional ways of life in specific places and ecologies. One example of this is the Zapatista project to establish autonomous self-governing communities beyond the reach of the Mexican State, based on hybrid norms derived from leftist political traditions and

Mayan customs. A similar case can be found in Southern Chile, where Mapuche engagements in Chilean political processes exist in tension with their efforts to rebuild autonomous modes of self-government and livelihood within their traditional territories (Marimán Quemenado 2010).

At the other end of the spectrum, decolonizing movements have sought instead to take ownership of and transform national institutions of citizenship. The passage of new constitutions in Ecuador (2008) and Bolivia (2009) is the clearest example of this, where national citizenship has been recast in closer continuity with indigenous knowledge, culture, and modes of governance. Nature has been central to this transformation, especially in relation to the concept of *Buen Vivir* (living well), which draws on indigenous cosmovisions – their worldviews and spiritual beliefs – to redirect the normative parameters for development (Gudynas 2011; Radcliffe 2012). The Ecuadorian constitution is particularly interesting for the way these postcolonial impulses are combined with Western political traditions in the shape of new rights for nature itself.

Extracting natural resources, forging nations and citizens

In the long history of the colonial and postcolonial trajectory, natural resource exploitation for global markets has played a central role in the formation of economic and political elites in Latin American societies and has also therefore conditioned the terms of inclusion and exclusion underlying the institution of citizenship. This is certainly true in the case of renewable resources such as forests and fisheries, but extraction of the region's mineral wealth has been of particular importance. The silver of Potosí, along with other important deposits in Mexico, was at the heart of Latin America's participation in the early gestation of a European-led but globally extensive capitalist system (Moore 2010). Resource economies have also been crucial to the formation of modern Latin American states (see e.g. Coronil 1997). Today, extractive industries are once again a crucial dimension of the region's insertion into processes of economic globalization, derived from the liberalization of trade and investment that marked the neoliberal turn during the final decades of the twentieth century.

A trend towards democratization across Latin America during the 1980s and 90s, accompanied by a deepening commitment to economic liberalism, opened the way for a renewed intensification of investment in extractive industries. Most of this new investment has been transnational in character, driven by the movement of capital across national frontiers by global corporate actors. Chile's mining sector experienced a boom following the country's return to democracy in 1990, and mining investment in Mexico also grew significantly during the same period, buoyed by legal reform and the North American Free Trade Agreement. In Brazil, the privatization of *Vale do Rio Doce* in the late 1990s gave birth to one of the world's largest transnational mining companies. The Argentinian and Peruvian mining sectors joined the ranks as major new poles of mining investment during the past decade. Meanwhile, oil and gas are crucial (either in actual terms or as future prospects) in Argentina, Bolivia, Brazil, Colombia, Ecuador, Peru, Venezuela, and Mexico, with discoveries of new deposits and pro-industry regulatory environments fuelling regional booms in several cases.

Just as colonial Spanish exploitation of the fabulous riches of Potosí entailed a tremendous human and ecological cost, contemporary extraction of Latin America's mineral and fossil fuel wealth brings economic growth into tension with the well-being of communities and the environment. As such, the impacts of the extractive industries have generated important struggles over related questions of development, democracy, and nature across the region (see e.g. Bebbington 2011).

Such struggles are in significant part a response to the increasing power of corporate actors. Carried on the wave of economic liberalization, strengthened protections for private property,

and new protections for investors in trade treaties, corporations have attained a kind of super-citizenship. Ownership of subsoil rights and concessions has empowered corporations to dramatically transform regional ecologies and societies through wholesale destruction of mountains, damage to glaciers, consumption of water and energy, and alteration and pollution of watercourses and aquifers. In some cases these corporate 'citizens' have attained new rights that even appear to supersede the territorial sovereignty of the state, as in the case of a Chile–Argentina treaty signed in 1997 that opens the way for trans-frontier mining operations along the entire length of their shared Andean border.

At the same time, extractive industries have also been at the heart of national projects that run against the grain of economic liberalization, where governments have sought to curtail the growing power of transnational capital and secure greater public revenue from resource extraction. Brazil, for instance, has retained control of its massive public oil company, Petrobras, and in 2012 Argentina renationalized its most important oil company, YPF. Venezuela provides an even more important case, where state-led oil extraction has fuelled the Bolivarian socialism of Hugo Chavez. Ecuador and Bolivia are more complex examples, where rhetoric about *Buen Vivir* and development alternatives has come into increasing tension with the attractive economic benefits promised by the expansion of mineral, petroleum, and gas extraction.

In response to corporate and state-led extractivism, peasant, indigenous, and other rural communities have made a diverse range of political claims in defence of their landscapes and ways of life. Such claims mark societal fault lines directly related to the uneven enjoyment of meaningful citizenship, with struggles over land becoming key sites where rights are defended, democracy is demanded, and sociopolitical identities are forged – often contributing to broader shifts in the relationship between nature and nation (see e.g. Perreault and Valdivia 2010).

Socio-ecological conflicts over resource extraction also extend to the international sphere. In the case of indigenous peoples, there is a direct link with internationally defined rights and responsibilities, such as those set out in International Labour Organization Convention 169 and the International Declaration on the Rights of Indigenous Peoples. Citizenship is also enacted through solidarity networks that are transnational in character, linking across national frontiers and around the world to support Latin American activists denouncing social injustice and environmental destruction. For instance, these transnational practices have facilitated the ability of activists to make depositions before governments, NGOs, and shareholder meetings in the Global North. Legal claims have even been made in foreign jurisdictions, such as the 2012 case launched against Hudbay Minerals in Canadian courts by Q'eqchi' community leaders from Guatemala.

Agrarian change and the territorialities of citizenship

Historical waves of land concentration and intermittent redistribution through land reform reflect tensions between Western geopolitical ideologies regarding the 'social function of land' and indigenous territorial systems, which also exhibit complex and enduring forms of land tenure. While communal and community-based land tenure systems were most common in precolonial times (in Incan society, for example, land was allocated on the basis of community service), land concentration among elites also occurred. In turn, some of these concentrated tenure systems among Mayan, Aztec, and Incan elites were co-opted by colonizing settlers as a way to control political power and territory (Ankersen and Ruppert 2006).

As agrarian landscapes were consolidated through initial colonization, later by elite-led government land concessions, and most recently by neoliberal restructuring of rural economies, the relationship between the state, the corporate sector, and rural peoples has changed. This has had important implications for both rural political representation and the management of

land and resources. Land grants to colonial elites throughout Latin America served as 'proof of citizenship' and as a reward for settlers' colonizing efforts. Through such grants, the landed elite gained rights to political representation and participation in regional decision-making, and to claim tribute from subaltern subjects. This exclusionary system of land-based power continued after independence, despite early attempts at agrarian reform throughout the region, which sought to transform indigenous subjects into economically productive citizens.

During the nineteenth and early twentieth centuries, through the construction of post-independence political systems and repeated constitutional reform, the relationship between land, economy, and citizenship led to the evolution of doctrines outlining the social function of land in over a dozen Latin American constitutions and a range of civil codes and agrarian reform laws. Unlike some indigenous cultures, which view land as a source of life and identity that transcends individual rights of access, the Western ideal of land as property and capital, and hence as the basis of economic rather than spiritual value, led to a series of initiatives on land redistribution as a driver of economic development and social progress. This strategy often contained explicit language about the role of the state in ensuring a wise stewardship of natural resources for the benefit of its citizens.

These doctrines were put into practice in a subsequent wave of agrarian reforms starting in the mid-twentieth century that redistributed land to small-scale and landless peasants, on the basis of the idea that land titling and an increase in private land ownership would promote investment and economic development. These principles were a pillar of the US-sponsored Alliance for Progress initiatives in Latin America during the Cold War, which promoted land reforms as a strategy to combat fears of communist encroachment in the region. These reforms also reflected liberal notions of property as a principal organizer of both individual personhood and individual relationships to the state (Holston 2008). However, these reforms – from Guatemala's overturned 1953 reform to the Brazilian military's frontier colonization programmes starting in the 1960s, to El Salvador's failed attempts to redistribute land in the 1980s – did little to reduce land inequality in the region. In some cases, as in Chile after the 1973 military coup, previously redistributed land was returned to elites. In other cases, rural landlords used often violent means to reclaim areas redistributed to small producers in former plantations or at the agricultural frontier, incorporating dispossessed settlers as wage labourers.

A more recent wave of land reconcentration since the mid-1990s has resulted from shifting and increasing demands for agricultural commodities related to corporate concentration in the production for export of food, fuel, fibre, and feed. This resultant new wave of land grabbing – the large-scale, and often foreign, acquisition of control over resources and territories – has further accentuated an orientation towards land as a basis for extraction and dispossession rather than citizen-led development (Borras *et al.* 2012). For example, even in Brazil, which has distributed land to over one million families since the 1960s and which limits land ownership by non-citizens, land acquisitions by foreign owners continue to extend an agricultural frontier almost exclusively oriented towards export markets, outpacing efforts towards land deconcentration through agrarian reform (Wilkinson *et al.* 2012).

Contestation over the political relationship of property, both historically as a precursor to citizenship and more recently as a social and economic right of citizenship, underlies contemporary mobilizations for an expanded definition of agrarian reform, most visibly in Brazil's Landless Workers Movement (MST) (Wittman 2009). Many Latin American social movements associated with the international peasant movement La Vía Campesina, including the MST, explicitly use concepts related to citizenship and the social function of land to demand access not only to land, but also to political spaces of participation in the construction of new forms of citizenship. Such demands often draw on a *campesino* or peasant identity as an integral part

of popular movements against exploitation, discrimination, and oppression, but this connection is not universally embraced. For example, some rural social movements in Bolivia view the peasantry as a 'homogenizing concept' linked to past political reforms that severed indigenous relationships with their traditional territories (Botazzi and Rist 2012).

As rural and agrarian movements make alliances with indigenous, environmental, women's, and urban social movements, demands for land become just one element of a broader struggle for political incorporation, along with social, civil, and economic rights. For example, Latin American campaigns against 'green grabbing' and 'green deserts' – which refer to the expansion of agro-fuels production and extensive tree plantation monocultures developed for energy and cellulose production – draw significantly on social function of land doctrines in several Latin American constitutions. These campaigns explicitly refer to the human right to an ecologically sustainable future, with court cases demanding expropriation of lands that are not being used sustainably. New alignments with demands for environmental justice have also begun to tear down traditional binaries between rural and urban movements for social justice. Coalitions of rural producers and urban consumers have been successful in bringing the right to food and food sovereignty into constitutional reforms in Venezuela, Ecuador, Peru, and Brazil during the last decade, strengthening the agrarian and ecological roots of citizen mobilization in both urban and rural spaces.

Urban environments of citizenship

While the literature on the relationship between environment and citizenship in Latin America is predominantly focused on rural arenas, Latin America's population is highly urbanized, and cities are key sites where citizens engage with environmental questions. As (Castro 2006) argues in his account of conflicts over water governance in Mexico City, the densely social character of urban nature means that such conflicts simultaneously become debates over social and political rights and duties. This is especially true since Latin America's cities present such stark landscapes of social and environmental injustice, where citizen mobilizations for life and livelihood intersect with political and spatial restructuring, urban ecologies of sprawl and toxic waste, and shifting opportunities for participation in civic life.

Though rarely cast as environmental in character, struggles over access to land, clean water, and sanitation form the bedrock of urban environmental citizenship. These struggles are fundamentally about the right to the city (Holston 2008), a right conceded on only marginal terms to the poorest members of Latin American society and often swept aside when elites prescribe new priorities for urban space, as Silva (2012) demonstrates in the case of urban highway expansion in Santiago, Chile. Moreover, as informal settlements compete for space with suburban expansion, luxury development, or urban green space, battles for the right to the city intersect with social contests over different visions of urban form, infrastructure, and socio-ecological relations (see e.g. Pezzoli 1998).

Urban environments are also key sites of struggle over more explicitly environmental dimensions of social justice. As Auyero and Swistun (2009) suggest in their study of a contaminated shantytown in Buenos Aires, the environmental health challenges of the urban poor rarely penetrate civic political agendas. Nevertheless, urban environmental justice can occasionally become a flashpoint for public debates, and mobilizations over these issues have begun to reposition environmental rights as a key feature of contemporary citizenship (see e.g. Merlinsky and Latta 2012). Marginalized urban dwellers have sometimes even led the way on environmental agendas, laying claim to new identities and spaces of political participation at the same time. Rubbish pickers offer a case in point. Long ostracized and invisible, they have built organizations and

alliances to revalorize their role in recovering materials from the waste flow of Latin American cities. Through the formation of cooperatives and associations, rubbish pickers have begun to reclaim both their dignity and their voice in relation to the society whose rubbish they recycle (see e.g. Gutberlet 2008).

Nature and citizenship in an era of global environmental governance

The field of global environmental governance consists of relationships between very different actors, including states, corporations, international organizations, and NGOs, forming various constellations around a range of efforts to cooperate through treaties, initiatives, and programmes to address global environmental concerns. Latin American national states, particularly Brazil, are playing increasingly important roles in international environmental negotiations, meanwhile serving as territorial gatekeepers for environmentally related policies and programming undertaken by international organizations such as the United Nations, the World Bank, and the World Trade Organization. At the same time, it is worth noting the alternative propositions for global environmental governance emerging from within the Latin American region, led in particular by the governments of Bolivia and Ecuador. Finally, sub-state actors are also involved in transnational environmental policy development, as may be seen in numerous Latin American cities' participation in the International Council for Local Environmental Initiatives. In another example of sub-national engagement, outside Europe and North America, Latin America has the largest area of forest certified by the Forest Stewardship Council, an independent certification body formed by collaboration between NGOs and corporations.

The arena of forest conservation and climate politics offers a context especially suited to exploring the implications of global environmental governance for the ecological dimensions of Latin American citizenship. Through the 1990s, major global concerns over deforestation and loss of biodiversity, especially in the Amazon, led to an international push for more protected areas, with Northern conservation organizations funnelling dollars into rainforest preservation. These international campaigns partly coincided with citizen mobilization in the region, such as the iconic movement of Brazilian rubber tappers in the 1980s, led by Chico Mendes. Nevertheless, conservation objectives have often come into conflict with forest dweller's land rights, modes of livelihood, identities, and traditional knowledge.

Such tensions have been augmented by the rising importance of forest ecosystems to global climate governance, especially in climate negotiations in a post-Kyoto Protocol environment, where forests have moved to the very centre of debates. With new scientific tools for measuring forest carbon and with policy innovation pushed forward by the United Nations, the World Bank, national governments, and NGOs, the role of forests in regulating (and especially storing) atmospheric carbon has gained central importance for a post-2012 climate governance framework. Referred to as REDD, Reduced Emissions from Deforestation and Degradation, this rising sphere of global environmental governance inserts forest ecosystems and their related human populations into a whole new set of resource and capital flows within emerging global markets for carbon emission offsets. With forest carbon becoming a commodity and an object of global governance, REDD will potentially reshape socio-ecological relationships in forest environments. As forest peoples are enlisted as forest guardians and global climate citizens/entrepreneurs (Baldwin and Meltzer 2012), their relationships to local ecologies are becoming new sites of contest over the shape of identity, land rights, and democratic process, as debates in Brazil clearly illustrate (Shankland and Hasenclever 2011).

Even as certain Latin American actors participate in shaping the emerging REDD framework, others articulate alternate visions of global climate governance. One intriguing example

came out of the April 2010 World People's Conference on Climate Change and the Rights of Mother Earth, held in Cochabamba, Bolivia, which became a crucial intersection of global grassroots mobilizations over climate change, indigenous rights, and food sovereignty. The more than 35,000 delegates produced a final declaration highly critical of ongoing UN-sponsored talks for a post-Kyoto climate agreement, proposing instead a global response to climate change that fuses a commitment to social justice and democracy with principles underlining the complementarity and need for harmony between humans and Mother Earth.

Polycentric and contested ecological citizenships

The growing literature on environmental citizenship predominantly aims to cultivate ecologically responsible citizens, a stance which assumes that nature and society are two separate spheres. We argue instead that nature and sociopolitical subjectivities are mingled and even mutually constituted through socio-ecological contestations over settlement, resource extraction, agricultural production, and territorial mobility (Latta and Wittman 2012). The increasing visibility of this dynamic co-constitution of nature and citizens in contemporary political arenas marks one of the most pressing needs for future citizenship research. This is especially true in Latin America, where struggles over citizenship bring Western forms of ecological knowledge, cultural identity, and collective organization into contact, conflict, and creative recombination with those rooted in indigenous world views and other regionally based traditions.

The material and social intertwining of human and non-human processes in Latin America presents us with a tapestry of ecological citizenships that is fundamentally polycentric. While rooted in local and national spheres, the assembled elements of citizenship and nature are equally shaped by specific bottom-up local and regional influences and by global flows of economic power, social movements, and evolving international norms. Numerous flashpoints bring these dynamic polycentric socio-ecological relations into focus, whether through debates over the implementation of new constitutional principles and rights, conflicts over mining and fossil fuel exploitation, contention over land rights and agro-industrial expansion, complex new encounters between global climate policy and the livelihoods of forest dwellers, or struggles for basic services and liveable environments in rapidly growing cities. Through such engagements, Latin American peoples, governments, justice systems, and social movements participate in the broader globalization of the rich ecological dimension of contemporary practices and institutions of citizenship.

References

Ankersen, T.T. and Ruppert, T. (2006) 'Tierra y libertad: the social function doctrine and land reform in Latin America', *Tulane Environmental Law Journal*, 69, pp. 1–53.

Auyero, J. and Swistun, D. A. (2009) *Flammable: environmental suffering in an Argentine shantytown*, Oxford: Oxford University Press.

Baldwin, A. and Meltzer, J. (2012) 'Environmental citizenship and climate security: contextualizing violence and citizenship in Amazonian Peru', in A. Latta and H. Wittman (eds.), *Environment and citizenship in Latin America: natures, subjects and struggles*, New York; Oxford: Berghahn Books, pp. 23–38.

Bebbington, A. (ed.) (2011) *Social conflict, economic development and the extractive industry: evidence from South America*, New York: Routledge.

Borras, Jr, S. M., Franco, J. C., Gómez, S., Kay, C., and Spoor, M. (2012) 'Land grabbing in Latin America and the Caribbean', *Journal of Peasant Studies*, 39(3–4), pp. 845–72.

Botazzi, P. and Rist, S. (2012) 'Changing land rights means changing society: the sociopolitical effects of agrarian reforms under the government of Evo Morales', *Journal of Agrarian Change*, 12(4), pp. 528–551.

Carruthers, D.V. (ed.) (2008) *Environmental justice in Latin America: problems, promise, and practice*, Cambridge, MA: MIT Press.

Castro, J. E. (2006) *Water, power, and citizenship: social struggle in the Basin of Mexico*, New York: Palgrave Macmillan.

Coronil, F. (1997) *The magical state: nature, money, and modernity in Venezuela*, Chicago: University of Chicago Press.

Gudynas, E. (2011) 'Buen Vivir', *Development*, 54(4), pp. 441–7.

Gutberlet, J. (2008) *Recovering resources - recycling citizenship: urban poverty reduction in Latin America*, Abingdon: Ashgate Pub.

Holston, J. (2008) *Insurgent citizenship: disjunctions of democracy and modernity in Brazil*, Princeton, NJ: Princeton University Press.

Latta, A. (2007) 'Citizenship and the politics of nature: the case of Chile's Alto Bío Bío', *Citizenship Studies*, 11(3), pp. 229–46.

Latta, A. and Wittman, H. (eds.) (2012) *Environment and citizenship in Latin America: natures, subjects and struggles*, New York and Oxford: Berghahn Books.

Marimán Quemenado, P. (2010) 'Making alternatives visible: the meaning of autonomy for the Mapuche of Cholchol (Ngulumapu, Chile)', in M. Blaser, R. de Costa, D. McGregor, and W. D. Coleman (eds.), *Indigenous peoples and autonomy: insights for a global age*, Vancouver: UBC Press, pp. 179–218.

Merlinsky, M. G. and Latta, A. (2012) 'Environmental collective action, justice and institutional change in Argentina', in A. Latta and H. Wittman (eds.), *Environment and citizenship in Latin America: natures, subjects and struggles*, New York and Oxford: Berghahn Books, pp. 190–208.

Moore, J. W. (2010) '"Amsterdam is Standing on Norway" Part I: The Alchemy of Capital, Empire and Nature in the Diaspora of Silver, 1545–1648', *Journal of Agrarian Change*, 10(1), pp. 33–68.

Perreault, T. and Valdivia, G. (2010) 'Hydrocarbons, popular protest and national imaginaries: Ecuador and Bolivia in comparative context', *Geoforum*, 41, pp. 689–99.

Pezzoli, K. (1998) *Human settlements and planning for ecological sustainability: the case of Mexico City*, Cambridge, MA: MIT Press.

Radcliffe, S. A. (2012) 'Development for a postneoliberal era? Sumak kawsay, living well and the limits to decolonisation in Ecuador', *Geoforum*, 43(2), pp. 240–9.

Shankland, A. and Hasenclever, L. (2011) 'Indigenous peoples and the regulation of REDD+ in Brazil: beyond the war of the worlds?', *IDS Bulletin*, 42(3), pp. 80–8.

Silva, E. (2012) 'Access denied: urban highways, deliberate improvisation and political impasse in Santiago, Chile', in A. Latta and H. Wittman (eds.), *Environment and citizenship in Latin America: natures, subjects and struggles*, New York and Oxford: Berghahn Books, pp. 171–89.

Sundberg, J. (2008) 'Tracing race: mapping environmental formations in environmental justice research in Latin America', in D.V. Carruthers (ed.), *Environmental justice in Latin America: problems, promise and practice*, Cambridge: MIT Press, pp. 25–47.

Wilkinson, J., Reydon, B., and Di Sabbato, A. (2012) 'Concentration and foreign ownership of land in Brazil in the context of global land grabbing', *Canadian Journal of Development Studies*, 33(4), pp. 417–38.

Wittman, H. (2009) 'Reframing agrarian citizenship: land, life and power in Brazil', *Journal of Rural Studies*, 25(1), pp. 120–30.

23

Citizenship and foreignness in Canada

Yasmeen Abu-Laban

The fact that Indigenous peoples still refer to the continent of North America as 'Turtle Island' is a powerful reminder of the settler-colonial foundation of the boundaries and polities that mark present-day Mexico, the United States, and Canada. The last is a country marked by settler-colonization initially from France and later Britain, along with repeated waves of immigration. Canada is an especially compelling place for considering globalizing citizenship studies because its particular historical social formation has given rise to complex power relations and also because the country has embraced (relatively) large-scale immigration from around the world since the late 1960s.

Both policy and scholarly responses to these historic and contemporary realities have put Canada at the forefront of contemporary global debates about the possibilities and limits of multicultural and/or differentiated citizenship in liberal polities formally committed to human rights. Proponents of multicultural and/or differentiated citizenship typically hold that equality cannot be fully realized if citizens are only granted the same rights as individuals and suggest that individual rights need to be combined with group rights extended to specific communities.

Contemporary social relations of power in Canada include a division between Indigenous peoples and settlers; a division between two (unequal) European groups (which is sometimes presented as the hegemony of 'English' over 'French'); a racialized division between 'whiteness' and 'non-whiteness'; a division between those who are foreign-born and those who are not; and a division between those who hold legal citizenship and those who do not. As this chapter argues, it is not simply legal citizenship that determines citizen belonging – or its obverse of foreignness. In this way, citizen belonging/foreignness are not stable categories, but rather socially and politically constructed, historically variable, and reflective of myriad struggles and contradictions.

In order to substantiate this argument, this chapter considers struggles over citizenship and policy responses in Canada, along with illuminating insights into citizenship studies as a globalizing field influenced by the Canadian experience as well as Canadian scholarship. A threefold approach is taken. First, it considers *formal citizenship* in relation to struggles over citizenship as a formal-legal status historically and contemporaneously. Secondly, it considers *substantive citizenship* in relation to the shifting entitlements associated with Canadian citizenship. This emphasis on rights, in both the Canadian and international literature, often draws on the path-breaking work of sociologist T. H. Marshall (1965), who emphasized civil, political, and social rights in

the development of citizenship in Britain. However, the particularities of the Canadian case also involve consideration of group rights owing to the *Canadian Charter of Rights and Freedoms* (a bill of rights entrenched in the constitution in 1982) as well as distinctive policy responses of the Canadian state to 'diversity'. Finally, it considers *citizenship belonging*, showing how expressions of political community are elastic and membership is fluid. Consequently, 'foreignness' is not necessarily dependent on holding 'citizenship' status or the rights associated with citizenship.

Formal citizenship: exclusions and demands in a 'white settler colony'

Although both French-origin and British-origin groups engaged in colonial practices *vis-à-vis* Indigenous peoples, with the emergence of the modern Canadian state in 1867, the legal extension of citizenship was in the service of developing Canada as a 'white settler colony' (Brodie, 2002: 46). If taken literally, the idea of a 'white settler colony' of course masks the reality of diversity both historically and contemporaneously. However, in Canadian scholarship the idea is used to highlight that Canada aspired to model Britain in political, cultural, linguistic, and demographic terms. The 'white settler colony' idea is also used to suggest that, in contrast to colonies of exploitation, Canada held a privileged place in the British Empire and that Canada's social power relations were profoundly shaped by its settler-colonial foundation in ways that may still reverberate in the present (Stasiulis and Jhappan, 1995).

Historically, legislation at municipal, provincial, and federal levels, such as that relating to the franchise, worked to deny Canadian citizenship to specific collectivities already in the country – including women, those without property, and Indigenous people (Strong-Boag, 2002: 40–1). For example, with the federal government's adoption of *The Indian Act* in 1876 (a federal law which still exists today in amended form), until 1960 one could not simultaneously maintain state recognition of 'Indian' status and citizen status with voting rights in national elections. Underscoring the assimilative and colonial elements of citizenship status in the context of a settler-colony, very few Indigenous people willingly abandoned their Indigenous identity even if it was devalued (Battiste and Semaganis, 2002: 103–5). Battiste and Semaganis summarize the situation as follows:

> Treating Indians as wards of the state, the federal government carved out the rights and opportunities of Aboriginal peoples from the limited colonial conceptions articulated in the Indian Act. Because they were not allowed to vote, hold office, or manage their own affairs, Indians held negligible political power. They were confined to reserves and held hostage to the economic whims of the colonial government and powers, thereby held in bondage to poverty. In addition, they were provided with an education that actively sought to destroy the language, culture and foundations of Aboriginal consciousness.
>
> *(2002: 104)*

Since the late 1960s, within this fraught context of the colonial past and colonial present, both government reports and Canadian scholars have advanced the idea of 'citizens plus' (Cairns, 2000) to suggest that one could be both a Canadian citizen and an Indigenous citizen with distinct rights. However, in light of Canada's legacy as a 'white settler colony' and continued struggles over land and self-government claims, it is not entirely clear what the 'plus' entails. This forms part of a larger ongoing debate about differentiated citizenship and rights that is explored further in the section dealing with *substantive citizenship*.

Also in light of the relevance of its foundation as a 'white settler colony' for citizenship, it is notable that it was only after World War Two, with the adoption of the *Canadian Citizenship*

Act, 1946, that Canadian citizenship became a legal status separate from that of British nationality. This made Canada the first Commonwealth country to adopt citizenship legislation independent from that of Britain (Brodie, 2002: 46). Even so, it was not until the late 1970s that the 'British subject' preference was completely removed for immigration purposes.

More pointedly, for much of its history, Canadian immigration legislation overtly and explicitly favoured the entry of British-origin Protestants. It was only in the 1960s – as a result of the prominence of human rights discourse and new emphases on non-discrimination, coupled with the continued perceived need for immigration – that legislation shifted from being explicitly discriminatory to formally embracing the idea of 'non-discrimination' on ethnic/racial grounds. In particular, in 1967 Canada moved to adopt the 'point system' of selection, which stressed 'skills' such as education, training, and knowledge of French and English in assessing and assigning points to potential applicants for admittance to Canada (Abu-Laban, 2004: 20–1; Abu-Laban 2007: 12). The points system, still in effect today, is not completely neutral. This is because its criteria tend to favour class-advantaged male applicants from countries with educational opportunities in French and English, although it is not formally applied to either refugees or family members. Still, post-1960s immigration to Canada reflects a greater diversity of source countries than was the case historically, and in many (but not all) cases immigrants are able to find professional jobs without playing a subservient role in the economy first (Abu-Laban, 2007).

As both scholarly and government attention to the comparative dimensions of immigration have grown since the 1990s, particularly in Western receiving states, Canada has come to be frequently described as a 'traditional immigration country' with a long tradition of *jus soli* citizenship (Abu-Laban, 2007: 12–13). This is because its history and experiences after World War Two pose a contrast to those of many European countries which made use of 'guest worker' schemes, with less planning on the part of policymakers for permanent settlement or thought given to extending formal citizenship (Abu-Laban, 2007). Despite the general accuracy of this point made in the comparative literature, arguably, in some ways this kind of North American/European comparison problematically ignores non-citizens residing in North America. In particular, temporary workers have long been a feature of Canada's immigration history from the recruitment of male Chinese labourers to complete the Canadian Pacific Railway in the 1880s to more contemporary recruitment patterns of the twenty-first century aimed at providing temporary labour in the caregiving, agricultural, service, and other 'low-skilled' occupations, as well as in some 'high-skilled' occupations.

Since 2006, the number of temporary entrants to Canada has actually outpaced the number of permanent entrants, which shows that Canadian policymakers and analysts are increasingly seeking to come to grips with the reality and presence of growing numbers of non-citizens in the Canadian population, as well as the proliferation of categories and regulations governing different categories of non-citizens. Accordingly, the work of Goldring *et al.* (2009) has drawn attention to 'precarious' citizenship status, paving the way for greater empirical, theoretical, and analytic attention to be paid to questions of citizenship, non-citizenship, and power, as well as the complex patterns and variegated rights extended to various temporary entrants (see especially Rajkumar *et al.* 2012). As a consequence of policy trends and Canadian scholarship, one can expect more studies to focus on dealing with 'foreigners' residing in Canada in the coming years.

While the dominant paradigm in Canadian immigration research has assumed the extension of Canadian citizenship to migrants, European migration scholars have since the 1980s grappled with the legal/citizenship implications of guest workers (and their families) becoming permanent fixtures in the absence of citizenship. In addition, European scholars have also been engaged in trying to understand and theorize the legal and rights implications of a regional (European

Union) citizenship flowing from the Maastricht Treaty, which came into force in 1993 (Abu-Laban, 2007: 14). In contrast, there is no 'North American citizenship' stemming from the North American Free Trade Agreement (NAFTA) signed by Canada, the United States, and Mexico in 1994, although the context of North American integration and the growing securitization and fortification of American borders both before and after the 9/11 attacks have garnered increasing analytic attention from Canadian, American, and Mexican scholars (Abu-Laban, 2007: 14).

For Canadian citizenship scholars, the particular form of securitization after 9/11 has been of interest. For example, the case of dual Canadian and Syrian citizen Maher Arar drew national attention. While carrying a Canadian passport in 2002, Arar was falsely accused of terrorism and 'deported' (in actuality rendered to torture) by American officials to Syria. This case has given rise to consideration of the forms of discriminatory differentiation that accompany dual citizenship (Abu-Laban, 2004) as well as to what Stasiulis and Ross (2006) call 'the perils of multiple citizenship'. This is particularly evident when Canadian citizenship is combined with citizenship from a country viewed by Canadian and/or American state officials as complicit in terrorism or producing 'terrorists'.

Finally, and not least, following from trends in other Western countries, the discussions and criteria guiding the extension of formal citizenship have been subject to considerable change. In particular, a specific citizenship test was introduced in 1995 as a cheaper alternative to oral interviews with judges and to solve a backlog (Pacquet 2012: 249). Additionally, under the Conservative government of Prime Minister Stephen Harper, a new guide for the citizenship test was introduced entitled *Discover Canada: the rights and responsibilities of Canadian citizenship* (Canada, 2012). While in comparison with the UK the citizenship test is not generally prohibitive to acquiring citizenship (Pacquet 2012), it is notable that under Harper's Conservatives the number of correct answers required to pass the test has gone up, and there has been a greater stress on the ability to speak French or English.

The Harper government's citizenship guide concerning what needs to be known in order for Canadian citizenship to be extended has gone hand in hand with new and ongoing partisan political debates about the conditions under which Canadian citizenship might be revoked (particularly on grounds of post-9/11 security framings regarding terrorism). Given this, it can be expected that formal citizenship will be an area of ongoing (and perhaps increasing) politicization in Canada and that it will generate analytical and theoretical attention. As it stands, Canadian scholars have drawn attention to Canada's foundation as a 'white settler colony' and the unequal power relations that have resulted. They have also examined how dual/multiple citizenship may generate discriminatory treatment, just as non-citizenship (and 'precarity') may contribute to discriminatory treatment. It can therefore be expected that in a context of ongoing political debates about formal citizenship, attention to power and inequality will be part of the future Canadian contribution to the (globalizing) study of formal (legal) citizenship.

Substantive citizenship: inclusion via differentiated citizenship?

In the classic account of citizenship development in Britain offered by T. H. Marshall (1965), citizenship was presented as connected to rights, and rights were presented as following an evolutionary (if not teleological) path towards greater egalitarianism (Abu-Laban, 2004: 21). In the Marshallian schema, citizens were first endowed with civil rights, then political rights, and finally the social rights associated with the Keynesian welfare state. Marshall's representation of what might be called 'substantive citizenship' has been subject to criticism and refinement by citizenship scholars both in and outside Britain, and this is no less the case in Canada. Specifically, since citizenship (re)emerged as part of a wider theoretical debate in the 1980s, Canadian scholars have

distinctly stressed not only the socially constructed, historically specific, and contingent nature of rights, but they have also paid considerable attention to group rights and the role of the welfare state and Canadian constitution in supporting the demands and claims of collectivities for recognition, inclusion, and in some cases self-rule. As is discussed further, this has given rise to a strong tradition in Canada of considering and theorizing differentiated citizenship.

In many ways the salience of discussions about differentiated citizenship may be seen to connect to Canada's foundation as a settler-colony, but it also relates to changes in the post-World War Two era and the timing, evolution, and ideas influencing the consolidation of the welfare state in Canada in the late 1960s. In particular, the immediate post-World War Two period saw a couple of developments that underscored the salience of rights and citizenship for Canada. The first concerned the clear participation of Canada in the instigation of the international human rights regime, as symbolized by the role played by Canadian legal scholar John Humphrey in drafting the United Nations Universal Declaration of Human Rights, adopted in 1948.

The second concerned the various expressions and demands for self-rule that came to the fore in the 1960s. These demands included a generalized quest by the federal state in asserting independence from Britain, as well as assertions by minorities in Canada for fair treatment, rights, and recognition. For example, Canada's assertions of independence were symbolized through the adoption of a Canadian flag in place of the Union flag in 1965, as well as in a renewed effort to 'patriate' the constitution (in 1982 what Canadians dub the 'patriation' of the constitution allowed constitutional amendments to be made in Canada, rather than requiring an act of the British parliament as had been the case historically).

Just as significantly, within Canada in the 1960s there were renewed efforts by Indigenous peoples and francophones (particularly in the majority French-speaking province of Quebec) for different versions of independence from the Canadian state, as well as by racialized and cultural minorities for recognition from the Canadian state. Given the concentration of francophones in Quebec, as well as the federal character of Canada, it was the potential for Quebec's secession that drove the debate over, and quests for, 'national unity' from the 1960s to the 1990s. In these same decades, the focus on Quebec and national unity also influenced much Canadian scholarship in disciplines central to the multidisciplinary and interdisciplinary study of citizenship, such as sociology, political science, and law.

The demands from francophones, Aboriginal people, and non-British, non-French, and non-Aboriginal Canadians eventually led to what Kymlicka posits as a Canadian (or domestic) state response to the international human rights movement. This particular domestic response stressed differentiated rights or differentiated citizenship (Kymlicka, 2007). In relation to Indigenous people this involved stepping back from clearly assimilationist policies and recovering meaning in older treaties through the language of self-government; for the French in Canada it involved an explicit federal policy of official bilingualism as well as some embrace of asymmetric federalism; and for non-British, non-French, and non-Aboriginal Canadians a federal policy of official multiculturalism symbolized an end to the long-standing reign of Anglo-conformity (Kymlicka, 2007). Indeed, citizenship as both study and practice in the Americas would not be complete without stressing the attention Canada has garnered internationally for its official policy of multiculturalism in effect since 1971. In fact, not only was the term 'multiculturalism' first coined in Canada, but Canadian political philosophers – such as Will Kymlicka, Charles Taylor, James Tully, Simone Chambers, and Joseph Carens – have been heavily involved in shaping what has emerged as an ongoing and international debate over multicultural citizenship (see Kymlicka, 1995). This has given rise to what Gerald Kernerman has called a clearly identifiable 'Canadian School' of liberal thought pertaining to issues of diversity and citizenship (Kernerman, 2005),

although of course many Canadian scholars of citizenship also critique the tenets of liberal thought and embrace non-liberal perspectives.

In summary, it is fair to say that a form of differentiated citizenship has been central to the struggles involving Aborginal peoples in Canada as well as French-Canadians, especially inside Quebec – groups that Kymlicka has called 'national minorities'. For Kymlicka, in contrast to the claims made by 'ethnic minorities' for multiculturalism, which are focused on inclusion in the existing order, national minorities share a quest for autonomy from the state (Kymlicka, 1995). These realities of Canadian civil society have shaped policy responses, but the direction is not only one-way.

It is also important to note that policies like official bilingualism and multiculturalism developed in the same general period as the consolidation of the welfare state in the 1960s and therefore served to better empower various minority collectivities to make claims. This is because they could draw on the ethos of the welfare state, equity, and justice to advance claims in the name of Canadian citizenship (Jenson and Phillips, 1996). In other words, social citizenship in Canada, especially in the 1970s and 1980s, not only involved the policies associated with providing all citizens with health, employment, and income security, but an additional space – even legitimacy – to pursue collective claims as part of the ethos stemming from Canadian citizenship (Jenson and Phillips, 1996). This space and legitimacy served to benefit disadvantaged groups like women, Indigenous peoples, and racialized minorities.

Such claims partly account for the presence of various disadvantaged groups in constitutional debates of the 1980s and early 1990s, and the eventual way in which gender equality, official bilingualism, Indigenous rights, and multiculturalism came to be featured in the 1982 *Canadian Charter of Rights and Freedoms* which came into being as part of the process of patriating the constitution. The 1982 Charter applies everywhere in Canada, including Quebec. However, Quebec never technically signed onto the patriated constitution because its request for a veto over constitutional changes and status as a distinct society were not recognized. For both what it says and does not say, as well as for how it has been interpreted by the courts, the Charter continues to draw the attention of scholars of Canadian citizenship interested in civil rights, group rights, identity, and the empowerment of disadvantaged groups (see Kelly and Manfredi, 2009).

For many Quebec-based scholars, the failure of constitutional politics in relation to the aspirations of Quebec, the failed (albeit close) provincial referendum on sovereignty in 1995, and shifting provincial policies in the context of ongoing immigration have created an interest in Quebec citizenship. As Micheline Labelle (2005: 91–2) has noted, in 1996, under a (separatist) Parti Québécois government, a new government department was created in the provincial bureaucracy (Ministère des Relations avec les citoyens et de l'immigration); this department signaled the government's new stress on Quebec citizenship, as well as a proliferation of symbolic events like citizenship awards and ceremonies. Moreover, successive Quebec governments since the 1970s have rejected the federal policy of multiculturalism for failing to deal with the demands of Quebec for recognition, especially in the constitution. In their interface with minorities, including incoming immigrants, the Quebec government has instead adopted a policy of interculturalism, which puts a stress on the French language and culture. Although analysts do debate the extent to which interculturalism fundamentally differs from Canadian multiculturalism, Gagnon and Iacovino (2006) argue that the nation-building and immigrant integration models of Canada (multiculturalism) and Quebec (interculturalism) are sufficiently different to render Quebec a distinct political community.

The political history of Quebec raises the question of whether the changes to a kind of differentiated citizenship have been successful. It should be noted in this regard that many Canadian citizenship analysts have registered pessimism with respect to the stability of change, acknowledging that while the early post-World War Two period led to advances in individual, group, and social rights, more recent decades have witnessed certain retreats (Abu-Laban, 2007: 21).

Jane Jenson has used the concept of 'citizenship regime' to draw attention to the idea of a societally shared understanding of the relationship between citizens and the state, and the rights and duties associated with citizenship (Jenson, 1997). The idea of a shift in the citizenship regime has been used to underscore how a particular form of social citizenship in the 1970s and 1980s gave way to one embracing neoliberal ideals by the 1990s, with negative consequences for disadvantaged groups like women, workers, and minorities (Jenson and Phillips, 1996; Jenson 1997). Jenson also suggests that the sense of solidarity and support for social citizenship is stronger in Quebec than in the rest of Canada (Jenson, 1997). Perhaps somewhat paradoxically, however, in responding to an ongoing popular and academic debate in many European countries concerning whether population diversity erodes support (or solidarity) for the welfare state (or social citizenship), Banting and Kymlicka (2006) show that in Canada diversity and a multiculturalism policy have not weakened support for the welfare state.

In light of the centrality of social citizenship to Marshall's classic formulation of citizenship and ongoing debates over the appropriateness of neo-liberalism and economic austerity measures, it can be anticipated that Canadian analysts will continue to analyse the social dimensions of citizenship. Moreover, as the numbers of temporary workers admitted to Canada has increased since the mid-2000s, the relevance of thinking of civil, political, and social rights in relation to non-citizens has also grown (Rajkumar, Berkowitize, Vosko, Preston, and Latham, 2012). Canadian contributions to (globalizing) citizenship studies have paid attention to the uneven and unsteady nature of rights gained, as well as to questions of population diversity and group differentiated rights as a possible means of empowerment for disadvantaged groups. Although major contributions to what might be broadly termed the study of 'multicultural citizenship' have been made in the past twenty years, it is also of note that the strong tendency of many Canadian analysts to attend to this dimension of citizenship may be seen to relate to Canada's historical formation as a 'white settler colony'. Canada's formation as a 'white settler colony' has also had implications for discussions of belonging and political community.

Citizenship belonging: constructing foreignness and citizenship

From its formation as a modern state in 1867, until well after World War Two, there was little doubt that the 'ideal citizen' was white, British-origin, Protestant, English-speaking, and male (Abu-Laban, 2004; Russell, 2002). As has been noted, this was expressed in the way immigration policy regulated access to Canadian citizenship historically, but it was also registered in popular culture. Thus, for example, **e**lements of this ideal are clearly captured in a poem entitled 'Citizenship' in Alfred J. Fitzpatrick's 1919 *Handbook for New Canadians:*

> The good citizen
> Loves God
> Loves the Empire
> Loves Canada
> Loves His Own Family …
> Is Every Inch a Man.
>
> *(cited in Russell, 2002: 142–3)*

While T. H. Marshall's avoided using the term 'nation', citizenship was nonetheless supposed to entail membership of a political community. As Marshall (1965: 101) put it, 'citizenship is a status bestowed on those who are full members of a community'. Although Marshall may not have used

the words 'national community', it is of note that ideas of belonging (and not belonging) often connect with ideas of national belonging and loyalty. Such dimensions are especially difficult to avoid in a country founded on settler-colonialism like Canada, given the pre-existing Indigenous community, a territorially concentrated linguistic minority in the province of Quebec, and the fact that Canada continues to receive immigrants from around the world.

It is true that the idea of 'belonging' is somewhat nebulous; although it is often referenced, it is seemingly more difficult to define than the typically more concrete laws governing the extension of formal citizenship or the often more readily identifiable rights associated with substantive citizenship. However, one major way in which lines of non-belonging have been expressed is in the security practices of the state directed at both non-citizens and citizens. As the growing literature on surveillance and security attests, at least since its foundation as a state in 1867, Canada has (often unfairly) engaged in security surveillance directed at its own citizens, and this practice typically also linked with the policing of difference (especially by way of race, ethnicity, and/or religion) (Whitaker *et al.* 2012: 521–44).

There are graphic instances historically, and contemporaneously which reflect on how state surveillance practices have targeted select racialized and minority-Canadian citizens in particular periods – what Dhamoon and Abu-Laban call 'dangerous internal foreigners' (Dhamoon and Abu-Laban, 2009). Such practices have been directed at Japanese-Canadians, French Quebecers, and Indigenous citizens, serving to at times brand these collectivities as corrupting and threatening to 'our' identity, health, or security (Dhamoon and Abu-Laban, 2009: 169). One example of how Canadian citizens were treated by the state as 'dangerous internal foreigners' would be the targeting, confiscation of property, and confining of Japanese-Canadians in internment camps during World War Two. Another instance was the invoking of the emergency War Measures Act and targeting of large numbers of Quebec nationalists for violence associated with one group, the Front de libération du Québec, in the wake of the 'October Crisis' of 1970. The police attacks and military raids directed at Mohawks (or in their own language Kanien'kehá:ka) resisting municipal encroachment on their sacred burial ground to build a golf course in Kanehsatà:ke/Oka in 1990 is yet another example. In more recent decades, the post-9/11 security measures and profiling by state officials directed at Canadians who are (or are perceived to be) Arab and/or Muslim are another example of how holding formal citizenship does not necessarily equate with belonging, so that a 'segmented Canadian citizenship' is produced when it comes to the idea of universal civil rights seen to be a hallmark of liberal democracy (Abu-Laban, 2004). As all these examples suggest, both citizenship and foreignness are continually constructed, and the same collectivity may be at one historical moment defined out of nation-building efforts and at another moment invited back in (Dhamoon and Abu-Laban, 2009).

In addition to such instances in which surveillance practices may transform citizens into foreigners through the security gaze of the state, there are of course other state policies that may impact identification with 'Canadian citizenship' on the part of collectivities. Given Canada's settler-colonial foundation and ongoing land and self-government claims, this is especially apparent in the case of Aboriginal people. Indeed, in the understanding of many Indigenous scholars, contemporary state practices, including the ongoing presence of the *Indian Act*, reflect colonialism. As Battiste and Semaganis put it, this ongoing colonial reality also infuses Canadian citizenship:

> The prevailing Canadian mythology portrays a transition from ally, to ward, to citizen. In First Nations circles this is often referred to [as] 'the Big Lie'. This theory of transition constitutes a denial of the inherent right of First Nations to be self governing.
>
> *(2002: 94)*

In different ways, racialized (non-white) minorities, francophones, and Indigenous peoples may express variable – and sometimes shifting – identification with being only or merely 'Canadian', not least because whether and how someone is included in this designation depends on more than only holding formal Canadian citizenship (Abu-Laban and Stasiulis, 2000).

The foregoing discussion points to the complexity of identity and belonging in Canada in light of its foundation as a settler-colony, state practices that may discriminate against minorities, and still unresolved attempts at differentiated citizenship. In certain ways the early decades of the twenty-first century may be a less propitious moment in relation to advancing a differentiated and post-colonial citizenship than the decades immediately following the 1960s. As has been noted, since coming to national power in 2006 (first as a minority government and since 2011 as a majority government) Harper's Conservatives introduced a new guide to citizenship intended to help incoming immigrants study for the citizenship test, but also expressly directed at the civic memory of all Canadians. It is therefore interesting to note that the guide, *Discover Canada: the rights and responsibilities of Canadian citizenship* has presented Canada's history in relation to military history, the British empire, and enduring ties to the British monarchy (Canada, 2012). Indeed, so strong is this narrative of military history, the valorization of the citizen as warrior, and the theme of Empire, that Canadian social historians have countered with an edited volume bringing in social history entitled *People's citizenship guide: a response to conservative Canada* (Jones and Perry 2012). *People's citizenship guide* stresses Canada's foundations as a settler-colony, putting Indigenous people, along with minorities and women, strongly back into the narrative. Read together, *Discover Canada* and *People's citizenship guide* suggest that constructions of citizenship (and by extension constructions of foreignness) will remain contested in Canada for the foreseeable future.

Conclusion

As this chapter has highlighted, both citizenship belonging and foreignness have been unstable categories in Canada, as have the policies governing the extension of formal citizenship or the rights associated with this citizenship. Owing to the ongoing struggles and contradictions that have attended Canada's development as a 'white settler colony', as well as the advance of an international discourse on human rights, since the 1960s there has been much greater openness to the possibilities of differentiated citizenship that would meet the demands of historically marginalized collectivities for inclusion and/or forms of self-rule. As has been noted, Canadian scholars of citizenship have therefore paid considerable attention to the dynamics of population diversity. In this way, the Canadian experience and Canadian scholarship have influenced each other.

As has been shown, whether in relation to legal-formal citizenship, rights, or political community, both the practice and theorization of citizenship in Canada have fed into the (re) emergence of citizenship as a major orienting concept in the study of Western states since the late 1980s. In the process, such concepts as 'white settler colony', 'differentiated citizenship', 'multicultural citizenship', 'precarious citizenship', 'citizenship regime', and 'dangerous internal foreigners' have emerged as important for understanding different aspects of the Canadian experience. Given that population diversity is not unique to Canada, many of these concepts may find resonance in other states and world regions, especially in the context of globalizing citizenship studies attested to by this volume.

References

Abu-Laban, Yasmeen (2004). 'The new North America and the segmentation of Canadian citizenship'. *International Journal of Canadian Studies* 29, 1: 17–40.

Abu-Laban, Yasmeen (2007). 'North American and European immigration policies: divergence or convergence?'. *European View* 5 (Spring): 9–16.

Abu-Laban, Yasmeen and Stasiulis, Daiva (2000). 'Constructing 'ethnic Canadians': the implications for public policy and inclusive citizenship'. *Canadian Public Policy* XXVI, 4: 477–87.

Banting, Keith and Kymlicka, Will (eds.) (2006). *Multiculturalism and the welfare state: recognition and redistribution in contemporary democracies*. Oxford: Oxford University Press.

Battiste, Marie and Semaganis, Helen (2002). 'First thoughts on first nations citizenship: issues in education'. In Yvonne M. Hébert (ed.), *Citizenship transformation in Canada*. Toronto: University of Toronto Press: 93–111.

Brodie, Janine (2002). 'Three stories of Canadian citizenship'. In Robert Adamoski, Dorothy E. Chunn, and Robert Menzies (eds.), *Contesting Canadian citizenship: historical readings*. Peterborough: Broadview Press: 43–66.

Cairns, Alan C. (2000). *Citizens plus: Aboriginal people and the Canadian state*. Vancouver: UBC Press.

Canada. Citizenship and Immigration Canada. (2012). *Discover Canada: the rights and responsibilities of citizenship*. Her Majesty the Queen in right of Canada, represented by the Minister of Citizenship and Immigration.

Dhamoon, Rita and Abu-Laban, Yasmeen (2009). 'Dangerous (internal) foreigners and nation-building: the case of Canada'. *International Political Science Review* 30: 2 (March): 163–83.

Gagnon, Alain-G. and Iacovino, Raffaele (2006). *Federalism, citizenship and Quebec: debating multinationalism*. Toronto: University of Toronto Press.

Goldring, Luin, Berinstein, Carolina, and Bernhard, Judith K. (2009). 'Institutionalizing precarious migratory status in Canada'. *Citizenship Studies* 13, 3 (June): 239–65.

Jenson, Jane. (1997). 'Fated to live in interesting times: Canada's changing citizenship regimes'. *Canadian Journal of Political Science* 30 (4): 627–44.

Jenson, Jane and Phillips, Susan D. (1996). 'Regime shift: new citizenship practices in Canada'. *International Journal of Canadian Studies* 4 (Autumn): 111–35.

Jones, Esyllt and Perry, Adele (2012). *People's citizenship guide: a response to conservative Canada*. Winnipeg: Arbiter Publishing.

Kelly, James B. and Manfredi, Christopher P. (2009). *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*. Vancouver: University of British Columbia Press.

Kernerman, Gerald (2005). *Multicultural nationalism: civilizing difference, constituting community*. Vancouver: University of British Columbia Press.

Kymlicka, Will (1995). *Multicultural citizenship: a liberal theory of minority rights*. Oxford: Oxford University Press.

Kymlicka, Will (2007). 'Ethnocultural diversity in a liberal state: making sense of the Canadian models'. In Keith Banting, Thomas J. Courchene, and F. Leslie Seidle (eds.), *Belonging? Diversity, recognition and shared citizenship in Canada*. Montreal: Institute for Research on Public Policy: 39–86.

Labelle, Micheline (2005). 'The challenge of diversity in Canada and Quebec'. *Policy Options* 26 (March/April): 88–93.

Marshall, Thomas H. (1965). *Class, citizenship and social development*. Garden City, NY: Doubleday.

Pacquet, Mireille (2012), 'Beyond appearances: citizenship tests in Canada and the UK'. *Journal of International Migration and Integration* 13: 243–60.

Rajkumar, Deepa, Berkowitize, Laurel, Vosko, Leah F., Preston, Valerie, and Latham, Robert (2012). 'At the temporary-permanent divide: how Canada produces temporariness and makes citizens through its security, work and settlement policies'. *Citizenship Studies* 16, 3–4 (June): 483–510.

Russell, Roberta A. (2002). 'Bridging the boundaries for a more inclusive citizenship education'. In Yvonne M. Hébert (ed.), *Citizenship Transformation in Canada*. Toronto: University of Toronto Press: 134–49.

Stasiulis, Daiva and Jhappan, Radha (1995). 'The fractious politics of a settler society: Canada'. In Daiva Stasiulis and Nira Yuval-Davis (eds.), *Unsettling settler societies: articulations of gender, race, ethnicity, and class*. London: Sage: 95–131.

Stasiulis, Daiva and Ross, Darryl (2006). 'Security, flexible sovereignty and the perils of multiple citizenship'. *Citizenship Studies* 10, 3: 329–48.

Strong-Boag, Veronica (2002). 'Who counts: late nineteenth and early twentieth-century struggles about gender, race and class in Canada'. In Yvonne M. Hébert (ed.), *Citizenship transformation in Canada*. Toronto: University of Toronto Press: 37–56.

Whitaker, Reg, Kealey, Gregory S., and Parnaby, Andrew (2012). *Secret service: political policing in Canada from the Fenians to Fortress America*. Toronto: University of Toronto Press.

24

Performances of citizenship in the Caribbean

Mimi Sheller

The creation of the universal systems of national citizenship found throughout the Americas today can be seen as the outcome of long historical struggles in which enslaved and indentured workers, women and other dependants, indigenous peoples, peasants, migrants, and refugees have both challenged regimes of exclusionary citizenship and negotiated with states and with existing citizenries for inclusion. In taking up positions as citizens and claiming fundamental human rights, formerly excluded indigenous, enslaved, and indentured people – and their descendants – have played a crucial part in contesting these exclusions, broadening the scope of freedom, and performing new embodiments of citizenship. Today, however, citizenship remains both an inclusionary and an exclusionary process. Modern forms of citizenship are tied to histories of expulsion of indigenous and aboriginal groups across the Americas, alongside far-reaching systems of slavery, indentureship, and their associated global migrations. Citizenship, moreover, remains embedded in local contexts of practice that are deeply implicated in ongoing processes of emancipation. Here I focus especially on the Caribbean context.

The close relationship between intimacy, violence, citizenship, and the state has come to the fore in feminist and postcolonial studies of slavery and emancipation in the Atlantic world. As many feminist theorists and historians have argued, the category of citizen historically excluded women, dependants, slaves, former slaves, and servants, precisely because their bodies were stigmatized as overly sexual, emotional, and incapable of the higher rationality of disembodied objectivity, which was understood as a bourgeois, white, and heterosexual masculine trait (Fraser 1992; Glenn 2002; Landes 1988; Lloyd 1984; MacKinnon 1989; Pateman 1988; Ryan 1990, 1992, 1997; Smith 1997). In the 1990s, studies of British imperialism began to employ critical perspectives on the connections between gender and racial formation throughout the empire (see Burton 1994, 1997; Gikandi 1997; McClintock 1995; Pratt 1992; Stoler and Cooper 1997; Ware 1992), while historical studies of specific colonial societies explored how processes of racing and gendering upheld colonial power through the intimate relations between different bodies (see Hall 1992; Holt 1992; Parker *et al.* 1992; Scully 1997; Stanley 1998; Stoler 1995, 2002). These histories have focused attention on interpersonal embodied relations as important realms for the making of freedom.

At the same time, Caribbean feminist research began to address questions of sex and sexuality in relation to gender, race, ethnicity, and nationality in innovative and compelling ways, suggesting

new empirical and theoretical questions about histories of embodied freedom, sexuality, legal regulation, and the state (e.g. Alexander 1994, 1997, 2005; Kempadoo 2004; Lewis 2003; Mohammed 2002). Feminist social science in the Caribbean region initiated the deconstruction of categories such as 'the housewife', the 'male breadwinner', the 'private/public' distinction, and the idea of women's recent entrance into the workforce, all of which underpin liberal theories of citizenship and its supposed historical pathways (see, e.g. Barriteau 2001; Freeman 2000; Safa 1995). This contributed to a thoroughgoing reassessment of political categories such as 'the citizen' and economic categories such as 'production/reproduction' in relation to gender, race, class, and sexuality in the Americas. Caribbean feminist theorists have especially extended critical understandings of the performance of citizenship to include 'erotic' dimensions of the sexual, the creative, and the spiritual within theories of freedom (e.g. Alexander 2005). Drawing on this Caribbean feminist perspective, as well as wider historical studies of the post-slavery Atlantic world, my own work has contributed to an emerging historical analysis and critical theory of embodied freedom, sexual citizenship, and erotic agency in the post-slavery Caribbean (Sheller 2005, 2007, 2012).

By integrating these critical approaches into an empirically grounded historical approach to the post-slavery Caribbean and Atlantic world, we can begin to pose new questions about citizenship and freedom in the world today. Rethinking the complex historical intersections and inter-embodiments of race, gender, class, and sexuality in the Atlantic world can inform a theory of embodied freedom in wider contemporary contexts of the neocolonial restructuring of citizenship, sovereignty, and power across both national and transnational terrains. Such an approach complicates the history of freedom and emancipation. Historians can no longer avoid the ironies that 'riddled the event of emancipation', as Saidiya Hartman (1997: 126) puts it in her important work *Scenes of subjection*, which shows how aspects of manhood, domesticity, and responsible productivity and reproduction were all crucially at stake in the fashioning of free subjects as citizens.

This kind of critical rethinking of citizenship has important implications for struggles over citizenship in the Caribbean today. First, there are ongoing debates, conflicts, and in some cases votes on the question of independent statehood in a region where many territories remain non-independent within various 'extended statehood systems' (de Jong and Kruijt 2006) ruled from elsewhere (e.g. islands that are part of France as *départements d'outre-mer*, 'constituent countries' and 'special municipalities' of the Kingdom of the Netherlands, British overseas territories like the British Virgin Islands or the Cayman Islands, or commonwealths of the United States such as Puerto Rico). Any forms of Caribbean citizenship (and the legal jurisdictions governing them) must be positioned in relation to these varied fragmented sovereignties, especially as people try to migrate between islands and may easily find themselves in situations of statelessness, interdiction, or deportation without the protections of the law.

Secondly, there are also crucial emerging struggles over sexual citizenship in the region, including the rights of lesbian, gay, transgendered, bisexual and queer citizens to the protection of the law and to not be criminalized. Organizations such as the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG, founded 1998); the Society Against Sexual Orientation Discrimination (SASOD, founded 2003) in Guyana; Trinidad and Tobago's Coalition Advocating for Inclusion of Sexual Orientation (CAISO, founded 2009); transnational networks such as the Caribbean International Resource Network (see www.irnweb.org/regions/caribbean/); LGBT inclusive dance groups such as Gran Lakou in Jakmel, Haiti; and individual activists willing to write public commentary in regional newspapers (e.g. Kerrigan 2013) have all contributed to advancing struggles over citizenship for people of diverse genders and sexualities within the region.

In this chapter I offer an overview of two key aspects of the literature on citizenship that help us to rethink performances of citizenship in the Caribbean: first, theories of citizenship as a performative and locally embedded practice, and secondly theories of sexual citizenship as a crucial dimension of practices of freedom.

Performative citizenship

Initial sociological understandings of citizenship derive from the 'second wave' historical sociology that focused on 'authoritative state power' alongside subaltern forms of political claim making (e.g. Sheller 2000), while later approaches were influenced by 'third wave' (Foucauldian) attention to non-state-centered forms of 'disciplinary power dispersed throughout the social landscape' (Adams *et al.* 2005: 12). In the late 1980s and early 1990s, historical sociologists and theoretically-oriented historians began to develop a more practice-oriented framework for citizenship studies that began 'recognizing popular social practices as expressions of citizenship identities' (Somers 2005: 463). Margaret Somers built on T. H. Marshall's triad of civil, political, and social rights to highlight the prehistory of citizenship *before* juridically defined rights and obligations exist (Somers 2005). Thus she argues that citizenship is an 'instituted process', showing how in specific local contexts within Britain (and, we might add, in the colonial Americas) there were varying 'community capacities for participatory association' that interacted with the national legal structure to produce different political cultures of citizenship and different potentially available structures and capacities for appropriating public institutions (Somers 1993, 1994).

In line with broader shifts within sociolegal studies, it is not sufficient to look at the letter of the law alone or the formal constitution of the state-citizen relation, without also understanding its situated practice including amongst colonial and enslaved populations. Bryan Turner defines citizenship as 'that set of practices (juridical, political, economic and cultural) which define a person as a competent member of society, and which as a consequence shape the flow of resources to persons and social groups', thus placing 'the concept squarely in the debate about inequality, power differences and social class' (Turner 1993: 2–3). Deborah Yashar likewise points out that many studies of democratization in Latin America have ignored the basic questions of 'what is citizenship? Who gets to be a citizen? And how is citizenship experienced?' (Yashar 2005: 31). Yashar develops the concept of 'citizenship regimes' to refer to the three fundamental questions that pattern differing forms of citizenship: Who has access to citizenship? What is the form of citizenship? What is the content of citizenship rights (civil, political, and social)?

However, this more cultural and discursive model of citizenship as a locally instituted practice – spread across the metropolitan and colonial worlds – can be further fruitfully combined with performative models of gender, racial, ethnic, and sexual subjectivity. This concerns the *political* relationship between differently gendered, raced, ethno-national, and sexualized bodies, and the performative exclusions inherent within differing citizenship regimes and their associated forms of intimacy. There are class, gender, and sexual exclusions in the performing of bourgeois public spheres and subaltern counter-publics (Calhoun 1992; Emirbayer and Sheller 1999), and these are then routed through and rooted in intimate interbodily relations. Thus, for example, in Trinidad and Tobago,

> Section 13 of the Sexual Offences Act, written in 1986 and amended in 1994 and 2000 … outlaws, criminalizes and makes punishable by imprisonment of 25 years, private sexual acts between consenting male adults. It also criminalizes anal sex between consenting male and female adults.
>
> *(Kerrigan 2013, n.p., drawing on Alexander 1994)*

As Elizabeth Povinelli argues, 'the intimate couple is a key transfer point between, on the one hand, liberal imaginaries of contractual economics, politics, and sociality and, on the other, liberal forms of power in the contemporary world' (Povinelli 2006: 17). Dylan Kerrigan further notes that a 'more subtle law is Article 8 (18/1) of the Immigration Act, which states "homosexual" men and women are not allowed to enter the country, as if they aren't equally men and women' (Kerrigan 2013, n.p.). Movements for citizenship, performances of citizenship, and the spatial relations that arise from contestations over citizenship are irrevocably grounded in the intimate domains of bodily practice and sexuality. This is especially true during the extended and difficult transitions from systems of slavery to polities and cultures of announced democratic freedom throughout the Caribbean and the Americas.

Citizenship (through raced, gendered, and sexual modes) is performative, in the sense of constituting the identity that it purports to be: in claiming to be a citizen one is enacting citizenship and only in acting as a citizen can one become a citizen. Acknowledging this performativity recognizes that to become a free citizen requires that one act as a particular kind of subject before the law, one who is always positioned as a gendered, racialized, and sexed subject in the legal discourse. It also connects the claiming of citizenship directly to performance practices in public space, which may challenge existing exclusions; for example the early work of anti-racist and multiracial women's advocacy groups such as Sistren Theatre Collective (founded 1977) in Jamaica (Green 2004) or Red Thread in Guyana (Trotz 2007) uses creative performances, speakouts, and various kinds of consciousness-raising to bring women's issues into public discourse. Public presence, organizing, and mobilization can assist the performativity of citizenship. In Trinidad and Tobago, Colin Robinson notes that ongoing 'efforts since 1997 to coordinate Caribbean regional GLBT advocacy' were also accompanied by an expansion of social spaces of performativity:

> the expansion of GLBT social space during the annual Carnival season when GLBT people of Trinbagonian citizenship and heritage living abroad return in large numbers, along with many GLBT visitors from elsewhere in the Caribbean, have synergistically led to a widespread reputation for T&T as having the most space and tolerance for same-sex communities in the Commonwealth Caribbean. A cosmopolitan, laissez-faire, multiethnic culture has perhaps helped fuel such openness.
>
> *(Robinson 2012, n.p.)*

Insofar as freedom is an embodied performance that requires racial, ethnic, gender, and sexual boundaries to be marked and articulated in public ways, any exercise of autonomy or agency is always in tension with state efforts to control sexuality, reproduction, family formation, kinship systems, and labour systems. What is called for, then, is a history of the techniques and practices of differentiation that produce differently marked bodies in particular relations with others. Citizenship in its everyday public forms is one such practice of differentiation. In considering the history of freedom in the Americas, it is necessary to highlight a close analysis of public (and counter-public) discourses of gender, race, and ethnicity in the unfolding of emancipations across the hemisphere (spanning most of the nineteenth century). A vision of citizenship that connects family, race, and nation shows how the regulation and governance of family formation (and hence reproduction and sexuality) were central aspects of both the nation-state *and* the international system of colonial states and empires (Collins 2000). It is through these 'institutionally embedded practices' and local 'contexts of activation' of citizenship, as Margaret Somers (1993) puts it, that the surface effects (and deeper reiterations) of corporeal difference are relationally performed in and through the body of the raced, gendered, sexed citizen.

The focus on embodied performance and spatial relations also alerts us to the extra-discursive and non-representational forces upon which exercises of citizenship are always grounded: bodies in motion, in contact, gazes and counter-gazes, intimate gestures, attractions and repulsions, just below the surface of formal interaction. The body as a colonial 'contact zone' (Pratt 1992) has been taken up as a way and a method 'to see with particular vividness the variety of somatic territories that modern states have identified as the grounds for defining and policing the normal, the deviant, the pathological, and, of course, the primitive' (Ballantyne and Burton 2005: 406). Public performances of citizenship and the performativity of public actions suggest a politics in which bodies are central and cannot be ignored or bracketed as in classical liberal theory. Focusing on the discursive and performative mobilization of citizenship as an embedded and embodied practice in various post-slavery settings can show how intimate bodily encounters inform state politics. Whether within disciplined workplaces (including domestic ones), organized public and semi-public spaces, or counter-spaces of performance and counter-performance, such performative actions sometimes reproduce governing ideals of respectability, but they may also potentially deploy sexual and erotic agency to undo the gender, racial, and sexual inequalities that uphold normative orders.

M. Jacqui Alexander lays bare the political mechanisms by which law comes to be written in patriarchal and heteronormative ways that exclude some people from citizenship. Thus, she argues, when heterosexuality is naturalized as law, as in Trinidad and Tobago and the Bahamas, 'Not just (any) *body* can be a citizen any more, for *some* bodies have been marked by the state as non-procreative, in pursuit of sex only for pleasure, a sex that is non-productive of babies and of no economic gain' (Alexander 1994: 6). Alexander's work points out the ways in which property, respectability, sexualities, and citizenship have been violently intertwined since the era of slavery, with ongoing repercussions in the post-slavery period. Tracy Robinson describes Alexander's trilogy of essays, which were first published between 1991 and 1997, as 'the most striking feminist rendition of the predicates of Caribbean modernities: the violence of a heteropatriarchal state, the political freight of sex, and the precariousness of citizenship for certain postcolonial bodies' (Robinson 2007: 118; Alexander 1991, 1994, 1997).

Recognition by the state and the granting of rights come at the price of ever deeper inscription into the hegemonic social order (Agamben 1998; Butler 2002). Thus 'in the very struggle toward enfranchisement and democratization,' argues Judith Butler, 'we might adopt the very models of domination by which we were oppressed, not realizing that one way that domination works is through the regulation and production of subjects' (Butler 1992: 14). The question, then, is whether a radical sexual politics can short-circuit such ordering hegemonies by intervening directly in the material disposition of bodies in ways that disrupt the normalizing structures of everydayness, and with them the normalizing structures of national citizenship. Even while sexual citizenship may be self-disciplining and normalizing, it nevertheless remains 'ambivalent, producing new and contested fissures in subjectivities and their governance' (Cossman 2007: 3).

Alexander crucially 'calls for Caribbean women's erotic autonomy to become a benchmark of our citizenship, dismantling "the colonial connection between property ownership, respectability, and citizenship"' (Robinson 2007: 122, citing Alexander 2005: 21). Any theorization of citizenship must grapple with the legacies of the sexual and racial underpinnings of slavery and the constrained forms of respectability, propriety, property, and autonomy that emancipation entailed and authorized. This means not only including alternative sexualities in our contemporary theoretical vision, but also beginning to explore how we might revisit the past with sensitivity to the variety of sexualities that people would have lived, including questioning the extent to which claims to citizenship rode on discourses of 'manhood' and 'autonomy', while excluding women, homosexuals and other 'queer' subjects, and stigmatized ethnic groups.

Sexual citizenship for a queer Caribbean

Citizenship, especially in post-slavery contexts, is profoundly implicated in what Michel Foucault called the 'biopolitics' of racialization, sexual normalization, and national procreation (Macey 2009). To become a citizen is also to become a gendered, racialized, and sexed subject; thus citizenship is fundamentally connected to the discursive history and scientific understanding of the human body and how the state regulates such bodies. As Nancy Stepan argues, 'the political questions of liberal rights and universalism always occur in a subtle exchange with that of anatomy', so that political and ethical arguments about individual rights are always converted into biological arguments about group differences:

> The history of embodiment must be seen as part of the story of citizenship and its limits; and that it is no accident that 'race' and 'sex', in their modern, primarily naturalized or biological meaning, emerged in the eighteenth century, when the new political concept of the individual self and the individual bearer of rights was being articulated.
>
> *(Stepan 2000: 65)*

Both feminist historical studies of the public/private distinction (e.g. Berlant 1997; Fraser 1992; Landes 1988, 1998; Phillips 1991; Ryan 1992, 1997) and historical studies of Black counter-publics (Black Public Sphere Collective 1995; Gilroy 1993, 2000; Higginbotham 1993; Kelley 1996) have shown the importance of racial and gender boundaries in limiting access to public spheres – and indeed in drawing this distinction in the first place through racialized and gendered discourses. Yet few historians have been willing to examine the sexual limits to citizenship as a heteronormative and patriarchal formation.

These bodily matters, anatomies, and necessities press up against the disembodied realms of high politics, constitutional law, and the limits of civil, political, and social rights. Gender, sexuality, colour, ethnicity and class not only enter into the public sphere, but they are performed and discursively constituted precisely in public arenas of civic, political, and social interaction that are erotically and sexually charged across 'ethnosexual frontiers' of many kinds (Nagel 2003). Thus racial, ethnic, gendered, and sexual claims to citizenship in the post-slavery Atlantic world emerge as attempts to institute specifically embodied masculinities/femininities that are always in tension with state efforts to control and discipline sexuality, fertility, and labour relations. The claiming and performance of citizenship is at its core a negotiation of freedom that is based on how bodies are used, how bodies are socially interrelated with other bodies, and how state practices regulate and legislate the uses of, and relations between, bodies, with the regulation of sexualities being key here.

A theory of sexual citizenship begins from the placement of the body at the core of political analysis – a kind of shift of attention from the body politic to a 'body politics' (Bordo 1993) and a concern with the relation between the two. To conjoin a politics of sex and citizenship is to insist not only on the primacy of inter-bodily relations as the basis for human dignity and freedom, but also on the importance of those aesthetic forms – whether poetry, music, dance, fashion, or style – that 'encourage awareness of the political character of sexuality' and offer 'the possibility of understanding the social contradictions [people] embodied and enacted in their lives' (Davis 1998: 179). Sexual citizenship is not just about personal rights or individual empowerment, nor is it simply about state recognition of certain kinds of privacy, although it includes all of these; it is also concerned with collective processes, public spaces, and forms of interrelatedness which are sexual and/or sexualized (and hence also racial and racialized).

An idea of public space is emerging in which race and ethnicity, as well as gender and sexuality, are attached to bodies through their spatial 'orientations', their ongoing relations with

other bodies, and their reiterations and/or reorientations of habitual actions over time (Ahmed 2006; Puwar 2005; Warner 2002). Spatial and temporal arrangements of bodies and places as legitimate versus illegitimate, respectable versus degenerate, appropriate versus inappropriate, uptown versus downtown, safe versus dangerous, together carve out geographies of citizenship, public access, and social belonging. And to return to Alexander's work, such orientations also include an orientation towards the spiritual and the metaphysical, which Caribbean philosopher Paget Henry has shown to be another constitutive exclusion in the foundations of Habermas's view of the rational critical public sphere (Henry 2000, ch. 7). Erotic agency in this expansive view includes a metaphysical dimension of spiritual connectivity and expressivity, which is present within subaltern counter-publics throughout the post-slavery Atlantic world and especially informs Caribbean feminist politics.

Sexuality does not simply emanate from within a fully formed subject, but rather is interactively elicited through encounters between bodies and sexual geographies, which include spaces of belonging and safety, ethnosexual borders and frontiers, and modes of normalizing, policing, and surveillance of sexualized bodies and places (Bell and Binnie 2000; Bell and Valentine 1995; Binnie 2004; Grosz 1995; Probyn 1993; Puar 2002). Sexuality is rooted in politics, in relations of power, and in access to or exclusion from the rights of citizenship. And claims to citizenship are rooted in and enacted through sexual relations, including relations of domination through which those subjects with access to the legal protections and rights of citizenship can use their position to exploit non-citizens, as well as disciplinary relations in which non-normative sexualities are criminalized. Thus, for example, the organization CAISO, according to Colin Robinson, grew out of the Trinidad and Tobago Anti-Violence Project, which initially was very focused on:

> a framework to bring together diverse stakeholders to mobilize gender-sensitive approaches to sexual violence against children and adults; sharpen understanding of the gender-based nature of homophobic violence; support survivors of violence and their families, partners and friends in individual and collective healing, mobilisation and restitutive justice; encourage gay communities to take leadership in protecting minors from sexual exploitation; and work on other intersectional issues related to sexual, gender-based and social violence.
>
> *(Robinson 2012, n.p.)*

In other words, it was in reaction to the intersectionality of different kinds of violence (including police violence, as well as 'social violence' such as poverty) that LGBT citizens' groups first formed in the Caribbean, but they also continue to struggle with their relation to LGBT organizations from outside the region which often represent the entire region as homophobic and misogynistic. Sexual citizenship is about the relationships between sexuality and politics, between bodies and governments, and between forms of embodied power and national and transnational biopolitics.

To think of sex and citizenship together, therefore, is to assert the insistently embodied corpo*reality* of citizenship in everyday *practice*, as opposed to the disembodied, abstracted, juridical citizens of constitutional law, who in fact are semantically and symbolically coded as white, male, propertied, and heterosexual (an argument made by Fraser 1992; Landes 1988; Ryan 1997; Warner 1993). Normative performances of both masculinity and femininity in post-slavery societies effectively delimited freedom to particular embodied forms and shaped sexualities in relation to race, ethnicity, class, and gender in ways that continue to resonate today. Race, ethnicity, gender, and sexuality are bodily practices of differentiation that surface at the intersections of multiple forms of state ordering, moral regulation, self-discipline and the systems of governance that endorse and make possible regimes of free citizenship. Because racial and ethnic politics are

played out sexually and sex is played out through a racial and ethnic politics, a politics of the body and of sexual citizenship must be central to any liberation movement and to any theory of freedom.

Queer Caribbean and diasporic writers and academics have laid the foundations for a critique of the sexual governmentalities of the neoliberal/neocolonial Caribbean state and have dared to imagine dissenting subject positions that challenge both Caribbean homophobia and first world homonormativity and neocolonialism (in addition to Alexander's extensive body of work, see also Allen 2011; Gill 2010; Glave 2005, 2008; King *et al.* 2012; Puar 1999; Silvera 1991; Smith 2011; Wekker 2006). Queer Caribbean theory is thus emerging as a crucial site for the theorization of citizenship in both national and transnational contexts. A transgressive bottom-up history of freedom can teach us a great deal about the processes of racialized gender formation and gendered racial formation (interacting with moral economies of class, colour, and sexuality) that were crucial to post-slavery democratic citizenship, public/private spheres, subaltern politics, and state formation. Not only do we need to attend to sexuality and the body within the study of citizenship, but even more crucially, we need to broaden our understandings of the underlying meanings of freedom and emancipation that are so celebrated within Western political thought by recognizing that intimate inter-bodily relations are the fundamental basis for human dignity and thus for an inclusive citizenship that extends beyond the individual autonomous subject before the law to embody freedom in its fullest sense.

Acknowledgements

This chapter draws in part on arguments that are further elaborated in my book *Citizenship from below: erotic agency and Caribbean freedom* (Durham, NC and London: Duke University Press, 2012). For knowledge of specific LGBTQ organizations in the Caribbean I am indebted to the Google group and Facebook presence of the Caribbean International Resource Network, including its regional board of Natalie Bennett, Rosamond S. King, Angelique V. Nixon, and Colin Robinson, and their fabulous coordination consultant Vidyaratha Kissoon.

References

Adams, J., Clemens, E., and Orloff, A. 2005. *Remaking modernity: politics, history and sociology*. Durham, NC and London: Duke University Press.

Agamben, G. 1998. *Homo sacer: sovereign power and bare life*. Stanford, CA: Stanford University Press.

Ahmed, S. 2006. *Queer phenomenology: orientations, objects, others*. Durham, NC and London: Duke University Press.

Alexander, M. J. 1991. 'Redrafting morality: the postcolonial state and the sexual offences bill of Trinidad and Tobago'. In C. T. Mohanty, A. Russo, and L. Torres (eds.), *Third world women and the politics of feminism*. Bloomington and Indianapolis, IN: Indiana University Press: 133–52.

Alexander, M. J. 1994. 'Not just (any) body can be a citizen: the politics of law, sexuality and postcoloniality in Trinidad and Tobago and the Bahamas'. *Feminist Review* 48 (Autumn): 5–23.

Alexander, M. J. 1997. 'Erotic autonomy as a politics of decolonization: an anatomy of feminist and state practices in the Bahamas tourist economy'. In J. Alexander and C. Mohanty (eds.), *Feminist genealogies, colonial legacies, democratic futures*. New York and London: Routledge: 63–100.

Alexander, M. J. 2005. *Pedagogies of crossing: meditations on feminism, sexual politics, memory, and the sacred*. Durham, NC and London: Duke University Press.

Allen, J. S. 2011. *Venceremos? The erotics of black self-making in Cuba*. Durham, NC and London: Duke University Press.

Ballantyne, T. and Burton, A. (eds.) 2005. *Bodies in contact: rethinking colonial encounters in world history*. Durham, NC and London: Duke University Press.

Barriteau, E. 2001. *The political economy of gender in the twentieth-century Caribbean*. Oxford: Palgrave Macmillan.

Bell, D. and Binnie, J. 2000. *The sexual citizen: queer politics and beyond*. Cambridge: Polity.

Bell, D. and Valentine, G. 1995. *Mapping desire: geographies of sexualities*. London: Routledge.
Berlant, L. 1997. *The queen of America goes to Washington City*. Durham, NC and London: Duke University Press.
Binnie, J. 2004. *The globalization of sexuality*. London: Sage.
The Black Public Sphere Collective (ed.) 1995. *The black public sphere*. Chicago: University of Chicago.
Bordo, S. 1993. *Unbearable weight: feminism, Western culture and the body*. Berkeley, CA: University of California Press.
Burton, A. 1994. *Burdens of history: British feminists, Indian women, and imperial culture, 1865–1915*. Chapel Hill, NC: University of North Carolina Press.
Burton, A. 1997. *At the heart of the empire: Indians and the colonial encounter in late-Victorian Britain*. Berkeley, CA: University of California Press.
Butler, J. 1992. 'Contingent foundations: feminism and the question of "postmodernism"'. In J. Butler and J. Scott (eds.), *Feminists theorize the political*. New York and London: Routledge: 3–21.
Butler, J. 2002. 'Is kinship always already heterosexual?' *Differences: A Journal of Feminist Cultural Studies* 13(1): 14–44.
Butler, J. and Scott, J. (eds.) 1992. *Feminists theorize the political*. New York and London: Routledge.
Calhoun, C. (ed.) 1992. *Habermas and the public sphere*. Cambridge, MA and London: MIT Press.
Collins, P. H. 2000. 'It's all in the family: intersections of gender, race and nation'. In U. Narayan and S. Harding (eds.), *Decentering the center: philosophy for a multicultural world*. Bloomington and Indianapolis, IN: Indiana University Press: 156–76.
Collins, P. H. 2004. *Black sexual politics: African-Americans, gender and the new racism*. London and New York: Routledge.
Cooper, C. 1993. *Noises in the blood: orality, gender, and the 'vulgar' body of Jamaican popular culture*. London: Macmillan and Durham, NC: Duke University Press.
Cossman, B. 2007. *Sexual citizens: the legal and cultural regulation of sex and belonging*. Stanford, CA: Stanford University Press.
Davis, A. 1998. *Blues legacies and black feminism: Gertrude 'Ma' Rainey, Bessie Smith and Billie Holiday*. New York: Pantheon Books.
de Jong, L. and Kruijt, D. (eds.) 2006. *Extended statehood in the Caribbean*. Amsterdam: Rozenberg Publishers.
Emirbayer, M. and Sheller, M. 1999. 'Publics in history'. *Theory and Society* 28: 145–97.
Fraser, N. 1992. 'Rethinking the public sphere: a contribution to the critique of actually existing democracy'. In C. Calhoun (ed.), *Habermas and the public sphere*. Cambridge, MA and London: MIT Press: 109–42.
Freeman, C. 2000. *High tech and high heels in the global economy*. Durham, NC: Duke University Press.
Gikandi, S. 1997. *Maps of Englishness: writing identity in the culture of colonialism*. New York: Columbia University Press.
Gill, L. 2010. Transfiguring Trinidad and Tobago: queer cultural production, erotic subjectivity and the praxis of black queer anthropology. Unpublished PhD diss., Department of African and African American Studies and Department of Anthropology, Harvard University.
Gilroy, P. 1993. *The black Atlantic: modernity and double consciousness*. London and New York: Verso.
Gilroy, P. 2000. *Between camps: nations, cultures and the allure of race*. London and New York: Penguin.
Glave, T. 2005. *Words to our now: imagination and dissent*. Minneapolis, MN: University of Minnesota Press.
Glave, T. (ed.) 2008. *Our Caribbean: a gathering of lesbian and gay writing from the Antilles*. Durham, NC and London: Duke University Press.
Glenn, E. N. 2002. *Unequal freedom: how race and gender shaped American citizenship and labor*. Cambridge, MA and London: Harvard University Press.
Green, S. L. 2004. Sistren Theatre Collective: struggling to remain radical in an era of globalization, *Theater Topics* 14 (2): 473–95.
Grosz, E. 1995. *Space, time and perversion: the politics of bodies*. Sydney: Allen and Unwin.
Hall, C. 1992. *White, male, and middle class: explorations in feminism and history*. Cambridge: Polity Press.
Hartman, S. 1997. *Scenes of subjection: terror, slavery, and self-making in nineteenth-century America*. Oxford and New York: Oxford University Press.
Henry, P. 2000. *Caliban's reason: introducing Afro-Caribbean philosophy*. New York and London: Routledge.
Higginbotham, E. B. 1993. *Righteous discontent: the women's movement in the black Baptist Church, 1880–1920*. Cambridge, MA and London: Harvard University Press.
Holt, T. 1992. *The problem of freedom: race, labor, and politics in Jamaica and Britain, 1832–1938*. Baltimore, MD and London: Johns Hopkins University Press.

Kelley, R. D. G. 1996. *Race rebels: culture, politics, and the black working class*. New York and London: The Free Press.

Kempadoo, K. 2004. *Sexing the Caribbean: gender, race, and sexual labor*. New York and London: Routledge.

Kerrigan, D. 2013. 'Sexuality and the state', *Trinidad and Tobago Guardian*, May 6, 2013. Available online at www.guardian.co.tt/columnist/2013-05-06/sexuality-and-state (accessed 1 August 2013).

King, R. S., Nixon, A.V., Robinson, C., Bennett, N., and Kissoon, V. (eds.). 2012. *Theorizing homophobias in the Caribbean: complexities of place, desire and belonging*. A digital multimedia collection presented by the Caribbean Region of the International Resource Network. Launched on 15 June, 2012. Available online at www.caribbeanhomophobias.org (accessed 29 May 2013).

Landes, J. 1988. *Women and the public sphere in the age of the French Revolution*. Ithaca, NY and London: Cornell University Press.

Landes, J. (ed.) 1998. *Feminism, the public and the private*. Oxford and New York: Oxford University Press.

Lewis, L. (ed.) 2003. *The culture of gender and sexuality in the Caribbean*. Gainesville, FL: University Press of Florida.

Lloyd, G. 1984. *Man of reason: male and female in Western philosophy*. London: Routledge.

McClintock, A. 1995. *Imperial leather: race, gender and sexuality in the colonial context*. New York and London: Routledge.

Mackinnon, C. 1989. *Toward a feminist theory of the state*. Cambridge, MA: Harvard University Press.

Macey, D. 2009. 'Rethinking biopolitics, race and power in the wake of Foucault'. *Theory, Culture and Society*, 29 (6): 186–205.

Mohammed, P. (ed.) 2002. *Gendered realities: essays in Caribbean feminist thought*. Barbados: University of the West Indies Press.

Nagel, J. 2003. *Race, ethnicity and sexuality: intimate intersections, forbidden frontiers*. Oxford: Oxford University Press.

Parker, A., Russo, M., Sommer, D., and Yaeger, P. (eds.) 1992. *Nationalisms and sexualities*. New York and London: Routledge.

Pateman, C. 1988. *The sexual contract*. Cambridge: Polity Press.

Phillips, A. 1991. *Engendering democracy*. University Park, PA: Pennsylvania State University.

Povinelli, E. 2006. *The empire of love: toward a theory of intimacy, genealogy, and carnality*. Durham, NC and London: Duke University Press.

Pratt, M. L. 1992. *Imperial eyes: travel writing and transculturation*. London: Routledge.

Probyn, E. 1993. *Sexing the self: gendered positions in cultural studies*. New York: Routledge.

Puar, J. 1999. Transnational sexualities and Trinidad: modern bodies, national queers. Unpublished PhD diss., Department of Ethnic Studies, University of California at Berkeley.

Puar, J. 2002. 'Queer tourism: geographies of globalization'. *GLQ* 8(1–2): 1–6.

Puwar, N. 2005. *Space invaders: race, gender and bodies out of place*. Oxford and New York: Berg.

Robinson, C. 2012. 'The Work of 3-year old CAISO: reflections at the midpoint'. In R. S. King, A. V. Nixon, C. Robinson, N. Bennett, and V. Kissoon (eds.), *Theorizing Homophobias in the Caribbean: Complexities of Place, Desire and Belonging*. A digital multimedia collection presented by the Caribbean Region of the International Resource Network. Launched on 15 June, 2012. Available online at www.caribbeanhomophobias.org/colinrobinson (accessed 29 May 2013).

Robinson, T. S. 2007. A loving freedom: a Caribbean feminist ethics. *Small Axe* 24 (October): 118–29.

Ryan, M. 1990. *Women in public*. Baltimore, MD: Johns Hopkins University Press.

Ryan, M. 1992. 'Gender and public access'. In C. Calhoun (ed.), *Habermas and the public sphere*. Cambridge, MA and London: MIT Press: 259–88.

Ryan, M. 1997. *Civic wars: democracy and public life in the American city during the nineteenth century*. Berkeley and Los Angeles, CA: University of California Press.

Safa, H. 1995. *The myth of the male breadwinner: women and industrialization in the Caribbean*. New York: Westview Press.

Scott, R. 2000. 'Fault lines, color lines, and party lines: race, labor, and collective action in Lousiana and Cuba, 1862–1912'. In F. Cooper, T. C. Holt, and R. J. Scott (eds.), *Beyond slavery: explorations of race, labor, and citizenship in postemancipation societies*. Chapel Hill, NC and London: University of North Carolina Press: 61–106.

Scully, P. 1997. *Liberating the family? gender and British slave emancipation in the rural Western Cape, South Africa, 1823–1853*. Portsmouth, NH: Heinemann.

Sheller, M. 2000. *Democracy after slavery: black publics and peasant radicalism in Haiti and Jamaica*. London and Oxford: Macmillan.

Sheller, M. 2005. 'Acting as free men: subaltern masculinities and citizenship in postslavery Jamaica'. In P. Scully and D. Paton (eds.), *Gender and emancipation in the Atlantic world*. Durham, NC: Duke University Press: 79–98.

Sheller, M. 2007. 'Work that body: sexual citizenship and embodied freedom'. In H. Henke and K.-H. Magister (eds.), *Constructing vernacular culture in the trans-Caribbean*. Boston, MA: Lexington Books: 345–76.

Sheller, M. 2012. *Citizenship from below: erotic agency and Caribbean freedom*. Durham, NC and London: Duke University Press.

Silvera, M. 1991. 'Man royals and sodomites: some thoughts on the invisibility of Afro-Caribbean lesbians'. In M. Silvera (ed.), *Piece of my heart: a lesbian of colour anthology*. Toronto: Sister Vision Press: 14–26.

Smith, F. (ed.) 2011. *Sex and the citizen: interrogating the Caribbean*. Charlottesville, VA: University of Virginia Press.

Smith, R. 1997. *Civic ideals: conflicting visions of citizenship in U.S. history*. New Haven, CT: Yale University Press.

Somers, M. R. 1993. 'Citizenship and the place of the public sphere: law, community, and political culture in the transition to democracy'. *American Sociological Review* 58 (October): 587–620.

Somers, M. R. 1994. 'Rights, relationality, and membership: rethinking the making and meaning of citizenship'. *Law and Social Inquiry* 19 (1): 63–112.

Somers, M. R. 2005. 'Citizenship troubles: genealogies of struggle for the soul of the social. In J. Adams, E. Clemens and A. Orloff (eds.), *Rethinking modernity*. Durham, NC and London: Duke University Press: 438–69.

Stanley, A. D. 1998. *From bondage to contract: wage labor, marriage and the market in the age of emancipation*. Cambridge: Cambridge University Press.

Stepan, N. L. 2000. 'Race, gender, science and citizenship'. In C. Hall (ed.), *Cultures of empire: a reader*. Manchester: Manchester University Press: 61–86.

Stoler, A. L. 1995. *Race and the education of desire: Foucault's 'History of sexuality' and the colonial order of things*. Durham, NC and London: Duke University Press.

Stoler, A. L. 2002. *Carnal knowledge and imperial power*. Berkeley, CA: University of California Press.

Stoler, A. L. and Cooper, F. (eds.) 1997. *Tensions of empire: colonial cultures in a bourgeois world*. Berkeley, CA: University of California Press.

Trotz, A. 2007. 'Red Thread: the politics of hope in Guyana', *Race and Class*, 49 (2): 71–9.

Turner, B. 1993. 'Contemporary problems in the theory of citizenship'. In B. Turner (ed.), *Citizenship and social theory*. London: Sage: 1–18.

Ware, V. 1992. *Beyond the pale: white women, racism and history*. London: Verso.

Warner, M. 1993. 'The mass public and the mass subject'. In B. Robbins (ed.), *The Phantom Public Sphere*. Minneapolis, MN and London: University of Minnesota Press: 234–56.

Warner, M. 2002. 'Publics and counterpublics'. *Public Culture* 14 (1): 49–90.

Wekker, G. 2006. *The politics of passion: women's sexual culture in the Afro-Surinamese diaspora*. New York: Columbia University Press.

Yashar, D. 2005. *Contesting citizenship in Latin America: the rise of indigenous movements and the postliberal challenge*. Cambridge and New York: Cambridge University Press.

25

Non-citizen citizenship in Canada and the United States

Thomas Swerts

Over the last four decades, countries in North America and Europe have witnessed substantial flows of economic migrants and political refugees. In a political climate where migration is increasingly restricted, these migrants are often unable to become formal citizens. Since the sociopolitical distribution of places in western democracies is based on national citizenship, there is no assigned political place for non-citizens. Whereas non-citizens qualify for certain rights, such as the right to personal security, the right to equal protection before the law, and the right to assembly, they are often fundamentally excluded from other rights, such as the right to work, the right to social security, and the right to vote. These ways of distributing rights are being challenged by the political mobilization of non-citizens. While most research on citizenship implicitly assumes the figure of the citizen, we argue that contemporary transformations of citizenship need to be explicitly studied from the perspective of the non-citizen. By investigating non-citizens' struggles over citizenship, we can begin to understand how citizenship is challenged from the bottom up.

But whom are we talking about when we talk about non-citizens? The Office of the United Nations High Commissioner for Human Rights (2006: 5) defines a non-citizen as a person who has not been recognized by the state as having effective links to the country where (s) he resides. The term non-citizen hence covers a range of legal statuses and denominations that includes resident and non-resident aliens, refugees, asylum seekers, victims of trafficking, foreign students, temporary visitors, stateless people, immigrants who have applied to become nationals, undocumented migrants, and so on. These statuses can be ordered on a continuum of rights depending on the specific society wherein a person is a non-citizen. It is almost without exception the case that undocumented non-citizens find themselves at the bottom of this continuum. Undocumented migrants can be defined as persons who reside in a country in which they have no legal permission to be present. In the discussion below, we focus on undocumented migrants as an extreme case that exemplifies what it means to be excluded from formal citizenship.

Global estimates for the number of undocumented migrants in 2010 range from 22 to 44 million, or about 10–20 per cent of the 214 million estimated migrants, worldwide (Düvell 2011). In North America, the total amount of undocumented migrants is roughly estimated to be about 11 million in the United States and about half a million in Canada (ibid.; Abji 2013). Forced to live their lives in the shadows, undocumented migrants are largely excluded from the

political life of their host societies. However, undocumented migrants are often integrated in other spheres of social life, such as the informal urban economy, the educational system, and parts of civil society. The economic, cultural, and social integration of undocumented migrants stands in stark contrast to their lack of recognition and protection from the state. Because of their legal status, undocumented migrants experience difficulties claiming the limited rights they do hold. This opens up possibilities for exploitation, especially in the economic sector.

In this chapter, we explore how undocumented migrants are organizing themselves to claim their rights. First, we review how the figure of the non-citizen is approached in the citizenship literature. Next, we compare empirical studies of non-citizen citizenship in the United States and Canada. Finally, we make the case to move towards a systematic study of non-citizen citizenship from a global perspective.

The non-citizen as a challenge to citizenship

Global migration is often portrayed as a challenge to citizenship (e.g. Joppke 1998). As a social phenomenon, migration entails the crossing of physical borders and the blurring of social, cultural, political, and economic boundaries. Non-citizens embody the fluidity and mobility of migration that defies the borders and boundaries that citizenship attempts to uphold. In this respect, non-citizens are essentially characterized by their liminal legality, which refers to the fact that they are 'betwixt and between' statuses (see Menjívar 2006). For non-citizens, who often have little to no prospect of regularizing their status, like undocumented migrants, this condition of liminality can become a quasi-permanent condition. Gonzales and Chavez (2012) have called this condition, whereby legal status becomes a subjective mode of being-in-the-world, abjectivity. The liminality of non-citizens is further exemplified by the insecurities that come hand in hand with the interchangeability of their socio-economic positions and legal statuses.

Located in the liminal space between insiders and outsiders, non-citizens challenge the very principles upon which citizenship is built. While traditional citizenship regimes assume a direct correspondence between substantive citizenship, i.e. the civil, political, socio-economic, and cultural rights people possess and exercise, and formal citizenship, i.e. official membership of the nation-state, this correspondence does not hold in the case of non-citizens. Global migration has created an entire class of people who participate and live their everyday lives in a particular territory but lack basic human rights. In this way, a 'citizenship gap' has emerged between substantive citizenship and formal citizenship (Brysk and Shafir 2004: 3–6). As we shall show below, it is this gap between the effective and the legal articulations of citizenship that non-citizens have increasingly used as a leverage mechanism to support their claims to recognition.

The ways in which global migration is transforming citizenship have given rise to extensive academic debate (Joppke 1998; Soysal 1994; Bloemraad *et al.* 2008). The challenge that the figure of the non-citizen poses to the institution of citizenship needs to be situated historically. Citizenship and the rights that come with it are the product of a lived history that develops in the tensions over the inclusion and exclusion of populations. In response to changes in the social, cultural, political, and demographic circumstances over the past two centuries, access to citizenship has been expanded to previously excluded parts of the population such as the working class, women, native peoples, and ethnic minorities. In this time of globalization, it is the growing presence of non-citizens that is compelling nation-states to rethink the meaning of citizenship. Since the 1970s, non-citizens have emerged as political subjects who need to be taken into consideration as actors within their host societies. By publicly disagreeing with the position they are assigned within the sociopolitical order, nation-states have increasingly come under pressure to rethink the ways in which rights and duties are distributed.

Globally speaking, the transformation of citizenship in the context of migration originates from two interacting driving forces: the institutional adaptation and regulation of migration streams on the one hand and the mobilization of migrant populations against these regulations on the other hand. There is a tendency in the citizenship literature to neglect non-citizen agency in favour of structural accounts that refer to receiving states' policies and citizenship laws as explanatory variables (see Bloemraad, Korteweg, and Yurdakul 2008). However, citizenship not only has to do with the institutions that define and protect national borders, but also with the political participation of citizens and non-citizens alike. Consequently, it would be erroneous to portray the transformation of citizenship in response to migration as a one-sided process of institutional adaptation. Indeed, the demands of non-citizens are important drivers of the historical inclusions of citizenship (see Sassen 2005; McNevin 2011). Focusing on the challenge that liminal, hard-to-govern subjects like non-citizens pose to citizenship is therefore a fruitful analytical strategy if we want to grasp the dynamic nature of citizenship.

In recent years, several prominent authors in the field have started to investigate what impact non-citizens' struggles over citizenship have on the category of citizenship. Benhabib (2004: 117) argues that there are new modalities of political agency emerging amidst the disaggregation of citizenship rights that change the very meaning of political citizenship. This process of change is driven by a dialectic of rights and identities (Benhabib 2004, 169). While the citizen as the subject of rights has an assumed fixed identity, the exercise of rights by unanticipated actors like non-citizens changes the very identities and meanings of the rights in question. For that reason, she states that 'we must be ready to imagine forms of political agency and subjectivity which anticipate new modalities of political citizenship' (Benhabib 2004, 178). Benhabib draws our attention to the possibilities of transforming citizenship from below. However, she remains vague about the actors, practices, and processes that should be studied.

Bosniak (2006) identifies the non-citizen as the agent and the contestation of borders as the site of the transformation of citizenship. According to Bosniak, our contemporary understandings of citizenship are premised on a conception of a bounded and exclusive community. Borders are used to mark the 'inside' and 'outside' of the political community, thereby delineating the regulatory locus where citizenship as status originates and where it is governed (Bosniak, 2006: 126). These borders are not merely abstract constructs, but social constructions that are enforced by specialized agents through material practices like deportations, identity checks, and administrative procedures. Yet, because of their social nature, they are neither fixed nor static but subject to ongoing negotiation and contestation (Bosniak 2006: 7). Non-citizens' acts of contestation therefore have the potential to transform borders and, in so doing, our understandings of the political community. By reclaiming spheres of social life that depart from conventional understandings of the political as sites of citizenship, non-citizens can thus enact themselves as citizens.

Sassen's main contribution to this discussion is her emphasis on the spatiality of non-citizens' struggles over citizenship (2005). According to Sassen, the destabilization of the nation-state and, correspondingly, of citizenship produces 'operational and rhetorical openings for the emergence of new types of political subjects and new spatialities for politics' (ibid.: 80). More specifically, she argues that the specific politico-economic constellation of the global city operates as a setting for 'engendering new types of citizenship practices and new types of incompletely formalized political subjects' (ibid.: 89). Undocumented migrants are good examples of these liminal subjects since they are 'unauthorized yet recognized subjects' (ibid.: 85). Their involvement in local communities constitutes an enactment of 'informal citizenship' that can be used to claim recognition as full social beings. Chauvin and Garcés-Mascareñas (2012) even argue that we should go beyond the notion of informal citizenship, since undocumented migrants are increasingly incorporated in formal institutional circuits as well.

The complexities of undocumented immigrants' liminal status and its effect on citizenship are perhaps best captured by Balibar's theory of internal exclusion (2004). Because of their legal status, non-citizens are 'excluded insiders' (2004: 63). Balibar argues that this internal exclusion is a regime of subjection that is actively produced and reproduced by internal and external borders. In this regard, he argues that 'emancipation never occurs spontaneously and must always be actively conquered in struggle' by human beings 'who live or have lived under regimes of subjection' (ibid.: 59). For example, undocumented migrants' acts of civil disobedience not only contribute to the democratization of borders, but also remind us of what an active citizenship stands for. Hence, according to Balibar, undocumented migrants' struggles over citizenship are giving a renewed meaning to citizenship by challenging the borders and boundaries that are designed to exclude them (ibid.: 59).

While these authors agree that non-citizens' struggles over citizenship are transforming citizenship from below, they often lack a systematic analysis of how non-citizens become political subjects. In this regard, Isin (2008: 18) has proposed moving away from conceptualizing citizenship as legal status by investigating 'acts of citizenship', defined as 'those moments when, regardless of status and substance, subjects constitute themselves as citizens – or, better still, as those to whom the right to have rights is due'. Isin's theory depends on a political ontology that posits that the formation of political subjects occurs in and through creative acts that disturb and rupture the distribution of places in the sociopolitical order. In other words, political subjects are produced by acts of citizenship, rather than vice versa (ibid.: 36). By being 'activist citizens', undocumented migrants creatively and innovatively rewrite political scripts and (re)invent modes of being together as a community. This theory thus shifts our analytic lens away from formal towards substantive modes of citizenship. However, the emphasis on studying moments of rupture can obscure the processual character of non-citizens' struggles over citizenship. Moreover, because of their temporal and spatial situatedness, it is harder to assess the long-term and cumulative effects of acts of citizenship.

McNevin (2011) subscribes to this analytical shift away from formal citizenship by focusing on the ways in which undocumented migrants contest citizenship through mobilization. In her work, she argues that the intensification of state practices such as policing, border enforcement, and deportation efforts is part of a global process of neoliberalization. Instead of portraying non-citizens as victims who fall prey to the repressive measures of neoliberal regimes, she investigates the conditions in which undocumented migrants can become political subjects. She uses empirical studies of undocumented activism to expand Isin's theory of acts of citizenship to a three-pronged understanding of 'acts of contestation', i.e. extensions of legal status, challenges to national, racial, or gendered citizenship, and ruptures of the discourses upon which common understandings of citizenship are based (ibid.: 127). What is important in this respect is that these acts are always situated locally; they are place-based, specific expressions of political belonging (ibid.: 146–7). This insight draws our attention to the spatial and cultural situatedness of non-citizens' struggles over citizenship, which we elaborate on in the next section.

Above all, this overview demonstrates the need for a cross-disciplinary academic exchange on non-citizens' challenge to citizenship. In this context, Goldring and Landolt (2013) have proposed the concept of 'non-citizenship'. They conceive of non-citizenship as 'an assemblage' held together by precarious legal status – or any type of 'less-then-full-status citizenship' – on the one hand and conditionality – or the contingency around, and negotiation of, the meanings of this status – on the other hand (ibid.: 14–15). According to Goldring and Landolt, this framework allows them to overcome binary thinking about citizenship and non-citizenship while investigating how the boundaries between them are produced (ibid.: 6). However, as an analytical category, non-citizenship suffers from four interrelated problems. First, the term

non-citizenship invokes the very 'lack' of citizenship and the binary thinking that they try to overcome. Second, the term tends to be used primarily in the context of studies that privilege institutional processes of irregularization. Third, the figure of the non-citizen is conceptualized by emphasizing its 'vulnerability' and 'precarity' (ibid.: 1, 13). Finally, by stressing conditionality as a defining feature of their framework, non-citizenship ends up being 'beyond the control' of non-citizens (ibid.: 19).

In order to overcome these conceptual limitations, we introduce the term 'non-citizen citizenship' as a viable alternative. By placing the term 'non-citizen' before the term 'citizenship', this concept draws attention to the inherent contradictions, complexities, and tensions that characterize the liminality of non-citizens. Non-citizen citizenship thereby designates non-citizens as the principal agents of the struggle over citizenship, rather than portraying them as precarious victims of conditionality. Accordingly, non-citizen citizenship can be defined as *the plethora of political practices through which non-citizens make claims to belonging, inclusion, and recognition in their societies of residence*. This definition contains a research agenda that proposes to study the active, substantive citizenship practices of non-citizens. Moreover, it suggests moving beyond merely documenting these practices towards a critical empirical investigation of the social, cultural, and spatial situatedness of non-citizen citizenship, the (pre)conditions under which non-citizens are able to creatively (re)write political scripts, and the characteristics of the new modes of community and belonging that are created in the interaction between citizens and non-citizens.

Undocumented migrants' struggles over citizenship in the US and Canada

Empirical studies of non-citizenship citizenship can provide greater insight into the processes through which immigrants become political subjects regardless of legal status. Because of their formal exclusion from electoral politics, undocumented migrants tend to participate in non-electoral political activities such as demonstrations, community meetings, signing petitions, lobbying, and civil disobedience actions (Voss and Bloemraad 2011; Pallares and Flores-González 2010. Undocumented migrants are able to gain a voice in the political process by integrating themselves within civic organizations on the one hand and creating their own social spaces of representation on the other hand. Non-citizen citizenship practices include coming out as undocumented, organizing protest marches, participating in community meetings, occupying buildings, and engaging in hunger strikes. The types of action, content of claims, framing of demands, and modes of organization depend upon the social, cultural, political, and spatial context in which non-citizen citizenship practices are staged. Below, we will systematically compare and contrast the findings of scholars who have examined non-citizens' struggles over citizenship in the United States and Canada.

In the US, the mass marches for immigration reform in 2006–7 were a turning point in terms of non-citizen citizenship. The protests were sparked by the introduction of the Sensenbrenner Bill, a legal act that proposed to criminalize undocumented migrants. In March 2006, a wave of protests swept across the US with historically high turnouts in LA (650,000), Chicago (400,000), Dallas (350,000), Washington, DC (180,000), and New York (100,000) (Voss and Bloemraad 2011: 8). Waving American and Mexican flags side by side and chanting slogans like 'We are America' and 'Sí se puede', the protesters tried to express their right to citizenship. On the basis of a survey of 410 marchers, it was estimated that 26 per cent were non-citizens (Pallares and Flores-González 2010: xvi). When they were asked what they hoped the marches would accomplish, the most common response was the regularization of undocumented migrants (ibid.: xviii). At the same time, the marchers' discourses referred extensively to the importance of

undocumented workers. In the aftermath of the protests, May 1st – better known as International Workers Day – was proclaimed to be a 'day without immigrants'. That day, classrooms were half empty, factories had to shut down, and shops and restaurants remained closed. As an expression of non-citizen citizenship, this was a visible reminder of the contribution that undocumented migrants make to the social, cultural, and economic life of the US. In the end, the Sensenbrenner Bill was revoked. However, the cry for immigration reform remains unanswered.

Cities formed the backdrop against which these emerging forms of non-citizen citizenship took place. As much as the marches were directed towards the federal government, cities were nevertheless the primary sites in which the protests were staged. This should not be surprising, since more than 30 cities in the US have declared themselves to be 'sanctuary cities', with city ordinances that ban the police and city employees from inquiring about people's immigration status (see Voss and Bloemraad 2011). This has created a favourable structural environment for undocumented activism. The relative presence of factors such as local support from citizen-led organizations, the size of the urban non-citizen population, and the degree of organization of the immigrant community further explains variations in mobilization across American cities (ibid.).

When the appeal of the marches started to fade in the 2008–9 period, undocumented youth came to the fore as political actors in the debate about the Development, Relief, and Education for Alien Minors (DREAM) Act. The DREAM Act was a legislative proposal introduced in 2001 that would provide for a path to citizenship for the estimated 1.8 million undocumented youth in the US (Gonzales 2008). For many undocumented young people, participating in the 2006 marches was their first encounter with activism. Since the marches were framed for undocumented workers, there was a general sense among undocumented youth that their experiences were underrepresented. In response, they began to set up their own spaces for representation by founding organizations in their communities, neighbourhoods, and schools (see Corrunker 2012). Their collective identity as students became the basis upon which they started to claim their 'right to have rights' (Gonzales 2008; Nicholls 2013). These undocumented youth presented themselves as hard-working, successful students who do not receive the same opportunities that citizen students get. On the basis of these experiences, they embraced life storytelling and civil disobedience as ways to become political subjects in the US. Supported by the slogan 'undocumented, unafraid', youth organized 'coming out of the shadows' rallies, sit-ins in congressional offices, hunger strikes, and mocking graduations all over the country (see Seif 2011; Nicholls 2013). By creatively adapting and implementing political scripts and repertoires from the gay rights and civil rights movements, they created a distinctive way of 'becoming citizens' that resonates with American political culture. Undocumented youth's efforts have led to both local and national victories. Several states adopted local versions of the DREAM Act in 2012, including provisions to improve undocumented youth's educational careers. Moreover, President Obama granted deferred status to undocumented youth who matched the criteria proposed under the DREAM Act in June 2012.

In Canada, expressions of non-citizen citizenship rely less on the self-organization of undocumented migrants and more on advocacy efforts by human rights activists. Unlike the nationwide mobilization in the US, grassroots support for the case of the undocumented is more locally based (see Basok 2009). The movement in Canada fosters a humanitarian discourse that focuses on individual cases and the everyday living conditions of the undocumented. The 'No One Is Illegal' (NOII) movement organized an advocacy campaign over the arrests of undocumented children in Toronto (see Abji 2013). In April 2006, Federal Immigration Officers arrested undocumented students in their classrooms and detained them as 'bait' for their undocumented parents. In response, NOII organized protests over the case of the Lizano-Sossa family and the stories of the arrested

teenage siblings made national headlines. In what became a highly publicized debate, the NOII framed the incident as a violation of international children's rights (ibid.). In the meanwhile, the NOII mobilized school boards in support of a local 'Don't Ask, Don't Tell' (DADT) policy. Because of the growing public momentum, the DADT policy was eventually passed by the city government in Toronto, and city services were made available to residents regardless of legal status.

Despite the outcome of this campaign, scholars debate the lessons that we should take away from this case. Stierl (2012) has described the NOII network as a model of non-citizen resistance to the Canadian state's monopoly on citizenship. Similarly, Nyers (2010) has argued that the public self-identification of undocumented migrants as 'non-status' disrupts and challenges hegemonic notions of citizenship in Canada. Moreover, Nyers argues that Toronto's sanctuary policy testifies to emerging forms of local citizenship policies for non-citizens. In contrast, Bhuyan and Smith-Carrier (2012) demonstrate that regardless of Toronto's rhetoric of inclusivity, substantial hurdles remain in place that prevent non-citizens from exercising their rights. Scholars have also discussed the relative advantages and disadvantages of the human rights framing of struggles over citizenship in Canada. What is at stake here is the question whether or not such a framing challenges or actually reinforces the state's monopoly over citizenship. In this regard, Basok (2009) distinguishes between hegemonic and counter-hegemonic human rights discourses, arguing that the former are more easily incorporated by the nation-state than the latter. In a similar way, Abji (2013) argues that NOII's state-centered human rights framing was picked up by the mainstream media while its more radical post-national claims were marginalized.

This comparison contains several more general insights with regards to the contemporary dynamics of non-citizen citizenship. First, changes in the institutional recognition of non-citizens depend on the claims-making efforts of non-citizens and their allies. Second, the ability of non-citizens to make claims to recognition depends on their capacity to creatively (re) appropriate practices and discourses of belonging that resonate with the national imaginaries of their society of residence. Third, non-citizen citizenship relies simultaneously on disruptive 'acts of citizenship' and constructive and prolonged practices of mobilization and community-building. Fourth, struggles over citizenship led by non-citizens themselves tend to challenge the power of the nation-state more than those led by citizen allies. Fifth, shifting the scale of political action to the transnational and the subnational levels by strategically mobilizing norms, resources, and institutions situated at these levels can enable non-citizens to gain political agency at the national level. And finally, up until now, non-citizens' struggles over citizenship have primarily led to temporary and predominantly local changes in citizenship regimes, whereas national citizenship regimes largely remain unaltered.

Beyond the citizen: towards a global perspective on non-citizen citizenship

In an era of globalization, the transformation of citizenship can only be fully grasped by studying the liminal subjects who contest its exclusionary and rigid boundaries. Rather than being an epiphenomenon of global migration, non-citizens' struggles over citizenship represent a major shift in the ways that rights are exercised in the twenty-first century. Non-citizens not only defy the principles upon which citizenship is built, but also actively organize themselves to challenge and transform these principles. The mobilization of undocumented migrants in the US and Canada shows that, regardless of the circumstances, non-citizens are claiming their rights by creatively (re)inventing ways of being political.

Citizenship studies as a discipline needs to engage with non-citizens' challenge to citizenship. There is a real need for a truly global perspective on the study of non-citizen citizenship. Such a

global perspective requires a systematic comparison of non-citizens' struggles over citizenship and corresponding changes in citizenship regimes. In particular, we should compare the extent, depth, and range of non-citizen citizenship practices across urban, regional, national, and transitional scales. Future research should also study non-citizens other than the undocumented, such as migrants who are partially recognized, temporary workers, foreign exchange students, unrecognized indigenous populations, or stateless people. In terms of regional coverage, non-citizens' struggles over citizenship in Asia, Africa, and Latin America need to be more thoroughly documented. In addition, it is insufficient to focus research efforts solely on institution-driven transformations of citizenship. It is time for non-citizens themselves to become the primary subjects of investigation, rather than the institutions that try to govern them.

Acknowledgements

I would like to thank the National Science Foundation (Doctoral Dissertation Improvement Grant #1129651), the Social Science Research Council, and the University of Chicago Division of the Social Sciences and Human Rights Program for financially supporting the research from which this chapter developed. In addition, I need to thank the following people for their support: Eva Swyngedouw, Andreas Glaeser, Roberto Gonzales, Marco Martiniello, Mario Small, and Erik Swyngedouw.

References

Abji, S. (2013) 'Post-nationalism re-considered: a case study of the 'No One Is Illegal' movement in Canada', *Citizenship Studies*, 17 (3–04): 322–38 (DOI:10.1080/13621025.2012.707001).

Balibar, E. (2004) *We, the people of Europe? Reflections on transnational citizenship*, Princeton, NJ: Princeton University Press.

Basok, T. (2009) 'Counter-hegemonic human rights discourses and migrant rights activism in the US and Canada', *International Journal of Comparative Sociology*, 50 (2): 183–205.

Benhabib, S. (2004) *The rights of others: aliens, residents, and citizens*, Cambridge: Cambridge University Press.

Bhuyan, R. and Smith-Carrier, T. (2012) 'Constructions of migrant rights in Canada: is subnational citizenship possible?' *Citizenship Studies*, 16 (2): 203–21.

Bloemraad, I., Korteweg, A., and Yurdakul, G. (2008) 'Citizenship and immigration: multiculturalism, assimilation, and challenges to the nation-state', *Annual Review of Sociology*, 34: 153–79.

Bosniak, L. (2006) *The citizen and the alien: dilemmas of contemporary membership*, Princeton, NJ: Princeton University Press.

Brysk, A. and Shafir, G. (2004) 'Globalization and the citizenship gap' in A. Brysk and G. Shafir (eds.) *People out of place: globalization, human rights and the citizenship gap*, New York: Routledge: 3–9.

Chauvin, S. and Garcés-Mascareñas, B. (2012) 'Beyond informal citizenship: the new moral economy of migrant illegality', *International Political Sociology*, 6: 241–59.

Corrunker, L. (2012) 'Coming out of the shadows: DREAM Act activism in the context of global anti-deportation activism', *Indiana Journal of Global Legal Studies*, 19 (1): 143–68.

Düvell, F. (2011) 'Irregular immigration, economics and politics', *CESifo DICE* Report 9 (3): 60–8.

Goldring, L. and Landolt, P. (2013) 'The conditionality of legal status and rights: conceptualizing precarious non-citizenship in Canada' in L. Goldring and P. Landolt (eds.) *Producing and negotiating non-citizenship: precarious legal status in Canada*, Toronto: University of Toronto Press: 3–27.

Gonzales, R. G. (2008) 'Left out but not shut down: political activism and the undocumented Latino student movement', *Northwestern Journal of Law and Social Policy* 3 (2): 219–39.

Gonzales, R. and Chavez, L. (2012) '"Awakening to a nightmare": abjectivity and illegality in the lives of undocumented 1.5-generation Latino immigrants in the United States', *Current Anthropology*, 53 (3): 255–81.

Isin, E. F. (2008) 'Theorizing acts of citizenship', in E. F. Isin and G. Nielsen (eds.) *Acts of citizenship*. London: Zed Books: 15–43.

Joppke, C. (1998) 'Immigration challenges the nation-state' in C. Joppke (ed.) *Challenge to the nation-state immigration in Western Europe and the United States*, Oxford: Oxford University Press: 5–48.

McNevin, A. (2011) *Contesting citizenship: irregular migrants and new frontiers of the political*, New York: Columbia University Press.

Menjívar, C. (2006) 'Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States', *American Journal of Sociology*, 111 (4): 999–1037.

Nyers, P. (2010) 'No one is illegal between city and nation', *Studies in Social Justice* 4 (2): 127–43.

Nicholls, W. (2013) *The DREAMers: how the undocumented youth movement transformed the immigrant rights debate*, Stanford, CA: Stanford University Press.

Office of the United Nations High Commissioner for Human Rights (2006) *The rights of non-citizens*, New York: United Nations.

Pallares, A. and Flores-González, N. (eds) (2010) ¡*Marcha!: Latino Chicago and the immigrant rights movement*, Chicago: University of Illinois Press.

Sassen, S. (2005). 'The repositioning of citizenship and alienage: emergent subjects and spaces for politics', *Globalizations*, 2 (1): 79–94.

Seif, H. (2011). 'Unapologetic and unafraid: immigrant youth come out from the shadows', in C. A. Flanagan and B. D. Christens (eds.) *Youth civic development: work at the cutting edge. New directions for child and adolescent development, n. 134*, San Francisco: Wiley Periodicals, Inc.: 59–75.

Soysal, Y. (1994) *Limits of citizenship: migrants and postnational membership in Europe*, Chicago: University of Chicago Press.

Stierl, M. (2012) '"No one is illegal!" Resistance and the politics of discomfort', *Globalizations*, 9 (3): 425–38.

Voss, K. and Bloemraad, I. (2011) *Rallying for immigrant rights: the fight for inclusion in 21st century America*, Berkeley, CA: University of California Press.

This page intentionally left blank

Part V
Asias

This page intentionally left blank

26

Emerging forms of citizenship in the Arab world

Dina Kiwan

This chapter examines contemporary evolving conceptualizations of citizenship in the Arab Middle East in the context of the ongoing Arab uprisings triggered by events in Tunisia in December 2010, when a street trader, Mohamed Bouazizi set fire to himself in desperate protest against his treatment by the police, who had confiscated his unlicensed cart. Following this incident, demonstrations throughout December 2010 led to the removal of President Zine El Abidine Ben Ali from office on 14 January 2011. This triggered revolts across the Arab world, most notably in Egypt, where demonstrations organized by civil society on 25 January 2011 were larger than anticipated and increasingly gathered momentum around Cairo's Tahrir Square and throughout the country. The protestors called for the resignation of Egypt's President Hosni Mubarak. Whilst Mubarak initially organized counter-demonstrations, he ultimately resigned on 11 February 2011, transferring his powers to the military (Dalacoura, 2012). Just days after the fall of Mubarak, protests against Ghaddafi broke out in Benghazi in Libya; by September 2011, Ghaddafi's regime had fallen and he was killed on 20 October 2011 (Dalacoura, 2012). Except for Bahrain, protests have been relatively limited in the Gulf countries, and protests in Morocco, Algeria, and Jordan, unlike in Tunisia and Egypt, have not, to date, led to the fall of these autocratic regimes. In Syria, popular demonstrations began in March 2011 and had spread nationwide by April 2011, demanding the resignation of President Bashar Al-Assad. The protests evolved into armed conflict against government forces; on 15 July 2012, the International Committee of the Red Cross (ICRC) described the conflict as a 'non-international armed conflict' – in effect, the ICRC's legal definition for civil war. According to the UN and the Syrian Arab Red Crescent, a conservative estimate of between 1.5 and 2.5 million Syrians have been displaced within the country (BBC News, 2012; UNHCR, 2013); it is estimated that 1.2 million refugees will have entered Lebanon alone by the end of 2013 (*Daily Star*: Lebanon, 2013).

This wave of revolts was typically preceded by the 'explosive' combination of severe economic and political conditions under authoritarian regimes in which populations have suffered for many years from high levels of unemployment, poor living conditions, and a denial of political and civil rights (Teti and Gervasio, 2011). The chapter is subdivided into three parts: i) first, I discuss key features of the so-called 'Arab Spring' or uprisings from a range of perspectives, including Arab academics and intellectuals based in the Middle East, international and regional media, and Western academic commentaries; ii) second, I examine discourses and constructions of citizenship in the

domains of formal and informal education for citizenship, youth participation, and social media; and iii) Lastly I outline emerging citizenship identities differentiated by age, gender, ethnic and religious group, and social class. The chapter concludes by anticipating future directions in the region with respect to intersecting constructions of citizenship, democracy, identity, and action.

The Arab revolutions

Over the last decade there has been heightened theoretical and policy interest in citizenship and democracy not only in Western democratic contexts (e.g. Kymlicka, 1995; Soysal, 1994), but indeed globally. In particular, since the unfolding of events in the Arab world starting in December 2010, academic and policy interest in the domain of citizenship is gaining significant attention in the Arab World. These events are being characterized as amongst the most significant to unfold in several decades (Jones, 2012), not only in terms of what it might mean for individual citizens and their lived experiences in the countries of the Arab Middle East, but also in terms of interrelationships between countries in the region, and international relations between the various Arab Middle Eastern countries and Europe and the United States.

The dominant methodological approach to studying events and politics in the Arab world has been through the lens of democratization or 'transitology' – where events are interpreted as developing in a linear fashion from authoritarian rule towards liberal democracy (Cavatorta, 2012). In the contemporary context of the Arab revolutions, we are witnessing shifts in methodological paradigms for studying such events. It is being argued that there is the emergence of a new political subjectivity, characterized as 'reflexive individualism' (Hanafi, 2012), distinct from neoliberal conceptualizations of individualism 'predicated on anti-patriarchal, anti-tribe, anti-community or anti-party sentiments' (Hanafi, 2012, p. 198). Furthermore, there has been debate and resistance to such terms as 'Arab Spring' and 'awakening' where it has been argued that these reflect an orientalist discourse (Hanafi, 2012; Khouri, 2011). In an early commentary on the unfolding of events in Tahrir Square, Dajani (2011) insightfully noted that there was initially resistance to framing events in terms of 'revolution'; instead events were characterized in terms of 'unrest', with Western calls for 'constructive dialogue' and 'orderly transitions'. Furthermore, the democratic ideal is under critical scrutiny with respect to what it is expected to deliver in often ethnically and religiously diverse societies in the Arab world. It has also been argued that 'post-democratization' scholarship has the methodological challenge – drawing on Foucault and Said – of analyzing how knowledge is produced and how it is used to establish authority (Teti, 2012).

A key theme to emerge in both policy and academic discussions relating to the Arab Spring relates to the issue that '"experts" all missed the Arab Spring' (Jones, 2012, p. 447). Whilst it has been suggested that the combined presence of authoritarian regimes, unemployment, and growing youth frustration may be pointed to as contributing factors, the trigger for the events, as well as the rapidity and interconnected unfolding of developments had not been anticipated (Jones, 2012) – neither by Arab governments themselves, nor by Western governments, nor by academics – whether Arab or 'Western'. Furthermore, the Arab uprisings have been characterized as qualitatively different from previous Arab revolutions in the past in that there is a particular concern with 'individual citizenship', rather than the more usual framing of concerns in reference to regional politics (Roy, 2012, p. 5):

> The demonstrators referred to no Middle Eastern geopolitical conflicts, burned no U.S. or Israeli flags, offered no chants in favor of the main (that is to say, Islamist) opposition parties, and expressed no wish for the establishment of an Islamic state or the implementation of *shari'a*.

And yet, those demonstrating are not typically those taking hold of power; instead those taking power are those more established parties who do not necessarily have a particular 'attachment to democracy', and express concerns with the conceptions of 'secularization' and 'individualism' (Roy, 2012, p. 6). In order to understand citizenship in such contexts, it is therefore important to challenge Western methodological assumptions where citizenship, secularization, and individualism are conceptually and practically intertwined. Commentators attempting to discern emerging patterns point to a trend that certain types of regime are more likely to undergo revolutions, whilst others seem to be less likely to. For example, except for Bahrain, monarchies have had relatively limited uprisings, which has been explained in terms of different expectations of the public in terms of the 'contract' with the ruler; furthermore, 'republics' are founded on conceptions of 'nationalism' rather than on more tribally based politics – for example, in Egypt and Tunisia compared with Libya, Yemen and Syria (Jones, 2012).

In addition, there has also been debate on the role of the media and social media networks in the Arab revolutions, whereby the 'digital citizen', through the use of various information technologies actively participates in the politics of the public sphere. These include the Internet as a tool for the dissemination of information, social media for the purposes of connecting and coordinating information and action, mobile phones for capturing images, and digitally through satellite television (Hansard Society, 2011). Whilst such technologies are not causally implicated, it has been argued that they have nevertheless played an important role in mobilizing participation by bringing together otherwise disparate groups and also by creating means of communication that circumvent traditional state control of the media (Hansard Society, 2011). A 2012 report from the Pew Research Center's Global Attitudes Project on social networking found that Arab citizens' most favoured subjects include politics, community issues, and religion. In particular in Egypt and Tunisia, 60 per cent of those engaged in social networking share their views about politics online, compared with only 34 per cent in other countries in the study (Pew Research Center, 2012).

Constructions of citizenship

In Western academic and policy discourses, there have been debates regarding the extent to which we witness a conflation of 'citizenship' and 'democracy' and other concepts, where often these concepts are used interchangeably and synonymously with 'liberty', 'liberalism', 'equality' and even 'individualism' (Kiwan, 2007). 'Democracy' has come to mean '"all things bright and beautiful": democracy as a civic ideal, as representative institutions, and as a way of life' (Crick, 2002; p. 8). In his classic work, *In defense of politics*, Crick (2000) defines politics as an activity and distinguishes it from democracy, warning that politics needs 'defending' against democracy, as if democracy 'seeks to be everything, it destroys politics' and can lead to despotism and anarchy (Crick, 2000, p. 73). Although acting politically requires the conciliation of different interest groups within the state, democracy has a potentially problematic relationship with diversity as it can tend to be reductionist, turning 'harmony into mere unison', reducing 'a theme to a single beat' (Crick, 2002, p. 73). Whilst Crick's conception related to a recognition of political diversity rather than ethnic and religious diversity, this same uneasy relationship between democracy, citizenship, and ethnic and religious diversity is unfolding in the 'Arab uprisings' context.

It is recognized that the field of education is a critical site for sociopolitical transformation in the context of the revolutions across the Arab World. This is especially significant given the large youth populations in the Arab world, with over 40 per cent of the population being under the age of eighteen (Faour and Muasher, 2012). Empirical findings presented in a report published by Carnegie Middle East Center suggest that school ethos across the Arab world is relatively negative, with students reporting that they do not feel safe physically, socially,

or emotionally; in addition, teachers are not sufficiently trained, there are limited resources, and pedagogical approaches tend to be didactic with a reliance on memorization (Faour and Muasher, 2012). Research on citizenship education internationally has illustrated a shift towards pedagogical approaches emphasizing participative approaches to learning, where discussion and debate drawing on a variety of perspectives is encouraged (Kiwan, 2008). Yet models of citizenship education policy conceived in terms of individually equipping pupils with 'skills' for participation where there is an assumption that this will translate into active participation by all students are based on a limited understanding of the nature of learning (Kiwan, 2011). The development of citizenship education in educational systems in Europe, the United States, and increasingly also Eastern Europe as well as the Middle East, is typically presented primarily in terms of acquiring knowledge of, and skills in, participation, based on 'cognitive engagement theory' (Pattie *et al.* 2004). This theory hypothesizes that participation depends on access to information, thus giving education a central role (Kiwan, 2008). Such conceptions of citizenship education are implicitly predicated on notions of individual cognition (Haste, 2004, 2010). This is evidenced by large-scale longitudinal comparative international surveys of citizenship education where citizenship is typically conceived in terms of 'competencies' that are 'measured' using tests administered to pupils (Hoskins and Mascherini, 2009; Hoskins *et al.* 2006; Schulz *et al.* 2010; Torney-Purta *et al.* 1999; Torney-Purta *et al.* 2001).

In contrast, a conception of learning as an active, socially constructive, and contextualized process allows citizens to actively construct meaning through their learning experiences, rather than being passively socialized into citizenship (Kiwan, 2011). So whilst participation is necessary in a model of inclusive citizenship, identification with the social context will necessarily influence an individual's motivation to participate (Kiwan, 2008).

Amongst policymakers and academics in the Arab world, there are calls not only for recognition of the importance of civic education, but also for a new democratic pedagogy (Faour, 2012; Faour and Muasher, 2012; UNDP, 2008a; UNDP 2008b). For example, in Egypt, where religion is embedded within its educational systems and with the ascendancy of the Muslim Brotherhood Party, a vision of a democratic citizenship education is deemed to be an unlikely outcome in the short term. In Tunisia, active participation by students under the former regime was limited to cultural associations and sports clubs; students were not allowed to participate in policy-related debates or express opinions that differed from their teachers (Faour, 2011). In Lebanon, education is considered to be critically important in addressing sectarian division and promoting social cohesion and a common sense of identity (Shuayb, 2012). According to Lebanon's 2008 United Nations Development Programme Report, *Towards a citizen's state*, citizenship is conceived as 'a legal framework that regulates the interaction between citizens and the state and among citizens themselves, and second, as a lived experience or practice' (UNDP, 2008a, p. 9). A UNDP-commissioned empirical study on the knowledge, skills, and attitudes to citizenship amongst 3,000 ninth-grade students in Lebanon, based on the International Association for the Evaluation of Educational Achievement (IEA) survey (Torney-Purta *et al.* 2001), indicated that whilst civic knowledge amongst Lebanese students is low compared with their peers in other countries, their comprehension of the three main concepts related to citizenship, democracy, and responsibilities was relatively high. Furthermore, although students show a keen interest in politics, their expectations of political participation are relatively low. Informal modes of citizenship learning across the Arab world play an important role, where the family acts as an important locus for citizenship learning. Other sites including political organizations, the mosque – especially for young men – and, as has already been discussed, the media, the Internet, and social networking media also play an increasingly important role.

With regards to the informal educational arena, civil society organizations have commonly been viewed as 'weak and fragile', their functioning dependent on their relationships with

the existing regimes (Halaseh, 2012). They are typically characterized as dependent on donors, having weak internal governance structures, accountability and transparency, and hence limited capacity to effectively mobilize and have impact within their societies (Halaseh, 2012). Interviews with young people elicited views that civil society organizations could not be credited with mobilization in relation to the Arab revolutions, but rather young people themselves were the driving force (Halaseh, 2012).

The concept of the 'pedagogical state' is also a useful one in interpreting citizenship practices in formal and informal educational spaces. In her examination of this concept, Pykett (2010) critiques the work of educational sociologists who construct education and schooling as a form of governmentality – an ideological force with power over people holding an illusion of freedom. Pykett illustrates that, rather than a state project that attempts to control and 'pedagogize' the thinking of teachers and students, 'power … is productive and is not held by individuals but instead signifies the manifold ways in which action is constrained by social relations' (2010, p. 627–8). As such, citizenship education cannot be said to illustrate a unified government agenda, as this overestimates the power of the state over citizens through schooling (Kiwan, 2013a).

Whilst traditional school environments in the Arab world might be constructed by sociologists as reflecting a notion of schooling as an extension of governmental control, the active participation of young people in the revolutions across the Arab world has illustrated that, despite negative research findings on civic education in formal school settings, there is strong civic motivation and agency for change. This resonates with the arguments put forward by Pykett (2010) on the 'pedagogical state' where the particularities of the educational space – both formal and informal, as well as the nature of interpersonal relationships, subvert an assumed pedagogical control imposed by the state.

Emerging and differentiated citizenship identities

Emerging constructions of citizenship across the Arab world are being 'reimagined' in relation to intersecting identities of ethnicity, religion and nationality, as well as age, gender, and socio-economic status. Media commentaries have focused in particular on the feature of age in the profiles of those participating on the frontlines of the Arab revolutions. Participants have typically been characterized as 'young', 'educated', and 'middle class'. It has been suggested that youth in the Arab world are being 'denied' their adulthood because of the sociopolitical realities of poor educational opportunities, and high levels of unemployment, delayed marriage, and delayed sexuality:

> The infectiousness of the Arab Spring revolutions stemmed from the realization by youth in Egypt, Libya, Syria, and elsewhere that their generation was living in an undignified liminal state of pre-adulthood, and that the possibility of demanding access to education, jobs, and marriage was open to all Arab youth.
>
> *(Mulderig, 2011, p. 1)*

This youth alienation, Mulderig argues (2011, p. 7) must be addressed for the 'future stability of the region' whereby youth are integrated into 'Arab economies, religious communities, and social networks through the achievement of adult status'.

Whilst female participation has been evident on the streets in the Arab revolutions, women have not been incorporated into the subsequent political processes, and it is argued that these revolutions will not 'succeed' unless women are able to participate as equal citizens alongside men in political and economic development in the Arab world (Ebadi, 2012; Ennaji, 2013;

Hafez, 2012; *New York Times*, 2012; World Economic Forum, 2012). Indeed, human rights organizations argue that women's rights have regressed in the context of the Arab revolutions. According to the Director of Human Rights Watch, 'As the Islamist-dominated governments of the Arab Spring take root, perhaps no issue will better define their records than the treatment of women' (Human Rights Watch, 2013, p. 7). Egypt has continued to witness systematic violence against women and sexual harassment (Ghaziri, 2013). With respect to political participation, in Tunisia, women won 49 of the 217 seats in the 2011 election, with 42 from the moderate Islamist party, Ennahda. In Libya, women hold 33 of the 200 seats in Parliament, although it has been reported that women have been excluded from decision-making processes; similarly, the Syrian National Council established in exile has not included any women in its decision-making body (*New York Times*, 2012). In Egypt, women in 2013 hold less than 1 per cent of parliamentary seats, compared with 12 per cent before the 2011 revolution (Ennaji, 2013). In addition, in Egypt there have been debates over women's rights pertaining to marriage and inheritance and whilst women have made some gains, these are being contested (*New York Times*, 2012). Indeed, it has been argued that the Arab uprisings merely highlight women's ongoing 'second-class citizenship' status (Al-Malki, 2012).

Commentators and academics have noted that the economic conditions of the Arab world have played an important role in fueling and sustaining the Arab revolutions from Tunisia and Egypt to Libya, Yemen and Syria. According to the World Economic Forum and OECD (2011) *Arab World competitiveness report 2011–2012*, the global economic crisis has adversely affected the region since 2008, in particular the economies of Egypt and Tunisia, with GDP growth down from an average of 5.2 per cent between 2000 and 2008 to about 1 per cent in 2011. Unemployment in the MENA region is the highest in the world with youth unemployment contributing to half of the unemployment rate; youth unemployment rates stand at an average of 25 per cent, which is higher than any other region in the world, and in Tunisia, 30 per cent of young people are unemployed (International Monetary Fund, 2012). Since the start of the Arab uprisings, there has been a decrease in economic activity and increased unemployment, with the highest increases registered in 2011 for Tunisia (7 per cent) and Egypt (3.5 per cent) (International Monetary Fund, 2012). In the first quarter of 2013, Egypt's unemployment rate increased further to 13.2 per cent from 13 per cent in the previous quarter (Ahram online, 2013).

Social science research documents 'a mismatch between the skills accumulated through public investment in education on the one hand, and the available economic opportunities on the other' (Campante and Chor, 2013), leading to political instability because of both unemployment and the phenomenon of many overqualified and frustrated young people. Whilst Arab countries between 1980 and 2010 ranked among the highest in the world when it came to the increase seen in the average years of schooling, these same countries also suffered from economic stagnation and few labour market opportunities (Campante and Chor, 2012): Egypt, Tunisia, Yemen, Libya, Jordan, and Morocco all illustrate these features, whilst the Gulf countries of the UAE, Qatar, and Kuwait, with their strong economies, have not witnessed such revolutions. As such, it is being argued that sustaining an economy with sufficient job opportunities for an increasingly educated and skilled middle class is critically important for the stability of new governments (Campante and Chor, 2012). Campante and Chor (2012) cite the autobiographical book, *Revolution 2.0*, by the Egyptian Google executive Wael Ghonim, which describes the role that activists played in organizing the protests in Egypt in January 2011 that brought down President Mubarak and highlights that many of the activists were young, technologically adept with social media technologies, and had often lived abroad. Moaddel's (2012) analysis of a large dataset in Egypt supports Campante and Chor's (2012) findings that those from the urban middle class were most likely to be politically active. Campante and Chor (2013) highlight

that the link between poor economic prospects, education, and political protest is significant, with empirical evidence supporting the observation that more highly educated individuals are more likely to actively participate in all types of political activities – including street protests, following political news, or voting. In addition, in negative economic conditions, the educated, both younger and older, who are unsuccessful in the labour market are more likely to actively participate in such activities.

Whilst media and academic commentaries have focused on the role of the young, educated, and middle class in the Arab revolutions, with an implicit coupling of secularity, the electoral successes of the Islamic parties are evident for example, in Egypt, Tunisia, Libya, and Morocco; this can be explained in terms of these parties having an established presence, a role in providing social services and having a strong presence within local communities (Zaman, 2011). Zaman cites a number of media and policy commentaries suggesting that the 'Arab Spring' has been 'hijacked by Islamists'. He notes, however, that that the media focus on educated, technologically aware youth produced a distorted conception of assumed secularism. This reflects an orientalist construction of citizenship identities whereby it is assumed that religion is designated to the private sphere in the 'progress' towards a liberal democratic construction of citizenship. Highlighting this, Benhabib (2011, p. 2) asserts: 'There is no necessary incompatibility between the religious faith of many who participated in these movements and their modern aspirations'.

The increasing presence of refugee populations in the Arab world in the context of the Arab revolutions has important implications with regards to the construction of citizenship identities. For example, it was estimated that by the end of 2013 there would be one million Syrians who would have entered Lebanon as refugees since the turmoil in Syria that started in March 2011 (*Daily Star:* Lebanon, 2013). This refugee population is in addition to the long-term Palestinian refugee population in Lebanon, which for several generations has lived as stateless refugees with curtailed civic, political, economic, and social rights. In the domain of education, both formal and informal, learning citizenship for Palestinian young people in Lebanon is highly complex given a number of factors. Typically educated in United Nations Relief and Works Agency (UNRWA) schools and following the Lebanese curriculum, Palestinians are invisible in the curriculum (Fincham, 2013). In addition, constructing Palestinian identity occurs both in the absence of a Palestinian state and in reference to another place. In addition, students are learning via a Lebanese curriculum in a context where they cannot achieve integration or equal rights, as Lebanese citizenship is for the most part unattainable (Fincham, 2013). Further complicating the picture is Lebanon's context of sectarianism and regional instability. Yet Palestinian themes are unofficially incorporated through symbols such as maps and flags, as well as certain rituals, clothing, and school activities (Fincham, 2013), which again resonates with Pykett's (2010) arguments pertaining to the pedagogic state, whereby such pedagogic dynamics subvert an assumed governmental control of citizenship identities.

Anticipating future directions

To date, there has as yet been relatively little sustained academic scholarship on understanding constructions of citizenship in the Arab world in the context of the ongoing Arab revolutions. Studying citizenship in the Arab world necessarily raises the issue of 'how' one does theory, both in terms of the *act* of theorizing, which relates to how language and concepts are employed in different contexts, but also in terms of the *process* itself – a question about the production of knowledge, which relates to the methodological issue of the 'translatability' of concepts (Kiwan, 2013a). Within Western academic discourses, there is often an unquestioned assumption that these theories, conceptions, and debates are universal, both at the level of language,

and at the level of concepts. Postcolonial critiques of citizenship and democracy have argued that the language and constructions in Western academic discourses do no more than present particularist understandings of citizenship and democracy that masquerade as universal theories (Kiwan, 2013a).

Understanding how citizenship is being constructed in the contemporary Arab World therefore challenges these methodological assumptions. Isin's (2005) work on orientalism and citizenship is critically important in this regard: he argues that the West has typically constructed the Orient as 'those times and places where peoples have been unable to constitute themselves as political precisely because they have been unable to invent that identity the occident named as the citizen' (2005, p. 31). The citizen in the Occidental tradition is typically constructed as a 'sovereign man (and much later woman) who is capable of judgment and being judged, transcending his (and much later her) tribal, kinship, and other primordial loyalties and belongingness'. This is contrasted with the Orient, which did not produce this kind of construct. Isin calls this 'political orientalism' and argues for a 'rethinking of citizenship after orientalism' (Isin 2005; Kiwan, 2013b).

In educational terms, what kinds of discursive spaces are developing and being utilized across the Arab World? The media and social networking sites have been widely commented on as having played a significant role. Indeed, Jones (2012) notes that 'the ability of underemployed, educated, and frustrated urban youth to communicate in real time and to organize themselves, via social media, has, in the words of one interviewee, "revolutionized the collective imagination of what is possible" across the region' (2012, p. 451–2). Examining constructions of citizenship in both formal and informal educational institutions across the Arab world provides a key site for future agendas allowing for the exploration of how such constructs are produced and reproduced, as well as enabling the interrogation of assumptions held with regards to theories of the production of knowledge.

References

Ahram online (2013). 'Egypt's unemployment rate reaches 13.2% in Q1 2013'. Available online at http://english.ahram.org.eg/NewsContent/3/12/71516/Business/Economy/Egypts-unemployment-rate-reaches--in-Q-.aspx (accessed 30 May 2013).

Al-Malki, A. (2012). 'Why Arab women still "have no voice"'. *Aljazeera*. 21 April 2012. Available online at www.aljazeera.com/programmes/talktojazeera/2012/04/201242111373249723.html (accessed 28 May 2013).

BBC News (2012). 'Syria displaced number 2.5m, says Red Crescent'. 13 November 2012. Available online at www.bbc.co.uk/news/world-middle-east-20311194 (accessed 30 May 2013).

Benhabib, S. (2011). 'The Arab Spring: religion, revolution and the public sphere.' *Transformations of the Public Sphere*. Available online at http://publicsphere.ssrc.org/benhabib-the-arab-spring-religion-revolution-and-the-public-square/ (accessed 4 February 2013).

Campante, F. R. and Chor, D. (2012). 'Why was the Arab World poised for revolution? Schooling, economic opportunities, and the Arab Spring'. *Journal of Economic Perspectives*, 26(2), 167–88.

Campante, F. R. and Chor, D. (2013). 'The educated middle class, their economic prospects, and the Arab Spring', *The World Financial Review*. Available online at www.worldfinancialreview.com/?p=2296 (accessed 4 February 2013).

Cavatorta, F. (2012). 'Arab Spring: the awakening of civil society: a general overview'. *European Institute of the Mediterranean Yearbook*. Barcelona: IEMed Press, 75–81.

Crick, B. (2000). *In defense of politics*. New York and London: Continuum.

Crick, B. (2002). *Democracy: a very short introduction*. Oxford: Oxford University Press.

The Daily Star: Lebanon (2013). 'Lebanon projects 1.2m Syrian refugees in country by end of year'. 19 April 19 2013. Available online at www.dailystar.com.lb/News/Local-News/2013/Apr-19/214298-lebanon-projects-12m-syrian-refugees-in-country-by-end-of-year.ashx#ixzz2Ulegjrco (accessed 30 May 2013).

Dajani, D. (2011). 'What's in a name? That which we call Tahrir'. Available online at www.oecumene.eu/blog/whats-in-a-name-that-which-we-call-tahrir (accessed 2 February 2013).

Dalacoura, K. (2012). 'The 2011 uprisings in the Arab Middle East: political change and geopolitical implications', *International Affairs*, 88 (1), 63–79.

Ebadi, S. (2012). A warning for women of the Arab Spring. *The Wall Street Journal*. March 14 2012. Available online at http://online.wsj.com/article/SB10001424052970203370604577265840773370720.html (accessed 28 May 2013).

Ennaji, M. (2013). 'Arab revolutions have made women worse off'. *The Daily Star: Lebanon*. Available online at www.dailystar.com.lb/Opinion/Commentary/2013/Mar-06/208986-arab-revolutions-have-made-women-worse-off.ashx#axzz2UaIomq6c (accessed 28 May 2013).

Faour, M. (2011). Will the Arab Spring lead to a revolution in education? *Foreign Policy*. Available online at http://mideast.foreignpolicy.com/posts/2011/10/31/will_the_arab_spring_lead_to_a_revolution_in_education (accessed 4 February 2013).

Faour, M. (2012). *Religious education and pluralism in Egypt and Tunisia*. Washington DC: Carnegie Endowment for International Peace.

Faour, M. and Muasher, M. (2012). *The Arab World's education report card: school climate and citizenship skills*. Washington DC: Carnegie Endowment for International Peace.

Fincham, K. (2013). 'Shifting youth identities and notions of 'citizenship' in the Palestinian diaspora: the case of Lebanon'. In D. Kiwan (ed). *Naturalisation policies, education and citizenship: multicultural and multi-nation societies in international perspective*. Basingstoke and New York: Palgrave Macmillan, 150–76.

Ghaziri, S. (2013). 'Arab women must fight back'. *Al Arabiya News*. Available online at www.alarabiya.net/views/2013/02/23/267827.html (accessed 28 May 2013).

Hafez, S. (2012). 'No longer a bargain: women, masculinity, and the Egyptian uprising'. *American Ethnologist*, 9 (1), 37–42.

Halaseh, R. (2012). 'Civil society, youth and the Arab Spring'. Chapter 13, pp. 254–73. Available online at www.um.edu.mt/__data/assets/pdf_file/0012/150411/Chapter_13_-_Rama_Halaseh.pdf (accessed 4 February 4 2013).

Hanafi, S. (2012). 'The Arab revolutions: the emergence of a new political subjectivity'. *Contemporary Arab Affairs*, 5 (2), 198–213.

Hansard Society (2011). *Social media and the new Arab Spring*. Available online at www.hansardsociety.org.uk/blogs/edemocracy/archive/2011/04/19/social-media-and-the-new-arab-spring.aspx (accessed 4 February 2013).

Haste, H. (2004). 'Constructing the citizen'. *Political Psychology*, 25 (3), 413–39.

Haste, H. (2010). 'Citizenship education: a critical look at a contested field'. In L. Sherrod, J. Torney-Purta, and C. Flanagan (eds.) *Handbook of research on civic engagement in youth*. Hoboken, NJ: Wiley, 161–88.

Hoskins, B. and Mascherini, M. (2009). 'Measuring active citizenship through the development of a composite indicator'. *Social Indicators Research* 90 (3), 459–88.

Hoskins, B., Jesinghaus, J., Mascherini, M., Munda, G., Nardo, M., Saisana, M., Van Nijlen, D., Vidoni, D., and Villalba, E. (2006). *Measuring active citizenship in Europe*, Luxemburg: European Commission.

Human Rights Watch (2013). *World Report 2013: challenges for rights after Arab Spring*. Available online at www.hrw.org/news/2013/01/31/world-report-2013-challenges-rights-after-arab-spring (accessed 4 February 2013).

International Monetary Fund (2012). 'Youth unemployment in the MENA Region: determinants and challenges'. Available online at www.imf.org/external/np/vc/2012/061312.htm (accessed 30 May 30 2013).

Isın, E. F. (2005). 'Citizenship after orientalism: Ottoman citizenship.' In F. Keyman and A. Icduygu (eds.) *Challenges to citizenship in a globalising world: European questions and Turkish experiences*. London: Routledge, 31–52.

Jones, P. (2012). 'The Arab Spring: opportunities and implications'. *International Journal*, 67, 447–63.

Khouri, R. (2011). 'Drop the Orientalist term "Arab Spring"'. *The Daily Star: Lebanon*, 17 August 2011. Available online at www.dailystar.com.lb/Opinion/Columnist/2011/Aug-17/Drop-the-Orientalist-term-Arab-Spring.ashx#axzz2JjtVGS64 (accessed 2 February 2013).

Kiwan, D. (2007). 'Uneasy relationships? Conceptions of 'citizenship', 'democracy' and 'diversity' in the English citizenship education policymaking process'. *Education, Citizenship and Social Justice*, 2 (3), 223–35.

Kiwan, D. (2008). *Education for inclusive citizenship*. London and New York: Routledge.

Kiwan, D. (2011). '"National" citizenship in the UK? Education and naturalization policies in the context of internal division'. *Ethnicities*, 11 (3), 269–80.

Kiwan, D. (2013a). 'Introduction'. In D. Kiwan (ed.) *Naturalization policies, education and citizenship: multicultural and multi-nation societies in international perspective*. Basingstoke: Palgrave Macmillan, 1–24.

Kiwan, D. (2013b). 'Conclusion'. In D. Kiwan (ed) *Naturalization policies, education and citizenship: multicultural and multi-nation societies in international perspective*. Basingstoke: Palgrave Macmillan, 178–201.

Kymlicka, W. (1995). *Multicultural citizenship*. Oxford: Oxford University Press.

Moaddel, M. (2012). 'The Arab Spring and Egyptian revolution makers: predictors of participation'. Available online at www.psc.isr.umich.edu/pubs/pdf/rr12-775.pdf (accessed 4 February 2013).

Mulderig, M. C. (2011). *Adulthood denied: youth dissatisfaction and the Arab Spring*. Boston University: The Frederick S. Pardee Center for the Study of the Longer Range Future. Available online at www.bu.edu/pardee/files/2011/10/21-IIB.pdf (accessed 4 February 2013).

The *New York Times*. (2012). 'Women fight to define the Arab Spring'. 10 November 2012. Available online at www.nytimes.com/2012/11/11/opinion/sunday/women-fight-to-define-the-arab-spring.html?_r=0 (accessed 4 February 2013).

Pattie, C., Seyd, P., and Whiteley, P. (2004). *Citizenship in Britain: values, participation and democracy*. Cambridge: Cambridge University Press.

Pew Research Center (2012). 'Social networking popular across globe: Arab publics most likely to express political views online.' Available online at www.pewglobal.org/2012/12/12/social-networking-popular-across-globe/ (accessed 4 February 2013).

Pykett, J. (2010). 'Citizenship education and narratives of pedagogy'. *Citizenship Studies*, 14 (6), 621–35.

Roy, O. (2012). 'The transformation of the Arab World'. *Journal of Democracy*, 23 (3), 5–18.

Schulz, W., Ainley, J., Fraillon, J., Kerr, D., and Losito, B. (2010). *Initial findings from the IEA international civic and citizenship education study*. Amsterdam: IEA.

Shuayb, M. (ed.) (2012). *Rethinking education for social cohesion: international case studies*. Basingstoke: Palgrave Macmillan.

Soysal, Y. (1994). *Limits of citizenship*. Chicago: University of Chicago Press.

Teti, A. (2012). 'Beyond lies the wub: the challenges of (post)democratization'. *Middle East Critique*, 21 (1), 5–24.

Teti, A. and Gervasio, G. (2011). 'The unbearable lightness of authoritarianism: lessons from the Arab uprisings'. *Mediterranean Politics*, 16 (2), 321–7.

Torney-Purta J., Schwille, J., and Amadeo, J.-A. (eds.) (1999). *Civic education across countries: twenty-four national case studies from the IEA civic education project*. Amsterdam: International Association for the Evaluation of Educational Achievement.

Torney-Purta, J., Lehmann, R. Oswald, H., and Schulz, W. (2001). *Citizenship and education in twenty-eight countries*. Amsterdam: IEA.

UNDP (2008a). *Towards a citizen state*. Beirut: UNDP.

UNDP (2008b). *Education and citizenship: concepts attitudes, skills and actions: analysis of survey results of 9th grade students in Lebanon*. Beirut: UNDP.

UNHCR (2013). *2013 UNHCR country operations profile: Syrian Arab Republic*. Available online at www.unhcr.org/pages/49e486a76.html (accessed 30 May 2013).

World Economic Forum (2012). *The global gender gap report 2012*. Available online at www.weforum.org/issues/global-gender-gap (accessed 4 February 2013).

World Economic Forum and OECD (2011). *Arab World competitiveness report 2011–2012*. Available online at http://www3.weforum.org/docs/WEF_AWC_Report_2011-12.pdf (accessed 30 May 2013).

Zaman, M. (2011). 'The role of religion in the Arab Spring'. *E-International Relations*. Available online at www.e-ir.info/2011/12/16/the-role-of-islam-in-the-arab-spring/ (accessed 4 February 2013).

27

The invention of citizenship in Palestine

Lauren E. Banko

In citizenship studies, particularly those focused upon the emergence of citizenship in Western Europe, the creation of the legal status of the citizen is often depicted as a linear process. A number of studies demonstrate Europe's claim to inherit citizenship traditions from the Greek polis and the Roman republic, through to 'civilized' and civic Christian European traditions. The European-oriented narrative places citizenship and civic identity as coming first out of urban cities of the Occident, spaces where groups defined their identities, rights, and duties (Isin, 2005). Citizenship emerged in modern times as the definitive type of belonging to a nation-state that recognizes specific rights and provisions for its inhabitants. A number of historians who have analysed citizenship as a linear process of identity acquisition and negotiations of power relations neglected to factor in the discourses, behaviours, and struggles by colonial subjects that created definitions of citizenship, and the importance of the circulation of these ideas and practices in the global South (Miller, 2000).

The historical position of colonies and new nation-states during the interwar period of the twentieth century owes a great deal to the development of nationality, borders, and the connection between nationality and citizenship. The history of nationality and citizenship in colonial and imperial possessions – particularly Palestine and the former Arab provinces of the Ottoman Empire – deserves further study. Today, the definition of Palestinian nationality and citizenship and the global and diasporic recognition of these statuses remain unsettled: the modern existence of a Palestinian nationality and the converse lack of a sovereign Palestinian citizenship, and the meanings of both as rooted in the interwar British mandatory period in the Levant, allude to the historical complexities of the struggle to define 'the citizen' under colonial subjugation.

During the interwar period, Palestinian Arabs at home under the mandate administration and in the diaspora 'created and recreated their own alternative, parallel, and quasi-autonomous social worlds' and forged alternative meanings of civic identity that did not rely upon validation by colonial legislation (Gutierrez, 2007, pp. 97–8). In regard to citizenship status, Engin Isin argues that what is important is not only the legal status of citizenship issued from above but the practices of 'making citizens': practices which are social, political, cultural, and symbolic (Isin, 2008, pp. 17–18). Others have questioned how individuals are constructed as citizens, as well as how the concept of citizenship is constructed itself, particularly in transitional societies such as colonial and postcolonial nations. Further, certain elements of participation and action

serve to construct the citizen (Haste, 2004). The present chapter is framed by the application of Isin's argument to the struggle of Palestinian Arabs to define their citizenship – a struggle that 'made' citizens as well as the vocabulary and language of citizenship before and after the 1925 Palestine Citizenship Order-in-Council. The 'making' of citizens is multifaceted, and in Palestine citizenship has been historically defined and redefined by both the Arabs inside and outside of the territory, the British mandate authorities, the Zionist Organization, international regulations, and the state of Israel.

Throughout the era of British administration in Palestine (1918–48) varied definitions and notions of nationality and citizenship circulated, owing to national, regional, and international connections across colonial and new national borders, especially during the 1920s and 1930s. At that same time, an active global civil society emerged and fostered the markers of nationality and citizenship in the Levant as 'transnational' ideas and notions of rights, responsibilities, and national sovereignty took on meaning. Using the Palestine Mandate as a case study, the current chapter seeks to explore new and useful ways of analysing and historicizing the 'invention' of nationality and citizenship in the Arab Levant from the end of the Ottoman Empire. The chapter explores the broader implications of these processes, including the continuation of colonial struggles over subjecthood and citizenship by Palestinian Arabs today in Israel, the Occupied Territories, and the diaspora. The notion of Palestinian citizenship has been shaped by the current struggles for sovereignty just as much as by the pre-1948 influences of colonialism and ideas and movements connected to the interwar global civil society.

During the final decades of the Ottoman administration, a large number of Ottoman nationals migrated from the Levant to colonies or newly independent nations, and particularly to Latin America. In order to better understand the process of civic identity formation and notions of citizenship at the turn of the twentieth century, it is essential for historians to focus on the construction of peripheral, or colonial, transnational thought. The general diaspora from Ottoman Syria funnelled discussions, notions, and common behaviours of civic identity and nationality across colonial borders. A new historical focus on the process of nationality and citizenship formation can yield a more nuanced analysis of how Arab and other civil society leaders created a space in Palestine for the interpretation of citizenship and the rights associated with that status before, during, and after the interwar era.

Toward a transnational discourse of citizenship

In order to more thoroughly investigate the history of nationality and citizenship as not only discourses and behaviours but also as ideological movements, the best method to employ is that of transnational history. Isabel Hofmeyr (Bayly *et al.* 2006) succinctly points out the historiographical benefits of such an approach in her argument that historical processes are constructed in the movement of actors and networks *between* sites and regions rather than simply *in* these places. The development of nationality and citizenship and the language associated with each – key components in the 'making' of citizens – in the twentieth century colonial Levant owes a great deal to the transnational movement of people and ideas. A transnational history allows for the juxtaposition of the global reconfiguration of borders and the institutions of documentary identity with the evolution of certain notions and representations of citizenship that did not depend solely upon nation-state or colonial borders.

Furthermore, drawing on the work of Ann Stoler (2000), historians can view colonial discourses on citizenship and nationality during the interwar period as sites of production of European power. In Palestine, these discourses included the added element of the Jewish national home policy. The immigration regulations in support of the Zionists' national home plan were

constructed with a particular type of Jewish immigrant in mind: Great Britain and the Palestine Administration admitted immigrants who were self-sufficient, prosperous, entrepreneurial, and white. According to British thinking at the time, colonial subjects could not become British or citizens of overseas colonies with full rights to citizenship unless they were culturally European or white (Stoler, 2000, p. 27).

Citizenship and nationality in the Arab Levant are not often studied with reference to the post-World War I imposition of the provision of state succession in accordance with the Treaty of Lausanne, ratified in 1924 by the Allied Powers and Turkey. The treaty stated that the successor states to the Ottoman lands could impose a new nationality on their inhabitants. After 1924, Ottoman nationals in the former Arab provinces of the Ottoman Empire became nationals of the British and French mandated territories. At the same time as the institutions of nationality and citizenship emerged as essential markers of documentary identity, the interwar period witnessed a huge increase of transborder movements and displacement. Greater numbers of non-citizens moved into and through the political borders of sovereign nation-states – including emigrants from Palestine – and devised their own conceptual frameworks to describe their situation and make claims to 'rights' (Gutierrez, 2007).

As a result of the provisions of Lausanne and the subsequent 1925 Palestine Citizenship Order-in-Council, most Palestinian emigrants did not receive *ipso facto* Palestinian citizenship. They and their supporters at home began a struggle to obtain their citizenship, fashioning their own meanings for, and behaviours of, civic and political identity; furthermore, these native Palestinians crafted a discussion of citizenship rights and obligations even as they remained barred from entry into Palestine.

Fifty years before the end of the World War I, the Ottoman Law of Nationality of 1869 first created an imperial citizenship for the entire Empire; by 1918, middle-class Arabs shaped an active Ottoman citizenship, expressed both in the Arabic press and the burgeoning grassroots civil society (Campos, 2011). Under mandate administration, the process of inventing Palestinian citizenship did not come solely from 'the state' in the form of mandate and British imperial legislation. Aside from Elizabeth Thompson's *Colonial citizens* (2000), a study on the process of 'making citizens' in the French-administered Syrian and Lebanese mandates, precious little research has been done on the ways in which emigrants and colonial citizens interacted politically and socially outside the sphere of the government. Historians of India have demonstrated that distinctions between public and political dimensions of Indian society not directly part of the state allow for a nuanced understanding of nationhood and colonial citizenship – a similar situation occurred in the Levant (Bhargava and Reifeld, 2005).

A transnational history of civil society linked to the political language of nationality, citizenship, and rights can illuminate the defining features of Palestinian citizenship during the only time that such a citizenship existed – between 1925 and 1948. Indeed, by 1918 a growing number of political, nationalist Palestinian Arab individuals and associations formed a nascent civil society that explored the meaning of an Arab primordial nationality, as well as demanding to receive certain rights and that the government undertake certain obligations associated with nation-state citizenship. The concept and values of citizenship – or 'nationality' (*jinsiyya*) – created a greater sense of solidarity between Arabs at home and in the diaspora in their struggle to obtain this status. In response to the restrictions in the Palestine mandate citizenship legislation that left Arab emigrants and their children restricted from *ipso facto* citizenship, civil society organizations and leaders refused to accept the mandate's colonial, apolitical citizenship.

The discourses of 'rights' in the interwar period deserves further study, especially in the context of the struggles for citizenship, rather than subjecthood, and the contradiction in the Arab Levant between self-determination and the colonial mandates. As Thompson (2000) and others

have shown (Bhargava and Reifeld, 2005), as colonized groups conceive of and demand rights, it is through the wrangling between the colonizers and civil society over such political, civil, and social rights that notions of citizenship emerge. Although the influence of British legislation in Palestine looms large over the civil society discourses on citizenship by the Arab inhabitants, civil society functions 'as the very hotbed of citizenship', and within this framework historians can analyse the creation of that particular citizenship (Bhargava and Reifeld, 2005, p. 71).

The sharp international delineation of former Ottoman territory from 1918 to 1924 did not translate into sharp and sudden delineations of Arab civic identity in Palestine. Rather, the colonial nature of the war settlements hardened nationalist notions of a common Arab nationality and the related rights to citizenship within a federated Arab union. Younger and more radical civil leaders and groups in Palestine 'reworked and customized' concepts of liberal democracy, such as the extension of political rights to the franchise after 1918 and used these concepts to challenge colonial definitions of citizenship (Arsan, Lewis, and Richard, 2012).

The enactment of Palestinian citizenship

The Palestinian national is an enduring figure in the historical narrative of Palestine. The British, with the ratification of the Palestinian Citizenship Order-in-Council of 1925, failed to take into account the Palestinians' own understanding of nationality and belonging to a nation-state. So too have modern historians. As a result, the figures of the citizen and the national conflicted during the Palestine Mandate: the British colonial administrators envisioned the former as apolitical and the Arab population in Palestine imbued the latter (in editorials, articles, and protest letters and petitions) as a status with full political, civil, and social rights.

The colonial processes involved in the creation of Palestinian citizenship have been discussed only from the international law perspective (Qafisheh, 2008). The colonial creation of citizenship in the Arab world in the era of international mandates was unique, but in Palestine it was even more so, because the terms of the Palestine Mandate forced Great Britain to create as apolitical a citizenship as possible: the establishment of a Jewish national home in Palestine was the driving force for mandate policy. Colonial administrators walked a fine line in their legislation on nationality to ensure that the future Palestinian citizenship only granted limited civil and political rights to Arabs. The Palestine Mandate Administration could not enact legislation until the Turkish Republic signed the Treaty of Lausanne, which provided for the aforementioned provision of nationality succession. The treaty's provisions for nationality have received scant study in the history of identity in the Levant and in the interwar era in general. A deeper analysis of these provisions, including their role in ideologically 'making citizens' is crucial to understanding interwar citizenship in Palestine.

The Arabic terminology used to refer to citizenship in the interwar era deserves further and broader study, as this vocabulary served to bolster the Arabs' struggles for full and equal citizenship. The Palestinian Arabs referred to 'citizenship' (*muwātana*) with a term more akin to 'nationality' (*jinsiyya*). The reasons behind the inconsistencies are not entirely clear, but the use of *jinsiyya* conveyed more of a sense of ethnic identity (*qawmiyya*). The phrases and terms for nationality and citizenship are important to the changing language used to define each status. Intellectuals in Greater Syria in the mid-nineteenth century used *hubb al-watan* (literally, lover of the homeland) to refer to a sense of patriotic, active citizenship, but the reasons for *muwātana*'s sparse use during the mandate period should be placed within a broader discourse of citizenship in the Levant (Hourani, 1983; *Al-mu'allam Boutros al-Bustani*, 1981). On the other hand, Palestine's first Attorney General, Norman Bentwich, explained that for the Arabs, whilst nationality was a matter of race and religion, citizenship marked a modern allegiance to a state

(Bentwich, 1939, p. 231). A wider study of the creation of Palestinian citizenship and citizenship elsewhere in the interwar period must give greater attention to the subtle differences in the language of citizenship between colonial legislators and colonial 'citizens'. As part of a broader study, the counter-discourses and definitions of nationality and citizenship by Arabs are central to the historicization of identity in the Levant.

Finally, the role of emigrants in shaping notions and rights of citizenship can be further emphasized not only in the case of Palestine but also as part of the transnational history of the twentieth century. The Palestinian Arab diaspora, numbering between 20,000 and 30,000 by the early 1930s and heavily concentrated in Latin America, made constant appeals from the mid-1920s to the mandate authorities for their 'right of return' (*haqq al-'awda)* to Palestine as citizens (*Sawt al-Sha'b*, 1927). Indeed, Palestinian citizenship was not 'made' only from on high, but rather the definitions of the status from the Arabs themselves fostered a more understandable and even rhetorical notion of civic identity and citizenship rights.

Citizenship and 'peoplehood' in Palestine

The globalizing scope of Palestinian citizenship can be studied in terms of an expansion of Palestinian nationality alongside restrictions on citizenship after 1948. As Isin and Turner (2007) argue, although globalization is assumed to create an interconnected world that places little importance on traditional citizenship, citizenship continues to be of vital importance to political institutions. For those who at present consider themselves Palestinian Arab *nationals* – including those without West Bank, Gaza, or East Jerusalem residency – lack of citizenship means a lack of access to the political rights of citizenship such as the franchise. Nationals who are stateless, including the refugees in those Arab countries that have traditionally denied naturalization to Palestinians, have access neither to the political, civil, or state resources of the Palestinian Authority nor to resources of any other government *as citizens*. After the declaration of Israeli statehood in May 1948, the social existence of Palestinian nationals has been accepted globally but the political and civil rights and obligations of these nationals – dependent on a viable state – do not exist (2007, pp. 12–14).

Historians have been guilty of pigeonholing Arab nationalism as a linear process; in light of the contentious history of Palestine and the state of Israel, Palestinian nationalism has received the same treatment. Of course, many histories of the region and its people have not depicted such a narrow development of nationalism, but only a very few connect nationality and citizenship with nationalism and peoplehood in Palestinian history. At the time that the Palestine Administration, in collusion with the British Government, shaped citizenship for Jewish and Arab inhabitants of the mandate, Great Britain established the territorial sovereignty of Palestine. In doing so, certain administrators rarely acknowledged that the Palestinian Arabs themselves felt they constituted a nation in Palestine.

That idea of statehood and popular sovereignty, and its practical (although often partial) embodiment elsewhere in the interwar decades such as in the new Turkish republic, Iraq, Egypt, Syria, India, Iran, and Latin America, spurred local leaders and associations to recognize the importance of a Palestinian Arab political and civic identity (Kurzman, 2008). As elsewhere in the global South, Western Europe, and North America, national leaders and groups in Palestine argued that the government could derive legitimacy only from the population considered to be citizens. The struggle of Palestinian Arabs to receive recognition as political citizens of a nation – rather than apolitical colonial citizens under a mandate – continued through the late 1940s, even as the creation of Israel stripped them of Palestinian citizenship.

After the war for Palestine in 1948 and Israel's victory, the Palestinian Arabs lost the only citizenship they had ever had *as Palestinians*. From 1948 until the promulgation of the 1952

Nationality Law of Israel, Arabs in Israeli territory were deprived of any nationality or citizenship, in clear contravention of the law of state succession (Kattan, 2005). The implications of the international nationality provisions faded with the end of World War II and the formation of the United Nations. The changes this caused for citizenship norms and definitions have not been properly applied to the post-1948 history of the Palestinian citizen and therefore it is unclear what these changes mean, if indeed they are significant, for modern-day Palestinian nationals in the Occupied Territories and in the diaspora. After 1950, Palestinians under Jordanian rule in the West Bank became Jordanian citizens while Palestinians in the Gaza Strip received a separate citizenship identity from that of Egyptian nationals. In the Arab states where Palestinians sought refuge, the citizenship of their country of residence has not always been forthcoming. In the areas occupied by Israel in 1967, Israeli military authorities issue identity cards (*hawiyya*) to Palestinian Arabs, but the cards do not translate into citizenship (Khalil, 2007). Passports issued by the Palestinian Authority (PA) are not equal to citizenship and are given only with Israeli approval (Jad, 2004).

In 1968, the Palestine Liberation Organization's (PLO) National Charter included Article 4, which stated Palestinian identity passed by blood, *jus sanguinis*, and the aftermath of the expulsion in 1948 did not negate that identity or cause a loss of membership of any Palestinian in the political and civil community. Article 5 then defined the Palestinians, for the first time officially under a Palestinian quasi-government, as 'those Arab nationals who, until 1947, normally resided in Palestine regardless of whether they were evicted from it or have stayed there'. The PLO did not provide a definition of citizenship, but the trajectory of both citizenship and nationality discourses of the mandate era can be clearly seen in post-occupation legislation (Palestinian National Charter, 1968).

In 1995, the PA drafted an unpublished citizenship law, but because the Authority operated under Israeli occupation, it could not regulate citizenship. Next, the third Draft Palestine Constitution gave citizenship to any Palestinian resident of Palestine before 1948, by descent by fathers and mothers, and, importantly, it passed indefinitely to future generations born outside the territory. Again, the interwar discussions and practices of citizenship as they had been understood by Palestinian Arabs and civil society reappear as akin to a given in PA legislation. Further, all those with the right of return were to have Palestinian nationality (Khalil, 2007). The latter provision is important for the current discussion of globalized citizenship and the relationship between sovereignty, state institutions, the lack of statehood, and nationality.

Before the November 2012 vote to recognize Palestinian statehood by the UN General Assembly, the most recent official mention of nationality is from the Basic Law of the PA in 2003. However, the Basic Law does not define whether nationals outside the West Bank and Gaza are to be given voting rights (Amended Basic Law, 2003). The relationship between nationality and citizenship is a thorny and unresolved one. The practicalities of that relationship must be fleshed out in a new 'invention' of Palestinian citizenship if the PA intends to build lasting statehood institutions. For example, government policies and discourses in Israel of late have created a consciousness that the citizenship of the Israeli Arabs is a 'conditional privilege' for Arab residents (Rouhana and Sultany, 2003, pp. 10–14). Their national status as Palestinians has determined the conditional nature of their Israeli citizenship (or residency, for East Jerusalem Arabs). In the absence of a Palestinian citizenship associated with a sovereign state, these debates over nationality and citizenship deserve greater attention.

Toward a refashioning of Palestinian citizenship institutions and rights

The differences in definition and practice between nationality and citizenship resonate with the ongoing discussions on the meaning of nation-state-centred citizenship in the midst of an

increasingly globalized world. For Palestinian Arabs, both nationality and citizenship are necessary preconditions for enabling access to 'state' institutions and benefits. The debates over how to effectively regulate citizenship in the occupied Palestinian territories make clear that nationality and citizenship cannot be equated in status because they do not equally privilege access to the same benefits. From the time that the League of Nations and the Allied Powers partitioned Greater Syria and Iraq as mandated territories, the struggle of the inhabitants of those territories to achieve the status of citizens in a liberal democracy has been waged against British and French notions of colonial citizenship. The ramifications of that struggle are most clear in the case of Palestine, the mandated territory that failed to achieve statehood for its Arab population.

Still, the colonial notions of citizenship have impacted the contemporary meaning of citizenship elsewhere in the Arab Levant. Notably, many Lebanese have demanded a revision of the country's nationality law to allow for nationality to pass by blood in a matrilineal line as well as paternally. In the case of Palestinian Arab legislation after 1967, controversy over paternal *jus sanguinis* nationality has largely been avoided. Struggles over the transfer of citizenship demonstrate that in the Levant nationality and citizenship have been conflated to suit political situations and colonial or nationalist intentions.

Nationality in its own right in the Levant has long been perceived as related to ethnicity, but nationality alone cannot offer institutions and rights associated with citizenship. At the core of citizenship inclusion in the modern state is the regulation of power. Citizenship determines the criteria for membership in the decision-making processes of a state, and it determines who receives the state's assistance and benefits. In the case of an independent Palestinian state and 'civic peoplehood', the criteria for citizenship must be more than superficially stated in order to give Palestinian nationals – whether refugees, citizens of Israel, or residents of the occupied territories – clear terms for membership of that state and hence access to its decisions. But what of the fragmentation of those who claim to be nationals? Or of the legal argument of Victor Kattan (2005) that all Palestinians have been denationalized after 1948 and remain without nationality because of the lack of a sovereign Palestinian state to provide nationality?

Asem Khalil (2007) notes that once a Palestinian state comes into existence, the relationship between Palestinian nationals and Palestinian citizens must be defined. He argues that those entitled to the power to draft a constitution and vote are the total of Palestinian nationals but those who actually have the power to actively do this are not the same – they are instead institutions that represent citizens. Therefore, if nationality is the criterion for citizenship, it is essential to recognize that the Palestinian national and the Palestinian citizen are not the same.

In the 1920s and 1930s, mandate legislation denied tens of thousands of Palestinian emigrants their citizenship and entry to Palestine. Their representative civil societies in the diaspora demanded that British officials and the League of Nations give these natives the right of return. Because of the influence of civil society and the circulation of ideas on nationality, democracy, and national rights in the Levant, the Palestinian Arabs argued that nationality entitled them to the rights and responsibilities of Palestinian citizenship. Since the mandate ended, Palestinian nationality has achieved international recognition, but civil and political rights are not associated with nationality. Although it is difficult for historians to envision a complete rejection of contemporary nation-state definitions of citizenship to a more globalized and inclusive one, we cannot ignore that citizenship has historically been an invented, 'made' status, ready for manipulation by nationalists and imperial powers alike to suit certain objectives. With that in mind, the historical struggles for citizenship by formerly colonized peoples necessitate that the rights associated with citizenship and nationality remain malleable in order to be reinvented in the absence of – or the creation of – the nation-state.

References

Amended Basic Law (2003). Ramallah, 18 March 2003.

Arsan, A., Lewis, S., and Richard, A. I. (eds.) (2012). 'Editorial: the roots of global civil society and the interwar movement', *Journal of Global History*, 7: 157–65.

Bayly, C. A., Beckert, S., Connelly, M., Hofmeyr, I., Kozol, W., and Seed, P. (2006). '*AHR* Conversation: on transnational history', *American Historical Review*, 111 (5): 1441–64.

Bentwich, N. (1939). 'Palestine nationality and the mandate', *Journal of Comparative Legislation and International Law*, 21, Third Series: 230–2.

Bhargava, R. and Reifeld, H. (eds.) (2005). *Civil society, public sphere and citizenship: dialogues and perceptions*, London: Sage.

Campos, M.U. (2011). *Ottoman brothers: Muslims, Christians and Jews in early twentieth-century Palestine*, Stanford, CA: Stanford University Press.

Frevert, U. (2005). 'Civil society in Western democracies: historical developments and recent challenges', in R. Bhargava and H. Reifeld (eds.) *Civil society, public sphere and citizenship: dialogues and perceptions*, London: Sage: 59–83.

Gutierrez, D. G. (2007). 'The politics of interstices: reflections on citizenship and non-citizenship at the turn of the twentieth century', *Race/Ethnicity: Multidisciplinary Global Contexts*, 1: 89–120.

Haste, H. (2004). 'Constructing the citizen', *Political Psychology*, 25: 413–39.

Hourani, A. (1983). *Arabic thought in the liberal age 1798–1939*, Cambridge: University Press.

Isin, E. F. (2005). 'Citizenship after orientalism: Ottoman citizenship', in F. Keyman and A. Icduygu (eds.) *Challenges to citizenship in a globalizing world: European questions and Turkish experiences*, London: Routledge: 31–51.

Isin, E. F. (2008). 'Theorizing acts of citizenship', in E. F. Isin and G. M. Nielsen (eds.) *Acts of Citizenship*, London: Zed Books: 15–43.

Isin, E. F. and Turner, B. S. (2007). 'Investigating citizenship: an agenda for citizenship studies', *Citizenship Studies*, 11: 5–17.

Jad, I. (2004). *Citizenship under a prolonged occupation: the case of Palestine*, Berkeley Electronic Press.

Kattan, V. (2005). 'The nationality of denationalized Palestinians', *Nordic Journal of International Law*, 74: 67–102.

Khalil, A. (2007). 'Palestinian nationality and citizenship: current challenges and future perspectives', *CARIM Research Report*.

Kurzman, C. (2008). *Democracy denied, 1905–1915: intellectuals and the fate of democracy*, Cambridge, MA: Harvard University Press.

Miller, D. (2000). *Citizenship and national identity*, Cambridge: Polity Press.

Al-mu'allam Boutros al-Bustani (1981). *Darāsa wathā'iq* [*The Teacher Boutros al-Bustani: Studies and Documents*], Beirut: Publications de la Revue Fikr.

Palestinian National Charter (1968). Resolutions of the Palestine National Council, 1–17 July 1968.

Qafisheh, M. (2008). *The international law foundations of Palestinian nationality: a legal examination of nationality in Palestine under Britain's rule*, Leiden: Martinus Nijhoff.

Rouhana, N. and Sultany, N. (2003). 'Redrawing the boundaries of citizenship: Israel's new hegemony', *Journal of Palestine Studies*, 33: 5–22.

Sawt al-Sha'b (1927).

Stoler, A. L. (2000). *Carnal knowledge and imperial power: race and the intimate in colonial rule*, Berkeley, CA: University of California Press.

Thompson, E. (2000). *Colonial citizens: republican rights, paternal privilege, and gender in French Syria and Lebanon*, New York: Columbia University Press.

28

Orientalism and the construction of the apolitical Buddhist subject

Ian Anthony Morrison

Numerous projects have explored the manner through which various subjectivities and practices have been forgotten, marginalized, and/or depoliticized as a result of the dominance of orientalist conceptions of citizenship and the political. Scholars such as Talal Asad (2003), Wendy Brown (2006), Engin Isin (2002a, 2002b, 2005), Sabah Mahmood (2005), and Bryan Turner (2003) have conducted important studies that illustrate the way in which occidental citizenship was historically and discursively constructed through its differentiation from its oriental other. In doing so, these studies remind us that the construction of citizenship, while often masked in the language of universality, is only possible on the basis of multiple relations of alterity.

Within orientalist conceptions of citizenship, the development and presence of citizenship in the Occident is juxtaposed with its absence in the Orient. The emphasis of much of the literature that critically engages with discourses of political orientalism has been on revealing and critically interrogating the depiction of subjects and practices associated with Islam or Islamic societies as non-political, and their presence in the political realm as a threat to the political. These studies demonstrate the manner in which practices and subjects associated with Islam are not recognized as properly political within dominant discourses of citizenship. Instead, they are viewed as either 'merely' religious or are disqualified from the political because of their dangerous failure to differentiate between the political and the religious. Whether deemed merely or dangerously religious, subjects and practices associated with Islam appear as the non-political other of occidental citizenship.

This focus on Islam in critiques of political orientalism is understandable, given the increasing stigmatization of Muslims within discussions of human rights, social cohesion, and security. While it is undoubtedly true, as Said (1978) asserts, that the Orient has come increasingly to be associated with Islam and that orientalist discourse can at times deny varieties of difference in the oriental world through the depiction of an indistinct oriental Other, the dominant Western discourse of citizenship is not constituted only through its differentiation from a singular oriental subject. While all oriental subjects are designated as non-political and lacking the qualities of citizenship, they are not all constituted as such in a like manner. In other words, within orientalist discourses of citizenship, various oriental subjects are differently constructed as lacking the qualities necessary for citizenship through the application of a diverse set of strategies and technologies. Consequently, to understand the manner in which political orientalism delimits

and governs political subjectivity, it is necessary to investigate the specific mechanisms through which different subjects and practices are made to appear as the other of citizenship.

This chapter engages in such analysis through an investigation of the location of Buddhism within discourses of political orientalism. While orientalist narratives of citizenship construct subjects and practices associated with Islam as anti-political, those associated with Buddhism appear as apolitical – as a turning away from the political or a rejection of politics, rather than a potential agent of religious contamination of the political. Citizenship and non-citizenship always emerge historically through various strategies and technologies such as affiliation, identification, dissociation, and misrecognition (Isin 2002a: 25). Therefore, in order to comprehend and critique the manner in which orientalist discourses of citizenship delimit the possibilities of political subjectivity, it is necessary to explore the manner in which the figures of Buddhism and the Buddhist subject are deployed within this discourse.

Citizenship and orientalism

The most commonly cited example of political orientalism is Max Weber's (1927) examination of the emergence of citizenship in the Occident (Isin 2002b, 2005, 2008; Turner 2002). Weber's socio-historical analysis of the rise of modern Western society is exemplary of orientalist scholarship for two main reasons. First, his historical investigations of non-Western societies and religions draw heavily on the work of the major figures of orientalist scholarship of the nineteenth century. Secondly, Weber's studies demonstrate what Said labels a belief in 'a sort of ontological difference' between East and West (Said 1978: 259–60).

In order to determine the elements that contributed to the emergence of modern occidental society, Weber engages in extensive comparative socio-historical studies. Within these analyses, non-Western religions and societies serve as 'negative cases' (Tambiah 1973: 3), the study of which allows him to determine both the conditions that permitted the development of modern occidental society and those that prohibited such development in the non-Western world. In other words, Weber's analysis of the Orient permits him to identify: a) those elements of occidental society whose presence permitted the emergence of Western modernity and whose absence in the Orient prohibited such development; and b) those elements of oriental society responsible for inhibiting the development of particular features of Western modernity. Weber's argument was not that all conditions necessary for the development of modern society were absent in the oriental societies. In fact, he acknowledges that some of these conditions were often present in particular oriental religions and societies. It was only in the Occident, however, 'that all were present and appeared regularly' (Isin 2005: 36).

According to Weber (1927: 318), the failure of citizenship to develop in the Orient can be attributed to a common feature of oriental societies – the absence of autonomous cities. In the Occident, the development of the autonomous city can be traced back to the establishment of juristic forms of fraternity in antiquity and the communes of the Middle Ages. In both instances, a select portion of the population united under an oath obliging them to administer and protect the city against external enemies. As such, a rational recognition of common interest, rather than kinship, formed the basis of the bond uniting members of the group. It was on the basis of these confraternities that in the Occident there developed a 'way of seeing the polity as embodying spatial and political unification' with 'the citizen as a secular and universal being without tribal loyalties' (Isin 2002b: 117).

According to Weber, such confraternity did not develop in the Orient for two main reasons. The first of these is what Weber (1927: 321–2) refers to as the 'water problem'. Owing to a need for large-scale irrigation projects, a large centralized bureaucracy was required in oriental societies.

These large-scale projects necessitated and enabled the development of a centralized army with a monopoly of force. As a consequence, the oriental city was unable to attain sufficient autonomy from the king. The army that formed in oriental society was never the brotherhood in arms of the city but always the army of the king (ibid.: 320–1). As a result, the development of a polis was stifled.

A second factor cited by Weber as inhibiting the development of a common civic identity was the persistence of magic in oriental religions. As Weber argues, in the Orient the presence of religiously mandated barriers between groups hindered the formation of rational communities based on common interest (Weber 1927: 322). In the occident, in contrast, 'the magical barriers between clans, tribes, and peoples … were … set aside' (ibid.: 322–3). According to Weber, the dissolution of magical bonds in the occidental city can largely be attributed to elements of Christian theology. He points specifically to the Pentecostal miracle, in which multilingual abilities and an evangelical mission were divinely bestowed on Jesus's disciples (Weber 1927: 322). The Pentecostal miracle articulated a notion of community based in a commonality of faith rather than blood. As such, it served to undermine and permitted a transcendence of kinship associations.

Weber further articulates that Christianity's institutional form acted as a check on the centralized power of the king. The church, as an independent hierarchical power, developed systematic theology and practices, as well as a substantial bureaucracy. Because of its size and scope, it could not 'be easily uprooted and act[ed] as a check on political power' (Turner 2002: 262). Through both its transcendence of magical kinship bonds and its role as a check on the centralized power of the monarch, Christianity permitted the development of civic bonds within the medieval occidental city that, in its absence, were not possible in oriental societies.

As orientalism portrays citizenship as 'a unique occidental invention that oriental cultures lacked and … the citizen as a virtuous and rational being without kinship ties' (Isin 2002b: 117), the oriental subject always appears in opposition to this neutral, abstract citizen of the occidental public sphere. The perceived inability of oriental subjects to wholly and authentically adopt this persona, attributed largely to religious attachments, is an issue that prompts concern for social cohesion within contemporary discourse. Consistent with political orientalism is the concern with the purported inability of Muslims to wholly and authentically adopt this persona, recognize the necessary distinction between the religious and public spheres, and behave according to the standards of each. As Cécile Laborde (2005) articulates, this concern is related to the apparent absence of a separation of civil and religious spheres in Islam. Islam is seen as all-embracing, a system of belief in which, 'everything pertains to religion' (Laborde 2005: 321). Moreover, the loyalty of Muslims to the democratic state is seen as compromised by an overriding allegiance to the global Umma. Consequently, it is asserted that Muslims find it difficult, if not impossible, to bracket their religious identity, values, obligations, and loyalties, and adopt the persona of the universal citizen proper to the public sphere.

Not all orientalized subjects, however, are objects of such concern. Unlike the portrayal of Islam and Islamic subjects, Buddhism and Buddhist subjects are not depicted as unable to conduct themselves as citizens because of divided loyalties or an inability to recognize the distinction between public and private spheres and modes of behaviour. In fact, contemporary popular discourse remains largely silent with regard to the relationship between Buddhism and citizenship. Whereas any presence of Islam in the political sphere provokes considerable concern, if not alarm, the presence of Buddhism in this sphere and at times the direct involvement of members of religious orders in political uprisings have not provoked similar apprehension in the West.

The different reactions to the presence of Islam and Buddhism in the political sphere are particularly evident in a comparison of the portrayals of, and reactions to, the uprisings of the 'Arab Spring' and the 'Saffron Revolution' in Myanmar in 2007, the Yellow- and Red-Shirt

protests in Thailand between 2008 and 2011, and widespread protests in Tibet and neighbouring regions of China in 2008. The 'Arab Spring', while generally celebrated by Western governments and media as an awakening of the Arab people, has also been greeted with anxiety and reservation. For many observers the revolutions in the Middle East and the potential for democratization are seen as fraught with danger, either because the democratic face of the revolutions may serve to hide its 'true' Islamist nature or because the masses, unable or unwilling to recognize the distinction between religious and political spheres, will hijack the fledgling democracies by electing Islamist governments. In both senses, the fear is that, despite the stated democratic goals of the uprisings, the Arab Spring is a potential Islamist Trojan Horse.

In contrast, despite the prominent role of members of the *sangha* and other Buddhist organizations in the uprisings in China, Myanmar, Thailand, and Tibet, and, at times, a framing of these conflicts in religious terms, these uprisings were not met with fear or reservation in popular Western discourse. To the frustration of the Burmese, Chinese, and Thai authorities, who attempted to portray the role of Buddhist monks in these uprisings as a violation of Buddhist principles and/or an inappropriate entry of religion into the political realm – and even, in the case of the Tibetan uprising, as a counter-revolutionary attempt to reinstall a feudalistic theocracy – the preponderance of official and popular sentiment in the West, if not championing these uprisings, failed to condemn them as intrusions of religion into the political realm. Rather than appearing as a dangerous corruption of the political sphere, the presence of Buddhist monks seems to have accorded these struggles a certain legitimacy and moral authority. In a certain sense, the presence of Buddhist religious figures and their harsh treatment at the hands of state authorities seem to have rendered these struggles non-political, not in the sense of being 'merely' or 'dangerously' religious, but as transcending the 'mere' politics of interest, elevating them to a status of non-political, ethical struggles for justice and human rights. Thus, within contemporary dominant Western discourse, the presence of Buddhism in the political sphere, unlike that of Islam, has not evoked anxiety or condemnation.

Buddhism and political orientalism

The differences in the depictions of, and reactions to, the presence of Buddhism and Islam within the political sphere can be partially attributed to the position accorded to Islam within contemporary geopolitical events and phenomena, as well as the fact that, as Said (1978: 2–3) suggests, the Islamic Orient is 'the place of Europe's greatest and richest and oldest colonies, the source of its civilizations and languages, its cultural contestant, and one of its deepest and most recurring images of the Other'. While this may, in part, explain the anxiety that Islam provokes, it does not account for the aforementioned depiction of Buddhism. Moreover, merely pointing to the anxiety induced by geopolitical events does little to discern the specific technologies and strategies through which political orientalism constructs its non-political Others and governs the limits of political subjectivity.

In order to understand the specific mechanisms through which the Buddhist subject is made to appear non-political, it is necessary to examine its particular location within political orientalist discourse. To do so, it is once again helpful to return to an examination of Weber's sociohistorical analysis. In his analysis of Buddhism in *The Religion of India* (1917), Weber indirectly discusses the inability of Buddhist societies to establish either confraternity or independent cities. However, he attributes this failure to neither the persistence of magical kinship bonds nor the 'water problem'. Rather, Weber ascribes the absence of confraternity to a dearth of sentiments of neighbourly love or brotherliness in Buddhist doctrine, and the failure to establish independent cities to Buddhism's association with monarchical patrimonialism. Through an analysis of these

features, it is possible to better discern the apolitical figure of Buddhism present in discourses of political orientalism.

Central to Weber's depiction of Buddhism as 'specifically unpolitical and anti-political' is his understanding of the Buddhist conception of salvation as 'a solely personal act of the single individual' (Weber 1917: 206). Weber asserts that Buddhism's conception of life as both essentially impermanent and plagued by the three evils of sickness, age, and death makes any attachment to the world senseless. No matter the apparent security or splendour of one's life, one will always be subject to these three evils. Therefore, attachment to the pleasure or beauty of the world will inevitably result in experiencing the pain of loss. Weber contends that for Buddhism, consequently, it is not evil that is the obstacle to salvation but rather ephemeral life. Thus, salvation is sought not from the fallen world but from the 'senseless structures of existence in general' (ibid.: 208). Consequently, there is no social or political reform or other this-worldly activity that can alleviate the inevitability of sickness, age, and death.

Weber suggests that it is a consequence of Buddhism's call for abstention from all forms of passion and attachment that it is unable to develop a sense of neighbourly love similar to that of the Christian virtue of brotherliness (Weber 1917: 208). He interprets the Buddha as advocating a mystic acosmic love, in the form of an apathetic ecstasy that is at once universal, objectless, and desireless (ibid.: 208, 212). The temperament associated with this form of love is not one of fervency, desire, or excitement but of 'impersonality and matter-of-factness' (ibid.: 209). It is 'only this cool temperance [that] guarantees the internal detachment from all "thirst" for the world and men' (ibid.: 208). Thus, just as Buddhism does not contain an equivalent to the Christian sentiment of 'love thy enemy', but only 'the equanimity of not hating one's enemies', it also does not contain a sentiment of brotherly love, but only a 'tranquil feeling of friendly concord with community members' (ibid.: 208–9). This friendly concord is promoted by the knowledge that salvation requires an elimination of the aggressive dispositions associated with competition and conflict. As such, Weber asserts that this concord is the product of egocentric concern with one's own salvation and not a genuine care for others (ibid.: 209).

Weber's portrayal of the early Buddhist community is one that closely corresponds to the impersonal and detached subject described above. According to Weber, early Buddhism was marked by a loose monastic structure and 'propounded a colourless secondary morality for its bourgeois laity' (Tambiah 1973: 4). It is in Buddhism that he discerns 'the specific asocial character of all genuine mysticism is … carried to its maximum' (Weber 1917: 213). Salvation is related only to an individual process of self-transformation. Its attainment is therefore unrelated to, and unaided by, any particular conception of social conduct or any form of social community. Moreover, as salvation requires the elimination of all thirst for the world, it can only be realized by those who have renounced their attachment to all things. The moral code of ancient Buddhism prohibits all possessions, as well as the formation of any binding organization (ibid.: 223). Consequently, salvation is only accessible to the *pabbajita*, the 'homeless' or 'economyless', those wandering disciplines who have renounced all possessions and personal connections (ibid.: 214).

In accordance with these teachings, the ancient Buddhist fellowship did not demonstrate substantive institutionalization or rationalization. Rather, the structure and organization of the fellowship and the ties of the individual to this community were intentionally minimized. As such, ancient Buddhist order offered little to its brethren and less still to the laity. The fellowship provided the novice with only teaching and supervision. For the full monk, it offered edification, confession, penance, and a set of moral precepts (Weber 1917: 214–15). The structure of the fellowship was so weak that the monk may not have even considered himself as belonging to a Buddhist religious community or fellowship of believers. Weber suggests that it 'definitely was

not the case' that the Buddha's teachings were 'conceived as a "monk's" religion' (Weber 1917: 215). Membership of the fellowship did not signify any lasting commitment or bond. In fact, 'the member was free to resign at any time and rejection was recommended to anyone who lacked sufficient power' (ibid.: 223).

For the lay *upsaka* (adorer) – the 'house-dwelling people' – the fellowship offered little in terms of formal recognition, a developed moral code, or an expectation of salvation. According to Weber, 'there was no *consilia evangelica* here for the *opera supererogatoria* of the charismatics, as in Christianity, but the reverse obtained as an insufficiency of the weak who will not seek complete salvation' (Weber 1917: 215). Weber likens the status and function of the laity in Buddhism to that of the infidel in Islam and suggests that they exist solely for the purpose of providing material sustenance for the wandering disciple (ibid.: 214). Originally, there was no official status recognition of lay association with the fellowship. The *upsaka* was merely one who behaved as a pious adorer (ibid.: 214–15). Moreover, in contrast to the strict moral code he provided the brotherhood of monks, the Buddha offered the laity only a few recommendations. Abiding by these recommendations, however, would not lead one to salvation. Salvation could only be attained by the practices of detachment of mendicant monks. For the laity there remained only the practices of 'lower righteousness' (*adi-brahma-chariya*). These could result in the attainment of worldly goods or rebirth into more positive circumstances. They could not, however, lead to entry into *nirvana* (ibid.: 215). Consequently, Weber (ibid.: 215) asserts that early Buddhism was not a fellowship of believers, but 'merely … the technology of a contemplative monkhood'. Weber's depiction of the early Buddhist subject, therefore, is not one of a figure marked by divided loyalties, unable to overcome magical barriers of kinship. Rather, he portrays a subject seeking detachment from all worldly things and associated with a fellowship promoting a 'minimization of ties and regulation' (ibid.: 223).

While this lack of ties was a challenge for the persistence of a community, it also made Buddhism appear non-threatening to, and useful for, political authorities. Buddhism was unthreatening to the prevailing authorities because it was apolitical – it was not associated with any social movement and did not pursue any sociopolitical goal (Weber 1917: 226–7). Rather than wishing to transform the world in any manner, the monks approached the world with a cool, detached indifference. As such, they were also indifferent to the behaviour of the ruling secular and Brahmanical authorities. The Buddhists did not interfere in worldly matters, refraining from commenting on the prevailing social structures or the conduct and beliefs of those outside of their fellowship. Weber argues that, consequently, 'a "struggle" against the Brahmans somewhat in the manner of Christ against the Pharisees and scribes cannot be traced in the Buddha's preaching' (ibid.: 227).

While the Buddha avoided questions related to the gods and to caste, Weber asserts that the Buddhist conception of salvation devalued Brahmanical knowledge of ritual and philosophy. It was this 'anti-hierocratic feature' of Buddhism and its potential to undermine Brahmanical authority that secular authorities and status groups found attractive (Weber 1917: 227). It was as a consequence of the recognition of its political usefulness and the resultant association with Emperor Asoka of the Maurya Dynasty that apolitical Buddhism underwent a profound transformation, involving the development of a theory of political theology.

Under Asoka, Buddhism became the official religion of what Weber (Weber 1917: 238) labels a 'semi-theocracy'. By entering into the brotherhood of monks without renouncing his worldly title, Asoka created a dilemma for apolitical ancient Buddhism. It was faced with the task of devising a political theology that could accommodate attachment to worldly power within a doctrine of salvation through detachment. The answer that was developed accorded the political authority (*tshakravati*) the role of the patron of the Buddhist 'church'. In this role,

the worldly power of the monarch was to be used to 'supplement the spiritual power of Buddha, which necessarily leads away from worldly action' (ibid.: 238). It was the task of the monarch, through the establishment of a welfare state, to ensure that his subjects were 'happy' and 'attain heaven' (ibid.: 238). The monarch was, in other words, responsible for both the material and spiritual welfare of his subjects.

Buddhism was valuable to Asoka in terms of levelling social distinctions and as 'an instrument to domesticate the masses' (Weber 1917: 236). Under his patrimonialism, the indifference of Buddhism to prevailing social structures was transformed into a purposeful antipathy towards caste ritual and kinship privilege (ibid.: 240). Buddhism, therefore, took the form of a 'democratic' religion. The opposition of Buddhism to caste privilege served the material and spiritual interests of those groups whose status advancement and prospect of salvation had been restricted under prior politico-religious orders. Moreover, the Buddhist prohibition on violence was translated into a promotion of tolerance of religious difference. Asoka declared that all subjects were his 'children' and that 'all sects should desist from debasing one another… and turn to the cultivation of the ethical substance of their teaching' (ibid.: 238–9).

Eventually, owing to an inability to compete with rival soteriologies and to external invasions, Buddhism 'completely disappeared in its native land' (Weber 1917: 233). However, under the patronage of Buddhist monarchs it continued to flourish elsewhere in Asia as a 'world religion'. To do so, it continued and perhaps even deepened its association with, and reliance on, political authority. Within this political arrangement, monarchs were for the first time furnished with legal authority over the fellowship (ibid.: 241). This authority included the power to appoint or confirm a 'patriarch' for the territorial Buddhist 'church', grant titles to distinguished monks, and supervise and enforce discipline within monasteries (ibid.: 241–2). Thus, Buddhism, both under Asoka and the later Buddhist monarchs, is presented by Weber as closely tied to worldly political authority.

Within the picture of Buddhism present in Weber's historical analysis of the emergence of Buddhism as a world religion, it is clear that Buddhist society does not meet the criteria necessary for the development of citizenship, namely the presence of confraternity and the autonomous city. However, the absence of these features cannot be accounted for by either of the factors that Weber cites elsewhere as inhibiting the emergence of citizenship in the Orient – namely a persistence of magical kinship barriers and the 'water problem'. On the contrary, within Weber's analysis, Buddhism appears as a force that serves to undermine, rather than construct or maintain, kinship barriers. In fact, it is described as both a democratic religion, employed by Asoka in the levelling of social distinctions and the weakening of caste privilege, and as a doctrine that promotes the minimization of all social ties.

It is in relation to its antipathy to all forms of attachment, and the resultant intentional minimization of all social ties that Weber most consistently labels Buddhism as a-, non-, and unpolitical. Not only did the Buddhist doctrine of detachment promote indifference towards any sociopolitical vision, but it also inhibited the development of any sentiment of neighbourliness or a strong, independent institution that could act as a check on centralized political authority. Thus, it was Buddhism's lack of an equivalent to the Christian virtue of brotherly love and powerful Christian church that Weber seems to suggest impeded the development of citizenship within Buddhist societies.

The legacy of political orientalism

While Weber's cool, impersonal Buddhist subject appears as antithetical to the figure of the occidental citizen, it certainly does not appear as actively threatening to the latter. Buddhism

is portrayed by Weber as offering no competing political ideal and only weak, passionless ties between community members. Unlike the orientalist image of Islam, Buddhism is not characterized as an aggressive, imperialist religion marked by a fervent community of true believers, aiming to submit all worldly spheres to religious authority. Rather, the Buddhist community is described by Weber as passive, atomistic, and submissive to political authority. It is not a movement that threatens to usurp political authority, nor is it one that threatens the integrity of the political sphere through an inability or unwillingness to overcome kinship barriers. If Buddhism is at all a threat to regimes of citizenship, it is due to its passivity, its indifference towards worldly matters. It is only with regard to this purported nihilism that Buddhism appears as a social or political threat within orientalist thought.

Not only does this orientalist image of Buddhism and the apolitical Buddhist subject prefigure Western reactions to the aforementioned uprisings in Asia, but it is also evident within the statements of the actors involved in these events, both those demanding rights and those seeking to deny these claims. As has been previously mentioned, the Burmese, Chinese, and Thai authorities have attempted to portray the role of Buddhist monks in these uprisings as a violation of Buddhist principles and/or an inappropriate entry of religion into the political realm. While the latter is merely an assertion of a strict secularist distinction of religious and political realms, the former invokes the orientalist image of apolitical Buddhism. As such, they have suggested that by engaging in or supporting the protests, the monks are breaching the Buddhist doctrine of detachment.

It is not, however, only in the objections of the political authorities that the orientalist figure of the apolitical Buddhist subject is present. It is also manifest in the statements of the protesters. For example, members of the Thai Sangha repeatedly stated that although monks were present in camps of both red- and yellow-shirt protesters, they remained, in accordance with Thai law, politically neutral. Rather, their presence was explained as the result of carrying out their moral and religious duties. Phol Chantasaro, a monk who took part in the protests in Bangkok on 16 March 2010 during which protestors poured blood on the gates of the Thai Prime Minister's office, described the purpose of his participation as 'want[ing] the government to understand right and wrong' (Fuller 2010: A10). Another monk who participated in the 2010 red-shirt demonstrations argued that 'democracy means applying "dhamma" to the country's rule. Therefore, monks can't help participating' (Bangkok Pundit: 2010).

The protest movements have depicted the involvement of the monks as non-political in order to bolster the moral legitimacy of their demands. In doing so, they suggest that the support of monks, who are divorced from the world of political and material interest, demonstrates that the movements are guided by ethical, rather than 'merely' material concerns. In this way, the presence of the apolitical monks is used to suggest that the demands of the movements transcend the realm of material interest. Consequently, the protests gain legitimacy as they can claim to be movements advancing ethical rather than simply material concerns.

Conclusion

While most critiques of political orientalism have, to date, focused primarily on the depiction of subjects and practices associated with Islam as non-political, it is crucial to recognize that not all oriental subjects are constituted as non-political in a like manner. In order to comprehend the manner in which political orientalism delimits and governs political subjectivity, it is necessary to discern the manner in which various oriental subjects are differently constructed as lacking the qualities necessary for citizenship. To engage in a foundational critique of political orientalism and thus to make visible those forms of political subjectivity that political orientalism obscures,

ongoing research will be needed to expose the arbitrary manner in which political orientalism has constituted and continues to constitute citizenship in relation to various oriental Others.

While this chapter has contributed to a further understanding of political orientalism by examining the manner in which the figure of the apolitical Buddhist subject appears within this discourse, this is only the first step in the process of opening the boundaries of citizenship. More research is required to determine how the characterization of this subject and its distinction from the occidental political subject came to appear definitive. Such analysis makes possible a contestation of the givenness of these subjects and their interrelation. To make visible ways of being political that are concealed by the discourse of political orientalism, it is necessary to demonstrate how they have been obscured.

Therefore, further research will need to demonstrate that the figures of Buddhism and the Buddhist subject, and their categorization as apolitical, are the product of interpretations that were made in particular historical and institutional contexts. This is necessary, not in order to replace the orientalist conception of Buddhism with one that more accurately reflects its true nature or political character – as many scholars such as Gombrich and Obeysekera (1988), Jackson (1989), Jayasuriya (2008), Ling (1973, 1979), Queen and King (1996), Sarkisyanz (1965), and Tambiah (1973) have attempted – but to challenge the foundations of political orientalism. Analysis that aims at the veridical rectification of political orientalism falls within the domain of what Isin (2005: 32) labels 'reverse orientalism'. Such accounts do not dispute orientalist definitions of citizenship. Instead, they argue that orientalist accounts are inaccurate and assert that Buddhism and/or Buddhist societies do, in fact, contain the characteristics that political orientalism depicts them as lacking. Rather than challenging the arbitrary definitions of citizenship and the political imposed by political orientalism, this form of analysis takes these definitions as given. Therefore, it fails to engage in a foundational critique of political orientalism. What is crucial is not to construct a more accurate picture of Buddhism and its relationship with the political, but to demonstrate how the construction and crystallization of a particular image of Buddhism serves to conceal the possibility of alternative ways of being political. It is only through such an endeavour that it is possible to open the boundaries of citizenship to include those practices and subjectivities deemed a-, non-, or unpolitical by orientalist discourses of citizenship.

References

Asad, T. (2003) *Formations of the secular: Christianity, Islam, modernity*, Stanford, CA: Stanford University Press.

Bangkok Pundit (2010) 'Monks and the red shirts', *Asiancorrespondent.com*, 5 April. Available online at <http://asiancorrespondent.com/30721/monks-and-the-red-shirts/> (accessed 11 September 2013).

Brown, W. (2006) *Regulating aversion: tolerance in the age of identity and empire*, Princeton, CT: Princeton University Press.

Fuller, T. (2010) 'Protestors dump blood at Thai government site', *The New York Times*, 17 March: A10.

Gombrich, R. and Obeysekera, G. (1988) *Buddhism transformed: religious change in Sri Lanka*, Princeton, CT: Princeton University Press.

Isin, E. F. (2002a) *Being political: genealogies of citizenship*, Minneapolis, MN: University of Minnesota Press.

Isin, E. F. (2002b) 'Citizenship after orientalism', in E. F. Isin and B. S. Turner (eds.) *Handbook of citizenship studies*, London: Sage: 117–28.

Isin, E. F. (2005) 'Citizenship after orientalism: Ottoman citizenship', in F. Keyman and A. Icduygu (eds.) *Challenges to citizenship in a globalizing world: European questions and Turkish experiences*, London: Routledge: 31–51.

Isin, E. F. (2008) 'Beneficence and difference: Ottoman awqaf and 'other' subjects', in S. Mayaram (ed.) *The other global city*, London: Routledge: 35–53.

Jackson, P. A. (1989) *Buddhism, legitimation, and conflict: the political formation of urban Thai Buddhism*, Singapore: Institute of Southeast Asian Studies.

Jayasuriya, L. (2008) 'Buddhism, politics, and statecraft', *International Journal of Buddhist Thought and Culture*, 11: 41–74.

Laborde, C. (2005) 'Secular philosophy and Muslim headscarves in schools', *The Journal of Political Philosophy*, 13(3): 305–29.

Ling, T. (1973) *The Buddha*, London: Temple Smith.

Ling, T. (1979) *Buddhism, imperialism and war*, London: George Allen and Unwin.

McConnell, M. (2000) 'Believers as equal citizens', in N. L. Rosenblum (ed.) *Obligations of citizenship and demands of faith: religious accommodation in pluralist democracies*, Princeton, CT: Princeton University Press.

Mahmood, S. (2005) *Politics of piety: the Islamic revival and the feminist subject*, Princeton, CT and Oxford: Princeton University Press.

Milbank, J. (2004) 'The gift of ruling: secularization and political authority', *New Blackfriars*, 85 (996): 212–38.

Queen, C. S. and King, S. (1996) 'Introduction: the shape and sources of engaged Buddhism', in C. S. Queen and S. King (eds.) *Engaged Buddhism*, Albany, NY: State University of New York.

Said, E. (1978) *Orientalism*, New York: Vintage.

Sarkisyanz, E. (1965) *Buddhist backgrounds of the Burmese Revolution*, The Hague: Martinus Nijhoff.

Spinner-Halev, J. (2000) *Surviving diversity: religion and democratic citizenship*, Baltimore: Johns Hopkins University Press.

Tambiah, S. J. (1973) 'Buddhism and this-worldly activity', *Modern Asian Studies*, 7(1): 1–20.

Turner, B. S. (2002) 'Religion and politics: the elementary forms of citizenship', in E. F. Isin and B. S. Turner (eds.) *Handbook of citizenship studies*, London: Sage: 259–75.

Turner, B. S. (2003) 'Historical sociology of religion: politics and modernity' in G. Delanty and E. F. Isin (eds.) *Handbook of historical sociology*, London: Sage: 349–63.

Weber, M. (1917 [1967]) *The religion of India: the sociology of Hinduism and Buddhism*, New York: Free Press.

Weber, M. (1927 [1981]) 'Citizenship', in F. H. Knight (ed.) *General economic history*, London: George Allen and Unwin: 315–37.

29

Citizenship in Central Asia

Vanessa Ruget

The concept of citizenship, broadly defined as a collective identity in the nation-state that comes with assorted rights and responsibilities, does not figure prominently in the literature on post-communist Central Asia. Scholars of the region have instead explored the role played by ethnicity, clans, regions, and local networks and argued that Central Asian countries lack a strong national identity. Yet, the five nations that constitute Central Asia – Kyrgyzstan, Kazakhstan, Uzbekistan, Tajikistan, and Turkmenistan – offer fascinating lessons for the study of citizenship. They exemplify the trials of forging civic bonds in recently created post-communist states which have experienced massive political, economic, and social changes in the last two decades. Although the practices and discourses of citizenship vary significantly between those five nations, all have struggled with core citizenship questions related to national language, minority inclusion, and the scope of social, economic, and political rights. These countries are now confronting vast outflows and inflows of labour migrants, which are giving new meanings to borders, passports, and feelings of membership (Ruget and Usmanalieva 2008, 2010).

This chapter examines the transformation of citizenship in the three nations that account for the vast majority of emigration in Central Asia today: Kyrgyzstan, Tajikistan, and Uzbekistan. This case study offers a non-Western contribution to the literature on post-national, flexible, and multilevel citizenships. Experts have argued that, worldwide, the traditional components of citizenship (common membership, rights, and responsibilities) are increasingly 'disaggregated' (Benhabib 2004: 154) or 'decoupled' (Soysal 1998: 298) under the pressures of migration and globalization. In Central Asia, as will be demonstrated below, the core elements of citizenship have long been dissociated: under the Soviet regime, citizenship and nationality did not coincide. Then, because of the dispersal of people that occurred during and after the Soviet Union, Central Asian nations at independence saw the rise of 'flexible notions of citizenship' (Diener 2008: 6). Further, in Central Asian states today, the status of citizenship rarely comes with full civil, economic, or social rights. Finally, for the millions of Central Asian migrants working abroad, either permanently or temporarily, citizenship, territory, and rights rarely overlap. Thus, as Reeves (2009: 1) argues, citizenship in Central Asia 'is not a uniform status'.

Studying Central Asia also provides a perspective on the meaning of citizenship in non-democratic countries. Both Uzbekistan and Tajikistan are authoritarian regimes with sharp restrictions on individual rights and rampant corruption. Freedom of speech, of religion, and

of assembly and association are severely restricted in both countries. Since its independence, Kyrgyzstan has oscillated between democracy and authoritarianism, granting its citizens a modicum of civil and political rights that are largely nonexistent in other Central Asian nations. In the last decade, protests have twice toppled the government (in 2005 and 2010). Yet, Kyrgyzstan is far from being a stable democratic system. It is plagued by widespread corruption, nepotism, and the capture of state institutions by clans, business interests, and criminal organizations.

After a brief historical look at citizenship and national identity in Central Asia, this chapter analyses how migration is forcing citizens from Kyrgyzstan, Uzbekistan, and Tajikistan to develop new understandings and practices of citizenship: on the one hand, naturalization abroad means that citizenship is increasingly swapped for concrete, short-term benefits; on the other hand, migrants may eventually become influential constituencies equipped with new tools of citizenship action, both at home and abroad.

Citizenship in Central Asia: a recent and complex status

National identity is a relatively recent idea in Central Asia. Specifically, citizenship – as a political status and form of belonging in a nation-state – is a product of the twentieth century. Historically, Central Asia has been influenced by many different civilizations (principally Iranian, Arabic, Turkic, Mongol, and Russian) and been the theatre of numerous invasions – up until the Russian conquest in the nineteenth century. Islam was introduced in the seventh century and progressively prevailed over other religions (such as Buddhism or Christianity) and, by the fourteenth century, most of Central Asia was 'at least nominally Muslim' (Akiner 1997: 365). Although proto-nations appeared around the sixteenth century, a clear national consciousness did not emerge for another three centuries. By the nineteenth century, several groups in Central Asia started to develop nationalist sentiments, including the educated elite in the sedentary Khanates of Bukhara, Kiva and Kokand (Akiner 1997). Yet, people belonged primarily to clans and tribes (Luong 2002) and their identity was rather fluid. Ethnic differences between these groups were rarely obvious, and, rather than nationality *per se*, the key distinction in the region continued to be between nomadic and settled populations (Lowe 2003). Thus, groups were defined not by ethnicity and language but rather according to their location, for sedentary populations such as the Tajik and Uzbek, or on the basis of their 'ecological place' (Roy 2000), for the nomadic tribes of Kazakhstan, Kyrgyzstan, and Turkmenistan.

In the mid-nineteenth century, Central Asia was progressively integrated into the Russian Empire. The arrival of many Russian colonists, the experience of forced settlements, and the privatization of land, as well as the introduction of the monoculture of cotton, brought important changes to the region. In 1916, forced conscription and requisitions spurred the first major revolt against Russian rule. But most Central Asians still did not hold strong national allegiances, in part because of widespread illiteracy and of 'competing visions amongst elites' (Phillips and James 2001: 28). After the Bolshevik revolution and Lenin's propositions on national self-determination, rebellions erupted against Communist Russia in present-day Kazakhstan, Tajikistan, and Uzbekistan, leading to massacres. Thereafter, to consolidate power and divide the region, the Soviets undertook a massive border delimitation process. Starting in 1924, Soviet linguists and ethnographers drew borders in Central Asia, primarily using language to distinguish between populations. For the region, this marks the 'transition from a logic of empire to a logic of the nation-state' (Roy 2000: 10). These borders were approximate: people were mixed and the boundaries between them porous. In particular, they created a jigsaw puzzle where Kyrgyzstan, Tajikistan, and Uzbekistan meet as well as many so-called 'ethnic enclaves', thus setting the stage for recurrent border conflicts in that area. Furthermore, movements of people inside the Soviet

Union, whether forced or voluntary, became common: close to 20 per cent of USSR citizens did not live in their titular state (Korobkov 2007). Major economic and social changes also came to Central Asia with integration into the Soviet Empire, including agricultural collectivization and industrialization, development of infrastructures and public education, introduction of the Cyrillic alphabet, transformation of traditional gender roles, and the closing of mosques.

Notwithstanding the Soviet Union's claim of forging a supranational identity among its members, ethnic-based nationality and political citizenship did not overlap for most Soviet citizens (Brubaker, 1994). In fact, these two levels of national identities were formerly dissociated by recording citizens' ethnic nationality in passports and other administrative documents – creating what Olcott calls a 'psychological distinction between citizenship and nationality' (Olcott 1994: 212). In contrast to nationality, citizenship was a legal status given to all living within the Soviet Union. Crucially, citizenship during the Soviet Union was part of a social contract whereby the lack of political freedom was compensated by guaranteed welfare benefits. It follows that most Soviet citizens embraced even a limited civic national identity (Diener 2008).

If the Soviet Union profoundly transformed Central Asian societies, it failed to create strong national sentiments. After gaining independence in the summer of 1991, Central Asian states undertook the thorny process of nation-building. Lacking a former history as nation-states and having inherited multi-ethnic populations, they set off to adopt the basic components of statehood such as flags, anthems, and national languages. Simultaneously they engaged in huge economic, political, and social reforms. Economically, these reforms led to a precipitous decline in citizens' social and economic rights (including pensions, medical cover, housing assistance, and education) and a de facto privatization of many services, so that a growing number of citizens were left in poverty. Politically, only Kyrgyzstan granted limited political rights to its citizens. While Tajikistan plunged into a five-year civil war (1992–7), Uzbekistan and Turkmenistan turned into repressive dictatorships, and Kazakhstan into a somewhat more benign authoritarian system. Except in Kyrgyzstan, repression and pervasive corruption mean that Central Asian societies are disengaged from the state and their citizens only engage in state-controlled political participation. Furthermore, Central Asian states continue to rely on a 'coterie of documentary practices that regulate (and often circumscribe) the meanings of civic belonging' (Reeves 2009: 2). For example, the 'propiska', or residency registration, restricts citizens' mobility and ability to work legally and to qualify for welfare benefits, condemning those who do not possess this document to be essentially second-class citizens, even in their own country (Reeves 2009).

In addition, nation-building in Central Asia has been jeopardized by sub-national allegiances. This has prompted many scholars of the region to examine the interplay between ethnicity, nationalism, and identity (see for instance, Akiner 1997; Lowe 2003; Olcott 1994; Roy 2000). As has been argued above, ethnic allegiance is relatively new in Central Asia. Yet, it became a divisive issue at independence, for example with regard to the questions of national language and dual citizenship. Opting for a pragmatic approach, the newly independent Central Asian countries granted citizenship to all their permanent residents, including ethnic minorities. But they also became first and foremost the nations of their titular people, for example in the choice of a national language,[1] the renaming of public spaces, the reinvention of traditions and symbols, and the revival of Islam (Akiner 1997). Large numbers of ethnic minorities, especially Russians (but also other communities such as Germans or Ukrainians) voted with their feet and returned to their real or imagined homeland.[2] Others remained in place but continued to maintain connections with their homeland, for example through cultural, educational, or religious activities. Such groups include populations with an existing sovereign homeland (such as the Russians, Germans, Koreans, and Ukrainians), but also numerous others without one (for example the Uighurs, Tatars, or Kurds) (Diener 2008). Additionally, close to 50,000 individuals

across Central Asia became 'stateless', usually because they did not (or could not) adopt a new citizenship after the fall of the Soviet Union.[3]

Overall, ethnicity has not spurred as many conflicts as was feared at independence, with the notable exception of the Tajik Civil War and sporadic ethnic clashes (such as, for example, between Uzbeks and Meskhetian Turks in Uzbekistan in 1989 or between Uzbek and Kyrgyz in the Fergana Valley in 1990 and 2010).[4] But interethnic relations are still a source of concern, especially in the Fergana Valley. In the south of Kyrgyzstan for example, the Uzbek minority suffers discrimination, such as exclusion from public sector positions, especially since 2010. Since the 2010 events, nationalist politicians and discourses have gained some traction in Kyrgyzstan, exemplifying how ethnicity, coupled with competition for resources, can be manipulated for political gain.

Besides ethnicity, scholars have also looked at clan affiliations and their impact on identity and society in Central Asia. According to Kathleen Collins, clans can be defined as 'an informal social institution in which actual or notional kinship based on blood or marriage forms the central bond among members' (Collins 2002: 142). Despite the Soviet efforts to eliminate this 'pre-modern' feature of Central Asian societies, clans have survived – collective farms were in fact all clan-based. In formerly nomadic Kyrgyzstan for example, clans are large kinship systems that overlap with regional affiliations (Luong 2004). In Tajikistan, clan competition after independence helped precipitate the country into a civil war.

How much clans matter today politically and socially is very much a matter of debate. Besides, sub-national identities in Central Asia are hardly static. For example, they have evolved under the pressure of the 1990s economic reforms, ongoing societal changes, labour migration, and political calculation. They are also not exclusive: people living in Central Asia may identify with a clan, an ethnic group, a nation, but also with Central Asia as a whole, and even as part of the Islamic world (Phillips and James 2001). Millions of migrants from Tajikistan, Kyrgyzstan, and Uzbekistan are also part of growing diasporas.[5] For them, what it means to be a citizen is especially complex. In particular, as they live and work abroad at least part of the year, migrants have developed new pragmatic outlooks on political membership. In addition, while they are essentially deprived of political rights while abroad, migrants may be slowly arising as important social and political actors in their home countries.

Migration and the meaning of citizenship

Around the world, citizenship practices are changing rapidly because of rising mobility and the increasing ability of migrants to engage in transnational activities (such as, for example, voting in the home-country elections or investing in the home communities). In response, scholars of citizenship have coined new concepts (such as 'post-national', 'transnational', or 'plural' citizenship) and articulated new theories to analyse how citizens, and especially migrants, relate to states in a globalized world and how they experience and practice citizenship (see for example Soysal 1998; Bosniak 2000; Benhabib 2004).

Central Asia offers a fascinating case study of these transformations. As has been argued above, human mobility is hardly new in that region of the world. In particular, large numbers of people moved in the wake of the Soviet Union collapse: about nine million people crossed the newly established borders between 1991 and 2000 (Radnitz 2006). As a mass phenomenon, labour migration dates from the late 1990s or early 2000s. We do not precisely know how many Central Asians are working abroad (mostly in Russia), to a large extent because many do so without the proper documentation. In the case of Kyrgyzstan, estimates vary widely, between 500,000 and one million. The number of Tajik nationals working in Russia is comparable,

with estimates between 700,000 to a million (half of the working age population). Uzbekistan's immigrant population is even larger: at least two million Uzbeks are labour migrants. A vast majority of Central Asian labourers are found in Russia and, to a lesser extent, Kazakhstan. Post-Soviet Central Asia continues to experience large-scale internal migration flows as well, caused by ecological disasters (such as earthquakes, floods, and mudslides) or economic opportunism (especially from countryside to city).

Most Central Asians migrate for economic reasons, searching for available jobs and higher salaries. But migration can also be encouraged by political events, such as during the Tajik Civil War. Victims of persecution also sometimes manage to escape the brutality of the Uzbek regime – only to find themselves at the mercy of byzantine registration rules and regulation scams in Russia. Politics has also motivated Kyrgyzstani citizens, in particular ethnic Uzbeks, to leave, especially after the 2010 interethnic clashes.

Russia is a natural country of immigration for Central Asians; they often speak the language and may have friends and families there. Furthermore, Russia's economic and construction booms have provided a strong pull factor. Yet, Russia's immigration policy is contradictory: the country needs outside labour but growing xenophobic sentiments and economic pressure have made public officials try to restrict immigration. In the late 2000s and early 2010s, they have for example reduced immigration quotas, banned foreigners from working in trades (including at outdoor bazaars and kiosks), and required migrants to be knowledgeable about Russia's language and history in order to qualify for a work permit.

It follows that most Central Asian labourers are at best second-class citizens abroad and at worst non-citizens. Most lack the proper documentation to reside and work in Russia and as a result become victims of passport or registration scams. Many are also confused about what the law requires, as Russia's migration policy is complex and ever-changing. Central Asians can enter Russia (or Kazakhstan) without a visa but need to obtain both a residency and a work permit – long, complicated processes that often require the payment of bribes. Without proper documentation, migrants are deprived of legal protection and fall prey to corrupt local authorities. In fact, although their home-country governments have signed a number of national, bilateral, and international treaties protecting their rights, migrants are the targets of multiple abuses both during their journeys (especially at border crossings) and at their destinations. Human trafficking is also a growing concern in the region. In addition, even if they possess the proper documentation, most Central Asians are second-class citizens and victims of xenophobia and discrimination, especially in Russia – where their ethnicity, culture, and religion set them apart from the locals. On the other hand, the rights and duties of Central Asian migrants to their homeland (such as their claims to heath care and a pension and their fiscal responsibilities) are 'at best unclear, at worst unenforceable' (Buckley 2008: 11).

Interestingly, for some migrants, naturalization abroad offers a partial solution to these problems. Tajikistan is the only Central Asian nation that has concluded official bilateral agreements with Russian on dual citizenship; but acquiring the proper documentation is a long and thorny process. On the other hand, the Kyrgyzstanis, at least until 2011,[6] have benefitted from a fast-track procedure for obtaining Russian citizenship. Tens of thousands of Kyrgyzstanis may have already obtained Russian citizenship since 1991, including a rising number of Kyrgyzstani Uzbeks who fled Kyrgyzstan during the 2010 interethnic clashes.[7] Although a legal right, Russian citizenship is often acquired through illegal means, including fake marriages or the payment of bribes.

Naturalization in Russia has important consequences for citizenship and national identity when migrants return home. First, it is unclear whether Central Asians who have naturalized in Russia will be able to easily regain their birth citizenship (currently the process is rather cumbersome and lengthy). In the meantime, migrants who lost their home citizenship will be deprived

of essential rights at home, in particular the right to vote. Further, naturalized migrants will be more likely to settle abroad, an important loss of resources and skills for the departing countries.

Crucially, Central Asians who naturalize tend to see citizenship as a matter of convenience – something that can be swapped for short-term benefits, including a better job, access to certain benefits, and some level of protection against local authorities. Interviews with Kyrgyz migrants revealed for example the central role played by economic considerations in their relations with the state and in their conception of citizenship (Ruget and Usmanalieva 2010). These are significant developments in relatively new states with evolving national identities. They also speak to the growing literature exploring the meaning of citizenship when it is adopted for pragmatic, rights-based, motives such as better work opportunities or easier travel (Schuck 1998).

Migration (together with the experience of working and living abroad) is also affecting citizenship in yet another way, by creating a new constituency (the diaspora) and potentially new citizenship practices.

Migrants and new citizenship practices

One of the most exciting developments regarding citizenship in Central Asia is the extent to which labour migration may be prompting migrants to emerge as public actors, for example by joining diaspora organizations active in the host or home countries, by engaging in political advocacy, or by investing in their home communities. Although these practices are still very uncommon, they contrast with Central Asians' disengagement from state and civil society. In Tajikistan and Uzbekistan specifically, citizens' political participation is either discouraged or controlled by the state. Political opposition in Tajikistan is also often associated with the chaos of the civil war. In Kyrgyzstan, mass demonstrations were significant in 2005 (Tulip Revolution) and in 2010, but most citizens have a low sense of their efficacy – even though smaller-scale protests have continued to take place.

In their host countries, Central Asian migrants have formed diaspora organizations and have at least occasionally mobilized. In Russia for example, a couple of hundred Kyrgyz and Tajik migrants joined an anti-fascist rally in Moscow in January 2012, a significant event given that migrants had up to then stayed away from political gatherings (Marat and Kasymalieva 2012). In March 2012, more than a thousand Tajik workers took to the streets to protest against their treatment by the authorities at a Moscow market. During the 2012 Russian presidential elections, many migrants professed their support for Vladimir Putin, mostly because the status quo seemed preferable to a change in leadership and political climate. Some migrants also attended pro-Putin rallies and a Tajik migrant organization encouraged those with a Russian passport to vote for the incumbent.[8] It should be noted, however, that the vast majority of migrants in Russia are unlikely to join political gatherings, not only because of the risks involved (especially for those without work or residential permits) but also because they typically lack the time and resources to do so.

On the other hand, Central Asians have the potential to become powerful constituencies in their home countries. Economically, this is evidenced by the flurry of reports and programmes produced by international organizations such as the International Labour Organization, the International Organization for Migration, and the World Bank (for example: International Labour Organization 2010, World Bank 2011). These reports seek both to evaluate and to promote migrants' investment in their homeland, especially in Tajikistan, where the potential impact of the diaspora would be the greatest, given the extreme poverty of the country. Although their conclusions concur about the lack of significant engagement today, these reports also note the potential future economic role of migrants.

Politically, the prospective influence of Central Asian migrants in their home countries is less clear.[9] Migrants' remittances are typically out of reach of government so they can shift political

power to the population and undermine clientelism and patronage. Migrants' political views also often evolve, for example because they witness a better-functioning government in their host country and because they are less subject to their home-country propaganda. Central Asian migrants are indeed relatively wealthy, resourceful, and respected individuals in their home community. But like most migrants worldwide, they are mainly concerned about their own survival and the well-being of their family and have little time or resources left for broader societal endeavours. They are also confronted with entrenched corruption, nepotism, and closed political systems, all of which strongly discourage political activism, especially in Uzbekistan and Tajikistan. Those who return also encounter numerous challenges; like other migrants worldwide, they struggle with emotional, familial, and professional problems, and many have lost their birth citizenship.

Still, interviews with migrants and return migrants have shown that many aspired to become public actors in the near future, for example by being involved in a hometown association or by raising awareness about problems faced by migrants (Ruget and Usmanalieva 2011). In Kyrgyzstan in particular, which is the only Central Asian republic with some degree of political competition, migrants enjoy more channels for political action – as the existence of a migrant party, Zamandash,[10] and the 2012 holding of a migration summit perhaps evidence.

Besides, labour migration has been slowly climbing to the top of the political agenda, at least in Tajikistan and Kyrgyzstan – whether because public officials are busy negotiating immigration agreements with their Russian counterparts or because migrants are starting to lobby for their rights.[11] Uzbekistan stands as an exception, as its government only reluctantly acknowledges the existence of labour migration, is rather hostile to its migrants, and often makes it difficult for them to leave the country, for example by requiring that they obtain an exit visa before departing – though most eschew this procedure (Laruelle 2007).[12]

Conclusion

Citizenship and public identities are constantly redefined and renegotiated (Tilly 1996: 12). This is particularly true in Central Asia, where recent statehood, strong sub-national identities, and large migration flows mean that citizenship remains in flux. It follows that citizenship in Central Asia takes multiple forms, including those of thousands of stateless individuals, of tens of thousands of migrants who acquired dual citizenship or naturalized in Russia, and of millions of migrants living at worst in illegality, at best as second-class citizens abroad. Such cases and the others discussed above suggest that there is much to learn from a study of citizenship in Central Asia. Specifically, this chapter argues that labour migration is profoundly reshaping identities and citizenship in Central Asia. It may also eventually contribute to bringing much needed economic and political changes to the region, although the modalities and forms of these changes, and the specific role that migrants will play, are not yet fully known.

Acknowledgements

The author is grateful to Jeannette Lindholm, Elmira Satybaldieva, and Madeleine Reeves for their valuable comments and suggestions.

Notes

1 All Central Asian nations adopted rather strict laws to promote the language of their dominant ethnic group. Russian generally became the 'language of in-ethnic communication' (Bohr 1998); since then however, Russian has been progressively downgraded (Roy 2000).

2 Ethnic Russians who had remained in the region lobbied for dual citizenship, but only Turkmenistan and Tajikistan concluded dual citizenship agreements with Russia. Furthermore, few Russian ethnics chose to adopt Russian citizenship at independence – a relatively simple procedure which may however have disenfranchised them at home and brought into question their loyalty to their state of residence (Bohr 1998).
3 Some people just found themselves in this situation, while others were labour migrants or people returning to their 'ethnic homeland' (Farquharson 2011).
4 In 1990, in the southern Kyrgyz city of Osh, 200 people died after the two communities fought over land and water access. In June 2010, violent clashes between the Kyrgyz and Uzbek communities left several hundreds dead, many destroyed homes, and prompted an exodus of ethnic Uzbeks.
5 Although the term 'diaspora' is enthusiastically used by government officials, international organizations, and the media, whether Kyrgyz, Tajik, and Uzbek labourers abroad constitute diasporas is still debatable. Brubaker argues for instance that a central feature of diasporic communities is the preservation by migrants of their identity over several generations (Brubaker 2005: 7) – a criterion that we cannot yet assess, given the fact that mass labour migration from Central Asia started in the 1990s. New migrants' communities thus differ noticeably from older diasporic communities in the post-Soviet spheres (such as, for example, Russians, Koreans, or Germans). Furthermore, migrants' primary motivation today is economic, while movements of population inside the Soviet Union were spurred by a host of factors, including forced deportation. Contemporary migrants also typically travel back and forth, sometimes several times a year, in a dynamic usually described as 'circular migration'.
6 In 2011, the requirements for naturalization for Kyrgyz citizens became much stricter. This has opened the door to scams (for example, middlemen charging high fees in exchange for a bogus citizenship).
7 Reliable statistics on naturalization are hard to come by and official statistics provide much lower numbers.
8 Kyrgyz migrants have also had the chance to vote abroad for Kyrgyz elections. We lack reliable data on turnout at the elections, but available evidence suggests that it was quite low (Ruget and Usmanalieva 2011).
9 Several organizations such as the International Crisis Group and the Organization for Security and Cooperation in Europe have expressed concern that return migrants from Central Asia could spur political unrest and heightened nationalism and radicalism. There is, however, scant evidence that any of these scenarios will come to fruition in the short term.
10 The party Zamandash did relatively well in the 2013 municipal elections in the capital city (Bishkek), winning six of the 45 seats.
11 For example, on February 1, 2010, about 100 labour migrants gathered in the Kyrgyz capital Bishkek to denounce harassment by the police and economic exploitation in Kazakhstan.
12 Kyrgyzstan is more accepting of labour migration, but still lacking a well-defined ambitious diaspora policy (Heleniak 2011). Tajikistan, in part because migration started earlier, has been more proactive, not only in negotiating agreements with Russia, but also in engaging in a dialogue with its diaspora.

References

Akiner, S. (1997) 'Melting pot, salad bowl – cauldron? Manipulation and mobilization of ethnic and religious identity in Central Asia', *Ethnic and Racial Studies*, 20: 362–98.

Benhabib, S. (2004) *The rights of others: aliens, residents and citizens*. Cambridge: Cambridge University Press.

Bohr, A. (1998) 'The Central Asian states as nationalising regimes', in G. Smith, V. Law, A. Wilson, A. Bohr, and E. Allworth, *Nation-building in the post-Soviet borderlands: the politics of national identities*. Cambridge: Cambridge University Press: 139–64.

Bosniak, L. (2000) 'Denationalizing citizenship', in A. Aleinikoff and D. Klusmeyer (eds.) *Citizenship today, perspectives and practices*. Washington, DC: Carnegie Endowment for International Peace: 237–51.

Brubaker, R. (1994) 'Nationhood and the national question in the Soviet Union and post-Soviet Eurasia: an institutionalist account', *Theory and Society*, 23: 47–8.

Brubaker, R. (2005) 'The "diaspora" diaspora', *Ethnic and Racial Studies*, 28: 1–19.

Buckley, C. J. (2008) 'Introduction', in C. J. Buckley and B. A. Ruble (eds.) *Migration, homeland, and belonging in Eurasia*. Baltimore, MD: Johns Hopkins University Press: 3–16.

Collins, K. (2002) 'Clans, pacts, and politics in Central Asia', *Journal of Democracy*, 13: 137–52.

Collins, K. (2006) *Clan politics and regime transition in central Asia*. Cambridge: Cambridge University Press.

Diener, A. (2008) 'Diasporic and transnational social practices in Central Asia', *Geography Compass*, 2: 956–78.

Farquharson, M. (2011) Statelessness in Central Asia, UNHCR. Available online at www.unhcr.org/4dfb592e9.html (accessed 1 June 2012).

Heleniak, T. (2011) Harnessing the diaspora for development in Europe and Central Asia. The World Bank. Migration and Remittances Peer Assisted Learning (MIRPAL) Discussion Series. Available online at http://siteresources.worldbank.org/INTECA/Resources/DiasporaPaper10112011.pdf (accessed 18 July 2012).

International Labour Organization (2010) Migration and development in Tajikistan: emigration, return and diaspora. Moscow. Available online at www.ilo.org/public/english/region/eurpro/moscow/info/publ/migration_development_report_taj.pdf (accessed 13 September 2013).

Korobkov, A. (2007) 'Migration trends in Central Eurasia: politics versus economics'. *Communist and Post-Communist Studies*, 40: 169–89.

Laruelle, M. (2007). 'Central Asian labor migrants in Russia: the diasporization of the Central Asian States?' *China and Eurasia Forum Quarterly*, 5(3): 101–19.

Lowe, R. (2003) 'Nation building and identity in the Kyrgyz Republic', in T. Everett-Heath (ed.) *Central Asia: aspects of transition*. London: Routledge: 106–30.

Luong, P. J. (2002) *Institutional change and political continuity in post-Soviet Central Asia: power, perception and pacts*. Cambridge: Cambridge University Press.

Luong, P. J. (2004) 'Politics in the periphery: competing views of Central Asian states and societies', in P. J. Luong (ed.), *The transformation of Central Asia: states and societies from Soviet rule to independence*. New York: Cornell University Press: 1–26.

Marat, E. and Kasymalieva, A. (2012) 'Kyrgyz and Tajik migrants in Moscow speak out'. The Jamestown Foundation: Eurasia Daily Monitor, 9. Available online at www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=38939&cHash=b49dc9d6c77020ba8c5e8075ba6762ea. (accessed 27 July 2012).

Olcott, M. B. (1994) 'Nation building and ethnicity in the foreign policies of the new Central Asian States', in R. Szporluk (ed.), *National identity and ethnicity in Russia and the new states of Eurasia*. New York: M.E. Sharpe: 209–29.

Phillips, A. and James, P. (2001) 'National identity between tradition and reflexive modernization: the contradictions of Central Asia', *National Identities*, 3: 23–35.

Radnitz, S. (2006) 'Weighing the political and economic motivations for migration in post-Soviet space: the case of Uzbekistan', *Europe Asia Studies*, 58 (5): 653–77.

Reeves, M. (2009) 'Ambivalent citizenship in post-Soviet Central Asia'. Paper presented at the round table on Citizenship and Post-Communism, Department of Russian and East European Studies, Indiana University, Bloomington, IN.

Roy, O. (2000) *The new Central Asia: the creation of nations*. New York: New York University Press.

Ruget, V. and Usmanalieva, B. (2008) 'Citizenship, migration and loyalty towards the state: a case study of the Kyrgyzstani migrants in Russia and Kazakhstan', *Central Asian Survey* 27 (2): 129–41.

Ruget, V. and Usmanalieva, B. (2010) 'How much is citizenship worth? A case study of Kyrgyzstani migrants', *Citizenship Studies*, 14: 445–59.

Ruget, V. and Usmanalieva, B. (2011) 'Social and political transnationalism among Central Asian migrants and return migrants: a case study of Kyrgyzstan,' *Problems of Post-Communism* 58: 48–60.

Schuck, P. H. (1998) *Citizens, strangers and in-between: essays on immigration and citizenship*. Boulder, CO: Westview Press.

Soysal, Y. (1998) 'Towards a postnational model of membership', in G. Shafir (ed.), *The citizenship debates: a reader*. Minneapolis, MN: University of Minnesota Press: 189–217.

Tilly, C. (1996) 'Citizenship, identity, and social history', in C. Tilly (ed.), *Citizenship, identity, and social history*. Cambridge: Cambridge University Press: 1–18.

World Bank (2011) Harnessing the Diaspora for Development in the ECA Region. Available online at http://siteresources.worldbank.org/INTECA/Resources/heleniakmay26.pdf (accessed 6 September 2013).

30

Gender, religion and the politics of citizenship in modern Iran

Shirin Saeidi

Citizenship has been both a contested and a controversial notion throughout most of modern Iranian history because of the state's authoritarian nature. This chapter focuses on the politics of citizenship throughout different spaces and times. In this effort, it is impossible to overlook the interplay between religion and gender in the (re)configuration of subjectivities. From a cultural and historical standpoint, a love of justice and the duty to fight against oppression (*zulm*) is one of the pillars of the Shi'i Muslim faith (Momen, 1985), to which over ninety-five per cent of Iranians adhere and which is embedded within Persian culture. Therefore, religious teachings and leadership can at vital moments give significant direction to the people's will. For instance, religious beliefs regarding social and political justice, along with the leadership of Ayatollah Ruhollah Khomeini, were vital to engendering the 1979 revolution and the post-revolutionary state. Moreover, as the discussion below illustrates, one of the enduring elements of political transformations in modern Iran has been the strong presence of women at these moments, as well as contention and collaboration between men and women in everyday life (Paidar, 1995). In light of these realities, it becomes difficult to discuss activist citizenship without exploring its development through the interplay between religion and gender.

Given the affective and participatory realms of the Iranian people's gendered subjectivities, employing critical citizenship as a conceptual tool is potentially useful. There are also strong associations between individual activism and the curtailment of the state's capacity to enforce its preferences in the contemporary Middle East (Saeidi, 2012b). Enlivening the activist citizen may capture specificities about women's and men's subjective experiences that the classic liberal paradigm of citizenship misses because of decontextualized notions of the nation-state, polity, and personhood (Saeidi, 2012b). Similarly, Paola Rivetti (2013) argues that the tendency to delineate a linear political path towards liberal democracy among Iranian studies scholars becomes unconvincing when we account for the reality that their notion of democracy remains poorly defined. Indeed, I find it difficult to place the Iranian struggle for citizenship within a particular political trajectory. During my different research projects on post-1979 Iran, as well as from personal experience of teaching and living in Tehran, I have felt that popular political contentions within society continually move the state towards an unknown form. However, I have hesitated to acknowledge this observation more aggressively in my scholarship because of the strong ideological leaning towards a liberal, secular, civil-society analysis of the state within the Iranian studies community (Rivetti, 2013).

To describe how Iranian women and men have constituted themselves as citizens with 'the right to claim rights,' I find Engin Isin's theorization of acts of citizenship to be useful (Isin, 2008). Isin argues that when studying citizenship, we should focus on how people claim rights and come to differentiate themselves from subjects, not through active citizenship or participation in political procedures, but as activist citizens who self-determine when and how to intervene. He rightly claims that by categorizing people's everyday interventions through previously established theories of political philosophy, such as liberal democracy, which has been a particularly attractive framework for many scholars of modern Iran, we could overlook important dimensions of what we are witnessing and should be taking into account as skilled researchers. An act occurs at the moment an individual or collective ruptures established norms in order to create a new vocabulary for subjectivities. One of the foundational beliefs of examining citizenship through acts is that there are political realities that we have yet to articulate as thinkers but which nevertheless circulate within society. In other words, people in everyday life think and act in ways we may never have considered.

This chapter illustrates that when discussing citizenship in Iran, acts of citizenship (Isin, 2008) must be investigated along with the usual focus on the legal-rights framework and its arrangements (Saeidi, 2010). This conceptualization of citizenship suggests that a detailed look into the distinct modes of resistance employed by Iranians may prove more revealing for (re)imagining the future of the Islamic Republic. This approach may shed light on the multiplicity of ideas and desires that exist regarding governance, complicating the neoliberal trajectories of change that scholars have thus far offered. This chapter highlights the importance of paying attention to people's individual and collective encounters with the state's dominant narratives of the nation-state when investigating citizenship and nation-building in modern Iran.

Modernization: gendered subjectivities and religion

Gheissari (2010) argues that the roots of Iranian citizenship can be located in the late nineteenth century, when the concept of rights (*huquq*) and the importance of opposing absolutism gained importance for Iranians. Similarly, Najmabadi (1993) has argued that it was during the Constitutional Revolution (1906–11) that Iranian women began to constitute themselves as citizens of the Iranian nation and were recognized as such. This all occurred during a period when Iran was undergoing a transformation, changing from a 'traditional feudal society into a modernized and centralized state', and when the relationship between the people (*millat*) and the government (*daulat*) was also re-established (Martin, 1989, p. 1). In journalistic accounts from this period the nation was no longer associated with an all-powerful monarch, but in a way that lent support to the people's desire to rely on their own agency to transform the nation, it was articulated that it was a 'dying mother' and that Iranians shared the responsibility to 'save' their nation from local and international authoritarianism (Tavakoli-Targhi, 2002). It was also at this time that the relationship between the state and the religious establishment was changing, as the Qajars, who gained power in 1779, did not claim to have religious authority as their predecessors the Safavids had. This advanced the independence of the religious authorities, which from 1890–2 participated in the Tobacco Movement to end British monopoly over this nationally profitable trade (Moaddel, 1994). This movement set in motion a new (and complex) relationship between the religious estate, religion, and dynamic social rebellion, which destabilized the state-society dichotomy in modern Iranian history via the influence of the *ulama* (Keddie, 1966).

The Shi'i faith and the religious estate played an important role in the remaking of subjectivities in post-1979 Iran. This is because Iran is a majority Shi'i Muslim nation. The Shi'i faith has notable characteristics that in modern Iranian history were reconfigured by the religious

establishment to generate a profound politicizing effect within society. Shi'ism includes the institutions of the *Marja' Taqlid* or a model of emulation for everyone who is not a *mujtahid* or a source of emulation himself. Iran's Shi'i also believe in the infallibility of the 12 Imams or descendents of the Prophet Mohammad who are the only leaders with the legitimacy to rule. The twelfth Imam has gone into occultation (*gheybat*), the third notable characteristic of the Shi'i faith, and the Twelvers or Imamates Shi'i believe that only his rule will bring true justice. As such, the social influence of the *fuqaha*, or Shi'i jurisconsults, was always a central concern for the state, as they are in a position to guide the Shi'i until the return of Imam Mahdi, the twelfth Imam.

During the first half of the nineteenth century, intellectuals, bazaaris, clerics, and women protested against the concessions given to foreign powers such as Russia and Britain by the Qajar dynasty that ruled over Iran from 1796–1925. Iran's dealings with the international system from a defeated position, the rise of capitalism, and domestic corruption were central to the 1906–11 Constitutional Revolution. Through a series of protests, these various social groups were able to force Muzaffar al-Din Shah (1896–1906) of the Qajar Monarchy to grant the Iranian nation a parliament (*majlis*) that commenced operating on October 7, 1906 (Afary, 1989, pp. 67–8). Certain social groups, including 'nobility, clerics, landowners, merchants, and middle-class guilds' were also granted the right to vote (Afary, 1989, p. 68). Women, despite their role in the revolution, were banned from voting along with criminals and murders.

Intellectuals, including religious clerics such as Seyyed Mohammad Tabatabai, involved with secret societies such as the Revolutionary Committee, believed that the best approach to destabilizing despotism in local and international policies was by placing limits on the monarchy's power (Afary, 1996). Tabatabai strongly believed that the people had to be informed of their rights. This suggests that the repositioning of the people from subjects to citizens with the right to hold the state accountable was supported by at least one member of the religious estate (Martin, 1989). Tabatabai was also known for encouraging modern education for both women and men.

Dissent and protest from various political perspectives culminated in the 1906–11 Constitutional Revolution. Central to the revolutionaries' aims was a curbing of state power through parliamentary representation, and the ulama were understood as a social group that would protect the people against the injustice and the tyranny of the monarchy (Gheissari, 2010). The movement sought a unified legal system (Gheissari, 2010) and ultimately resulted in a constitutional monarchy that was neither purely 'Islamic' nor a duplication of 'Western' democratic governing systems (Paidar, 1995, p. 71).

While the Constitutional Revolution was a popular uprising that offers us insight into Iranians' collective move towards active citizenship, the participation of women of different social standings is especially relevant to our discussion. This is due to the debates and activism their participation generated with respect to women's legal status, such as voting rights, and social access to education, religious freedom, freedom of assembly and political participation, and other citizenry concerns that questioned patriarchal cultural norms (Afary, 1992). Najmabadi warns that we should not overestimate women's emancipation with the formation of Iranian modernity, as during this period 'the universal citizen turns out to be a manly citizen' (1998, p. 183). At the same time, we should also not lose sight of some women's development of a 'critical self-consciousness' which may have helped them reposition themselves in light of emergent and forbidden desires (Afary, 1992, p. 101).

The mass mobilization of women and the popular articulation of their gender rights as citizens during the Constitutional Revolution have suggested to some scholars that the roots of the women's movement in Iran can be found in the 1906–11 period (Afary, 1996). This becomes especially noteworthy as the 1906–11 revolution was not only about the individual (Gheissari, 2010), but was also a national struggle against state tyranny and foreign intervention. Within this

intricate context, some Iranian women were able to place gender issues on the political platform and create the space for women to reposition themselves in relation to the state and family. For instance, Kashani-Sabet (2005) has argued that while motherhood was glorified in the women's journals of this time, it was also described as an experience that required training and specialist knowledge through education. As such, the idea that women are naturally and biologically all 'mothers' of the nation was subtly undermined, and the case was put by female constitutionalist activists for granting women the right to an education. It is at this time that we can begin to notice the extensive interplay between individual and collective political desires for the first time in modern Iran in the local terrain and significant transformations in women's subjectivities.

How women from different classes understood their identities and rights varied during the Constitutional Revolution. Many from the lower classes felt that their way of life was under threat from Western cultural and economic domination. Paidar (1995) recounts that women from the lower classes used religious gatherings to discuss political events, and their political activism at this time included participation in protests and armed resistance. Many women with this social standing became politically mobilized under the leadership of clerical leaders who advocated the importance of adhering to Islamic traditions within constitutionalist debates (Arjomand, 1988). These women were demanding that their religiosity and adherence to notions of Islamic justice be recognized by the Qajar state. However, it is known that between July and August of 1906, 14,000 people took sanctuary (*bast*) in the British legation (Martin, 1989). *Bast* is an Iranian tradition of protest dating back to the early Qajar period (Martin, 1989). Participants occupy mosques and shrines both to express their grievances and to seek protection from arbitrary state violence. We also know that during another protest in January 1906, a group of women encircled the Shah's carriage insisting upon respect for the clergy:

> We want the masters and leaders of our religion! We are Muslims and believe in obeying their commands! The masters have taken care of our properties! All our affairs are in the masters' hands! How could we accept your banishing them to exile? O, King of the Muslims, respect the command of the Muslim leaders. O, King of Islam, if Russia and England come to your support, upon the masters' command, millions of Iranians will declare *jahad*.
>
> *(Bayat-Philipp, 1978, p. 298)*

These practising Muslim women considered their citizenry rights as Muslims and Iranians to be connected to the freedom of their religious leaders to challenge blind emulation of Western modernity. At the same time, the woman's narration above is locating her within the nation and as such positing women as citizens (Najmabadi, 1993). It is hardly unexpected that these women are sensitive to the treatment of religion in the public sphere, given the significant role of faith in Iranian society during this period, when it was struggling against foreign intrusion. It is noteworthy that the 1906–7 Iranian constitution, which was modelled on the Belgian constitution, is different in one important respect: it accepted the supervision of five or more *mujtahids* (those permitted to give religious rulings) of all national laws to ensure that they did not conflict with Islamic law (Keddie, 1983, p. 586). While this particular condition in the 1906–7 constitution was never put into practice, it does offer some insight into a historically longer contention over power at the national level between clerics and authoritarian state officials who sought to modernize Iran. This clause also highlights the interplay which developed between nationalist, constitutionalist, and religious trends in the 1906–11 revolution and the ways in which it allowed for changing positionalities in relation to central power (Algar, 1969).

With the establishment of a constitution in August 1906, women began to organize themselves into a separate political force (Bayat-Philipp, 1978). It was during the early 1900s that Iranian

women gained access to formal education, which Najmabadi (1993) has posited as itself an expansion of women's citizenry status at this time. For instance, the first Muslim girls' school, Namus, was founded in 1907 and others soon followed (Tohidi, 1994, p. 111). The state also sought to prevent women from addressing their concerns on a national level, and this can be seen in the reality that women's demands were generally not discussed in the majlis (Bahar, 1983). This lack of attention from the state is one of the reasons Bahar (1983) has argued that the women's rights struggle was mostly individual and fragmented during this period. Nevertheless, women from the upper classes, such as Taj al-Saltaneh, Eftekhar al-Saltaneh, and Toubi Azmoudeh, established societies, health clinics, and girls' schools, and acted as educators and writers. Agha Baigum, the daughter of a mujtahid Shaikh Hadi Najmabadi, and an educator in her own right, who had also established a girls' school in southern Tehran, made the following speech to the Anjuman of Women (a women's society):

> O great ministers and glorious generals, renounce conflicts brought about by personal issues, abandon them; for mercy's sake redirect your attention and reflect a little on the future of your delicate daughters so that they may no longer remain the slaves of one another or the other, like the Egyptian women, the Sudanese women, the women of the Caucasus, and the Circassian women!
>
> *(quoted in Afary, 1996, p. 186)*

Baigum blames the government for losing sight of more important national matters and places women's rights as a priority for national progress. While women from these different economic classes operated loosely as members or affiliates of Islamist and liberal political factions eager to place limits on the monarchy's power, they also operated in different spheres as individual women with visions that reflected their gendered experiences and aspirations. Interplay existed between the state and society, state elites, and people in everyday life during this constitutional and post-constitutional period. This turn to popular politics is one of the most important legacies of the 1906–11 revolution (Cronin, 2010).

The Iranian parliament (*majlis*) was closed down in 1911 because of the pressures of Russian intervention and is believed to have set the political scene for another authoritarian monarchy. The founder of the Pahlavi Monarchy was Reza Shah, the father of the last Shah of Iran, Mohammad Reza. During the rule of Reza Shah (1925–41), Iran began to develop into a modern nation-state. Reza Shah was influenced by Kemal Ataturk in Turkey. In addition to modernizing Iran's military, in 1936, during his 'Women's Awakening Project', he also enforced the policy of *kashf hejab* (compulsory unveiling in Islamic attire) for women in public spaces as a gesture towards modernization. However, as Amin (1999) has contended, the call for women to be recognized as citizens of the modern state through professional employment in the fields of teaching and nursing was also embedded in this project. According to Amin (1999), the Women's Awakening Project, despite its efforts at modernization through force, was still very much engaged with the indigenous women's movement and the Iranian press's coverage of the 'woman question' since the early 1900s.

Nevertheless, Reza Shah's general political vision of emancipating Iran through 'Europeanization' (Chehabi, 1993, p. 225) created considerable hostility within the clerical community and society. The banning of the veil cost Reza Shah greatly, as it caused the Iranian people to harbour much animosity towards him (Chehabi, 2003). Many women from rural, modest, or lower-class families refused to leave their homes unveiled and consequently became significantly dependent on their male kin (Hoodfar, 1997). At the same time, during this period new spaces were created for women to enter the public sphere. The University of Tehran was

opened in 1936 and this further infringed on the influence of the clergy and the production of knowledge. Some women gained access to education and entered the workforce (Esfandiari, 1997). In contrast, women also felt the state's authoritarian nature, and by the mid-1930s all independent women's journals and organizations had been banned by Reza Shah (Najmabadi, 1991).

His son, Mohammad Reza, took power in 1941, and continued with the project of developing Iran into a modern state. In 1963, the Shah's modernization and centralization project entitled 'The White Revolution' included reforms such as land redistribution and a share of profits for factory workers. It also resulted in some legal and professional gains for urban women. It was in 1963 that Iranian women gained the right to vote. Additionally, in 1966 the Women's Organization of Iran (WOI) was established, a state-aligned organization that worked towards addressing women's concerns. However, some scholars, including former members such as Mahnaz Afkhami and Haleh Esfandiari, argue that the individual women working within this institution had genuine concerns for women's lives and rights and worked towards these objectives with working-class women and believed themselves to be constructing an indigenous feminist movement (Afkhami, 2004; Esfandiari, 2003).

Later, the Family Protection Law of 1967 limited the practice of polygamy, prohibited men's right to arbitrary divorce, and also granted women the right to child custody. Temporary marriage (*sigheh*), a religiously sanctioned practice for Shi'i Muslims, was discouraged, although the Pahlavi state did not make it illegal. However, state disapproval and its refusal to promote or recognize the practice in public did offer married women autonomy and a sense of control over their matrimony. It also assured them that their husbands were at least not encouraged by the state to have more than one wife. There emerged a secularization of family law at this time, and in 1977 abortion was legalized. On the eve of the 1979 revolution, close to 2,000 female lecturers were employed in higher education and 800 as engineers (Shahidian, 2002b, p. 37). In 1972, close to 500,000 women had developed careers in industry, mining, and transportation (Shahidian, 2002b, p. 40). While these gains are limited, they still empowered some urban and middle-class women to leave abusive marriages, gain custody of their children, and develop their careers (Afkhami, 1994). It should be noted, as Tohidi (1994) has argued, that the Shah's modernization efforts did not have liberating effects for rural women, who remained overwhelmingly illiterate and economically subordinate to, and dependent on, male relatives.

Islamization and subjectivities: citizenship in an Islamic Republic

With the overthrow of the Pahlavi Monarchy and the establishment of an Islamic Republic in Iran, the new state began to implement its gender policies forcefully by 1979–80. Women's role as dutiful mothers and daughters was promoted, and the constitution placed emphasis on their importance in the home and connected this role to the overall well-being of the nation (Algar, 1980). Women were given the duty of nurturing the family, and this remains one of their most important roles in the post-revolutionary state (Omid, 1994). The state-building process underwent intense Islamization, with important ramifications for women, who were no longer considered equal to men with the codification of Shi'i laws that were hardly utilized in modern Iranian history. Islamic modest dress, which included a *rusari* (headscarf) and *monto* (loose-fitting overcoat), became mandatory. Women lost the gains they had achieved with the 1967 Family Law, with men regaining the right to polygamy and divorce, and the official age for marriage being reduced from 18 to 13 (Omid, 1994). Public areas, universities, and the workplace all enforced gender segregation. Once again, women's bodies and sexualities became central to the state-construction process, as they had been in most of modern Iranian history.

The Islamic Republic's moralizing policies aimed at creating an Islamic state resulted in lessening the importance of individuality, particularly in the domain of citizenship (Shahidian, 2002b, p. 113). At the same time, the interplay between Islam and patriarchy is complicated and does allow for multiple forms of subjectivity (Keddie and Baron, 1991). Indeed, it is the paradox that exists within the discursive boundaries of the Islamic Republic and its empowering religious constructs that mark subjectivities as a potentially revealing location from which to explore gendered experiences in the post-revolutionary state. Fighting against injustice is one of the pillars of the Shi'i faith (Momen, 1985). This legal and cultural attribute of the Shi'i faith was central to the intellectual trends of Islamic thinkers and popular politics during the revolutionary and post-revolutionary era (Mottahedeh, 2000). As such, it is imperative to have an understanding of the interplay between women's rights, religion, and the state in the Islamic Republic when questioning and exploring subjectivities in the post-revolutionary period.

From 1980, it was political Islam that supported the majority of Iranian women to construct a language through which they could defend and define their rights (Mir-Hosseini, 1385/2005). Mir-Hosseini contrasts political Islam with traditional (*Sonnati*) Islam, which refuses to engage in gender conversations. Moreover, Adelkhah (2000) claims that one of the ramifications of the Islamic Republic's bureaucratic structure and rationalization of religion has been more extensive social individualization. Adelkhah argues that one of the foundational beliefs of the Islamic thinkers who led the 1979 revolution, such as Shariati, Motahhari, Bazargan, and Khomeini, was faith in the 'responsible individual' who is able to think along the lines of freedom and reason (2000, p. 5). One example of the ways in which autonomy is recognized through Islamist politics is that the legislation 'commanding what is just, and forbidding what is wrong' also means that Muslims have the duty to intervene in the unjust behaviour or policies they may encounter in daily life. The pursuit of collective justice and the autonomy of the individual are both embedded in one of the most influential and controversial laws of the Islamic Republic, as it is connected to the Muslim's responsibility for *jihad* or the personal struggle to establish a moral public order in one's society and all of humanity (Sachedina, 1988, p. 109).

At the same time, this Quranic verse does not extend to the government or citizens the right to impose their interpretations on others because of the importance placed on religious tolerance in Islam (Vaezi, 2004). This tension between the Islamic Republic's governing tactic through this Quranic verse and the importance of religious tolerance in Islam created an opening for people to challenge authoritarianism in the local terrain. It also makes the pursuit of justice one of the central objectives of an Islamic state (Vaezi, 2004). Additionally, given that establishing justice is a central aim of an Islamic state, it is considered to be not only compatible with, but dependent on, democratic governance (Mir-Hosseini and Tapper, 2006). Justice must be sought with the people's approval for it to be just, and this has meant that the misuse of force by the state can be challenged in a society of believers (Mir-Hosseini and Tapper, 2006, p. 86). A person exists in harmony with her society, while she nevertheless is also to be guaranteed individual rights, and this challenges Adelkhah's strong focus on the liberal rights construct.

The Shi'i foundation of the post-revolutionary state legitimized a nation's right to make political interventions in daily life to self-construct their identities and subjecthoods in light of the authoritarian aspects of the governing system. Influential members of the clerical community and intellectual elites that led the 1979 revolution, including Ayatollah Khomeini, Ayatollah Taleghani, Ayatollah Mutahhari, Ali Shariati, and Mehdi Barzargan, all asserted that every Muslim has the right to formulate individual opinions and to struggle against injustice (Zonis, 1985).

Since the early 1990s, Iran has witnessed the development of the reformist movement, which sought to legitimize individual rights and autonomy in the Islamic Republic. Various factions of Iran's civil society, including women's rights activists, students, intellectuals, and reform-minded

individuals within the regime, came together in 1997 and helped engender the *Dovom-e Khordad* reform movement. With the 1997 presidential election of Sayyid Mohammad Khatami, discourses of individual rights, tolerance, pluralism, reason, and civil society were expressed by the Islamic Republic's own elites, who were no longer willing to tolerate the austere and limiting concepts of citizenship and nationhood enforced in the first decade of the regime. This new political framework, when espoused by Khatami, was grounded in the notion that in an Islamic Republic it was still possible to abide by modern notions of rights and subjecthood if the constitution was adhered to more closely. Adib-Moghaddam (2006, pp. 665–8) argues that this 'indigenous political culture' and its move toward democratic reform empowered, and was empowered by, various factions in civil society, and resulted in a 'de-monopolization of the political process' by state elites. It should be noted, however, that many believe this liberal movement pushed aside elements within the state and society that envisioned rights as interdependent and resulted in the formation of an Islamist backlash, most notablly with the rise of Mahmoud Ahmadinejad.

Iranian women's citizenry practices have been notable in the post-1979 period, not only at a regional level, but also in setting an impressive example for women internationally. Like European and North American experiences during World War II, the fiscal demands of the Iran-Iraq war created conditions that undermined the segregation of the public and private spheres (Bahramitash and Salehi Esfahani, 2011, pp. 53–82). Thus, women entered the formal and informal economy and gained significant authority and independence in the post-revolutionary state. In contrast, the state's Islamization process resulted in the barring of women from several professions, including the judiciary. However, this did not prevent women from entering the public sphere en masse after the 1979 revolution; most notable is the significant increase in middle-class women's education levels. Islamist women entered the public sphere through state organizations for gender policing such as *harasat*, *basij*, and other search committees created to control women's behaviour and bodies in the public sphere (Poya, 1999). Islamist women also volunteered as fighters and nurses on war fronts with the support of male relatives and even male state elites, including members of the Revolutionary Guard (Saeidi, 2012a, 2012b). The post-revolutionary state also witnessed the rise of national-level Islamist female leaders (Esfandiari, 1994). Women in the Islamic Republic have had an influential presence in the women's press, politics, and academic domains, and these sites have served as vital spaces for challenging Qom's religious jurists' interpretations of Islamic law through dialogue and writings (Kian, 2012). Women have contested the state's problematic judiciary system as political prisoners and have at times resisted the entire notion of religious governance while behind bars (Saeidi, 2012a, 2012b). Yet at the same time, during my interviews with Islamist activist youth in Iran for a forthcoming project, many young women and men have argued that having women in high-ranking positions is important, but not necessarily an indication of national progress or women's empowerment.

Conclusion

This chapter traced the interplay between gender, religion, and the Iranian people's struggle for citizenship since the early 1900s. It recognizes religion as embedded in the citizenry struggle process and understands it to have both multiple and dispersed effects on identity construction. For instance, it was argued above that during the 1906–11 Constitutional Revolution, while some lower-class women were protective of the ulama, others from the upper-classes found religious authority to be an impediment to their understanding of liberation. In the post-1979 period both the state's governing system and Shi'i political boundaries have helped women challenge the state's gender-discriminatory norms by relying on Islamic thought, ideals, and

scripture, while also benefiting from the opening up of the public sphere and occasional male support in the Islamic Republic.

One of the most dominant forms of citizenships in modern Iran has been an activist one, with resistance to the state's authoritarian nature scattered within society and the state. However, other forms of citizenship are also invoked at strategic moments to create change. For instance, during the 2013 presidential election, the Iranian nation surprised itself and the world with a massive voter turnout, which demonstrated the importance of active citizenship and liberal-rights constructs to the Iranian people. Shortly after the announcement that the reformist-minded candidate, Dr. Hasan Rohani, had won, small groups of people spontaneously poured into the streets shouting slogans such as 'I told you, my martyred brother, I would get your vote back,' remembering those who had lost their lives during the violence that followed the 2009 presidential election. Many young drivers shouted 'You voted for yourself!' to one another while passing in two-way streets in a scene that performed the interdependence of rights. First-time voters congratulated strangers on the street, sang old revolutionary songs, held up victory signs, and created public spaces by having fun. The day after the election, many women wore green or purple headscarves, nail polish, hair dye, and shoes in Tehran, suggesting a form of gender/sexual citizenship associated with the campaign colours of liberal-leaning candidates from the 2009 and 2013 presidential elections. At the same time, supporters of Dr. Saeed Jalili, the most adamant Islamist candidate, quickly congratulated Dr. Rohani, held a public gathering to celebrate the state's republicanism, and vowed to continue their activism under the new government. Collectively, these recent trends also support my claim that the post-1979 Iranian state is still in a process of becoming, while also fostering different forms of citizenship, the most dominant being an activist one.

References

Adelkhah, F. (2000). *Being modern in Iran*. Translated by Jo. Derrick. London: Hurst & Company.

Adib-Moghaddam, A. (2006). 'The pluralistic momentum in Iran and the future of the Reform Movement', *Third World Quarterly*, 27 (4), pp. 665–74.

Afary, J. (1989). 'On the origins of feminism in early 20th-century Iran', *Journal of Women's History*, 1 (2), pp. 65–87.

Afary, J. (1992). 'The debate on women's liberation in the Iranian Constitutional Revolution, 1906–1911', in C. Johnson-Odim and M. Strobel (eds.), *Expanding the boundaries of women's history: essays on women in the Third World*. Bloomington and Indianapolis, IN: Indiana University Press, pp. 101–21.

Afary, J. (1996). *The Iranian constitutional revolution, 1906–1911: grassroots democracy, social democracy, and the origins of feminism*. New York: Columbia University Press.

Afkhami, M. (1994). 'Women in post-revolutionary Iran: a feminist perspective', in M. Afkhami and E. Friedl (eds.), *In the eye of the storm: women in post-revolutionary Iran*. New York: I. B. Tauris, pp. 5–18.

Afkhami, M. (2004). 'The Women's Organization of Iran: evolutionary politics and revolutionary change', in L. Beck and G. Nashat (eds.), *Women in Iran: from 1800 to the Islamic Republic*. Urbana and Chicago: University of Illinois Press, pp. 107–135.

Algar, H. (1969). *Religion and state in Iran, 1785–1906*. Berkeley, CA: University of California Press.

Algar, H. (1980). *Constitution of the Islamic Republic of Iran*. Berkeley, CA: Mizan Press.

Amin, C. M. (1999). 'Propaganda and remembrance: gender, education, and 'The Women's Awakening' of 1936', *Iranian Studies*, 32 (3), pp. 351–86.

Arjomand, S. A. (1988). *The turban for the crown: the Islamic Revolution in Iran*. New York: Oxford University Press.

Bahar, S. (1983). 'A historical background to the women's movement in Iran', in F. Azari (ed.), *Women of Iran: the conflict with fundamentalist Islam*. London: Ithaca Press, pp. 170–89.

Bahramitash, R. and Salehi Esfahani, H. (2011). 'Modernization, revolution, and Islamism: political economy of women's employment', in R. Bahramitash and H. Salehi Esfahani (eds.), *Veiled employment: Islamism and the political economy of women's employment in Iran*, Syracuse, NY: Syracuse University Press, pp. 53–82.

Bayat-Philipp, M. (1978) 'Women and revolution in Iran, 1905–1911,' in L. Beck and N. Keddie (eds.), *Women in the Muslim world*, Cambridge, MA: Harvard University Press, pp. 295–308.
Chehabi, H. E. (1993). 'Staging the emperor's new clothes: dress codes and nation building under Reza Shah' *Iranian Studies*, 26 (3–4), pp. 209–29.
Chehabi, H. E. (2003). 'The banning of the veil and its consequences', in S. Cronin (ed.), *The making of modern Iran: state and society under Riza Shah, 1921–1941*. New York: Routledge, pp. 193–210.
Cronin, S. (2010). 'The Constitutional Revolution, popular politics, and state-building in Iran', in H. E. Chehabi and V. Martin (eds.), *Iran's Constitutional Revolution: popular politics, cultural transformations and transnational connections*. London: I. B. Tauris, pp. 81–97.
Esfandiari, H. (1994). 'The Majles and women's issues in the Islamic Republic of Iran', in M. Afkhami and E. Friedl (eds.), *In the eye of the storm: women in post-revolutionary Iran*. New York: I. B. Tauris, pp. 61–79.
Esfandiari, H. (1997). *Reconstructed lives: women and Iran's Islamic Revolution*. Washington DC: Woodrow Wilson Center Press.
Esfandiari, H. (2003). *Middle Eastern women on the move: openings for and the constraints of women's political participation in the Middle East*. [pdf] Washington, DC: Woodrow Wilson International Center for Scholars. Available online at www.wilsoncenter.org/sites/default/files/MEP_women.pdf (accessed 1 June 2013).
Gheissari, A. (2010). 'Constitutional rights and the development of civil law in Iran, 1907–41', in H. E. Chehabi and V. Martin (eds.), *Iran's Constitutional Revolution: popular politics, cultural transformations and transnational connections*. London: I. B. Tauris, pp. 69–79.
Hoodfar, H. (1997). 'The veil in their minds and on our heads: veiling practices and Muslim women', in L. Lowe and D. Lloyd (eds.), *The politics of culture in the shadow of capital*. Durham, NC: Duke University, pp. 248–79.
Isin, E. F. (2008). 'Theorizing acts of citizenship', in E. F. Isin and G. M. Nielsen (eds.), *Acts of citizenship*. London and New York: Zed Books, pp. 15–43.
Kashani-Sabet, F. (2005). 'Patriotic womanhood: the culture of feminism in modern Iran, 1900–1941', *British Journal of Middle Eastern Studies*, 32 (1), pp. 29–46.
Keddie, N. R. (1966). *Religion and rebellion in Iran: the Tobacco Protest of 1891–1892*. London: Frank Cass & Co.
Keddie, N. R. (1983). 'Iranian revolutions in comparative perspective', *American Historical Review*, 88 (3), pp. 579–98.
Keddie, N. R. and Baron, B. (eds.) (1991). *Women in Middle Eastern history: shifting boundaries in sex and gender*. New Haven, CT: Yale University Press.
Kian, A. (2012). 'Gendered citizenship and the women's movement in Iran', in R. Parsi (ed.), *Iran: a revolutionary republic in transition*. Paris: Institute for Security Studies, European Union, pp. 61–78.
Martin, V. (1989). *Islam and modernism: the Iranian Revolution of 1906*. London: I. B. Tauris.
Mir-Hosseini, Z. (1385/2005). 'Islam-e Syasi va Ayandeye Zan-e Musalman (Political Islam and the future of Muslim women)', *Baztab Andeshe*, 76, pp. 532–540.
Mir-Hosseini, Z. and Tapper, R. (2006). *Islam and democracy in Iran: Eshkevari and the quest for reform*. London: I. B. Tauris.
Moaddel, M. (1994). 'Shi'i political discourse and class mobilization in the Tobacco Movement of 1890–92', in J. Foran (ed.), *A century of revolution: social movements in Iran*. London: UCL Press, pp. 1–20.
Momen, M. (1985). *An introduction to Shi'i Islam: the history and doctrines of Twelver Shi'ism*. New Haven, CT: Yale University Press.
Mottahedeh, R. (2000). *The mantle of the Prophet: religion and politics in Iran*. Oxford: One World.
Najmabadi, A. (1991). 'Hazards of modernity and morality: women, state and ideology in contemporary Iran', in: D. Kandiyoti (ed.), *Women, Islam and state*. London: Macmillan.
Najmabadi, A. (1993). 'Zanhā-yi Millat: women or wives of the nation?' *International Society for Iranian Studies*, 26 (1/2), pp. 51–71.
Najmabadi, A. (1998). *The story of the daughters of Quchan: gender and national memory in Iranian history*. Syracuse, NY: Syracuse University Press.
Omid, H. (1994). *Islam and the post-revolutionary state in Iran*. New York: St. Martin's Press.
Paidar, P. (1995). *Women and the political process in twentieth-century Iran*. Cambridge: Cambridge University Press.
Poya, M. (1999). *Women, work and Islamism: ideology and resistance in Iran*. New York: Zed Books.
Rivetti, P. (2013). 'Democracy and secularism in Iran: lessons for the Arab Spring?', *Mediterranean Politics*, 18 (1), pp. 125–32.
Sachedina, A. A. (1988). *The just ruler (al-sultān al-'ādil) in Shī'ite Islam: the comprehensive authority of the jurist in Imamite jurisprudence*. Oxford: Oxford University Press.

Saeidi, S. (2010). 'Creating the Islamic Republic of Iran: wives and daughters of martyrs, and acts of citizenship', *Citizenship Studies*, 14 (2), 113–26.
Saeidi, S. (2012a). Hero of her own story: gender and state formation in contemporary Iran. PhD thesis, Cambridge University.
Saeidi, S. (2012b). 'Reconsidering categories of analysis: possibilities for feminist studies of conflict', *Gender and History*, 24 (3), 799–824.
Shahidian, H. (2002a). *Women in Iran: emerging voices in the women's movement*. London: Greenwood Press.
Shahidian, H. (2002b). *Women in Iran: gender politics in the Islamic Republic*. London: Greenwood Press.
Tavakoli-Targhi, M. (2002). 'From patriotism to matriotism: a tropological study of Iranian nationalism, 1870–1909', *International Journal of Middle East Studies*, 34, pp. 217–38.
Tohidi, N. (1994). 'Modernity, Islamization, and women in Iran,' in V. M. Moghadam (ed.), *Gender and national identity: women and politics in Muslim societies*. Oxford: Oxford University Press, pp. 110–47.
Vaezi, A. (2004). *Shia political thought*. London: Islamic Centre of England.
Zonis, M. (1985). 'The rule of the clerics in the Islamic Republic of Iran', *Annals of the American Academy of Political and Social Science*, 482, pp. 85–108.

31

Trajectories of citizenship in South Korea

Seungsook Moon

This chapter explores how citizenship as an idea and practice has evolved in South Korea since its foundation as a divided nation in 1948.[1] It approaches citizenship as a form of political membership of a community governed by a modern state; hence it encompasses a range of relationships between the individual and the state, social groups and the state, and among the individuals and social groups. The specific content of citizenship, including its local meanings and practices, can vary from one political community to another and within a given political community over time. This broad working definition of citizenship focusing on change is necessary to globalizing citizenship studies by recognizing the political and cultural agency of women and men who are exposed to a meaning of citizenship, adopt it, modify it, and reinvent it in accordance with their daily experiences in a specific local context. This chapter also pays attention to the interplay between globalization and localization in practising citizenship. As will be discussed below, this intricate working of the apparently competing forces of globalization and localization existed before contemporary globalization.

First, this chapter briefly discusses how the liberal idea of citizenship was introduced in traditional Korea in the late nineteenth century and was eclipsed in the first half of the twentieth century. This discussion is necessary for identifying certain important historical legacies that informed the development of citizenship in the post-1948 period. Second, it discusses the trajectory of citizenship in conjunction with the types of political regimes[2] that ruled South Korean society. This section highlights authoritarian practices of citizenship by both civilian and military regimes and the democratization of citizenship. The last section discusses implications for the trajectory of citizenship in South Korea of (contemporary) globalization, which has accelerated the migration of various groups of people across political boundaries.

Historical legacy

The 'Enlightenment era' (1890s–1900s)

The liberal idea of citizenship was introduced to Korea in the late nineteenth century when the Chosŏn Dynasty (1392–1910) was in decline as a result of internal and external challenges. The internal challenge included peasants' uprisings in response to heavy taxation and escalating

exploitation by corrupt local rulers and their retainers. The external challenge involved varying degrees of threats from Britain, France, Japan, Russia, and the US, who were looking for trading ports and colonies. In particular, the external threat from Japan urged nationalist reformers (of various political persuasions) to generate the discourse of citizenship in their soul-searching discussion of how to re-envision the relationship between the state and its people to renew and strengthen the country. This type of discourse was disseminated through newspapers established as a new medium of nationalist movements. *The Independent Newspaper (Tongnip sinmun)*, the first vernacular Korean (and English) paper published by Western-oriented nationalist reformers from 1896 to 1899, played a major role in introducing the liberal notion of rights-bearing citizens as equal members of a nation. While this was a radical idea that could not be put into practice in the traditional society ruled by a hereditary monarchy, it was significant in terms of expanding the intellectual horizon of nationalist reformers.

However, the liberal notion was soon eclipsed by conservative or even reactionary views of citizenship that emphasized citizens' duty to save and strengthen the nation. Even nationalist reformers with some liberal inclination ended up embracing this emphasis on duty and loyalty to the country in the face of aggressive colonial powers. In this political context, individual members of a nation were viewed as its instrumental component to be awakened and mobilized rather than equal individuals with rights (Moon 2013: 12). The conservative turn in the discourse of citizenship became prominent after Korea became a protectorate of Japan in 1905. This political disaster was reflected in the discourse of *kungmin*. Literally meaning people of a state, this term originated from *Staatsvolk*, a German word that was translated into Japanese, and came to Korea at the turn of the twentieth century. The dire political situation in Korea contributed to the publication of a book, entitled *Kungminsuji* (*What people are to know*), in 1906 after its content was serialized in the conservative *Hwangsŏng Newspaper* and widely circulated among the educated elites. In their desperate call to save the Chosŏn monarchy, the conservative elite adopted and used this new term to mobilize individuals for collective survival. At the same time the political blow to the monarchy also opened space for liberal discourse of citizenship that promoted individual freedom and equality in a republican polity. Yet, subsequent colonization by Japan did not allow further development of this liberal discourse and such practices of citizenship. As will be discussed below, *kungmin* became a standard term for referring to a citizen in South Korea.

Japanese colonial rule (1910–45)

Colonial rule left an enduring marker in the discourse of citizenship and its practices in postcolonial South Korea. During this period, Koreans were relegated to second-class citizenship and witnessed the spread of an authoritarian idea and practices of citizenship, which was disseminated through the discourse of *kungmin* before colonization. The colonial state superimposed the Japanese notion of a self-sacrificing subject loyal to the Emperor as a model of citizenship for the colonized Koreans. In particular, the colonial state suppressed the political agency of Koreans and only recommended their duty to be productive and diligent. That is, the colonial state denied Koreans basic civil rights, including freedom of the press, of assembly, and of association, and the political rights to vote and stand for public office. But they were allowed to own property and accumulate wealth and encouraged to work hard and be productive. As will be discussed below, this idea and practice of depoliticized and productive citizenship outlived colonial rule and was adopted by postcolonial Korean governments.

Yet, authoritarian colonial rule failed to destroy political activism among Koreans altogether. On 1 March 1919, a protest against militaristic repression by the colonial state broke out and

spread across the nation and thereby pressed the state to tolerate certain limited civil rights. This led to the creation of newspapers, journals, and cultural associations. In addition, the Russian Revolution (1917) and the spread of socialism and communism in the world allowed for the development of a new discourse of citizenship in the 1920s. This development led to the bifurcation of citizenship discourse in colonial Korea. At the right of the political spectrum, 'enlightenment intellectuals' continued the discourse of depoliticized citizenship, which focused on the leading role of educated intellectuals and Koreans' responsibility for cultivating morality and character through education and cultural activities. On the left, intellectuals countered the right's elitist view of citizenship with a populist view that stressed the agency of the downtrodden or common people to act upon the world for positive social and political change, at least in principle. For example, socialism influenced local youth associations and movements that mushroomed after the aforementioned March First Movement. These associations organized radical social reform activities, ranging from night school literacy programmes and dealing with tenant farmers' problems to performances of plays.

Outside the Korean Peninsula, the Korean Communist Party was formed in Shanghai and published its Manifesto in 1926, which promoted a democratic republic where its members would enjoy basic civil and political rights and even extensive social rights. However, the Japanese colonial state suppressed these progressive ideas and their movements in the context of its militaristic expansion in China during the 1930s and drove them underground. In response, Korean communists outside Korea joined guerrilla groups in Manchuria under the Chinese Communist Party to fight against Japan's colonial empire. Meantime, the colonial state further bolstered the authoritarian idea and practices of citizenship, stressing unwavering loyalty to the state without basic rights and equality.

US military government rule (1945–48)

Colonial rule came to an abrupt end with the Allied Forces' victory over the Axis Powers in World War II. Decolonized Korea was immediately divided at the 38th parallel for strategic military operations during the final days of the war, but this division was solidified by the growing ideological chasm between the South and the North. Against the backdrop of the emerging Cold War, the US military occupied southern Korea, which became the Republic of Korea after the end of this military rule in 1948. In startling contradiction to the normative ideals of the modern state and citizenship, the US perceived Koreans as not ready for self-rule; as the occupying force, 'the U.S. army treated Korean people as abject Orientals whom it had saved from the tyranny of Japanese fascism, and certainly did not recognize them as modern citizens possessed of sovereignty' (Moon 2013: 20). While promoting liberal democracy in Japan, as a showcase with serious plans and commitment, the US was primarily interested in establishing an anti-communist government in Korea to ensure its strategic interests. This differential treatment reflected both Korea's geopolitical position in the Cold War and its secondary position among allies in northeast Asia.

Despite the rhetoric of spreading democracy in the world, US military rule largely continued the authoritarian idea and practices of citizenship that the Japanese colonial government adopted and implemented. Like the colonial government, the military government severely restricted civil and political rights and allowed economic freedom to pursue profit and wealth in the capitalist economy. This perpetuation of authoritarian citizenship needs to be understood in conjunction with the military government's goal of establishing an anti-communist regime in southern Korea. Hence it suppressed and eradicated locally grown leftist movements and organizations and advocated rightist movements and organizations. For example, the military

government tolerated freedom of speech and the press as long as it did not interfere with its anti-communist policy and goals; at the same time it commonly implemented aggressive measures to close leftist newspapers and arrest leftist journalists and intellectuals. Similarly, in its education policy to foster 'patriotic democratic citizens', the US military government persecuted leftist teachers and students and indoctrinated other teachers and students to become anti-communist members of the state. As a result, Korean citizens were reduced to an instrument useful to the military government promoting anti-communism and capitalism. It is noteworthy that this view and these practices of citizenship resonate with the instrumental collectivism of nationalist discourses of citizenship as well as the colonial discourse of citizenship.

If we look for some positive legacy for the idea and practices of citizenship from this period, the US military government introduced political rights to vote and stand for public office and promoted gender equality in formal education. But these rights were reserved for those citizens who were not leftists or their supporters. It is very important to understand that militant anti-communism generated a crippling social and political context where individual citizens could not choose their political ideology, express their views in various mass media, and could not organize themselves into associations. This was deeply ironic and contradictory to the rhetoric of individual freedom and democracy the Capitalist West promoted in the Cold War era.

Trajectory of citizenship in South Korea

Citizenship under authoritarian rule (1948–87)

Since the foundation of South Korea as a sovereign nation, the country had been ruled by authoritarian governments for four decades. During this period, both civilian and military regimes used anti-communism and nationalism, which became the two most powerful political ideologies in society after the historical experiences of imperialism, colonization, and US military rule, in order to mould Koreans into *kungmin*. As has been discussed above, this local version of citizenship highlighted loyalty to the nation-state and severely curtailed basic civil and political rights in promoting an anti-communist citizen. Rhee Syngman's[3] civilian government (1948–60) infused anti-communism with fierce anti-Japanese nationalism to construct such citizens. It adopted the US military government's technique of ruling and continued to suppress already weakened leftist movements and organizations and sponsored anti-communist movements and organizations. It also established the National Security Law to ensure citizens' conformity to its political ideology and punish those who failed to obey. Mr. Rhee frequently abused this law to eliminate any political opposition and prolong his presidency. His authoritarian regime was overthrown by a popular uprising led by college students and intellectuals, who demanded a version of liberal democracy that would guarantee the basic civil and political rights of citizens.

However, the potential to develop a democratic government and thereby democratic citizenship was ended by a military coup d'état led by General Park Chung Hee. His military regime (1961–79) superimposed the idea and practices of productive citizenship on Rhee's authoritarian version by using surveillance and physical violence. On the one hand, Park's government indoctrinated, monitored, and mobilized citizens for its anti-communist and economic policies and programmes through the mass media, schooling, the resident registration system, and mandatory military service for men. On the other hand, it also punished those who refused to become anti-communist citizens under the National Security Law and the Anti-communist Law. These laws not only curtailed the basic civil and political rights of ordinary citizens, but also justified imprisonment, torture, and even execution of political dissidents, including student activists and labour activists, as well as North Korean spies and their collaborators (Moon 2005: ch. 1). Park's

regime was far more effective in moulding Koreans into productive and dutiful citizens (that is, *kungmin*) because it was able to incorporate modern techniques of ruling more extensively and actively pursued industrial transformation of the country. Park's hardening authoritarian rule and state-directed industrialization incited a series of protests and enduring dissident activism among college students, factory workers, intellectuals, and politicians over the questions of democracy and the humane treatment of workers and the poor. His rule ended abruptly with his assassination by the Korean Central Intelligence Agency director, Park's own right-hand man, in the midst of mounting popular protests (Moon 2005: ch. 4).

A possibility for developing a democratic government and thereby democratic citizenship was again halted by a military coup d'état led by General Chun Doo Hwan. In contrast to Park's coup, which resulted in few casualties, Chun's coup involved a bloody massacre of several hundred citizens in Kwangju City. Although this information was suppressed during Chun's rule (1980–7), rumours of such bloodshed circulated throughout the country. This contributed to the problem of severely weak legitimacy that plagued Chun's rule throughout his presidency. Chun's government imitated Park's technique of ruling in moulding Koreans into loyal and productive citizens (that is *kungmin*). But the growth of a consumer society and the urban middle class by the 1980s as a result of the rapid industrial transformation of the country started to weaken the appeal of such nationalist and disciplinary calls to be dutiful citizens. In addition, the multiplication of college students in the early 1980s contributed to the expansion of activism among students radicalized by the authoritarian rule and the exploitation of a growing number of factory workers. As authoritarian rule intensified, the urban middle class, which was not particularly politicized, began to support dissident activism with regard to democratization and the labour movement. By the summer of 1987, popular protests escalated to a massive scale involving hundreds of thousands of people from all walks of life, not just political and labour activists. These popular movements pressured Chun's government to make a significant concession to the public and restore the election of the President by the people.

Citizenship under democratic rule (1988 to the present)

The transition to electoral democracy was by no means a smooth and linear process. Despite the revival of presidential elections, the failure to produce a unified candidate among opposition parties led to the election in 1987 of Roh Tae Woo, a military general handpicked by Chun as his successor. It was not until the election of Kim Young Sam in 1992 that a civilian presidency was restored after military authoritarian rule that began in 1961 with Park's military junta. Yet YS Kim's civilian government had a major defect from the start, as he stood as the candidate of an amalgamated party that brought the military elite and the conservative civilian elite together. This transition to democracy, shaped by political expediency and compromises, contributed to the conservative nature of democratization in South Korea. This means that the expansion of basic civil and political rights coexisted with the perpetuation of authoritarian practices of citizenship and the rigid ideologies of anti-communism and national security that truncated these rights for decades. This reality of power politics also pressurized Kim Dae Jung, a leading dissident to the military rule, to stand as a candidate of a similar type of amalgamated party in 1997.[4]

Against the backdrop of conservative democratization, there were significant changes that boded well for the trajectory of democratic citizenship in South Korea. The most significant development in this regard was arguably the emergence and spread of 'citizens' organizations', voluntary grass-roots associations of men and women pursuing 'progressive' social change through monitoring the government, big business, and other powerful actors in society. The first of this type of organization was the Citizens' Coalition for Economic Justice (CCEJ), formed in 1989.

Popularizing the term citizen (*simin*) as 'a master of Korean society', the CCEJ re-envisioned citizenship as a democratic relationship to the state in its promotion of active involvement of ordinary citizens in monitoring political and economic elites and powerful social institutions. Other major citizens' organizations include the Korean Federation of Environmental Movements (KFEM), formed in 1993, and the People's Solidarity for Participatory Democracy (PSPD), formed in 1994. This type of large citizens' organization used civil and political rights restored and expanded in the process of democratization and fought for social rights, including a minimum wage, economic justice, and a safe, pollution-free environment.

However, despite their valuable contribution to the development of democratic citizenship these citizen's organizations have been dominated by educated, urban, middle-class men, who make up a relatively privileged social group. This class and gender cleavage has been visible in the leadership as well as the general membership. Middle-class professional men, who are lawyers, professors, and journalists, tend to dominate leadership positions in these organizations. The cleavage is also visible in the lingering tension between citizens' organizations and women's organizations and in that between citizens' movements and trade union movements. First, the Korean Women's Association United (KWAU), an umbrella organization of autonomous women's associations with feminist orientations formed in 1987, used the gender-specific term 'women' rather than the gender neutral term 'citizens' in identifying the subject of their movement. There are different views on whether women's organizations are also citizens' organizations; this reflects the experiences of women's organizations that women's interests were commonly subordinated to more conventionally political issues, rather than also embraced as political issues (Moon 2012). At the same time educated middle-class women also dominated women's organizations except for the women's trade union movement (Moon 2010). Second, major citizens' organizations subordinate labour issues and working-class issues to broader political issues and some working-class men and their advocates reject the term citizenship as a 'bourgeois' idea. But labour movements in South Korea have struggled to transform exploited and oppressed male workers into 'masters' of their destiny who would enjoy the rights of democratic citizenship. At the same time, labour movements have been dominated by male workers in high-paying heavy industry and have marginalized women workers (Moon 2005: ch. 5).

In addition, the centralized structure of the major citizens' organizations generated the dichotomy between professional activists and officers on the one hand and lay members on the other. Despite their promotion of active participation by ordinary citizens, this dichotomy resulted, in practice, in limited roles for lay members, who were expected to pay dues and provide voluntary assistance to professional staff; such a structure and practices ironically perpetuate the authoritarian idea that individual citizens are objects of mobilization for the goals of a collectivity, either an organization or a nation (Moon 2010). These multiple problems of large and centralized citizens' organizations and movements led to the development of less centralized and smaller citizens organizations in the 2000s.

Ongoing transformation of citizenship shaped by globalization (late 1980s to the present)

As democratization has modified the authoritarian meaning and practices of citizenship in South Korea, contemporary globalization has begun to challenge the boundaries of democratic citizenship. As recent studies of citizenship and globalization analyse, this challenge is characterized by complication in the naturalized connections between citizenship, territory, and ethnicity[5] and race tied to birth and ancestry (Balibar 2004; Bosniak 2006; Shachar 2009; Stevens 2010). In many societies, these connections are commonly promoted by the cultivation of a visceral sense of

blood and belonging and this sense is particularly strong in various versions of ethnic nationalism. Ethnic nationalism in South Korea has for long assumed that Korean citizenship is limited to, and reserved for, Korean ethnics born in the territory of Korea.[6] In addition, in a reflection of the Confucian principle of patrilineage, Korean ancestry was traced only through the male descent.[7] While the naturalized connections have persisted, as studies of migration elsewhere show (Dower and Williams 2002; Rygiel 2010; McNevin 2011), the migration of various social groups to South Korea since the late 1980s has challenged the boundaries of democratic citizenship. These diverse groups of migrants include foreign workers employed in low-paying manufacturing and service industries, foreign women who marry poor Korean men in urban and rural areas, and North Korean migrants who escaped from the totalitarian regime after it failed to adequately feed its populace.

Initially, migrant foreign workers came to South Korea as 'industrial trainees' to fill '3-D (dangerous, difficult, and dirty) jobs' that South Korean citizens would not want. Employed mostly by small businesses, these workers were subject not only to economic exploitation but also to personal abuse such as beatings and being shouted at. As their number grew, Christian organizations and some of the citizens' organizations discussed above started to advocate for the basic human rights of these workers. The first protest by foreign migrant workers took place at the headquarters of the CCEJ in 1994 (Lim 2010: 58). By 2000 these workers had become more independent and organized their own associations to protect their rights and promote their interests. This struggle contributed to the end of the highly discriminatory 'Industrial Trainee Programme' in 2008 and its replacement by an 'Employment Permit System,' which would guarantee the same basic labour rights for foreign workers and Korean workers at least in principle (Lim 2010: 56–7). But this permit system still requires migrant workers to leave Korea when their contracts end[8] because it was designed to prevent them from settling in Korea permanently. As a growing number of these migrant workers come to stay longer than their initial plans or stay permanently because of economic necessity and marriage to Koreans, their organizations have begun to demand the right to permanent residency and citizenship in addition to humane and fair working conditions.

In the mid-2000s over one million migrant workers came to South Korea from over 100 countries around the world (*Seoul Newspaper*, 18 July 2008). In December 2012, their number was close to 550,000. Comparatively speaking, these numbers are still quite small, representing only one to two per cent of the entire South Korean population. Yet, given the enduring power of exclusionary ethnic nationalism and the reality of relative racial and ethnic homogeneity in Korean society, their growing presence, particularly of those who wish to immigrate, poses a profound challenge to the boundaries of democratic citizenship in South Korea.

The situation of 'marriage migrants' is quite different from that of the migrant workers. From the beginning, these foreign women are allowed to become South Korean citizens through marriage and giving birth to Korean citizens; hence, they are expected to be assimilated to Korean culture. This migration route opened when the Korean government promoted marriage between Korean men and Chinese women of Korean ancestry to deal with the problem of rural bachelors who could not find Korean brides. Since the first Korean-Chinese bride married a Korean man in December 1990, this type of international marriage has exploded throughout the 1990s and 2000s. Countries sending marriage migrants expanded beyond China and included not only other Asian countries (Vietnam, the Philippines, Thailand, Mongolia), but also Russia and Uzbekistan. This diversification resulted from the proliferation of commercial matchmaking services after the government curbed the migration of Korean-Chinese women. This stoppage was in response to the growing problems of runaway brides and divorce in such marriages, which stemmed from anachronistic patriarchal expectations that Korean-Chinese brides would

adopt the role of subordinate and docile wives and daughters-in-law that younger-generation Korean women would not. Yet many Korean-Chinese brides have turned out to be modern, expecting equal treatment and respect and aspiring to pursue independent lives. The same patriarchal expectation has greeted foreign brides from other countries and thereby generated the same problems of divorce and runaway brides.

In 2006 and 2007, over 40 per cent of marriages in rural South Korea were between Korean men and foreign brides; this type of marriage represents approximately 11 per cent of marriages taking place in a given year (*Munhwa Daily*, 14 August 2008). In 2012, there were roughly 260,000 marriage migrants, including those who became citizens through naturalization (*Yonhap News*, 27 December 2012). As their number grew, some of these women formed their own associations and questioned the normative expectation of their assimilation to Korean culture. This development contributed to the emergence of 'multiculturalism' to deal with 'cultural differences' that marriage migrants bring to Korean society. Since 2006, the Korean government has promoted multicultural programmes, workshops, and activities as an integral component of government-sponsored social services for 'multicultural families' and incorporated many NGOs into this service network. This is in sharp contrast to the lack of social services provided for migrant workers. Moreover, in April 2012, Jasmin Yi, a Filipina marriage migrant who came to Korea in 1995, was elected as the National Assembly member at large. Her role is to represent the concerns and interests of 'multicultural families' throughout the country. Although these marriage migrants and their children continue to face discrimination and marginalization, their growing visibility challenges popular perceptions about the boundaries of Korean citizenship.

North Korean migrants (or refugees) pose a different kind of challenge to the boundaries of democratic citizenship in South Korea, because they are co-ethnics with cultural differences, including a different political ideology. Despite a shared language and ancestry, two different economic and political systems in the divided nation have generated dissimilar attitudes, behaviour, habits, and values. Given that anti-communism has been an official and unofficial state ideology in South Korea for decades, the incorporation of former members of the communist body politic is seen as deeply unsettling. This is reflected in a lingering suspicion of such settlers, discrimination against them in the labour market, and other kinds of social marginalization.

The sizeable influx of North Korean migrants to South Korea began in the early 1990s, when North Korea was severely hit by the collapse of the Soviet Union and crop failures. In response to their steady increase, the South Korean government opened an education centre (Hanawŏn) in 1999 to provide them with the information and skills necessary for adjusting to South Korean society. The number of North Korean migrants who received this education peaked during Roh Moo Hyun's government (2003–7), which maintained a favourable policy toward the North; each month on average over 300 migrants escaped to the South. During the conservative Lee Myong Bak's government (2008–12), which maintained hostility to the North, the number of migrants decreased. As of 2013, there are approximately 25,000 North Korean migrants in the South (*Weekly Choson*, 23 April 2013). These migrants have set up their own association to protect their rights and promote their interests. Their ongoing struggle challenges South Korean citizens to accept co-ethnic differences beyond differences of foreign ethnics in the body politic.

Conclusion

This article has explored how citizenship as an idea and practice has evolved in South Korea against the backdrop of a chequered social and political history, encompassing imperialist aggression, colonization, US military government rule, authoritarian rule by both civilian and military

Korean regimes, and democratization and globalization. A few features are noteworthy in the complex trajectories of citizenship in South Korea. First, political and cultural elites who control the state and prioritize its survival and expansion are inclined to reduce its individual members to tools to be used and resources to be mobilized to achieve such goals. This instrumental collectivist view of citizenship persisted in Korea from the late nineteenth century to the 1980s regardless of the types of regimes that ruled society. This conception of citizenship underlay not only the nationalist discourse in the context of the declining hereditary Chosŏn monarchy and the colonial discourse and practices of citizenship during Japan's colonial rule of Korea, but also the postcolonial discourses and practices of citizenship during the US military rule and during the authoritarian rule by Korean civilian and military regimes. To varying degrees, these discourses and practices emphasized the loyalty and duty of individuals to the state at the expense of their rights and equality and tried to mould them into useful members in accordance with preferred ideologies of nationalism, patriotism, capitalism and anti-communism. This underlying authoritarian dynamic in the politics of citizenship reveals that capitalism and anti-communism are not necessarily synonymous with democracy as the Cold War binary thinking of the Capitalist West (open and democratic) versus the Communist East (closed and totalitarian). In fact, the Korean case shows that liberal democracy that prioritizes the individual right to accumulate wealth and own property has coexisted with authoritarian practices of limiting basic civil and political rights.

Second, the authoritarian views and practices of citizenship of the political and cultural elites have generated popular resistance and protests as well as grass-roots acceptance and acquiescence. Such resistance and protests in collective forms have been the primary force for democratizing citizenship by deepening its rights and expanding its boundaries. This does not mean that such collective efforts are usually successful, but it highlights the profoundly contested nature of citizenship. It is important to recognize that such efforts have often incited violent and even bloody crackdowns and at times resulted in some concessions from the elites. The South Korean case, as in other capitalist societies, shows that various forms of regimes that ruled the society are most willing to guarantee the individual right to accumulate wealth and own property and the right to education. Men and women had to struggle at a grass-roots level to gain and maintain other rights, including civil, political, and social ones.

Third, global forces and processes were significant for the evolution of citizenship in South Korea even before contemporary globalization became a dominant economic and political force in the post-Cold War era. As has been discussed above, the globalizing forces and processes of imperialism and colonialism were vividly present in Chosŏn Korea when its nationalist elites were introduced to the liberal notion of citizenship that came to Korea and modified it with instrumental collectivist twists. The globalizing forces of socialism and communism also influenced the discourses of citizenship in colonial Korea through various forms of revolutionary movements commonly tied to anticolonial struggle. The US military, with its sprawling global network of bases, has been an important (but often overlooked) example of a globalizing force in the so-called postcolonial era. The US military rule of South Korea ironically consolidated the authoritarian citizenship that coexisted with the formal political right and the right to accumulate wealth and own property at the expense of basic civil rights (including freedom of ideas, expression, and association) under the rubric of anti-communism. The legacy of this authoritarian citizenship endures even after the conservative democratization of Korean society.

The process of contemporary globalization has complicated the boundaries of democratic citizenship that South Koreans have struggled to restore and deepen in the process of conservative democratization. The ongoing migration to Korea of women and men as workers, brides, and refugees suggests the birthright citizenship that Koreans have accepted as 'natural' needs to

be examined. This is based not only on ethical concern in the face of the exploitation and suffering of migrants, but also on practical concerns about extremely low birth rates and a rapidly ageing population. While the ethical concern is boosted by the globalization of the human rights framework in the past two decades or so, the demographic concerns speak directly to the reproduction of Korean society both economically and biologically. It remains to be seen how these factors will play out with other social and political issues in shaping this trajectory of citizenship.

Notes

1 The core structure and content of this chapter, except for the last section on contemporary globalization, are based on my chapter, 'The idea and practices of citizenship in South Korea', published in *Citizenship and migration in the era of globalization: the flow of migrants and the perception of citizenship in Asia and Europe*, edited by Markus Pohlman, Jonghoe Yang, and Jong-hee Lee. Berlin and Heidelberg: Springer Verlag, 2013.
2 As a concept broader than a government, regime refers to not only the government and other institutions of the state, but also the processes and structures through which these institutions of ruling are related to the larger society.
3 Names of South Korean presidents are written in the Korean order of writing a surname first.
4 Yet DJ Kim's election signified a watershed in Korean national politics, because his presidency marked the peaceful transfer of power to the leader of opposition movements and political parties that were based in the marginalized Honam region who challenged the two military dictators, Park and Chun, who came from the Youngnam region that dominated Korean politics for decades.
5 Ethnicity refers to a social group that *putatively* shares ancestry, custom, language, or religion. When an ethnic group is able to form its own state to govern a given territory it has resided in for a long time, ethnicity becomes synonymous with a nationality, and such aspiration for and belief in having an ethnically homogeneous state is called ethnic nationalism. The putative nature of commonality reveals the extent to which ethnicity is a social and political construct rather than a simple fact. Complex and ambiguous meanings of ethnicity in its usage in specific contexts also reveal its social and political construction.
6 The Korean Nationality Law, initially promulgated in 1948, did not recognize permanent residency until 2002 and 'double nationality' until 2010. After its ninth revision in 2010, the Nationality Law allows for 'multiple nationality' in a convoluted manner (Yi 2013).
7 This patrilineal nationality principle was eliminated in the 2010 revision; now the Korean government grants Korean citizenship to children of a Korean mother and a non-Korean father.
8 A maximum term is four years and ten months. But many migrant workers are forced to stay to make money to support their families back home, and as a result they become 'illegal' residents, who are more vulnerable to severe exploitation and abuses. As of October 2012, there were approximately 180,000 'illegal' migrant workers (*Yonhap News*, 27 December 2012).

References

Balibar, E. (2004) *We, the people of Europe? Reflections on transnational citizenship*, translated by J. Swenson. Princeton, NJ: Princeton University Press.
Bosniak, L. (2006) *The citizen and the alien: dilemmas of contemporary membership*, Princeton, NJ: Princeton University Press.
Cabrera, L. (2010) *The practice of global citizenship*, Cambridge: Cambridge University Press.
Dower, N. and J. Williams (eds.) (2002) *Global citizenship: a critical introduction*, New York: Routledge.
Lim, T. (2010) 'Rethinking belongingness in Korea: transnational migration, "migrant marriages" and the politics of multiculturalism', *Pacific Affairs*, 83: 51–71.
McNevin, A. (2011) *Contesting citizenship: irregular migrants and new frontiers of the political*, New York: Columbia University Press.
Moon, S. (2005) *Militarized modernity and gendered citizenship in South Korea*, Durham, NC: Duke University Press.
Moon, S. (2010) 'The interplay between the state, the market and culture in shaping civil society: a case study of the PSPD in post-military rule Korea', *Journal of Asian Studies* 69: 479–505.
Moon, S. (2012) 'Local meanings and lived experiences of citizenship: voices from a women's organization in South Korea,' *Citizenship Studies* 16: 49–67.

Moon, S. (2013) 'The idea and practices of citizenship in South Korea', in M. Pohlmann, J. Yang, and J. Lee (eds.), *Citizenship and migration in the era of globalization: the flow of migrants and the perception of citizenship in Asia and Europe*, Berlin and Heidelberg: Springer Verlag: 9–38.

Rygiel, K. (2010) *Globalizing citizenship*, Vancouver: University of British Columbia Press.

Shachar, A. (2009) *The birthright lottery: citizenship and global inequality*, Cambridge, MA: Harvard University Press.

Stevens, J. (2010) *States without nations: citizenship for mortals*, New York: Columbia University Press.

Yi, S. (2013). 'Kugjŏgŭi tu ŏlgul (Two faces of nationality),' *Hangyoreh* 21 vol. 952 (15 March).

32

Translating Chinese citizenship

Zhonghua Guo

Citizenship has long been considered a unique product of Western politics and culture. Some scholars believe that its origin can be traced back to ancient Greek city-states, with the political institutions and culture that existed in Sparta and Athens nurturing citizenship (Heater, 1999: 44; Riesenberg, 1994). In Weber's seminal discussion about citizenship, medieval cities were regarded as the cradle of citizenship. According to Weber, although cities also existed throughout China, India, the Ottoman Empire and elsewhere, with some even having a very prosperous economy and large population, they lacked the necessary conditions for the birth of citizenship. These conditions were listed as: first, the disruption of clan and taboo barriers; second, the formation of fraternal associations made up by city residents holding a monopoly over city politics(Weber 1958: 91–108). These two prerequisites meant the city could overcome the constraint of the clan and taboo and establish the 'oath-bound confederation' based on equal status, rights, and obligations. On the basis of the oath-bound confederation, city communities were formed and citizenship thus came into being. As a contrast, cities in Asian societies were considered to be incompatible with these prerequisites. Weber said, '[Foremost] among the reasons for the peculiar freedom of urbanites in the Mediterranean city in contrast to the Asiatic is the absence of magical and animistic caste and sib constraints'(Weber 1958: 97). 'In China and India … Citizenship as a specific status quality of the urbanite is missing' (Weber 1958: 83).

Although Weber's discussion of the emergence of citizenship is highly original, it excludes most Asian societies. Do these societies really have no connection with citizenship? How did citizenship arise in these societies? With the translation and recreation of citizenship as the core issue, this chapter focuses on the conceptual emergence of citizenship in China. The first section discusses how the concept of citizenship was introduced and elaborated in the context of the late Qing Dynasty (from 1899 to 1914). The second section discusses the translation of citizenship in the early Republic of China (from 1914 to 1919). Finally, the conclusion addresses the general implications of citizenship translation in China for citizenship studies and its contemporary relevance (from 1979 onwards) for China's political development.

Translating citizenship in the late Qing Dynasty

Citizenship first arose from China's disastrous experience at the turn of the 20th century. It was regarded as a means of changing the subjugated situation and establishing China's nation-state. The disastrous events China suffered during that period include: the failure of the Westernization Movement (from 1861 to 1894); the loss of the Sino-Japanese War (1894); the failure of the *Wuxu* Reform (1898); the failure of the Boxer Movement (1899); and the invasion of the Eight-Power Allied Forces (1900). These disastrous events and failures greatly impacted Chinese intellectuals' thoughts and made the intellectual climate shift from 'self-strengthening' to 'self-preservation'. When summing up the intellectuals' psychological changes from 1894 (Sino-Japanese War) to1903 (*Boxer Protocol*), Yu Xuheng, editor of *The Eastern Miscellany*, said:

> After the Sino-Japanese War, in order to wipe off a humiliation and the disgrace of ceding territory and making compensation, everyone strives for self-improvement; after the Boxer Movement (1900), in order to compensate for the regret of compensation and the loss of rights, everyone struggles for self-support.
>
> *(Yu Xuheng, 1905)*

Because of the *Wuxu* coup, Liang Qichao, one of the most important leaders of the *Wuxu* Reform, was forced to flee to Japan in 1898. First, the domestic forces for reform were defeated and the nation-saving movement needed to find other ways to achieve its goals; second, he realized that Japan had become a strong modern state by means of 'departing from Asia for Europe' (*tuoya ru'ou*) through the Meiji Restoration (a chain of events that took place in 1868 and signalled the end of the shogunate system and the beginning of modern Japan); third, he acquired Western political knowledge by reading Western political books translated by Meiji intellectuals. With these influences, Liang Qichao's thought changed drastically. His thought was dominated by the desire to build a modern Chinese state through translating the concept of Western citizenship. Through expounding citizenship thoughts in *Qinyi Bao* (*Qiyi Newspaper*) and *Xinmin Congbao* (*Xinmin Series Newspaper*), Liang Qichao had an unparalleled influence on the intelligentsia in the late Qing Dynasty. He translated the concept of citizenship as *guomin*, which meant the combination of *guo* (state, nation, nation-state, country) and *min* (people, populace, individual, citizen). His basic intention was that by putting *guo* before *min* and by emphasizing the former, Chinese people would gradually understand, love, and contribute to their country like Western citizens, which would allow China to become a modern state.

Yet *guomin* already existed in the ancient Chinese vocabulary. *Zuozhuan* (*Legend of Spring and Autumn Period*) first combined *guo* and *min* into a word which became very popular afterwards (Jin Guantao and Liu Qinfeng, 2009: 85). During that period, *guomin* had two meanings: the first referred to foreigners, especially foreign businessmen and missionaries; the second referred to *guo* and *min* respectively. During the *Wuxu* Reform, Kang Youwei began to use *guomin* to refer to ordinary Chinese people. But whatever the period, *guomin* did not have the meaning of 'citizenship'. It was only after its creative use by intellectuals such as Liang Qichao, Yan Fu, Zou Rong, Sun Yat-sen, and Zhang Taiyan that it gained this meaning.

Liang Qichao's use of *guomin* mainly focused on three aspects: first, connecting *guomin*, in terms of citizenship, with the state; second, associating *guomin* with the meaning of citizenship, using images of citizens in Anglo-Saxon countries and Japan to enrich *guomin*'s meaning; third, making *guomin* seem like the antithesis of the idea of a slave.

The aim of creating a new meaning for *guomin* was to build a Chinese nation-state. In *Xinmin Shuo*, Liang Qichao described Chinese people as tribal people (*bumin*) who 'know the world but not their country, know themselves but not their nation'. *Bumin* includes different categories:

> The bad category cares for themselves and families, the good one cares for empty theory instead of its practical use. The bad category betrays his motherland and helps enemies, the better category rises up to protest but brings out nothing new.
>
> *(Liang Qichao, 1994: 25–6)*

In short, *bumin* 'regards national affairs as none of his business, even his motherland is in the abyss of humiliation and calamity, he is totally indifferent' (Liang Qichao, 2010:179). He argues that with *bumin* as the base, China cannot survive in the world. The most important thing for changing this situation was to change *bumin* into *guomin*. The difference between *bumin* and *guomin* is that the latter cares for his state and holds political affairs in high esteem. The relationship between state and *guomin* is: 'If there is state, there is *guomin*, on the other way round, no *guomin* also no state. They are in fact the same things with different names' (Liang Qichao, 1903: 26–7). By such judgements, the most urgent task for China's nation-state building was to cultivate *guomin*. Liang Qichao's viewpoints received a positive response during that period. From 1903 to 1907, *guomin* became a tool of publicizing political views both for revolutionaries and constitutionalists, despite other differences between them: revolutionaries regarded *guomin* as a tool for fighting against Manchu rule (Manchu are a minority group living in the northeast part of China, who founded the Qing Dynasty in 1636) and establishing a modern democratic republic; constitutionalists regarded *guomin* as the political, mental and moral foundation for establishing a constitutional monarchy.

In *Xinmin Shuo* Liang Qichao generalized the meaning of citizenship into fifteen categories: social morality, state consciousness, spirit of adventure and progress, thought of rights, freedom, autonomy, self-esteem, cooperation, benefit producing and profit-sharing, perseverance, thought of obligation, warrior, personal morality, civic ethos, and political ability. Although some of them bear the influence of the neo-Confucianism of the Song and Ming Dynasties, that is to say, a focus on the individual's innermost character, most of these categories undoubtedly come from Western citizenship and reflect its essential connotations. At that time, the thought of creating a Chinese citizen by translating the concept of Western citizenship was not confined to Liang Qichao; the '*guomin* cultivation movement' he started had a wide resonance among the revolutionary wing. The revolutionaries on the one hand absorbed the meaning of the concept of Western citizenship, and on the other hand took Gu Yanwu and Wang Fuzhi's position of opposing Manchu rule during the late Ming and early Qing Dynasty. For example, *Geming Jun* (*the Revolutionary Army)* written by Zou Rong aims to overthrow Manchu rule and establish the Republic of China by means of revolution. The education of *guomin* is considered to be the premise for the success of the revolution. Zou Rong summarized the education of *guomin* with the following three aspects: the first is 'He (*guomin*) should know that China is Chinese China'; the second is 'He (*guomin*) should have the dignity of freedom and equality'; the third is 'He (*guomin*) should have the spirit of politics and law'. The third aspect can be further divided into four categories of spirit: 'the spirit of individualism and independence', 'the spirit of adventure and fearlessness', 'the spirit of obligation and mutual help', and 'the spirit of self-autonomy and collective governance' (Zou Rong, 2002: 35–40). *Meng Huitou* (*Fierce Back*) was written by Chen Tianhua and published in the same year as *Geming Jun*. In that book, the author adopts the same position and regards the following ten aspects as the strategies to make China keep up with Britain and America: 'getting rid of party divergence and uniting in one heart', 'advocating

social morality, social order and law', 'consolidating national defense and preparing both to fight and to maintain', 'developing industry and striving for rich and strong', 'promoting schooling and realizing compulsory education', 'advocating debate and enhancing *guomin*'s thought', 'establishing female schools and realizing gender equality', 'prohibiting females' foot-binding and liberating women's bodies', 'banning opium smoking and cleaning social custom', 'reforming the whole society and catching up with the western steps'(Chen Tianhua, 1994, 22–8). In comparison with Liang Qichao and Zou Rong, although Chen Tianhua's thoughts about *guomin* seem to reflect the meaning of the concept of Western citizenship less, they were almost the same in regard to the following three aspects: 'developing people's intelligence' (*kaiminzhi*), 'renewing people's morality' (*xinminde*), and 'promoting people's ability' (*cuminli*). Although the cultivation of *guomin* in China omitted many important meanings of citizenship in Western contexts, it still appropriated its core meanings like right, equality, freedom and autonomy, etc.

Finally, the image of 'slave' was used as a mirror to reflect *guomin*'s character and his relevance to the modern state-building. After being exiled to Japan, on the basis of reflecting the failure of *Wuxu* Reform, Liang Qichao (2010: 179) concluded that: 'the great misfortune for our country is that the people are treated as slaves, and after some time, people also regard themselves as slaves'. He argued that this made people passive, indifferent, and even insensitive. Liang's observation was also shared by many other intellectuals. For example, one article published in *Guomin Bao* (*Guomin Newspaper*) during that period noted that:

> Who can be called '*guomin*'? The person who can do his best to contribute for his country can be called *guomin*. Who can be called 'slave'? The person who doesn't want to contribute for his country can be called slave. Slave has no rights but *guomin* has. Slave has no obligation but *guomin* has. Slave is willing for suppression and *guomin* likes freedom; slave advocates superiors and inferiors and *guomin* advocates equality; slave likes to adherence and *guomin* likes independence.
>
> *(Zhang Zhan and Wang Renzhi, 1977: 73)*

However, the statist strategy adopted by the intellectuals of the late Qing Dynasty did not bring about the imagined nation-state. In 1912, the Qing Dynasty collapsed and the Republic of China was founded, but China was still a colony of the Western powers. Moreover, with the collapse of the traditional empire, different local warlords who fought among themselves began to dominate China's politics. It was clear that new strategies were needed to establish China's nation-state. Against this background, a new strategy of translation, the strategy of individualism, appeared.

Translating citizenship in the early ROC

In 1914, the New Cultural Movement (from 1914 to 1919), which aimed at changing Chinese nationality (*guominxin*), came to the fore. In that year, the modern Chinese thinker and translator Du Yaquan became the editor of the most influential journal, *The Eastern Miscellany* (*Dongfang Zazhi*), and began to publish articles that explored individuality, gender, and psychology. In the same year, Du published an article 'Innovation of the individual', which pointed out that previous innovations only focused on macro-institutions like the state and politics but ignored micro level issues like civic cultivation and individual psychology. Du's article marked the beginning of the New Cultural Movement and a new attempt to promote citizenship. Soon after, *New Youth* (*Xin Qinnian*) replaced *The Eastern Miscellany* as the focal point for further discussion. Through the work of the leaders of the New Cultural Movement such as Hu Shi, Chen Duxiu,

Li Yimin, and Lu Xun, not only did the understanding of individualism deepen, but also the elements for emphasizing the concept of citizenship.

In 1914, Hu Shi proposed that:

> Individualism is based on the individual in the West, but in China it is based on family … Western individualism is beneficial for the personality of independence and the ability of self-help, but Chinese 'family individualism' (*jiating geren zhuyi*) helps to promote the personality of selfishness and dependence. The latter thus is inferior to the former.
>
> *(Hu Shi, 1986: 225–7)*

In his opinion, Chinese family individualism makes the individual rely excessively on family and thus lose the personality of independence, which resulted in the underdevelopment of China's citizen consciousness. In 1915, Chen Duxiu also wrote:

> Individualism runs through all ages in the west … All aspects (such as, ethic, moral, political, social) that the society craves for and the state prays for are no more than individual's freedom, rights and happiness. Seeking freedom of thought and speech, the development of individual's personality, and equality before law … this is the basic spirit of individualism.
>
> *(Chen Duxiu, 1915a)*

The implication is that, in the West, elements like rights, freedom, equality, and the rule of law are considered purely the results of individualism. Individualism thus becomes the most important feature for Western societies. With these judgements, the most urgent task for China's nation-state building is to eliminate China's traditional family individualism and cultivate a Western type of individualism.

Obviously, the emphasis on individualism by the early ROC intellectuals was not due just to their subjective imagination, but based on the social and political background of that time. First, the collapse of the Qing Dynasty and the warfare among warlords made early ROC intellectuals more concerned with the relations between *guomin* and the state. By focusing on the concept of *guomin* based on individualism, they tried to realize the rebirth of the Republic of China.

The new strategy paid much attention to the division between the state and *guomin* and regarded the development of the latter as the necessary basis for the renewal of China's state. But it should be noted that, compared with the statist strategy, the strategy of individualism did not steer a totally different trajectory. On the contrary, it both reflected and deepened the view of state-building of the late Qing period under new circumstances. The new strategy deemed that, without the full development of individuals, *guomin* could not really be developed; and without the full development of *guomin*, the project of China's nation-state building was doomed to fail. For example, Chen Duxiu (1915b) wrote: 'A good state demands an individual sacrifice his small portion of rights but guarantees the rights of all individuals. Instead, a bad state demands all individuals sacrifice their rights for the state's purpose.'

Du Yaquan stated bluntly that the promotion of *guomin* over the past decade had had few effects on individuals' development:

> Looking back on the reform of the past years, the achievements are so few and the hope is so remote. Our body is still weak rather than strong. Our spirit is still so dispirited rather than stimulated. Our thoughts are still so messy and unclear rather than specific and vigorous.
>
> *(Du Yaquan, 1914)*

Similar comments are very common during that period. It is out of this understanding that individualism became another strategy of intellectuals for modern state-building in the early ROC period. They hoped that by substantially developing *guomin* through 'the project of individual cultivation', China's transformation to a modern state could be realized. Scholars in the early ROC period and those in the late Qing period to some degree shared the same political goal but tried different strategies: the former laid emphasis on 'individualism', while the latter on 'statism'.

As to the contents of individualism, intellectuals generally regarded selfhood and utilitarianism as the basic meaning of individualism. Liang Qichao regarded 'do whatever he likes' (*jinxing zhuyi*) as the core element of individualism, hoping to cultivate new *guomin* by developing the individual's personality (Liang Qichao, 1999: 2980). Lu Xun's ideas about individualism are based on the 'individual's distinctiveness' (*geren zhi teshuxing*) and the 'subjective principle' (*zhuguan yuanze*), regarding being 'cynical, heroic, disputatious, honourable, insolent, and strong-willed' (Lu Xun, 2005: 81) as the basic features of individualism. His younger brother Zhou Zuoren aimed to liberate individuals from moral restrictions and forming a 'true ego': 'Any human instincts are good and should be met completely and any regime that violates the human nature should be innovated or discarded' (Zhou Zhuoren, 1982: 565–6). For him, the aim of individualism was to liberate human nature and meet humans' instinctive needs. Hu Shi also wrote:

> The greatest feature of eastern culture is satisfaction. The greatest feature of western modern culture is dissatisfaction. The satisfactory easterners are content with a plain life rather than seeking to improve the material condition, so they pay little attention to the discovery of truth and the invention of new skills and instruments. They are satisfied with the existing circumstance and fortune and have no intention to conquer nature, innovate upon institutions and engage in the revolution, what they want is a cozy life and to be obedient subjects (*shunmin*).
>
> *(Hu Shi, 1996: 10)*

On the basis of this observation, he thinks that the most important element for the development of individualism is to enhance the individual's mental ability, which includes the desire to pursue truth, the determination to reform, and the effort to be strong.

Utilitarianism was the other approach for early ROC's intellectuals for developing individualism. Although utilitarianism was known in China before 1914 and had widespread influence, it was during the period 1915–22 that intellectuals accepted it as a life philosophy. Apart from the term 'utilitarianism', they also used 'naturalism', 'hedonism', even 'egoism' to refer to the same idea. Li Yimin (1915) pointed out that 'there was a minimal individualism in everybody's heart … there's no reason an individual should become a certain kind of person and be obedient to the collective. Except myself, there's nobody else … egoism is justifiable and needn't be avoided'.

In 1916, Gao Yihan published 'Hedonism and life' in *New Youth* and put forward two utilitarian principles: avoiding suffering and seeking happiness; the greatest happiness for the greatest portion of people (GaoYihan, 1916). In 1918, Chen Duxiu (1918) published 'True meaning of the life' in *New Youth* and argued that 'carrying out the will and meeting the desires (ranging from food and sex to morality and status) are the fundamental reasons for individual's existence. This principle can never be changed.' At the same the, Mao Zedong, who was studying the German philosopher Paulsen's *System der Ethik*, also showed great interest in individualism. In his long comments about this book, he wrote:

> I have two opinions on ethnics: one is individualism, which makes a person fully developed. This kind of person feels sympathy and devotes themselves enthusiastically to others, but

> they are not for the happiness of others, but for themselves… Society, state, even the whole universe are individuals, we can say there's no communities in the world, only individuals.
> *(Mao Zedong, 1990: 203, 153)*

By articulating and promoting a utilitarianism originating in the West, intellectuals liberated 'self-interest', 'self-fulfilment' and 'self-happiness', which had been suppressed for thousands of years, from the yoke of traditional family and patriarchy, making them laudable and rightful.

With the promotion of individualism in the early ROC period, the emphasis on citizenship in China changed correspondingly. During the late Qing Dynasty, the state was regarded as the most important component of citizenship. Though rights, obligation, self-help, self-rule, and other elements were also regarded as its contents, they all served the purpose of China's nation-state building. The failure of the statist strategy made the early ROC's intellectuals fully realize the importance of the development of individuals. With this understanding, they changed the emphasis of citizenship translation and regarded individualism as its most important element. They hoped that with the development of selfhood and utilitarianism, individuals would become more independent. On the basis of the development of individuals, China's project of nation-state building could then succeed. Through the popularization of the early ROC's intellectuals, the thought of individualism greatly developed in a short period. But history did not really follow the trajectory designed by them. In 1919, with the import of Marxism from the former Soviet Union, the May 4th Movement, which was regarded as a milestone of China's modern history and the beginning of the Chinese communist age, appeared. After that, the concept of citizenship gradually died down, the discourse of class gradually took the stage. In 1921, the Chinese Communist Party was formally established and rapidly dominated China's political scenario. From then on, the strategy of individualism based on the liberation and development of the individual rapidly disappeared from intellectuals' pens.

Conclusion

In most colonial countries, the emergence of thoughts of citizenship, statism, individualism, and the nation-state implies the rise of modernity. In China's Case, Chinese intellectuals tried to naturalize citizenship thoughts by learning from the Western counterpart through translation and recreation, and this took place against a background of Western opposition and fears of turning China into a Western colony. The corresponding thought about citizenship resulting from such a background thus has the clear overtone of foreignness. This overtone resulted from the dual tasks China faced at the turn of twentieth century: The first was how to shake off the external oppression and enslavement imposed by the Western powers and build China's own nation-state; the second was how to realize the transformation of Chinese traditional culture and nationality (*guominxing*). In order to realize these two goals, intellectuals during the late Qing and early ROC periods generally adopted a combined strategy of learning from the West and recreating it under China's circumstances. The introduction and translation of the Western concept was an important manifestation of this strategy. *Guomin*, as the translation of citizenship, played a role as a weapon against foreign control on the one hand and a means of getting rid of the fetters of local history on the other. As Edward Said's 'Cultural Travelling Theory' indicates, in the nineteenth century, when oriental philosophy was introduced into European society or in the same period when European philosophy was introduced into oriental societies, both involved a process of transformation and recreation that were different from the source (Said, 2009: 400–1). The introduction of a concept of citizenship during the early twentieth century demonstrated that it is also a process of, first, creating new knowledge about China's modern

politics and, second, striving for domestic modernity by means of translation, or 'translated modernity'.

To begin with the first, the semantic change of *guomin* reflected intellectuals' two different strategies of Chinese nation-state building. The first was the 'statist' strategy that was envisaged by late Qing intellectuals. For them, the weakness and incompetence of the late Qing government, the oppression of the Western powers, and the prominent achievement of Japan's 'departing from Asia for Europe' strategy impacted their minds fiercely. Chinese nation-state building became the core issue when they thought about their native modernity, and Western examples became the standard answer for them to achieve such a goal. The concept of *guomin* formed a bridge between China and the Western countries when they were learning from the West and imagining China's nation-state. By transplanting the Western concept of citizenship into a Chinese context, by establishing a strong association between *guomin* and the state, and by portraying the notion of *guomin* as the antithesis of 'slaves', intellectuals of the late Qing Dynasty attempted a way of building a Chinese nation-state by cultivating people's consciousness of the state. Nation-state rather than the individual's freedom was the goal for the introduction of the concept of citizenship and the reimagining of *guomin*.

The *Xinhai* Revolution of 1911 overthrew the Qing dynasty and established the Republic of China, which in its early years was too unstable for Chinese nation-state building. The need to find alternative approaches led intellectuals of the early ROC to envisage a new strategy based on 'individualism', which emphasized the development of the individual's personality and the promotion of the individual's happiness, to build China's nation-state. The new strategy was quite different from the first one. It emphasized the separation between the individual and the state, regarding the latter as a tool for promoting the individual's development, and advocated utilitarianism or even egoism to achieve public interest.

Second, the phenomenon of 'translated modernity' reflected by the translation of the concept of citizenship. Although Yan Fu, a famous translator in the late Qing Dynasty, has suggested 'faithfulness, expressiveness and elegance' as the basic criteria for translation, these are mainly for 'text' translation, while the discretionary space for the translation of 'concepts' is relatively wider. Both the intellectuals of the late Qing Dynasty and the early Republic of China did not translate the concept of citizenship directly. Instead, they chose certain elements of the concept according to the needs of their own context. During these two periods, the revised idea of *guomin* as citizenship internally met the requirements of Chinese political needs on the one hand, and externally connected with Western civic culture and state-building on the other. The formation of the *guomin* concept indicated that intellectuals at that time did not translate literally between two different languages, but linked the target language and the source language to create equivalent relationships.

More importantly, the process of translation and recreation is full of political implications. Not only did the imagination of the modern nation-state reflected by the concept of *guomin* reconstruct the power distribution matrix between the state and society, but it also transformed the psychological and cognitive mode of the latter, shifting them from an identity based on home, family, and local communities to one based on nation, state, and political institutions, which helped to overcome the legitimacy crisis in the construction of the Chinese nation-state. At the same time, the translation of citizenship also showed that it could continuously create new political imaginations according to a change of historical background. In the late Qing period, when 'the Chinese nation was in peril of extinction', 'statist' became *guomin*'s semantic core, a sovereign state became the ultimate goal of *guomin*. When the Qing Dynasty ended and the Republic could not bring about substantial changes, 'individualism' replaced 'statism' as *guomin*'s new semantic core, and a more individual-centred state become the new goal for the translation of citizenship.

In different historical contexts, the same concepts of *guomin* and citizenship produced different conceptions of possible Chinese nation-states. This shows that the translation of a concept is a means of developing a new political discourse. The introduction of the concept of citizenship helped to establish new kinds of political discourse. Not only did this new discourse describe the transformation of the old social entities and social relations, but it also constituted new social entities and social relations, which exhibited the change of the relationship between state and society. In the understanding of the mode of nation-state building, the phenomenon of 'translated modernity' enables us to understand it from a more micro-perspective like the semantic change of a concept.

What is the contemporary relevance of the translation and recreation of the concept of citizenship in China in the early twentieth century? As has been indicated above, after the May 4th Movement in 1919, with the rapid popularization of Marxism, the concepts of collective, class, and party gradually replaced those of individual, citizen, and citizenship, and the attempt at building a Chinese nation-state by translating Western citizenship was suspended. This situation lasted for more than half a century. In 1979, with the end of the Maoist period, the Chinese Communist Party adopted the Reform and Opening Up policy, which resulted in the huge development of the Chinese economy and civil society (mainly in terms of the development of NGOs). With the development of a market economy and civil society, people's minds have also changed. Within three decades, the consciousness of equality, rights, participation, and contracts has grown rapidly. Against such a background, the concept of Western citizenship re-entered China and began to serve as a weapon for individuals to protect their rights. From the mid-1980s onwards, more and more articles, books, and conferences concerning citizenship studies were published, translated, and organized. Citizenship is more and more regarded as a strategy for China's political development.

Since the mid-1980s, citizenship has been translated by many different terms. Among them, *gongmin shenfen* (citizen status), *gongmin zige* (citizenship qualifications), and *gongmin quan* (citizenship rights) are the most important ones. In comparison with the idea of citizenship in the late Qing and early ROC periods, intellectuals of the Reform Era unanimously expressed 'citizenship' as *gongmin* rather than *guomin*. *Guomin* regarded *guo* as the basic meaning of citizenship, though different approaches have been envisaged on how to build it. On the contrary, *gongmin* regards *min* as the basic meaning of citizenship. For intellectuals of the Reform Era, the sovereign or nation-state that intellectuals in the late Qing and early ROC periods desperately yearned for is no longer a problem. Instead, after the painful experience of the Cultural Revolution (1966–76), intellectuals came to understand that the pressing task for China's political development was how to develop China's civil society, because only on the basis of strong civil societies can a powerful state be checked. As many scholars argue, China's modern state-building depends on the development of citizenship and civil society, and civil society determines the direction and pace of China's political development (Guo Zhonghua *et al.* 2010: 3–4; Sheng Yuan, 2007; Chu Songyan, 2007). Yet, though civil society is universally regarded as the kernel for China's political development, there are disagreements on what elements should be emphasized for its development. Some scholars argue that equal citizen status is the precondition for civil society development. With this understanding, they usually translate citizenship as *gongmin shenfen*. Some scholars think rights are more important than other considerations, so they then express citizenship as *gongminquan*. Those who prefer the qualifications of becoming good citizens to others translate citizenship as *gongmin zige*. Just as citizenship was translated by different terms and meant and implicated different strategies for nation-state building in the early twentieth century, so after re-entering China in the late twentieth century, it was also translated by different terms and represented different strategies for China's civil-society building. The phenomena of 'translated

modernity' which happened in the late Qing and early ROC periods have also appeared in contemporary Chinese translation of citizenship. Notions of citizenship in China not only express the long process of China's modern state-building, but they have also been deeply involved in this process.

References

Chen Duxiu (1915a) 'Differences of fundamental ideas between the east and west', *New Youth*, Vol. 1, no. 4.

Chen Duxiu (1915b) 'Today's education policy', *New Youth*, Vol. 1, no. 2.

Chen Duxiu (1918) 'True meaning of the life', *New Youth*, Vol. 4, no. 2.

Chen Tianhua (1994) *Meng Huitou* (*Fierce Back*), Shenyang: Liaoning People's Publishing House.

Chu Songyan (2007) *Quanli Fazhan Yu Gongmin Canyu: Zhongguo Gongmin Zige Quanli Fazhang Yu Youxu Canyu Yanjiu* (*Right development and citizen participation: the development of citizenship rights and political participation in China)*, Beijing: Chinese Law Publishing House.

Du Yaquan (1914) 'Boundaries between the individuals and the state', *Eastern Miscellany*, Vol. 3.

Gao Yihan (1916) 'Utilitarianism and life', *New Youth*, Vol. 2, no. 1.

Guo Zhonghua, Xiao Bin, and Guo Taihui (2010) *Citizenship in the context of modern politics*, Shanghai: Shanghai People's Publishing House.

Heater, Derek (1999) *What is citizenship*? Cambridge: Polity Press.

Hu Shi (1986) *Hu Shi Zuoping Ji* (*Collection of Hu Shi's works)*, Vol. 18, Taipei: Yuanliu Publishing Company.

Hu Shi (1996) *Hu Shi Wencun* (*Collection of Hu Shi's papers*), Vol. 3, Hefei: Huangshan Publishing House.

Jin Guantao and Liu Qingfeng (2009) *Guannian Shi Yanjiu (Studies of the history of ideas)*, Beijing: Law Press.

Li Yimin (1915) 'The sole purpose of the life', *New Youth*, Vol. 1, no. 2.

Liang Qichao (1903) 'China's new citizen', *Xinmin Congbao* (*Xinmin Series Newspaper*), Combination of Vols. 38 and 39.

Liang Qichao (1994) *Xinmin Shuo* (*Essays of Xinmin*), Shenyang: Liaoning People's Publishing House.

Liang Qichao (1999) *Liang Qichao Quanji (The Complete Works of Liang Qichao)*, Vol. 5, Beijing: Beijing Publishing House.

Liang Qichao (2010) *Wuxu Zhengbian Ji* (*Notes about the Wuxu Coup*), Nanning: Guangxi Normal University Press.

Lu Xun (2005) *Lu Xun Quanji* (*The complete works of Lu Xun*), Vol. 1, Beijing: People's Literature Press.

Mao Zedong (1990) *Mao Zedong Zaoqi Wengao* (*Mao Zedong's early manuscripts*), Changsha: Hunan Press.

Riesenberg, Peter (1994) *Citizenship in the Western tradition: Plato to Rousseau*. Chapel Hill, NC: The University of North Carolina Press.

Said, W. Edward (2009) *The world, the text, and the critic*, translated by Li Zixiu, Beijing: Sanlian Bookstore.

Sheng Yuan (2007) 'Citizenship is the base for harmonious society building', *Sociological Studies* no. 2.

Weber, Max (1958) *The city*. Translated and edited by Don Martindale and Gertrud Neuwirth, London and New York: The Free Press.

Yu Xuheng (1905) *Zicun Pian* (*On self-preservation*). Published on *Xinwen Bao* (5th April).

Zhang Zhan and Wang Renzhi (eds.) (1977) *Xinhai Geming Qian Shinianjian Shilun Xuanji* (*Selections of the political comments during the ten years before Xinhai Revolution*), Vol. 2, Book 1, Hong Kong: Sanlian Bookstore.

Zhou Zhuoren (1982) *Zhuo Zhuoren Quanji* (*Complete works of Zhou Zhuoren*), Vol. 3, Taichung: Blue Light Culture Publishing Company.

Zou Rong (2002) *Geming Jun* (*the Revolutionary Army*), Beijing: Huaxia Publishing House.

33

The category mismatch and struggles over citizenship in Japan

Reiko Shindo

In 2011, about two million foreigners were registered in Japan, constituting 1.63 per cent of the total population (Ministry of Justice 2011: 23). Although this number fluctuates slightly each year, the number of foreigners registered in Japan is steadily increasing (Ministry of Justice 2011: 18). Among the registered foreigners, those with Permanent Resident status make up the largest group, about 598,000 (28.8 per cent) in 2011. This group is followed by those with Special Permanent Resident status (389,000); College Student (189,000); Spouse or Child of Japanese National (182,000); and Long-Term Resident (178,000). In terms of nationality, the largest group of registered foreign nationals is the Chinese (675,000); followed by Koreans (545,000); Brazilians (210,000); Filipinos (209,000); and Peruvians (53,000). In 2011, 1,867 applied for refugee status in Japan but only 21 received it. Those applying for refugee status in 2011 came from Myanmar (491); Nepal (251); Turkey (234); Sri Lanka (224); and Pakistan (169).

Although these numbers appear to neatly summarize immigration in Japan, the actual picture is more complicated. As I show in this chapter, this complexity can be examined through the idea of the 'category mismatch'. By category mismatch, I mean a discrepancy between what people are designated as within immigration categories or labels, such as 'citizens', 'trainees', 'spouses', 'residents', 'non-status', and what people with these specific labels actually do.

In the case of Japan, the category discrepancy is produced by so-called 'side-door' and 'back-door' policies which characterize Japanese immigration policy. The back-door policies refer to measures to accept people with non-work visa statuses, such as Long-Term Resident, College Student, and Spouse or Child of Japanese National, while using them as *de facto* unskilled laborers. Meanwhile the side-door policies, such as the Technical Intern Training Program, allow people to work as *de facto* unskilled laborers with some restrictions (Kajita 1994: 45).[1] Facing the surge of male migrant workers in the 1980s, the Japanese policymakers, including bureaucrats in the Ministry of Justice (MOJ), the Ministry of Foreign Affairs and the Ministry of Labor (currently the Ministry of Health, Labour, and Welfare), had to respond to heated nationwide debates between the *kaikoku* (opening the nation) side and the *sakoku* (closing the nation) side. While the *kaikoku* side favored accepting more foreigners to boost the labor force, the *sakoku* side opposed it by referring to the situation in Western Europe where acceptance of migrant workers led to an increasing number of people remaining in those countries even when they had no jobs. As the revised Immigration Control and Refugee Recognition Act (the 'Immigration Control Law'

hereafter) of 1989 shows, the policymakers did not take a clear stance on these two positions and instead devised the back-door and side-door policies (Kajita 2002: 20). Various immigration statuses, notably, Long-Term Resident and Technical Intern Training, embody these policies: these statuses were used to secure a so-called unskilled labor force without the government changing its official stance, which allows only skilled laborers to come to Japan.

In this chapter, I argue that category mismatch plays a crucial role in struggles over citizenship: the discrepancy in categories offers a site where people resist the state's attempt to control the movement of people and to produce particular subjects accordingly. Such resistance takes two distinctive forms in the context of Japanese immigration, each of which is examined in turn in the following sections. First, people openly address the category mismatch and demand apposite labels to be assigned to them. Second, they ostensibly accept the 'names' given to them and abuse the category mismatch for their own convenience. Each form of protest vividly highlights the moments when people challenge the state's monopoly on citizenship and resist its authority to decide what it means to live in the political community of the state.

As I argue elsewhere (Shindo 2013: 11), categories are not mere 'names' to describe people, but determine what one is vis-à-vis the state. The state makes extensive use of its resources to produce knowledge about flows of people. It does this by inventing taxonomic language and applying it to people on the move. It is through categories that the state attempts to make the movements of people visible and intelligible to itself. Such an attempt is reflective of 'the state's desire to maintain a unitary political subject' (Nyers 2010: 59), the desire to grasp the subject. In Balibar's terms, the borderline of the state aims to suppress the multiplicity of people which 'resists absolute unification' (Balibar 2004: 140). Through categories, the state attempts to suppress this multiplicity. It assigns specific names to govern people on the move, so that the state manages to capture the flow of people. In other words, using categories is nothing but an exemplary phenomenon whereby sovereignty captures the subject and appropriates its life. Deleuze and Guattari argue that sovereignty is 'a process of capture of flows of all kinds, populations, commodities, or commerce, money or capital' (Deleuze and Guattari 1987: 386). Categories play a critical part in this process: they render the heterogeneity and ambiguity of the movements of people into a simplified, usually binary, form.

As a way to administer and govern people on the move, the state employs various statist boundaries to produce categories (Jones 2009). Crucially, these statist boundaries render people intelligible to the state on the basis of its inside/outside binary logic. This logic is constitutive of the world in which the state functions as the basic unit for people to belong to. It is through these statist boundaries that people are categorized and made into the population of citizens. These boundaries include the ones between international and domestic, regular and irregular, and voluntary and involuntary (Peoples and Vaughan-Williams 2010: 13–20). For instance, the categories of refugees and Internally Displaced Persons hinge upon the assumed distinction between national and international. People are also divided by the boundary between regularity and irregularity which distinguishes some people as travelling and residing with legal status, such as legal travellers and legal residents, from illegal residents, and illegal temporary and permanent settlers. The boundary between voluntary and involuntary also classifies people into various categories: depending on the purpose of travel, people who move with the aim of improving their living conditions and careers are categorized as economic migrants, international students, professionals, tourists, and spouses, while those who are forced to leave their country of origin are categorized, for example as refugees and those who are smuggled.

As a growing body of critical work on citizenship shows, the state's attempt to categorize people goes hand in hand with resistance to such an attempt.[2] The categories are not simply taken as a given, but they are resisted by the very people who are classified into specific categories. By resisting

categories assigned to them, people enact themselves as political subjects: they argue that no one else but they decide who they are and what kinds of relationship they demand to have, or not to have, with the state. Such resistance indicates the moment of category mismatch: it is the moment when people become political to claim that categories assigned to them do not correspond to what they claim to be. The state's monopoly of political subjectivity, that is, the state's prerogative to decide how to categorize people on the move, is called into question by the very act of showing disagreement with categories. Citizenship 'opens politics as a practice of contestation (*agon*) through which subjects become political' (Isin, Nyers, and Turner 2009: 1). In this respect, the category mismatch effectively highlights the ways in which people contest the state's prerogative to decide what it means to be political and thus enact citizenship.

The politics of categories points to two distinctive forms of protests – resisting the category mismatch and co-opting it – each of which characterizes struggles over citizenship. The *sans-papiers* (meaning literally 'without papers') movement in France is often used as a typical example of the first type of protest: in this movement, people resist the mismatch between the category of 'illegal immigrants', that is, the category assigned to them by the state, and what they claim to be, that is, the category of *sans-papiers*. As McNevin argues, '[…] the term "illegal immigrants" (or *clandestin*), denoting illegitimacy by definition, is replaced by the term Sans-Papiers, an identity suggesting an equal right of presence, hamstrung only by bureaucratic and procedural formality' (McNevin 2006: 143). By calling themselves *sans-papiers*, the protesters question the image of illegitimacy attached to the category of 'illegal immigrants'. Focusing on resistance to the category mismatch makes a crucial contribution to the debates on Japanese citizenship. Since citizenship is almost exclusively regarded in terms of legal rights in an analysis of Japanese immigration, various demonstrations organized by irregular migrants are merely considered as instances where the protesters express their grievances. In this kind of understanding, the focus is on how Japanese citizens respond to the issues raised by people without status and take (political) actions on behalf of them.[3] As I show in the next section in detail, bringing the perspective of resistance to the category mismatch offers a productive way to put irregular migrants at the center of analysis and examine how they enact citizenship by organizing demonstrations.

Furthermore, focusing on the politics of categories provides some unique insights into citizenship in general, because it expands the scope of citizenship studies, which tends to neglect the second type of protest, that is, co-opting the category mismatch. As I discuss in the third section of this chapter, the category mismatch is not only problematized as a gap to bridge, but also maintained and actively (ab)used by people to realize their own demands. The current discussion on struggles over citizenship mostly looks at instances where non-citizens resist the category mismatch and disrupt the sovereign logic of inside/outside that justifies the state's monopoly of politics. Bringing the second form of protest into an analysis of citizenship helps us to investigate how the sovereign logic is disrupted, somewhat paradoxically, by way of embracing that very logic for strategic purposes.

Resisting the category mismatch

In Japan, some people organize protests to challenge categories through which specific subject positions are allocated to them and, in this way, to enact citizenship. These protests range from sit-in protests and hunger strikes by people without status to submission of demands and a refusal to follow orders in immigration detention centers. The protesters include people who remain in Japan after their immigration visas are expired as well as those who enter Japan without them. Many irregular migrants work in the so-called 3D (dangerous, dirty, and demanding) businesses: some work on construction sites and in restaurants while others work in factories and the sex industry.

Importantly, throughout the 1990s, the government tacitly allowed people without status to remain in Japan to work, considering that they constituted an indispensable labor force for some industries which could not afford to hire either Japanese or people with 'legal' status (Suzuki 2009, 2010). Although a series of measures was introduced by the government to crack down on irregular migrants since the Immigration Control Law of 1989, both employers and irregular migrants regarded these measures as having little effect on them (Suzuki 2010: 60). Some argue that such an approach taken by the government exemplifies the back-door policies, because the government managed to secure *de facto* unskilled laborers from abroad via *unofficial* channels without changing its *official* stance of not accepting them (Kajita 1994: 52; Suzuki 2007: 18–20). Under such circumstances, irregular migrants obtained and exercised some legal rights: these rights included the right to claim accident insurance and unpaid wages, the right to protest against arbitrary dismissal, and the right to receive medical services (Suzuki 2009: 98–109, 206–211). However, since the mid-2000s when the government started to amend immigration policies to obtain laborers from abroad through official channels, irregular migrants have been increasingly compared with 'legal' migrants and implicated in the discourse of illegality, where they are perceived and treated as 'illegal' (Suzuki 2007: 20–1). In fear of arrest and deportation, an increasing number of irregular migrants have gone underground, limiting their contacts to others and even refraining from exercising their legal rights (Suzuki 2009: 477–8).

While some irregular migrants have become invisible, others have become visible in public by organizing various types of demonstrations. One of the most publicized protests of this kind was the Kurdish sit-in protest which started in July 2004. Twelve Kurdish refugees staged a 24-hour sit-in protest for 72 days in the front yard of the United Nations building in Shibuya, Tokyo, which housed the office of the UNHCR at that time. Because of the prolonged court cases over their refugee claims, the protesters lost their status and had to live a clandestine life. To refuse to accept the illegitimacy attached to their non-status, the protesters threw off some NGOs' inhibitions to appear in public and demonstrated that they shared a legitimate part of the public and had a voice to be recognized just like other 'citizens' (Shindo 2009). Furthermore, the Kurdish refugee protesters not only demanded to be identified as refugees but also argued that they were first and foremost 'humans': 'We are humans, not animals.'[4] By arguing that they were 'humans', the refugees rejected the statist boundary which separates 'citizens' from 'foreigners'. Their rejection powerfully points to the moment when the protesters not only questioned the inside/outside boundary of political community but also defined what it should mean to be a member of a community: regardless of one's immigration status, one has to be treated humanely.

The category of 'human' is also regularly employed by people detained in immigration centers.[5] For instance, on 22 April 2013, the people detained in block 9B in the Ushiku detention center in Ibaraki prefecture submitted a list of demands to the head of the center. The demands included the termination of prolonged detention, provision of proper medical services for detainees, and improvements in living conditions in the center. Their letter of demands starts with a paragraph which explains the reasons for submitting the demands as follows: 'We simply would like to be guaranteed *a life as human beings*. So please take our demands sincerely, as an official whose job is to manage the detention center and *as a human being just like us*.'[6]

Similar demands were submitted by about 20 people from block 9B in the Ushiku detention center on 6 November 2012 and by 48 detainees from block 8A in the same centre on March 2012.[7] By submitting a series of demands, the protesters in detention centers claim that they first and foremost belong to the category of 'humans'. These protesters are a mixture of people: some of them are waiting for the results of refugee applications, some have been working in Japan for more than a decade without status, and others have lost their status because of some crimes committed by them. Repeatedly calling themselves 'humans', the protesters demand that they are identified as

'humans' and treated as such rather than those with other categories such as 'asylum seekers', 'overstayed foreigners', or 'illegal migrants', each of which justifies their detention.

Others organize movements to replace the category of 'illegal immigrants' with that of 'residents'. One of the leading movements of this kind was started by the Asian People's Friendship Society (APFS) in 1999. Since then, the APFS, set up in 1987 by Japanese and Bangladeshi living in Japan, has regularly organized protests to demand the legalization of people without status. The uniqueness of the APFS movement is that irregular migrants associated with the APFS, including those from the Philippines, Myanmar, Iran, and Bangladesh, appear collectively in front of the MOJ and voluntarily hand themselves in to demand the granting of legal status. They argue that, despite the lack of status, they have lived in Japan for a long time as 'residents' and have been indispensable members of the local community. In this way, the protesters demand that they should be treated not as 'illegal immigrants' but as 'residents' in Japan and argue that they are entitled to amnesty.

These examples demonstrate that the protesters address the category mismatch by defining who they are on their own terms. They resist state control over the mobility of people by refusing to accept particular categories originally allocated to them and claim that they belong to different categories. Addressing the category mismatch, these protests highlight the moments of disagreement with the state's dominance over political subjectivities. The state monopoly of citizenship is challenged by people who assert different ways of being and different names to be attached to such 'beings', for instance, 'refugees' instead of 'economic migrants', 'residents' instead of the 'illegal migrants', 'humans' instead of 'asylum seekers' and 'illegal migrants'. By protesting against the category mismatch, people problematize statist boundaries to assign them into specific categories to begin with. And it is through these protests that new categories appear: they appear sometimes by using vocabulary already available such as 'refugees' and 'humans', and other times by creating new and tentative terms, such as *sans-papiers*, 'non-citizens', and 'non-status'. In this respect, the participants in the protests are not *a priori* subjects defined through the categories already available in a world imagined with statist boundaries. Instead, they are what Nyers calls, 'emerging political subjects' (2008: 132). The protesters are not *a priori* subjects defined through the statist framework of subjects, but they 'emerge … as beings acting and reacting with others' (Isin and Nielsen 2008: 39). Therefore, in the strict sense of the term, there are no suitable 'names' available to describe the participants in the protests.

Co-opting the category mismatch

If the protests to address the category mismatch suggest the limits of existing terms to describe 'emerging political subjects', a different kind of protest has also been taking place in Japan that equally challenges the state prerogative to decide what subjects are produced and how they are labelled in relation to the political community of the state. However, in the latter case, the category mismatch is not problematized as a gap to bridge. Instead the discrepancy is maintained and actively (ab)used by people to realize their own demands. In this section, I highlight two groups of people, those with Long-Term Resident status and those with Technical Intern Training status. Each case shows that there is a mismatch between what categories represent and what people actually do with the categories assigned to them. Interestingly, unlike the protests discussed in the previous section, the people with these statuses do not demand different names or attempt to adjust the category mismatch. Rather the category mismatch is *exploited* by the people for their own convenience. I argue that this exploitation of the category mismatch itself is one way of struggling over citizenship, because people mock the state's ability to capture the subject and, in this way, challenge its monopoly on citizenship.

In the case of the immigration status of Long-Term Resident (*teijūsha*), there is a mismatch between the category of residents and that of Japanese. This status is designed for foreign-born 'Japanese', called *nikkeijin*, to come to Japan and remain in Japan as 'residents' (Kajita 2002: 24). To give residency permits exclusively to *nikkeijin*, policymakers created Long-Term Resident status in the 1989 revision of the Immigration Control Law.[8] This visa status relaxes the work restrictions for *nikkeijin*, which allows them to do any type of work, including unskilled work. In this way, *nikkeijin* are differentiated from other 'foreigners' whose work permit is limited to 'skilled' work. The immigration status of 'residents' defines *nikkeijin* as being 'the closest to the Japanese race' and 'a group distinctive from foreigners [in Japan] in general' (Kajita 2002: 12).

As 'residents' of Japan, *nikkeijin* are differentiated from foreigners; and yet, they are also separated from the Japanese. This is saliently shown in the ways in which the status of *nikkeijin* is defined in comparison with that of *zainichi* who obtain Special Permanent Resident (SPR) status: *nikkeijin* are defined as less close to 'Japanese' compared with *zainichi*. *Zainichi* refer to a group of people, many of them originally from Korea and their descendants.[9] Between the 1920s and the mid-1940s when Japanese colonial expansion to Asian countries advanced, a sizable number of people from Asia came to Japan as forced laborers. After World War II, some of them decided to stay in Japan: it is estimated that about 620,000 Koreans and 40,000 Chinese (many from Taiwan) were in Japan in 1950 (Shipper 2008: 32). Their stay in Japan was subject to various government measures that kept the status of *zainichi* ambiguous.[10] According to Kajita (1999), the introduction of Long-Term Resident status was discussed together with various measures that finalized the status of *zainichi* in Japan in the early 1990s. These measures included the provision of SPR status to all *zainichi* to guarantee their permanent residency in Japan and the (partial) prohibition of compulsory collection of fingerprints from *zainichi*.[11] Through these measures, the *zainichi* were put effectively 'at the top of the racialized hierarchy in terms of immigration status and rights' (Shipper 2008: 35) in Japan: they are situated in 'a class above Asian wives and foreign migrants (including the "almost Japanese" *nikkeijin*) but below Japanese citizens' (Shipper 2008: 27). Alongside the finalization of the status of *zainichi*, most of whom were third- and fourth-generation and hence Japanese-born 'foreigners' by that time, the issue of *nikkeijin* was brought up among policymakers to clarify the status of 'Japanese' who were raised outside Japan (Kajita 1999). In this process, they are given a more restrictive immigration status than *zainichi*. For example, while both *zainichi* and *nikkeijin* have no restrictions with regards to the types of work they are allowed to do in Japan, only *zainichi* are allowed to live and work permanently in Japan without renewal of their immigration status. That is, although *nikkeijin* are separated from the rest of the 'foreigners', they are also not entirely included in 'Japanese' because they are regarded as being less close to 'Japanese' than *zainichi*.[12] In this way, people with Long-Term Resident status are situated in the gap between the category of Japanese and that of foreigners.

Interestingly, such ambiguity is used by people with Long-Term Resident status for their own advantage. As Kajita *et al.* (2005: 123) point out, in creating the status of Long-Term Resident, policymakers originally expected a group of 'Japanese' in China to apply for this status to come to live in Japan. Despite the government's initial expectation, the actual group of people coming to Japan as *nikkeijin* was predominantly from Brazil and Peru.[13] For these people, the newly introduced status of Long-Term Resident offered an opportune way to move between Japan and their country of origin. Since the 1980s, there had already been a flow of migrant workers from South America, especially Brazil, to Japan to meet the need for a flexible and disposable labor force in Japan (Kajita *et al.* 2005: 4–7). As Kajita argues, the introduction of the Long-Term Resident status further accelerated this migration flow (Kajita 2002: 26). As flexible and expendable laborers, most of the people coming to Japan with the status of Long-Term Resident do not stay in Japan as 'residents', but move back and forth between

Japan and their country of origin, depending on the availability of jobs in these places (Kajita, *et al*. 2005: 120–5).

In other words, although people with Long-Term Resident status are regarded as a group distinct from 'foreigners' and expected to live in Japan as 'residents', they remain neither 'residents' nor 'foreigners' in the sense that they take into account changing economic situations and flexibly weigh the option of staying in Japan or going back to their country of origin. In this respect, most of the people with Long-Term Resident status are 'not residents if considering the sociological reality [of their lives]' (Kajita 2002: 24).[14] *Nikkeijin* are defined neither as 'Japanese', because they are not allowed to live and work permanently in Japan like *zainichi*, nor as 'foreigners', because they enjoy no restrictions on the type of work they engage in. This ambiguity embedded in the status of Long-Term Resident ironically provides *nikkeijin* with leeway to *become* 'foreigners' and 'Japanese' depending on their situations. *Nikkeijin* (ab)use the ambiguity of their own status, that is, the mismatch between the name given to them (residents) and what they do with the name (moving back and forth between Japan and their country of origin).

I argue that by using the category mismatch in this way, the people with Long-Term Resident status delegitimize the state monopoly on citizenship. They do not question the mismatch of their status (they are neither 'residents' nor 'foreigners'). Instead they turn the category mismatch to their own advantage, that is, to flexibly select which category they *become*: they become 'residents' to live in Japan when they have jobs and they need to do so for family reasons, but they become 'foreigners' when they perceive leaving Japan as an economically viable option. They do not problematize the category mismatch between 'residents' and 'Japanese', that is, they do not demand to clarify their ambiguous status as Japanese or foreigners. Nor do they seek to identify themselves as anything other than these categories. Instead, they *play with* the categories of 'Japanese' and 'foreigners' to ostensibly follow the state's attempt to control the movements of *nikkeijin*. They are allowed to live in Japan as 'residents' but are prevented from enjoying the same rights as other 'Japanese' residents. For *nikkeijin*, keeping the ambiguity of their status is an assured way to freedom of movement without binding themselves to Japan or any other country. By disguising themselves as 'residents', the category assigned to them, and living with the category mismatch, *nikkeijin* quietly decide the terms of their relationship with the political community they live and work in. The categories, or 'names', have no actual meaning to *nikkeijin*. Rather the categories are useful tools for maximizing their own benefits, that is, sometimes becoming 'residents' (of Japan) and sometimes becoming 'foreigners' (in Japan). In this regard, the state no longer holds the prerogative to govern what the categories of 'Japanese' and 'foreigners' do to people with Long-Term Resident status.

The Technical Intern Training Program also creates room for maneuver where people with this status exploit the category mismatch. In this case, the mismatch refers to what the status of Technical Intern Training is supposed to mean, that is, training, and what people actually do with this status, that is, working. As others have argued (for instance, Iguchi 2008; Hatate 2001), the training and internship program is widely regarded as a loophole in the immigration law for corporations to use trainees and interns as unskilled laborers without contradicting the government's official stance on not accepting manual laborers from abroad. This program has existed since the 1960s in various forms,[15] but the current system was formally established in 1993. With the aim of skill transfer from Japan to so-called developing countries, the training and internship program purports to invite people to come to Japan to learn basic skills as 'trainees' for one year, and then practise their newly acquired skills in Japanese companies as 'interns' for two years.[16] The crucial aspect of the program is its process of hiring trainees and interns called the 'Acceptance Supervised by Organization' system (*dantai kanri gata*) established in 1990.[17] Through this system, small-sized and mid-sized corporations can take on trainees and

interns under the supervision of designated organizations usually called business cooperatives (*kyoudou kumiai*).

Currently, most of the 'training' is facilitated through small and mid-sized companies (Gaikokujin Kenshusei Kenri Nettowaku 2009: 15–18). This means that the majority of the companies accepting trainees and interns have fewer than 50 employees and sometimes only a handful of staff, for example a family-owned and run business (Gaikokujin Kenshusei Kenri Nettowaku 2009: 12). In other words, people with Technical Intern Training status are sent to companies that do not have the capacity to train people in terms of their technology or manpower (Kajita 2002: 31). This raises some questions regarding the purpose of the training and internship program, such as whether the government set up the program as a way to secure unskilled labourers while maintaining its official stance on having only skilled laborers from abroad. As Iguchi points out, the companies accepting trainees and interns belong to the 3D businesses, such as construction, manufacturing, and farming, which suffer from a shrinking labour force (2008: 4–5, 11–12). For these companies, therefore, people with Technical Intern Training status play indispensable roles in keeping the businesses running while minimizing personnel costs. The following remark from the president of one sewing company suggests the hard choices faced by small and mid-sized companies:

> You, the media people, talk about the human rights of trainees and interns. But what about *our* human rights? Our company was introduced to the training system when we were facing two choices: either we would close down our business or move our factories overseas. Thanks to this [training] system, we have managed to survive [in Japan]. Without foreigners, we could not have made it.
>
> *(Gaikokujin Roudousha Mondai to Korekarano Nihon Henshu Iinkai, 2009: 38)*[18]

In this way, the training and internship program is built upon the category mismatch between what the Technical Intern Training status is supposed to do (training) and what people with this status actually do (work).

Importantly, the category mismatch is exploited not only by companies to secure cheap labor without contradicting the government's official stance but also by people coming to Japan through this program. As one NGO staff member working with trainees and interns for more than ten years puts it, most of the trainees and interns do not expect to receive training in Japan but to work and earn money.[19] The amount of money they would earn as trainees and interns, called 'allowance', can be as little as 300 yen per hour. Although this amount is less than half the minimum wage of Japanese laborers, it is understood to be sufficient once exchanged into the currencies of their own country. Therefore, for some, the training and internship system is believed to generate enough money to build a house in their country of origin after completing the 'training' period.[20]

Abusing the category mismatch between training and work can be also shown in the ways in which people with Technical Intern Training status regard the program. For example, one trainee explains coming to Japan in terms of a financial investment, presumably with the expectation of commensurate returns: 'Until January 2006, I was working in a sewing factory in China. I wanted to work in Japan, so I paid 40,000 yuan to the dispatched company in China to come here [Japan].' (Gaikokujin Roudousha Mondai to Korekarano Nihon Henshu Iinkai 2009: 18)[21]

Another trainee also explained that he came to Japan to earn money. As the Secretary General at the local office of the Communist Party in a rural town in China, he aimed to earn enough money so he could carry out local projects to improve the infrastructure of his village: 'I will go to Japan *as a trainee to earn money* and will be back. By using the money [I earned in Japan],

I will make a bridge for my village. So please wait for me for 3 years.' (Gaikokujin Roudousha Mondai to Korekarano Nihon Henshu Iinkai 2009: 57)[22]

Sometimes trainees and interns contact relevant organizations to find a way to continue working when facing the danger of being sent back before they complete their 'training' period. For instance, in April 2010, two people from China contacted an organization called China Japan Volunteer Association (CJVA), an association set up by Cho Ken Ha with the aim of bridging the relationship between Japanese and Chinese living in Japan. When the company where they worked as trainees was about to go bankrupt, other 'trainees' were forcibly taken to the airport and sent back to China, the widely reported practice conducted by companies in such circumstances. Having suspected that their turn would be next, these people from China sneaked out from the company premises to contact the CJVA. Crucially, they contacted the CJVA not to complain that they had received no 'training,' but to seek a way to continue to stay in Japan so that they could complete their 'training' and 'internship' period to earn enough money.[23] What these examples suggest is that people coming for training and internship also use the discrepancy between the categories of trainees and interns and workers to work in Japan 'legally'.

That the category mismatch is exploited by trainees and interns does not mean that they do not challenge the discrepancy between the categories of trainees and interns and that of workers. In fact, some of them contact a labor union, such as Zentouitsu and Kakoukai,[24] to protest against their working and living conditions and demand of their employers that they admit that the 'trainees and interns' are *de facto* 'workers' and should be treated accordingly.[25] Others contact lawyers, which resulted in the establishment of a lawyers' network for trainees and interns called *Gaikokujin Kenshusei Mondai Bengoshi Renraku Kai* in 2008. Together with labor unions and lawyers, some trainees and interns challenge the category mismatch and demand a proper name, in this case, workers, to be attached to them. By asserting that they are workers, those labelled as trainees and interns resist the state's monopoly to decide who they are and how they are to be treated.

However, that some 'trainees and interns' come to Japan specifically to earn money also suggests that the state authority to categorize people is *already* undermined by people who exploit the category mismatch to achieve their personal aims. Without demanding adjustment of their labels from trainees and interns to workers, people deliberately (ab)use the system to earn as much money as possible within a limited time period. In other words, the categories of trainees and interns, and even workers, seem to have little meaning for people using the training and internship program. For them, these categories are merely convenient tools for realizing their personal goals: they ostensibly become 'trainees and interns' to gain permission to 'work' in Japan. While the state appears to deceive people by deliberately maintaining the discrepancy between 'trainees and interns' and workers, it is simultaneously deceived by the people who exploit this discrepancy for their own sake.

Conclusion

In this chapter, I have brought the perspective of the category mismatch into an analysis of struggles over citizenship. I have done this by highlighting two different kinds of protests against the state's monopoly on citizenship. The first type of protest openly addresses the category mismatch and demands apposite categories, or names, to define people. The second type of protest quietly co-opts the state's attempt to control the movement of people. By strategically performing the roles assigned to them, the protesters become nameless, because political subjects are realized precisely in the gap between 'right' and 'wrong' names.

Reading citizenship with these two different types of protests has serious implications for how we conceptualize resistance in relation to the state. The first type of protest, extensively focused on in critical citizenship literature, situates the location of resistance beyond the existing world, in a world without statist boundaries. There are no proper 'names' to describe people enacting citizenship precisely because these 'new' subjects are realized beyond the world we currently inhabit and beyond the vocabularies we have now. In the second type of protest, possibilities of resistance are situated within the existing world. The statist boundaries play crucial roles in realizing subjects, rather than being a hindrance for them. Citizenship is enacted not in a desire to adjust the category mismatch but to embrace it, so that one paradoxically becomes nameless. How do we understand this need for statist boundaries in articulating struggles over citizenship? The examples from Japan raise provocative questions that challenge the existing literature's tendency to look for possibilities of resistance in a world without boundaries, while paying little attention to struggle that co-opts existing boundaries but escapes from them at the same time.

Notes

1 The concept of side-door and back-door policies was originally discussed by Cornelius *et al.* (1994).
2 By this body of work, I mean critical citizenship studies, such as the work of Isin (2002), Isin and Nielsen (2008), and Rygiel (2010), which examines how people resist particular subject positions assigned by the state and enact citizenship.
3 For example, see Shipper (2008).
4 www.freewebs.com/kurdjapan/exp_introduction.html (accessed 20 November 2007).
5 There are other examples of protests taking place in detention centers in Japan. For instance, 33 people detained in the Ushiku detention centers started a hunger strike on 22 August 2011. See: http://praj-praj.blogspot.jp/2011/08/33.html (accessed 1 June 2013). On 18–19 June 2013, a group of detainees refused to follow an order to return to their rooms. They did this to demand the termination of prolonged detention and improvements to medical services in the detention centers. See: http://praj-praj.blogspot.jp/2013/06/blog-post_19.html (accessed 21 June 2013).
6 http://praj-praj.blogspot.jp/2013/05/blog-post_25.html (accessed 1 June 2013). My translation. Emphasis mine.
7 http://praj-praj.blogspot.jp/2012/11/9b.html (accessed 1 June 2013); http://praj-praj.blogspot.jp/2012/03/8a4718-8a-free-time-free-time-2012-3-9.html (accessed 1 June 2013)
8 The official reason for giving the residency permit to *nikkeijin* was explained as making visiting relatives easier for *nikkeijin*.
9 As of 2010, 99 per cent of people registered with SPR status are Korean (395,234) and this number amounts to 70 per cent of Koreans registered in Japan. Although the majority of *zainichi* are from the Korean peninsula, there are also some from Taiwan and China who have come to Japan.
10 By this, I mean to indicate that the status of *zainichi* remained contested throughout the post-war period in Japan. This can be seen in a series of laws issued since 1945: they include the one in 1945 (to suspend suffrage), in 1947 (the Alien Registration Law), in 1952 (mandatory fingerprinting and the possession of an alien registration card), in 1965 (provision of special permanent residency for some Koreans), and most recently in 2012, the refusal to make high school fees free for *zainichi*.
11 Those *zainichi* born between 16 August 1945 and 16 January 1971 (the first-generation Koreans) and those born after 17 January 1971 (the second-generation Koreans) were given special permanent residency in 1965. At that time, the status of third-generation Koreans was left pending until 16 January 1991 when the memorandum of understanding regarding the so-called *Nikkan Houteki Chii Kyoutei* was signed.
12 As I said earlier, this does not mean that *zainichi* are identified as a part of the 'Japanese'.
13 Kajita (2002: 24) describes this as an 'unintentional result' of introducing the category of the long-term resident status.
14 My translation.
15 For the precursor of the training program, see Hatate (2001: 124–5).
16 Although 'trainess' and 'interns' are subjected to labor laws since July 2010, they continue to be defined as people who receive training (see JITCO 2011: 2–3).

17 Hamaguchi (2010) argues for the significance of the turf war between ministries in the establishment of the training and internship program.
18 My translation. Emphasis mine.
19 Interview with Mizutani, 8 April 2010. The name has been changed.
20 Interview with Yamada, 1 April 2010. The name has been changed.
21 My translation.
22 My translation. Emphasis mine.
23 Interview with the staff at the CJVA, 15 May 2010.
24 The former union started including migrant workers in 1991 and set up the Foreign Workers Branch of Zentouitsu, a group only for migrant workers, in 1992 within Zentouitsu. The latter, set up by a Chinese person living in Japan in 2003, consists only of Chinese workers.
25 Regarding their living conditions, see Gaikokujin Kenshusei Kenri Nettowaku (2009).

References

Balibar, É. (2004) *We, the people of Europe? Reflections on transnational citizenship*, Princeton, NJ: Princeton University Press.

Cornelius, W. A., Martin, P. A., and Hollifield, J. F. (1994) *Controlling immigration: a global perspective*, Stanford, CA: Stanford University Press.

Deleuze, G. and Guattari, F. (1987) *A thousand plateaus: capitalism and schizophrenia*, Minneapolis, MN: University of Minnesota Press.

Gaikokujin Kenshusei Kenri Nettowaku (eds.) (2009) *Gaikokujin Kenshuusei Jikyuu 300 Yen no Roudousha (2) [Trainees and interns working with the salary of 300 yen per hour (2)]*, Tokyo: Akashi Shoten.

Gaikokujin Roudousha Mondai to Korekarano Nihon Henshu Iinkai (eds.) (2009) *'Kenshu-sei' toiu Na no Dorei Roudou [The slaves called 'trainees']*, Tokyo: Kadensha.

Hamaguchi, K. (2010) 'Nihon no gaikokujin roudousha seisaku' ['Japan's policies on migrant workers'], in Y. Igarashi (ed.), *Ekkyou Suru Roudou to 'Imin'*, Tokyo: Otsuki Shoten: 271–313.

Hatate, A. (2001) 'Gaikokujin kenshu Seido no jitsujo to seisaku kadai' ['The reality of the training and internship programme and its policy agenda'], in NIRA Citizenship Research Group (eds.) *Tabunka Shakai no Sentaku*, Tokyo: Nihon Keizai-sha: 123–37.

Iguchi, Y. (2008) 'Ugokihajimeta gaikokujin seisaku no kaikaku' ['The reform of immigration policies has begun'], *Jurisuto*, 1350: 2–14.

Isin, E. (2002) *Being political: genealogies of citizenship*, Minneapolis, MN: University of Minnesota Press.

Isin, E. and Nielsen, G. M. (eds.) (2008) *Acts of citizenship*, London: Zed Books.

Isin, E., Nyers, P., and Turner, S. B. (2009) 'The thinking citizenship series', *Citizenship Studies*, 13(1): 1–2.

Japan International Training Cooperation Organization (2011) *Gaikokujin Ginoujishuusei Kenshuusei no Nyuukoku Zairyuutetsuzuki Q&A [Q&A on immigration registration of foreigners with Technical Intern Training Status]*, Tokyo: Yoshida Press.

Jones, R. (2009) 'Categories, borders and boundaries', *Progress in Human Geography*, 33 (2): 174–89.

Kajita, T. (1994) *Gaikokujin Roudousha to Nihon [Foreign workers and Japan]*, Tokyo: Nippon Housou Shuppan-ka.

Kajita, T. (1999) 'Kairi suru nashonarizumu to esunishiti' ['The discrepancy between nationalism and ethnicity'], in K. Aoi, A. Takahashi, and K. Shouji (eds.) *Shimin sei no Henyou to Chiiki/Shakai mondai*, Tokyo: Azusa-Shuppansha: 139–65.

Kajita, T. (2002) 'Nihon no gaikokujin roudousha seisaku' ['Policies on migrant workers in Japan], in T. Kajita and T. Miyajima (eds.) *Ethnicity and Changing Japanese Society*, Tokyo: University of Tokyo Press: 15–43.

Kajita, T., Tanno, K., and Higuchi, N. (2005) *Kao no Mienai Teiju ka [Invisible residents]*, Nagoya: The University of Nagoya Press.

McNevin, A. (2006) 'Political belonging in a neoliberal era: the struggle of the sans-papiers', *Citizenship Studies*, 10 (2): 135–51.

Ministry of Justice (2011) *Part 1: Immigration Control in Recent Years*. Available online at www.moj.go.jp/content/000081971.pdf (accessed 1 May 2013).

Moulin, C. and Nyers, P. (2007) '"We live in a country of UNHCR": refugee protests and global political society', *International Political Sociology* 1: 356–72.

Nyers, P. (2008) 'Community without status: non-status migrants and cities of refuge', in D. Brydon and W. D. Coleman (eds.) *Renegotiating community: interdisciplinary perspectives, global contexts*, Vancouver and Toronto: UBS Press: 123–38.

Nyers, P. (2010) 'Dueling designs: the politics of rescuing dual citizens', *Citizenship Studies*, 14 (1): 47–60.
Peoples, C. and Vaughan-Williams, N. (2010) *Critical security studies: an introduction*, Abingdon, Oxon: Routledge.
Rygiel, K. (2010) *Globalizing citizenship*, Vancouver: University of British Columbia Press.
Shindo, R. (2009) 'Struggle for citizenship: interaction between political society and civil society at a Kurd refugee protest in Tokyo', *Citizenship Studies*, 13 (3): 219–37.
Shindo, R. (2013) *The politics of categories: rethinking boundaries through translation*. Unpublished PhD thesis, Aberystwyth University.
Shipper, A. (2008) *Fighting for foreigners: immigration and its impact on Japanese democracy*, Ithaca, NY: Cornell University Press.
Suzuki, E. (2007) 'Senbetsuka ga susumu gaikokujin roudousha' ['The accelerating process of selection of migrant workers'], in I. Watado, E. Suzuki, and A. P. F. S. (eds.) *Zairyu Tokubetushoka Kyoka to Nihon no Imin Seisaku*, Tokyo: Akashi Shoten: 10–24.
Suzuki, E. (2009) *Nihon de Hataraku Hiseiki Taizaisha [Irregular residents working in Japan]*, Tokyo: Akashi Shoten.
Suzuki, E. (2010) 'Hiseiki taizaisha to nihon shakai' [Irregular residents and Japanese society], in A. Kondo, Y. Shiobara, and E. Suzuki (eds.) *Hiseiki Taizaisha to Zairyu Tokubetsu Kyoka*, Tokyo: Hihonhyouron-sha: 55–92.

34

Urbanizing India

Contestations and citizenship in Indian cities

Romola Sanyal

On December 16, 2012, a 23-year-old girl was brutally gang-raped by a group of six men on a moving bus before being thrown out of it along with her friend who was also stripped and badly beaten. The girl lived for less than three weeks before she finally succumbed to her injuries at a hospital in Singapore, where she had been sent by the Indian government. This was not the first case of gang rape in India or, indeed, in the capital. Nor was it the first where a woman was brutalized and subsequently died from her injuries. Yet, something about the particular case touched a nerve among the citizenry. Thousands of people came out onto the streets of Delhi in a series of protests both peaceful and violent against the government and its apathy and inability to provide security and dignity for women, while sex crimes and sexual discrimination continued to rise in the country. While many of the protests focused on the safety of women in the public spaces of the city, the incident also raised important questions about the rights of women across caste and regional divides in contemporary India, and the meaning and articulation of citizenship against an increasingly securitized state, and a state that has predominantly engaged in a patriarchal relationship with its membership. Now, the citizenry were demanding increased accountability and rearticulation of the idea of citizenship.[1] The streets of Delhi thus became a site of reinscribing citizenship on a national scale, and for forging new ideas of urban citizenship and rights to the city. The incident thus provoked a brief but profound moment of soul-searching in which people considered the many ways in which violence, and specifically gender violence, had become normalized in India. The city became the crucible in which broader questions of citizenship throughout the country were formed. These questions probed the layers of gender, class, caste, religion, and ethnicity and how they come together to form multiple forms of marginalization.

The urban context in India is becoming increasingly important in rethinking political and economic change in the country. Indian cities have grown considerably over the last three decades and at least three – Delhi, Mumbai, and Kolkata – feature among the ten most populous urban agglomerations in the world, with populations ranging between 22.7–14.4 million people. In this urban century, India, along with China, is expected to see the largest increases in urban populations, with Delhi projected to become the second most populous urban agglomeration in the world and Mumbai coming in a close third (UN Department of Economic and Social Affairs 2012). The expected rapid pace of urbanization in India over this coming century raises a

number of concerns about urban systems such as transportation, health, and education, but has also thrown a spotlight on the ways in which access to rights in the cities is deeply fragmented along caste, class, gender, and ethnic lines.

In India, 44 per cent of all urban households are classified as slums (UN Habitat 2011, 38). Most of the population in Delhi, for example, does not have access to clean water or sanitation facilities, and about two-fifths of the urban poor use contaminated groundwater, exposing themselves to risks from waterborne diseases (Datta 2012a). Meanwhile, Indian cities are important spaces, sites of investment by international organizations, corporations, and elite non-citizens including members of the Indian diaspora. Thus, while India remains the key source of formal citizenship, its cities become the sites within which deepening political and economic inequalities become plainly evident (Desai and Sanyal 2012).

In this chapter, I look at a few pressing issues, namely, contestations over rights to the city, with a focus on class politics and urban poverty, as well as contestations over caste, ethnicity, and gender. These are vast subjects in themselves with nuances that are difficult to fully capture in a short chapter. This is therefore an attempt to introduce a landscape of questions that reveal the complexity of urban citizenship within the Indian context.

Urban citizenship

Cities have provided the etymological and historical origins of citizenship, weaving into them the paradoxes, exclusions, and marginalizations, making them simultaneously 'free' and 'protected' (Baubock 2003; Alsayyad and Roy 2003). However, with the rise and dominance of the nation-state, citizenship was displaced from the urban to the national realm. It is more recently, with the increasing focus on 'global cities' as key command and control sites of the world economy and the attention paid to the effects of urban entrepreneurialism on various classes of urban society, that urban citizenship has returned as a key concept. In one of the earliest works on the subject, Holston and Appadurai (1999) argued that we need to return to cities as critical and privileged sites in which to analyse the current renegotiations of citizenships. Pointing out the contradictions between formal and substantive citizenship, the authors argued that cities, with their concentrations of wealth and poverty, make urban citizenship an increasingly important aspect of understanding contemporary politics and life. This is because of the conflicting and contradictory politics of different groups of people (both legal and illegal) attempting to secure services and rights to the city and shaping them according to their needs.

Appadurai and Holston's work draws upon the work of Lefebvre (1996) on the right to the city. This concept moves beyond discussions focused merely on economic contributions to the city and instead argues for the right of all urban inhabitants to participate directly in the production of the city and shape it in ways that fulfil their needs and have meaning for them. Such scholarship, calling for critical engagement with cities and citizenship resonates with other writings on contemporary citizenship. Engin Isin (2009, 370) reminds us that we need to think about citizenship in new ways as 'new actors, sites and scales of citizenship have emerged that complicate the ways in which citizenship is enacted not as only membership but also as claims'. Calderia and Holston (1999, 717) argue that democratic citizenship rights are shaped through disjunctive processes – in that they 'comprise of processes in the institutionalization, practice, and meaning of citizenship that are never uniform or homogeneous. Rather, they are normally uneven, unbalanced, irregular, heterogeneous, arrhythmic, and indeed contradictory.' Similarly, Isin (2009, 384) also argues that today, 'to be a citizen is to make claims to justice: to break habitus and act in a way that disrupts already defined orders, practices and statuses'. The discussions about urban citizenship and contemporary citizenship thus dovetail with each other, demonstrating

the overlapping concerns over how citizenship is formed and how cities in fact play a key role in shaping it, through experiments, (de)regulations, and negotiations over its spaces and resources.

The discussion of urban citizenship in India is new, though increasingly important. Arguably, the emergence of interest in the cities of India is itself a fairly recent enterprise. For decades, despite continuous rural–urban migration, the imagination of the authentic Indian nation lay in its villages (Prakash 2002). The city on the other hand was viewed through contradictory lenses, either as a symbol of modernity and development, or as a site of inappropriate modernization (Rao 2006). Since the liberalization of India in the early 1990s, however, the city has become increasingly important for scholars, activists, and capitalism – marking what has been dubbed 'an urban turn' (Prakash 2002). It has become a prominent site for contestation over rights, particularly urban citizenship rights. In India, the discussion of citizenship rights itself is thorny, and therefore it is difficult, if not impossible to discuss questions of urban citizenship without taking on board some of the larger debates about citizenship and secularism itself. I thus attempt to relate the two levels of citizenship in my analysis.

Class politics and urban reconfigurations

Since the liberalization of the Indian economy, cities have become increasingly important as sites of economic growth and social and political changes in the country. In particular, the middle classes have risen not only as an economic and consumption class, but also as a class that has become increasingly vocal in demanding a reconfiguration of urban space and access to it. Together with entrepreneurial city governments, the middle classes have sought to 'globalize' Indian cities and bring them in line with other cities around the world, both economically and aesthetically. Much of this has been pursued through urban redevelopment and the remaking of urban policies. In an effort to create 'world-class cities' that cater to an increasingly cosmopolitan middle class, city governments have attempted to redevelop waterfronts (Desai 2012), build public transport systems, remake the city through the removal of slums, squatter settlements, and hawkers from pavements, and gentrify citizen participation for the propertied classes (Bhaviskar 2003; Fernandes 2004; Roy 2003b; Ghertner 2011). In these newly crafted visions of the Indian city, the aspirational models are other 'successful' Asian cities and financial hubs such as Dubai, Singapore, and Shanghai (Roy and Ong 2011). In these plans, the poor have no place. Indeed, the imagination of the new urban India is an increasingly revanchist one where middle- and upper-class citizens along with the judiciary, the government, and acts of planning have attempted to demolish increasing numbers of slums from the cities. Authors have pointed out how local and state governments have engaged in 'flexible planning' and 'flexible governance' to engage in urban (re)development often infringing on the rights of the urban poor while, more insidiously, encouraging similar transgressions by the rich (Desai 2012; Gururani forthcoming).

The urban poor have precariously occupied spaces in the city and have historically been either tolerated or encouraged by government and private interests (Ghertner 2011). Demolition drives to evict them and free up land have previously been paired with a policy of resettlement, however partial and problematic (Ramanathan 2006). More recently, however, resettlement as an option has been cast aside, as the urban poor are treated increasingly as criminals encroaching on private and public land (Bhan 2009). New forms of urban governance have also shifted the power squarely into the hands of the land-owning wealthy in cities such as Delhi, breaking the tenuous bonds the poor have historically forged with local politicians and low-level bureaucrats (Ghertner 2011). The poor themselves are fragmented into groups through the state's resettlement policies. Slum residents who can show proof of having lived in a particular slum before a specific cut-off date are offered resettlement on the periphery of the city or farther away. The resettlement colonies

are abysmal at best, lacking basic infrastructure, proper sanitation, links to the city and to markets that are vital for people to create and sustain livelihoods (Rao 2010).

Writing against this bleak image of the Indian city, captured by elite interests and working against the poor, some scholars have argued that it is inaccurate to consider the poor as subjects of oppression without the capacity to engage with and subvert state forces. In what Ananya Roy (2011, 224) calls 'subaltern urbanism' scholars have attempted to 'provide accounts of the slum as a terrain of habitation, livelihood and politics', conferring recognition on the spaces and forms of urban poverty that are often invisible or neglected in the histories of the urban. Such scholarship has ranged from the study of cosmopolitanism within slums (Datta 2012a) to studies that have shown how an array of state practices have developed in postcolonial India that are outside the purview of and in contravention of formal planning and yet cater to the majority of its population (Kaviraj 1991; Benjamin 2008; Ghertner 2011). Benjamin (2008), for example, shows how a 'porous bureaucracy' coupled with the process of 'occupancy urbanism' allows the urban poor access to land and employment in cities in India. While transnational corporations, private developers and upper classes decry the proliferation of squatter settlements across cities in India as products of 'vote-bank politics', Benjamin argues that such politics 'may lie in a merger of anarchic citizenship and occupancy urbanism to destabilize a very common mantra provided for cities in the global South: to be (both) "globally competitive and inclusive"' (Benjamin 2008, 726). In a way, such interpretations of urban politics that subvert and contest the corporatization of Indian cities appear to mimic Oren Yiftachel's notion of 'gray-spacing': the process through which peripheries exploit the cracks within the system and work against oppressive power through small movements to upset the prevailing or desired urban order (Yiftachel 2009).

What are the limits of understanding such subaltern agency? Despite the chaos and complexity of subaltern politics, is it enough to challenge the hegemony of collaborations between private capital and the state? Asher Ghertner looks at the changing nature of urban governance in New Delhi. Facilitated by the Delhi government, Ghertner exposes the elite capture of contemporary forms of urban governance through propertied citizenship (Ghertner 2011). What space and possibilities do the urban poor have to access the state and exercise their rights, or do they simply become members of what Chatterjee (2004) has termed 'political society', subject only to the exercises of governmentality and vote-bank politics? The elite capture of urban governance and the struggles between various classes are not only relevant for an understanding of urban citizenship in India, but also for interrogating the access to, and meaning of, public space and public protest globally.

Caste and identity politics

It is not just at the intersection of class that the politics of urban citizenship is articulated. One of the beguiling aspects of citizenship in India is the continuing importance of ethnic identity, religion, and caste in dictating the turns in political events and processes. This is because, as scholars have pointed out, the idea and practice of citizenship in India itself are contradictory, both protecting individual rights and community rights which can be at odds with each other. For example, personal laws in India give the right for religious minorities to govern themselves and to protect their religious and cultural practices, which range from educational rights to rights of marriage, divorce, and inheritance. These laws inadvertently have a negative effect on women, as they may be subject to oppressive practices of their particular communities rather than being able to avail themselves of the law as individual citizens (Sunder Rajan 2003; Menon 1998). Without delving deeper into the larger discussion of the contradictions in the practice of citizenship and secularism in India, it will suffice to say that there have been many discussions,

particularly among scholars and activists writing on ethnicity, caste, and religious minorities, about how the project of citizenship is an incomplete one for many communities and their membership of the citizenry of India is tenuous at best (Hasan and Menon 2004; Gorringe 2008). Casteism in India, despite being outlawed, continues to thrive, through oppressive means, such as discrimination and progressive means, such as reservations for Scheduled Castes, Scheduled Tribes, and Other Backward Castes. Castes in India and their politics are not homogenous (Pushpendra 1999). However, lower castes continue to struggle, even in cities, where their upward mobility is restricted through discrimination in education and employment both in the public and private sectors (Desai and Dubey 2012; Madheswaran and Attewell 2007).

Dominating the discussion of struggles over urban space has been the growing body of literature studying religion and conflict in India (Hansen 2001; Varshney 2002; Brass 2003, 2004). Undoubtedly the city encourages a tense relationship between religious identities (referred to in India as communalism) and also becomes the site within which some of the worst forms of communal violence take place. Such violence is both overt and covert, involving civil strife, riots, and everyday forms of violence such as ghettoization and economic oppression and generally revolves around Hindu–Muslim relations (Gayer and Jaffrelot 2012; Gupte 2012; Roohi 2010; Sanyal 2013; Hasan and Menon 2004). However, ethnic strife is not restricted to Muslims, as clashes have also occurred between Hindus, Sikhs, and Christians.

Furthermore, in discussing Hindu–Muslim relations it is important to note that they are neither monolithic categories, nor is their relationship consistently adversarial. In fact, in many cities in India, such as Varanasi, the relationship between Hindus and Muslims is one of peaceful coexistence because of economic interdependence among other factors (Williams 2013). Yet the study of communal violence has become increasingly important in the discussion about urban citizenship in India, because such forms of civil strife coupled with virulent ethnic politics have the capacity to divide communities in more oppressive and permanent ways and disrupt the possibility of creating juster cities.

Gender and citizenship

This chapter began with a discussion of violence against women and how that is indicative of citizenship rights and privileges afforded to women. The question of women in the Indian polity is and has been a critical one. It is tied up intimately with the politics of religion and more importantly with the politics of home. In the pre-independence period, for example, the conflation of women with the nationalist struggle was an important way to bring people to fight for the freedom of 'Mother India'. The country was thus symbolized as a female figure whose purity, dignity, and freedom from colonial rule had to be wrested back by her sons or male figures. It is no surprise therefore that the rallying song of liberation, *Vande Mataram* or 'Salutation to the mother' was also the slogan of mass protests in India (Sarkar 2001). During the period of partition immediately following independence, women were again key figures in articulating citizenship. A concerted effort was undertaken to recover women who had been abducted and forcibly converted in Pakistan and bring them back to India. The argument again was one of 'saving women' as a true sign of Indian masculinity (Menon and Bhasin 1998; Butalia 1998).

While women have been subject to much patronizing and hegemonic politics, they have also joined in the struggles of a newly independent India and have encouraged considerable reforms in the ways in which social and political activities in the country have functioned (Kumar 1997). In urban India, poor women have been the focus of empowerment and development practices. Working together with feminist organizations, international organizations, and NGOs, women's organizations have proliferated in slums and been lauded for playing important roles in empowering

their communities and other women (Datta 2012b). Among the most celebrated organizations is Mumbai-based *Mahila Milan*, which is part of the Alliance consisting of itself, the National Slum Dwellers Federation, and the Society for the Promotion of Area Resource Centres (SPARC). The Alliance has gained strength over the years, in part because of its non-confrontational pro-development, community-led participation, but also because of the global recognition it has received over the years. Women played an important role in this, not only as peaceful negotiators, but also as the crucial interface between urban redevelopment and the urban poor. In a careful ethnographic study, Sapana Doshi (2012) argues that women have moved from a 'politics of patience' to a 'politics of persuasion', facilitating cooperation within the community, which is not always straightforward. Her study reveals how inequalities and relations of power are produced and reinforced through such participation. Underpinning this discussion of women's participation in resettlement and rights to the city is the issue of the triple burden of women as being responsible for reproductive work within the home, wage labourers outside the home, and now, also as participants and activists in community work. For many women, the responsibilities of household work and paid work coupled with the increasingly strenuous commutes between the two sites make taking on a third layer of responsibility difficult, which in turn adversely affects their ability to acquire benefits of resettlement justly (Doshi 2012). Gender thus is a useful analytical tool for studying poverty, inequality, and subject formation in Indian cities (Roy 2003a). Additionally, it is also an important means by which the question of urban citizenship can be interrogated, including an analysis of how the middle classes construct themselves as a class and as modern, urban citizens (Qayum and Ray 2003).

Women play a key role in the imagination of citizenship at the level of both the city and the nation. Any discussion of urban citizenship using gender as an analytical category needs to not only interrogate gendered access to the city, but in so doing, unpack the ways in which class, inequality, feminization of labour, and neoliberal forms of governance play a role in producing subjects and performances. It also needs to account for the ways in which some of the crucial struggles over questions of citizenship and secularism in India have centred on the question of women and their position within society and law, encapsulating some of the enduring contradictions of rights the communities and individuals can use in India (Menon 1998).

Conclusion: globalizing the struggle over citizenship

The rape case in Delhi symbolized for many the profound disjunctures between formal and substantive citizenship rights in India. The fact that violence against women at home and in public was taking place on a massive scale with little or no protection for them became a matter of anger and resentment. Interestingly, the protests and outrage expressed in India spilled over its borders into neighbouring countries such as Pakistan and China.[2] Not only was the news followed closely in both countries, but candlelight vigils[3] and debates held both online and in public spaces addressed similar concerns in both countries. Allegedly, in China, the issue of the rape and mass demonstrations about it sparked discussions about gender violence, as well as democracy and citizenship rights.[4] Hence the city had not only served as a site for struggle over citizenship rights, but had provided a catalyst for engaging in such conversations both at national and international levels.

India's rapid rate of urbanization makes its cities, both big and small, crucial sites for rethinking social and political relations. Struggles over urban citizenship in India are often influenced by larger global debates on how to reconfigure cities and citizenships. For example, the remaking of cities as 'world-class' takes its cues from other global cities such as Shanghai, Dubai, and Singapore. This involves not only aesthetic referents, but also learning new modes of governance (Roy and Ong

2011). But the 'worlding' of cities is not simply limited to the upper and middle classes. Instead, subaltern classes also have their way of contesting and disrupting such urban makeovers. In so doing, they have an array of tactics, including blockades, at their disposal. But they also have their own way of 'worlding from below' (Simone 2001; Roy 2011b). These alternate 'worlding' practices exercised by the urban poor also operate in transnational circuits such as through Shack/Slum Dwellers International network. The network of community-based organizations represents the urban poor in over 33 countries in Asia and Africa and Latin America and aims to find alternative solutions to evictions and simultaneously influence urban development agendas. Thus, experimentation with urbanization and urban citizenship circulates at both the top and bottom ends of the economic ladder, and political subjects are created not just from the struggles over their local contexts, but from global engagements with such issues.

In our previous work, Renu Desai and I argued that

> cities in India thus mirror the uneven landscape of neoliberal interventions and postcolonial formations, providing key sites for analysing citizenship in the subcontinent. The city becomes the site in which identity, politics, and power are shaped and re-shaped through multiple negotiations and contestations that are rooted both in historic legacy and contemporary challenges.
>
> *(Desai and Sanyal 2012, 2)*

We also argued that because of the diverse histories of different parts of India, it was not possible to talk about a singular experience of urbanism in India or indeed a unique approach to claiming urban citizenship. As this chapter has demonstrated, there are a number of different issues that tear at the fabric of urban politics, economies, and societies, and it is crucial to continue to pay attention to the ways in which cities shape rights and privileges as they affect not just their own urban citizens, but also call for dialogue across their borders.

Notes

1 Burke, Jason, Jan 5, 2013, *India gang rape: five men charged with murder to appear in court*. The Guardian Online. Available online at: www.guardian.co.uk/world/2013/jan/05/india-gang-rape-men-court (accessed 5 January, 2013).
2 Burke, Jason, Jan 4, 2013, *Rape protests spread beyond India*. The Guardian Online. Available online at: www.guardian.co.uk/world/2013/jan/04/rape-protests-spread-beyond-india (accessed 5 January, 2013).
3 Joshua, Anita, Dec 31, 2012, *Candlelight vigil in Pakistan*. The Hindu (Online). Available online at: www.thehindu.com/news/international/candlelight-vigil-in-pakistan/article4259366.ece (accessed 1 January, 2013).
4 Krishnan, Ananth, Jan 1, 2013, *In China, Delhi gang rape spurs online debate, then censorship*. The Hindu (Online). Available at: www.thehindu.com/news/national/in-china-delhi-gang-rape-spurs-online-debate-then-censorship/article4259878.ece?homepage=true (accessed 1 January, 2013).

References

Alsayyad, N. and Roy, A. (eds.) (2003) *Urban informality: transnational perspectives from the Middle East, South Asia and Latin America*, Lanham, MD: Lexington Books.
Baubock, R. (2003) 'Reinventing urban citizenship', *Citizenship Studies*, 7 (2): 139–60.
Benjamin, S. (2008) 'Occupancy urbanism: radicalizing politics and economy beyond policy and programs', *International Journal of Urban and Regional Research*, 32 (3): 719–29.
Bhan, G. (2009) 'This is no longer the city I once knew: evictions, the urban poor and the right to the city in millennial Delhi', *Environment and Urbanisation*, 21 (1): 127–42.
Bhaviskar, A. (2003) 'Between violence and desire: space, power and identity in the making of metropolitan Delhi', *International Social Science Journal*, 175: 89–98.

Brass, P. R. (2003) *The production of Hindu–Muslim violence in contemporary India*, New Delhi: Oxford University Press.

Brass, P. R. (2004) 'Development of an institutionalised riot system in Meerut City, 1961 to 1982', *Economic and Political Weekly*, 39 (44): 4839–48.

Butalia, U. (1998) *The other side of silence: voices from the partition of India*, New Delhi: Viking Penguin India.

Calderia, T. P. R. and Holston, J. (1999) 'Democracy and violence in Brazil', *Comparative Studies in Society and History*, 41 (4): 691–729.

Chatterjee, P. (2004) *The politics of the governed: reflections on popular politics in most of the world*, New Delhi: Permanent Black.

Datta, A. (2012a) 'Mongrel city: cosmopolitan neighbourliness in a Delhi squatter settlement', *Antipode*, 44 (3): 745–63.

Datta, A. (2012b) *The illegal city: space, law and gender in a Delhi squatter settlement*, Farnham: Ashgate.

Desai, R. (2012) 'Governing the urban poor: riverfront development, slum resettlement and the politics of inclusion in Ahmedabad', *Economic and Political Weekly*, 47 (2): 49–56.

Desai, R. and Sanyal, R. (2012) 'Introduction: urbanizing citizenship: contested spaces in Indian Cities', in R. Desai and R. Sanyal (eds.) *Urbanizing citizenship: contested spaces in Indian cities*, New Delhi: Sage Publications: 1–28.

Desai, S. and Dubey, A. (2012) 'Caste in 21st century India: competing narratives', *Economic and Political Weekly*, 46 (11): 40–9.

Doshi, S. (2012) 'The politics of persuasion: gendered slum citizenship in neoliberal Mumbai', in R. Desai and R. Sanyal (eds.) *Urbanizing citizenship: contested spaces in Indian cities*, New Delhi: Sage Publications: 82–108.

Fernandes, L. (2004) 'The politics of forgetting: class politics, state power and the restructuring of urban space in India', *Urban Studies*, 41 (12): 2415–30.

Gayer, L. and Jaffrelot, C. (2012) *Muslims in Indian cities: trajectories of marginalisation*, London: C. Hurst & Co.

Ghertner, D. A. (2011) 'Gentrifying the state, gentrifying participation: elite governance programs in Delhi', *International Journal of Urban and Regional Research*, 35 (3): 504–32.

Gorringe, H. (2008) 'The caste of the nation: untouchability and citizenship in south India', *Contributions to Indian Sociology*, 42 (1): 123–49.

Gupte, J. (2012) 'Linking urban vulnerability, extralegal security, and civil violence: the case of the urban dispossessed in Mumbai', in R. Desai and R. Sanyal (eds.) *Urbanizing citizenship: contested spaces in Indian cities*, New Delhi: Sage Publications: 190–211.

Gururani, S. (forthcoming) 'Flexible planning': the making of India's "millennial city"– Gurgaon', in A. Rademacher and K. Sivaramakrishnan (eds.) *Urban ecologies in Asia*, Hong Kong: Hong Kong University Press.

Hansen, T. B. (2001) *Wages of violence: naming and identity in postcolonial Bombay*, Princeton, NJ and Oxford: Princeton University Press.

Hasan, Z. and Menon, R. (2004) *Unequal citizens: a study of Muslim women in India*, New Delhi: Oxford University Press.

Holston, J. and Appadurai, A. (1999) 'Introduction: cities and citizenship', in J. Holston (ed.) *Cities and citizenship*, Durham, NC: Duke University Press, pp. 1–18.

Isin, E. (2009) 'Citizenship in flux: the figure of the activist citizen', *Subjectivity* 29: 367–88.

Kaviraj, S. (1991) 'On state, society and discourse in India', in J. Manor (ed.), *Rethinking Third World politics*, London: Longman: 72–99.

Kumar, R. (1997) *The history of doing: an illustrated account of movements for women's rights and feminism in India, 1800–1990*, New Delhi: Zubaan.

Lefebvre, H. (1996). *Writings on cities*, New York: Blackwell.

Madheswaran, S. and Attewell, P. (2007) 'Caste discrimination in the Indian urban labour market: evidence from the National Sample Survey', *Economic and Political Weekly*, 42 (41): 4146–53.

Menon, N. (1998) State/Gender/Community: citizenship in contemporary India, *Economic and Political Weekly*, 33 (5): PE3–PE10.

Menon, R. and Bhasin, K. (1998) *Borders and boundaries*, New Delhi: Kali for Women.

Prakash, G. (2002) 'The urban turn', in R. Vasudevan, R. Sundaram, J. Bagchi, M. Narula, G. Lovink, and S. Sengupta (eds.), *Sarai reader 02: the cities of everyday life*, New Delhi: Sarai CSDS and The Society for Old and New Media: 2–7.

Pushpendra. (1999) 'Dalit assertion through electoral politics', *Economic and Political Weekly*, 34 (36): 2609–18.

Qayum, S. and Ray, R. (2003) 'Grappling with modernity: India's respectable classes and the culture of domestic servitude', *Ethnography* 4 (4): 520–55.

Ramanathan, U. (2006) 'Illegality and the urban poor', *Economic and Political Weekly*, 41 (29): 3193–97.
Rao, U. (2010) 'Making the global city: urban citizenship at the margins of Delhi', *Ethnos: Journal of Anthropology*, 75 (4): 402–24.
Rao, V. (2006) 'Slum as theory', *International Journal of Urban and Regional Research*, 30 (1): 225–32.
Roohi, S. (2010) 'Minority within minorities: Muslim women in Kolkata' in S. Bhaumik (ed.) *Counter-gaze: media, migrants, minorities*, London: Frontpage Publications: 149–62.
Roy, A. (2003a) *City requiem Calcutta: gender and the politics of poverty*, Minneapolis, MN: University of Minnesota Press.
Roy, A. (2003b) 'The gentleman's city: urban informality in the Calcutta of new communism', in N. Alsayyad and A. Roy (eds.) *Urban informality: transnational perspectives from the Middle East, South Asia and Latin America*, Lanham, MD: Lexington Books: 147–70.
Roy, A. (2011a) 'Slumdog cities: rethinking subaltern urbanism', *International Journal of Urban and Regional Research*, 35 (2): 223–38.
Roy, A. (2011b) 'The Blocade of the world class city: Dialectical imagaes of Indian Urbanism', in A. Roy and A. Ong (eds.) *Worlding Cities: Asian experiments and the art of being Global*, London and New York: Routledge 259–278.
Roy, A. and Ong, A. (2011) *Worlding Cities: Asian experiments and the art of being global*, London and New York: Blackwell.
Sanyal, R. (2013) 'Hindu space: urban dislocations in post-partition Calcutta', *Transactions of the Institute of British Geographers*, 39(1), 38–49.
Sarkar, T. (2001) *Hindu wife, Hindu nation: community, religion, and cultural nationalism*, New Delhi: Permanent Black.
Simone, A.M. (2001) 'On the Worlding of African Cities', *African Studies Review*, 44 (2), 15–41.
Sunder Rajan, R. (2003) *The scandal of the state: women, law and citizenship in postcolonial India*, Durham, NC: Duke University Press.
UN Department of Economic and Social Affairs (2012) *World urbanization prospects: the 2011 revision (highlights)*, New York: United Nations.
UN Habitat (2011) *State of the world's cities 2010/2011: bridging the urban divide*, London: Earthscan.
Williams, P. (2013) 'Reproducing everyday peace in north India: process, politics, and power', *Annals of the Association of American Geographers*, 103 (1): 230–50.
Varshney, A. (2002) *Ethnic conflict and civic life: Hindus and Muslims in India*, London: Yale University Press.
Yiftachel, O. (2009) 'Critical theory and 'gray space': mobilization of the colonized', *City*, 13 (2–3): 246–63.

35

Indian citizenship

A century of disagreement

Niraja Gopal Jayal

The idea of the Indian citizen is at once the defining aspiration of modern India and also its most contested political idea. India obtained independence from colonial rule in 1947, and the Constitution of the new republic came into force in 1950. The story of Indian citizenship is one that straddles the twentieth century, such that the dominant idea of citizenship is formed in the colonial first half of the century, finds embodiment in the constitutional settlement at the mid-point of the century, and is simultaneously unravelled and strengthened in its second half. At no point in this considerable span of time and in no aspect of this complex idea, is there an absence of contestation, frequently deep contestation. If the resilience of these ideational contests is surprising, the continuity in the debates and even the arsenal of arguments deployed throughout the twentieth century is startling, considering that the constitutional settlement of 1950 was expected to resolve these contentions by giving expression to a consensual and authoritative conception of Indian citizenship. This chapter provides an account of a century of disagreement about citizenship in India on three of its core dimensions: citizenship as legal status; citizenship as rights and entitlements; and citizenship as identity.

Citizenship as legal status

Throughout the world, there is evidence of a greater hybridization of legal citizenship. Even countries that historically adopted the ethnic descent-based model of citizenship are now moving towards a more inclusive territorial birth-based model, or at least incorporating elements of it. In India, however, we observe a movement in reverse, from the more inclusive principle of legal citizenship articulated in the constitution to a less inclusive conception; from a birth-based to an increasingly, if covertly, descent-based principle. The laws, rules, and jurisprudence on citizenship have come to be increasingly inflected by religion. This is apparent in the contrasting ways in which the Indian state deals with, on the one hand, the question of illegal migrants and, on the other, members of the Indian diaspora clamouring for dual citizenship.

In the late nineteenth century, the historical fault lines of legal subject–citizenship were race and class rather than religious identity; by the late colonial period, religious difference began to inform the discourse of citizenship in ways that would prove to be consequential. In the movement for freedom from colonial rule, the idea that India would adopt the principle of *jus soli* as the basis of

citizenship found repetitive iteration. When freedom from British Imperial rule came in 1947, it was accompanied by a bloody Partition and the movement of fourteen million people across newly demarcated borders. The disruption, violence, and trauma of this event informed, in no small measure, the debate on the articles pertaining to citizenship in the drafting of the Indian Constitution. The adoption of *jus soli* as the defining doctrine of Indian citizenship was a hard-won battle, and the contention over citizenship in this period prefigures the gradual shift towards a *jus sanguinis* regime – albeit in statutory law, administrative rules, and jurisprudence – that has occurred in recent times.

In its most raw form, this shift is seen in the legislative amendments of the 1980s that sought to manage the flow of illegal (usually Muslim) migrants from Bangladesh on India's eastern border. One of these modified the provision of citizenship by birth to exclude from it such persons born in India who have one parent who is an illegal migrant at the time of their birth. On the western border, the presence of another set of refugees – low-caste but Hindu – from Pakistan has triggered the formulation of rules that make explicit mention of their religious identity and also make it possible for them to more easily obtain citizenship precisely because they are seen as members of a vulnerable minority in the country of their origin.

The irony is that while many of the migrants from Bangladesh have acquired forms of `documentary citizenship' through what Sadiq has called `networks of complicity' and `networks of profit' (Sadiq, 2009), those on the western border find it much harder to acquire these documents, even as the visibly gentler official approach towards their predicament explicitly recognizes their religious affiliation. The modifications introduced into the laws (and appurtenant rules) of citizenship by the presence of migrants, both eastern and western, have more or less covertly introduced religious difference into the law. It is notable however that the migrants on the western border, towards whom the state adopts a benign attitude on the basis of their religious identity, themselves repudiate arguments of blood and belonging in favour of a largely instrumental understanding of what citizenship is for: access to basic public services from electricity connections to admission to government schools, from caste certificates to access to subsidized food.

As is well known, undocumented aliens in several states in the US enjoy rights to public schooling, driving licences, and property. These policies tend to make rights and status somewhat autonomous of each other (Bosniak, 2006: 89). The public debate about whether giving them access to social provisioning diminishes the citizenship of the native-born, meanwhile, continues (Macedo, 2007). The practice of according some rights even to those without the documentation that certifies their legal status is inverted in India, with the existence of approximately ten million[1] technically illegal migrants who are `citizens' only through their possession of illicitly acquired documentation. In an implicit acknowledgment of the impossibility of telling the citizen apart from the denizen, the Unique Identity Card (Aadhar) project of the Indian government has decided to confer identity documents on all residents, rather than only citizens.

In terms of legal status, even as citizenship has become more inclusive in one region and more restrictive in another, the predominant *jus soli* conception has thus been modified by elements of *jus sanguinis*, reflected also in the recent receptiveness of successive Indian governments to the wealthy Indian diaspora's claim to some form of dual citizenship. After the liberalization of the Indian economy in the 1990s and the sanctions imposed by Western countries following India's nuclear tests, the Indian political establishment was inspired by the hope that the Indian diaspora would – like its Chinese counterpart – start pouring investment into India and so contribute to rapid economic growth. An annual festival celebrating the achievements of members of the diaspora was inaugurated, invariably addressed by the Prime Minister, making grand promises of dual citizenship and other professional and economic opportunities. That the more powerful and articulate sections of the diaspora, making claims to dual citizenship on the basis of blood and

belonging, happen to be prosperous Hindus based in the countries of the global North is hardly accidental. At one level, the claims of the migrants of western India and of the Indian diaspora are both based on the principle of *jus sanguinis*, though there is however a stark difference in the state response to those who are stateless and those who aspire to be citizens of two states simultaneously. For the stateless migrants, legal citizenship is entirely devoid of affect, and merely an instrument of access to basic public services.

Citizenship as rights

That a movement for freedom from colonial rule should be led by lawyers and intellectuals inspired by ideas of civic freedoms and political rights is scarcely surprising. It is however quite extraordinary that the understanding of citizenship amongst India's nationalist elites encompassed social and economic rights from as early as the 1920s. The Congress party that led the nationalist movement pledged its commitment to an impressive range of economic rights as early as 1931. However, the project of social and economic rights remained embattled, and it is only very recently that a slew of such enactments has begun to hold out some promise of their realization.

Despite promising beginnings in nationalist thinking and despite a sympathetic international environment that was increasingly engaging with issues of human rights in the widest sense, the history of social and economic rights (SERs) in India is one of deep ideological ambivalence and profound political compromises. The Constituent Assembly was the principal theatre for the enactment of this script. Though a powerful case was made to include various social rights in the Fundamental Rights chapter of the Constitution, these were eventually sequestered in a non-justiciable section of the Constitution, the Directive Principles of State Policy. Two arguments were used to achieve this. The first of these questioned the propriety of a constitutional document spelling out what were essentially social policies. Being programmatic rights and substantively ideological in nature, these should be decided upon by elected legislatures as they entail public decisions about the distribution of social resources. A distinction was thus introduced between rights and policies: a Constitution could guarantee rights, but it was simply an inappropriate instrument of policy.

Secondly, on the basis of what is now widely acknowledged to be a fallacious distinction[2] between civil and political rights that require state abstinence, and social and economic rights that demand positive state action, it was argued that the latter were simply unaffordable for a poor country. Negative rights were privileged, while positive rights were held hostage to the inadequacy of resources which would make it difficult for the state to provide, say, a decent standard of living for all workers. This is an argument that is, of course, frequently heard even today in the adjudication of social rights from India to South Africa (Pieterse, 2007).

Ultimately, the obligations of the state to its citizens were transformed into principles to guide state action, but by no means available to citizens in the form of enforceable rights. In the early decades after independence, the ideological ambivalence between the Fundamental Rights and the Directive Principles of State Policy came to be expressed as a contradiction between socialistically inclined policies and individual rights such as property, and as a conflict between a judiciary that stood for the protection of individual rights and an executive that championed the progressive cause of social equality. A role reversal occurred in the 1990s, when the government adopted policies of economic liberalization and reform, and the judiciary came to be viewed as the champion of the underprivileged and their rights.

In 1991, under the shadow of a huge fiscal deficit and a balance of payments crisis, the government initiated economic policies of reform and liberalization. The economic reforms resulted in higher growth rates, but failed to make a correspondingly big dent in poverty or to

achieve significantly higher levels of human development. The voting out of a government that had tried to sell the electorate the dream of 'India Shining' led the then opposition to foreground the ordinary citizen in its political strategy. Not long after, a right to work, in the form of the National Rural Employment Guarantee Act, was legislated in 2005. The right to information was also enacted in the same year. In 2009, the right to education was given constitutional status, and in 2013, a national law on food security was enacted. It suddenly began to appear as if an altogether new regime of social citizenship had been inaugurated, in an ideological environment not usually associated with such concerns.

The troubled career of SERs is however by no means over, as even in the moment of its apparent triumph, the new welfare regime has a double-edged quality. The impetus for these enactments of social and economic rights came from a combination of judicial activism and civil society mobilization, with a responsive political leadership eager to show its oneness with the '*aam aadmi*' (common man). But these rights have also been interrogated, in ways reminiscent of the Constituent Assembly, by arguments about the cost of social rights. The neoliberal argument against redistribution, underwritten by a manifest lack of social solidarity amongst vocal sections of middle-class citizens, has however been the more prominent. There also remain serious policy challenges to the implementation of SERs, on account of weak state capacity as well as because the actual delivery of many of the public goods provided for as rights is being contracted out to non-state entities or being delivered in partnership with them.

Quite apart from the many challenges of realizing social rights, there is a deeper conundrum here. The Indian state has typically approached citizens through the construction of categories of exception, classifying different sections of the population for the delivery of welfare goods. In the 1950s, the objects of social welfare policy were women, children, and young people; the physically and mentally challenged; criminals and those placed under correctional administration. Over the next two decades, social welfare came to encompass special plans for the Scheduled Castes and Scheduled Tribes, as well as rural artisans, small and marginal farmers, the elderly, giving subsidies for the construction of houses and wells, and self-employment or wage employment schemes. As the special categories of entitlement proliferated, providing such welfare became not just controversial in politics, but also administratively complex.

In the name of substantive citizenship and with the ostensible object of bridging the gap between the formal and the real, the official strategy of special rights for special groups detached the benefits of social provisioning from the status of citizenship. Since such provisioning was not universal, it did not attach to citizenship in the way in which civil and political rights were integrally linked to it. This severance of welfare entitlements from the status of equal citizenship entrenched the prior separation between civil and political rights, on the one hand, and social and economic rights, on the other. All citizens are entitled to civil and political rights. Those who possess additional entitlements to social and economic provisioning are also formal citizens in this sense. However, their enjoyment of such provisioning is derivative of, and conditional upon, their placement in particular categories. The ostensible rationale of these categories is that greater substance will be given to their equal civic status through socio-economic provisioning. In reality, because such provisioning is invariably of a much inferior quality – poor services for poor people – the creation of such categories of exception, with its apparent objective of facilitating the conditions of substantive citizenship, seems to work as a strategy of what T. H. Marshall [1950] (1992) famously labelled 'class abatement'.

In the global North, citizenship played a historical role in assuaging the tension between capitalism and democracy, even precluding the class struggle. As it eliminates social conflict and seeks to incorporate the working class, citizenship tends to legitimize, rather than mitigate, the inequalities of social class. The socialist rhetoric of the pre-1991 *dirigiste* regime, however

hollow it was in terms of material outcomes for the poor, had been a successful form of ideological class incorporation, obviating the need for assertive class politics. This was in fact the period in which the working-class movement was weakened, and the vacuum created by it was filled by, on the one hand, social movements mobilized over livelihoods, displacement, environment, etc. and, on the other, by political mobilizations over caste identity. It is in this context of weakened class politics that the language of rights has emerged, often obscuring the many difficulties that are encountered in their effective realization. Indeed, the language of welfare has ironically become more strident as the state and capital become more audaciously rapacious, separately and in partnership. The central questions about the content of these new social rights remain: are they universal and realizable? Are constitutional sanctions adequate guarantees of their realization? Does the move from the rhetoric of welfare to the rhetoric – and some legislation – of rights indicate that the goal of social policy is now to mitigate social inequality or merely to alleviate poverty?

Even as citizenship discourse has become more rights-oriented, governance has become less citizen-friendly, with an increasing abrogation of the language of citizenship in favour of the new vocabulary of customers, clients, and users. In this new regime of social citizenship, older categories of 'beneficiaries' endure, even as the categories are sometimes finessed or expanded. It is significant that the moment of state acknowledgement that the nation can afford to help the poor coincides with the moment when the responsibility for social assistance has already been diffused among a multiplicity of agencies, often non-state entities. The pre-eminence of the principles of the New Public Management, including the commodification of public services, Public–Private Partnerships, network governance, and the outsourcing of public services to non-governmental organizations is manifest. Simultaneously, the citizen has been released from her earlier duty to participate in production; her duty now is to consume, for it is this that makes India become a globally competitive economy.

Citizenship as identity

The third and arguably most contested aspect of the citizenship question in India is its project of balancing the multiplicity and diversity of cultural identities – caste, language, tribe, and religion – with civic identity. Universalist and group-differentiated conceptions of citizenship have struggled for supremacy for more than a century. This is a difficult contest, because both these conceptions of citizenship have a deep moral appeal. The former affirms the equality of all citizens in terms of moral worth and recognizes no gradations of citizenship, as all citizens are guaranteed the enjoyment of equal rights and equality before the law. Formally, the rights of citizenship attach equally to all members of the political community. However, equal rights for all citizens can imply that the special needs of groups of citizens – victims of exclusion or discrimination because they belong to a minority – may be neglected. The distinctive culture of indigenous peoples or of religious, linguistic, or racial minorities may thus be threatened or even rendered extinct. There is a legitimate concern that difference-blind policies which represent themselves as policies of liberal neutrality may in fact be purveyors of dominant cultures. Cultural difference is typically the source of claims to differentiated citizenship rights, with their institutionalization taking many familiar forms, such as language rights, affirmative action, or rights of self-government.

Strategies of group-differentiated citizenship (GDC) are widely acknowledged as a normatively satisfactory solution for the concern that what masquerades as universalism is actually a covert way of promoting the dominant culture/race/religion in a society. In Iris Marion Young's formulation of this principle, group-differentiated rights are a way of addressing oppression, which she defined as encompassing exploitation, marginalization, powerlessness, cultural imperialism, and

vulnerability to violence motivated by hatred and fear (Young, 1995: 199). In India, as elsewhere, claims to GDC have tended to be faithful to Young's script, treating identity claims arising out of cultural difference as the only relevant candidates for such forms of citizenship. Again, in India, as elsewhere, the question that arises from the practice of GDC is this: if 'all is particularity', as Ronald Beiner writes (1995:10), where might citizenship be practised?

India may well be the first country in the world to have experimented with policies that are today described as affirmative action or positive discrimination. The politics of recognition can be traced back to the 1880s, when the British introduced separate electorates in local government and quotas in the civil service for Muslims in the province of Punjab. Through the late colonial period, a variety of claims were articulated for group-differentiated citizenship through mechanisms like separate electorates and quotas. Women and Muslims were – so long as they qualified on other criteria such as education and property, of course – given the franchise in separate electorates, essentially constituencies in which the voters and the candidates must belong to the same community. The claim of the Scheduled Castes/Dalits to separate electorates was effectively, if controversially, stymied by Gandhi, who insisted on seeing Dalits as belonging in the Hindu fold.

The dominant perspective – shared by the colonial state and sections of its subjects – was that of Indian society as a community of communities, and of the appropriateness of devising institutions for the representation of 'classes, races and interests' (Aitchison Commission Report on the Public Services, cited in Wolpert, 1967: 147). Citizenship came to be viewed as properly mediated by community, rather than as an unmediated relationship between the individual and the state. The Congress Party's espousal of a universal conception of citizenship was a determined attempt at constructing a modern state in which this could be an unmediated relationship, within the framework of a nation that, defined as a civic community, could accommodate diversity. The challenges to this inclusionary universalist conception were many and diverse, ranging from the exclusionary universalism of the Hindu nationalists to the multiple claims to group-differentiated citizenship justified as antidotes to, variously, religious majoritarianism, caste discrimination, or caste-based 'backwardness'. They have endured into the postcolonial period in one form or another, often justified in almost identical terms.

The Indian Constitution of 1950 abolished separate electorates altogether. It provided instead for 'reservations' or quotas in the legislatures, public employment, and public education for members of the Scheduled Castes and Scheduled Tribes for an initial period of ten years, which have been regularly extended every ten years since. The creation of Pakistan was treated as the fulfilment of the Muslim claim to differentiated citizenship, and the sizeable Muslim minority that remained in India was therefore given rights of cultural community rather than quotas. The possibility of special provisions for 'socially and educationally backward' groups was also admitted in the Constitution, under which such quotas came to be extended, at the national level, to a range of 'backward caste' groups in the 1990s. This rather broadly and imprecisely defined category describes a population group whose numbers have been variously estimated as 35 per cent or 50 per cent of Indian society.[3] It has proved to be a quagmire to the extent that the label precludes recognition of its deeply stratified quality; the Most Backward Castes (a political appellation for a subgroup) are generally disgruntled because the benefits of the quotas are creamed off by the groups that are better placed to take advantage of them. This resentment persists despite the fact that the economically better off – 'the creamy layer' – among these groups are ineligible for such benefits.

It is well known that the institutional incentives for the invention and articulation of identities tend to reinforce and entrench these. These are frequently also administratively difficult to arbitrate, given the diversity of ritual and social practices across a vast geographical and social canvas. To

enable a more objective identification of 'backwardness', India has very recently embarked upon a Caste Census, after having abolished such a census in 1931.

As demands for quotas and even dedicated sub-quotas for particularly disadvantaged groups within already entitled beneficiary groups have multiplied, the idea of the nation as a civic community has been rendered fragile. Universal citizenship was the default notion of citizenship under the Constitution, with group-differentiated citizenship projected as a temporary exception necessitated by the legitimate demands of social justice. Over time, however, in a curious throwback to the late colonial era, and often inverting the constitutional principle, group-differentiated citizenship now appears to have become the dominant mode of citizenship. The new frontiers in this debate are the defining of newer sub-identities, claims to sub-quotas, and attempts to establish greater 'backwardness' as a way of claiming more redress. As the making of claims on the state tends to be expressed, more often than not, in identitarian terms, it occludes recognition of the fact that many of these historically disadvantaged groups suffer both material deprivation and discrimination. However, because the state is noticeably more responsive to such claims, especially at election time, than it is to claims based on material deprivation, identity tends to be the dominant idiom in which such claims are expressed.

Paradoxically, assertions to group-differentiated citizenship rights from a multicultural perspective have served to revive and reinforce the colonial argument that Indian society is little more than a community of communities. This was the premier argument offered by the colonial state against the possibility of an Indian citizenship, an argument that most nationalists railed against. Today, it takes the form of an acceptance that it is appropriate for citizenship to be mediated by community, with the civic identity appearing to be a suspicious legacy of modernity and nationalism. The problem remains a variant of the one that the philosopher Jean-Jacques Rousseau identified when he said: 'We have physicists, geometricians, chemists, astronomers, poets, musicians, and painters in plenty; but we have no longer a citizen among us' (Rousseau, 1979: 22).

Conclusion

The idea of citizenship typically characterizes the relationship between citizen and state, but also that amongst citizens. In contemporary India, both of these are unstable relationships. The relationship between the citizen as a rights-holder and the state as the guarantor of rights is far from straightforward. In recent times, for instance, the expansion of rights – to information, to work, to education, and in a limited way to food – has been simultaneously celebrated and resisted. On the one hand, the middle classes, recently empowered by the economic reforms, do not display the civic solidarity that must underwrite such redistributive initiatives. On the other hand, amid the celebration about rights, the troubling question remains: what does it mean for a citizen to hold a right that sanctifies a claim on the state, when the responsibility for the actual provision of what it takes for that right to be realized lies elsewhere? The provider of the good that that right guarantees is frequently no longer the state, but a variety of non-state agencies.

Another irony of independent India's attempts at providing inclusive citizenship is the career of the positive discrimination regime which constructed and marked citizens in particular ways, as beneficiaries, labelled objects of special provision, e.g. Scheduled Castes and Scheduled Tribes. In the 1990s, an additional set of markers of citizenship was devised, ostensibly intended to achieve a more effective targeting of policies of poverty reduction for groups marked BPL ('Below Poverty Line'). Both types of markers were intended to render citizens 'legible' for the better implementation by the state of its policies of inclusion. Both have ironically tended to entrench exclusion.

The access of members of these groups to the substantive attributes of the real citizen is through these markers. However, their citizenship is rendered qualitatively different from, and

arguably inferior to, the real citizenship of the unmarked citizen. When services for the poor – such as public health and public education – become, as they inevitably do, poor services, they too are stigmatized as inferior. Another form of inferiority that has been constitutionally sanctified and almost sanitized of its negative connotations is the doctrine of backwardness. Post-independence politics has been about increasing incentives to backwardness, invariably defined in identitarian terms, because the greater the backwardness, the greater the entitlements that flow from it.

In an atmosphere where competing identity claims cover a large part of the surface area of everyday politics, there is some anxiety about the fragility of the civic project and a fear that the possibility of articulating a shared common purpose for the political community as a whole may be an unattainable aspiration. As the political class hesitates to assume ownership of this idea for fear of losing elections, it is not clear whether a civic community that transcends boxes and labels is any longer even an appealing social goal. In intellectual circles, the post-national imagination in any case precludes such an appeal.

The fragmentation generated by identity claims is, moreover, at odds with the creeping majoritarian impulse reflected in the laws on citizenship.

These varied disputations underline the fragility of the constitutional settlement and signal the erosion of its vision of citizenship. India has historically lacked the kind of social solidarity that could underwrite an egalitarian project in the way in which Nordic social democracies did. The combination of social intolerance and weak civic solidarity does not make for a promising outlook for the future of citizenship. Recent citizens' mobilizations on corruption, sexual violence, and legal reform have generated some optimism about the performative aspect of Indian citizenship. Indeed, these campaigns do signal a new citizen engagement amongst social groups hitherto alienated from politics. However, it is difficult to detect in them the seeds of a substantive social transformation, which would require sensitivity to the diversity and plurality of Indian society, as well as to poverty and inequality as challenges to a political community of equal citizens.

Notes

1 This was the figure quoted by the Union Home Minister in a statement to Parliament in 1997. Cf. *Sarbananda Sonowal vs. Union of India and Anr.* 2005. Supreme Court of India.
2 The fallaciousness of this distinction has been most powerfully argued by Holmes and Sunstein (2000).
3 The First Backward Classes Commission (Government of India, 1956) estimated the 'socially and educationally backward' section of the Indian population as 32 per cent. Its chairman, Kaka Kalelkar disavowed his own report, saying he was uncomfortable with the idea that backwardness should be determined primarily on the basis of caste rather than educational or economic criteria (ibid.: xiv). The Second Backward Classes Commission (popularly known as the Mandal Commission) (Government of India, 1980) adopted a methodology that also placed overwhelming emphasis on caste and ritual aspects rather than on other social and economic indicators like poverty and yielded a figure of 50 per cent. The governmental category OBC (or Other Backward Classes) is today shorthand for caste groups that have been so identified.

References

Beiner, Ronald (ed.) (1995). *Theorizing citizenship*. Albany, NY: State University of New York Press.
Bosniak, Linda (2006). *The citizen and the alien: dilemmas of contemporary membership*. Princeton, NJ: Princeton University Press.
Government of India (1956). *Report of the Backward Classes Commission*, Vol. I. New Delhi.
Government of India (1980). *Report of the Backward Classes Commission*. New Delhi.
Holmes, Stephen, and Sunstein, Cass R. (2000). *The cost of rights: why liberty depends on taxes*. New York: W.W. Norton & Co.
Jayal, Niraja Gopal (2013). *Citizenship and its discontents: an Indian history*. Cambridge, MA: Harvard University Press.

Macedo, Stephen (2007). 'The moral dilemma of U.S. immigration policy: open borders versus social justice?', in Carol M. Swain (ed.) *Debating immigration*. Cambridge: Cambridge University Press: 63–81.
Marshall, Thomas H. ([1950] 1992). *Citizenship and social class*. London: Pluto Press.
Pieterse, Marius (2007). 'Eating socioeconomic rights: the usefulness of rights talk in alleviating social hardship revisited', *Human Rights Quarterly* 29 (3): 796–822.
Rousseau, Jean-Jacques ([1750] 1979). *The social contract and discourses*. Translation and Introduction by G. D. H. Cole. London: J.M. Dent & Sons.
Sadiq, Kamal (2009). *Paper citizens: how illegal immigrants acquire citizenship in developing countries*. New York: Oxford University Press.
Wolpert, Stanley (1967). *Morley and India: 1906–1910*. Berkeley, CA: University of California Press.
Young, Iris Marion ([1989] 1995). 'Polity and group difference: a critique of the ideal of universal citizenship', in Ronald Beiner (ed.) *Theorizing citizenship*. Albany, NY: State University of New York Press: 175–208.

This page intentionally left blank

Part VI
Europes

This page intentionally left blank

36

European Union citizenship in retrospect and prospect

Willem Maas

'Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union.' Thus declares the treaty signed in Maastricht, the Netherlands, on 7 February 1992 by the then twelve member states of the European Community, which became the European Union upon the treaty's entry into force on 1 November 1993. The Maastricht Treaty's formal insertion of citizenship into the legal documents governing the institutions of European integration consolidated decades of legal and political development leading to a common citizenship status for citizens of EU member states. Facing opposition in some member states, however, the negotiators of the next treaty, the Amsterdam Treaty, added the qualifier that 'Citizenship of the Union shall complement and not replace national citizenship'. This chapter explains the evolution of European citizenship, from its genesis in the aftermath of World War II to the present. Rather than an easy and linear development, EU citizenship's growth mirrors the vicissitudes of the integration project more broadly. Focusing on the contested nature of the supranational or, perhaps more accurately, transnational (Olsen, 2012) rights embodied in the concept of a common citizenship for all Europeans, the chapter closes by examining its future prospects.

In the context of the global focus of this *Handbook*, it should be emphasized that no other continent has anything even remotely resembling a continental citizenship: the very limited additional rights that citizens of the United States, Canada, and Mexico have as a result of the North American Free Trade Agreement (NAFTA) or those granted to citizens of member states of Mercosur or the African Union, for example, pale in comparison with the extensive equality promised by a European Union citizenship that removes EU member governments' authority to privilege their own citizens over those from other EU member states. Though substantively focused on the right to live and work anywhere in the EU, and remaining dependent on the nationality of the member states, EU citizenship has come to resemble a form of multilevel or federal citizenship (Maas, 2013a), with a scope and scale which exists on no other continent. This distinctiveness reflects the 'unique experiment' (Kostakopoulou, 2007) of creating a supranational political community on a continental scale. All political communities face the tension between the promise of citizenship to deliver equality and the particularistic drive to maintain diversity; Europe is an exciting case of common citizenship superseding old divisions (Maas, 2013b).

The idea of a common European citizenship has many precursors but received strong impetus from the antipathy to nationalism provoked by World War II. In Italy in 1943, for example, the Movimento Federalista Europeo promoted creating a European 'continental' citizenship alongside national citizenship, consisting of direct political and legal relationships with a European federation; it advocated the legal equality of the citizens of all European states and the 'option to take out European citizenship in addition to national citizenship' (Maas, 2005, p. 1012). Similarly, the Dutch 'European Action' group called for a European citizenship to supplement national citizenship, and the 1948 Hague Congress – presided over by Winston Churchill and gathering some 750 delegates from across the political spectrum including Churchill, three former French prime ministers, François Mitterrand, Konrad Adenauer, Harold Macmillan, Altiero Spinelli and his wife Ursula Hirschmann, Walter Hallstein, Salvador de Madariaga, Raymond Aron, and other political leaders, professors, businesspeople, religious leaders, journalists and others – resolved that an essential ingredient of European union was direct access for citizens to redress before a European court of any violation of their rights under a common charter (ibid.).

Capturing the supranationalist spirit in a speech preceding the Congress, Churchill said:

> We hope to reach again a Europe … in which men will be proud to say 'I am a European'. We hope to see a Europe where men of every country will think as much of being a European as of belonging to their native land. And wherever they go in this wide domain they will truly feel 'Here I am at home'.
>
> *(Maas, 2007, p. 12)*

The following year he called for 'a sense of enlarged patriotism and common citizenship' (Maas, 2007, p. 12). The Hague Congress also proposed 'a European passport, to supersede national passports and to bear the title "European" for use by the owner when travelling to other continents'. This type of thinking persisted in subsequent years, as the Hague Congress led to the founding of the European Movement, the College of Europe, and institutions established by the European Coal and Steel Community treaty (Treaty of Paris) and the European Economic Community treaty (Treaty of Rome). Europe's political leaders arguably viewed the common market and other forms of economic integration as simply interim measures towards a genuine European political community with a common citizenship:

> Full well did they measure the importance of the economic transformations they had just decided, but in their minds, those transformations, for all their greatness, were merely accessory to, or, at the very least, the first stage of a yet greater political revolution.
>
> *(Belgian prime minister Paul-Henri Spaak, cited in Maas, 2007, p. 9)*

On 9 May 1950 – the tenth anniversary of the German invasion of France, the Netherlands, Belgium, and Luxembourg – French foreign minister Robert Schuman announced plans for a European coal and steel community. Representatives from France, Germany, Italy, and the Benelux countries negotiated rapidly. British representatives observed the proceedings, but the UK ultimately decided not to participate. Potential treaty provisions were discussed during the summer and autumn, and a draft treaty was ready by December. After final negotiations, the treaty establishing the ECSC was signed in Paris on 18 April 1951, entering into force on 25 July 1952. The Paris Treaty established freedom of movement for workers in the coal and steel industries, which was later heralded as the first steps towards a common citizenship. For example, the Italian Commissioner Lionello Levi Sandri later said: 'Free movement of workers is the

first aspect of a European citizenship. All citizens of our member states are equal in each of our member states' (Maas, 2007, p. 21). Despite the rhetoric, free movement for workers was implemented only sluggishly, proving a constant irritant particularly for political leaders from Italy, which had insisted on including free movement in the treaty (Maas, 2005). Delayed introduction of free movement provoked such ire that it was the *only* policy issue included in the proposals for revising the ECSC treaty in light of the negotiations that would result in the Treaty of Rome (signed 25 March 1957; entry into force 1 January 1958) establishing the European Economic Community.

Having experienced the delays caused by leaving member states responsible for drafting and implementing free movement, proponents of free movement and European citizenship ensured that the Treaty of Rome set firm deadlines and empowered the European Commission, a newly created supranational civil service, to enforce them. It also recast employment provisions as individual rights and established the principle of non-discrimination between citizens of member states: 'determined to establish the foundations of an ever closer union among the European peoples' and having 'decided to ensure the economic and social progress of their countries by common action in eliminating the barriers which divide Europe,' the original six member states (France, West Germany, Italy, the Netherlands, Belgium, and Luxembourg) promised to abolish obstacles to the free movement of persons, services, capital, and goods and to prohibit 'any discrimination on the grounds of nationality'.

The next quarter-century can be summarized as the gradual implementation of these principles, promoted not only by the European Commission and Parliament but also by the European Court established in Luxembourg. On the basis of the treaties and the dual principles it established of the supremacy of European law over member state law and of direct effect (meaning not only states but also individual citizens could use European law), the Court helped transform the European Economic Community into an area of freedom and mobility for European workers and their families, professionals, service providers, and ultimately all other citizens (Maas, 2007). As European Commissioner – and later Commission Vice-President – Viscount Étienne Davignon noted in 1979, 'the status of "Community citizen" [was] officially recognized from the moment when the Treaties granted rights to individuals and the opportunity of enforcing them by recourse to a national or Community court' (Maas, 2007, p. 4).

The transformation of free movement rights from being defined and promoted in economic terms to being placed at the core of a new European citizenship was gradual. Free movement rights for workers were first justified in terms of enabling the free movement of labour and then as a measure to complete the single market. But they were extended and expanded even after worker movement sufficient to support the common market had been achieved. This broadening of individual rights coincided with the introduction of EU citizenship, which took many decades to reach fruition – from discussions during and after WWII to the Maastricht Treaty. Despite substantial support in the 1970s for introducing European citizenship, the Community's first enlargement (the UK, Ireland, and Denmark in 1973) stymied the process, leading to gridlock in the Council. But the two subsequent enlargements (Greece in 1981 and Spain and Portugal in 1986) reinvigorated it. The eventual adoption of EU citizenship resulted not from Commission pressure but rather from bargaining among member states – including the three new Mediterranean members – and between member states and the European Parliament. With the Single European Act (SEA) in 1987, Parliament had gained the power of co-decision, which helps explain why the member states could afford to ignore Parliament's citizenship proposals before the SEA but accepted them in the discussions preceding Maastricht.

The European Parliament had made several recommendations concerning citizenship in its 1984 Draft Treaty establishing the European Union (DTEU), largely the work of Altiero Spinelli. The DTEU announced that

> citizens of the Member States shall *ipso facto* be citizens of the Union. Citizenship of the Union shall be dependent upon citizenship of a Member State; it may not be independently acquired or forfeited. Citizens of the Union shall take part in the political life of the Union in the forms laid down by the Treaty, enjoy the rights granted to them by the legal system of the Union and be subject to its laws.

While only Belgium and Italy called for the DTEU to be ratified, there was widespread interest in European citizenship among other European leaders. The June 1984 Fontainebleau European Council established two ad hoc committees, placing European Union ('Institutional Affairs') and citizenship ('People's Europe') on the agenda. The Fontainebleau presidency conclusions specified that the Community should 'respond to the expectations of the people of Europe by adopting measures to strengthen and promote its identity and its image both for its citizens and for the rest of the world' – significant because it referred to a single people (instead of multiple peoples) of Europe and to the Community's citizens (rather than those of the member states).

In January 1985, the first European-format passports were issued, and a new Commission led by former French finance minister Jacques Delors took office. Delors was a dynamic leader and the Commission immediately launched an ambitious project to revitalize integration. That March, the Institutional Affairs committee called for a homogeneous internal market, replacing unanimous voting with qualified majority voting in the Council, and greater powers for the Commission and Parliament. Not all member states supported these ambitious aims. The UK, Denmark, and Greece disagreed with the report's central recommendation: that the member states should negotiate a treaty on European union based on the DTEU. The accession treaties of Spain and Portugal, which would come into effect on 1 January 1986, were signed in June, two days before the Commission issued a White Paper on Completing the Internal Market. It devoted a section to free movement, subtitled 'A new initiative in favour of Community citizens', arguing that it was 'crucial that the obstacles which still exist within the Community to free movement for the self-employed and employees be removed by 1992'. Citing the preliminary findings of the People's Europe report, it continued that 'measures to ensure the free movement of individuals must not be restricted to the workforce only'. The White Paper's aim of ensuring free movement for all individuals, regardless of their position in the economy, would form the core of European citizenship.

On the same day as the White Paper appeared, representatives of West Germany, France, the Netherlands, Belgium, and Luxembourg, signed an agreement to eliminate border controls; the ceremony took place near the Luxembourg town of Schengen on a ship in the river, where the borders of Luxembourg, France, and Germany meet. Faced with resistance on the part of three newer member states (Denmark, the UK, and Greece), five of the original six member states nevertheless pushed ahead with plans to eliminate border controls. Italy was not invited to join Schengen because of inadequate policing along its coastline, while Ireland preferred to stay in the Common Travel Area that it shared with the UK. Luxembourg's minister of foreign affairs called the Schengen agreement 'a major step forward on the road toward European unity', directly benefiting signatory state citizens and 'moving them a step closer to what is sometimes referred to as 'European citizenship' (cited in Maas, 2007, p. 37).

The People's Europe committee submitted its final report six days later, recommending the right to vote in local elections, fostering student mobility, a common policy on third-country

nationals, and the mutual recognition of qualifications for professionals. Stressing the value of symbols, the committee proposed a European flag and the adoption of the Ode to Joy from Beethoven's ninth symphony as a European anthem. It also proposed a general right of residence for all Community citizens, the creation of a European Ombudsman, consular assistance outside the Community, and the recognition of voting rights in local and European elections – proposals that would later be enacted almost verbatim in the Maastricht Treaty.

The impetus for enacting these changes, however, had to come from national political leaders, who met the following week at the Milan meeting of the European Council (28–29 June 1985). Given their opposition, it was unclear whether the UK, Denmark, and Greece would participate in an intergovernmental conference that would result in a new treaty. The deadlock at Milan was broken by the unprecedented action of calling a vote: the proposal to convene a conference was adopted seven to three and the incoming Luxembourg presidency duly proposed revising the treaty on the basis of the Institutional Affairs and People's Europe reports and the Commission's proposals on the free movement of persons.

The final decisions on the text that would become the Single European Act (SEA) were left to the Luxembourg meetings of December 1985, where the internal market was the dominant issue. The European Parliament called for specific deadlines for free movement: the treaties of Paris and Rome had prioritized the free movement of goods over that of persons, but Parliament gave equal importance to goods and persons (a proposed implementation deadline of two years), ahead of services (five years) and capital (ten years). Meanwhile, the Commission proposed a single deadline of 31 December 1992 for establishing an area without borders, in which persons, goods, services, and capital would move freely. The Commission further proposed that free movement questions should be decided by qualified majority voting, not unanimity, and that the Commission's implemented measures should be adopted unless the Council unanimously adopted its own ones. But the member states wished to retain their veto powers over free movement and also failed to agree on Denmark's proposals for voting rights for EC citizens. In the final stages of negotiations, despite extensive parliamentary lobbying, the DTEU's citizenship proposals and the idea of including a treaty article on fundamental rights were scuttled. The member states agreed only to mention in the treaty's preamble the promotion of democracy, human rights, and the European Social Charter, so that citizenship rights were excluded from the Court's competence. Though the SEA turned into law much of the Commission's 1985 White Paper, European citizenship policies had proceeded far enough for some member states.

Despite the SEA's preference for the internal market rather than citizenship, the Commission undertook a series of initiatives to facilitate mobility and add a social dimension to integration. Priorities included mutual recognition of academic and professional qualifications and removing discriminatory practices as ways to improve free movement. It also advocated promoting social cohesion through anti-poverty programmes and reforming the structural funds, intended to reduce socio-economic disparities among the member states. Other priorities were employment and retraining programmes, improving living and working conditions through occupational health and safety measures, standardized contracts, and rights for part-time and temporary workers. British Prime Minister Margaret Thatcher asserted that these proposals would introduce 'socialism by the back door'. Despite her opposition, the other member states doubled the structural funds to one-quarter of the Community's budget and they became an increasingly important means of redistributing resources, adding to a sense of common purpose and the view that Community membership implied a commitment to advancing common rights. The growing sense of common purpose also motivated action on student mobility. In 1987, the Council enacted the European Community Action Scheme for the Mobility of University Students, better known under the acronym Erasmus, fostering student exchanges and mobility within

Europe by funding study elsewhere in Europe. Erasmus and a parallel programme entitled Lingua (expanded foreign language training in primary and secondary schools) would become key means of fostering a sense of European identity, thus helping to promote and entrench the shift from market rights to individual rights and common citizenship (Maas 2007, §5.4).

The end of Communism and the projected reunification of Germany provoked intense efforts to advance European integration, ultimately resulting in the Maastricht Treaty. Proposals to expand the focus of the treaty discussions beyond economic affairs to include a political component quickly gained support from the Delors Commission and several member states. Proponents of adding political elements to European integration advocated returning to the notion of citizenship that had been discussed in the past but never entrenched in Community law. German Chancellor Helmut Kohl and French President François Mitterrand favoured integrating and extending the notion of a Community citizenship. They and other leaders suggested that European citizenship should signify respect for human rights, social and political rights, and complete free movement. The bargaining resulted in four sets of rights: free movement, the right to vote and stand as a candidate in local and European elections, the right to common diplomatic protection abroad, and the right to petition Parliament and appeal to a European Ombudsman.

Acting in a way that was consistent with their traditional role as the 'motors of integration', the French and German delegations provided support key to passing the citizenship provisions. The proposed right of EU citizens to vote in municipal and European elections in their state of residence rather than state of origin posed constitutional problems for France and would become a major focus of its ratification debate, but Mitterrand had a strong political stake in supporting it: besides being committed to the European idea, he had long backed extending suffrage. Though Mitterrand realized that the citizenship provisions would require amending the French constitution, he also calculated that they would force the opposition to choose between relaxing French sovereignty or appearing anti-European. Dividing his political opponents was a powerful reason for Mitterrand to support European citizenship, but doing so also furthered what he called his grand project, which was to 'turn the whole of Europe into one space' (cited in Maas, 2007, p. 50). As the French example shows, EU citizenship represents not only a process of supranational institution-building and integration but also the outcome of national politics of the member states and the intergovernmental conflicts and bargaining among them.

Of the four sets of citizenship rights enshrined in the Maastricht Treaty, voting rights (the right to vote and stand as a candidate in one's place of residence) was most controversial. Strong majorities of the public in Denmark, France, Greece, Luxembourg, and the UK were opposed. There was less strident opposition in Germany, Belgium, and Portugal. Only in Ireland, the Netherlands, Spain, and Italy did a majority of the public support these voting rights. The extensive popular opposition to EU citizenship's political rights helps explain the politics of ratification within many member states. Those who criticized the political leaders for not strengthening the notion of Union citizenship should recall this popular opposition and the difficulties encountered in implementing the Treaty.

An example illustrates this point: Denmark was the first member state to attempt ratification, and its initial failure to do so, despite support from most of its political parties, came as a shock. In the June 1992 referendum, Danish voters rejected the treaty by 50.7 per cent to 49.3 per cent. When the eleven other member states decided to continue the ratification process while leaving open the possibility of Danish participation, the Danish opposition parties and the government joined to draft a 'national compromise', which asked the other member states for special provisions in four areas: defence policy, a common currency, justice and police affairs, and citizenship. The section on citizenship specified that Denmark would 'have no obligations in connection with citizenship of the Union', though it would allow Union citizens to vote and stand for office

in European and municipal elections. After a flurry of diplomatic negotiations, the European Council meeting in Edinburgh in December 1992 confirmed that Denmark could opt out of EMU, that it would not be required to participate in joint defence, and that justice and police affairs decisions would be taken intergovernmentally. The Council also clarified that Maastricht's citizenship provisions 'give nationals of the Member States additional rights and protection', that they 'do not in any way take the place of national citizenship', and that the 'question whether an individual possesses the nationality of a Member State will be settled solely by reference to the national law of the Member State concerned' (cited in Maas, 2007, p. 53). Secure in the knowledge that they were saying no to common defence, justice and police affairs, currency, and European citizenship, 56.7 per cent of Danish voters approved the Maastricht Treaty, with the Edinburgh declarations, in a second referendum. Ratification also proceeded in the other member states, with the citizenship provisions sometimes leading to controversy, as in France (as has been discussed above). With ideals of legal or political theory in mind, it is perhaps tempting to castigate the leaders who enthusiastically promoted European citizenship for not giving it more content, but such assessments miss the political realities they faced. Though Maastricht ultimately passed with relative ease in most member states, the introduction of some aspects of EU citizenship aroused deeply negative sentiments.

EU citizenship's enactment at Maastricht also renewed debates about European social rights and possible supranational welfare provision. This discussion was not new: as early as the 1950s there had been a conscious drive to add 'thick' social rights to the 'thin' rights of free movement. The Treaty of Rome negotiations on social policy were more difficult than those on free movement, but the new Community in 1958 adopted detailed social security provisions for migrant workers. Five years later, there followed regulations on social security for frontier workers, temporary and other non-resident workers, and health and maternity benefits and family allowances for family members residing in a member state other than the one in which the worker was employed. Intended to foster mobility within the Community, these regulations also influenced the bilateral accords between member states and worker recruitment countries such as Spain, Portugal, Greece, and Turkey. Though the early provisions covered only some employment rights, the number and scope of social policy decisions continued to increase, which led former Commission President Walter Hallstein to describe the growth of European social policy as an irresistible flow: 'the European ground-swell, slowly but irresistibly, washes over the national sandbanks' (cited in Maas, 2007, p. 65).

Yet the growth of European social rights was sporadic and contested. Even as early as the 1960s, the Commission attempted to advance European social rights in order to make member state citizens 'actually feel that they are citizens of the one Community' and 'be aware that their common fortune is attributable to the Community'. But the tension between this goal and the wishes of member states to retain competence erupted at a Council meeting in 1964: the national ministers responsible for social affairs stated unanimously that social security fell solely within the jurisdiction of national governments and that Community institutions therefore had no competence. There followed a complete breakdown in communications and, for two years, social affairs ministers simply did not meet as a Council. When they finally did meet again, they agreed that Community social policy rules would not be passed except by unanimous support of the member states. This was not only an institutional defeat for the Commission, but also the end of the Community's efforts to increase benefits for workers, which were replaced by the goal of controlling social security costs. The emphasis would long remain not on the citizens but on the market, as European social rights were justified in terms of facilitating mobility: coordinating social security systems, mutual recognition of qualifications, a European role in family policy, ensuring equal access to social benefits, and even EU efforts to combat poverty were all intended

to reduce or eliminate barriers to free movement. This dynamic places in question the meaning of a 'social Europe' and the relationship between European integration and market-oriented economic policies (Preece, 2009). The content of EU citizenship remains meagre compared with national citizenship (Maas, 2009), and social welfare provision entails a direct relationship between individuals and member states rather than the European Union, with which individuals have little or no direct contact (Schall, 2012). Yet arguably what is needed for identification with the European Union is that the EU should become a meaningful presence for its citizens (Cram, 2012), a political reality that has remained unchanged since the postwar efforts to create European citizens.

Far from being a final constitutional settlement, the insertion of EU citizenship into the treaties at Maastricht unleashed a flurry of further debates and decisions in the ongoing process of creating European citizens. Since then, the EU has also grown, from 12 member states to 28: Austria, Sweden, and Finland in 1995; Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004; Bulgaria and Romania in 2007; and Croatia in 2013. These enlargements have led to large movements of workers from central and eastern European states westward (Johns, 2013). Various treaty amendments further consolidated European rights, and this led the European Parliament to describe EU citizenship as 'a dynamic institution, a key to the process of European integration' that was 'expected gradually to supplement and extend the rights' of national citizenship (cited in Maas, 2007, p. 62). Meanwhile the European Court in Luxembourg has also been active, affirming in various rulings that 'Union citizenship is destined to be the fundamental status of nationals of the Member States, conferring on them, in the fields covered by Community law, equality under the law irrespective of their nationality' (cited in Maas, 2007, p. 65). This stance and subsequent rulings led some legal scholars to claim that the Court is finally creating a real European citizenship (Kochenov, 2011).

Assessing the success of European citizenship requires considering the relationship between it and Europeanism or the European idea (McCormick, 2010, pp. 78–81). Holding EU citizenship up to the standard of national citizenship highlights its shortcomings (Maas, 2011). For example, while some 'undesirable' migrants do benefit from EU citizenship's rights of free movement (Aradau, Huysmans, and Squire, 2010), the free movement of groups such as the Roma faces challenges by states seeking to admit only individuals deemed desirable, while maintaining or establishing barriers for others: such discrimination against European citizens represents a failure of the EU and its member states to achieve equal treatment for all citizens (Johns, 2013). Similarly, third-country nationals (individuals who do not hold citizenship of one of the member states, even though they may have resided for many years or even been born in Europe) remain largely excluded from the benefits of EU citizenship: immigrants migrate to national polities and become European only by virtue of incorporation into national states, which means that EU citizenship's transformative potential remains unfulfilled (Maas, 2008). Furthermore, the treaty language (revised in the Lisbon treaty from the Amsterdam formulation discussed in the first paragraph of this chapter) that 'Citizenship of the Union shall be additional to and not replace national citizenship' limits its legal development. But perhaps this is expecting too much too soon. The greatest achievement of European integration is that, seventy years after the horrors of World War II, armed conflict between EU member states is inconceivable. There will always be new challenges, such as those caused by allowing the political project of a common currency (the euro) to move faster than the economic reality, and current high unemployment. It seems likely, however, that these European problems will find European solutions. In the final analysis, the 1951 Treaty of Paris aim of creating 'real solidarity' among Europeans through the 'fusion of their essential interests' and recognition of their 'common destiny' has succeeded in creating a new political community superimposed upon the old ones.

ACknowledgements

Grateful thanks to the Social Sciences and Humanities Research Council of Canada, Standard Research Grant 410-2010-2588, for enabling me in this chapter to extensively update Maas (2007) and subsequent work and to perpare related research in Maas (forthcoming).

References

Aradau, C., Huysmans, J., and Squire, V. (2010). 'Acts of European citizenship: a political sociology of mobility', *JCMS: Journal of Common Market Studies*, 48 (4), 945–65.

Cram, L. (2012). 'Does the EU need a navel? Implicit and explicit identification with the European Union', *JCMS: Journal of Common Market Studies*, 50 (1), 71–86.

Johns, M. (2013). 'Under-appreciated, under-employed and potentially unwelcome: the long-term future of Polish migrants in Ireland and Britain', in W. Maas (ed.), *Democratic citizenship and the free movement of people*. Leiden: Martinus Nijhoff, 91–114.

Kochenov, D. (2011). 'A real European citizenship; a new jurisdiction test; a novel chapter in the development of the Union in Europe', *Columbia Journal of European Law*, 18 (1), 56–109.

Kostakopoulou, D. (2007). 'European Citizenship: Writing the Future', *European Law Journal,* 13 (5), 623–46.

Maas, W. (2005). 'The genesis of European rights,' *JCMS: Journal of Common Market Studies*, 43 (5), 1009–25.

Maas, W. (2007). *Creating European citizens*. Lanham, MD: Rowman & Littlefield.

Maas, W. (2008). 'Migrants, states, and EU citizenship's unfulfilled promise', *Citizenship Studies*, 12 (6), 583–95.

Maas, W. (2009). 'Unrespected, unequal, hollow? Contingent citizenship and reversible rights in the European Union', *Columbia Journal of European Law*, 15 (2), 265–80.

Maas, W. (2011). 'Citizenship', in *The Encyclopedia of Political Science*. Washington, DC: CQ Press, 226–30.

Maas, W. (2013a). 'Varieties of multilevel citizenship', in W. Maas (ed.), *Multilevel citizenship*. Philadelphia, PA: University of Pennsylvania Press, 1–21.

Maas, W. (2013b). 'Free movement and discrimination: evidence from Europe, the United States, and Canada', *European Journal of Migration and Law*, 15 (1), 91–110.

Maas, W. (forthcoming). 'EU Citizenship's Origins, Evolution, and Political Objectives', *German Law Journal*, Summer 2014.

McCormick, J. (2010). *Europeanism*. Oxford: Oxford University Press.

Olsen, E. D. H. (2012). *Transnational citizenship in the European Union: past, present, and future*. London: Continuum.

Preece, D.V. (2009). *Dismantling social Europe: the political economy of social policy in the European Union*. Boulder, CO: First Forum Press.

Schall, C. E. (2012). 'Is the problem of European citizenship a problem of social citizenship? Social policy, federalism, and democracy in the EU and United States', *Sociological Inquiry*, 82 (1), 123–44.

37

Migration, security and European citizenship

Elspeth Guild

European citizenship as a legal status only came into existence in 1993.[1] It is a particularly interesting form of citizenship, because, while it calls itself a citizenship,[2] it is integrated into law as a citizenship, it has a bill of rights which is intended foremost for the citizens,[3] it does not, however, have a state. If there is one thing on which all commentators about the European Union (EU) agree (and there may only be one thing), it is that the EU is not a state. It is not a federal state; it is simply not a state. It may have over 500 million citizens, a quasi-constitution, a bill of rights and other state-like manifestations, but the EU is categorically and absolutely not a state. So then what does this mean for our understanding of citizenship? Isin has examined the issue of citizens without nations – what does it mean to think about a foundation for citizenship beyond the idea of the birthright in which the idea of fraternity is implicit? Starting from the perspective of three of the great social scientists of the twentieth century, Max Weber, Hannah Arendt, and Michel Foucault, he examines their construction of the citizen through community, society, and state and suggests new approaches to belonging (Isin 2012). This is a fascinating and illuminating study which rightly deserves the attention which it is receiving. What it does not anticipate is European citizenship.

Nyers has focused on the role of struggle and contestation inherent in the assimilation of the boundaries of citizenship (versus foreignness) within the boundaries of impermissible discrimination (as opposed to permissible discrimination) (Nyers 2011). Where discrimination on the basis of citizenship is permissible, because the person discriminated against is not a citizen and therefore always threatened with possible expulsion, what contestation is generated among people claiming solidarity (possibly Isin's fraternity) beyond citizenship? The fascinating question is what happens to the concept of citizenship in the face of such contestation – is it sufficiently flexible to embrace those claiming rights? European citizenship poses the question somewhat differently, as the contestation which I discuss below is generated by the mirror image discrimination of that which Nyers has focused on. Instead of the bond of community, society, or governmentality as captured by the state and used by the state as the grounds for discrimination against those defined outside the boundaries[4] being the source of the struggle, in European citizenship the critical contestation is about the capacity of individuals to import European citizenship rights into their states of nationality.

The European citizenship question is not one of citizens escaping the state and becoming globalized autonomized actors with human rights (Soysal 1995; Jacobson 1995; Sassen 2006). The problem with this form of thinking about citizenship is that it is increasingly difficult to

identify who or which authority is obliged to provide rights and make citizenship style provisions for those who claim it. EU citizens know exactly why they have this citizenship and from which authorities they are entitled to demand rights attached to citizenship. The rights of citizenship of the European Union are enforceable and must be delivered by every EU state (all 28 of them at last count) minus one – the state on the basis of whose nationality the individual acquires European citizenship. What does this mean? For example a British national is an EU citizen, because his or her state of nationality is a member state of the European Union. The British national is entitled to claim his or her EU citizenship rights against every other state of the European Union but not against the British state. The only rights the EU citizen who is also a British citizen has in respect of the British state are those which result from the British constitution.

To put this another way, security of citizenship rights as regards EU citizens applies only in those EU member states where the person is not also a national. In this chapter I examine this rather unlikely citizenship and focus on the struggles of people holding this EU citizenship to the rights which they are entitled to as citizens in member states where they may or may not enjoy an embedded status. So, at the heart of this chapter is the question of contestation and claims of rights in the context of EU citizenship.

What is European citizenship?

European Union citizenship was created by a treaty of the European Union dating from 1992 (the Maastricht Treaty). The treaty was rejected by Danish voters in a referendum in May 1992, a rejection which was construed by political commentators as related to a fear of loss of identity and citizenship (Koslowski 1994). The result was the addition of a declaration to the treaty confirming that European citizenship would not change national citizenship in any substantive way. Thereafter, the Danes voted again, this time in favour of the treaty. Every national of a member state is a European citizen, but no one who is not a national of a member state can be a citizen of the Union.[5] There is no route to European citizenship other than via nationality of a member state. The vast majority of citizens of the Union were not born so. This is because either they were born before 1993 when the citizenship was conferred on them, or if they were born after 1993, they were born in countries which at the time of their birth were not member states (at that time there were only 12 member states; since then two Nordic states, Austria, three Baltic states, two Mediterranean island states, nine central, eastern, or Balkan European states have joined the EU, thus conferring European citizenship on their nationals).

The rights of European citizens, as set out in the EU treaties, are:

(a) the right to move and reside freely within the territory of the member states;
(b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their member state of residence, under the same conditions as nationals of that state;
(c) the right to enjoy, in the territory of a third country in which the member state of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any member state on the same conditions as the nationals of that state;
(d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.

Curiously, the last right (d), the right to legal subjectivity as a complainant, is not exclusive to European citizens: it belongs to anyone, legal or natural, and he, she, or it does not even have

to be in the European Union. So, as a citizenship right it is actually very transversal and enters into the discussion with the Nyers question – if we call a right a citizenship right and accord it on a non-discriminatory basis to non-citizens, does this change the status of those non-citizens?

The third right barely exists at all, except on paper, not least because it is not within the power of the European Union or its member states to tell other countries how they have to treat European citizens. As in international law only states have citizens (the travails of the Palestinian Authority notwithstanding) and international law only requires states to inform other states of what it may be doing with the citizens of the other state whom it has on its territory (the source of much contestation between the USA and Mexico over the application of the death penalty to Mexican nationals convicted in the USA (Guild 2009)), the European Union is out of the picture. Secondly, as some European states include a right to consular assistance as a constitutional right (and very different ideas of what consular assistance requires), but others do not, it is very hard to get agreement among the states to take responsibility for one another's citizens when these are abroad. The problem is that such responsibility may entail very different obligations than those which the designated responsible state provides to its own nationals (European Commission 2011). So this right is fairly theoretical. For example, if one is British and in trouble in Burundi, according to the UK's Foreign and Commonwealth Office, one should contact the Belgian representation there; but if one is Romanian and in trouble in Burundi, the Romanian Foreign Office informs its citizens to contact the Russian representation there, which is responsible for Romanian interests. The Russian Federation is not an EU member state.

The second right, that to vote and stand for election when a European citizen lives in a country other than that of his or her underlying nationality, is perhaps among the most spectacularly underused rights in Europe. For those EU citizens living in a state other than that of their underlying nationality, according to a European Commission report in 2010, only 11.6 per cent registered to vote in the European Parliament elections of 2009. This is a considerable increase from the 5.9 per cent who were registered for the 1994 elections, but it is still an extremely low percentage. This is notwithstanding the fact that, according to a Commission initiated survey, 69 per cent knew about the right to vote in a member state of residence. People who register to vote do not necessarily do so.

The first right, that to move and reside freely in the territory of the member states, turns out to be the one European citizens use most and appreciate greatly. While many of them use this right for holidays, studies, and other short stays, only about 3 per cent of the population of the EU lives in a member state other than that of his or her underlying nationality (European Commission 2010). Most non-citizens (of all nationalities, not just EU) live in five member states (in order of importance): Germany, Spain, Italy, the UK, and France. Of European citizens living in other member states the five main nationalities are: Romanian, Polish, Italian, Portuguese, and British (EUROSTAT 2012). It is time to examine the points of contestation in European citizenship, bearing in mind what aspects of it are used by those holding the status.

Legal controversies regarding EU citizenship

If one takes court cases as a bellwether of contestation, one sees that most of the issues which come before the European Union's court (the Court of Justice of the European Union (CJEU)) when people are claiming citizenship rights fall into three categories: the right to social benefits, the right to enjoy the presence of family members, and the right not to be expelled from the host state. Each of these issues raises different questions of citizenship and its content.

The first issue – access to social benefits is the one for which there are the greatest number of court cases. This is a reflection not only of the contestation over the issue, but also of the fact that

the EU has adopted the most Byzantine of rules on the coordination of social security throughout the member states, which lead to a seemingly endless demand for clarification from the courts on what they mean (Vonk 2012). This is contestation over solidarity: as it is often discussed in Dutch political circles, the foreigners are trying to raid 'our' honeypot. Similar debates take place on the right of the political spectrum in many member states. European citizens want the same solidarity that nationals of the member states are entitled to. When using the European citizenship right to move and reside, these people consider that they are entitled to the citizenship right of solidarity.

The second issue, the right to enjoy the presence of non-EU citizen family members has been consistently problematic in the EU for the better part of thirty years, fed by restrictive family reunification practices in a fairly small number of member states – the Netherlands, the UK, Denmark, and Ireland and in 2010–11 Belgium and Austria. The point of contestation is interesting from the perspective of the meaning of citizenship. European citizens who move and live in a member state other than that of their underlying nationality enjoy a set of rules on family reunification which are set out in EU law. This is quite a generous set of rules permitting family reunification not only with spouses and minor children, but also with children of any age who are dependent on their parents and any dependent relative in the ascending line (grandparents and the like) or descending line (including grandchildren). Further, as long as the European citizen is working (even part-time) or self-employed, the host state cannot make family reunification with these family members dependent on adequate housing or income. Also, when the family members arrive, if the family needs to be dependent on state funds to meet their needs, the state must provide the same level of assistance as it would to its own nationals and cannot try to get rid of the foreign family members. National rules in the member states mentioned above are much less generous to their own citizens living at home.

The struggle which has broken out results from this differential. European citizens have begun to question why they should have to move to another member state and work there if they want to enjoy family reunification with their foreign family members. Until 2011, the answer was fairly clear – those who claim the national entitlement to exclude foreigners argue, essentially, that if these European citizens were so careless as to acquire foreign family members to whom their own state refused to grant visas and residence permits, then under European law at least, they would have to get on their bikes and move to another member state and work for a while there to enjoy EU family reunification rights. After doing their time in another member state and being joined by their family members, these European citizens could move 'home' to their member state of underlying nationality and take their family members with them in accordance with the more generous EU rules. One might say that these European citizens become captured by EU law, which they are able to use as a shield against more restrictive national laws which seek to exclude their family members (usually on financial or health grounds) when they return to their home member state.

But why should people be forced to use their right to move and reside somewhere else in Europe, when all they really want is to have their family members live with them? Why does their European citizenship right not extend to allowing them to have their families with them wherever they live in the EU, even when at home? This is a struggle much in evidence in 2012, not least because the CJEU made a landmark decision in May 2011 when it held that two young children with Belgian citizenship could use their European citizenship to establish a right of residence and a right to work for their parents who were Colombian nationals irregularly present in Belgium. Unlike everyone else up to that time, the CJEU did not tell the children that they had to move to another member state and exercise their citizenship right in order to enjoy the presence of their parents to take care of them. However, this opened the question for everyone – why do adults have to move and reside elsewhere in the Union in order to enjoy the presence of their family

members? At the time of writing, this question is moving through the courts of Europe. There is no answer to the question other than an enigmatic response of the CJEU that the question is one of the enjoyment of the substance of the right of citizenship; central seems to be whether the only other result would have meant that the children would have had to leave the territory of the EU altogether.

Where is European citizenship? The controversy described above indicates that for most European citizens it is elsewhere than where they live and if they want to use it, they will have to move across an internal European border.

The third issue is the right not to be expelled. One might well ask how any citizenship can be consistent with a state power to expel a person. One of the very few international human rights which attaches to citizenship (rather than to being a human being) is the right of every citizen to enter and reside in the country of his or her citizenship. Article 12 of the UN's International Covenant on Civil and Political Rights 1966, a central plank of the international bill of rights, as the UN calls its international human rights conventions, states that no one shall be arbitrarily deprived of the right to enter his own country. Article 3, Protocol 4 of the European Convention on Human Rights dating from 1963 simply states no one shall be expelled, by means either of an individual or of a collective measure, from the territory of the state of which he or she is a national. European citizenship may be criticized as lacking a fundamental citizenship quality in this regard. From the outset, the right of free movement of persons was qualified by an exception on grounds of public policy, public security, or public health. The CJEU has accepted that citizens can still be expelled from one member state to another on the basis that they are nationals of another member state and have offended against the member state of residence's sensibilities regarding public policy, public security, or public health. This exception is inscribed in the Treaty and thus within the EU's own legal order it is a permissible exception to the citizenship right. Who gets expelled from one member state to another? There are two main groups which suffer this fate. The first and most traditional is that of European citizens who are convicted of particularly serious offences in a host member state. All states accept that if their own nationals commit particularly odious crimes in another state, the only thing which the other state can do is put them in jail after a fair criminal trial. When it comes to European citizens, if they are not nationals of the host member state, then the option is available to send them to their state of underlying nationality and it is for that state to deal with them. When the EU legislator considered this power in 2004, it included additional protection against expulsion for people who have lived five years in a member state and even more protection for those who have lived for ten years or are minors. Those on this last group can only be expelled on imperative grounds of public security (as defined by the member states according to the provision).[6] However, when challenged on the subject by a European citizen who had been born and lived his whole life in the host member state and was convicted of a series of crimes of violence when he was in his twenties and thirties, the CJEU accepted that the enhanced protection principle did not displace the state's power to expel the individual.[7]

The second group of European citizens who struggle against expulsion are Romanian nationals (and some Bulgarians), whom the authorities in France and Italy in particular have taken against (Carrera and Faure Atger 2010). There is more than a whiff of ethnic discrimination in the expulsion of these European citizens, who are, or are suspected by the authorities of being, Roma or gypsies (Parker 2012). As Romanian nationals only acquired a right to work throughout the EU on 1 January 2014, if they are present in a member state without resources after three months' stay there, EU citizenship law is not clear about their treatment. Some member states have taken advantage of this grey area to consider such persons to have forfeited their citizenship right to move and reside and to be a public policy threat sufficient to justify expulsion (Bigo 2012).

So much for the central element of being a citizen. For these European citizens the practical solution seems to be to submit to expulsion and then return soon afterwards through Europe's border control free area.[8]

What does this analysis tells us about what European citizens want from their citizenship? First and foremost, they want greater security regarding their rights, whether these be in the form of social solidarity, the enjoyment of their rights wherever they happen to be in Europe without being required to move from one member state to another, and security of residence in the form of the complete protection against expulsion which international law demands of any 'real' citizenship.

What do European states want from European citizenship?

The answer to this question is fairly clear. First and foremost, what the member states want from European citizenship is a form of identity which does not seduce their citizens away from them. They want their citizens to remain embedded in their national identity and to have European citizenship as an additional identity to their national one. A number of European states are particularly keen not to be obliged to extend social solidarity to European citizens who are not their 'own' nationals, irrespective of how long they have worked in that state or however substantial the social and tax contributions they may have made there. The idea is that these European citizens should not be a burden on the national accounts. The counterpart of this argument, which is rarely so openly stated, is that effectively these citizens should produce a profit for the national accounts which can be used to subsidize the deserving poor citizens of the state. This position is normally that of the richer member states, if one takes as an indication which states intervene in the cases which come before the CJEU. An example is the case of two Greek nationals who went to Germany and worked there for some months before becoming unemployed. They both sought job seekers' allowances while they looked for new work (this benefit is available to German nationals who become unemployed) and they both obtained work in due course. The German authorities granted the benefit for a shorter period than Germans are entitled to and then refused to extend the period. When the case went to court, the Danish, Dutch, and British authorities all intervened to support the German state position that European citizens are not entitled to equality in social solidarity.[9] The CJEU found against the state.

Second, some member states really do not want to lose control over the power to determine the circumstances under which their citizens can enjoy family life with foreign family members. They are dismayed by the possibility that their citizens should be able to rely on European citizenship to evade national controls. The choice which these member states give their citizens is either to abandon their family members or to leave the state. A 2012 court case is indicative of this: two women, one Ghanaian, the other Algerian, had both married Finnish nationals and gone to live in Finland with their husbands. Both women had had one child by their Finnish husbands and both children acquired Finnish citizenship. In both cases the marriage subsequently broke up and both women divorced their husbands, but the women kept custody of their children, who had close relationships with their natural fathers. Both women subsequently remarried, the Ghanaian to a Ghanaian national, the Algerian woman to an Ivorian national. Both women once again became pregnant and had a second child in Finland. In both cases the Finnish authorities refused residence permits to the second husbands and ordered them to leave the state. Thus, the women were in the invidious position of taking at least one of their children and going with their second husbands to Ghana, Algeria, or possibly Ivory Coast, depending on the immigration laws of those countries. But this would mean each of the women leaving their firstborn child in Finland or depriving those Finnish children of their relationship

with their natural fathers. Alternatively, according to the decision of the Finnish authorities, the women could remain in Finland with their Finnish children and give up their second husbands, who would be expelled.[10] Five member states intervened in favour of the Finnish authorities' position: Denmark, Germany, Italy, the Netherlands, and Poland. In a case which raised similar questions a year earlier regarding the decision of the Austrian authorities, seven member states intervened to support the Austrians: Denmark, Germany, Ireland, Greece, the Netherlands, Poland, and the UK.

Member states want to keep their right to expel European citizens whom they do not like back to their home member state. In the case referred to above, that of Mr Tsakouridis, a Greek national, who had been born in Germany and lived there most of his life, when the German authorities took the decision to expel him and ban his return to Germany (where his family members live) seven member states intervened to support the German authorities: Belgium, Denmark, Estonia, Hungary, Austria, Poland, and the UK.

The conclusion must be that quite a number of member states or at least some of their authorities do not want European citizenship to interfere with their right to treat the holders of that citizenship as foreigners.

Conclusions

I started this chapter by looking at how theory about citizenship based on the capacity of people to be part of a community, society, or state, or through struggle to claim rights can be deployed to understand European citizenship. If we imagine citizenship as the gradual definition of the relationship between authorities claiming state sovereign powers and the people subject to those powers, then EU citizenship begins to look more like a real citizenship. However, the EU as an institutional entity has a vexed relationship with the question of state sovereign powers which is played out in the field of subsidiarity. The development of EU-based rights attached to citizenship and determined by EU instances, legislation, executive and judicial, points in the direction of state sovereign powers. The capacity of member states of the EU to retain practices which are inconsistent with the EU rights is evidenced by the continuing legal challenges. The tensions over claims to determine people's identity which are played out in the field of citizenship involve substantial numbers of actors, not least the people themselves who seek to activate rights irrespective of their origin, either in national or EU law.

Thus the answer which I would give to my question is a mixed one. Because European citizenship is only partial in relation to the nationality of the member states, it permits state practices which are not permissible on the basis of traditional standards of citizenship as a mechanism for determining equality. On the other hand, it can be used as a mechanism for defeating state authorities' objectives, for instance in family reunification, where there is an inversion of the principle that citizenship rights are greatest for those who belong to the community, society, or state. European citizenship sometimes gives better family reunification rights to those who have arrived recently on the territory and have only a tenuous link to the state. Further, European citizenship does not protect its holders from exclusion and expulsion because of ethnicity. However, European citizenship is not infinitely malleable by state authorities. While it does not have a state to which to attach itself, it does have a court which often protects the interests of the holders of this citizenship against the wishes of the member state authorities. That then creates a new field of friction, where member state authorities may be opposed to the ruling of the court but must apply it anyway under the general rules of the EU. Here the EU has a great advantage over the European Human Rights Court, as its judicial order is deeply embedded in its national counterpart. Thus,

most important decisions of the EU court come via preliminary references from national courts for clarification and go back to the national court for a final decision. The state authorities are then bound by the decision of their own national courts, which apply the EU interpretation. This makes a most peculiar citizenship, where there is a fragmentation of the political space which normally regulates citizen–state relations, but the citizen may reach directly to the judges in the struggle for citizenship rights. What is the promise of EU citizenship? One way to think about it is in relation to the tenacity of some EU citizens to pursue their claims to rights all the way to the CJEU. Does such persistence in itself indicate the belief of at least some people in the reality of EU citizenship as a vessel which can deliver rights? Perhaps the most problematic aspect of EU citizenship is its unreliable articulation with the nationality of a member state. So long as some member state authorities insist on delivering national citizenship rights and are reluctant to apply at least some EU citizenship rights, the possibility for people to enjoy rights as EU citizens will be fragmented and, for some, illusory.

Notes

1 On the entry into force of the EU's Maastricht Treaty.
2 Article 20 of the Treaty on the Functioning of the European Union.
3 The EU Charter of Fundamental Rights.
4 Though perhaps including Foucault's governmentality here is slightly inaccurate, as his interest was in the governmentality of all human beings.
5 When a former Austrian national who had naturalized as a German citizen was deprived of his German citizenship by the authorities, he claimed his European citizenship as a defence against statelessness. The Court of Justice of the European Union, the final court permitted to interpret what European citizenship is, rejected his claim (C–135/08 Janko *Rottmann* [2010] ECR I–1449).
6 Article 28(3) Directive 2004/38.
7 C–145/09 *Tsakouridis* [2010] ECR I–11979.
8 While Bulgaria and Romania in 2012 were still waiting to join the border control free area, in practice their citizens cross the border controls into neighbouring countries, e.g. Hungary or Greece, and then continue in the control-free area back to France or Italy, often to exactly the place from which they had recently been expelled.
9 C–22/08 and 23/08 *Vatsouras* [2009] ECR I–4585.
10 C–356/11 and C–357/11 *O & S* not yet reported – judgment of 6 December 2012.

Bibliography

Bigo, Didier (2011). 'Quand Montesquieu se transnationalise', *Cultures and Conflits* 1: 183–91.
Carrera, Sergio, and Faure Atger, Anaïs (2010). 'L'affaire des Roms: a challenge to the EU's area of freedom, security and justice', CEPS Working Paper.
European Commission (2010). *Report on the election of members of the European Parliament (1976 Act as amended by Decision 2002/772/EC, Euratom) and on the participation of European Union citizens in elections for the European Parliament in the member state of residence (Directive 93/109/EC)* COM 605, Brussels.
European Commission (2011). *Communication on Consular Protection* COM 149, Brussels.
EUROSTAT (2012). *Statistics in Focus: Population and Social Conditions* 31/2012.
Guild, Elspeth (2009). *Security and migration in the 21st century*. Cambridge and Malden, MA: Polity.
Isin, Engin F. (2012). 'Citizens without nations', *Environment and Planning D: Society and Space* 30 (3): 450–67.
Jacobson, David (1995). *Rights across borders: immigration and the decline of citizenship*. Baltimore, MD: Johns Hopkins University Press.
Koslowski, Rey (1994). 'Intra-EU migration, citizenship and political union', *JCMS: Journal of Common Market Studies* 32 (3): 369–402.
Nyers, Peter (2011). 'No one is illegal between city and nation', *Studies in social justice* 4 (2): 127–43.

Parker, Owen (2012). 'Roma and the politics of EU citizenship in France: everyday security and resistance', *JCMS: Journal of Common Market Studies* 50 (3): 475–91.
Sassen, Saskia (2006). 'Introduction: deciphering the global', in Saskia Sassen (ed.), *Deciphering the global: its scales, spaces and subjects*. Abingdon: Routledge: 1–18.
Soysal, Yasemin Nuhoglu (1995). *Limits of citizenship: migrants and postnational membership in Europe*. Chicago: University of Chicago Press.
Vonk, Gijsbert (ed.) (2012). *Cross-border welfare state: immigration, social security and integration*. Mortsel: Intersentia.

38

European Union citizenship rights and duties

Civil, political, and social

Dora Kostakopoulou

> Our life is all one human whole, and if we are to have any real knowledge of it we must see it as such. If we cut it up it dies in the process: and so I conceive that the various branches of research that deal with this whole are properly distinguished by change in the point of sight than by any division in the thing that is seen.
>
> *(Charles Horton Cooley, February 1902)*

What is European Union citizenship and why it is prized? Is the good that European Union citizenship seeks to promote simply an economic one, namely, market integration? Or is its value linked with other, bigger objectives, such as political integration and the creation of an ever closer union among the peoples of Europe, be they the citizens of its member states or all residents in the territory of the union? And if, on the other hand, EU citizenship and intra-EU mobility are viewed as instantiations of market integration, where do the individual, his/her experiences, and his/her social world feature in all this? In addressing these questions in this chapter, I opt for an integrated approach that blends insights from history, politics, law, and sociology.

This choice stems from my belief that, if the process of European citizenship building is viewed as the outcome of two-level games, that is, between supranational institutions, on the one hand, and the member states, on the other, in which conflict and cooperation coexist simply because both parties have come to terms with the facts that playing the 'game' itself and maintaining the benefits derived from it are much more important than concrete wins and losses at present or in the future, then we would miss something important about both the vision underpinning European Union citizenship and its effects on 'who we are', and 'how we should live with others'. Games played by institutional actors do not leave much room for the everyday experiences of ordinary individuals and their practices. Nor does this perspective enable us to discern clearly how particular institutional configurations and institutional actors, including among others the judiciary, can enhance or impoverish individuals' life chances and address or pay no heed to human needs.

In this chapter, I link EU citizenship's historical past, evolution, and radical potential, and argue that if we are to understand what being an EU citizen means, we need to see individuals 'in their fullness' and not to focus on one aspect of their lives, namely, the economic one, prioritize

this, and then infer the rest. In addition, we must get a number of foci of inquiry into balance and integrate the civil, political, and social dimensions of EU citizenship, on the one hand, and rights and (future) duties, on the other. In this way, European Union citizenship emerges as an evolving whole of mutually interacting and interconnected parts and generative of new political realities and enriching associational bonds.

Beyond mere economism and individualism: a constructivist perspective on free movement

When European Union citizenship was introduced by the Treaty on European Union, most scholars viewed it as a purely decorative and symbolic institution, and a mirror image of pre-Maastricht 'market citizenship' (Everson 1995; d'Oliveira 1995). This is because the 'new' citizenship formation in the European Union repeated the pre-existing right of free movement and residence within the territory of the member states which the Treaty of Rome had established (1957). And although constructivist approaches highlighted the transformative potential of European citizenship (Kostakopoulou 1996, 2001; Wiener 1998; Shaw 1998), the majority view was that EU citizenship was a mercantile citizenship and thus relevant to 'favoured EC nationals', that is, to a minority of European citizens, who possess the necessary resources required for intra-EU mobility.

This view prevailed in the literature in the 1990s and the 2000s, despite the fact that it was becoming increasingly clear that the Court of Justice of the EU and the Union's legislature were advancing a rights-based approach to free movement.[1] In fact, despite the fact that the Court pronounced EU citizenship 'a fundamental status of nationals of the member states, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality'[2] and in the case of *Baumbast* recognized that Article 21(1) TFEU (formerly 18(1) TEC) is directly effective, that is, it confers on individuals rights which are enforceable before national courts,[3] the literature still associates EU citizenship with the notion of market citizenship.

The 'market bias' underpinning discussions about EU citizenship is quite puzzling. In fact, it may be difficult to find another category of persons, apart from EU citizens, for whom the personal and the professional do not overlap, since both constitute dimensions of the same life. Such economic determinism implies that, first of all, certain aspects of the self can have a separate existence, which thereby suggests and defends a fragmentary self, and second, freedom of movement can be separated from the sociality that accompanies one's pre-border crossing status and settlement in another member state. In other words, it is not only a naive economism that underpins the notion of 'market citizenship', but also a methodological individualism, since the term 'market citizens' necessarily centres our mind to 'asocial citizens' and 'floaters', that is, individuals willing to cross borders in order to maximize their economic self-interest. In what follows, I argue that these conceptions are misleading and misplaced for a number of reasons and that free movement of persons in the European Union cannot be thought of separately from its social, political, and normative dimensions.

It is important to highlight that, since the very early stages of European integration, labour mobility was never perceived to be a mere functional prerequisite of the common market. Since the very beginning it was thus linked with the broader normative vision of establishing a 'European citizenship', a notion explicitly mentioned by Lionello Levi Sandri, the vice-president of the Commission at that time.[4] In the eyes of the European leaders, therefore, free movement of labour would enable European workers to enjoy equal treatment not only in the workplace, but also in the broader social environment of the host member states and in

the political arena. Indeed, the Preamble to Council Regulation 1612/68 explicitly referred to 'the fundamental right of workers to improve their standard of living which must be exercised in freedom and dignity'.[5]

The Court sought to shelter the various aspects of workers' lives from discrimination on the grounds of nationality and to promote their integration into the fabric of the host society by upholding family reunification rights, granting them the same tax and social advantages that nationals of the host member state enjoy and protecting them from differential conditions of employment and from dismissal. It also ensured that their children and their spouses had access to educational opportunities, housing, and trade union participation. In other words, both secondary legislation and case law sought to shelter their whole life, that is, both its economic and social dimensions, from the disadvantages that accompanied, and continue to accompany, 'alienage'.

True, one might argue here that this protective layer of legislation had one objective only, namely, to eliminate restrictions on the exercise of free movement rights in order to promote the single market ideal and guarantee economic productivity. Yet, this argument fails to capture the complexity of free movement in the European Union, since it essentially disentangles it from its context and its sociopolitical aspects.

The social aspect of freedom of movement

It is often argued that EU citizens are solely economic agents and that, by crossing borders and settling in another member state, they participate in employment relations but not in the general social life and its collective development. The social aspect of the free movement of persons is more often than not subsumed under the economic, and complex processes of social interaction are reduced to rationalist exercises of transactional give and take. Little consideration is given to the fact that, irrespective of any motivations for migration, settlement in another community is interlaced with membership of practices of reflexive cooperation (Kostakopoulou 1996, 1998).

In addition, it is wrong to view sociality as solely the by-product of cross-border mobility. For it is also sociality that occasions border-crossings and settlement. Individuals are bounded by time and space, and it is therefore impossible to disconnect them from the surrounding environment that fosters their development. Border-crossing in the EU is thus an expression of sociality, since an EU citizen normally invests resources and time in learning a language, about other cultures, countries, and opportunities that might enhance his/her life options and is influenced by people, ideas, images, and social practices. No human activities take place in walled-off spaces and no actions are purely self-regarding. In this respect, the individual is neither prior in time nor less significant than the social context (Mead [1934] 1967: 140) and, as the free movement idea *per se* is also an outgrowth of sociopolitical life in general, both the individual and the social are complementary aspects of the same thing.

Individuals are social selves in action and all freedom, including freedom of movement in the EU, is social in the sense that one is free to act in cooperation with others. Being is being with others and acting is always acting with, and in response to, them. More importantly, as Cooley (1902: 50) argued, freedom increases as sociality increases; one increases one's freedom by acquiring new stimuli and an opportunity for self-expression, enlarging one's knowledge base, developing one's personality and being able to actualize oneself. Embedded within co-op models of society before and after intra-EU movement, EU citizens cannot be cut off from social processes. In order to understand what it means to be a European citizen, our thinking about free movement in the European Union context, therefore, must be disentangled from the opposition between the individual and society, be this of residence or nationality, and must include something that is both individual and social.[6]

The determinist conceptions of individualism and economism accompanying the 'market citizenship' notion of EU citizenship are also called into question by empirical research. The Qualitative Eurobarometer Study on European Citizenship – Cross-border Mobility has revealed that just under half of the respondents in 25 out of the 27 member states cited work as their primary reason for moving.[7] About a quarter of the respondents moved to other member states in order to study and the remainder cited either family reasons or the desire to acquire new experiences. The idea of 'movers' being predominantly 'market citizens' is thus simplistic. In addition, the same survey found that approximately one in every ten persons who moved primarily because of work moved with an existing employer.[8]

In light of the foregoing discussion, it may be argued that 'free movers' cannot be disconnected from the social world around them – the social world they leave behind and the social world they enter into. They are neither self-interested opportunists nor sellers of their labour power nor 'floaters' – in fact, such assumptions do not reflect actual people in all their human complexity. In this respect, a sociological conception of freedom reconciling sociality and freedom is necessary in order to understand freedom of movement as a characteristic of EU citizenship.

Equal treatment

EU citizenship is not confined to mobility, that is, to border-crossings. Mobility is just one phase of the EU free movement and residence rights and is, essentially, a transitive process. What follows EU mobility, and, in my view, the critical ideal that underpins EU citizenship, is the principle of non-discrimination on the grounds of nationality and thus equal treatment with nationals of a certain member state. And it is this principle, which essentially dictates how the authorities of a member state should view and treat EU citizens and commands the lifting of unjustified restrictions on their exercise of Community law rights, that has caused, and continues to cause, stress in the member states.

EU citizens are thus entitled to equal access to employment in the public and private sectors, equal treatment with respect to conditions of employment, including remuneration and dismissal, the same social and tax advantages that national citizens receive, educational opportunities, and, in the main, security of residence. The member states have had to accept the onward movement towards the opening of their societal and political membership circles and the obligation to refrain from discriminating directly or indirectly on the grounds of nationality and from imposing unnecessary restrictions and unjustified burdens upon their activities. After five years of continuous residence in the host member state, EU citizens become permanent citizens entitled to enjoy complete equality of treatment.[9] During the crucial phase between three months (their residence is unqualified during the first three months) and five years of residence, their presence becomes a theatre of conflict for a number of claims, such as a state's right to maintain the integrity of its welfare system and to shelter it from the claims of 'outsider insiders' and claims to equal treatment that EU citizenship law and policy have generated that have exceeded the liberalizing trend of the free market ideology. It is in this domain that we often witness a conscious or unconscious manipulation of the facts of EU citizens' everyday lives and often a resistance on the part of member states to recognize them as co-citizens and holders of a right to equal treatment. Work-seekers are thus often seen as 'burdens', as opposed to not yet fully active economic actors, and the economically weak parents of children born in the country and attending schools there may be ordered to leave by state authorities. In this war of narratives and competing claims, the EU citizenship right of free movement becomes reduced to a private impulse, a self-assertion colliding with the welfarist and national collectivist principles underpinning the host member states. Its social aspects become underscored, the dynamic contributions of EU citizens to so

many areas are bracketed, and their lives, which are mingled with the general life of the host community, become planes of disconnected fragments.

Yet, one cannot and should not underestimate the changes that have taken place in European societies since the formal introduction of EU citizenship twenty years ago. Sociopolitical life as a whole has changed, as the national membership circles have been expanded to include non-national EU citizens with a right to choose their civic or professional home in any of the EU's member states. In this respect, European Union citizenship functions as a catalyst for institutional modification and a unique experiment for stretching social and political bonds beyond national boundaries. By weakening ethnicity as a boundary marker and diluting the traditional link between the enjoyment of citizenship rights and the possession or acquisition of state nationality, European citizenship has enabled EU citizens to escape the closure of territorial democracy and to enjoy a wide range of associative relations across national boundaries.

More generally, it has enriched our political imagination by making another 'world' thinkable and visible; namely, a flexible notion of community which values diversity and human cooperation and is sustained and nurtured not only by its members' commitment to the collective shaping of its present and future governance, but also by disagreements and conflicts. In 1996 I used the term constructive citizenship in order to denote not only the constructed (as opposed to natural and objective) nature of European citizenship, but also its potential for new transformative politics beyond the nation-state (Kostakopoulou 1996). I saw as implicit in the European citizenship experiment the formation of a European public that is freed from nationalistic trappings and mythical foundations, is comfortable with diversity, values inclusion by replacing nationality with domicile, and actively seeks the deepening of democracy at all levels of governance. And by refusing to level out differences or to absorb other identifications and allegiances and by being committed to 'the pursuit of multiple connections of respect across persisting differences' (Connolly 2001: 349), it is giving European Union citizens an opportunity to live without the threat of war or internal repression, and to reflect critically on, and learn from, the outward growth of social and political life and from contrasts of all sorts. Accordingly, European Union citizenship has added something important to personal the socio-political realities in Europe by carving out space for self-development and self-actualization as well as for connectivity and reciprocal equal recognition.

Enhancing democratic participation

In addition to incorporating the 'civil' rights to free movement and residence, the Treaty on European Union included the political rights of voting and standing as a candidate in municipal elections and European Parliament elections in the member state of residence, not of citizenship, under the same conditions as nationals (Articles 20(2) b and 22 TFEU). However, the European Union's citizenship model has progressively shifted beyond the liberal model of citizenship. Genuine efforts have been made by the supranational institutions to institutionalize more direct forms of political participation and a complex constellation of political links among the citizens, civil society organizations, and European Union institutions in the new millennium. The Commission took the initiative of highlighting the importance of the civic participatory dimension of European governance in its 2001 White Paper on Governance.[10] Specific manifestations of the shift towards active citizenship constitute the establishment of the citizens' Agora in 2007, which links civil society to the European Parliament by providing a forum for the discussion of civic issues that feature on the Parliament's agenda as well as the Lisbon Treaty's 'provisions on democratic principles'.[11] In these provisions, representative democracy (Article 10 TEU) is fused with direct political participation and deliberative democracy (Article 11 TEU).

It is true that civic participation has always been conceived to be multiform: European citizens' representative associations and civil society have been involved in dialogic processes of consultation, implementation, and assessment of legislative initiatives[12] and Article 11(1) TEU institutionalizes a duty on the part of the Union's institutions to 'give citizens' – not only representative associations – the opportunity to make known and publicly exchange their views in all areas of Union action. It is also true that questions of the extent of the representativeness of associations, the centrality given to certain voices and interests at the expense of others, and the difficulty of decoupling proposals from sectional distributions of power in civil society all continue to demand attention, but it, nevertheless, remains the case that such practices enhance the institutionalization of a more reflexive governance in the European Union. But it is also important to recognize that the democratization process remains incomplete. Follesdal and Hix (2006) have defended the option of a direct election of the Commission's president by European citizens as well as the less radical possibility of allowing the European Parliament to nominate him/her.

The Lisbon Treaty also established an additional opportunity structure for direct political participation by introducing the 'Citizens' Initiative'. According to Article 11(4) TEU, no fewer than one million citizens in at least seven member states may take the initiative of inviting the Commission to submit a legislative proposal for the purpose of implementing the Treaties.[13] Although Article 11(4) TEU does not create a directly effective right, that is, a right enforceable in national courts because it does not establish an unconditional obligation, it enriches the democratic life of the Union by giving citizens an agenda-setting role in the legislative process and by creating a common political space. For, in addition to creating a culture of dialogue and giving citizens a voice, it instantiates the new political reality of EU citizens being in mutual recognition vis-à-vis one another and engaging in reciprocal co-determination of the European Union legislative process.

Through its implicit appeal to a broader political space beyond national statist communities, the Citizens' Initiative essentially encourages citizens from several member states to act on commonalities that transcend their particular identities and to initiate legislative change from below. Premised on the transcendence of self-enclosed forms of political life, this institutional innovation reinscribes citizen identities in a broader sociopolitical world which takes shape in the very instantiation of participatory democracy. For no European 'ecclesia of demos' or public exists 'out there'. Instead, the latter is being formed as one million people from several member states get together mostly in virtual spaces and, through their signatures, constitute themselves as a mini- and single-issue demos. This process, which is still in the process of signature collection, since the deadline for submission of the lists of participants for the first citizens' initiatives is 1st November 2013, prompts a rethinking of citizens' role in the European Union public sphere.

And although sceptics might dismiss the Citizens' Initiative as a weak communicative strategy designed to increase the social legitimacy of the European citizenship project, one cannot sidestep two important facts. First, this institutional mechanism presupposes the value of a participatory environment and a normative framework that values consultation, transparency, deliberation, and institutional responsiveness. Second, it is through involvement in such participatory practices and the creation of these imaginary associative bonds that institutional realities 'open up' to societal demands, democratic input is enhanced,[14] and personal identities, in the sense of who we think we are and what we can become, are transformed.

European social citizenship and (forthcoming) citizenship duties

Since freedom cannot be separated from sociality and democratic participation, it would be incorrect to disentangle free movement and residence in the European Union from the broader

social and political space it has created. The Court's case law has acknowledged that the connecting links that EU citizens establish with the host community owing to their residence there or retain with the country of their origin, notwithstanding their exit and relocation, activate the social dimension of EU citizenship. These connecting links have led the Court to disentangle free movement from socio-economic status and to grant (on certain occasions) equal treatment of those who are neither economically active nor economically self-sufficient with nationals of the host member state. Economically 'weaker' EU citizens are thus entitled to receive social assistance, be it in the form of the award of a 'tide-over allowance' in order to enter the host labour market[15] or a jobseeker's allowance[16] or access to social assistance if they are lawfully resident there.[17] Similarly, students who face temporary economic difficulties are entitled to receive a minimum subsistence allowance[18] and a maintenance loan or finance to cover the cost of their studies, provided they can demonstrate a certain degree of integration into the society of that state.[19] Provided that a genuine link exists with the labour market or the society of the host state and an EU citizen does not place an unreasonable burden on its welfare system, social solidarity is activated.

Similarly, the Court is keen to protect EU citizens when they exit the member state of their origin, since their departure does not necessarily rupture the social solidarity ring. In fact, freedom of movement would be undercut, if the member states penalized their own citizens for having availed themselves of their EU law rights by, for instance, depriving them of social benefits simply because they changed their place of residence. The scope of EU citizenship has thus been extended beyond the discrimination field to cover non-discriminatory restrictions, including unjustified burdens imposed on EU citizens by their member state of origin. In *Tas-Hagen* the Court held that the Dutch legislation on *benefits for civilian war victims 1940–1945*, which required that beneficiaries should be resident in the Netherlands at the time of the submission of their application was 'liable to dissuade Netherlands nationals' from exercising their rights under Article 18(1) EC (now Article 20(1) TFEU) and therefore 'constituted a restriction'.[20] Such a restriction did not meet the test of proportionality, because 'residence abroad' is not a sufficient indicator of a person's disconnection from the member state granting the social benefit.

The same line of reasoning was displayed by the Court in *Nerkowska* and *Zablocka-Weyhermuller*.[21] In the former case, a disability pension compensating for the suffering endured by Ms Nerkowska, a Polish national, following her deportation to Siberia, was suspended because she changed her place of residence from Poland to Germany. In the latter case, Ms Zablocka-Weyhermuller, the surviving spouse of a German national victim of war, was denied the partial pension she received in Germany when she took up residence in Poland. In both cases, the Polish and German Governments, respectively, put forward two justifications for the existing residence clauses, namely, the need to monitor employment and the social situation of the beneficiaries effectively, on the one hand, and their interest in restricting the obligations of solidarity to those who retain a sufficient degree of connection with the national society, on the other. Both justifications, however, failed to convince the Court since an EU citizen's relocation does not automatically sever his/her connection with a member state. The Court was thus keen to call into question the assumption that national welfare states require territorial closure and to extend the chain of social solidarity beyond a state's geographical territory.

But the judicialization of EU citizenship is not sufficient for the full development of the social dimension of European Union citizenship. Treaty amendments that refer explicitly to the social dimensions of EU citizenship might be needed, in line with the Marshallian (1950) triptych of civil, political, and social rights. The need for such a reform has been accentuated by the sovereign debt crisis and the turbulence in the Eurozone, which have made EU citizens insecure, anxious about their socio-economic well-being, and mistrustful of public institutions

at all levels of governance. Rising unemployment and poverty levels in the EU necessitate the preservation of the solidaristic rings that radiate from citizenship and could even trigger the institutionalization of social citizenship duties.

Possible social citizenship duties that might find their way into the TFEU's provisions on EU citizenship in the future are: a) a duty addressed to both the member states and the Union to promote the equal standing of all citizens in the EU by taking all possible measures to promote labour market participation and to fight poverty, homelessness, and social exclusion; b) a duty on the part of the member states and the Union to promote inclusive access to the resources, rights, and opportunities needed for participation in the democratic life of the Union; c) an institutional equality duty applying to all levels of policymaking and a horizontal (i.e. citizen) duty of non-discrimination on any of the prohibited grounds (Articles 18 and 19 TFEU); and d) a solidarity duty. Writing about European Union citizenship duties in the mid-1990s, I defended the inclusion of a Treaty provision stating that

> any acts adopted for the purpose of applying this Treaty should reflect every Union citizen's obligation to display solidarity with other Union citizens and with nationals of non-member countries resident in the Union. This obligation entails the respect for the dignity of each person and the rejection of any form of social marginalisation.
>
> *(Kostakopoulou 1996; 2001: 124).*[22]

Considering the EU's explicit commitment to the principles of solidarity and social justice (Article 2 TEU), the institutionalization of social citizenship duties would steer public policy thinking towards the tackling of rising socio-economic inequalities in tandem with existing attempts to stabilize and regulate better the financial system and would nurture postnational solidarity (Leibfried 1992; Bercusson *et al.* 1993; Ferrera and Sacchi 2007; Ferrera 2009). It would also significantly enrich EU citizenship by blending its civil, political, and social dimensions and by integrating rights and duties. Such a reform in the direction of a 'welfare European Union' might also serve as the most effective antidote to the prospect of a fragmented and 'uncaring' Union in which there exist disfunctionality and spreading poverty.

Conclusion

European Union citizenship is, and must continue to be, experimental. It embodies no well-tested formula and has no ultimate purpose. It has promoted multifarious associational bonds beyond nation-states and by so doing has often collided with national laws. But collisions and frictions have not foiled its progressive development over the past 20 years; it has progressed as an institution, has enriched the life horizons of EU citizens, and triggered institutional changes in national citizenship laws and policies, the member states, and the Union itself. While the effects of austerity programmes throughout Europe, namely, shrinking welfare budgets and the concomitant increase in poverty and homelessness in several member states, might dampen citizens' expectations for its further development, this unsettled and transitional phase also invites political actors to consider seriously the development of its social dimension. Free movement and equal treatment (the civil dimension), political participation (the political dimension), and social protection (the social dimension) all are important for the development of the self and the adequate institutional functioning of EU citizenship. One cannot promote one dimension and restrict or overlook the others, for they are implicated and interact with one another. In fact, it may well be the case that without an explicit social dimension and the recognition of social citizenship duties, EU citizenship itself might be of more limited value in the future.

Notes

1 The European Parliament and Council Directive of 29 April 2004 *On the right of citizens of the Union and their family members to move and reside freely within the territory of the member states* (2004/38/EC), OJ 2004 L 158/77 (30 April 2004).
2 Case C–184/99 *Grzelczyk v Centre Public d'Aide Sociale d'Ottignes-Louvain-la-Neuve* [2001] ECR I–6913, at paragraph 31.
3 Case C–413/99 *Baumbast and R v Secretary of State for the Home Department* [2002] ECR I–7091.
4 'The free movement of workers in the countries of the European Economic Community', *Bull. EC* 6 (61): 5–10, 6.
5 'European Council (1968) Regulation 1612/68 on free movement of workers' *OJ Special Edition* 475, OJ L257/2.
6 This understanding must also include 'ruptures of instituted conceptions of mobility', as Aradau *et al.* (2014) have argued.
7 *Qualitative Eurobarometer study, aggregate report*, August 2010, European Commission, Brussels, Belgium. Also available online at www.ec.europa.eu/justice/citizen/files/cross_border_mobility, (accessed 16 June 2013).
8 Ibid, p. 14.
9 Article 16 of Dir. 2004/38.
10 2001, COM(2001) 428 final.
11 Articles 9–12 TEU.
12 'Commission communication, renewed social agenda: opportunities, access and solidarity in 21st century Europe', COM(2008) 412.
13 European Parliament and Council Regulation 211/2011 on the Citizens' Initiative, 16 February 2011.
14 Fourteen initiatives have been registered by the Commission on issues such as the recognition of EU citizens' right to vote in national parliamentary elections in the member state of their residence, on climate protection, the recognition of the rights to clean drinking water as a human right, and so on. See P. Glogowski and A. Mauer, 'The European Citizens' Initiative: chances, constraints and limits', *Political Science Series* 134, Institute for Advanced Studies, Vienna, April 2013.
15 See, for example, Case C–224/98 *Marie-Nathalie D'Hoop v Office national de l'emploi* [2002] ECR I–6191.
16 C–138/02 *Brian Francis Collins* [2004] ECR I–2703; Joined Cases C–22/08 and C–23/08 *Athanasios Vatsouras v Arbeitsgemeinschaft (ARGE) Nürnberg 900 and Josif Koupatantze v Arbeitsgemeinschaft (ARGE) Nürnberg 900*, Judgment of the Court of 4 June 2009.
17 Case C–456/02 *Trojani v CPAS* [2004] ECR I–7573.
18 Case C–184/99 *Grzelczyk*, n 2 above.
19 Case C–209/03, *Bidar v London Borough of Ealing*, Judgment of 15 March 2005.
20 Case C–192/05 *K. Tas-Hagen, R.. A. Tas v. Raadskamer WUBO van de Pensioen – en Uitkeringsraad*, Judgment of the Court of 26 October 2006, paragraph 32.
21 Case C–499/06 *Halina Nerkowska* v *Zaklad Ubezpieczen Spolecznych*, Judgment of the Court of 22 May 2008; Case C–212/06 *Krystyna Zablocka-Weyhermuller* v *Land Baden-Württemberg*, Judgment of the Court of 4 December 2008.
22 This could also be manifested in the establishment of a universal minimum income allowance for all EU citizens facing abject poverty, a proposal suggested by Schmitter and Bauer in 2001.

References

Aradau, C., Huysmans, J., Macioti, P. G., and Squire, V. (2014) 'Mobility interrogating free movement: Roma acts of citizenship', in E. Isin and M. Saward (eds.), *Enacting European citizenship*, Cambridge: Cambridge University Press: 132–54.

Bercusson, B., Deaking, S., Koistinen, P., Kravaritou, Y., Muckenberger, U., Supiot, A., and Veneziani, B. (1993) *A manifesto for social Europe*, ETUI, Brussels.

Connolly, W. (2001) 'Cross-state networks: a response to Dallmayr', *Millennium* 30 (2): 349.

Cooley, C. H. (1902) *Human nature and the social order*, New York: Charles Scribner's Sons.

d'Oliveira, J. (1995) 'Union citizenship: pie in the sky?', in A. Rosas and E. Antola (eds.), *A citizens' Europe: in search of a new order*, London: Sage: 58–84.

Everson, M. (1995) 'The legacy of the market citizen', in J. Shaw and G. More (eds.), *New legal dynamics of European Union*, Oxford: Clarendon Press: 73–89.

Ferrera, M. (2009) 'The JCMS annual lecture: national welfare states and European integration: in search of a 'virtuous nesting', *Journal of Common Market Studies* 47 (2): 219–33.
Ferrera, M. and Sacchi, S. (2007) 'A more social Europe? In what areas? In what forms?', *European Governance* 1 (1): 14–20.
Follesdal, A. and Hix, S. (2006) 'Why there is a democratic deficit in the EU: a response to Majone and Moravcsik', *Journal of Common Market Studies* 44 (3): 55.
Kostakopoulou, D. (1996) 'Towards a constructive theory of citizenship in Europe', *Journal of Political Philosophy*, 4 (4): 337–58.
Kostakopoulou, D. (1998) 'Union citizenship as a model of citizenship beyond the nation-state: possibilities and limits', in A. Weale and M. Nentwich (eds.) *Political theory and the European Union*, London and New York: Routledge: 158–71.
Kostakopoulou, D. (2001) *Citizenship, identity and immigration in the European Union*, Manchester: Manchester University Press.
Leibfried, S. (1992) 'Towards a European welfare state? On integrating poverty regimes into the European Community', in Z. Ferge and J. Kolberg (eds.) *Social policy in a changing Europe*, Frankfurt am Main: Campus Verlag: 245–79.
Marshall, T. H. (1950) *Citizenship and social class and other essays*, Cambridge: Cambridge University Press.
Mead, H.G. [1934] (1967) *Mind, self and society*, Chicago: University of Chicago Press.
Schmitter, P. and Bauer, M. (2001) 'A (modest) proposal for expanding social citizenship in the European Union', *Journal of European Public Policy* 11 (1): 55–66.
Shaw, J. (1998) 'The interpretation of European Union citizenship', *Modern Law Review* 61 (3): 293–517.
Wiener, A. (1998) *Building institutions: the developing practice of European citizenship*, Oxford: Westview.

39

How European citizenship produces a differential political space

Teresa Pullano

Since its formalization in 1992, European Union citizenship has been regarded as a promise of a 'democracy to come' (Derrida, 2006).[1] The formulation according to which 'every person holding the nationality of a Member State shall be a citizen of the Union' (art. 8 of the Treaty on European Union, 1992) has been interpreted widely as a move towards post-national and eventually cosmopolitan citizenship (Archibugi, 1998: 219–20). There is a close historical connection between the fall of the Berlin Wall and the introduction of a common citizen status for the peoples of the present and future member states. The Maastricht Treaty was a self-proclaimed further step towards the accomplishment of a more integrated, more democratic and larger Union, and the establishment of a European citizenship was meant to be the sign and the foundation of these future developments (Preuss, 1998; Linklater, 1998). Nevertheless, the ambiguous nature of EU citizenship as 'derivative of' or as 'additional to' member states' nationality raises doubts on the effective separation of citizenship from nationality that this status introduced (Isin and Saward, 2013). In terms of political and social progress, almost twenty years later the present state of Europe seems to be much less encouraging than was forecast. The economic crisis that started in 2008 has amplified the differences among EU member states: the economic and social conditions of European citizens have significantly diverged since the introduction of the common currency in 2000, and old stereotypes and mistrust have reappeared in the public debates and controversies (Hadjimichalis, 2011; Shore, 2012). The divergent social and economic conditions and the lack of a form of solidarity among European citizens represent a threat to the credibility of European citizenship, understood as a symbol of political unity. The understanding of the EU as 'one of the few – and possibly the only – polity based exclusively on rights as opposed to substantive notions of peoplehood' (Delanty, 2007: 65) needs to be reconsidered from the perspective of the uses, strategies, and effects of these same rights.

We need to clarify the distinction between European Union (EU) citizenship and European citizenship. EU citizenship is here understood as the formal status that the European Union attributes to its individual members. As such, it is defined mainly through EU primary and secondary legislation. This concept is mainly descriptive. This is the object of the largest part of the literature on European citizenship existing to date. To that, it is possible to add a second meaning of EU citizenship as the ideas, discourses, and narratives that are articulated by EU institutional actors.

European citizenship is defined in the following pages as the processes of legal operations, on the one hand, and of acts of citizenship, defined as claims, contestations, and acts of assertion that intervene in the material constitution of Europe as a political space, on the other.

Reconceptualizing European citizenship: acts and operations

Indeed, if the limits of the modern liberal paradigm of citizenship are now widely accepted in the literature, as well as the 'importance of accommodating some form of differentiated citizenship', analysis of EU citizenship is still widely dominated by an abstract and mainly liberal vision of citizenship as a fixed status and a set of individual rights (Hansen and Hager, 2010). Moreover, these analyses run the risk of being trapped into the teleological dynamic of EU citizenship as a discursive and political practice itself. Looking at this institution as the first step towards the establishment of a form of more impartial and universal form of civic community, what Habermas calls constitutional patriotism (Habermas, 1998; Lacroix, 2002), or even as a still imperfect form of transnational rights that can serve as a transitional step in a multilevel polity displaces the effective political work of EU citizenship into a point in the future (Bellamy, 2008). Instead, there is a need for elaborating theoretical tools for understanding the work of EU citizenship, understood as a set of legal and political practices and processes, on the qualitative redefinition of economic, political, and social relations within the European Union.

A more refined understanding of this institution as a set of operations, strategies, and technologies makes it possible to interpret the qualitative redefinition of the social and political space in Europe, understood as a site and as an object of struggles. In turn, this enables more compelling acts of reassertion by the activist citizens themselves, linked to the better understanding of the instruments used by the institutional actors and of the tensions and contradictions among the different institutional strategies (Isin, 2008). European citizenship (as a category of analysis that is distinct from EU citizenship), both understood as a set of legal and political operations (Thomas, 2011) and as a heterogeneous ensemble of acts and dynamics (Saward, 2013), can thus reveal much of the structure of the social and political relations that are taking shape on the European scene. What this chapter argues is that the economic crisis that started in 2008 represents a test for European citizenship, in the sense that Boltanski and Chiapello give to this concept, that is 'situations when the status of persons and things is revealed with especial clarity' (Boltanski and Chiapello, 2005: 125). As such, European citizenship reveals the mechanisms of the struggles over the differential distribution of various forms of capital within Europe.[2]

At the same time, such an understanding of the link between European citizenship and the economic crisis requires two steps. First, we need to reconceptualize European citizenship as an object of analysis. And secondly, and consequentially, we need to stress the incoherences and the tensions of the practices of European citizenship in order to understand the ways this institution is used and the effects it produces. These two steps have been taken by the critical literature on European citizenship (Rigo, 2007; Hansen and Hager, 2010; Isin and Saward, 2013). Indeed, after what we could call a first wave of studies dominated by liberal post-nationalism and multilevel governance theories, we can now witness a 'second wave' of academic literature that is instead much more focused on power relations and practices of citizenship. We can argue indeed that the political transformations in Europe, from the 1990s to the present, have exposed the limits of the first approach, thus making more room for sociologically and politically grounded critical accounts.

We need to distinguish at least between two different analytical models of European citizenship. The first one is what Saward defined as acts of European citizenship, which stresses the link between citizenship as a 'status that carries rights, entitlements and responsibilities' and the fact that

'such a status must be enacted – claimed, invoked, clarified, even disputed – in order to persist and develop' (Saward, 2013: 50). Among acts of citizenship, it is possible then to identify 'acts of extension', that is the ways in which European citizenship is defined, extended, or clarified by the different actors. In this category we can include the legal and political acts by the institutional actors, such as the ECJ, that 'seek to extend the application of an existing formal citizenship status' (Saward, 2013: 54). Then, we need to focus on 'acts of assertion', that is the various ways through which 'ordinary European citizens for example – and others such as third country nationals who may or may not reside in or formally be citizens of the EU – assert their citizenly claims […]' (Saward, 2013: 50).

Instead of focusing on the rights and the status of EU citizenship as a coherent set of features, we suggest here concentrating on the tensions exposed by the acts and operations of European citizenship. The main tension is the one between the egalitarian and inclusive nature of EU citizenship, as it is expressed by the principle of non-discrimination and *isopolitia*, and the continuous production of divisions and differentiations. One specific context that exposes these tensions is represented by the ongoing economic crisis. We can identify two main contradictions that the economic crisis of the EU highlights concerning common citizenship. The first one regards the social and economic conditions of the citizens. On the one hand, EU citizenship has been linked to the project of the common market, with the idea that freedom of movement and of work across the continental space would equalize the economic conditions of the member states and of their citizens, thus producing a sense of identity derived from positive economic effects of the economic Union. On the other hand, institutional and non-institutional actors have also used European citizenship in various ways, in order to develop economic and social projects. The second tension concerns the link between EU citizenship and space. The close link between EU citizenship and freedom of movement has produced a discourse of homogenous, denationalized, and deterritorialized space, both by the institutional actors and by the literature. At the same time, EU citizenship has instead produced differential spaces and frontiers within the European space, thus producing a differential and heterogeneous space. Therefore, European citizenship, in its sociological and historical sense, can also be understood as an instrument producing uneven economic, social, and spatial relations on the continent. As such, there would be no crisis of European citizenship, but a set of processual and contradictory relations that make Europe the theatre and the object of social and political struggles.

European citizenship and social and economic differentiation

Little attention has been given to the ways in which social and economic projects have been fostered by EU citizenship policies and legislation. The main exception is represented by the work of Peo Hansen and Sandy Brian Hager: they develop a critical political economy approach to European citizenship, thus reconceptualizing it as an object of political and economic struggles as well as an instrument for intervening in the shaping of power relations within Europe. The main question is thus the one of the social projects and strategies that have been developed by EU citizenship politics: who are the actors that, in the different historical phases of EU integration, define citizenship policies and what are the economic and social projects they have in using and fostering European citizenship politics? What is the 'social purpose' of EU citizenship, i.e. what kind of citizenship model does it seek to promote through specific socio-economic contents? In particular, can EU citizenship protect workers' rights or do the rules on freedom to work and to provide services in the EU facilitate forms of social dumping among member states? Who benefits from EU citizenship politics in the various moments of the integration process? These questions concretely link European citizenship strategies and struggles to an analysis of

the EU as a 'historically specific capitalist social formation', and thus capitalist relations and struggles are considered as a key element in understanding the meaning and the trajectory of European citizenship (Hansen and Hager, 2010: 12; Van Appeldoorn, 2002). The relationship between European citizenship politics and socio-economic transformations in Europe is twofold: the acts and operations of European citizenship produce mechanisms of social and economic differentiation among individuals, linked to specific and different capitalist and social models and projects, but at the same time citizenship status can also be the result of political and class struggles, and therefore it can reflect the requests of social struggles (Hansen and Hager, 2010: 33). Thus citizenship policies can be Janus-faced: in one respect they can serve as a tool for reclaiming social equality, but on the other they can also serve as a 'legitimate architect of social inequality' (Marshall, 1987). Indeed, European citizenship politics in Europe can be fruitfully interpreted as the production of differential citizenship regimes and of differential degrees of inclusion:

> from 'formal' citizens, legally, 'illegally' or irregularly resident third country nationals, asylum seekers, and those on the borderlands trying to enter a specific territory – all of which further complicated by the differential power relations that divide society along class, gender, sexual, racial and religious lines.
>
> *(Hansen and Hager, 2010: 34)*

Mobility and migration politics constitute the key elements around which European citizenship as an instrument of negative integration and thus of government revolves. There is thus a close link between the organization of labour movements and European citizenship that evolves in contradictory ways from the foundation of the integration project until the present, passing from social projects to neoliberal agendas. This is of course a line of analysis that does not explain all the connections between migration, transnational citizenship asymmetries, and power relations in Europe. Even if there is still almost no research on the social protests that occurred throughout Europe, from London to Athens, from Rome to Lisbon, from 2010 until the present, it is clear that the nexus between capitalist power asymmetries, social rights, and social strategies linked to EU citizenship is at the forefront of the present political movements.

The second line of contradiction involves the ways in which acts and operations of European citizenship differentiate people and groups producing uneven spatial relations. It is not by chance that most contemporary research on EU citizenship and the economic crisis revolves around spatial issues, especially around the production of uneven spatial relations within the EU. Indeed, if we witness differential citizenship regimes concerning migratory practices and social rights in the whole of the European area of free movement, and within nation-states, at the same time there is also a macro-differentiation taking place among nation-states. The economic crisis has widened considerably the social and economic gap among southern and northern member states. One important question is thus whether EU citizenship politics, its transformative effects on national legislations, and its connection to the monetary union had any direct or indirect effects on spatial cleavages and uneven spatial relations among EU member states.

The current economic crisis has shown that the monetary union cannot be dealt with only as a technical issue, but touches the very core of citizenship techniques and strategies, that is the way in which statehood functions are currently being restructured and qualitatively transformed across the continental geographical and political space. The questioning of the nexus between citizenship and the euro opens up a political interpretation of the current crisis, taking into account the way in which citizenship is acting as an ambiguous instrument of differentiation of both individuals and territories. The euro has been a factor of acceleration of a process of differential restructuring of spatial relations across EU regions and not its cause: 'This restructuring

is based on pre-euro conditions of uneven economic and geographical development within the EU, which have been accelerated and intensified since the euro's introduction to become the crisis-driven restructuring we face today' (Hadjimichalis, 2011: 255).

The social and spatial differentiation that characterizes, directly and indirectly, the acts and the effects of EU citizenship is only one part of the picture. Other tensions and contradictions characterize the operations and the dynamics of this institution. In particular, EU citizenship has political effects on the constitution and on the reshaping of political subjectivity. Citizenship acts as a 'difference machine' separating individuals according to their patterns of mobility and circulation, thus dividing not only legal citizens from illegal migrants, but also creating differential categories of European citizens (Isin, 2002; Rigo, 2007).

The political effects of European citizenship: the production of 'internal others'

Modern citizenship has always acted as a form of social closure, delineating the frontiers of the political community both as a membership and as a territorial organization (Brubaker, 1992: 23). In this sense, there is continuity between national forms of citizenship and the European one. Instead of interpreting trans- or post-national forms of citizenship, as the European one, as the achievement of the liberal model of civic inclusion within a more impartial, more inclusive, and more democratic form of political organization that goes beyond the nation as well as beyond the state, we suggest here paying attention to the continuities between the blind spots of liberal and modern citizenship and the EU form of civic organization. Thus, the tensions already existing in national citizenships between autonomy and equality, or between inclusion and exclusion, are not only still present in the European context, they are taking up more complex and profound structures, since they involve the reshaping of national patterns of differentiation as well. If there is, therefore, continuity in mechanisms of political exclusion and division, there are qualitatively distinctive features of these same techniques of differentiation. The two distinctive features of European citizenship are related to its ambiguous relation to circulations and mobility, on the one hand, and to nationality, on the other (Aradau *et al*. 2010). If modern national forms of citizenship closely bind together people and geographical borders, in an almost perfect superposition, at least in the ideal type of citizenship as nationality, by contrast EU citizenship is based on the possibility of crossing national frontiers and of circulating freely across national borders, thus producing a qualitatively different form of space, more similar to a nomadic one.

There is, therefore, a strong link between nationality, mobility, and differential inclusion that contributes to shaping a qualitatively different juridical and political space in Europe. In line with the critical literature on the subject, we can thus say that one of the main functions of EU citizenship is to create a form of legal, political, and geographical space that is qualitatively different from the sum of member states spaces:

> (…) the material dimension of European citizenship (…) is characterized by a specific articulation of political space that does not have as its legal community of reference only the one composed by those who are formally citizens, but also, and especially, those who remain apparently excluded, or only partially included, in the citizenship relation. The European politics concerning immigration, and more generally those who have as their object the control of movements of populations, shape the space of the European Union in a way that does not at all coincide with the one of the member states.
>
> *(Rigo, 2007: 81)*

If the control of mobility across borders is the main function of EU citizenship, then migrants are not only the main target of EU government techniques, but they are also the ones who concretely enact and challenge the allocation of positions within that space (Barbero, 2012). Illegal migrants are therefore at the one end of a spectrum that includes semi-citizens as well as those who, despite the fact that they are formally full citizens, are excluded on the basis of gender or religion.

Instead of analysing EU citizenship as a binary instrument of inclusion and exclusion, it is more fruitful to interpret it as a dialogical technique and strategy of alterity production:

> while the logics of exclusion would have us believe in zero-sum, discrete, and binary groups, the logics of alterity assume overlapping, fluid, contingent, dynamic, and reversible boundaries and positions, where agents engage in solidaristic strategies such as recognition and affiliation, agonistic strategies such as domination and authorization, or alienating strategies such as disbarment across various positions *within* social space.
>
> *(Isin, 2002: 30)*

In order to exemplify the operations of division and transformation that define the relationship between EU citizenship and member states' national citizenship regimes, we can take two cases: the first concerns the transitional measures applied to Central and Eastern European citizens and the second involves the expulsion of Roma from France. Negotiated between the European Union, its member states and the candidate countries to accession two years before the enlargements of 2004 and 2007, the transitional measures have put into being a differential regulation of the citizens of the 'new' member states. In particular, the transitional measures applied to a large part of the former communist countries from Central and Eastern Europe, that is the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia, Bulgaria, and Romania. These measures suspend the right to free movement in the EU for the nationals of these countries when they exercise an activity as salaried workers. A crying inequality is thus created among individuals who have nevertheless the same status of EU citizen, and the temporary character of these measures, which can be maintained up to seven years from the date of integration, does not reduce it. On the contrary, the institution of geographical and diachronic frontiers at the heart of EU citizenship testifies to the presence of mechanisms of stratification that constitute it as a technology of differential government (Rigo, 2007). In the literature, the main key to explaining the introduction and maintenance of transitional measures has been economic. At the same time, it was clear to both the EU and its member states that the presence of paid workers from Central and Eastern European countries did not represent a threat to their economies, but on the contrary an advantage. Therefore, besides reasons of labour and workforce supply, these dispositions need to be analysed as deeply political, instituting a division between first- and second-class citizens within EU citizenship itself. This can be interpreted as a veritable citizenship operation, producing differential subjects as well as differential territories, introducing qualitatively different frontiers within the European space. In fact, the conflict between national citizenship regimes and the European one is not the same as the one that could have taken place between the various nationalities' regimes before the creation of the citizenship of the Union. The differences between nationalities acquire a specific meaning once they are inserted into the framework of free movement rights and mobility practices associated with EU citizenship.

A flagrant case of violation of equality of treatment and non-discrimination among EU citizens is the '*affaire des Roms*' that took place in France in the summer of 2010. After riots in Grenoble and a violent attack on a police station in the French municipality of Saint Aignan by a group of young Roma, the Sarkozy government started clearing Roma camps in the region

and then in the whole of France. As a consequence of the deliberate confusion by the French government of '*Nomades, gens du voyage, Roms, peu importent les dénominations*' (Parker, 2012: 478), as well as between the people responsible for the attack on Saint Aignan and the whole of the Roma minority residing in France, almost 1,000 Romanian and Bulgarian nationals of Roma origin living in France were expelled and deported (Carrera and Faure Atger, 2010). Since there seemed to be discrimination on grounds of ethnicity among EU citizens, the European Commission intervened. An administrative circular dated 5 August proved that after Sarkozy's speech there had in fact been an explicit targeting of the Roma as an ethnic group by the French authorities. Commission Vice President and Justice and Fundamental Rights Commissioner Viviane Reding characterized the French action as 'a disgrace', condemning 'a situation which gave the impression that people are being removed from a Member State of the European Union just because they belong to a certain ethnic minority' and then making a striking parallel with the World War II (Parker, 2012: 479). Nevertheless, if the reaction of the European Parliament and the European Commission forced the French government to amend the 5 August circular in order to make any reference to Roma as an ethnic minority disappear, the EU institutions were unable to stop deportations of EU citizens and to clearly declare them as illegal (Carrera and Faure Atger, 2010). This case thus perfectly illustrates the blind spots that are at the heart of the function of liberal and post-national forms of citizenship, showing the 'securitizing and exclusionary potential (that lies) *within* the EU law pertaining to citizenship and free movement and *within* a multi-level liberal or cosmopolitan government in general' (Parker, 2012: 488).

As these examples show, EU citizenship legislation and politics are the manifestation and instrument of a process of restructuring of the relationship between the individual and the state. EU citizenship operates such a redefinition at various levels: it intervenes directly in altering the relationships between nationality regimes in Europe, producing a differential regime of circulations and therefore a qualitatively different juridical and political space at the continental level. At the same time, it reveals and deepens the contradictions that were always embedded in modern national and citizenship regimes. To give just one example, the *banlieues* riots that took place on the periphery of Paris in 2005 can be read as the reactivation of a double removal: the colonial past, the other side of modern and universal citizenship, and the place of Muslim religion in 'secular' Europe. The riots that followed the death of two French citizens, aged 15 and 17, of North African origin, as a consequence of a police operation in the suburb of Clichy sous Bois, demonstrate how national contradictions and history acquire a new, different, and more radical dimension by the fact that they are already put into a transnational and European dimension. Indeed, what seems to be a French story, putting into question the religious, racial, and social exclusion of the children and grandchildren of former colonial subjects, now French citizens, makes clear that these are the same wounds and blind spots of European citizenship itself, giving birth to forms of European apartheid (Balibar, 2007).

Conclusion

The complex interaction of the dark forces of nationality and of their restructuring at the European level allows us to speak of European citizenship, defined as the intersection of EU citizenship and national citizenship practices and regimes, as a deeply political process. One of the main paradoxes of European citizenship is the difficulty of naming its political nature: indeed, its thin character when analysed in terms of the effective rights and obligations attached to it, the fact that there is no state or formally defined political community defined by it, and its post- and trans-national nature make it difficult to call it 'political'. But once we look at the effects of European citizenship, we can recognize its political nature, since it produces specific hierarchies among individuals

and among citizens, as well as distinctive forms of government of European citizens. Therefore, the main challenge facing European citizens, whether they are formally recognized as such or not, is the one of identifying the mechanisms through which political subjectivity is altered and intervening in them in order to take part in the struggle for a social and a political form of European citizenship that crosses frontiers (Isin, 2012; Isin and Saward, 2013).

Notes

1 I borrow here the well-known expression of Jacques Derrida, but here I use it in an altered sense. For Derrida there is a constitutive link between the promise as a gesture in itself and the open-ended character of democracy. Thus, the promise of the future precedes the future itself and makes it open to a process of continuous redefinition, through repetition, of the identity of the political subject. Here, I twist the sense of his expression: European citizenship is used by the institutional actors' discourse and by a part of the academic literature as the signifier of the teleological nature of the European integration project itself. But contrary to what Derrida meant, the displacement of the meaning, of the promise of citizenship in a future that is always to come, which never turns into present or even past. In this way, European citizenship creates a temporal horizon that is always incorporating the present into a homogenous future of democracy, but in doing so it simultaneously neutralizes the political effects of European citizenship as a legal and political instrument acting in the present. Moreover, it is not by chance that Derrida begins *Specters of Marx* with a critical reference to the falling of the Berlin Wall and to the "orgy of self-congratulations" that followed the event.

2 'The notion of test places us at the heart of the sociological perspective, one of whose most persistent questions - which no theory has dodged - concerns the selection process governing the differential distribution of persons between positions of unequal value, and the more or less just character of this distribution' (Boltanski and Chiapello, 2005: 31).

References

Aradau, Claudia, Huysmans, Jef, and Squire, Vicki (2010) 'Acts of European citizenship: a political sociology of mobility', *Journal of Common Market Studies*, 48 (4), 945–65.

Archibugi, Daniele (1998) 'Principles of cosmopolitan democracy' in D. Archibugi, D. Held, and M. Köhler (eds.) *Re-imagining political community*, London: Polity Press, 198–228.

Balibar, Étienne (2007) 'Uprisings in the banlieues', *Constellations*, 14 (1), 47–71.

Barbero, Iker (2012) 'Orientalising citizenship: the legitimation of immigration regimes in the European Union', *Citizenship Studies*, 16 (5–6), 751–68.

Bellamy, Richard (2008) 'Evaluating Union citizenship: belonging, rights and participation within the EU', *Citizenship Studies*, 12 (6), 597–611.

Boltanski, Luc and Chiapello, Eve (2005) *The new spirit of capitalism*, London: Verso.

Brubaker, Rogers (1992) *Citizenship and nationhood in France and Germany*, Cambridge, MA: Harvard University Press.

Carrera, Sergio and Faure Atger, Anaïs (2010) 'L'affaire des Roms: a challenge to the EU's area of freedom, security and justice', CEPS Working Paper.

Delanty, Gerard (2007) 'European citizenship: a critical assessment', *Citizenship Studies*, 11 (1), 63–72.

Derrida, Jacques (2006) *Specters of Marx*, London: Routledge.

Habermas, Jürgen (1998) *The inclusion of the other. studies in political theory*, Boston, MA: MIT Press.

Hadjimichalis, Costis (2011) 'Uneven geographical development and socio-spatial justice and solidarity: European regions after the 2009 financial crisis', *European Urban and Regional Studies*, 18 (3), 254–74.

Hansen, Peo and Hager, Sandy Brian (2010) *The politics of European citizenship: deepening contradictions in social rights and migration policy*, Oxford: Berghahn.

Isin, Engin F. (2002) *Being political. genealogies of citizenship*, Minneapolis, MN and London: University of Minnesota Press.

Isin, Engin F. (2008) 'Theorizing acts of citizenship' in E. F. Isin and G. M. Nielsen (eds.) *Acts of citizenship*, London: Zed Books, 15–43.

Isin, Engin F. (2012) *Citizens without frontiers*, London: Bloombsbury.

Isin, Engin F. and Saward, Michael (2013) *Enacting European citizenship*, Cambridge: Cambridge University Press.
Lacroix, Justine (2002) 'For a European constitutional patriotism', *Political Studies*, 50 (5), 944–58.
Linklater, Andrew (1998) 'Cosmopolitan citizenship', *Citizenship Studies*, 2 (1), 23–41.
Marshall, Thomas H. (1987) *Citizenship and social class*, London: Pluto Press.
Parker, Owen (2012) 'Roma and the politics of EU citizenship in France: everyday security and resistance', *Journal of Common Market Studies*, 50 (3), 475–91.
Preuss, Ulrich K. (1998) 'Citizenship in the European Union: a paradigm for transnational democracy?' in D. Archibugi, D. Held, and M. Köhler, *Re-imaging political community: studies in cosmopolitan democracy*, London: Polity Press, 138–51.
Rigo, Enrica (2007) *Europa di confine: trasformazioni della cittadinanza nell'Unione allargata*, Rome: Meltemi.
Saward, Michael (2013) 'The dynamics of European citizenship: enactment, extension and assertion', *Comparative European Politics*, 11 (1), 49–69.
Shore, Cris (2012) 'The euro crisis and European citizenship: the euro 2001–2012: celebration or commemoration?', *Anthropology Today*, 28 (2), 5–9.
Thomas, Yan (2011) *Les opérations du droit*. Paris: Ehess, Seuil, Gallimard.
Van Apeldoorn, Bastiaan (2002) *Transnational capitalism and the struggle over European integration*, London: Routledge.

40

Experiences of EU citizenship at the sub-national level

Katherine E. Tonkiss

The EU is often invoked as a model for theorizing about the development of citizenship beyond the borders of its member states; yet it also highlights the potential for conflict as citizenship is repositioned and new, transnational forms of citizenship rights (that is, the rights attached to EU citizenship status) emerge, while loyalties to individual member states persist. While access to citizenship rights has typically been framed by the attitudes of the dominant national group of the member state, which are themselves informed by a sense of co-national loyalty, framing these citizenship rights in such terms acts to undermine the rights of non-nationals, who, nonetheless, make justified citizenship rights claims within those national territories. In the EU, this tension is particularly evident in the case of EU citizens who migrate to other member states than that where they hold national citizenship and make legally justified rights claims in these alternative member states despite not holding the status of national citizen.

This chapter illustrates these struggles over citizenship in the EU, highlighting the ways in which transnational citizenship rights and persistent forms of national loyalty both complement and conflict with one another, providing insights on the experience of EU citizenship and using this as an example to reflect on these issues as they pertain to wider approaches to transnational and global citizenship. The chapter examines this EU citizenship by focusing specifically on the migration of EU citizens to the UK.[1] It demonstrates that these migrating citizens, despite their justified rights claims, are often still viewed as 'other' in receiving local communities (that is, the cities, towns and villages in which existing citizens and previously migrating citizens live together). The chapter sets out the ways in which these dynamics of identity and belonging impact upon the realization of robust transnational citizenship rights, and the measures that may be taken within these local communities to address these challenges.

Informed by this discussion, the core argument of the chapter is both that struggles over the positioning of citizenship in the EU are played out at the sub-national level within local receiving communities and that the success of supranational forms of citizenship may depend on transformations in identity, loyalty, and belonging at this most local level. The example of the EU citizenship regime serves to highlight the complexities of struggles over the positioning of citizenship where national and transnational citizenship coexist. Far from a purely legal process of developing transnational citizenship as status, this points to the importance of recognizing citizenship as 'practice', and to exploring and analysing the micro-level experience

of transnational citizenship in developing robust normative accounts of transnational and global citizenship.

The chapter is structured as follows: after first providing an overview of the development of EU citizenship, the example of EU migrants in the UK is explored, with specific attention paid to the ways in which an underlying sense of national loyalty overtly impacts on the full realization of EU citizenship through continued constructions of Self and Other on the basis of national membership. It is then suggested that focusing on the local level offers the scope to address these challenges, before finally an argument in favour of transnational citizenship as both status and practice is presented, together with reflections on the implications of this analysis for theorizing about global citizenship.

The development of EU citizenship

EU citizenship was formally created with the signing of the Treaty on European Union (the Maastricht Treaty), but its progression can be traced through the development of core rights to freedom of movement in the history of European integration. Although the realization of such rights was initially a product of economic interdependence, their enhancement through the European Court of Justice and eventually the Maastricht Treaty led to the recognition of a range of formal civil rights entitlements for citizens of member states throughout the EU (Cabrera, 2004: 107–8).

The creation of the European Coal and Steel Community in 1951 provided the first free movement rights across national boundaries in Europe. Restrictions on movement for qualified coal and steel workers were removed, so that workers in these industries could, for the first time, gain employment in any of the participating nation-states. These rights were then expanded with the creation of the European Economic Community (EEC) in 1957 (in the Treaty of Rome), which provided all workers with the right to gain employment in any member state and protected those workers from any nationality-based discrimination with respect to employment and working conditions (Baldoni, 2003: 4–5).

EEC Regulation 1612/68 (1968) built on the Treaty of Rome provisions, adding social rights such as equal access to the same 'social and tax advantages of national workers' and the 'rights and benefits accorded to national workers in matters of housing'. In addition, this article made a further leap forward in setting out the rights of family members to reside with workers regardless of whether they would be in employment or whether they were a national of a member state (whereas the right to free movement for workers only applied to nationals of member states). Throughout the 1970s, the European Court of Justice then played a key role in developing free movement rights. This included expanding the definition of 'worker' to include temporary workers and those taking up apprenticeships and university places. Later in 1990, rights to free movement were also expanded to include pensioners and the unemployed (Baldoni, 2003: 8–9).

The development of free movement rights from their initial inception as economic rights to a more inclusive and social understanding of what free movement should include can be viewed as an increasing recognition of the European migrant as an individual, rather than solely economic, unit (Baldoni, 2003:10; Cabrera, 2010: 182–4). This transition is epitomized in the 1992 Maastricht Treaty, which formally established the EU and EU citizenship. EU citizenship incorporates the economic and social rights of freedom of movement, along with substantial political rights as follows: (1) the right 'to move and reside freely within the territory of the Member States'; (2) the right 'to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that state'; (3) the right 'to protection by the diplomatic or consular authorities of any Member State, on

the same conditions as the nationals of that State'; and (4) the right 'to petition the European Parliament' (Treaty on EU, 1992).

EU citizenship, building on the development of freedom of movement, can therefore be viewed as a bundle of economic, social, and political rights. Further enhanced by the incorporation of the 1985 Schengen Agreement[2] into EU legislation in 1999, the rights of EU citizens across the Union are substantial. There are some limits, specifically as regards third-country nationals who reside, often on a long-term basis, within member states but do not enjoy EU citizenship. This matter has been taken up by the EU's Economic and Social Committee, which has argued in favour of granting EU citizenship rights to long-term third-country nationals, and the fact that all EU member states provide third-country nationals with the same legal status after five years is seen as a step in the right direction (Maas, 2007: 88–90). However, at the time of writing, EU citizenship does still derive from member-state citizenship, and so many of the concerns about the citizenship status of third-country nationals remain unaddressed.

This demonstrates that EU and member-state citizenships are inherently bound together and that while member state citizenship is commonly tied to a sense of national identity, a robust form of European identity on the same model has not emerged – nor has it been much sought after outside normative academic exploration (see, for example, Maas, 2007; Nicolaidis, 2004). Yet enlargements of the EU in the early twenty-first century brought with them considerable debate over the nature of EU identity (Nicolaidis, 2004), as well as some concern over the level of migration likely as citizens of these new member states gained rights to freedom of movement given the extension of EU citizenship.

In 2004, a group of eight new Eastern European member states gained accession to the EU (the 'A8' states) and then in 2007 two further Eastern European states (the 'A2' states) also gained accession.[3] There was widespread concern in many member states that A8 and A2 migrants would 'flood' into existing member states, creating excessive pressure on jobs, homes, and social welfare (Pijpers, 2006). As a result, transitional arrangements lasting between two and seven years were introduced, which limited the migration of A8 and A2 member state citizens, with the exception of the UK, Sweden and Ireland. In these countries, it was thought that A8 and A2 migrants could fill labour shortages in particular sectors of their economies.[4]

EU citizens in the UK

For some commentators, the very concerns that led to transitional arrangements in other member states were realized in these three member states that allowed for full freedom of movement rights, with significantly problematic effects. Here, I focus on the UK experience as a case study for the illustration of the intersection between member-state citizenship and transnational citizenship rights that facilitate the kind of unrestricted migration witnessed by the UK from the accession member states.

In the UK, politicians and the media alike lambasted the decision to allow unrestricted movement in 2004 when the A8 states acceded to the EU and, indeed, migration from the A8 member states was significantly high. Statistics show dramatically increasing levels of migration to the UK from the EU from the beginning of accession state migration in 2004 and increasing again with the accession of the A2 states in 2007 – when transitional arrangements were imposed, given the 2004 experience (Office for National Statistics, 2012).[5] While economic recession has slowed this migration somewhat, as have the benefits of EU investment in the Eastern European member states, migration levels from the EU remain relatively high. There are also concerns about the impact of the future accession of new member states, with the Coalition Government (2010–) promising transitional arrangements to avoid similar circumstances arising when other

potential member states such as Turkey gain accession (House of Commons Home Affairs Committee, 2011: 38–9).

Despite this significant increase in migration from elsewhere in the EU, there is no evidence to suggest that this migration has had detrimental effects on the availability of jobs for British citizens. In fact, quite the contrary: the evidence suggests that the migration has had a positive effect on the economy, as migrants fill labour shortages (Blanchflower *et al.* 2007), a trend that is mirrored elsewhere in the EU (Lemos and Portes, 2008), as Western European states in particular face the challenges posed by an ageing population which leaves a smaller workforce supporting higher costs associated with pensions and social care (Maniak, 2006: 68–9). Research suggests that the 'wage impact' of A8 and A2 immigration on 'native' citizens in the UK is very small and that there has been no increase in the claims made for unemployment support as a result of the migration (Blanchflower *et al.* 2007: 20).

However, while it may be the case that the benefits of Eastern European migration have far outweighed the costs for the UK, perceptions of this migration amongst the British population are quite different. At the time of accession, there was considerable concern about the impact of Eastern European migration on the UK, with attention focusing particularly on the perceived detrimental economic effects of the expected mass migration and on the potential impact on public services and the cost of social welfare benefits. In their extensive analysis of media reports at the time of A2 migration, Balabanova and Balch (2010) highlight how much of the debate at this time was framed in such terms. Concerns about the detrimental impacts of this migration on national citizens have not diminished; for example, they resurfaced once again in 2013, in relation to the removal of transitional arrangements for A2 migrants, with some sources reporting that migration from the A2 states will total 50,000 a year for the first five years following the removal of restrictions and the government considering measures to limit those migrants' access to social welfare benefits and public services such as the National Health Service (BBC News, 2013).

Qualitative research demonstrates how these perceptions of threat associated with A8 and A2 migration have been mirrored within local communities in the UK. Extensive research in the counties of Herefordshire (in the West Midlands region of England) and Lincolnshire (in the East Midlands region of England) has shown how not only concerns over the consequences of mass migration for the economy and for public services, but also perceptions of cultural threat, play an important part in driving negative attitudes towards EU migration – the result of a sense of national loyalty which also underpins perceptions of economic threat (Tonkiss, 2013a). Here, these cultural threat perceptions are driven by the negative stereotyping of A8 and A2 migrants as 'benefits scroungers' who will move to the UK just to make use of its social welfare system and bring with them social ills such as crime and excessive drinking. Much of this perception of cultural threat is bound up in the image of Eastern European migrants as 'gypsies', which thus invokes many of the negative stereotypes commonly associated with gypsy and traveller communities. While traditionally lines of difference have been drawn according to race, it is apparent that in this case, despite a lack of racial difference, lines of difference are drawn and these migrants are viewed as less desirable (McDowell, 2009: 29).

Despite the legal provisions of the free movement regime of the EU meaning that all those classed as EU citizens are free to migrate, these perceptions of economic and cultural threat have important implications for the full realization of EU citizenship for those who have migrated to the UK from elsewhere in Europe – and, indeed, similar trends have been reported in other EU member states (McLaren, 2002). It appears that, despite the development of EU citizenship and the extensive use of EU citizenship rights for migration and settlement in alternative member states, these contexts remain characterized by strong national loyalty, which informs perceptions of both economic and cultural threat.

This has had the consequence in the UK that attempts may be made to curtail the rights of European migrants to access core public services, despite their citizenship status. At a less tangible level, the phenomena described have also resulted in Eastern European migrants remaining excluded from the lives of their communities (Thorp, 2009: 119–21; Tonkiss, 2013b: ch.5). Communities remain defined in national terms, and so European migrants are asked to assimilate to this way of life in order to integrate effectively, despite the fact that they have extensive citizenship rights as Europeans without any obligation to adapt to the national way of life, and indeed by the fact that EU citizens often migrate temporarily for seasonal employment and so have a limited desire to form attachment and sense of belonging to the host nation. Furthermore, defining integration in terms of a national group assumes the existence of a single, fixed national group, whereas in reality the UK represents a complex combination of multiple national groups, with English, Scottish, Irish and Welsh national groups all coexisting within a British state which is the recognised EU member state. There may not, therefore, be a single 'way of life' into which migrants should integrate.

This expectation of integration into a community defined in national terms has important implications, because it serves to limit the realization of the equal-opportunity goal of the citizenship regime by limiting access to social, cultural, and economic resources – or, as Thorp has described it, migrants are excluded from 'the detailed definition and realization' of general well-being (2009: 132). While, as has been noted in the first section of this chapter, EU citizenship has expanded over the second half of the twentieth century to incorporate political, social, and economic rights, in practice it is often defined as a purely economic set of rights – allowing, to some extent, for EU migrants to work in alternative member states to the benefit of that member state, but problematizing the realization of the accompanying social and economic rights for those same migrants.

EU citizenship and nation-state citizenship are intended to coexist. As the Treaty on the Functioning of the EU (2008) states: 'Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.' Yet, as has been highlighted in this analysis of research on the subject, the exercise of European citizenship – that is, moving freely to a new member state to live, work, and potentially be politically active – is problematized by this coexistence of national and EU citizenships. Some commentators have argued that the coexistence of European and member state citizenship is necessary for the pragmatic reason that the alternative – an EU citizenship to replace member-state citizenship – is undesirable given the poor record of democratic participation at the EU level compared with that at the national level (Bellamy, 2008). The problem, however, is that the coexistence of both citizenship regimes serves to limit the extent to which the rights embodied in the EU citizenship regime are fully realized. Repositioning citizenship at an EU level is challenged by the persistence of member-state citizenship, which relies on the construction of Self and Other along national lines of difference. EU citizenship, in contrast, necessitates overlooking those exact constructions and invokes a far more expansive conception of the boundaries of belonging.

The everyday practice of transnational citizenship

Far from suggesting that the challenges of realizing EU citizenship identified in this chapter should give us cause to abandon the development of transnational forms of citizenship, this discussion of the complexities involved in such forms of citizenship demonstrates the need to engage carefully and robustly with the everyday struggles over citizenship within local communities.

These communities are where conflicts between national and transnational understandings of citizenship rights are played out, and so building a robust form of transnational citizenship is inherently linked to addressing this local level. Hence, scholars of transnational and global citizenship should pay attention to the *local* as well as the *global* both in developing normative theories of citizenship and in analysing the emergence of such citizenship regimes; and they must consider citizenship not only as *status* but also as a *practice*, the experience of which can have profound implications for the full realization of citizenship as status.

Research suggests that the transformation of citizenship practice at a local level is central to the full realization of transnational citizenship rights, and generally this is taken to mean the development of a context in which all citizens – which means, in the EU example, both those holding member-state citizenship and those holding EU citizenship only – are able to contribute to discussions about the shape of the place in which they live. Conceived of as 'thick discourse', that is the discursive construction of place (Tonkiss, 2013b: ch.6), where migrants are participating in 'place-shaping' activities with local governance actors (Thorp, 2009: 121–2), such approaches engage all individuals in discursive processes and therefore provide the opportunity for all individuals to shape the place in which they live and so overcome the structures of exclusion elaborated on in the previous section.

The reason that local-level deliberative processes are so central to the realization of transnational citizenship rights and overcoming these structures of exclusion is twofold. First, research into community cohesion demonstrates that engaging in group discussion over key issues in the local community engages individuals in a common task and brings about meaningful interactions that are not focused on differences and require individuals to work together despite those differences. This 'banal transgression' therefore acts as an important means of overcoming the perceptions of difference and negative stereotyping that underpin structures of exclusion (Amin, 2002; see also Gastil, 2000: 120).

Second, by engaging in such activities all members of the community are able to shape their local context and in doing so overcome the structures of exclusion by shaping that place to reflect its entire population rather than just the majority cultural group. This is in effect a process of decoupling the local context from the majority-group (national) culture, in order for access to the social and political rights of citizenship to be available beyond membership of the national group (Tonkiss, 2013a). There are challenges to realizing this form of deliberative process – not least, that minorities will have less influence in a discursive context that is dominated by a large majority group (Carpini *et al.* 2004); yet there is evidence to suggest that, with appropriate institutional support, these deliberative processes will be effective in overcoming the challenges of inter-group differences that are prevalent in the development of transnational citizenship practice such as that witnessed in the EU example (Goodwin, 2009: 101).

This discussion is not intended to offer solutions to the challenges of realizing EU citizenship, or indeed to address similar challenges for transnational citizenship more generally. Rather, it serves to highlight the importance of analysing the local experiences of citizenship transformation and of addressing the challenges that arise at this level in building robust conceptions of transnational citizenship more generally. Citizenship as *status* refers to the rights and responsibilities denoted by the designation of an individual as a citizen of a transnational unit such as the EU. Citizenship as *practice* 'refers to the activities of citizenship linked to citizen rights and responsibilities' (Durose *et al.* 2009: 3). It is this practice of citizenship which is shown, in the EU example that has been considered in this chapter, as so important in the realization of the status of transnational citizen, as a means of 'renegotiating citizenship' (ibid.: 8) from national to transnational.

Indeed, some of the ways in which transnational citizenship has been conceived already highlight the local, active nature of changes in citizenship regimes. For example, Cabrera

defines global citizenship as a practice undertaken by individual activists reaching across national borders and boundaries to secure the rights and institutions that will inform a fully global citizenship regime (2010: 31) and highlights that while commonly a theoretical division is drawn between republican citizenship (as the active practice of citizenship informed by shared values and beliefs) and liberal citizenship (as the recognition of the rights embodied in a citizenship status regardless of any shared culture), an 'active liberal' citizenship may fall between these two conceptions (ibid.: 18). This form of citizenship is strongly informed by the recognition of rights regardless of cultural group, but also highlights citizenship as a practice that is engaged in by active citizens.

The discussion here suggests support for such a conception of citizenship. Yet it has also highlighted that exploring and analysing the practice of citizenship means focusing not only on the practice of those individuals who are actively attempting to bring about transnational citizenship – as in Cabrera's definition – but also on the everyday lives of local communities and the practices of citizenship that they embody as sites where the repositioning of citizenship is actually occurring. In the EU, constructions of Self and Other continue to be informed by national lines of difference and this is problematic for the full realization of the rights that are intended to be recognized under the provisions of EU citizenship. Transforming these constructions is dependent on transformations in the contexts in which those constructions are built, and this points to a recognition that the full realization of transnational citizenship rights in the EU extends far beyond the legal recognition of EU citizenship status.

Conclusion

This chapter has explored the development of EU citizenship, specifically focusing on tensions between national and European forms of citizenship and how struggles over the positioning of citizenship between these two regimes impacts on the full realization of EU citizenship itself. Through a discussion of the migration of EU citizens to the UK, it has highlighted the tensions that exist between the transnational citizenship rights embodied by the migration of EU citizens on the one hand and persistent forms of national identity and loyalty on the other. These tensions in themselves can challenge the extent to which the rights of EU citizens who have migrated to alternative member states are realized, because they can limit the realization of equality of opportunity and equal quality of life for EU citizens. To return to the initial overview of the development of the EU citizenship regime, this suggests that the active realization of the social and political aspects of citizenship developed over the past half century are limited by the persistence of the citizenship regimes of the member states.

The existence of challenges to the coexistence of national and transnational forms of citizenship does not necessarily mean that transnational citizenship is on the wane. On the contrary, research shows that discursive processes at the most local level are really central to realizing full transnational citizenship rights. Yet what this tells us is that the realization of transnational citizenship is dependent on accounting for such local-level transformations and thus that those who are working to conceptualize transnational or even fully global citizenship regimes need to build consideration of the local-level experience of repositioning citizenship into their theories. Further, it emphasizes the importance of recognizing that citizenship is both a status and a practice and that the status of citizenship may be dependent on the practice of citizenship in constructing a context within which the boundaries of belonging can be renegotiated. This is practice not just by those actively attempting to build transnational citizenship, but also citizenship as it is practised by citizens in their everyday lives and as it is experienced in local communities on an everyday basis.

Notes

1 While acknowledging the multiplicity of forms of identity brought about by the English, Scottish, Welsh, and Irish nationalities which coexist in the UK, this chapter does not consider these differences in detail. Such discussion is far beyond the scope of the chapter. It should however be recognized that the coexistence of multiple national identities and loyalties within nation-states further reflects the struggles over the positioning of citizenship that are discussed here.
2 The Schengen Agreement, which came into force in 1999, has removed all border controls for individuals travelling between states that are party to the agreement (within the so-called 'Schengen Area'). All member states of the EU are part of the Schengen Agreement, with the exception of the UK and the Republic of Ireland, which elected to maintain their own border controls; and Bulgaria, Romania, and Cyprus whose membership is still pending. Norway, Iceland, and Switzerland have also signed the Schengen Agreement, although they are not member states of the EU.
3 The A8 states are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia. The A2 states are Romania and Bulgaria.
4 These states did still impose some degree of temporary restrictions on migrants from the accession states in terms of access to social rights such as welfare benefits, but not in terms of their right to migrate.
5 Other than students and self-sufficient migrants, those A2 migrants wishing to enter the UK labour market were required to obtain an 'Accession Worker Card' to prove that they were authorized to work in the UK by the UK Border Agency. This transitional scheme ended on 31 December 2013, after which date Romanian and Bulgarian citizens obtained full rights to freedom of movement to the UK.

References

Amin, A. (2002) 'Ethnicity and the multicultural city: living with diversity'. *Environment and Planning*. 34 (6): 959–80.

Balabanova, E. and Balch, A. (2010) 'Sending and receiving: the ethical framing of intra-EU migration in the European press'. *European Journal of Communication*. 25 (4): 382–97.

Baldoni, E. (2003) 'The free movement of persons in the EU: a legal historical overview'. *Pioneur Working Paper No. 2*. Available online at www.obets.ua.es/pioneur/ (accessed 6 December 2012).

BBC News (2013) 'Migration Watch warning on Romania and Bulgaria immigration'. *BBC News*. Available online at www.bbc.co.uk/news (accessed 21 February 2013).

Bellamy, R. (2008) 'Evaluating Union citizenship: belonging, rights and participation in the EU'. *Citizenship Studies*. 12 (6): 597–611.

Blanchflower, D. G., Saleheen, J., and Shadforth, C. (2007) *The impact of recent migration from Eastern Europe on the UK economy*. Available online at http://citeseerx.ist.psu.edu/ (accessed 28 February 2013).

Cabrera, L. (2004) *Political theory of global justice*. London: Routledge.

Cabrera, L. (2010) *The practice of global citizenship*. Cambridge: Cambridge University Press.

Carpini, M. X. D., Cook, F. L., and Jacobs, L. R. (2004) 'Public deliberation, discursive participation, and citizen engagement: a review of the empirical literature'. *Annual Review of Political Science*. 7: 314–44.

Durose, C., Greasley, S., and Richardson, L. (2009) 'Changing local governance, changing citizens: introduction', in C. Durose, S. Greasley, and L. Richardson (eds.) *Changing local governance, changing citizens*. Bristol: The Policy Press: 1–12.

EEC Regulation 1612/68 (1968) 'EEC Regulation 1612/68 of the Council of 15 October 1968 on freedom of movement within the Community'. *Europa*. Available online at http://eur-lex.europa.eu/ (accessed 6 December 2012).

Gastil, J. (2000) *By popular demand: revitalising representative democracy through deliberative elections*. Berkeley, CA: University of California Press.

Goodwin, M. (2009) 'Can we promote cohesion through contact? Intergroup contact and the development of community cohesion' in C. Durose, S. Greasley, and L. Richardson (eds.) *Changing local governance, changing citizens*. Bristol: The Policy Press: 392–412.

House of Commons Home Affairs Committee (2011) *Implications for the justice and home affairs area of the accession of Turkey to the European Union*. London: HMSO.

Lemos, S. and Portes, J. (2008) 'New labour? The impact of migration from central and Eastern European countries on the UK labour market'. *IZA discussion paper no. 3756*. Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1286694 (accessed 25 November 2011).

Maas, W. (2007) *Creating European citizens*. Plymouth: Rowman and Littlefield.

McDowell, L. (2009) 'Old and new European economic migrants: whiteness and managed migration policies'. *Journal of Ethnic and Migration Studies*. 35 (1): 19–36.

McLaren, L. (2002) 'Public support for the European Union: cost/benefit analysis or perceived cultural threat?' *Journal of Politics*. 64 (2): 552–566.

Maniak, G. (2006) *Labour migration in the European Union after accession in 2004*. Szczecin, Poland: University of Szczecin.

Nicolaidis, K. (2004) 'We, the peoples of Europe…' *Foreign Affairs*. 83 (6): 97–110.

Office for National Statistics (2012) *Long term international migration*. Available online at www.ons.gov.uk/ (accessed 15 February 2013).

Pijpers, R. (2006) "Help! The Poles are coming!' Narrating a contemporary moral panic'. *Geografiska Annaler: Series B, Human Geography*. 88 (1): 91–103.

Thorp, L. (2009) 'New migrants, citizenship and local governance: 'Poles' apart?', in C. Durose, S. Greasley, and L. Richardson (eds.) *Changing local governance, changing citizens*. Bristol: The Policy Press: 111–34.

Tonkiss, K. (2013a) 'Postnational citizenship without postnational identity? A case study of UK immigration policy and intra-EU migration'. *Journal of Global Ethics*. 9 (1): 35–48.

Tonkiss, K. (2013b) *Migration and identity in a post-national world*. Basingstoke: Palgrave Macmillan.

Treaty on the Functioning of the EU (2008) 'Treaty on the functioning of the EU, 2008 O.J. C 115/47'. *Europa*. Available online at http://eur-lex.europa.eu (accessed 6 December 2012).

Treaty on EU (1992) 'Treaty on European Union, 7 February 1992'. *Europa*. Available online at http://eur-lex.europa.eu (accessed 6 December 2012).

41

Contested citizenship in Bosnia and Herzegovina

Elena Cirkovic

According to Article 15 of the Universal Declaration of Human Rights (UDHR), the right to nationality and citizenship can be considered as a universal human right: '(1) everyone has the right to nationality' and '(2) no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality'. However, the qualifications of the bearer of 'universal' rights are unspecified. Equating nationality with citizenship has contributed to a situation where people(s) have to fit the category of being a 'national' in order to obtain citizenship. The question of access to national and international rights remains the question of citizenship, and nationality law remains at the core of domestic jurisdiction and state sovereignty. Thus, while the international human rights system and the international community recognize the existence of a universal subject as the bearer of human rights, this recognition is connected to particular concepts of citizenship, statehood, collective identities, and belonging.

This chapter analyses the struggles over citizenship in Bosnia and Herzegovina (BiH) following the General Framework Agreement for Peace (GFAP) in BiH (hereinafter 'the Dayton Peace Agreement'), initialled in Dayton on 21 November 1995 and signed in Paris on 14 December 1995.[1] The Dayton Peace Agreement ended the 1992–5 war, which ensued as part of the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY). As a post-conflict society, the Bosnian case demonstrates the ambiguity of the concept of citizenship both domestically and internationally. The definition of citizenship in BiH is rooted in the Dayton Constitution, which emerged as part of the GFAP's broader architecture.[2] However, the Constitution creates a distinction between two categories of citizens on the basis of their ethnicity. This exceptional situation is related to the broader political context in which the peace negotiations took place. More specifically, this chapter refers to the case, *Sejdic and Finci v. Bosnia-Herzegovina* (hereinafter '*Sejdic and Finci*'),[3] decided in 2009 by the Grand Chamber of the European Court of Human Rights (ECtHR). It is the first case in which the ECtHR applied the general prohibition of discrimination in Protocol No.12 to the European Convention on Human Rights (ECHR).

Bosnian citizenship struggles reveal that the relationship between citizenship and sovereignty is not clearly defined in international human rights law. As critical approaches to international law have observed, citizenship as a political identity relates to the relationship between cultural differences and sovereignty doctrine.[4] Thus, this chapter positions citizenship within the debates

over the universality of the subject as a bearer of human rights in international law and argues that this subject is more likely to be qualified by his or her communal affiliation. In other words, some individuals qualify as universal subjects in the international community primarily as citizens of states or as members of a recognized sovereign state, while others see their existence limited as a result either of lack of citizenship (statelessness) or of compromised citizenship (e.g. as a consequence of discriminatory laws and practices enforced by the state). In the case of BiH, the classic form of sovereignty has broken down,[5] which has resulted in compromised citizenship and capacity of individuals to obtain full recognition as rights-bearing and political subjects (Arendt, 1958).

This chapter consists of two broad sections. The first section provides an analysis of the *Sejdic and Finci* case. The contradictory aspect of the Dayton Constitution and its embeddedness in ethnic principles, where the Bosnian subject becomes primarily a local ethnic subject and not a universal citizen. The framework of analysis is limited to Bosnia's recent history. The second section briefly discusses the influence of the international community in BiH and problems of equating the nation with ethnicity and territoriality, especially when the definition of what constitutes a nation is a subject of debate.[6] The question of what it means to be a citizen, at global, regional, or local levels, relates to the legitimacy of rule and the capacity of human beings to act as political subjects. Historically, the international community has perceived state legitimacy in international law in connection with forms of rule and notions of who is capable of self-rule. Thus, the formation of citizenship in BiH needs to be viewed in the broader historical context where the international community generates doctrines and political strategies in spaces it views as standing at the margins of, or outside, its borders.

Sejdic and Finci and the institutionalization of discrimination in BiH

The plaintiffs in *Sejdic and Finci*, Jacob Finci and Dervo Sejdic, are Jewish and Roma respectively, and citizens of BiH. The applicants complained of their ineligibility to stand for election to the Presidency and the House of Peoples of the Parliamentary Assembly, as stipulated by the Constitution of BiH and the corresponding provisions of the Election Act 2001, solely on the ground of their ethnic origins. The Constitution and the provisions for internal governing structures of BiH are part of Annex 4 of the Dayton Peace Agreement. BiH is divided into three zones, in which one of the three constituent peoples has an absolute majority and other groups are minorities. It is thus a federal/confederal state, which consists of two ethnically defined entities: the mono-national Serbian Republic or Republika Srpska (RS) and the bi-national Federation of Bosnia-Herzegovina (FBIH). The district of Brcko in northeast Bosnia is a self-governing body owned by two entities, but placed under the direct sovereignty of the state of Bosnia-Herzegovina.

The *Sejdic and Finci* decision provides an empirical window into some broader questions about the status of minority rights protection and the relationship between citizenship and sovereignty. It showed clearly that BiH needed a constitutional reform. When Mr. Finci informed the Central Election Commission of his intentions to stand for election to the Presidency and the House of Peoples of the Parliamentary Assembly, he received written confirmation from the Central Election Commission that he was ineligible to stand for such elections because of his Jewish origin. The Council of Europe has thus stressed the need for changes to the electoral procedures, since they are in conflict with the ECHR. For the reforms to be successful, various discriminatory elements would need to be abolished, in particular as they relate to the political rights of different groups of the Bosnian population.

The most striking characteristic of the Dayton Constitution is that it was *de facto* adopted during peace negotiations. As such it is a part of an international treaty. On the one hand, the Bosnian Constitution enshrines democracy despite the lack of democratic participation at its very origin. Article 1(2) states that Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections. Article 11(1) states that BiH and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. The Constitution provides that certain rights and fundamental freedoms shall have priority over all other law and that an amendment may not affect these rights adversely. The Parliament of BiH can amend the Constitution.

The Preamble of the Constitution of BiH states that 'constituent peoples are the adopters of the Constitution of BiH, i.e. Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina'. The Constitution does not define the 'Others', but it also does not refer to an abstract citizen without ethnic identification. Under Article V, the Presidency of Bosnia and Herzegovina consists of three Members: one Bosniac and one Croat, each directly elected from the territory of the FBIH, and one Serb directly elected from the territory of the RS. Similarly, Article IV.1 relating to the composition of the second chamber of parliament, the House of Peoples, indicates that five Croats and five Bosniacs are to be chosen as Delegates of the FBIH by the Bosnian and Croat Delegates to the House of Peoples of the Federation, while the five Serbian Delegates of the RS are to be chosen by the National Assembly of the Republic. Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present. As stipulated in Article IV.3, all legislation shall require the approval of both chambers. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity.

The Bosnian Constitution is based on the authority of the Dayton Peace Agreement, as well as the decisions of the Constitutional Court of BiH. Importantly, the 2000 *Constituent Peoples' Decision of the BiH Constitutional Court*[7] has redefined the principle of constituency of peoples in the sense that now there are three constituent ethnic groups in the entire territory of BiH. Four partial Decisions of 2000 related to specific provisions of the Constitutions of the Entities of Bosnia and Herzegovina, which have been found to be in contravention of the 1995 Constitution of Bosnia and Herzegovina. Thus the Constitutional Court derived from the constitution the normative principle of multi-ethnicity challenging institutional segregation and national homogenization within the State institutions. Further, it emphasized the principle of collective equality of constituent peoples and the equality of the collective ethnic representation of the three constituent peoples. And finally, the Constitutional Court stressed that the rule regarding the prohibition of discrimination included the prohibition of *de jure* discrimination, the prohibition of *de facto* discrimination, and the prohibition of past *de jure* discrimination (Banovic and Gavric, 2011, pp. 7–9). Because of persisting political obstacles to the implementation of the decision, it was referred to the Office of the High Representative (OHR), which resulted in the 2002 *Decision Amending the Constitution of the Federation of Bosnia and Herzegovina*.[8] The consequent reorganization of all entity institutions also introduced mandatory quotas of representation in all parts of government for all three constituent ethnic groups and for the 'Others' in both entities. However, as has been noted above, the House of Peoples and the Parliamentary Assembly (the second chamber) and the Presidency are composed only of persons belonging to the three constituent peoples. Furthermore, the Constitutional Court could not make an impact at the state level and the recognition of the political rights of 'Others' could only be resolved through the ECtHR as a supranational remedy.

In the *Sejdic and Finci* decision, the ECtHR found that the applicants' continued ineligibility for election to the Presidency of BiH, because they were not affiliated with a 'constituent people' as required by the Constitution, lacked an objective and reasonable justification and violated Article 1 of Protocol No. 12 to the ECHR (para. 50). It concluded that discrimination on the ground of ethnicity was prohibited, *inter alia*, by ECHR Article 14[9] in conjunction with Article 3 of Protocol No. 15.[10] The ruling of the ECtHR has not yet been implemented in BiH, as more substantial efforts and political will are needed to reach a solution. The ECtHR emphasized that where a difference in treatment is based on race or ethnicity, the notion of objective and reasonable justification must be interpreted as strictly as possible, as no difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin can be objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures (para. 44). Nevertheless, the ECtHR stated that Article 14 does not prohibit Contracting Parties from treating groups differently in order to correct 'factual inequalities' between them. In certain circumstances, a failure to attempt to correct inequality through different treatment may, without an objective and reasonable justification, give rise to a breach of that Article.

The Bosnian Constitution allocates protection to collective rights above individual rights. It is a type of 'ethnic democracy', which only recognizes as democratic participants leaders of the main ethno-nationalist parties (Mujkic, 2007, p. 116). The Dayton Peace Agreement and the Constitution thus arguably construct second-class citizens in BiH who are excluded from the community and its laws as equal participants. Since the current Constitution is part of a peace treaty, it was drafted and adopted without the application of procedures which could have provided democratic legitimacy. As the ECtHR ruling notes, it is a unique case, because it was never officially published in the official languages of the country concerned but was agreed to and published in English (para. 6).

The ECtHR evaluated the discriminatory nature of the Bosnian Constitution in the context of conflict and whether the preservation of peace in Bosnia served as a legitimate aim for differential treatment. The exclusion rule pursued 'at least one aim which is broadly compatible with the general objectives of the Convention … namely the restoration of peace'. The provisions were designed to end brutal conflict marked by genocide and 'ethnic cleansing'. The ECtHR thus correlated the nature of the conflict directly with the need to approve 'constituent peoples' and ensure peace. While it does not justify the exclusion of other communities in Bosnia's peace process, it explains the 'preoccupation with effective equality between the 'constituent peoples' in the post-conflict society' (para. 45).

After the ECtHR indicated that it did not have competency to decide whether the preservation of peace constituted a legitimate aim (para. 46), it proceeded to evaluate Bosnia's capacity to promote positive reforms in areas of human rights and democratization and in compliance with the ECHR and the Council of Europe post-accession commitments (paras. 55–6). This, however, implies that the responsibilities rest with the Bosnian state, despite international involvement in the process of signing the peace accords, as well as the establishment of its institutions and forms of governance.

The judgement stands in accord with general international law and instruments developed against ethnic discrimination. However, the ECtHR remained ambiguous in its conclusion on the legacy of this initial compromise. The majority ruling concluded that the constitutional provisions in BiH were not intended to establish ethnic domination, as was argued by the applicants, but to end the conflict. The achievement of peace required measures which would secure effective equality between the warring parties, which came to be defined as the 'constituent peoples'.

Collective vs. the individual and citizenship in Bosnia and Herzegovina

The modern Bosnian state has its origins in 1943, as it became one of six constituent federal units of the former Socialist Federal Republic of Yugoslavia (SFRY). However, it was distinct from other Yugoslav republics, in that none of the three main ethnic groups (Muslims (Bosniaks), Serbs, and Croats) had a majority. Citizenship in the SFRY consisted of republican and federal levels of citizenship. Except for BiH, republics were formed around one ethnic identity. Thus, after the dissolution of SFRY in 1991–2, creating a unitary state in BiH was difficult.[11] This difficulty, however, is not very different from the secession of other republics from the former Yugoslavia. External self-determination of BiH presupposed the realization of the collective right to territoriality, formation of the classic nation-state, and internationally recognized sovereignty. Because of the plurality of ethnic and nationalist claims, BiH became a consociational state, with power-sharing institutions and ethno-territorial confederalism, which reflected the interests of the ethno-political elites among BiH's constituent peoples (Mujkic *et al*. 2008, p. 2).

The root causes and process of the partitioning of the SFRY and the eventual cantonization of BiH have been extensively discussed elsewhere.[12] The dissolution of the SFRY was aided by two processes: first the internal self-determination expressed through elections, and secondly, the international community's recognition of the newly declared preferences for external self-determination of each republic along ethnic-nationalist lines. The internal right to self-determination is here defined as the ability of peoples to participate fully within the overall national polity. This includes full participation within the legal system and, in general, having full political, cultural, and civil rights. External self-determination is the collective right of peoples to sovereignty and international recognition of that people.

As Crawford (2007) argues, the emergence of many new states represents one of the major political developments of the twentieth and twenty-first centuries. While it has changed the character of international law and the practice of international organizations, it has been one of the more important sources of international conflict (ibid., p. 4). But significant for the formation of citizenship in those newly found states is the fact that this development did not entail that it be regulated by some universal norms of international law in general and human rights law in particular. For example, the argument that the formation of a new state is a 'matter of fact and not of law', that is, the theory that statehood is legal independently of recognition, emphasizes the criterion of effectiveness, not legitimacy.[13] However, the constitutive theory claiming that the rights and duties pertaining to statehood derive from recognition by other states similarly relies on discretionary decision-making, which implies the absence of some specific regulation or 'right to statehood'. Both assume primacy of politics over a *legal* principle. Crawford further points out that the constitutive theory incorrectly identifies state formation with diplomatic recognition and consequently 'fails to consider the possibility that identification of new subjects may be achieved in accordance with general rules or principles rather than on an ad hoc, discretionary basis' (ibid., p. 5). And more importantly, where do we find the situations of 'fact' and where 'law'?

The political background of state formation 'in fact' has implications not only for the legitimacy of its existence within the international community, but also for the legitimacy of its institutions. In the case of BiH, the post-war institutions were formed in a political climate which centred on the necessity of ending a war and ensuring regional peace and stability. Fundamentally, the question then is whether there is an identifiable, coherent, or complete system of law at the international level which could be relevant in such situations, and the scope and content of principles which provide human rights protection for individuals. Crawford, for instance, insists

that there is a formally complete system of law especially with respect to the use of force and nationality, which are fields closely related to the existence and legitimacy of states (2007, p. 6).

The international community recognized claims to secession from the SFRY of each former republic. However, the emergent states did not adopt civic democracy; rather, the elections confirmed the conflict between, on one hand, the citizens' civic or republican identity and, on the other, ethnic belonging. The reasons for this are rooted in the politics of the inter-republican and inter-ethnic quarrels after the dissolution of the League of Communists of Yugoslavia at its 14th Congress in January 1990.[14] Each republic organized separately their first free democratic elections, which saw the emergence of ethnic-nationalist parties. Two political identities – ethnic and civic – could now be reconciled only if a citizen resided in his or her own ethnic republic and therefore belonged to its ethnic majority (e.g. Serbia and Croatia). However, this was not the case in BiH because of its multi-ethnic composition. After the dissolution of the SFRY the considerable number of individuals who lived outside the new nation-states defined by their ethnic groups were now living inside republics to which they had historically belonged *civically*, as republican citizens and citizens of the SFRY. The attempt to create homogenous territories during the 1992–5 war included 'ethnic cleansing', as well as other gross and systematic human rights violations such as genocide. The ethno-national conception of citizenship finally prevailed and fuelled violent conflicts over the redefinition of national borders within which the ethno-national states were to be formed on the basis of the absolute majorities of the core ethno-national groups.

In BiH, equating ethnicity with nationality and nationality with sovereignty resulted in what Asim Mujkic has referred as an 'Ethnopolis', a state where '[under] the cover of the legitimacy conferred by free and fair elections, citizens as individuals are stripped of any political power'(2007, p. 116). The recognized communities in BiH presuppose a pre-political bond of ethnicity and religion among a category of people. A 'people' is defined in terms of its blood origin, its heritage, and its traditions, or as an imagined community of membership and affiliations (Fichte, 1922; Anderson, 2006). Ethnopolitics, at least in the case of BiH, is a political set-up in which a person's citizenship is predetermined by his or her kinship and belonging to a group of imagined common origin. Mujkic relates ethnopolitics to a *crisis* and a permanent condition of a threat; in other words, a constant appeal to the existential danger faced by the particular ethnic group (2007, p. 119).

International community and the definition of citizenship in BiH

In evaluating the nature of Bosnian citizenship it is significant to consider the influence of the international community. The Bosnian Constitution emerged as part of the Dayton Peace Accords without the approval of the domestic legislature. It went into effect upon signature of the GFAR by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. The signature of the peace agreements was witnessed by the Presidents or Prime Ministers of the United States, the Russian Federation, the Federal Republic of Germany, the United Kingdom, France, and by the European Union (EU) Special Negotiator. Significantly, in his dissenting opinion in *Sejdic and Finci*, Judge Giovanni Bonello demonstrated a particular approach to BiH as a location where exceptional measures are necessary to keep the country together. The judge condemned the court's ruling and pointed out the dangers of challenging the status quo: 'I do not identify with this. I cannot endorse a Court that sows ideals and harvests massacre'. What prompted such a conclusion was his concern that the ECtHR decision presented 'a clear and present danger of destabilizing the national equilibrium' (para. 56). What the

facts of the case reveal, however, is the ambiguity not only in what constitutes a 'national equilibrium', but also in what we can expect from supranational human rights regimes in relation to other global, regional, and local priorities.

Judge Bonello's position can be explained by the international community's foreign policy, which, from the onset of the crisis in the SFRY, advocated preserving a vague conception of 'stability' or 'peace' rather than an insistence on democratization and human rights. In short, the BiH became what Amin Maalouf has described as a structure where 'an individual's place in society is dependent on his belonging to some community or another' perpetuating 'a perverse state of affairs that can only deepen division' (Maalouf, 2003). Judge Bonello argued that in its adjudication over the discriminatory aspects of the constitution, the ECtHR had 'canonized' the relevant ECHR rights, while discounting the values of peace and reconciliation. These values were, 'at least' equally invaluable. What, however, are those values? In the Bosnian context, those values include discrimination against various members of the Bosnian *polis*, who became defined as the 'Others' in the post-war period. While the argument provided in this opinion is rather spirited, it also divulges the particular mindset of the international community which brought the DPA into being.

The Bosnian case presents us with the problem of a situation where the local–global relationship of norm application somehow loses its purpose because of specifics of local and global politics. Judge Bonello asks: 'Does it fall within this Court's remit to behave as the uninvited guest in peace-keeping multilateral exercises and treaties that have already been signed, ratified and executed?' The rest of his opinion refers to the architects of the Dayton Peace Agreement as peace-devising do-gooders and the action of the EU and of the United States of America as 'fathering' the Accords. He argues that human rights concerns have little place in 'exceptionally perverse situations in which the enforcement of human rights could be the trigger for war rather than the conveyor of peace' (para. 53).

The differing opinion of Judge Ljiljana Mijovic, however, brings to the fore some of the more fundamental questions, which were missing in the ECtHR ruling. The tripartite structure of BiH is a result of the political compromise achieved by the Dayton Peace Agreement. She argues: 'In my opinion, the key question that required an answer in this case is whether that tripartite structure was ever justified, and whether it continues to be justified' (para. 43). Moreover, the Bosnian Constitutional Court has already addressed the matter of electoral discrimination in three separate cases.[15] In each case the Court found that the Constitutional structure was reasonably justified in the exceptional context of post-conflict Bosnia. At the domestic level, the national courts have adopted a self-image of exceptionality because of the constitutional constraints.

The decision that BiH was an exceptional case, which also accorded diminished status to Bosnia's minorities, was an international as well as a local decision. But this decision did not recognize Bosnian citizens as responsible subjects. The challenge in *Sejdic and Finci* is formulated in response to a particular situation in BiH, which is exceptional not only because of the legacy of armed conflict, but also because of particular perceptions of the region on the part of international commuity, as has been most clearly expressed in Judge Bonello's dissent.

States enjoy a certain margin of appreciation in assessing whether and to what extent the differences in otherwise similar situations justify a different treatment in law, but the ECtHR gives the final ruling in this respect. The margin of appreciation contradicts the concept of universal human rights protection and conditions citizenship on the basis of a form of belonging. However, in the case of BiH this is not so clear, because BiH does not have the qualities of a fully independent state with reference to general criteria of international law, which define such status (Brownlie, 2008).[16] BiH is an independent state by virtue of being part of the UN, having

been a rotating member of the Security Council, and having its territorial integrity recognized by its neighbours. However, it remains formally under the protectorate status of the international community. The ruling is thus ambiguous in relation to the role of the international community not only during the signing of the Dayton Peace Accords, but also in the post-conflict period.

Importantly, Annex 10 of the Dayton Peace Agreement, 'Agreement on civilian implementation of the peace', created the office of the High Representative (HiRep). As Article I stipulated, the HiRep was appointed 'to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution'. The Peace Implementation Council (PIC) was established for BiH in 1995 as an ad hoc group of 55 countries and organizations, in order to sponsor and direct the peace implementation process. The Steering Board of the PIC nominates and funds the position of the HiRep. Additionally, the Security Council acts as a supreme guardian of peace and order in the country. The HiRep is also the final authority in interpreting the Dayton Peace Agreement on the civilian implementation of the peace settlement (art. 5). In addition, the parties to the Dayton Peace Agreement provided that military implementation of the agreement was to be overseen by an Implementation Force (or the Stabilization Force). The Organization for Security and Cooperation in Europe (OSCE) was to supervise the conduct of democratic elections, the President of the ECtHR was to select three members of the Constitutional Court, and the International Monetary Fund (IMF) was to appoint the Governor of the Central Bank. The extensive international involvement in the domestic affairs of BiH arguably problematizes its political capacity to reform its institutions, including the Constitution.

The position of BiH in the eyes of the international community becomes even more complicated in its post-war relationship with the EU (Brljavac, 2012). The process of Europeanization is seen as the influence and impact of the EU on the domestic political, legal, and economic structures of the countries aspiring to EU membership (Radaeilli, 2004). In the aftermath of the war, the EU implemented various programmes in relation to the states emerging out of former SFRY which would allow them to move closer to EU membership. In 1999, BiH and other former Yugoslav countries entered the Stabilization and Association Process (SAP). The main objective of the SAP has been to strengthen a democratic transition of the countries in the region, with the implementation of substantial political, legal, and economic reforms. In 2008, BiH also signed and ratified the Stabilization and Association Agreement (SAA) with the EU and accepted amending electoral legislation regarding members of the BiH Presidency and House of Peoples delegates to ensure full compliance with the ECHR and its post-accession commitments to the Council of Europe.[17] The ECtHR and the EU demanded constitutional reforms as part of the need for advancement in 'ascension' talks with the EU. The ECtHR ruling demonstrates that in theory, we have established anti-discrimination provisions. Simultaneously, those provisions depend on international and local politics and the will of states to enforce them.

Creating local identities

While individuals have a degree of capacity to act and claim their rights beyond state borders, citizenship and human rights protection still depend on membership of a community, as well as statehood. In other words, it also matters which state provides the citizenship. This influences the existence of the individual not only as member of that particular community, but how the individual can enter the supranational realm. The so-called 'Balkan' region has been allocated to the realm of exception rather than the norm. Hence, categories of citizenship have been

conditioned by both local self-images and international perspectives on the region.[18] Taking Edward Said's 'orientalist' thesis presented in *Orientalism: Western conceptions of the Orient* (1978) as a starting point, this chapter considers the manner in which the 'Orient' or in this case the 'Balkans' have been imagined by the international community as a zone wherein the dictates of international law have been, in some instances, interpreted arbitrarily and applied selectively. In such a framework, the local citizenship loses its universality and becomes allocated to local ethnic particularity.

Claims forwarded in *Sejdic and Finci* can be read as claims to recognition of human rights not only of individuals from particular communities, but individuals who can claim them on the basis of their universal citizenship. *Sejdic and Finci* is an appropriation of the external gaze towards BiH, which prevailed during the Dayton Peace Accords. The claimants insisted on being recognized as free and equal citizens, not just as members of a particular ethnicity. Significantly, the Bosnian case cuts through the more general debates on constitutionalism and pluralism, because it reminds us of the persisting differentiation between types of peoples and their capacity to fall within the borders of the 'international community'.[19]

The current Bosnian dilemma over its post-war transitional process and possible accession to the EU accentuates the tensions in the global and local perceptions of the region. The relationship of BiH to the rest of the world is not that of an independent sovereign state, but a state largely designed through internationally brokered peace accords, continuous foreign presence in its governing institutions, and a constitutional crisis. The Bosnian Constitution creates new Bosnian identities without the democratic participation of local peoples. It also counters paradoxically the desired transition towards the EU because its discriminatory nature institutionalizes the Bosnian crisis. Meanwhile, the Bosnian citizen reflects a particular image of the ethnic identity of the place: the imagined and ethnicized Balkans. BiH then becomes a location where everyone is different, because they presumably choose to live primarily in accordance with their respective religions and ethnicities.

Conclusion

BiH has historically been a site of overlapping identities and contemporary governing, and legal structures would have to reflect such multiplicity without ethno-cultural domination. However, there is no recognition of a 'citizen' in BiH without an accompanying ethnic identity. Such an identity determines the type and quality of citizenship, which constitutes a discriminatory practice and stands in direct opposition to global developments in human rights protection and democratic citizenship. This is possible because the case of BiH has been treated by the international community as an exception, where international peace and security had to be prioritized over potential human rights claims. Bosnian citizenship became a position outside the more universal concept of a political citizen unencumbered by a static position of his or her local identity.

Individual subjects, who in the *Sejdic and Finci* case are two citizens of BiH, observe the ECtHR as a body which is supposed to uphold a set of principles which they would like to see as applicable to their individual lives. This aspiration was called into question, not only by the dissenting opinions of the ECtHR decision and the political stalemate in BiH, but by a general perspective on their inherent capacities to live as equal citizens. In its partitioned and dependent situation, post-conflict BiH is in a situation of instability where hope for emergency provisions stunts the democratization deemed necessary to prevent any future conflict. The ECtHR enters into the framework created by that judgement and attempts to apply human rights norms regarding discrimination.

Notes

1 General Framework Agreement for Peace in Bosnia and Herzegovina, Dec. 14, 1995, Bosn. & Herz.–Croat.–Yugo., 35 ILM 75 (1996).
2 Annex 4 of the GFAP sets out the Constitution of Bosnia and Herzegovina, Articles IV and V of which define the eligibility for the House of Peoples and the Presidency.
3 *Sejdic and Finci v. Bosnia and Herzegovina*, Application nos. 27996/06 and 34836/06, Council of Europe: European Court of Human Rights, 22 December 2009. Available online at www.unhcr.org/refworld/docid/4b44a28a2.html (accessed 20 March 2013).
4 Anghie 1996, p. 231; Orford 2009, p. 981. On the relationship between citizenship and Orientalism see Isin 2012b, pp. 563–72. See also Isin 2012a, pp. 450–467 and Isin 2011, pp. 209–29.
5 For classic definitions of sovereignty see, Crawford 2007; Brownlie 2008.
6 Balibar 2003.
7 The Decision of the Constitutional Court on the Constituency of Peoples, No. U 5/98–III. Four partial Decisions of the Constitutional Court of Bosnia and Herzegovina in this are: Constitutional Court Decision of 28, 29 and 30 January 2000 (Official Gazette of Bosnia and Herzegovina, no 11/00 of 17 April 2000), of 18 and 19 February 2000 (Official Gazette of Bosnia and Herzegovina, no. 17/00 of 30 June 2000), of 30 June and 1 July 2000 (Official Gazette of Bosnia and Herzegovina no. 23/00 of 14 September 2000) and of 18 and 19 August 2000 (Official Gazette of Bosnia and Herzegovina, no. 36/00 of 31 December 2000).
8 Decision Amending the Constitution of the Federation of Bosnia and Herzegovina, 7/10/2002.
9 Article 14 states: 'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'
10 Article 3 states: 'The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.'
11 Pellet 1992, pp. 178–85.
12 Gagnon 2004.
13 On this perspective see, Oppenheim 1905, p. 264. Also, Foreign Minister Eban (Israel), arguing against a request for an advisory opinion of the International Court on the status of Palestine: *SCOR* 340th mtg, 27 July 1948, 29–30.
14 Stiks 2011.
15 Case No. U–5/04, Admissibility, para. 13 (Const. Ct. Bosn. & Herz. Mar. 31, 2006); Case No. U–13/05, Admissibility (Const. Ct. Bosn. & Herz. May 26, 2006); Case No. AP–2678/06, Admissibility & Merits (Const. Ct. Bosn. & Herz. Sept. 29, 2006). The decisions of the Constitutional Court are available at www.ccbh.ba/eng/odluke/ (accessed 25 July 2012).
16 From a legal perspective, Ian Brownlie indicated that the principal corollaries of the sovereignty and equality of states are: 1) a jurisdiction, *prima facie* exclusive, over a territory and the permanent population living there; 2) a duty of non-intervention in the area of exclusive jurisdiction of other states; and 3) the dependence of obligations arising from customary law and treaties on the consent of the obligator (Brownlie 1990, p. 287).
17 Documents and reports on Bosnia and Herzegovina's relations with the EU are available on the European Commission website: www.ec.europa.eu (accessed 25 July 2012)
18 Campbell 1999, p. 395; see also Stiks 2006, pp. 483–500; Stahn 2008.
19 Anghie 2004.

References

Anderson, B. 2006. *Imagined communities: reflections on the origin and spread of nationalism*. 2nd ed. London: Verso.
Anghie, A. 1996. 'Francisco de Vitoria and the colonial origins of international law'. *Social and Legal Studies* 5: 321–36.
Anghie, A. 2004. *Imperialism, sovereignty, and the making of international law*. Cambridge: Cambridge University Press.
Arendt, H. 1958. *The origins of totalitarianism*. New York: Meridian Books.
Bakic-Hayden, M. 1995 'Nesting orientalisms: the case of Former Yugoslavia'. *Slavic Review* 54: 917–31.

Balibar, E. 2003. *We, the people of Europe? Reflections on transnational citizenship*. Princeton, NJ: Princeton University Press.

Banovic, D. and Gavric, S. 2011. 'The Constitutional Court of Bosnia and Herzegovina and its role in the process of democratization of the post-war political system of Bosnia and Herzegovina'. Berlin Graduate School of Social Sciences Workshop, Advocates or Notaries of Democracy? A Comparative Socio-legal Analysis of the Role of Constitutional Courts in Political Transformation Processes, September 22, 2011.

Brljavac, B. 2012. 'Assessing the European criteria in Bosnia and Herzegovina: a litmus test for the European Union'. *Journal of Comparative Politics* 5 (1), p. 4.

Brownlie, I. 2008. *Principles of public international law*. Oxford: Oxford University Press.

Buchanan, A. 2000. Rawls's law of peoples: rules for a vanished Westphalian world. *Ethics* 110, pp. 697–721.

Campbell, D., 1999. 'Apartheid cartography: the political anthropology and spatial effects of international diplomacy in Bosnia'. *Political Geography* 18 p. 395.

Chandler, D. 2000. 'Bosnia: prototype of a NATO Protectorate, in T. Ali (ed.) *Masters of the universe? NATO's Balkan crusade*. London and New York: Verso Books. pp. 271–272.

Crawford, J. R. 2007. *The creation of states in international law*. Oxford: Oxford University Press.

Fichte, J. D. 1922. *Addresses to the German nation*. Translated from German by R.F. Jones and G.H. Turnbull. Chicago: The Court Publishing.

Gagnon, V. P. 2004. *The myth of ethnic war: Serbia and Croatia in the 1990s*. Ithaca, NY: Cornell University Press.

Goldsworthy, V. 1997. Black lamb and grey falcon: Rebecca West's journey through the Balkans. *Women: A Cultural Review*, 8 (1), pp. 1–11.

Habermas, J. 2001. *The postnational constellation: political essays*. Cambridge, MA: MIT Press.

Isin, E. F. 2011. 'Ottoman waqfs as acts of citizenship', in P. Gazaleh (ed.), *Held in trust: waqf in the Muslim world*. Cairo: American University in Cairo Press. pp. 209–29.

Isin, E. F. 2012a. 'Citizens without nations'. *Environment and Planning D: Society and Space* 30 (1), pp. 450–67.

Isin, E. F. 2012b. 'Citizenship after orientalism: an unfinished project'. *Citizenship Studies* 16 (5–6), pp. 563–72.

Maalouf, A. 2003. *In the name of identity: violence and the need to belong*. New York: Arcade Publishing.

Mujkic, A. 2007. 'We, the citizens of Ethnopolis'. *Constellations* 14 (1), pp. 112–28.

Mujkic, A., Seizovic, Z., and Abazovic, D. 2008. *Country specific report: Bosnia and Herzegovina: the role of human and minority rights in the process of reconstruction and reconciliation for state and nation-building: Bosnia and Herzegovina*. MIRICO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts.

Office of High Representative (1995) 'The general framework of agreement: Annex 4: the Bosnian Constitution' 14 December 1995. Available online at www.ohr.int/dpa/default.asp?content_id=372. (accessed 15 July 2012)

Oppenheim, L. F. L. 1905. *International law*, vol. 1, 1st ed. London and New York: Longmans, Green and Co.

Orford, A. 2009. 'Jurisdiction without territory: from the Holy Roman Empire to the responsibility to protect'. *Michigan Journal of International Law* 30, p. 981.

Pellet, A. 1992. 'The opinions of the Badinter arbitration committee: a second breath for the self-determination of peoples'. *European Journal of International Law* 3 (1), pp. 178–85.

Radaeilli, C. 2004. 'Europeanisation: solution or problem?' *European Integration onlinePapers (EioP)* 8. Available online at http://eiop.or.at/eiop/texte/2004-016a.htm (accessed 28 July 2012)

Rawls, J. 2001. *The law of peoples: with 'the idea of public reason revisited'*. Cambridge, MA: Harvard University Press.

Said, E. 1978. *Orientalism: Western conceptions of the Orient*. London: Routledge.

Sejdic and Finci v. Bosnia and Herzegovina 2009 (application nos. 27996/06 and 34836/06) Council of Europe: European Court of Human Rights, 22 December 2009. Available online at www.unhcr.org/refworld/docid/4b44a28a2.html (accessed 20 March 2013)

Stahn, C. 2008. *The law and practice of international territorial administration. Versailles to Iraq and beyond*. Cambridge: Cambridge University Press.

Stiks, I. 2006. 'Nationality and citizenship in the Former Yugoslavia: from disintegration to European integration'. *Southeast European and Black Sea Studies* 6 (4), 483–500.

Stiks, I. 2011. 'Being citizen the Bosnian way': transformations of citizenship and political identities in Bosnia-Herzegovina', in: F. Cheneval and S. Ramel (eds.), *Transitions: from peace to shared political identities: exploring pathways in contemporary Bosnia-Herzegovina*. Université de Genève Institut Européen 51 (1–2).

Todorova, M. 1997. *Imagining the Balkans*. New York: Oxford University Press.

42

Citizenship and objection to military service in Turkey

Hilâl Alkan and Sezai Ozan Zeybek

In October 2010, İnan Süver, an imprisoned conscientious objector, wrote an open letter to the Turkish prime minister, describing the dreadful conditions of his imprisonment and reiterating his reasons for refusing to carry out military service. He concluded his letter with a demand: 'I want to be executed' (Süver 2010). When he wrote this letter, Süver was in prison for the third time for refusing to do his military service, being held in solitary confinement and repeatedly tortured. Yet his civilian life, before he was imprisoned, had been no better. He was unemployed, had lost almost all of his personal support networks including part of his family, could not engage in any official business or receive any public services. For more than ten years Süver, in or out of prison, had been suffering the effects of a civil death for having refused to fulfil a duty. He thus concluded that it would be better to die than to continue under these circumstances (Süver 2010).

Süver has experienced great solitude, but he is not alone in what he has been through. In 1990, two young men, for the first time in the history of the Republic of Turkey, declared their conscientious objection and refused to report for military duty. It was only ten years after the last military coup, in 1980, which had created a sense of national emergency and arguably intensified the impact of the army on social, political, and economic institutions for the following 20 years. At the same time, there was (and still is) an unacknowledged war going on in the south-eastern region of Turkey between Kurdish guerrillas and state armed forces. Militarism was an ordinary facet of life. In this context, Gönül and Zencir, the first objectors, both refused to be part of the ongoing war and also declared a moral stance which had clear anti-militaristic overtones (Gönül *et al*. 2013). Since then, there have been about 200 cases of conscientious objection in Turkey, with a multitude of declarations of intent and reasons to decline, reflecting individual objectors' positioning vis-à-vis the state and society.

Military service is legally defined as a citizenship duty for all able-bodied, male citizens of Turkey. So almost every man spends a considerable part of his life – varying in duration – in training and service to the army. Turkey still has no legal clause handling the status of objection (Can 2009; Üçpınar 2009); it is not recognized as a right, and no arrangements are made for a civil service alternative. Objectors are considered to be performing an illegal act, although the term 'conscientious objection' does not appear in the Turkish Penal Code or the Military Penal Code. Instead, authorities apply a broader range of legal tools to prosecute objectors, including

charges such as 'refusal to take orders', 'desertion', 'absenteeism', 'alienating the public from military service', and 'weakening the military institution and the defence capacity of the country'.

With the case of Osman Murat Ülke, who declared his objection in 1996 and burned his conscription documents at a press conference, the issue gained new momentum. Ülke was tried, sentenced to serve time in prison, and then sent back to his military unit. Clearly, from the point of view of the legal system, conscientious objection was a void declaration. He was repeatedly tried, imprisoned, and then escorted back to his unit, as if his refusals had gone unnoticed. However a national and international campaign developed over his case and brought the issue of conscientious objection to public attention. Ülke became one of the poster names for Amnesty International and his case was taken to the European Court of Human Rights (ECHR). In his statement to the court, Ülke requested that the Turkish state be found guilty of violating Article 9 of the European Convention on Human Rights, namely the freedom of thought, belief, and conscience (European Court of Human Rights 2010). The court found Turkey guilty only of violating Article 3, the prohibition on torture and 'inhuman or degrading treatment' (Ülke v. Turkey 2006). The Court advised Turkey to immediately establish a framework for lawful treatment of conscientious objectors in order to ensure that individuals would not be repeatedly punished for the same act. Turkey promised to prepare the necessary laws in 2007, but has not taken a single step yet. Turkey and Azerbaijan are the only two states among 47 members of the Council of Europe that do not recognize conscientious objection as a right. Actually, Azerbaijan has recognized it constitutionally since 1995 but still does not have the laws in place for implementation. In Turkey, the concept is completely absent both in the constitution and in legislation.

In 2011, the ECHR reached a new decision in a case against Armenia, and on that occasion recognized conscientious objection under Article 9: freedom of thought, belief, and conscience (Bayatyan v. Armenia 2011). This decision, unlike the one in the Ülke v. Turkey case, not only required states to stop multiple prosecutions for the same act, but also recognized refusal as a human right and therefore granted objectors impunity. A few months later, Turkey lost a similar case against a Jehovah's Witness objector, Yunus Erçep, and was sentenced by the ECHR to pay reparations (Erçep v. Turkey 2011).

As a member of the ECHR, Turkey is now obliged to pass the necessary laws for recognition of the right. But as the ECHR decision did not provide a specific definition of a) what counts as a belief and b) which beliefs are recognized as a legitimate basis for conscientious objection, the Turkish courts are interpreting the decision broadly; for example, conscientious objector Muhammed Serdar Delice had grounded his 2010 objection in an Islamic logic, claiming that the current army was against Islamic principles and that the war against Kurdish guerrillas could not be seen as a jihad – jihad being the only justifiable war for him. Although the military court referred to the latest ECHR decision in its verdict, his case was still thrown out (Sabah 2012). According to the judges, Islam, as a belief, was not against the military. Delice's reasons did not qualify as conscientious or as based in religious beliefs. They considered religion to be a normative object of legal expert knowledge and not only judged Delice's knowledge of his faith and the genuineness of his intentions but also established what Islam allegedly dictated about military institutions and war (for a discussion, see Sullivan 2005).

What is striking about the objectors' ECHR applications and the rulings that applied to their respective cases is that an unrecognized citizenship right has been reclaimed as a human right and that the addressee of these claims is a supranational body. The applicants present themselves as citizens from the start and fight not for singular humane treatment and/or reparations but for the enlargement of the realm of proper citizenship. They invoke human rights not only for themselves, but especially for those to come – future objectors and unwilling conscripts – as a

political tool for shifting the framework of citizenship in Turkey. In this sense, as Žižek argues, human rights are 'the precise space of politicization proper' (Žižek 2005: 131).

But political change does not happen easily. Since the various ECHR decisions, just as before, the Turkish state has continued to harass and imprison its conscientious objectors, who are also subject to torture and mistreatment during incarceration (Üsterci and Yorulmaz 2009). When they are released, they cannot legally work, marry, receive health care, travel by plane, check in at a hotel – in short, engage in any kind of dealings that would require them to present their national ID cards. After years of 'civil death', as the ECHR described the situation in Ülke's case, and repeated imprisonments, some objectors are ultimately given medical reports declaring them unfit for military service because of antisocial personality disorder, and then they are discharged. This may seem like a middle ground at first, but obtaining the psycho-medical report does not necessarily end objectors' distress. They are still being taken into custody, imprisoned, and tried for crimes other than those listed above, such as alienating the public from military service (Amnesty International 2011).

This insistence on compulsory military service irrespective of forces acting to the contrary – such as international pressure, a growing conscientious objection movement, and the already high number of conscription evaders and deserters – reveals there is more at work than can be explained by the state's justifications about military defence. In order to understand the treatment conscientious objectors and deserters receive in prisons and the way they are seen in Turkish society, we need to focus on how citizenship and national identity are constituted, as well as how the nation, the state, and the military are implicated in each other.

Citizenship and military service

According to the dominant and undoubtedly selective narrative, modern citizenship has its roots in ancient Greece and since then has related to subjects' capacity to participate in war (Heater 2004; Magnette 2005). Here, our aim is not to take this heritage as a given, but to stress that the emergence of the European bourgeoisie 'revived the Greeks in their own image' as a foundational story for modern Europe (Isin 2002: ix). In ancient Greece and Rome, only men held the status of citizen, one considered capable of taking care of themselves and others (Foucault 1997). Yet being a man was not enough. Capable men also had to be property owners and holders of weapons. It was of no consequence that this particular moment in history was taken up by the eighteenth and nineteenth-century European bourgeoisie in order to historically legitimate the political order they had been building: a combination of nation-building, the constitution of peacetime armies, and the formation of states. So, the idea of citizenship as such was conveniently taken up as a positive image of participatory democracy, which was ironically upheld and realized exclusively by property-owning male warriors (Isin 2012; Walby 1994).

The criteria defining what makes a citizen have significantly changed over the course of the last two centuries, and citizenship (as a legal term), is now considered more of a universal category (at least inclusive of women, people of varying ethnic origins, and the dispossessed). But the traits, characteristics, behaviours, and modalities that define citizenship still demonstrate the power of this legacy (Jones 1990; Lister 1995). As Pocock observes with regard to the exclusionary framework of earlier forms of citizenship, 'today we all attack them, but we haven't quite got rid of them yet, and this raises the uncomfortable question of whether they are accidental or in some way essential to the ideal of citizenship itself' (Pocock 1998: 33).

In Turkey national belonging is defined through an inclination and willingness to fight for the nation. Not only is military service mandatory, with universal conscription during peacetime, but there is also an understanding attributing military competence and willingness to national identity.

'Every Turk is born a soldier' is a common saying, and national history books are invested in demonstrating this national character trait with examples of historical war glories. The notion of the military nation not only finds expression in official documents but is present in the everyday lives of citizens as well. It is naturalized in such a way that even little boys are patted on the head as little soldiers; once they are of school age, they find themselves in military uniforms, carrying mock rifles at stage shows.

According to Claude Lévi-Strauss, every society invents an image of itself by referring to a distant or recent past that fits, by and large, the definition of myth. The main function of this myth, he argues, is to legitimize the social order, to reduce – or at least attempt to reduce – the oppositions encountered in reality and offer an explanation of the current state of affairs from a retrospective position (Lévi-Strauss 2012: 71). One can approach the notion of 'military nation' as a foundational myth of the Turkish Republic. A number of scholars trace the genealogy of the term back to the final days of the Ottoman Empire, when the empire was shaken by the growing nationalisms of its constituent (especially non-Muslim) elements (Altınay 2005; Aydın 2009). In that context and under Prussian influence, a new perception of history, in which rivalry between nations was the main driving force, emerged. The subjects of the empire were turned into citizens and the nation, the army, and the state became implicated in each other (Aydın 2009). The army was expected to function as a school, not only for the training of soldiers, but also for creating the nation, for educating citizens, and hence, planting the seeds of a new type of unity among a diverse polity. Universal conscription was seen as the primary tool of such transformation. Grand Vizier Said Pasha (1838–1914) put that aspiration very concisely: 'In order to call a nation, a nation-in-arms, and the state, a military-state, some criteria have to be met. In a nation-in-arms, every able-bodied person [men] should serve in the military …' (from *The history of Turkish armed forces*, quoted in Aydın 2008: 33).

Ayşe Gül Altınay argues that the new historiography of the Turkish Republic was tailored according to these needs (Altınay 2005). Supported personally by Mustafa Kemal Atatürk, the founder of the Republic, the new history begot theories that identified Turkishness with state-making and military competence.

> It was thanks to Turks being a military-nation that they could establish so many states in history. This is a narrative of the Turkish nation and state-making naturalized military service (in fact the military itself) as a *cultural institution*, rather than a modern state institution.
>
> *(Altınay 2005: 25)*

Altınay further suggests that, '[m]ilitary service, an obligation set by the nation-state for its male citizens was turned into an "invented tradition" (Hobsbawm 1992) that combines the realms of culture and politics in the body of the "military-nation"'(Altınay 2005: 30). It is this combination of realms that made military participation, whether as soldiers or as mothers of soldiers, an integral part of citizenship in Turkey. Refusing to serve in the army is therefore an act that challenges not only the official rights and duties of citizens as defined by law, but also the dominant framework of citizenship available in the conceptual repertoire of the Turkish state and people. Being a good citizen necessitates joining the army; and it is acceptable because soldiering is thought to be second nature for Turks.

The saying, 'every Turk is born a soldier' is taken so seriously that challenging it can lead to prosecution. In a court case popularly known as 'everyone is born a baby', five people were indicted for chanting the following slogans: 'everyone is born not a soldier, but a baby' and 'conscientious objection for peace' (Çelik 2011), according to Article 318 of the penal code. The trial lasted two years and it eventually became a source of mockery. The defendants

requested that some new mothers testify that they had not given birth to soldiers, but to babies. Experts were then asked to confirm the accuracy of their testimony. Finally, at the end of 2012, the accused were acquitted. This Kafkaesque absurdity is neither exceptional nor singular; there have been numerous other cases in which the accused had to suffer imprisonment on the basis of Article 318 of the Turkish Penal Code, which reads:

> (1) Anyone who instigates, recommends or spreads propaganda which results in alienating people from performing military service shall be sentenced to imprisonment from six months to two years, (2) if the act is committed through press and publications, the penalty shall be increased by half.
>
> *(Article 318 Turkish Penal Code 2004)*[1]

This law and its implementation certainly have the effect of supporting and revelling in the myth of the military nation. However, they also give activists opportunities to creatively challenge the myth through mockery or collective action. If citizenship, in our depiction so far, has sounded like a 'passive' and predetermined category (Turner 1990), the 'everyone is born a baby' case should prove otherwise. In the remaining pages, we elaborate further on an understanding that employs a perspective of 'active citizenship' (Turner 1990) or even 'activist citizenship' (Isin 2009), in order to illustrate how citizenship is enacted by those refusing to fit into the 'proper' citizenship framework. Certainly it is their acts that have the potential to transform what is called citizenship in contemporary Turkey.

Objection as an act

What does the exercise of a right that is not recognized as a right tell us? As we have discussed above, conscientious objection is not recognized in Turkish law, neither as a right nor as a criminal offence. Those who declare their conscientious objection enact a right that is simply non-existent. They, in that sense, embody the right, making themselves not only the symbol of a struggle but the very struggle itself. It is a seemingly small, but crucial point.
According to Engin Isin,

> a fundamental feature of an act of citizenship is that it exercises either a right that does not exist or a right that exists but which is enacted by a political subject who does not exist in the eyes of the law.
>
> *(Isin 2012: 13)*

In that sense conscientious objection in Turkey is the perfect example of an act of citizenship. It creates a rupture in the regime of power and truth, which defines what citizenship is and what it entails for those who are constituted by it. Objection is a blunt and direct refusal to accept what the state puts forward as a qualification to be met towards being a 'proper citizen' (Üstel 2004), because, as we have illustrated above, citizenship is not simply membership symbolized by an ID card. It is especially related to shared practices that uphold the myth of the military nation. Objectors threaten the very basis of national identity by openly declaring that they were not born soldiers, or indeed that 'nobody is born a soldier', which in turn challenges the state's monopoly on violence and power to make a person kill or be killed.

Isin approaches conscientious objection as simultaneously an individual and a collective act (Isin 2012: 20). Each objector formulates his or her reasons for disobedience and develops an argument in a public declaration. However the discursive elements of these individual formulations are very

much shared. There are common themes, arguments, and modes of articulation that attest to a legacy of anti-militarist organizing, networking, and campaigning. Objections are collective acts in an additional sense: they address a collectivity and invite it to participate in similar acts of disobedience. Many objectors clearly express conscientious objection as an invitation.[2] The invitation to fellow citizens is to reject, to resist, and to change. It is an invitation to realize that 'a different life is possible' as İnan Mayıs Aru put it in an interview (Aru 2012).

This 'different life' is usually a stateless life, in which a person does not share sovereignty over his or her time, body, or life with a hierarchical, bureaucratic institution. Unlike in Western European states, where conscientious objection has its roots in pacifist Protestant groups like the Mennonites and Jehovah's Witnesses and was only later secularized (Brock 2006), in Turkey conscientious objectors from the start had close ties with the anarchist movement. Therefore, most define themselves as 'total objectors', people who not only reject soldiering but also any obligation defined by the state. Their objection is not selective, they do not accept civil service, and they denounce all forms of organized violence, including armed struggle for revolution or independence.

Most of these objectors are connected, both discursively and socially, and are organized under the aegis of anti-militarist organizations. However, over the last few years, starting with the religion-based objection of Enver Aydemir in 2007, a number of different positions have started to emerge. Aydemir based his objection on the Turkish military's designation as the saviour of secularism (Başkent 2011). Since 1980 the military has played a particularly effective role in the suppression of Islam in public life and has been accused of attempting to overthrow every government led by conservative parties, which they succeeded in doing in 1997 (Jenkins 2007; Michaud-Emin 2007). Enver Aydemir, evoking this quality of the military institution and giving the example that his mother and wife – both of whom wear headscarves – would not be allowed to visit him at a military facility, declared that he would not be 'a soldier of such a regime' (Başkent 2011: 49). Since then, there have been a few more like Enver Aydemir, who have based their objection on their Islamic beliefs and life choices.[3]

These were followed by Kurdish conscientious objectors, some of whom restricted their objection to soldiering in the Turkish Army. Indeed, some of the slogans that are chanted at Kurdish conscientious objection demonstrations, such as 'rifles in hands, up to mountains'[4] are diametrically opposed to anti-militarist ideas. Others, though, reiterated the established the anti-militarist declaration of refusing 'to be anybody's soldier'. All of the objectors in this group (who eventually gathered under the banner of the Kurdish Conscientious Objection Movement in 2010) declared they did not want to shoot their own people (Başkent 2011). Both of these movements – the Islamic and the Kurdish – helped expand the available platforms from which to refuse soldiering, but they also created tensions among the objectors themselves.

Furthermore, by the mid-2000s anti-militarist women had begun to declare their objections. Theirs was not a simple demonstration of solidarity with the men who had been carrying the burden of challenging the state. On the contrary, they were aiming to challenge another type of 'masculine heroism'. Their declarations aimed to reveal the gendered nature of militarism and how women were implicated in it at many levels, despite the fact that they were not conscripted. Unlike the men who exercised a citizenship right that did not exist, women objectors refused a citizenship duty that they were not directly expected to fulfil. Their act of citizenship was rather born out of the subject positions they occupied in the militarist framework and defied the existing categories attached to women: mothers of soldiers, victims, or exceptional war heroes. They declared their refusal of all of these in order to change the whole playing field and the actors involved (Altınay 2009).

The emergence of these different positions is indicative of a fundamental feature of citizenship. Citizenship is primarily a relationship constituted at moments of interaction between states

and citizens, among citizens themselves, and between groups of citizens (Helman 1999a; Isin 2009). The seemingly unified and homogeneous category of the citizen is differentially constituted depending on the state's practices and on individuals' or groups' strategies of dealing with these practices (Walby 1992; Soysal 1997; Hindess 2000). Citizens belong to different categories at different moments of encounter and are constituted differentially, for example as citizens, strangers, or aliens (Isin 2002); as the mothers or guardians of the nation (Pateman 1988; Enloe 1990; Yuval-Davis 1997); as the usual suspects (Yeğen 2006); as competent or incompetent members of society (Helman 1999b). Therefore 'negotiations over citizenship are not only about who gets what, but also who is what' (Helman 1999b: 48).

Approaching citizenship as a relation also makes it possible to investigate acts of citizens not only as realizations of some rights and fulfilment of certain duties but as differential engagements with the law, social norms, authoritative discourses on what citizenship is, and with those who have the power to seduce, lead, and punish. In the case of mandatory military service, these engagements range from enthusiastic participation to total objection. Yet, in between these two opposites, there are a wide range of responses to the interpellation of state agents. Resistance to military service has had various guises in Turkey, or as Zürcher and Lucassen call it, a large repertoire of war resistance (Zürcher and Lucassen 1999). Despite the hegemonic status of the military and the myth of the military nation, being a soldier has not been every citizen's priority.

The evasion of conscription

In response to a parliamentary question in 2008, the Minister of National Defence announced that 7 per cent of all the men of conscription age (between 20 and 41) were for one reason or another not conscripted (Milliyet 2008). This makes almost one million men evading or postponing military conscription. The minister's answer clarified neither why nor how these citizens evaded conscription. Although conscription evasion and desertion are well documented and studied within the discipline of history, contemporary forms of evasion in Turkey are woefully neglected in studies of militarism. According to James Scott (Scott 2012), this is not accidental. Everyday forms of resistance are always marked by a reciprocal complicity of silence (ibid.: 11). Evaders want to stay under the radar for their self-interest; they therefore bend the rules, search for possibilities of evasion, and try to maximize their resources with a view to avoiding military service or, if that is not possible, shortening it as much as possible. They talk to friends, appear under nicknames in Internet discussions, but do not talk to journalists, social scientists, or historians. They prefer to stay anonymous, as far away as possible from the state's coercive power.

There is one other dimension of silence, though. The rulers and state elites also want to avoid any publicity over the issue. They do not want the number of evaders to be known, the strategies to go public, or the issue to become a matter of public debate. That is why, since the announcement in 2008, the Turkish state has refused to reveal numbers of conscription avoiders.

As a result, we can only make informed guesses regarding the reasons for, and ways of, evading conscription on the basis of everyday experience. We know that some of these men are abroad as conscription avoiders. If they returned to Turkey they would be arrested and then sent to their units upon arrival. Some others are probably silently waiting to buy their way out, as governments occasionally introduce amnesties for those able to pay a lump sum. There are also Kurds who joined guerrilla forces instead of the Turkish army (for a historical review of Kurdish conscription avoiders, see Üngör 2012).

There are a variety of ways to evade service. For example, every once in a while there appear news stories about trials of doctors accused of preparing false ineligibility documents (Şık 2011; Açıksöz 2012). Those who do not have the resources or connections to obtain such documents

try to prove their ineligibility by other means – sometimes even by altering their bodies, IDs, or even legal status, including gaining or losing large amounts of weight, intentionally aggravating orthopaedic problems, claiming mental disorders, decreasing their age by a court order for postponement *(High Military Administrative Court*'s decision 1999). and applying for foreign citizenship. Some try to provide proof of homosexuality (Biricik 2009). Moreover, as students are allowed to postpone enlistment, extending one's studies with an MA or a PhD is also a well known evasion strategy (see for example the interviews quoted in Neyzi and Darıcı 2013: 78). Working abroad for three years or more also qualifies a person for exemption upon the payment of a certain amount, so this is another favoured strategy. In short, a large repertoire of evasion is available to men who do not want to do military service in contemporary Turkey. New strategies are continually being developed to escape the increasing surveillance capacity of the state and to counter or make use of new regulations; hence the repertoire is changing constantly. However, to our knowledge, there is not a single study that explores the theoretical opportunities of such multiplicity. Neither is there a compilation of strategies of, and explanations for, evasion, for the reasons stated above.

Yet it is still productive to think about conscientious objection and evasion of conscription together as neighbouring positions on a broader continuum. They can be well contrasted, but they also have significant affinities with, and implications for, each other. The aim of the declaration of objection is to be seen and heard as much as possible, to make a public event out of an exercise of a right that does not exist and to claim it universally. Evasion, on the other hand, is possible only when it is silently enacted, when it goes unnoticed. Moreover, it serves only the self-interest of the evader himself. As Scott puts it, 'it is exit rather than voice' (Scott 2012: 10). Yet, it is the accumulation of these silent acts of disobedience that makes the loud claims to rights possible. According to Scott, these everyday forms of resistance slowly but steadily open paths and create public legitimacy for acts that are more 'spectacular'. He summarizes this point neatly with a principle attributed to Chuang Tzu: 'We make the path by walking' (2012: 16).

But there is one more dimension to evasion and the silence that surrounds it. Evasion, in its multiplicity, is not just the only possible political action available to the powerless, but also a strategy that is unequally available to those from different classes and social positions. It is always much easier for those with the economic resources to pay off doctors, to afford graduate education abroad or at a private university, or to otherwise evade conscription or negotiate the conditions and duration of service. For others, this is not such a readily available strategy, but a lower-risk alternative to direct confrontation is exemplified by objection.

New directions

In an interview, conscientious objector İnan Mayıs Aru said that if the Turkish state had recognized conscientious objection, it would have been a hard blow to the anti-militarist movement, as objection had played a pivotal role in the struggle (Aru 2012). Another objector, Yavuz Atan, shares this view; he argues vehemently that the anti-militarist movement has spent far too much energy on thinking and campaigning about conscientious objection; it should have been the duty of the liberals to pursue this endeavour, not the anarchists (Atan 2013). In fact, conscientious objection, in practical terms, can easily be addressed by the state, given that it is only a matter of a few legislative changes. There is already an ongoing public debate about it. Objectors participate in televised discussions and give interviews to the mainstream media, which was unthinkable a decade ago. There are some initiatives that reveal and criticize the mistreatment of conscripts during their service.[5] Moreover, the power of the Turkish military has seemingly been eroded. Some very high-ranking officers are being tried for conspiring against

the government. Citing the impossibility of being effective under the current government, the military's top commanders resigned en masse. As the Wall Street Journal commented on the issue: 'For decades it had worked the other way round; governments resigned when the military was unhappy' (Parkinson 2011).

It's difficult to say where all this will lead. According to estimates, although military expenditure in Turkey has slightly decreased over the last ten years, it still ranks 15th in the world (SIPRI Data 2012). The problem with this ranking is that there is no transparency in the matter: expenditure is not fully disclosed, and there are no channels available for inspection (even by parliament) (Tahaoğlu 2012). The external and internal pressures on passing a law for conscientious objection are, for the time being, evaded. Meanwhile, there is talk of building a professional army along with private contractors, especially in right-wing conservative circles (Türköne 2010), seemingly after the US model. Some of the arguments used against militarism are also used to support a professional army, such as dismantling the idea of the warrior-citizen. In short, although universal conscription has become less 'attractive' and has been questioned widely, this does not mean that the power of militarism and military institutions is diminishing. On the contrary, the institutions of violence are further monopolized and taken out of the reach of ordinary citizens.

The question is how to find new ways to question the (re-)established norms and myths of citizenship, and also how to invent new acts in order to create other ruptures among the militarist and sexist social norms. In the meantime, it is extremely important to explore the repertoire of resisting the military institution in full, including both evasion and objection, because, even though these different strategies are born out of differential engagements with the state, they all challenge hegemonic conceptions of masculinity, health, mental disorder, hierarchy, and the conditions of proper citizenship. They are, at varying levels of engagement, indicative of an ongoing struggle over citizenship in Turkey. To allow these to pass in silence would diminish the inventive, creative, autonomous powers of the political realm.

Notes

1 The government proposed a new reform bill in 2013, but the changes are far from securing freedom of speech, as they will probably be ineffective in practice. In the bill, the first part of the article is replaced by the following: 'those making statements or conduct that encourage and inspire soldiers or those who are about to become soldiers to desert or not to participate in military service shall be sentenced to imprisonment from six months to two years'.

2 See for example Mehmet Tarhan's declaration in (Başkent 2011: 20) and the interview with İnan Mayıs Aru (Aru 2012).

3 In fact, religiously motivated objection is nothing new in Turkey. In Turkey, just as all around the world, Jehovah's Witnesses have been refusing to be under arms and wear uniforms for a long time. However, their objections are never made public and their names do not appear on lists of conscientious objectors. The only time they were noticed by anti-militarist groups, as well as the media, was when the ECHR found Turkey guilty of violating Article 9, freedom of belief, thought, and conscience, in the case of the Jehovah's Witness Yunus Erçep. Shortly after that a Turkish court released another Jehovah's Witness, Barış Sönmez, who had been in prison for almost four years, with reference to the ECHR ruling. Neither of these two objectors wanted to be in contact with the conscientious objection movement.

4 'Bixiler elimizde dağlara…'. Here 'up to the mountains' means joining the PKK, the Kurdish guerrilla forces. Ozan Zeybek attended the protest, 23 January, 2011.

5 See, for example, Asker Hakları (www.askerhaklari.com/) and Askerler Anlatıyor (http://askerleranlatiyor.blogspot.com/).

References

Açıksöz, S. C. (2012) 'Sacrificial limbs of sovereignty: disabled veterans, masculinity, and nationalist politics in Turkey.' *Medical Anthropology Quarterly* 26 (1): 4–25.

Altınay, A. G. (2005) *The myth of the military nation: militarism, gender, and education in Turkey*. New York and Basingstoke: Palgrave Macmillan.

Altınay, A. G. (2009) 'Refusing to identify as obedient wives, sacrificing mothers and proud warriors.' In Özgür Heval Çınar and Coşkun Üsterci (eds.), *Conscientious objection: resisting militarized society*. London: Zed Books: 88–104.

Amnesty International (2011) 'İnsan Hakları Savunucusu Halil Savda Yeniden Hapis Cezasıyla Karşı Karşıya.' March 15. Available online at www.amnesty.org.tr/ai/node/1643 (accessed 12 April 2013).

Aru, İ. M. (2012) 'Vicdani Retçi İnan Mayıs Aru Ile Yapılan Mülakat'. Interview by aleyhtar.org. Available online at http://aleyhtar.org/x/vicdani-retci-inan-mayis-aru-ile-yapilan-mulakat/ (accessed 11 March 2013).

Atan, Y. (2013) 'Vicdani Ret Ve Savaş Karşıtı Hareketin Kısa Tarihi.' In *Türkiye'de Anarşizm: Yüz Yıllık Gecikme*. İstanbul: İletişim: 155–71.

Aydın, S. (2008) '"Toplumun Militarizasyonu: Zorunlu Askerlik Sisteminin Ve Ulusal Orduların Yurttaş Yaratma Sürecindeki Rolü".' In *Çarklardaki Kum: Vicdani Red*. İstanbul: İletişim.

Aydın, S. (2009) 'The militarization of society: conscription and national armies in the process of citizen creation.' In Özgür Heval Çınar and Coşkun Üsterci (eds.), *Conscientious objection: resisting militarized society*. London: Zed Books: 17–36.

Başkent, C. (ed.) (2011) *Vicdani Ret Açıklamaları Almanağı 1989–2010*. İstanbul: Propaganda Yayınları.

Bayatyan V. Armenia (2011) ECHR.

Biricik, A. (2009) 'Rotten report and reconstructing hegemonic masculinity in Turkey.' In Özgür Heval Çınar and Coşkun Üsterci (eds.), *Conscientious objection: resisting militarized society*. London: Zed Books: 112–17.

Brock, P. (2006) *Against the draft: essays on conscientious objection from the Radical Reformation to the Second World War*. Toronto, Buffalo, NY, and London: University of Toronto Press.

Can, O. (2009) 'Conscientious objection and the Turkish constitution.' In Özgür Heval Çınar and Coşkun Üsterci (eds.), *Conscientious objection: resisting militarized society*. London: Zed Books: 227–41.

Çelik, E. (2011) "Herkes Bebek Doğar' Sloganına 'Askerlikten Soğutma' Davası.' *Bianet*, April 21. Available online at http://bianet.org/bianet/bianet/129407-herkes-bebek-dogar-sloganina-askerlikten-sogutma-davasi (accessed 11 March 2013).

Enloe, C. (1990) 'Women and children: making feminist sense of the Persian Gulf Crisis.' *Village Voice* (September 25).

Erçep V. Turkey (2011) ECHR.

European Court of Human Rights (2010) *European Convention on Human Rights. Article 9 and 3*. Available online at www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf (accessed 14 March 2013).

Foucault, M. (1997) *Ethics: subjectivity and truth*. Edited by Paul Rabinow. Translated by Robert Hurley. Vol. 1. *The Essential Works of Michel Foucault 1954–1984*. London: Penguin Press.

Gönül, T., Kurt, A., and Ahıska, U. (2013) 'Anarşizmin Sıfır Yılı: 1986.' In by Barış Soydan (ed.), *Türkiye'de Anarşizm: Yüz Yıllık Gelişme*. İstanbul: İletişim: 79–98.

Heater, D. (2004) *Citizenship: the civic ideal in world history, politics and education*. Manchester: Manchester University Press.

Helman, S. (1999a) 'War and resistance: Israeli civil militarism and its emergent crisis.' *Constellations* 6 (3): 391–410.

Helman, S. (1999b) 'Negotiating obligations, creating rights: conscientious objection and the redefinition of citizenship in Israel.' *Citizenship Studies* 3 (1): 45–70.

Hindess, B. (2000) 'Citizenship in the West.' In B. S. Turner (ed.). *Citizenship and social theory*, 3rd ed. London: Sage Publications: 19–36.

Hobsbawm, E. (1992) 'Introduction: inventing traditions.' In E. Hobsbawm and T. Ranger (eds.), *The invention of tradition*. Cambridge: Cambridge University Press: 1–14.

Isin, E. F. (2002) *Being political: genealogies of citizenship*. Minneapolis, MN: University of Minnesota Press.

Isin, E. F. (2009) 'Citizenship in flux: the figure of the activist citizen.' *Subjectivity* 29 (1): 367–88.

Isin, E. F. (2012) *Citizens without frontiers*. 1st ed. New York and London: Bloomsbury Academic.

Jenkins, G. (2007) 'Continuity and change: prospects for civil–military relations in Turkey.' *International Affairs* 83 (2): 339–55.

Jones, K. B. (1990) 'Citizenship in a woman-friendly polity.' *Signs* 15 (4): 781–812.

Lévi-Strauss, C. (2012) *Modern Dünyanın Sorunları Karşısında Antropoloji*. İstanbul: Metis.

Lister, R. (1995) 'Dilemmas in engendering citizenship.' *Economy and Society* 24 (1): 35–40.

Magnette, P. (2005) *Citizenship: the history of an idea*. Colchester: ECPR Press.

Michaud-Emin, L. (2007) 'The restructuring of the military high command in the seventh harmonization package and its ramifications for civil–military relations in Turkey.' *Turkish Studies* 8 (1): 25–42.
Milliyet (2008) '1 Milyon Tecilli, Asker Kaçağı ve Bakaya Var.' June 1.
Neyzi, L. and Darıcı, H. (2013) *'Özgürüm Ama Mecburiyet Var': Diyarbakırlı ve Muğlalı Gençler Anlatıyor*. İstanbul: İletişim.
Parkinson, J. (2011) 'Turkey unveils reforms to military conscription.' *Wall Street Journal*, November 22. Available online at http://blogs.wsj.com/emergingeurope/2011/11/22/turkey-unveils-reforms-to-military-conscription/ (accessed 17 April 2013).
Pateman, C. (1988) *The sexual contract*. Cambridge: Polity.
Pocock, J. G. E. (1998) 'The ideal of citizenship since classical times.' In Gershon Schafir (ed.), *The citizenship debates: a reader*. Minneapolis, MN: University of Minnesota Press.
Sabah (2012) 'Vicdani Rette Kritik Karar.' September 3.
Scott, J. C. (2012) *Two cheers for anarchism: six easy pieces on autonomy, dignity, and meaningful work and play*. Princeton, NJ and Oxford: Princeton University Press.
SIPRI Data (2012) 'Türkiye Askeri Harcamada 15. Sırada.' *Bianet*, April 18. Available online at http://bianet.org/bianet/ekonomi/137675-turkiye-askeri-harcamada-15-sirada (accessed 12 April 2013).
Şık, B. (2011) '"25 Bin Çürük"ten 5 Bini Sahte Çıktı.' *Cumhuriyet Daily*, July 7.
Soysal, Y. (1997) 'Changing parameters of citizenship and claims-making: organized Islam in European public spheres.' *Theory and Society* 26 (4): 509–21.
Sullivan, W. F. (2005) *The impossibility of religious freedom*. Princeton, NJ and Woodstock: Princeton University Press.
Süver, İ. (2010) 'İnan Süver'in Cezaevinden Başbakana Yazdığı Mektup.' *Oyunbozan*. Available online at http://ozanoyunbozan.blogspot.com/2010/10/inan-suverin-cezaevinden-basbakana.html (accessed 26 May 2013).
Süver, İ. (2011) 'İnan Süver: Doğanın Özünde Özgürlük Vardır' Interview by Ekin Karaca. Available online at http://bianet.org/bianet/bianet/134803-inan-suver-doganin-ozunde-ozgurluk-vardir (accessed 26 May 2013).
Tahaoğlu, Ç. (2012) '"Neden Tank Alıyorsun Diye Soramıyoruz": Tesev'den Askerî Harcamaların Denetim Raporu.' *Bianet*, August 10. Available online at http://bianet.org/bianet/hukuk/141326-neden-tank-aliyorsun-diye-soramiyoruz (accessed 14 April 2013).
Turkish Penal Code (2004) Available online at www.tbmm.gov.tr/kanunlar/k5237.html (accessed 11 April 2013).
Türköne, M. (2010) 'Tek Tip Askerlik Yerine Profesyonel Ordu.' *Zaman Daily*, September 30.
Turner, B. S. (1990) 'Outline of a theory of citizenship.' *Sociology* 24 (2): 190–217.
Üçpınar, H. (2009). 'The criminality of conscientious objection in Turkey and its consequences.' In Özgür Heval Çınar and Coşkun Üsterci (eds.), *Conscientious objection: resisting militarized society*. London: Zed Books.
Ulke V. Turkey (2006) ECHR.
Üngör, U. Ü. (2012) 'Rethinking the violence of pacification: state formation and bandits in Turkey, 1914–1937.' *Comparative Studies in Society and History* 54 (04): 746–69.
Üstel, F. (2004) *'Makbul Vatandaş'ın Peşinde: II. Meşrutiyet'ten Bugüne Vatandaşlık Eğitimi*. İstanbul: İletişim.
Üsterci, C., and Yorulmaz U. (2009) 'Conscientious objection in Turkey.' In Özgür Heval Çınar and Coşkun Üsterci (eds.), *Conscientious objection: resisting militarized society*. London: Zed Books.
Walby, S. (1992) 'Woman and nation.' *International Journal of Comparative Sociology* 33: 81–100.
Walby, S. (1994) 'Is Citizenship Gendered?' *Sociology* 28 (2): 379–395.
Yaş Küçültme, Bakaya Kalma (1999) Askeri Yüksek İdare Mahkemesi 2. Daire.
Yeğen, M. (2006) *Müstakbel Türk'ten Sözde Vatandaşa*. İstanbul: İletişim.
Yuval-Davis, N. (1997) 'Women, citizenship and difference.' *Feminist Review* 57: 4–27.
Žižek, S. (2005) 'Against human rights.' *New Left Review* 34: 115–31.
Zürcher, E. J. and Lucassen, J. (1999) 'Conscription and resistance: the historical context.' In E. J. Zürcher (ed.), *Arming the state: military conscription in the Middle East and Central Asia, 1775–1925*. London: I. B. Tauris: 1–20.

43

The Romani perspective

Experiences and acts of citizenship across Europe

Peter Vermeersch

This chapter illustrates how citizenship is being experienced and/or enacted by people across Europe who self-identify with the name Roma or who are routinely identified by others by that name. I use the term Roma not to refer to a fixed cultural identity but rather to a social position marked by a broad variety of socio-economic characteristics; for that reason the name subsumes a host of other designations. Communities who represent themselves traditionally as Sinti, Khale, Ashkali, Romungre, Gypsies, Travellers, Gens de Voyage, and so forth may not always see themselves as part of the same overarching cultural group (Liégeois and Gheorghe, 1995), but I regard their perspectives here too as 'Romani', because they are often conceived as such by activists as well as outsiders. The activists in question are usually organized in political and non-political Romani organizations and Roma-supporting associations and claim to speak for the broader group, primarily but not exclusively in order to defend the interests of the thus conceived group in the face of threats of marginalization and discrimination. They form a 'movement', not in the sense of a clearly defined and bounded collection of officially recognized organizations, but as a diverse totality of actors and activities – formal and informal – interested in defending and cultivating a shared Romani identity (Vermeersch, 2006). They interact with outsiders involved in defining the Roma – these outsiders can be (academic) researchers and experts (on their role see, e.g. Lucassen *et al.* (1998); van Baar (2012b) or Vermeersch (2005)), or politicians, policymakers, and civil servants responsible for promoting, designing, and implementing local, national, or European 'Roma policies' (Kovats, 2001; Simhandl, 2006; Vermeersch, 2013; van Baar, 2012b). Moreover, the term Roma has now also found currency among a larger public, who employ the term as a supposedly more neutral name to refer to populations formerly called 'Gypsies' (Petrova, 2003). That latter term is often associated by the larger public with such characteristics as a common exotic culture, non-European origins, and lack of a kin state. The complex group formation processes that ensue from all these labelling and framing efforts are further compounded by long-standing popular visions of 'Gypsies' as an immutable and archaic group of eternal outcasts. These images feed into severe present-day forms of hate speech and racism, and fuel extremism (Woodcock, 2007; Stewart, 2012). In other words, even those who do not see themselves as part of any collective identity group associated with the term 'Gypsies' are nevertheless often hated as 'Gypsies'.

From the outset it is important to emphasize that while membership in a Romani community is often experienced as a matter of cultural givenness, it is at the same time a form of identification that is variable across time and context. I consider Romani identity rather than a measurable enduring fact, like any other form of ethnic identity, as a matter of situational contingency. I follow here a host of authors who have developed a social interaction approach to ethnicity, which focuses not on culture but on practices of categorizing cultural variation (Brubaker, 2002; Barth, 1969; Jenkins, 1997). While their analytic vocabularies may vary, all these authors have in some way or another promoted the conception of ethnicity as the changing result of a social process.

To study the Romani perspective on citizenship requires full awareness of the fluidity of the category 'Roma'. The term 'Romani citizen' might be a confusing term, because it does not refer to an administratively registered identity but sometimes functions as such. Romani citizenship is primarily a matter of social organization and political expression, not of special legal status. Nevertheless, it is often portrayed and experienced as a widely accepted form of national or ethnic identity – and indeed both pro- and anti-Romani activists have at times argued in favour of some sort of administrative registration of that identity – and therefore it seems to have become as inescapable and enduring as any administratively fixed national category.

This chapter consists of two sections, divided along the lines of the concepts of *experiences* and *acts* of citizenship. By 'experiences', I refer to the diverse ways in which matters of legal status, i.e. the status attributed to individuals by states and the legal rights and obligations attached to this status (Bauböck, 2010, p. 847), impact on people who are associated with the label 'Roma'. This means that I reflect on issues related to 'citizenship as nationality', mostly in the context of various forms of migration across European state borders. As has been argued by Bauböck (2010, p. 848), such issues should be studied in a larger context of 'citizenship constellations': the legal status and rights of migrants are determined by the laws of their country of origin as well as by external citizenship, especially in the context of the European Union. By 'experiences' I also mean the way in which problems of social equality have been experienced from the Romani perspective. Seen as a 'social status that determines how economic and cultural capital are *redistributed* and *recognized* within society' (Isin and Turner, 2007, p. 14), citizenship has increasingly become a transnational attribute, i.e. that of values and rights that can be claimed across borders. As a result, social inequality, discrimination, poverty, and so forth are issues that should not merely be considered as domestic problems.

In the latter section of the chapter, the emphasis lies on *acts* of citizenship, by which I mean struggles for legal status or social equality in the name of a national or transnational form of citizenship. Here I briefly consider the active responses of those who are faced with some of the Romani experiences described earlier. How do activists mobilize Romani identity in order to achieve social or political change? These enactments are to a great extent defined within the political and institutional contexts in which they are articulated and are thus to be seen in interaction with political opportunity structures (McAdam *et al.* 1996) and internal or external framing processes (Snow and Benford, 1998; Benford and Snow, 2000).

The chapter is not exhaustive on these matters. It wants to make a modest attempt to start a dialogue between students of citizenship issues and those who are engaged in developing a more sophisticated empirical literature on Roma. Over the last few years the field of research on Roma-related issues in Europe, in sociology, political science, social history, linguistics, and social anthropology, has grown dramatically. Research has either intended to expand on previous knowledge on Roma in anthropology and linguistics or has tried to expand knowledge in particular subdomains – such as migration, ethnic mobilization, and Europeanization – by considering the main issues in these fields through the lens of the case of the Roma. In addition, Romani studies currently also comprises a vast body of policy-oriented empirical research aimed

at informing governmental institutions and interest-driven studies by NGOs and international organizations on issues such as discrimination, education, employment, health, and housing. This chapter presents no new empirical data but relies on this growing number of studies to substantiate a discussion in more integrated terms.

Experiences of citizenship

Mobility and migration

Citizenship issues have become tangible for Roma especially in the context of migration. Romani asylum seekers, mostly from Central and Eastern Europe, have at various times been targeted for collective expulsion (Cahn and Vermeersch, 2000). Concerns about an increase of asylum claimants have led individual EU member states to adopt ethnically framed migration control or highly restrictive immigration policies aimed at discouraging the entry of Roma (Cahn, 2003). Visa regulations for countries in Eastern and South-Eastern Europe, for example, have had a particular impact on the experience of migrating Roma, independently of whether they intend to apply for asylum. As a result of negotiations on participation in the Schengen free visa regime, some countries in South-Eastern Europe have restricted possibilities for Roma to travel to EU member states. Such restrictions are seldom officially sanctioned, but nevertheless tangible and consequential. For example, although the European Commission, through the visa liberalization dialogues with Macedonia, Serbia, Montenegro, Albania, and Bosnia and Herzegovina held between 2008 and 2010, set requirements regarding measures for the inclusion of marginalized Romani populations in the context of the EU's fundamental rights agenda, the net result of the negotiations was that in some cases Roma were prevented from migration. Pressure exerted from some EU countries – in one particular case, for example, from Belgium – pushed some sending countries into the adoption of measures aimed at lowering the number of ungrounded asylum claims. In some cases these measures involved ethnic profiling (Sardelić, 2013, p. 17). As is highlighted by Kacarska (2012, p. 19), in 'Macedonia local NGOs reported that Roma, who were kept from leaving Macedonia, had the letters 'AZ' [short version of asylum] stamped in their passport, indicating a ban on leaving the country.'

Apart from the issue of asylum and legal protection of migrated Roma from east to west, there is of course the parallel phenomenon of migration within certain Eastern European regions. Displacement and return, for example, are highly prevalent topics among Romani communities throughout the states of the former Yugoslavia, where displacement was in the first place a consequence of war and where post-war returns have functioned as a way to reverse ethnic cleansing. Of course, developments in this field affect other communities as well, but in the case of certain Romani communities, processes of displacement and return add further complexity to problems of exclusion and poverty (Kilibarda, 2011).

Intra-regional migration in Eastern Europe and the issue of migration across the borders of the EU is further compounded with intra-EU mobility. Also, this field can be seen from a Romani perspective. Since the expansion of the European Union, possibilities for East-West migration within the European Union have grown and a wide range of citizens from the eastern part of Europe have sought recourse to labour mobility. Of those who have moved within the EU in the context of the Free Movement Directive, only a small part are Roma. It is currently hard to make an informed estimate of the total number of Roma involved in this form of mobility, since there are no official data on the number of EU citizens exercising their right to free movement disaggregated by ethnic origin, and even the data by nationality (which can be collected from municipal registration data or work insurance registration figures) do not provide a full picture of

the extent of Romani labour mobility from east to west, since a lot of that mobility is short-term and circulatory or takes place in unregistered form. Precisely because the numbers are unspecified, misleading information about Roma mobility can spread, and the phenomenon is likely to be exaggerated.

Such developments may lead to processes of racialization – when 'race' functions as 'the valorized language through which structured inequalities (measured in labour market position, differential access to scarce resources, legal status, and cultural stereotypes) are expressed, maintained, and reproduced.' (Fox *et al.* 2012, p. 681). Such racialization has been signalled in the case of migration of Hungarians and Romanians. When UK tabloid newspapers write about these groups of labour migrants, as Fox et al. have shown, cultural difference operates as a criterion for exclusion and 'distinctive logics of colour and culture are combined to produce complementary effects: the dissemination and legitimation of public discourses on racialized difference'. Arguably, the Roma are even more prone to such racialization: no matter whether Romani migration is driven by factors that are similar to those that drive other migrations, the Roma are often framed as a special ethnocultural category of migrants because they are seen as inherently deviant. These ideas may be inherited from romantic portrayals of wandering groups in popular culture or perhaps, as Lucassen et al. (1998) have argued, they may be the result of categorization practices by authorities and academics in the eighteenth and nineteenth century who sought to unify all sorts of itinerant groups under the single label of 'Gypsy'. Whatever the sources of such imaginations are, they remain a powerful trope in public media discourse and therefore have profound effects on the situations in which these Romani migrants end up.

According to data gathered by the EU Fundamental Rights Agency (FRA) on the basis of a survey among Roma who move across EU borders to Finland, France, Italy, Spain, and the UK, many of those Roma face difficulties at border crossings and experience barriers when they seek registration, try to access national health systems, public housing, and other forms of social assistance (EU Agency for Fundamental Rights, 2009b). Such new barriers are not likely to persuade the Roma to place greater trust in their host societies. The situation of marginalization that they know from their home societies is thus likely to be reproduced in the host societies.

National politicians and mainstream media in the receiving EU member states have mostly regarded the east-west mobility of Roma within the EU as a threat to their own fragile labour markets and social security systems. In some cases, notably in Italy and in France, the government responded by introducing targeted expulsion and migration control strategies for these labour migrants. In the autumn of 2010, it was the French case that made international headlines (Nacu, 2012). Responding to riots after a police shooting in July 2010, President Nicolas Sarkozy called an emergency ministerial meeting at which it was decided to shut down a large number of irregular Romani dwellings and single out Bulgarian and Romanian Roma for an expulsion campaign that would send them back to their countries of origin, even if only temporarily. The 2010 crackdown was highly conspicuous because of its emphasis on security, its focus on foreigners, and its overtones of ethnic discrimination. But the policy was not new. France had been sending Romanian and Bulgarian citizens home even before 2010, as had Italy, Germany, Sweden, Denmark, Finland, and the United Kingdom. In a resolution adopted on 9 September 2010, the European Parliament condemned the French policy. In 2009, the French government had already deported about 9,000 Roma to Romania and Bulgaria. Also, other Western European countries (such as, Italy, Germany, Sweden, Denmark, Finland, and the United Kingdom) have for a number of years pursued targeted return campaigns. Mobility may not have yet become the Roma's preferred escape route from marginality, but expulsion has clearly become the preferred policy response to Romani migration. Several EU actors and institutions responded forcefully

to the highly publicized campaigns. As van Baar (2011) documents, in a resolution adopted on 9 September 2010, the European Parliament condemned the French policy and urged the French authorities to stop the expulsions immediately. The European Commission responded through Viviane Reding, Commissioner for Justice, Fundamental Rights, and Citizenship, who was particularly alarmed by the leaked memo of the French Interior Ministry that was distributed to local civil servants and urged French police officials to focus their efforts on migrants of Romani background. Reding first threatened to bring France before the European Court of Justice for violating anti-discrimination laws but later, after the Commission received assurance from France that it did not single out Roma, refrained from pursuing an infringement procedure. The main result of the intervention by Reding seems to have been the development of a number of new initiatives on the part of the European Commission that enable closer EU observation of the way in which member-states protect, or fail to protect, Romani communities. For example, in 2011 the European Commission adopted an EU Framework for National Roma Integration Strategies, which asks member states to design long-term plans with specific measures for the integration of Romani populations as well as robust monitoring mechanisms for the implementation of those plans.

Exclusion and poverty

Roma who have not migrated have still experienced citizenship-related issues in ways that differ from those of their non-Romani co-citizens. Some of those experiences relate to exclusion from citizenship documents as a result of the redefinition of national citizenship laws after the collapse of communism in Eastern Europe. For example, in 1993 the newly independent Czech Republic adopted a citizenship law that, for some years until it was amended, rendered approximately 10,000 to 25,000 Roma stateless (Linde, 2006). Exclusions as a result of war-related displacement have compounded the issue of new citizenship attainment even further in the ex-Yugoslav countries (Sardelić, 2013).

Yet attainment of legal status is only part of the picture. Socio-economic inequalities, which relate to the domain of social citizenship, are often a greater concern. There are now various indicators that Romani communities across Europe live on average in more dire economic circumstances than their co-citizens, even if they have not migrated. This socio-economic marginalization affects various spheres of life and has produced problems of ill health, low-quality education, poverty, unemployment, and segregation. Particularly telling are statistics that have been compiled by the EU's Fundamental Rights Agency (FRA) and the World Bank. The 2009 summary report on the issue concludes: 'Many Roma and Travellers in the EU live in substandard conditions which fall far below even the minimum criterion of adequate housing' (EU Agency for Fundamental Rights, 2009a, p. 92). This is a matter of concern within the EU, where welfare systems mostly stay under the control of the individual member states (Schall, 2012) – and certainly outside the EU. Reports by international NGOs in areas outside the EU point to a severe lack of progress.

Many marginalized Roma live in urban slums or isolated ghettos in rural areas where a situation has arisen that perpetuates exclusion and poverty (Sobotka and Vermeersch, 2012, p. 813). Such forms of segregation have often led to different lifestyles for those populations that find themselves on the margins of society. In the context of regulatory practices that accompany modernization, such as the management of migration flows, urban planning, settlement policies, the controlling of borders, and the creation of a European citizenship, new forms of problematizing the Roma have emerged (Vermeersch, 2006; van Baar, 2012a). The inability of those who govern to create effective policies for equal and inclusive citizenship for the Roma has reinforced a climate of hatred against those who are marginalized.

Unsurprisingly, those who argue against active policies for the inclusion of marginalized Romani populations often revert to cultural arguments and claim that the Roma *cause* their own predicament. Such views are often supported not only by extremist groups, but sometimes also by high-profile politicians, including MEPs (Vermeersch, 2012, p. 1207). In some cases, anti-Roma speech is actively connected to a larger nationalist programme. In Hungary, for example, the extreme right Jobbik party 'promotes and perpetuates the cult of Trianon (the treaty ending World War I which 'dismembered' Hungary), licking past wounds to justify future territorial claims, whilst aggressively pushing a law-and-order agenda at home aimed at the supposed offenders of law and order, the Roma' (Fox and Vermeersch, 2010, p. 346).

Acts of citizenship

When activists speak in the name of the Roma in order to engage in a social struggle, they often do so by emphasizing a particular framing of the identity of their 'own' group. Social movement scholars (Della Porta and Diani, 1999; Edelman, 2001; McAdam *et al.* 1996; Guidry *et al.* 2000) have understood *framing* as a process through which movement actors promote an understanding of reality that increases chances for mobilizing support for their cause. Different authors have focused on different dimensions of the framing process – some have emphasized individual control, while others have highlighted contextual constraints. For example, Benford and Snow (2000) have argued that the process of framing does not take place in a vacuum. For them, framing is always negotiated and shaped by the multi-institutional arenas in which it takes place.

Citizenship struggles in the name of the Roma happen in various ways; they adapt to the circumstances and the particular policy domains in which they can be situated. In addition, activists need to direct their activism towards three levels (local, national, European), each of which implies certain framings of Romani identity. The Roma can be conceived of as a national minority, a migrant community, a social underclass, or a transnational European group. In several countries, different ways of conceiving the Roma and the problems facing them have coexisted and competed for dominance in public policy debates. Such different conceptions have also led to different movement strategies and policy outcomes.

On the local level, Romani communities may be organized in various types of identity groups. Their particular group-formation process happens in response to the broader dynamic of group-formation processes on that level. They do not always frame themselves as Romani activists, and they are not always framed as such by others. I will not discuss this very diverse world of local framing processes further, but rather focus below on two fields where such framing dynamics are more widely visible to a broader audience: the nation-state context and the field of transnational institutions.

Nation-state perspectives

Within the context of citizenship struggles in Central and Eastern Europe, Romani activists have frequently relied on a 'national minority frame'. This is particularly the case when these activists believe this represents a convenient way to find support from other national minorities and non-Romani supporters of minority rights. In Slovakia, for example, the political activities of the Hungarian minority have served as an example (Vermeersch, 2003). In various countries Roma are legally considered a national or ethnic minority and therefore receive certain entitlements. In some cases (Hungary, Croatia) minority self-government systems have been set up that allow elected minority representatives to participate in institutionalized forms of local or national consultative roles. Such minority councils have limited rights in the field of culture.

Legal acts leading to minority citizenship for the Roma, such as the Hungarian Minority Act establishing the system of minority self-governments, reinforce the frame of the Roma as a national minority.

In a context where states recognize the Roma as a national or ethnic minority, cultural Romani organizations frequently function as privileged representatives of the larger group. Such organizations are central to the political endeavour of ensuring a collective voice for a minority, because they are identifiable, registered entities that can act as negotiating partners for policymakers. These activists may not all agree about who belongs and who does not belong to 'their' group. Some, for example, frame Romani identity as a matter of social class (Krizsán, 2012). Romani activists who have relied on that latter frame emphasize the detrimental social circumstances of Romani life, the need for social inclusion, and implicitly or explicitly argue that the protection of cultural aspects of Romani identity are less important or should be regarded as a matter of privacy.

If a system of minority recognition and consultation is in place that involves Romani representatives, the state can select or elect particular organizations to take part in policy discussions, thereby promoting certain frames of Romani identity and discouraging competing ones. In Hungary, for example, such a form of minority citizens' participation functions through elections. Hungary has granted thirteen officially recognized 'historical' minorities (twelve 'national minorities' with external kin states and the Roma as an 'ethnic minority') a form of cultural autonomy (Kovats 2000). Since the mid-1990s members of local self-governments in Hungary can be elected by the population of towns and villages where minorities are present in sufficient numbers, while the members of national minority self-governments (representing the minority at the country level) are elected by an electoral body that consists of the members of local minority self-governments.

While such systems of national minority representation ratify the Roma as minority citizens – and thereby reinforce the framing of Romani identity as a national minority identity – and give the Roma a voice in local or national politics, they have not remained without criticism. In the case of Hungary, for example, the system has been criticized for taking away legitimacy from Romani organizations that do not seek policy influence through minority self-governments and for allowing the state to neglect to care about the overall inclusion of Roma in regular political institutions. It has also been criticized for being an inadequate instrument for remedying social exclusion (Koulish, 2002, 2003).

Postnational perspectives

The Roma have now become a prominent topic of human rights protection in Europe. The growth of a transnational advocacy network around the situation of the Roma has offered Romani activists unprecedented opportunities for political mobilization. Individual activists and domestic organizations can now find support from cross-border NGOs active in the field of human rights and thus build new alliances. But the success of international advocacy for the Roma has also created new problems with regard to voice and representation. Who can speak in the name of the Roma?

The current European attention given to the Roma by EU institutions has added another layer to ongoing developments regarding identity framing and problem formation. In 2005, 2006, and 2008 the European Parliament adopted new resolutions concerning the Roma. In addition, the European Council of December 2007 gave its full symbolic support to the European Commission for the organization of a series of 'European Roma Summits'. In April 2011 the European Commission adopted a Communication (COM(2011) 173) which called for an active dialogue with the Roma, both at national and EU level, and demanded clear policy commitments

from the EU member states in the form of 'national Roma integration strategies'. As a result of this process there is now clearly a tendency among a growing group of policymakers and political elites to frame the Roma as a 'transnational European minority', that is a group that lives throughout Europe and constitutes a minority in every state but in contrast to other minorities has no clear national lobby or external homeland to defend its interests. Moreover, the idea has emerged that these European Roma suffer from similar problems of exclusion and marginalization wherever they are.

These new European policies and initiatives could be considered acts of postnational citizenship; they reinforce the framing of the Roma as a postnational group.

Romani organizations and activists have often responded positively to this frame. Overall, the European institutionalization of Romani policies and the actions on Romani issues by transnational human rights networks have reinforced the idea that Romani activism is best served by a practice of 'postnational citizenship' (Tambini, 2001) defined according to entitlements emerging from the transnational discourse and the practice of international human rights protection rather than from national citizenship.

There have, however, also been serious criticisms of this framing. Kovats for example, has warned of the danger inherent in such 'Europeanization', as it may create a division between the efforts to include the Roma and other national social policy efforts. He argues:

> The superficial symbolism of Roma as a unique transnational people, the EU's 'largest ethnic minority' with no 'mother country', promotes the (nationalist) aspiration that there should be some form of special European governance for Roma. Yet, regardless of what distinct cultural characteristics Roma people may share to a greater or lesser extent (or not at all), Roma are also citizens with the same rights and subject to the same economic, legal and political systems, part of the same national societies and cultures as their non-Roma compatriots.
>
> *(Kovats, 2012, p. 3)*

From debates in the European Parliament it is clear that Europe-wide actions to foster the social inclusion of the Roma in Europe run the risk of being reinterpreted as support for the argument that the Roma's particular form of marginality is not unique to any country and should therefore be seen as something created by the Roma themselves. From there it is a small step to seeing such marginality and exclusion simply as a symptom of Romani culture and not as a problem of inequality (Vermeersch, 2012, p. 1208).

Conclusion

This chapter has argued that Roma in Europe are frequently faced with problematic citizenship experiences. These experiences are determined by citizenship constellations that become tangible when they cross external EU borders or migrate within the EU. They are also clear within the boundaries of European states where Romani communities often face severe forms of discrimination, poverty, and social exclusion. Various types of Romani activism have arisen in response to this situation; they have sought to raise awareness and influence national and European policy agendas. In doing so, they have engaged in a social struggle for issues that relate to their legal or social status as national or European citizens. Supported by transnational human rights organizations, these activists have in recent years found a positive response from certain European institutions. Although this has brought new attention to the issue of the Roma, it has also further complicated the Roma's social struggles.

By studying these issues, observers, researchers, and policymakers might become more aware of the varieties of citizenship models that the current European institutional context has to offer. Romani activists now have the opportunity to frame their struggles in accordance with these various possibilities. However, increased institutional attention and targeted policy responses have not, to date, brought about the much needed social change.

References

Baar, Huub van (2011) 'Europe's Romaphobia: problematization, securitization, nomadization', *Environment and Planning D – Society and Space*, 29 (2): 203–12.

Baar, Huub van (2012a) 'Socio-economic mobility and neo-liberal governmentality in post-socialist Europe: activation and the dehumanisation of the Roma', *Journal of Ethnic and Migration Studies*, 38 (8): 1289–1304.

Baar, Huub van (2012b) *The European Roma: minority representation, memory and the limits of transnational governmentality*, Doctoral Diss. Amsterdam.

Barth, Fredrik (1969) *Ethnic groups and boundaries: the social organization of culture difference*, Boston, MA: Little, Brown and Co.

Bauböck, Rainer (2010) 'Studying citizenship constellations', *Journal of Ethnic and Migration Studies*, 36 (5): 847–59.

Benford, Robert D. and Snow, David A. (2000) 'Framing processes and social movements: an overview and assessment', *Annual Review of Sociology*, 26: 611–39.

Brubaker, Rogers (2002) 'Ethnicity without groups', *European Journal of Sociology*, 43 (2): 163–89.

Cahn, Claude (2003) 'Racial preference, racial exclusion: administrative efforts to enforce the separation of Roma and Non-Roma in Europe through migration controls', *European Journal of Migration and Law*, 5 (4): 479–90.

Cahn, Claude and Vermeersch, Peter (2000) 'The group expulsion of Slovak Roma by the Belgian government: a case study of the treatment of Romani refugees in Western countries', *Cambridge Review of International Affairs*, 13 (2): 71–82.

Della Porta, Donatella and Diani, Mario (1999) *Social movements: an introduction*, Oxford: Blackwell Publishers.

Edelman, Marc (2001) 'Social movements: changing paradigms and forms of politics', *Annual Review of Anthropology*, 30: 285–317.

EU Agency for Fundamental Rights (2009a) *Housing conditions of Roma and Travellers in the European Union: comparative report October 2009*, Vienna: FRA.

EU Agency for Fundamental Rights (2009b) *The situation of Roma EU citizens moving to and settling in other EU member states*, Luxembourg: Office for Official Publications of the European Communities.

Fox, Jon E. and Vermeersch, Peter (2010) 'Backdoor nationalism', *European Journal of Sociology*, 51 (2): 325–57.

Fox, Jon E., Morosanu, L., and Szilassy, E. (2012) 'The racialization of the new European migration to the UK', *Sociology*, 46 (4): 680–95.

Guidry, John A., Kennedy, Michael D., and Zald, Mayer N. (2000) *Globalizations and social movements. culture, power, and the transnational public sphere*, Ann Arbor, MI: The University of Michigan Press.

Isin, Engin F. and Turner, Bryan S. (2007) 'Investigating citizenship: an agenda for citizenship studies', *Citizenship Studies*, 11 (1): 5–17.

Jenkins, Richard (1997) *Rethinking ethnicity: arguments and explorations*, London, Thousand Oaks, CA, and New Dehli: Sage.

Kacarska, Simonida (2012) 'Europeanisation through mobility: visa liberalisation and citizenship regimes in the Western Balkans'. Available online at www.law.ed.ac.uk/file_download/series/374_europeanisation-throughmobilityvisaliberalisationandcitizenshipregimesinthewester.pdf (accessed 4 July 2103).

Kilibarda, Konstantin (2011) 'Clearing space: an anatomy of urban renewal, social cleansing and everyday life in a Belgrade mahala', *Cambridge Review of International Affairs*, 24 (4): 37–41.

Koulish, Robert E. (2002) 'Opportunity lost? The social (dis)integration of Roma minority rights in post-transition Hungary', *Nationalism and Ethnic Politics*, 8 (1): 81–104.

Koulish, Robert E. (2003) 'Attitudes towards Roma minority rights in Hungary: a case of ethnic doxa, and the contested legitimization of Roma inferiority', *Nationalities Papers*, 31 (3): 327–45.

Kovats, Martin (2000) 'The political significance of the first National Gypsy Minority Self-government in Hungary', *Contemporary Politics*, 6 (3): 247–62.

Kovats, Martin (2001) 'The emergence of European Roma policy', in W. Guy (ed.), *Between past and future: the Roma of Central and Eastern Europe*, Hatfield: University of Hertfordshire Press: 93–116.

Kovats, Martin (2012) 'The EU's Roma role', *Open Democracy*, (11 May), 1–4. Available online at www.opendemocracy.net (accessed 4 July 2103).
Krizsán, Andrea (2012) 'Group self-determination, individual rights, or social inclusion? Competing frames for ethnic counting in Hungary', *Ethnic and Racial Studies*, 35 (8): 1392–1408.
Liégeois, Jean-Pierre and Gheorghe, Nicolae (1995) *Roma/Gypsies: a European minority*, London: Minority Rights Group International.
Linde, Robyn (2006) 'Statelessness and Roma communities in the Czech Republic: competing theories of state compliance', *International Journal on Minority and Group Rights*, 13 (4): 341–65.
Lucassen, Leo, Willems, Wim, and Cottaar, Annemarie (1998) *Gypsies and other itinerant groups: a socio-historical approach*, London: Macmillan.
McAdam, Doug, McCarthy, John D., and Zald, Mayer N. (1996) *Comparative Perspectives on social movements: political opportunities, mobilizing structures, and cultural framings*, Cambridge: Cambridge University Press.
Nacu, Alexandra (2012) 'From silent marginality to spotlight scapegoating? A brief case study of France's policy towards the Roma', *Journal of Ethnic and Migration Studies*, 38 (8): 1323–8.
Petrova, Dimitrina (2003) 'The Roma: between a myth and the future', *Social Research*, 70 (1): 111–61.
Sardelić, Julija (2013) 'Romani minorities in the context of post-Yugoslav citizenship regimes'. Presented at 18th ASN World Convention, Columbia University, New York, 2013.
Schall, Carly Elizabeth (2012) 'Is the problem of European citizenship a problem of social citizenship? Social policy, federalism, and democracy in the EU and United States', *Sociological Inquiry*, 82 (1): 123–44.
Simhandl, Katrin (2006) '"Western Gypsies and Travellers"-"Eastern Roma": the creation of political objects by the institutions of the European Union', *Nations and Nationalism*, 12 (1): 97–115.
Snow, David A. and Benford, Robert D. (1998) 'Ideology, frame resonance, and participant mobilization', *International Sociological Movement Research*, 1: 197–218.
Sobotka, Eva and Vermeersch, Peter (2012) 'Governing human rights and Roma inclusion: can the EU be a catalyst for local social change?', *Human Rights Quarterly*, 34 (3): 800–22.
Stewart, Michael (ed.) (2012) *The Gypsy 'menace'*, London: Hurst & Company.
Tambini, Damian (2001) 'Post-national citizenship', *Ethnic and Racial Studies*, 24 (2): 195–217.
Vermeersch, Peter (2003) 'Ethnic minority identity and movement politics: the case of the Roma in the Czech Republic and Slovakia', *Ethnic and Racial Studies*, 26 (5): 879–901.
Vermeersch, Peter (2005) 'Marginality, advocacy, and the ambiguities of multiculturalism: notes on Romani activism in Central Europe', *Identities: Global Studies in Culture and Power*, 12 (4): 451–78.
Vermeersch, Peter (2006) *The Romani movement: minority politics and ethnic mobilization in contemporary Central Europe*, Oxford, New York: Berghahn Books.
Vermeersch, Peter (2012) 'Reframing the Roma: EU initiatives and the politics of reinterpretation', *Journal of Ethnic and Migration Studies*, 38 (8): 1195–1212.
Vermeersch, Peter (2013) 'The European Union and the Roma: an analysis of recent institutional and policy developments', *European Yearbook of Minority Issues*, 10: forthcoming.
Woodcock, Shannon (2007) 'Romania and EUrope: Roma, Rroma and Ţigani as sites for the contestation of ethno-national identities', *Patterns of Prejudice*, 41 (5): 493–515.

Part VII
Diasporicity

This page intentionally left blank

44

Post-territorial citizenship in post-communist Europe

Francesco Ragazzi

Post-communist Europe has witnessed a proliferation of policies aimed at recognizing, protecting, and engaging the citizenship of 'their' populations abroad. These policies take multiple forms: distribution of citizenship to ethnic kin populations abroad, establishment of long-distance voting rights, provision of social and health-care benefits, or symbolic acts, such as the establishment of an 'emigrants day', the building of statues, or the opening of an emigrants' museum. While the Council of Europe refers to them as kin-state policies (Council of Europe 2001), many governments present them as diaspora policies, namely policies aimed at including, from a symbolic, civic, political, or social standpoint, populations living outside the state's territory, on the basis of an alleged link to the homeland.

Although this phenomenon is particularly present in Europe's post-communist space, it is found in other parts of the world, and a growing literature in the fields of transnationalism, diaspora, and citizenship studies has made several efforts to make sense of it. First, scholars of citizenship have, since the 1990s, struggled to describe and characterize this new 'species' of policies. Under which existing taxonomy should this new practice of citizenship fit? Is this a manifestation of cosmopolitanism (Benhabib 2007) or post-national citizenship (Soysal 1996)? Is it a form of transnational citizenship, akin to the one developing within the European Union (Bauböck and Staeheli 1996)? Is it, conversely, the reinstatement of an irredentist, or neo-medieval citizenship (Deets 2008)?

Second, several scholars have enquired about the reasons behind the emergence of these peculiar policies. Some have attributed them to economic interests, in particular as a privileged way to attract capital through remittances (Levitt and la Dehesa 2003). Others have focused on the political pay-offs in terms of foreign policy (Shain 1994). Many have discussed the links to right-wing nationalism (Skrbiš 1999; Kastoryano 2007; Anderson 1998). Fewer have noted that these policies question fundamental assumptions upon which our understanding of citizenship is based, namely essential notions of territory and sovereignty (Kunz 2011; Gamlen 2008). How can we understand, indeed, that states formulate claims over populations that reside outside the territorial limits that precisely entitle them to do so?

This chapter is organized as follows: it first presents the nature and the characteristics of these policies. The second section then critically discusses one of the principal interpretations of the

phenomenon – cosmopolitanism. The third section introduces the notion of post-territorial citizenship to describe a practice for which the criterion of territorial residence becomes secondary to ethnic, national, or religious criteria of belonging for the acquisition or transmission of citizenship. Section four unpacks possible explanations to understand these transnational state practices. In conclusion, the chapter outlines some of the future prospects for post-territorial citizenship.

Kin-state and diaspora policies

To different degrees across Europe's post-communist space, states have developed policies oriented at embracing their citizens abroad in all of the main areas of citizenship: (1) civic, (2) political, and (3) social and cultural rights. These policies generally present an additional characteristic: while they allow the majority ethnic group to gain and transmit kin-state citizenship rights irrespective of their residence, they make it harder, if not impossible, for non-ethnics living on the territory to gain access to the same rights.

The first aspect of these policies is the acquisition and transmission of citizenship for ethnics abroad, which most post-communist states have adopted. In 1989, Lithuania passed a law granting citizenship to all Lithuanians and descendants of Lithuanians abroad who left the country voluntarily or were forced to leave after the 1940 Soviet occupation (Kruma 2010: 99). Estonia and Latvia passed similar, but more discriminatory legislation: in addition to providing privileged access to citizenship for former nationals, they created specific categories of 'non-Estonians' and 'non-citizen Latvian nationals' intended to exclude from full citizenship the ethnic Russian population physically present on their territory (Järve 2009). A similar scenario unfolded in the post-Yugoslav states. Slovenia issued a law in June 1996 to grant status and benefits to Slovenian minorities abroad (Klopčič 1997). A few years earlier, the Slovenian law on citizenship (1991), while based on a principle of legal continuity with Yugoslavia, excluded from citizenship several non-ethnic Slovenians who could not prove effective residence in the territory, effectively 'erasing' them from the records in 1992 (Zorn 2004). Similarly, the Croatian law on citizenship of 1991 granted citizenship to ethnic Croats on ethnic criteria, while in parallel making it legally and bureaucratically difficult for Croats of Serbian ethnicity to obtain their citizenship (Koska 2012). Similar provisions can be found in Slovakia, Romania, Russia, Bulgaria, Hungary, and Ukraine (Shevel 2010: 160).

Secondly, along with inclusion in the citizenry, some states have added provisions in the law to extend the right to vote and to be elected to non-resident citizens, often accompanied by a restriction of representation of non-majority ethnic groups. The case of Croatia is here particularly representative. Article 45 of the 1990 constitution allows Croats abroad to vote as well as to elect dedicated representatives to the parliament. The elections of 1995, based on the electoral law of 1992, initially allocated 12 out of 127 seats to Croatian citizens without permanent residence. Concurrently, for the same election in 1995, the representation of minorities was purely and simply annulled (no seats) under a technical pretext (while there were 13 seats for minorities in the 1992 election). It took more than fifteen years to re-equilibrate the unbalanced representation of the ethnically Croatian diaspora (currently three seats) in favour of the minorities (currently eight seats). As it has been argued, the 'diaspora' vote, legitimized as the repayment of a symbolic national debt to the population abroad, served as a privileged tool of gerrymandering by certain fringes of the political spectrum (Kasapović 2012). As of 2012 and among post-communist states, only Macedonia offered a similar system of dedicated seats in the parliament, while a majority of countries, such as Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova,

Poland, Romania, Russia, Slovenia, Serbia, Macedonia, and Ukraine, offer absentee voting provisions (Ellis *et al.* 2007).

Thirdly, states offer several advantages of cultural and social citizenship to their populations abroad. The most striking example in this regard is probably the Hungarian 'Status Law', passed in 2001. As Hungary was soon to join the European Union's Schengen area, the aim was to provide several benefits to ethnic Hungarians that were left on the 'wrong' side of the fence in selected neighbouring countries (Romania, Slovakia, Serbia, Croatia, and Ukraine). The law did not provide fully fledged citizenship or voting rights to those who identified with Hungarian ethnicity abroad (such an attempt failed in 2004). It however offered them unprecedented cultural, social, and economic benefits, such as education, privileged access to the labour system, health insurance, and welfare (Waterbury 2006: 483–4). The law provoked an outcry in the region, and even after heavy pressure from its neighbours and the meditation of the Council of Europe's Venice Commission, Hungary maintained its law, although the non-cultural (labour, health, and welfare) provisions were eliminated (Shevel 2010: 167). While the Hungarian case has gained most publicity, several other states, such as Croatia, Slovenia, Slovakia and Romania, have adopted similar policies (Halász *et al.* 2004: 336). Europe's post-communist space has therefore witnessed the emergence of a series of rights and benefits for individuals, whom the home state considers as part of the nation that is not located on the state's territory. How are we to make sense of this proliferation of diasporic citizenship?

The shortcomings of cosmopolitan theory

At first sight, diasporic citizenship seems to have many affinities with cosmopolitan citizenship. As Andrew Linklater argues, the cosmopolitan conception of citizenship stands against 'traditional perspectives [which] maintain that modern conceptions of citizenship are anchored in the world of the bounded community; [which] contend that it loses its precise meaning when divorced from territoriality, sovereignty and shared nationality' (Linklater 1998: 22). In this framework, diasporas have been considered as the primary political subject of cosmopolitan change and hybridization. And so, rather unsurprisingly, many have located state-backed diaspora policies in a cosmopolitan framework. As Seyla Benhabib puts it, transnational migrations foreground the 'pluralization of sites of sovereignty' in that diasporas live across multiple legal systems and jurisdictions, under the protection of cosmopolitan norms enforced by human rights treaties – and in competition with a system of state sovereignty which privileges national citizenship and restricts dual and multiple citizenship (Benhabib 2007: 24). Hence diaspora policies support the 'cosmopolitan argument', namely that:

> world citizenship can be a powerful means of coaxing citizens away from the false supposition that the interests of fellow citizens necessarily take priority over duties to the rest of the human race; it is a unique device for eliciting their support for global political institutions and sentiments which weaken the grip of exclusionary separate states.
>
> *(Linklater 1998: 22)*

Two main critiques can be formulated by focusing on the conception of territoriality, underpinned in the cosmopolitan argument, and the relation it entertains with populations and political orders. The first problematic assumption lies in the conflation of the 'national' with the 'territorial'. In the cosmopolitan view, all that is 'national' – and therefore nationalism – can only be territorial. Anything that goes beyond the territory is, therefore, the opposite, post-*national*. Thus, transnational practices are interpreted as necessarily undermining the logic

of nationalism and its exclusionary effects – and therefore a sign of resistance or cosmopolitanism. The second problematic assumption is that state power is exclusively territorial. Processes that go beyond the territoriality of the state are assumed to somewhat escape its power – and therefore be solely ruled by individual (ethical) or global (human rights) norms. The conflation of the nation and territory on the one hand and state and territory on the other paradoxically reproduce, in reverse, the ontological bias of 'methodologically nationalist' social science (Chernilo 2006). What is at stake in kin-state or diaspora engagement policies, however, is not a questioning of the primacy of the national: it is a questioning of the primacy of territorial criteria, such as place of birth or residence as a primary criterion for inclusion and exclusion. If kin-state minority or diaspora policies are not best explained by the cosmopolitan lens, how else to make sense of them?

Defining post-territorial citizenship

Several authors have demonstrated that state-sponsored transnationalism is often associated with transnational and exclusionary conceptions of the nation (Kastoryano, 2007; Schiller and Fouron 2001). Drawing on this literature, I have suggested conceptualizing state practices of forsaking territorial criteria of belonging – such as place of birth or residence – and extending citizenship to its citizens beyond the territory as 'post-territorial citizenship'. Post-territorial citizenship is not a handy synonym of cosmopolitan or post-national citizenship – as some authors have used the term so far – but as a term that undermines its very assumptions.[1] The characteristic of this new form of citizenship is indeed to abandon the territorial referent as the main criterion for inclusion and exclusion from citizenship, focusing instead on ethnocultural markers of identity, irrespective of the place of residence. In this understanding, the main novelty in post-communist citizenship regimes is indeed not the opposition between the ethnic and the civic – citizenship has always been broadly conceived along ethnic lines in the communist bloc – but between territorial and post-territorial.

Within the global context of citizenship regimes, post-territorial citizenship should be considered as one possibility among others. Contemporary citizenship regimes can indeed be classified in four ideal-types along two main criteria: (a) access and transmission of citizenship to non-resident ethnics-those living abroad considered to be part of the nation; (b) access and transmission of citizenship to non-ethnic residents (those living on the territory but not considered to be part of the state's official, majoritarian ethnicity). (See also the notions of 'ethnoculturally selective', 'expensive' and 'insular' citizenship in vink and Bauböcu 2013.)

Table 44.1 presents a possible division of citizenship regimes on the grounds of their relation to the territory. Cases (1) and (2) encompass most of the territorialized citizenship regimes of the twentieth century, in which discrete citizenries were meant to fit territorial demarcations.

Table 44.1 Modalities of post-territorial citizenship: non-ethnic residents and non-resident ethnics

CITIZENSHIP RIGHTS FOR…		NON-RESIDENTS		
		NO	MAJORITY ETHNICS ONLY	ALSO NON MAJORITY-ETHNICS
RESIDENT	MAJORITY ETHNICS ONLY	(1) Exclusive Territorial Citizenship	(3) Exclusive **Post-Territorial Citizenship**	
	ALSO NON MAJORITY-ETHNICS	(2) Inclusive Territorial Citizenship	(4) Mixed **Post-Territorial Citizenship**	(6) Inclusive **Post-Territorial Citizenship**

Cases (3), (4), and (6) present the current trend. Most of the post-communist states' policies have passed from (2) to (3): namely from inclusive territorial citizenship to exclusive post-territorial regimes. Meanwhile, most Western states have progressively evolved from (2) to (4) and (6): from inclusive territorial to mixed and inclusive post-territorial regimes. These divisions are of course ideal-typical, and the practices of citizenship are always located somewhere between these categories.

Understanding the emergence of post-territorial citizenship

The history of the particular junctures through which post-territorial forms of citizenship have come to be accepted and legitimized at the international level remains to be written. Three main series of hypotheses have however been brought forward to start explaining these transformations.

First, the political activism of many émigré groups during the communist period – many of which have subsequently occupied positions of power in their respective states – has raised the post-communist political class's awareness of the importance of citizens abroad. In particular, the experiences of émigré activism in multicultural systems where immigrant groups have a political say (United States, Canada, Australia) might have convinced many post-communist states of the interest these groups could represent them in terms of political lobbying. The power many of these organizations have retained until today further explains governments' attention to them. For some states, such as Yugoslavia, the experience of guest-worker programmes in the 1960s and the 1970s has created an additional precedent in which the control and regulation of citizens abroad has been conceived as an objective of economic and development policy – both as a way to attract foreign capital and to acquire skills abroad. Current diaspora engagement programmes, such as the one Serbia has been undertaking since 2008 under the auspices of the United Nations Development Programme (UNDP), show that economic objectives (in conjunction with pressure from diaspora organizations) can reverse previous policies of lack of interest for populations abroad.[2]

A second important factor is found at a broader level within the practice of international politics. More precisely, one should point out the enshrinement of territorial borders since 1945 and the generalization of the principle of *uti possidetis* – the principle according to which newly formed states should only emerge from previous administrative borders (Lalonde 2002). It has been the directing principle for the dissolution of federations of the communist bloc: the Soviet Union, Yugoslavia, and Czechoslovakia. Be it in the Balkans, in the Baltic region, or in the Caucasus, federations were conceived since the end of World War I as the best all-encompassing territorial solution to the nationalities problem of the late Austro-Hungarian and Ottoman Empires: nations dispersed across non-homogeneous territories (Bianchini 1996). While the end of Moscow's rule in in the early 1990s allowed nationalist entrepreneurs to revive territorial claims in Hungary, Romania, Bulgaria, Croatia, Serbia, Macedonia, or Albania, the pressure of the international actors and institutions was such that even those who engaged in bloody conflicts were not able to move a single border. Post-territorial citizenship, in this context, has very likely become the second-best solution for these nationalist entrepreneurs to the establishment of Greater Hungary, Croatia, Romania, Serbia – or the Russian Empire. In this sense, post-territorial citizenship could be considered as a continuation of irredentism by other means.

A third and final range of explanations concerns the conditions of possibility for these practices to emerge. One can certainly point to the political, diplomatic, and economic interest that citizens abroad represent for their home-state governments. But these interests are nothing new: the East European migration mostly occurred in the late nineteenth century, presenting more important sources of revenue and influence than now. The question of irredentism has also already been present in one form of another. Why was nationalism primarily territorial

in the past, while post-territorial today? Scholars working with Michel Foucault's concept of governmentality have argued that what is key to understanding the development of diaspora policies is the unquestioned assumptions within which (a) social, economic, and political questions are constituted as problems of government and (b) solutions to these questions are conceived as possible or impossible, necessary or unnecessary (Ong 1999). In this regard, political-economic models of government carry implicit assumptions about the relationship between territory, authority, and rights (Sassen 2006). For example, the liberal economic models of the nineteenth and early twentieth century – in favour until the end of the Austro-Hungarian and Russian empires – have been characterized by a Malthusian understanding of emigration as a 'safety valve', a necessary adjustment between offer and demand for labour on an unregulated market. Once they had emigrated, populations were 'forgotten' (Zolberg 2007). In the welfare-state model and in the majority of socialist and communist models of planned economies, emigration was seen either as economic or political treason (as the refusal to build socialism). Citizens already abroad who refused to return were similarly considered as a traitors. It was a strictly territorial model of development and political rule. It is therefore only in the context of the advanced liberal or neoliberal system of government which has come to dominate much of the political economy of the post-communist space today that we can understand the proliferation of diaspora or kin-state policies. In many ways, these policies are indeed predicated upon a model of economic development and political rule that assumes and promotes a constant circulation of people, goods, and capital. In this neoliberal practice of power, citizenship is therefore the central technology of power through which the 'national' is defined: a 'national' which follows the very flows it encourages and regulates (Ragazzi 2009).

Upcoming practices/future research

A final set of questions concerns the extent to which this relatively new phenomenon is here to stay. Three questions are here interrelated. First, are we witnessing a temporary anomaly in the well-established system of territorialized nation-states, or are these practices the beginning of a new way in which political communities are organized? Second, is post-territorial citizenship necessarily exclusive? And third, if post-territorial citizenship is indeed here to stay, what does it mean for the democratic foundations of Western political systems, based on the structuring principle of territorial sovereignty?

The answer to the first question is in great part empirical. In reaction to the development of post-territorial citizenship, several political actors have called for a re-territorialization of practices of citizenship. International lawyers, as the legal opinion of the Council of Europe's Venice Commission in relation to the Hungarian Status Law exemplifies, have made it clear to the Hungarian government that states can provide benefits to citizens abroad, 'as long as the effects of these laws or regulations are to take place within its borders only': anything else would be a violation of other states international sovereignty (Council of Europe 2001: D.i). Similarly, political parties within the home states – generally on the left of the political spectrum – have initially called for a return to a territorial practice of citizenship: in the 1990s, this was the stance of Croatia's Social Democratic Party (SDP), which repeatedly challenged the number of seats dedicated to the diaspora, Hungary's coalition of the Hungarian Socialist Party (MSZP) and the liberal Alliance of Free Democrats (SZDSZ), which substantially downplayed the importance of Hungarians abroad during their mandate, or Macedonia's Social Democratic Union (SDSM), which criticized the provisions on the grounds of their discriminatory and internationally aggressive nature (Ragazzi and Balalovska 2011).

Yet despite their opposition, these parties were not able to overturn post-territorial practices and legal provisions, and throughout post-communist Europe most of these legislative provisions are still in place. In Croatia, the return of the SDP to power in 2000–3 did not revoke the principle of diaspora vote and representation. On the contrary, the 2011 Diaspora Strategy extends the state's services to non-citizen Croats abroad.[3] Poland introduced a Polish Ethnicity Card for its nationals abroad in 2007 without much controversy, and the discussions on the vote for a new nationality act that would provide extensive citizenship rights to ethnics abroad did not encounter substantial opposition (Gorny and Pudzianowska 2009: 136). The diaspora policies of Romania, Slovakia, Slovenia, or Bulgaria have not been reversed either. In many ways, post-territorial citizenship seems to become a permanent feature of most of these countries' political systems.

Secondly, are post-citizenship policies necessarily exclusive? It is fair to say that at their inception, most post-territorial citizenship policies were marked by the transnationalization of a purely ethnic, exclusionary conception of national belonging. There are however examples of the development of inclusionary conceptions. In Macedonia, the 2004 revision of the citizenship law did not revoke the diaspora policy, but it extended instead the criteria of inclusion in the official 'diaspora' to Macedonian-Albanians and Macedonian-Turks – provided they do not reside in their kin-state.[4] This example shows that the post-territorial aspect of exclusionary practices of citizenship can be contested not only by advocating a re-territorialization of citizenship, but also by the acceptance of its post-territorial character through claims for pluralization. There is no reason why the symbolic connection to the homeland has to be based on belonging to the majority ethnicity.

Third and finally, if post-territorial citizenship is becoming a new way to organize citizenship, what consequences does it have for the organization of democratic life? Benedict Anderson, for example, argues that long-distance nationalism emerges among communities that do not have to live with the consequences of their lobbying or absentee voting (Anderson 1998). Others have reformulated the old argument that there should be 'no representation without taxation': why would citizens, who most of the times do not pay their taxes at home, benefit from services of the state (Kasapović, 2012)? With the proliferation of dual citizenship, one of the inevitable consequences of the acquisition or transmission of citizenship to non-resident populations, others have claimed that post-territorial citizenship breaches equality among citizens, since dual nationals enjoy rights and benefits in more than one country, electing representatives in more than one country (Hansen and Weil 2002: 8) At a more fundamental level, post-territorial citizenship undermines one of the main functions of citizenship since the end of the nineteenth century, namely dividing populations in discrete, territorial nation-states (Hindess 2001). The beginning of the Industrial Revolution and the large migratory flows it generated had indeed created the urge to solve crucial issues of loyalty, avoid diplomatic tensions, and maintain a fit between the legal status of populations and the liberal ideal of the democratic state (Koslowski 2001).

It is outside the scope of this chapter to discuss the alternative models to the liberal territorial state that post-territorial citizenship forces us imagine, but this issue opens possibilities for further research. Although the discussion of alternative models of citizenship brought about by the post-territorial turn has already generated interesting proposals – see for example the concept of 'stakeholder citizenship' (Bauböck, 2005) – political and legal theory of the state has yet to integrate the full consequences of an enlargement of civic, political, and/or social rights to individuals located outside the territory of the state that confers those rights on them. We also see important avenues for legal analysis in this domain, especially since many issues related to status, representation, and benefits are still to be solved in much of post-communist Europe. Similarly, the literature on cosmopolitanism, already discussed, has so far tackled the question from the wrong angle. But there is still much ground to be covered as to the normative

and political possibilities opened up by post-territorial practices of citizenship, in particular in relation to the generalization of the often conflicting principles of human rights and minority rights. Finally, authors working critically on the transformations of the state brought about by neoliberal governance generally focused on Western Europe, might bring about a new light on the discussions of the possibilities of resistance or the tensions between the 'insurrectional logic' of equality and the 'constitutional project' (Balibar 2012) of building a community of citizens – beyond territory.

Notes

1 In most of the literature on citizenship and cosmopolitanism, post-national and post-territorial citizenship are used interchangeably. See for example Squire (2009) and from a standpoint critical of the concept, Chandler (2009, 2007) Pugh and Chandler (2007: 107) and Baker (2007). My goal here is to carve out a different understanding of the term.
2 The agreement between the Republic of Serbia and the UNDP was signed in 2008: http://bit.ly/Serbia2008 (accessed 20 January 2013).
3 Strategy for the relations between the Republic of Croatia and the Croatians outside the Republic of Croatia, 2011. English translation available online at http://bit.ly/Croatia2011 (accessed 14 January 2013).
4 Official Gazette of the Republic of Macedonia nr. 08/04, of 23 February 2004.

References

Anderson, B. (1998) 'Long distance nationalism', in B. Anderson (ed.) *The spectre of comparisons: nationalism, Southeast Asia and the world*. London: Verso: 374.

Baker, G. (2007) 'Commentaries: debating (de)territorial governance: post-territorial politics and the politics of difference', *Area*. 39 (1), 109–12.

Balibar, E. (2012) 'The "impossible" community of the citizens: past and present problems', *Environment and Planning D: Society and Space*. 30 (3), 437–49. Available online at doi:10.1068/d19310 (accessed 17 September 2013).

Bauböck, R. (2005) 'Expansive citizenship-voting beyond territory and membership', *PS: Political Science and Politics*. 38 (4), 5.

Bauböck, R. and Staeheli, L. A. (1996) 'Transnational citizenship: membership and rights in international migration', *Social Science Quarterly*. 77 (1), 1.

Benhabib, S. (2007) 'Twilight of sovereignty or the emergence of cosmopolitan norms? Rethinking citizenship in volatile times,' *Citizenship Studies*. 11 (1), 19–36.

Bianchini, S. (1996) *Sarajevo, le radici dell'odio: identità e destino dei popoli balcanici*. Rome: Edizioni Associate.

Chandler, D. (2007) 'Commentaries: debating (de)territorial governance: the possibilities of post-territorial political community', *Area*. 39 (1), 116–19.

Chandler, D. (2009) 'Critiquing liberal cosmopolitanism? The limits of the biopolitical approach', *International Political Sociology*. 3 (1), 53–70.

Chernilo, D. (2006) 'Social theory's methodological nationalism', *European Journal of Social Theory*. 9 (1), 5–22. Available online at doi:10.1177/1368431006060460 (accessed 17 September 2013).

Council of Europe (2001) *Report on the preferential treatment of national minorities by their kin-state*: 1–28.

Deets, S. (2008) 'The Hungarian Status Law and the specter of neo-medievalism in Europe', *Ethnopolitics* 7 (2–3), 195–215.

Ellis, A., Navarro, C., Morales, I. and Wall, A. (2007) *Voting from abroad*. Stockholm and Mexico City: International Idea.

Gamlen, A. (2008) 'The emigration state and the modern geopolitical imagination', *Political Geography*. 27 (8), 840–56. Available online at doi:10.1016/j.polgeo.2008.10.004 (accessed 17 September 2013).

Gorny, A. and Pudzianowska, D. (2009) 'Same letter, new spirit: nationality regulations and their implementation in Poland', in Rainer Bauböck, Bernhard Perchinig, and Wiebke Sievers (eds.) *Citizenship policies in the New Europe*. Amsterdam: Amsterdam University Press: 123–49.

Halász, I., Majtényi, B., and Vizi, B. (2004) 'A new regime of minority protection? Preferential treatment of kin minorities under national and international law', in Zoltan Kantor, Balazs Majtényi, Osamu Ieda, Balazs Vizi, Zoltán Kántor, Balázs Majtényi, Osamu Ieda, Ivan Halász. *et al.* (eds.) *The Hungarian Status*

Law: nation building and/or minority protection. Sapporo: Slavic Research Center, Hokkaido University: 328–49.

Hansen, R. and Weil, P.: (2002) *Dual nationality, social rights, and federal citizenship in the US and Europe*. New York: Berghahn Books.

Hindess, B. (2001) 'Citizenship in the international management of populations', in Denise Meredyth and Jeffrey Minson (eds.) *Citizenship and cultural policy*. London and Thousand Oaks, CA: Sage: 92–103.

Järve, P.: (2009) 'Estonian citizenship: between ethnic preferences and democratic obligations', in Rainer Bauböck, Bernhard Perchinig, and Wiebke Sievers (eds.) *Citizenship policies in the New Europe*. Amsterdam: Amsterdam University Press: 45–66.

Kasapović, M. (2012) 'Voting rights, electoral systems and political representation of diaspora in Croatia', *East European Politics and Societies* 26 (4), 777–91. Available online at doi:10.1177/0888325412450537 (accessed 17 September 2013).

Kastoryano, R. (2007) 'Transnational nationalism: redefining nation and territory', in Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (eds.) *Identities, affiliations, and allegiances*. Cambridge, Cambridge University Press: 159–80.

Klopčič, V. (1997) 'Ureditev medetničnih odnosov in statusa narodnih manjšin v Sloveniji in v odnosih s sosednjimi državami', *Razprave in gradivo*. 32, 60–70.

Koska, V. (2012) 'Framing citizenship regimes within complex triadic nexuses: the case study of Croatia', *Citizenship Studies*. 16 (3–4), 397–411.

Koslowski, R. (2001) 'Demographic boundary maintenance in world politics: of international norms on dual nationality', in Mathias Albert, David Jacobson, and Yosef Lapid (eds.) *Identities, borders, orders: rethinking international relations theory*. Minneapolis, MN and London: University of Minnesota Press: 203–24.

Kruma, K. (2010) 'Lithuanian nationality: trump card to independence and its current challenges', in Rainer Bauböck, Bernhard Perchinig, and Wiebke Sievers (eds.) *Citizenship policies in the New Europe*. Expanded and Updated Edition. Amsterdam: Amsterdam University Press: 97–120.

Kunz, R. (2011) *The political economy of global remittances: gender, governmentality and neoliberalism*. New York, Routledge.

Lalonde, S. N. (2002) *Determining boundaries in a conflicted world: the role of* uti possidetis. Montreal and Ithaca, NY: McGill-Queen's University Press.

Levitt, P. and la Dehesa, R. de (2003) 'Transnational migration and the redefinition of the state: variations and explanations', *Ethnic and Racial Studies*. 26 (4), 25.

Linklater, A. (1998) 'Cosmopolitan citizenship', *Citizenship Studies*. 2 (1), 23–41.

Ong, A. (1999) *Flexible citizenship: the cultural logics of transnationality*. Durham, NC: Duke University Press.

Pugh, J., Hewett, C., and Chandler, D. (2007) 'Commentaries: debating (de)territorial governance: debating (de)territorial governance', *Area*. 39 (1), 107–9.

Ragazzi, F. (2009) 'Governing diasporas', *International Political Sociology*. 3 (4), 378–97.

Ragazzi, F. and Balalovska, K. (2011) *Diaspora politics and post-territorial citizenship in Croatia, Serbia and Macedonia*. (1–29), 1–33.

Sassen, S. (2006) *Territory, authority, rights: from medieval to global assemblages*. Princeton NJ: Princeton University Press.

Schiller, N. G. and Fouron, G. E. (2001) *Georges woke up laughing: long-distance nationalism and the search for home*. Durham NC: Duke University Press.

Shain, Y. (1994) 'Ethnic diasporas and U.S. foreign policy', *Political science quarterly*. 109 (5), 811.

Shevel, O. (2010) 'The post-communist diaspora laws: beyond the 'good civic versus bad ethnic' nationalism dichotomy', *East European Politics & Societies*. [24 (1), 159–87. Available online at doi:10.1177/0888325409353182 (accessed 17 September 2013).

Skrbiš, Z. (1999) *Long-distance nationalism: diasporas, homelands and identities*. Brookfield, VT: Ashgate Pub.

Soysal, Y. N. (1996) *Changing parameters of citizenship and claims-making: organized Islam*. Badia Fiesolana: European University Institute, European Forum.

Squire, V. (2009) *The exclusionary politics of asylum*. Basingstoke and New York: Palgrave Macmillan.

Vinu, M. P. and Bauböck, R. (2013) 'Citizenship configurations: analysing the multiple purposes of citizenship regimes in Europe' *Comparative European Politics* 11(5), 621–648.

Waterbury, M. (2006) 'Internal exclusion, external inclusion: diaspora politics and party-building strategies in post-communist Hungary', *East European Politics & Societies*. 20 (3), 483–515.

Zolberg, A. (2007) 'The exit revolution', in: Nancy L. Green and François Weil (eds.) *Citizenship and those who leave: the politics of emigration and expatriation*. Urbana, IL: University of Illinois Press: x, 318.

Zorn, J. (2004) 'The politics of exclusion citizenship, human rights and the erased in Slovenia', *Revija za Sociologiju*. 35 (1–2), 61–72.

45

Imperial citizenship in a British world

Anne Spry Rush and Charles V. Reed

In 2008, the historian John Darwin declared that empires have been 'the default mode of political organization throughout most of history' (Darwin 2008). However, for scholars of imperialism and colonialism, the relevance of citizenship studies to empire has not always been obvious. After all, the imperial project was focused on conquest and subjugation, the negation and denial of rights, and the creation of subjects rather than citizens. Surely it was in studying the nation that one could best understand citizenship. But is this the whole story? Around the turn of the millennium, scholars of the British Empire began to approach ideas of the citizen from the perspective of colonial subjects. Their work suggests that modern citizenship developed not only within, but beyond the conceptual boundaries of the nation-state and was linked in complex ways to colonial subjects' ideas of imperial, as well as national, identity.

Citizenship did not exist as a legal status in Britain and its colonies until the mid-twentieth century. Yet, as early as the eighteenth century, residents of the British Isles began expressing modern British national identity – and ideas about British citizenship – through a 'set of constitutional traditions' (Lester 2012, p. 382). Since the mid-twentieth century scholars have recognized the important role the constitutional 'rights of Englishmen' played in domestic British society and politics. They served, for example, as British workers' justification for resistance in their long struggle for voting rights and as their basis for comparison as Britons forged their national identity against that foreign 'other', their long-time enemy, the French (Colley 1992).

From the late twentieth century, as more scholars began to study the intersections between imperial and domestic Britain, historians turned their analysis of political reform and national belonging toward Britons' construction of difference and exclusion within the imperial world (Hall 2002, Stoler 2000). In path-breaking contributions to our understanding of citizenship, academics explored how, from at least the early nineteenth century, the empire created a space in which natives of the British Isles could identify themselves as fully belonging to the British state by in practice denying the rights of colonial 'others' within it, even as they in theory embraced inclusive notions of universal human rights (Hindess 2000).

However, as the scholarly output explored in this chapter suggests, colonial subjects did not always understand empire in these terms. For British and other European (e.g. Irish, Dutch, German, and others) settlers of the British world, empire was often conceived as a site where more equalitarian and democratic 'neo-Britains' could thrive with minimal encroachment from

(but continued bonds with) the mother country – often at the expense of indigenous peoples (Bridge and Fedorowich, 2003). At the same time middle-class British subjects of colour, who are the main focus of this chapter, produced a discourse of British-imperial citizenship that positioned them against the increasingly racialized and exclusionary frameworks of belonging that emerged during the second half of the nineteenth century.[1]

By advocating an inclusive, colour-blind conception of citizenship for all 'civilized' subjects of the British Crown, African, Asian, and West Indian intellectuals and activists constituted their own understandings of imperial citizenship. Their ideas were based on their encounters with the British liberal-humanitarian tradition in missionary and English language schools, as well as works of British history, political theory, and literature. Even as they recognized the violence and discrimination that underlay the rhetoric of liberal empire, they looked for the realization of an ideal British citizenship based on the legal equality shared by all British subjects as promised by the constitution, their understanding of the British monarchy as a protector and fount of justice, and their status as respectable, loyal subjects of the crown.

This chapter explores the struggles for citizenship that were fought by dark-skinned middle-class Africans and West Indians from the late nineteenth century, the relationship of their British identities to the concept of imperial citizenship that white British subjects at home and abroad developed in the first half of the twentieth century, and their impact on the national citizenships that developed in both Britain and the emerging postcolonial nations after World War II. It contends that British citizenship was both an imperial and a national construct, created in varying forms by British subjects of all kinds, both in the colonies and within Britain. Its focus is on encounters at two significant moments in British imperial culture, in South Africa after the South African War of 1899–1902 and in Britain from 1945 to the 1960s, when colonial subjects' conceptions of imperial citizenship came face to face with the limits of British equality and the liberal empire. Intellectuals and activists of colour embraced more radical and anti-colonial politics as a result of these complex encounters, but many also remained dedicated to fundamentally British forms of citizenship into the late colonial and postcolonial eras.

British imperial identity[2]

Until 1948, citizenship was a concept rather than a legal status in both Britain and its empire. Unlike the situation in most European nations, where the privileges and responsibilities typically associated with the legal rights of citizenship (whether imagined or achieved) were linked directly to a nation-state, for Britons these rights and responsibilities were linked to territorial birthright through their status as subjects of the monarch. While the British sovereign's political power had declined in the years between the seventeenth-century English Civil War and the start of Queen Victoria's reign in 1837, the monarchy remained an integral part of Britain's constitutional structure and a symbolic institution of great significance. Even as people in the British Isles came to identify themselves as members of a British national community, they remained – first and foremost – subjects of the crown (Heater 2006).

Native Britons were largely content with this political arrangement and invested their relationship to the British monarch with notions of rights, most particularly the right to liberty and rule of law that they saw as embodied in the common law of England (Greene 1998). As Colley (1992) has argued, by the beginning of the nineteenth century residents of the British Isles had forged a national identity through a sense of their difference from their major enemy at the time, the French. Nevertheless, even as they rejected the republicanism of the American and French Revolutions, Britons came to embrace the universal human rights of the Enlightenment while continuing to assert devotion to the monarch, the rule of law, and property

rights (Gorman 2007). Their ideal of Britishness also incorporated an emerging middle-class concept of respectability which placed heavy emphasis on formal education, Christian morality, and domesticity and could be used to exclude social and racial others in both metropolitan and colonial societies (Stoler 2000).

By the mid-twentieth century, the subject-sovereign relationship in Britain had thus come to encompass civil ('liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice'), political (the franchise), and social (education, the welfare state) rights within a hierarchical structure constructed around the notion of respectability with the monarch at its head (Marshall 1950). It was a brand of citizenship in all but name.

But inhabitants of the British Isles did not possess a monopoly on Britishness. As Jack Greene (1998) has argued, American colonists fought for their independence on the basis of what even they saw as a fundamentally *British* right to liberty. Furthermore, the diaspora of loyalist refugees created in the aftermath of the American Revolution promoted the intersection of loyalism and anti-republicanism with a radical dedication to 'liberty and humanitarian ideals' (Jasanoff 2011). In the nineteenth century, colonial peoples around the world were influenced by the same mix of traditional British values, social understandings, and liberal-humanitarian ideas as their native British counterparts, ideas brought to the empire by missionaries, educators, and imperial officials (Hall 2002).

This was particularly true of aspiring middle-class subjects of colour, from India to the Caribbean to Africa, who were often the products of British efforts to develop – in the words of British colonial official Thomas Babington Macaulay – 'a class who may be interpreters between us and the millions whom we govern; a class of persons, Indian in blood and colour, but English in taste, in opinions, in morals, and in intellect' (Macaulay 1835). From the playing fields to classrooms, at church, and in community organizations, they became steeped in the British social and cultural values of respectability and loyalty to the monarch along with respect for the rule of law and the British parliamentary system (Bannerjee 2010; Moore and Johnson 2004; Reed 2013; Rush 2011). Encouraged by legislation and royal promises, most important among them the 1833 Emancipation Act, which granted freedom to black slaves, and Queen Victoria's 1858 Royal Proclamation to India, which guaranteed the rights of subjects who were not ethnically British, these subjects of colour embraced Britishness and claimed an imperial British identity.

Rights of Britishness, rights of citizenship

Over the course of the nineteenth and early twentieth centuries, residents of the British Isles, armed with their faith in the integrity of British values, increasingly demanded what they considered to be their rights – including the right to vote, to education, to decent working conditions, and to healthcare. Just as people in Britain fought for what they considered their rights as British subjects, so too, by the late nineteenth century, did colonial Britons. After all, in extending equal rights to Jews and Catholics in the early nineteenth century, Parliamentary legislation had ensured that neither race nor religion played any overt legal role in the civil and political status of any British subject. Although all British subjects' rights were in practice still restricted on the basis of property ownership, gender, race, and geographical location, colonial subjects invested in the promise of a British imperial citizenship they saw as enshrined in the British constitution.

So as they moved towards full self-government in the early twentieth century, white colonials, from Canada to Australia, based their calls for political and social rights on their status as British citizen-subjects (Bridge and Fedorowich 2003; Buckner and Francis 2005) as did

middle-class colonials of colour, even in the face of disenfranchisement, dispossession, and worse. Dark-skinned activists and intellectuals from Africa frequently petitioned the Colonial Office and the British monarch for justice, always framing their concerns in an idiom of British constitutionalism and fair play against what they saw as un-British practices of the imperial government and local settler regimes. Echoing the language of the arch-imperialist Cecil Rhodes, these black Britons demanded equal rights for all civilized subjects of the British sovereign (Dubow 2009; Reed 2013; Trapido 1970). Regardless of what they considered their national or ethnic status to be, these African intellectuals and activists articulated a political, social, and cultural imperial identity rooted in loyalty to the British monarchy and the empire, a belief in the British constitution and the ballot box, and a dedication to respectability and education.

Indeed, in southern Africa at the turn of the nineteenth century, a diverse array of colonial subjects, including settlers of Dutch, German, and South Asian descent, as well as African peoples, frequently spoke, not in an idiom of ethnically or racially defined national identities, but in one of open-ended and inclusive Britishness and imperial citizenship. Like moderate nationalists of nineteenth- and early twentieth-century India such as Dadabhai Naoroji, they sought equality within an imperial framework rather than outside of it (Banerjee 2010). It should be remembered that the dhoti-wearing Indian nationalist Mohandas Gandhi of the mid- twentieth century began his activism during the 1890s as a sharply dressed Victorian lawyer who successfully advocated for the rights of Indian immigrants in Natal on the basis of their Britishness and loyally served the empire as an ambulance driver during the South African War. The founding documents of both the Boer (white, ethnically Dutch) political party in Cape Colony, the Afrikaner Bond (f. 1891), and the South African Native National Congress (f. 1912), predecessor to the modern African National Congress (ANC), professed their members' loyalty to the British monarch and the empire even as they moved towards full self-government (Dubow 2009; Nasson 1991; Ross 1999).

Such approaches paralleled suggestions among some turn-of-the-century white imperialist activists and intellectuals in Britain that British imperial citizenship should be understood as inherently inclusive. The idea of universal rights these men conceptualized, informed as it was by Victorian understandings of humanitarian duty to peoples they considered underdeveloped, was far from egalitarian and certainly did not advocate class or racial equality – indeed, their main implicit (if not explicit) concern was white peoples of the settlement colonies (Gorman 2007). Nevertheless, as Paul Rich (1986) has pointed out, in comparison with other traditions of citizenship in the era, even the *idea* of an inclusive citizenship for all people in an empire was remarkable, and it was certainly encouraging to subjects of colour as they sought ways to better their position in colonial societies and, eventually, in Britain itself (Kumar 2012).

These discourses of respectability, Britishness, and imperial citizenship were – paradoxically – reaching their political and intellectual maturation at the same moment that the settler lobby was coming to dominate imperial culture, and notions of insurmountable racial difference were replacing more flexible and open-ended conceptions of difference (Lester 2012). Protests by dark-skinned colonials in India (1857) and Jamaica (1865), although fuelled by legitimate social, cultural, and economic concerns, had been framed by British officials as disloyal acts and interpreted by many native Britons and white settlers as an indication that the liberal-humanitarian approach to empire had failed. Buttressed by the emergence of scientific racism, such worries contributed to longings for a more exclusive imperial culture that moved many Britons, particularly white settlers in the colonies, towards ethnic nationalism and a concept of white Britishness.

In southern Africa after the South African War, this shift led the imperial government to support the consolidation of white South Africa at the expense of the sovereign's African subjects. During the first decade of the twentieth century, intellectuals and activists struggled to defend

African rights as loyal British subjects, focusing on the (limited) non-racial franchise of the Cape Colony. African representatives of colour travelled to Britain on multiple occasions to challenge the formation of the Union of South Africa (1910), which they rightly feared would lead to their disenfranchisement, and later to protest against the settler government's Native Lands Act (1913), which would allow the Union's black people to own no more than 13 per cent of its land.

In London, envoys called for imperial justice, emphasizing the loyalty and service of African people of colour to the empire during the war against the republican Boers. There was some sympathy for them in Parliament, but in the end British officials, concerned that their demands threatened British–Boer reconciliation, refused to intervene on their behalf (Reed 2013). The government's unwillingness to respond to indigenous Africans' request for the legal protections granted to them, as the king's subjects, by the British constitution was deeply disappointing and would have long-term consequences. Yet it did not negate Parliament's recognition of them as Britons who deserved at least a hearing, nor did it deflect middle-class black Africans from their understanding of themselves as British political citizens.

Imperial citizens in a decolonizing world

If imperial culture of the nineteenth century and early twentieth century was characterized by debate over the true nature of Britishness and who could claim British identity, there was little doubt about the responsibilities associated with being a British subject during the era of global conflict after 1914. Just as colonials of colour had supported the British war effort in the South African War, they would do so in the two World Wars that followed. They did so as dutiful and often enthusiastic British subjects, but also as peoples who expected to obtain recognition as full citizens within and, increasingly, beyond the empire.

The British state recognized the devoted service of subjects in the British Isles in the World Wars with moves to increase political and social rights for all, through such legislation as the 1928 Act that granted British women the right to vote after World War I and the institution of the welfare state after 1945. Since the rhetoric and, at times, the actions of the home government during the wars had reinforced the idea that 'coloured' colonials were also valued British subjects, such colonials expected Britain to also reward their contribution to the war efforts. When rewards were not immediately forthcoming, colonial peoples demanded their political and social rights as British subjects.

For West Indians of colour these demands largely took the form of attempts to combat their long-standing neglect by the imperial power. School-board members pushed for equal access to secondary schools with what they considered superior British-style curriculums, legislators called for lowered property requirements so more people could qualify for the franchise, and social activists called for resources to meet welfare needs. In the mid-1930s labour organizations led serious uprisings across the West Indies that eventually forced the British Parliament to address the daily circumstances of colonial peoples in the Caribbean and elsewhere through the 1940 and 1944 Colonial Welfare and Development Acts. War also provided an opportunity for colonial subjects (particularly in India) to campaign for greater political rights on the strength of their demonstrated devotion to the empire's needs (Banerjee 2010; Rush; 2011).

As World War II ended, questions of national identity and citizenship became paramount for both colonial subjects and native Britons. In 1947 the British government kept a wartime promise to grant India independence and over the next two decades Britain would also make good on its promises of expanded self-government and independence for many other colonies. Colonial subjects thus turned their attentions to constructing national identities. Colonial nationalism could be broadly inclusive, as expressed in the Jamaican motto 'out of many, one

people' although this did not necessarily mean that such states created egalitarian social structures. It could also reject outright even the idea of inclusiveness, as in the case of South Africa's settler regime, which, having discontinued voting rights for black and 'coloured' South Africans early in the century and enforced spatial segregation and control in the interwar era, in 1948 elected a white supremacist National Party that gave birth to the apartheid system. In the British Isles, people also focused inwards, turning their attentions to extending the egalitarianism they had been promised during World War II into the social realm of a *nationally* defined Britain (Rose 2004).

Nevertheless, the concept of British imperial citizenship still existed and would, for a brief dramatic period, take on the trappings of reality. In the same year as the National Party came to power in South Africa, Parliament passed the 1948 British Nationality Act, creating British citizenship, as such, for the first time. Under this act there were two ways a person was categorized as a British citizen: as a citizen of an independent Commonwealth country (at the time Australia, Canada, Newfoundland, New Zealand, Union of South Africa, India, Pakistan, Southern Rhodesia, and Ceylon) or as a citizen of 'the United Kingdom and Colonies' (British Nationality Bill 1948).[3] The Act also explicitly stated that the two terms, British citizen and British subject 'shall have the same meaning' and that the rights citizenship conveyed applied equally to native Britons and colonial persons (British Nationality Bill 1948, Hansen 2000). Parliament had finally moved to establish the legal status of British citizen – and made it crystal clear that this status applied to subjects born in the empire and Commonwealth as well as to native Britons.

But it was still unclear whether colonial subjects were considered citizens of the British nation or the empire, or both. In discussions leading up to passage of the act, legislators agreed that no distinction could be made between the peoples of the colonies and those of the British Isles in terms of citizen status. Indeed, there seemed to be a strong feeling that the Commonwealth should provide a political structure to nourish the cultural bonds with Britain that empire had established. As one legislator, Lord Altrincham, put it, the act should bring the legal structure of the Commonwealth in line with reality 'and by "reality" I mean the way in which the King's lieges think and feel, both as nationals of their own country and as members of a world-wide community' (British Nationality Bill 1948).

Yet, in a world where citizenship implied national status based on one's homeland, where did colonial peoples *legally* fit? Unless they were residents of Britain, they were not British nationals, nor (with the exception of those in the Commonwealth) did they yet possess nationalities of their own. The solution was to proclaim that British subjecthood (now termed citizenship) adhered to residents of the United Kingdom *and the colonies* as well as the Commonwealth. The suggestion was that British nationality was – and in fact always had been – achieved through subjecthood, an idea that reflected the understanding of British imperial citizenship that had been articulated by colonial subjects since the nineteenth century.

For the members of Parliament who passed the 1948 Act, the need to retain links with white colonials in the Commonwealth was paramount. Yet, as the development of British identities in India, southern Africa, the Caribbean, and other parts of the empire suggest, the communal 'reality' Altrincham recognized as belonging to white colonial subjects had also been claimed by many colonials of colour.

As to the question of why Parliament should have chosen this particular time to pass a law that seemed simply to reconfirm the existing rights of British subjects, including the right to enter and leave the British Isles at will, for British West Indians, at least, the answer was simple. Caribbean Britons had long relied on migration to supplement the lack of opportunities in their homelands, but at the time faced a tightening of immigration restrictions – often with clearly

racist objectives – both in the United States and in non-British territories in the Caribbean. They thus saw the 1948 Act as a helping hand reaching out to them from their mother country (Putnam 2012). In the wake of the Act's passage West Indians led the way to Britain, with a former troopship, the *Empire Windrush*, bringing some of the earliest arrivals that same year. West Indians were joined by Africans and, from the mid-1950s, South Asians, until by 1961 some 350,000 dark-skinned colonials had taken up residence in Britain.

While the intent of the 1948 Act had been to support a viable Commonwealth that, regardless of the ethnicity of its residents, encompassed all colonies as they gained independence, legislators had not imagined that it would prompt an immediate influx of colonial people of colour to Britain. If anything, they had expected to attract white colonial subjects to do the many jobs available in the British Isles. The traditional demographics of the mother country had long fostered among native Britons the *assumption* that a true Britain was white. It had thus not occurred to legislators, or to native Britons more generally, that colonial subjects who were not white might consider themselves potential British nationals (Paul 1997).

The passage of the 1948 Nationality Act ensured that, for a brief period in postwar Britain, the ethnically defined national citizenship that stemmed from empire and was expounded most vigorously by white colonials, such as those in South Africa, lost out to the idea of inclusive imperial citizenship endorsed largely by colonials of African and Asian descent. Yet the new arrivals' legal status as British subjects – imperial and national – did not prevent them from facing serious discrimination in Britain (Gilroy 1987). The unofficial 'colour bar' prevented them from finding work commensurate with their qualifications, limited their access to housing and educational opportunities, and, in some cases, led to violence, most notably in a series of white attacks on blacks living in Nottingham and London's Notting Hill in 1958 (Phillips and Phillips 1998).

Moreover, as the South African context has suggested, ideas of Britishness as an exclusive identity based on ethnicity could all too easily develop into a legal reality of unequal citizenship rights. It is not, then, surprising that, faced with racial tensions in Britain, Parliament passed immigration restrictions designed to curtail the entry of people whom many native Britons saw not as fellow citizens but as dark strangers. The first limitation came in 1962 when the Commonwealth Immigrants Act ended the right of Commonwealth citizens to enter Britain at will (Spencer 1997). Although the British state continued to extend imperial subject/citizen *status* to colonial subjects for the few years that most of them would be without their own nationality, it would no longer provide for them what is usually considered the most basic *right* of citizenship – access to the national home-place.

The provisions of the 1962 Act applied equally to white and black colonials, but legislators' discussions made it clear that it was a racially motivated attempt to solve what, at the time, was referred to as the 'colour problem' (Spencer 1997, Paul 1997). In 1968, the racial intentions of legislators became clearer with the passage of a second Commonwealth Immigrants Act that allowed only colonial subjects with grandparents who were British residents the right of entry to the British Isles, thereby ensuring that most white colonial subjects had the right to live in Britain, while excluding virtually all dark-skinned colonials. For the first time, Parliament had passed a law that – without saying so explicitly – made the right to claim British citizenship contingent on ethnicity. The era of inclusive British imperial citizenship, and indeed British imperial citizenship in any legal sense, was over.

Conclusion: the legacy of imperial citizenship

Yet this is not the end of the story. The imperial conception of citizenship would continue to have complicated effects in the postcolonial era. In the same decade as the British Parliament

restricted the rights of overseas subjects of colour to enter Britain and in direct response to the 'imperial citizens' who had already arrived, it also passed the Race Relations Acts of 1965 and 1968, outlawing discrimination on the 'grounds of colour, race, or ethnic or national origins' in the British Isles (Webster 2012). Although the race-relations discourse that accompanied these Acts had a disturbingly paternalistic tinge (Waters 1987) this recognition of the rights of black Britons can be seen as an extension of the racially inclusive concept of imperial British citizenship developed by colonials in the empire. As such, it allowed those colonials of colour who resided in Britain – and their children – a legal basis for their insistence on their rights as national Britons (Rich 1986).

In the 1980s and 1990s, even as further immigration legislation reinforced the shift of state policy to prevent dark-skinned peoples from entering Britain, that second generation loudly insisted on their rights as black Britons (Gilroy 1987). Despite frequent opposition, their voices were heard, not least because of the confirmation of their status as British citizens provided by the 1948 Act. By the first decade of the twenty-first century, although struggles continued, social reality had shifted to incorporate the non-racial ideal of Britishness that those first arrivals brought with them. Increasingly Britain not only was, but saw itself as, a multicultural nation with fully fledged citizens of all ethnicities.

The legacy of imperial citizenship in the newly established postcolonial nations is harder to track, not least because scholars and politicians have concentrated on national development without looking squarely at the colonial past. Yet preliminary research suggests that a focus on these national societies in the light of at least some of their peoples' past embrace of imperial identities can be fruitful. As Dubow (2009) has shown, even after the Union of South Africa declared itself a republic in 1961, the legacies of British imperial citizenship continued to shape the politics and identities of certain subgroups in South African society. Nelson Mandela, the first democratically elected president of South Africa, admitted in his biography to feeling a continuing attachment to Britain, and his ANC government chose to rejoin the Commonwealth in 1994. Work that explores the role of Britishness in Caribbean peoples' understanding of themselves as citizens of their new nations has begun to illuminate the backlash against respectability that has often been framed as a simple struggle between 'blacks' and 'browns' and may even, as Deborah Thomas (2011) has suggested, lead to insights into how to stem the violence that haunts so many of these societies.

The political and cultural legacy of British imperial citizenship continues to resonate in ways that do not square with an uncomplicated association between citizenship and nationalism. This makes sense, for although citizenship based on national birthright or naturalization emerged as the normative mode of political belonging of the twentieth century, there is nothing inevitable about the political and cultural supremacy of a citizenship model based on the nation (Hindess 2000). Indeed, some scholars have argued that, on the cusp of the twenty-first century, the nation-state was being replaced by a 'new configuration of sovereignty' – an 'Empire', as Michael Hardt and Antonio Negri term it – in which multinational organizations and states dominate the economy and global politics, and where 'boundless networking' creates new forms of citizenship (Hardt and Negri 2000; Hayes *et al.* 2010). If this is indeed the case, investigation into the complex ideas about citizenship that peoples of modern empires produced and identified with are at least as important as attention to the nation-state in understanding the past, present, and future development of citizenship.

Notes

1 Imperial citizenship refers to the political and cultural idiom developed by colonial subjects to articulate their understanding of their constitutional rights and position as legitimate claimants of British status.

Though not legally codified by Britain's government, it was a concept used by Britons of all types as they worked to make sense of their status within the imperial/transnational framework of the empire.

2 In this chapter imperial identity does not refer strictly to identities produced at the metropolitan centre – from the traditional definition of *imperium* from the Latin (the extension of power/authority) – but to a British-imperial culture created by a people of the British Isles *and* by colonial subjects overseas.

3 The British Commonwealth (from 1949, the Commonwealth of Nations) was instituted in 1931 as a voluntary association of autonomous states with their own legislatures and governments, united only by the British monarch, who was defined as the monarch of each state individually. Upon independence each former colony had the right to choose whether or not to join the Commonwealth.

References

Banerjee, S. (2010) *Becoming imperial citizens: Indians in the late-Victorian empire*, Durham, NC: Duke University Press.

Bridge, C. and Fedorowich, K. (2003) *The British world: diaspora, culture, and identity*, London: Frank Cass.

British Nationality Bill (1948) House of Lords v. 155 cc. 754–99.

Buckner, P. and Francis, R. D. (2005) *Rediscovering the British world*, Calgary: University of Calgary Press.

Colley, L. (1992) *Britons: forging a nation 1707–1837*, New Haven, CT: Yale University Press.

Darwin, J. (2008) *After Tamerlane: the global history of empire since 1405*, London: Bloomsbury.

Dubow, S. (2009) 'How British was the British world? The case of South Africa', *Journal of Imperial and Commonwealth History*, 37: 1–27.

Gilroy, P. (1987) *Ain't no black in the Union Jack: the politics of race and nation*, Chicago: University of Chicago Press.

Gorman, D. (2007) *Imperial citizenship and the question of belonging*, Manchester: Manchester University Press.

Greene, J. (1998) 'Empire and identity from the Glorious Revolution to the American Revolution', in P.J. Marshall (ed.), *The Oxford history of the British Empire: the eighteenth century*, Oxford: Oxford University Press: 208–30.

Hall, C. (2002) *Civilising subjects: metropole and colony in the English imagination 1830–1867*, Chicago: University of Chicago Press.

Hansen, R. (2000) *Citizenship and immigration in post-war Britain: the institutional origins of a multi-cultural nation*, Oxford: Oxford University Press.

Hardt, M. and Negri, A. (2000) *Empire*, Cambridge, MA: Harvard University Press.

Hayes, M., Watson, F., Oviawe, J., and Saul, M. (2010) 'The citizen of empire,' *Citizenship Studies*, 14, 5, 511–25.

Heater, D. (2006) *Citizenship in Britain: a history*, Edinburgh: Edinburgh University Press.

Hindess, B. (2000) 'Citizenship in the international management of populations', *American Behavioral Scientist*, 43: 1486–97.

Jasanoff, M. (2011) *Liberty's exiles: American loyalists in the revolutionary world*, New York: Alfred A. Knopf.

Kumar, K. (2012) 'Empire, nation, and national identities', in A. Thompson (ed.), *Britain's experience of empire in the twentieth century*, Oxford: Oxford University Press: 298–329.

Lester, A. (2001) *Imperial networks: creating identities in nineteenth-century South Africa and Britain*, New York: Routledge.

Lester, A. (2012) 'Race and citizenship: colonial inclusions and exclusions' in M. Hewitt (ed.), *The Victorian world*, London: Routledge: 381–97.

Macaulay, T. B. (1835) 'Minute on Indian education' in H. Sharp (ed.), *Selections from educational records, Part I (1781–1839)*, Calcutta: Government Printing, 1920: 107–117. Available online at www.columbia.edu/itc/mealac/pritchett/00generallinks/macaulay/txt_mi nute_education_1835.html. (accessed 18 September 2013).

Marshall, T. H. (1950) *Citizenship and social class and other essays*, Cambridge: Cambridge University Press.

Moore, B. and Johnson, M. (2004) *Neither led nor driven: contesting British cultural imperialism in Jamaica, 1865–1920*, Jamaica: University of the West Indies Press.

Nasson, B. (1991) *Abraham Esau's war: a black South African war in the Cape 1899–1902*, Cambridge: Cambridge University Press.

Paul, K. (1997) *Whitewashing Britain: race and citizenship in the postwar era*, New York: Cornell University Press.

Phillips, M. and Phillips, T. (1998) *Windrush: the irresistible rise of multi-racial Britain*, London: Harper Collins.

Putnam, L. (2012) 'Citizenship from the margins: vernacular theories of rights and the state from the Caribbean fringe of the British Empire, 1924–1958', paper presented at North American Conference on British Studies, Montreal, Canada, November 2012.

Reed, C. (2011) 'Respectable subjects of the queen: the royal tour of 1901 and imperial citizenship in South Africa', in C. McGlynn, A. Mycock, and J. McAuley (eds), *Britishness, identity, and citizenship: the view from abroad*, Oxford: Peter Lang: 11–30.

Reed, C. (2013) 'Imperial citizenship and the origins of South African nationalism', in B. Behnken and S. Wendt (eds.), *Crossing boundaries: ethnicity, race, and national belonging in a transnational world*, Lanham, MD: Lexington Books: 103–22.

Rich, P. (1986) *Race and empire in British politics*, Cambridge: Cambridge University Press.

Rose, S. (2004) *Which people's war? National identity and citizenship in Britain 1939–1945*, New York: Oxford University Press.

Ross, R. (1999) *Status and respectability in the Cape Colony, 1750–1870: a tragedy of manners*, New York: Cambridge University Press.

Rush, A. (2011) *Bonds of empire: West Indians and Britishness from Victoria to decolonization* Oxford: Oxford University Press.

Spencer, I. (1997) *British immigration policy since 1939: the making of multi-racial Britain*, London: Taylor and Francis.

Stoler, A. (2000) 'Cultivating bourgeois bodies and racial selves' in C. Hall (ed.), *Cultures of Empire: a reader: colonizers in Britain and the empire in the nineteenth and twentieth centuries*, London: Routledge: 87–119.

Thomas, D. (2011) *Exceptional violence: embodied citizenship in transnational Jamaica*, Durham, NC: Duke University Press.

Trapido, S. (1970) 'White conflict and non-white participation' unpublished Ph.D. thesis, University of London.

Waters, C. (1997) 'Dark strangers in our midst: discourses of race and nation in Britain, 1947–1963' *Journal of British Studies*, 36, 2: 207–38.

Webster, W. (2012) 'The empire comes home: Commonwealth migration to Britain' in A. Thompson, A (ed.), *Britain's Experience of Empire in the Twentieth Century*, Oxford: Oxford University Press: 122–60.

46

Global gods and local rights

Venezuelan immigrants in Barcelona

Roger Canals

Since 1990, Barcelona and its surroundings have witnessed an influx of immigrants from Latin America and the Caribbean. In this chapter, based on ethnographic fieldwork carried out in both America and Europe over the last ten years,[1] I aim to analyse this diaspora from a citizenship perspective, focusing on the role of Afro-American cults in the migratory processes of Venezuelans in Barcelona and in the claims they make for cultural, political, social, and legal recognition. Using this specific case, this chapter shows how religious practices can achieve a decidedly political role – both in the private and public spheres – during migratory processes. But before analysing two specific rituals carried out in Barcelona, it is important to define what Afro-American cults[2] are and how these are associated with the notions of transnationalism, diaspora, and global citizenship.

Afro-American cults today

The term 'Afro-American religions' refers to a group of rituals and beliefs which are found in Latin America, the Caribbean, and the southern part of North America, and which are the result of the convergence of at least three cultural sources: African religions, Christianity (mainly Catholicism), and, in some cases, the sacred practices of indigenous cultures (Mintz and Price 1976). These religious practices began to emerge in America after the Spanish conquest, as a consequence of the mass deportation of African slaves from West Africa to the New World. Over time, African, indigenous, and European beliefs mingled. This led to the creation of original religious manifestations. It is also worth mentioning the role that esotericism and spiritism have played, from the twentieth century, in the creation of many of these new Afro-American religions. The Afro-American cults include Santería, Umbanda, Palo Mayombe, Candomblé, Voodoo, and the cult of María Lionza, among others. Today, these religions are widely practiced in both rural and urban settings by individuals of all social classes – although they are especially popular among the lower classes – and physical appearances (whites, blacks and *mestizos*).[3] These religious practices have important repercussions in the economic, medical, and family spheres, among others.

Given their complex and hybrid nature, these Afro-American cults have often been classified by anthropologists and historians as 'syncretic cults', a concept originally created by Melville

J. Herskovits (1895–1963). Nonetheless, the use of the notion of syncretism in its restrictive sense – that is, to differentiate one type of cult *from another* – is problematic and has been widely criticized (Yelvington 2006). The main criticism suggests that if we regard a cult as syncretic when it is the product of the fusion and resignification of heterogeneous influences, then we must necessarily accept that all religions – and, effectively, all cultural manifestations – are also syncretic. Therefore, there are no syncretic religions because there is simply no such thing as pure religion (that is, religions which are not syncretic): every cultural fact is the result of a historical process or, as Lévi-Strauss (1966) would say, the consequence of some type of 'cultural bricolage'.

Of course, while all religions are syncretic, they are not syncretic in the same way. In this sense, Afro-American religions have two key characteristics which help to show why they pique the interest of academics today and how they are associated with the study of global citizenship. First, the compound and dynamic nature of religion in these cults is particularly explicit and, more importantly still, increasingly recognized by its own followers. Indeed, if we observe one of these religion's altars, we can very easily and clearly identify diverse elements of Catholic, African, and indigenous origin. Moreover, and in contrast to other religions that have remained more closed and stable over time, Afro-American religions are extraordinarily dynamic, constantly integrating new elements or modifying their practices to adapt to present demands. Second, we should underline the *intrinsically global* nature of these religious practices (Lorand Matory 2009). Afro-American cults, and Caribbean culture in general, emerge at the juncture of three continents: America (indigenous culture), Africa (slaves), and Europe (Christianity). To a certain degree, this makes them transnational cults in and of themselves and one of the first results of the process of worldwide interconnection which we now call globalization (Scher 2010: 245). To this we must add the process of internationalization which these cults are experiencing, which has led to their presence not only in America, but also in Europe and beyond. Afro-American culture appears, to a certain extent, to be an inherently cosmopolitan culture[4] given the plurality of heterogeneous influences which can be found in the rituals and participants' capacity for constantly incorporating foreign elements (see Fog Olwin 2010).

It is, without a doubt, for all of these reasons that academia's perspective on this type of religion has shifted notably, especially since the late 1980s. If these were once highly undervalued and regarded as minor cults, associated with witchcraft and black magic, they are now increasingly appreciated as paradigmatic examples of the plural and dynamic nature of the religious experience in the early twentieth century (see Baer 1992) and, from a more general standpoint, as a kind of metaphor for the postmodern condition, based on the deconstruction of the unequivocal concept of subject and on the criticism of the 'great narratives' (Lyotard 1979) of the Enlightenment.[5]

It is not only academia that has changed its approach to Afro-American cultures. If we analyse recent literature on the subject, all evidence indicates that, from around 1990, the perceptions and interpretations of the followers of these religious practices underwent a radical transformation. Effectively – and in part as a result of the influence of recent studies by anthropologists, historians, and other social scientists – a growing majority of these believers have become aware of the fact that they practise increasingly popular religions which are appreciated precisely for their syncretic and transnational nature. To a certain degree, they realize that they – and, making a historic transposition, all those who have practised these cults in the past – have, without their knowing, been global citizens ahead of their time without having enjoyed the political rights which should be derived from this condition. It is also important to take into account that the believers are highly aware of the fact that the terms 'hybrid', 'mixed', or 'transnational' are becoming increasingly appreciated today and even highly valued. Take, for example, the importance given to fusion and blending in the art world or popular music, as well as in increasingly popular political claims in favour of universal rights and against racial and cultural essentialism.

It is for this reason that, far from trying to hide the syncretic nature of their religious practices, what most believers do (especially when addressing a foreign interlocutor) is enhance it.[6]

This type of discourse is especially marked among believers in diaspora or migratory processes. During my fieldwork with Venezuelan immigrants following African-American cults in Barcelona,[7] I have observed how the hybrid nature of their culture and religion is used as a sort of 'speech act' (Isin and Nielsen 2008) in favour of their right to global citizenship.[8] Effectively, in many of the interviews I conducted, these immigrants referred to what I would call *positive syncretism*, affirming their status as inherently transnational citizens of the world (the sum of America, Africa, and Europe), global subjects who should therefore enjoy the right to full citizenship. In the case of Venezuelans living in Barcelona, another argument is also used in favour of the right to Spanish (and thereby European) citizenship: the historical, linguistic, and cultural ties between Spain and Latin America. Effectively, many of the immigrants I have interviewed emphasize that Spanish culture – and, more specifically, Catalan culture – somehow forms part of Afro-American culture and that, as a result, they, as followers of Afro-American cults and are legitimate 'heirs' to this culture (with all of the corresponding rights and responsibilities). It is a case in which historical and cultural affiliation is used as an argument in favour of political recognition.

Thus far I have been using terms such as 'transnationalism', 'diaspora', and 'migration' rather generically. These terms are complex and discussion of them has led to countless studies in recent years (see Braziel and Mannur 2003; Knott and McLoughlin 2010). With respect to transnationalism, for example, Vertovec argues as follows:

> When referring to sustained linkages and ongoing exchanges among non-state actors based across national borders – business, non-government-organizations, and individuals sharing the same interests (by way of criteria such as religious beliefs, common cultural and geographic origins) – we can differentiate these as 'transnational' practices and groups (referring to their links functioning across nation-states). The collective attributes of such connections, their processes of formation and maintenance, and their wider implications are referred to broadly as 'transnationalism'.
>
> *(Vertovec 2009: 3)*

As such, transnationalism would imply 'a gaze that begins with a world without borders, empirically examines the boundaries that emerge, and explores their relationship to unbounded arenas and processes' (Khagram and Levitt 2008: 5).

With regards to the term 'diaspora', Clifford suggests that this is 'a signifier, not simply of transnationality and movement, but of political struggles to define the local, as distinctive community, in historical contexts of displacement' (1994: 308). Later, Clifford adds: 'Diaspora cultures thus mediate, in a lived tension, the experiences of separation and entanglement, of living here and remembering/desiring another place' (1994: 311). Similarly, Johnson holds that:

> the useful specificity of Diaspora lies in its ability to address questions of how displaced groups living outside and across nation-state boundaries nevertheless employ territorial identifications, engaging their creative forces in the use of things, bodies, words, and acts to deal with a perceived spatial crisis, to close or dwell in a gap between 'here' and 'there' in ways that are socially consequential.
>
> *(Johnson 2012: 103)*

Finally, migration can be understood as a population movement in which symbolic aspects are important, since they 'involve the transference and reconstitution of cultural patterns and social

relations in a new setting, one that usually involves the migrants as minorities becoming set apart by "race", language, cultural traditions and religion' (Vertovec 2009: 137).

Thus, while diaspora, migration, and transnationalism overlap and while they often are indistinctly used, each term seems to have its own nuances. The common idea that these three concepts share is that of *movement*. However, while 'diaspora' emphasizes the maintenance of a certain sense of community despite dispersion and a feeling of rootedness to the country of origin, 'transnationalism' involves a set of cultural characteristics and social dynamics which go beyond nation-state borders and questions, to a certain degree, both its internal homogeneity and its mutual difference. Finally, 'migration' is a rather generic term, which refers to the displacement of individuals or groups between States or within the same State.

On the other hand and given the subject of this chapter, it is worth noting that there is a close relationship between religion and diaspora, since 'religions serve as important carriers of diasporas, even as diasporas extend religions into new places and situations of practice, sometimes invigorating them, sometimes threatening them, always transforming and remarking them' (Johnson 2012: 95). Along these lines, Csordas (2009) has remarked on the affinities between the notions of transcendence and transnationalism. According to him, the prefix 'trans' which appears in both terms indicates the existence of a common principle about the idea *traversing boundaries*, whether these be borders between countries (transnationalism) or borders between different spheres of reality (the profane vs. the sacred) in the case of religion.

Having given this general introduction, I will now analyse two specific rituals carried out by Venezuelan immigrants in Barcelona. The first is the celebration of *San Juan Bautista* (St. John the Baptist) and the second is the cult of María Lionza. These examples will serve to better illustrate the role which religious practice plays in diasporic processes.

The strategic use of culture in the public space

In addition to the processes of globalization, recent decades have witnessed an increased appreciation for ethnicity, identity and local culture. More and more, indigenous communities, communities of African descent, and communities with cultural practices which are threatened or prone to being viewed as traditional are claiming their right to be recognized and valued internationally as *cultural subjects* engaged in what has been called 'cultural politics' (Vertovec 2009: 131). They aim to enjoy, as a result of this so-called cultural identity, certain political and social rights (use of the land, economic assistance, social prestige, etc.) (Wade 2010). Some researchers – along the lines of what Abner Cohen (1921–2001) called 'political ethnicity', a term intended to evoke the strategic and instrumental use of the notion of ethnicity by certain communities (Banks 1996: 34) – have even asserted that, in the current context characterized by neo-liberalism and the emergence of an international religious marketplace, ethnicity and national identity has been converted to a kind of merchandise, a type of commercial brand which some groups use to try to obtain economic, political, and legal advantages (Comaroff and Comaroff 2009). But, what do we mean by ethnicity?

Ethnicity is a complex concept, one that is partially associated with the notion of race, which, in one way or another, has been present in the discipline of anthropology since its beginnings. Ethnicity evokes a human group which has its own cultural and historical nuances and which would originate from a specific geographic place (Wade 2010: 16). Race, on the other hand, refers to a human collective that would be united, essentially, by natural ties – or to put it in contemporary scientific language, by genetic ties. Of course, despite this difference, both concepts are often used synonymously, to such an extent that ethnicity has often been used as 'a less emotive term for race' (Wade 2010: 14). Wade (2010: 37) shows how the notion of 'ethnic

group' has been historically associated with indigenous communities, while the term 'race' has mainly been applied to black people. Wade, however, goes on to reject this division:

> the use of 'race' to talk about black identity and 'ethnicity' to talk about indigenous identity separates phenotype from culture, as if the former was not culturally constructed. Both 'indigenous' and 'blacks' are, in my opinion, categories that have aspects of racial and ethnic categorisation.
>
> *(Wade 2010: 40)*

After reviewing a wide range of theories about ethnicity, Banks defines ethnicity as 'a collection of rather simplistic and obvious statements about boundaries, otherness, goals and achievements, being and identity, descendant and classification that has been constructed as much by the anthropologist as by the subject' (1996: 190). Banks ties contemporary use of this concept with nationalism: 'in the modern world ethnicity is indissolubly linked to nationalism and race, to ideas about normative political systems and relations, and ideas about descent and blood' (1996: 189). Generally speaking, we could say that ethnicity and race refer to the classification and hierarchization of human groups. When studying these, we should pay attention to who defines the limits of each group (the group members or an external observer), in function of what criteria (phenotypic, historic, linguistic, etc.), and with what objectives (economic, politic or related to the demand for cultural recognition).

It is within the framework of the patrimonialization of ethnic and cultural identities to which I referred earlier that we should interpret the first Catalan–Venezuelan St. John's celebration held on June 24, 2011. The event, organized by an association of Venezuelans and Catalans of which I was a member and by a Catalan association for the promoting of traditional culture, aimed to combine the Catalan celebration of *Sant Joan* with the Venezuelan festival in honour of *San Juan Bautista*. During the celebration, Catalan culture was represented by bonfires, firecrackers, the *Senyera* (the Catalan flag), *coca* (a type of brioche with candied fruit), and the *ball de bastons* (a dance in which participants beat sticks together in time to music). The Venezuelan influence was manifested in traditional songs, drumbeats, *Guarapita* (a drink made from rum and fruit juice), and, above all, a statue of St. John the Baptist, which participants carried on their shoulders as they danced through the streets until they reached a square where a sumptuous altar dedicated to the divinity awaited.

The event was a success in terms of both the publicity it received and the amount of public participation. However, the celebration unexpectedly ended up merging with a political act in favour of Catalonia's national and linguistic rights. The majority of the Venezuelans present took this as the perfect opportunity to express their desire to integrate with Catalan society. The vast majority of Catalan participants (myself included) did not consider this a problem – in fact, most regarded it as a happy coincidence which could facilitate closeness between the two communities and mutual understanding – and many of them listened to the political speeches with a glass of *Guarapita* in their hand. In the end, the Venezuelans were dancing *sardanes* (a typical Catalan dance) and the Catalans were moving to Afro-Caribbean rhythms.

Not everyone thought this was a fortuitous meeting. Some of the political representatives who had granted permission for the Catalan–Venezuelan Saint John's celebration voiced their opposition to the introduction of foreign symbolic elements in the political act associated with the *Sant Joan* festivities. Since then, the format of the event has been changed. Efforts have been made to avoid contact between the Catalan–Venezuelan Saint John's celebration and other institutional acts, which has not prevented both Venezuelans and Catalans from continuing to enjoy this 'new' festivity, which is now becoming more established and which goes on mixing elements from both cultures.

Anthropologists such as Turner (1977) have highlighted the importance of ritual as a strategy for inverting everyday roles. As such, ritual enables individuals to momentarily assume an identity different from the one they have every day; in this sense, ritual becomes a shared way of subverting reality. This theoretical framework allows us to interpret the importance of the first Catalan–Venezuelan Saint John's celebration for the Venezuelan believers who participated in it. Habitually, these individuals, many of them *mestizos*[9] or blacks, are viewed by the autochthonous population under the label of 'immigrants' (with all of the potentially negative implications which may go with it). It is important to note that the majority of these Venezuelans do not hold Spanish citizenship and that, in the context of the economic crisis that emerged around the beginning of 2012, many are currently unemployed. Even those foreigners who have already obtained Spanish citizenship may suffer some type of social discrimination because of their physical appearance, way of speaking or stigmas associated with their country of origin. This fact only goes to demonstrate the classic dichotomy between formal citizenship and substantive citizenship, or between the possession of a series of rights and responsibilities and the enjoyment of true social recognition as a member of a society (Brettell and Hollifield 2008: 123).

The Catalan–Venezuelan Saint John's celebration served to momentarily alter participants' ordinary roles. Throughout the public ritual, the Venezuelans were able to present themselves not as immigrants, but as *cultural subjects*. And while they knew that legally they were in a position of inferiority, at the cultural level they were able to claim full equality. Furthermore, by drawing a connection between Venezuelan and Catalan elements – and by using, for instance, the Catalan language in some of their public speeches – the Venezuelan immigrants tried to show Catalan citizens the historical ties which unite them with Catalonia, as well as their desire to integrate. The believers took advantage of the permission granted by the Town Hall to hold the celebration in the streets of Poble Sec (a neighbourhood of Barcelona) to make unprecedented use of the public space. While they normally make an effort to be discreet and 'normal', that day they were able to move freely through the streets and squares of Barcelona, singing, dancing and laughing in a way that surprised even me, who am used to Afro-Caribbean culture. Their goal was to present their traditions and introduce themselves to Catalan citizens as cultural subjects with full rights, hoping that this cultural citizenship might lead, in the future, to fully political citizenship.

Bosniak defines 'cultural citizenship' as 'the assurance of community recognition despite difference, or the recognition of "the right to be different", without marginalization or subordination in the membership community at large' (2006: 23). In the case at hand, we can see how this call for political recognition is made, effectively, by evoking cultural differences, but also by highlighting affinities with the culture of the adoptive country. In fact, it is precisely this cultural affinity which, from the believers' point of view, should lead to full legal and political recognition, which goes beyond speeches, often empty, in favour of 'multiculturalism', a term which many immigrants do not put much faith in, given its precarious association with segregationism (Koopmans *et al*. 2005: 12). On the other hand, the aim of the Catalans who participated in organizing it was to create a dialogue between the two communities and encourage Venezuelans and Catalans to bridge a social gap.

As I alluded to earlier, the Venezuelans' attitude and interest in showing their ties with the autochthonous culture and depicting themselves in a more cosmopolitan and open light should also be interpreted within the framework of the contemporary Catalanist movement. The debate over Catalonia's independence is more alive than ever, capturing the interest of international media and researchers (Alland and Alland 2006). And while the possibility of creating a Catalan state within the EU is still remote, it could be plausible in the not-too-distant future. Many Venezuelan immigrants who participated in the celebration and who belong to various associations of Venezuelans in Catalonia are in the process of obtaining Spanish nationality or,

at least, hope to someday. They view the possibility of an independent Catalonia with a mix of suspicion and hope; the political rights of immigrants residing in Catalonia in a future Catalan state is a question that has not yet been seriously addressed. In any case, what these Venezuelan immigrants are sure of is that they must manifest their affinity with Catalan culture if they are to aspire to political and social recognition. This has contributed to the fact that these immigrants are increasingly interested in learning Catalan or integrating elements of Catalan culture into their own, not only in public religious practices, but also in private ones, as I will now show.

Before concluding this section, I would like to make an observation about the concept of 'community', a term which is often used to refer to groups of immigrants with the same nationality. It is not uncommon to hear references, for instance, to the Puerto Rican community in New York or the Algerian community in Paris. This use of the term 'community' is, however, risky and may lead people to think that these 'groups' constitute a type of homogeneous and close entity, that is, that all of the individuals are, in broad terms, physically, culturally, and politically the same. Thus we run the risk of re-essentializing groups of immigrants, falling into the trap of old culturalist theories. The case of the Venezuelans in Barcelona is, in this sense, paradigmatic of the lack of unity within these 'diasporic communities'. Despite the fact that we are talking about a rather small population,[10] there are several internal and opposing divisions and positions which make it impossible to define the group of Venezuelan citizens living in Barcelona as a single community. These divisions are rooted in several causes, the most significant being the strong social polarization of Venezuela because of its political situation. The death of the country's president, Hugo Chávez, on 5 March 2013, and the subsequent electoral victory of his disciple Nicolás Maduro on 14 April 2013, has led to an increased divide between Chavistas and supporters of the opposition both in Venezuela and abroad. In parallel, Venezuelan residents in Barcelona are also immersed in several conflicts based on economic and personal issues, or tied to the organization of cultural events like that which is the subject of this text.

Transcultural altars and material culture

To demonstrate the role that Afro-American religion plays in the private sphere, I will discuss the domestic altar of Tati, a believer and follower of the cult of María Lionza, who has been living in Barcelona for ten years. Born in Palmarito, a city on the edge of Lake Maracaibo in Venezuela, Tati married his Guinean wife in Spain. They have a son who speaks Fon, Spanish, and Catalan. Tati has built an altar to María Lionza in his flat with several images which he brought with him from Venezuela. Particularly noticeable is the mass card (*estampa*) which shows María Lionza together with *Negro Felipe* and Guacaipuro, symbolic representatives of the nation's African and indigenous past, respectively. The card is mounted on a wooden panel behind a glass of wine. At this altar, Tati pays tribute to María Lionza and asks her for help overcoming his difficulties, which mainly have to do with adapting to Spanish society or finding a job. The altar also links Tati to his homeland and the family and friends he left behind. But before continuing with this analysis, it is important to provide some background information about the cult of María Lionza.

María Lionza represents a unique case in the Venezuelan religious universe (Barreto 1990; Ferrándiz 2004): a main figure in an important cult of possession, she is described and represented in many different and apparently contradictory ways (as Indian, white, mixed-race, or black, good or evil, seductress or virgin) (Canals 2010a). Her figure is also imbued with a strong sense of nationalism (Taussig 1997), which has been used since the 1940s by different governments as a symbol of national identity and the Venezuelan territorial unit. This nationalist discourse has permeated the population, which regards María Lionza as the autochthonous divinity that most

represents their nation. The pantheon of the cult of María Lionza includes countless divinities characterized by followers in very different ways (as Vikings, Indians, or Africans to name a few). It should also be mentioned that the cult of María Lionza continuously incorporates new divinities from other religions or belief systems. As such, it is common to see figures of the Buddha or the image of Shango, one of the main figures from the Yoruba pantheon, on altars of worship. In fact, the cult of María Lionza maintains a close relationship with other neighbouring cults – especially with the Cuban Santería and the Umbanda of Brazil.

A comparative analysis of the myths and representations of María Lionza shows how this divinity is characterized by three essential ambiguities. First, by an ethnic ambiguity (she is represented as an indigenous, white, mixed-race or black woman); second, by a moral ambiguity (at times she appears as an evil deity and at others as a benevolent one); and, third, by an ambiguity regarding her femininity. So, while at times she is represented as a figure of great beauty with an explicitly sexual component, at other times she is depicted as a mature woman of average physical attractiveness (Canals 2010b). Despite being recognized as the autochthonous divinity most representative of Venezuela, the belief in, and cult of, María Lionza has also spread, in recent decades, to other countries in South America and the Caribbean (Colombia, the Dominican Republic, and Brazil, among others), as well as to the United States and Spain. This expansion can be explained by several reasons. First, and most obviously, is immigration: population movements are converting the cult of María Lionza to an emergent diasporic religion.[11] There are, however, two other elements which are playing a crucial role in the globalization of this cult: new technologies – and especially online social networks, where the cult has a massive presence – and the esotericism industry, which now operates on a worldwide scale and is contributing (perhaps without even knowing or meaning to) to the propagation and hybridization of Afro-American cults. We can see then how the cult of María Lionza is a clear example of the permeable and cumulative nature of Afro-American cults, which are always open to incorporating foreign elements. It is also a cult with a clear *mestizo* character; its main deity, for example, appears as Indian, white, *mestiza*, and black. Thus, there is in this cult an explicit reference to ethnic and cultural difference. Finally, it is worth highlighting the internationalization of this religion, which opens an unprecedented and unexplored field in the social sciences.

But let us return to Tati's altar. In addition to figures from Catholicism and Cuban Santería, we can observe a new element on this altar, the result of the migratory process in which Tati finds himself: a mass card of *La Moreneta*, patron saint of Catalonia. This divinity has been historically associated with the Catalan national identity, just as María Lionza has been a symbol of the Venezuelan nation. Tati decided to add *La Moreneta* to his altar in order to draw a connection to his new country of residence. In his own words, Tati decided to add the Catalan patron saint so that the altar would *act* in his new setting. As such, we can see that the function of what I would call a *cross-cultural altar* is twofold: on the one hand, it helps maintain symbolic and affective ties with the country of origin (Venezuela); on the other hand, and beyond its sentimental function, its main purpose is to *intervene* and change reality. It is for this reason that Tati has added an element which, one might say, *anchors* it to the Catalan context. It would be a mistake to think that by incorporating *La Moreneta* Tati is perverting or contaminating the proper practice of the cult of María Lionza. On the contrary, I would say that Tati's decision is completely coherent with the essence of this religion, which is always open to integrating new elements and is apt to change in response to the demands of the specific moment. In short, this altar demonstrates the performative character which religion may assume in diaspora: religion is practised, not only to evoke the country of origin, but also (and mainly) to intervene in reality and subvert it by creating new relationships or resignifying the existing ones. This subversion speaks to immigrants' acquisition of political rights and social recognition. We can see how, for

Tati, 'the condition of diaspora or transnationalism comprises ever-changing representations that provide an "imaginary coherence" for a set of malleable identities' (Vertovec 2009: 6).

Diasporic encounters and transnational ties

The examples of the Catalan–Venezuelan Saint John's celebration and the domestic altars to the cult of María Lionza in Barcelona reflect two essential issues in diaspora and global citizenship studies. The first is the *creative nature* of religion in diasporic processes, that is, the capacity religious phenomena have for adapting themselves to the demands of the new place of residence, modifying their practices, and redefining their objectives. As a result, the process of establishing a foreign religious practice in a new context – and in the case of the cult of María Lionza in Barcelona – should not be thought of in terms of transposition but rather in terms of resignification. This idea has not always been explicit in academia. Often, cultural practice in diaspora has been interpreted simply as an example of cultural resistance, as a strategy for maintaining symbolic and sentimental ties with the country of origin. But this is only partially true. As I have shown here, religion in diaspora can assume a much more decisive role: that of political action, a strategy for achieving social recognition and improved political status in a foreign context. In order to play this role of social intervention, religious practice must first adapt itself to the new reality. Therefore, the effect is twofold: the ritual changes by introducing new elements from the autochthonous culture, but as a result, it also produces certain effects on this autochthonous culture with which the ritual aims to maintain a dialogue. For example, the Catalan–Venezuelan Saint John's celebration would never have had a place in Venezuela. The *coca* and the *ball de bastons* would never have been incorporated in the *San Juan Bautista* celebration in Venezuela. Of course, the Catalan–Venezuelan Saint John's celebration never would have taken place in Barcelona without Venezuelan immigrants. Therefore, in celebrating this festival, it is not only the Venezuelan tradition which is modified, but also the Catalan tradition, that is the local one. The Venezuelan–Catalan Saint John's celebration is a good example of what Gilroy would have called 'non-traditional tradition' (1999: 298).

In a similar way, Tati's altar only makes sense in the context of the diaspora of the cult of María Lionza in Barcelona (none of the cult's followers in Venezuela includes *La Moreneta* in their altar). Of course, the fact that immigrants like Tati introduce the Catalan goddess in their rituals contributes to keeping their beliefs alive and to spreading their cult. These examples are *trans*cultural, and we can see how the '*trans* denotes both moving through space or across lines, as well as changing the nature of something' (Ong 1999: 4). Culture should be viewed as something dynamic and relational and not as a group of fixed characteristics, as has often been done by proponents of the so-called culturalist vision of migratory processes, which have tended to analyse cultural practice in diaspora simply in terms of resistance and maintenance of a group identity (Koopmans *et al.* 2005: 108). It is also worth mentioning that an increasing number of Catalans feel drawn to these religions and some have begun to express interest in Afro-American cults, combining or connecting these with their own referents. As a result, in analysing transnational processes we should not only look at immigrants, but also in the reinvention, in transnational terms, of the cultural practices of the members of the adopting country.

Another important issue is that which I would call *diasporic encounters* (see Johnson 2012: 97). By this, I refer to the fact that individuals in diaspora build unprecedented social relationships that significantly reconfigure their perception of the world and of themselves, as well as their political agenda. For example, during my fieldwork in Barcelona I observed how many Venezuelan followers of Afro-American religions entered into contact with immigrants from the west coast of Africa (Senegal, Ghana, or Cameroon, among others), especially in the context

of artistic projects, mainly musical. In their conversations, both the Africans and Venezuelans made frequent reference to the fact that despite their cultural differences they both belong to the large Afro-American family and that, as such, they are, to a certain degree, 'brothers' (*hermanos*). It is through this type of encounter that the Afro-American community is created in diaspora. The existence of this new community can have an effect on religious practices. As such, it is increasingly common in Barcelona, and probably in other places, for Afro-Americans to incorporate elements of African religions in their rituals and vice versa. Once again, the work of anthropologists and historians underlining the historical and cultural continuity between Africa and America has played a decisive role in constructing this global awareness of belonging to a larger Afro-American community. In fact, until the 1980s, when the process of globalization as we currently understand it – that is, as a compression of time and space that stimulates the movement of people, goods, and information – had not started, the idea of an African and Afro-American cultural family was mostly a theory set forth by researchers and cultural activists to describe (and promote) the historical ties and cultural affinities between these two continents, but it did not make reference to specific and factual communities. By contrast, now we address the constitution of a true community between Africans and Afro-Americans. What is particularly interesting is that in many cases – such as the one I am addressing in this chapter – this community is not formed in Africa or America, but rather on a third continent (Europe), a continent in which both groups (Africans and Afro-Americans) are in a position of otherness (Bosniak 2006).

Final reflections

In this chapter, I have analysed the role of religion in diasporic processes on the basis of an ethnographic study of the practice of Afro-American rituals by Venezuelan immigrants in Barcelona. The first observation I would like to make is that not only is it the case that religion has not disappeared from the public sphere – as has been predicted by proponents of the theory of 'disenchantment' (Pine and Pina-Cabral 2008) – but rather it plays a key role in contemporary social processes (including diasporic processes), thus acquiring a growing presence, including most unexpectedly in public space and new technologies (Meyer and Moors 2006). The supposed contradictions between religion and modern citizenship, as well as between religiosity and liberalism, have been broadly addressed (Turner 2011, Spinner-Halev 2000).

That said, the main conclusion we can draw from this analysis is that religious practice in diaspora, beyond being an intimate belief which enables followers to maintain symbolic and sentimental ties to their country of origin, can take on a decidedly political role in pursuit of full social and political recognition. Religious cults may thus appear as an 'act of citizenship', that is, as a moment in which the subjects constitute themselves as citizens (Isin and Nielsen 2008). In this sense, and following the idea put forth by Isin and Nielsen, I would argue that there is an intimate and almost inherent relationship between act (as understood by Isin) and ritual.

Ritual is one of the classic themes in anthropology. Durkheim, for example, asserted that ritual – and, more specifically, religious ritual – had an eminently social function: ritual was defined as a strategy by which a specific community represented itself and, in representing itself constituted itself as a community, while positioning itself with respect to other communities and, in general, to all those spheres of reality which can be defined as *other*. In this way, ritual acquires a performative, creative, and constituent role. Following Durkheim's lead, authors such as Augé (1997) have pointed to the political power of ritual on the basis of the idea that this opens a space for the discussion and eventual resignification of the existing fabric of social relations. On the other hand, as Turner (1977) has pointed out, ritual implies a temporary suspension of ordinary norms, a break in the established order that permits individuals to say and do things which are

normally prohibited. This dynamic is especially evident in the so-called rituals of inversion – such as Carnival, where men can dress up as women and vice versa (Salamone 2004: 193). Ritual, finally, can be defined as having a founding character from the standpoint of time. Through a rupture of the time continuum, ritual instils a before and after, a certain separation from the flow of ordinary life – and it is in this sense that we can assert that ritual has a *mythical* nature.

On the basis of these ideas associated with the notion of ritual, we can easily interpret acts of citizenship as *political rituals*. These are, effectively, acts which imply an alteration of roles, a subversion of the established order, a rupture of social-historical patterns (Isin and Nielsen 2008: 2). In acts of citizenship a specific community represents itself and, paradoxically, *by representing itself as a community of citizens which it is not*, creates one. Through this mechanism, the acts of citizenship call into question the existing social order – that is, the relationships of power between the different members of a society – and point to a horizon of possibility, *contributing to achieve it*. The most obvious proof of this relationship between acts of citizenship and ritual is that many acts of citizenship appear as *highly ritualized* events, that is, they are developed on the basis of highly defined patterns of conduct which make them a sort of collective ceremony. Think about demonstrations (with their songs, dances, and banners), which often adopt the form of artistic happenings or performances, thus acquiring a strong choreographic or aesthetic component (Isin and Nielsen 2008: 4), one of the crucial features of any ritual.

On the other hand, in this chapter I have demonstrated the need to study religious phenomena in diaspora in relational and dynamic terms. In effect, I have shown the need to regard religion in diaspora not in terms of transposition but rather in terms of resignification. This resignification takes place, in part, through what I have called *diasporic encounters*, that is, the establishment of relationship networks in diaspora which would not have been created in the countries of origin and which can significantly modify individuals' political action while leading to the creation of new diasporic communities. Likewise, I have questioned the notion of 'community' as applied to diaspora, since a group of immigrants from a particular country often does not constitute a homogeneous group. In some cases, like the one I have analysed, the tensions and divisions of the country of origin are reproduced or even intensified.

During my fieldwork, I often asked Venezuelan immigrants which aspects of their religion they would highlight. And the answer was almost always the same: the interviewees emphasized the open, integrative, and cosmopolitan nature of Afro-Caribbean religions. The followers of the cult of María Lionza, for example, underlined the fact that there were no *borders or papers* in their pantheon of deities: Catholic, African, and indigenous deities coexist with deities of Asian, European, and many other origins. As a result, religion was presented by its own followers as an example of what the relationship between different countries and cultures *could and should be*: a relationship based on the capacity for understanding and joint action despite cultural differences and different national identities. As such, the deities would constitute a type of imaginary reference, a horizon of possibility that paves the way for global citizenship. This discourse is interesting but, once again, should be interpreted as a diasporic discourse. Personally, I have doubts as to how the same Venezuelans would have expressed themselves if, instead of being questioned in Barcelona (where they are categorized as 'immigrants'), they had been interviewed in Venezuela (where they enjoy full citizenship).

In summary, in an often adverse social and economic context, Venezuelan immigrants in Barcelona use public rituals to define themselves as cultural citizens – as carriers of their own culture who are also connected with the culture of the adoptive country – which forms the basis for their claim to full political citizenship (with the same rights and responsibilities as any other citizen). In the case of private rituals, we can observe how these make constant reference to migratory processes and are defined as a performative strategy for intervening in reality.

In short, this study on Afro-American cults in Barcelona reveals the importance of religion in diasporic processes, as well as the key role that cultural and symbolic aspects may play in the call for political recognition.

Notes

1 I finished writing this chapter in May 2013, while on a research fellowship at the University of Manchester granted by the University of Barcelona. I would like to thank the members of the Department of Social Anthropology of the University of Manchester for their support and hospitality during my stay.

2 Afro-American religions or Afro-American cults? This question remains the subject of much debate and is far from being resolved. The concept of 'cult' implies a sacred activity which is essentially practical and instrumental in nature and which is associated with magic. A cult is, above all, an action or, rather, an *act* of intervening in reality. The notion of 'religion', on the other hand, usually refers to a group of relatively unified beliefs which are held and preached by an institution (such as the Catholic Church) and, often, recorded in a text which is regarded by its followers as sacred. Given its functional side and its lack of a unifying institution and a written text which establishes and regulates its rituals, sacred Afro-American practices have been defined mainly as cults and not as religions. Nonetheless, the distinction between cult and religion given here is open to debate, because all cults are founded upon some type of belief system, while all religion includes a group of rituals with practical ends in which magic is somehow involved. In fact, there are no religions without cults and no cults without religion. In this text, I will use both terms indistinctly, prioritizing 'religion' when referring to beliefs and 'cult' when referring to specific rituals.

3 Afro-American cults are rarely practised by the indigenous population. That said, in some of these cults – such as the Umbanda or the cult of María Lionza – the references to the indigenous world are constant. However, this is an evocation of the indigenous as made by non-indigenous society, in which the former often appears in a highly idealized and stereotypical way.

4 I use the term 'cosmopolitan culture' to refer to a culture which is connected to a multiplicity of cultural, linguistic, and identity-related references which go beyond nation-state borders.

5 In many Afro-American cults, such as the cult of María Lionza, the mediums are possessed by different deities with opposing qualities (feminine, masculine, indigenous, African, etc.). These cults constitute a strategy for the social performance of multiple identities. On the other hand, these cults do not have a sacred script which establishes the proper way to perform rituals, nor do they have any recorded myth or story of origin which is shared by all believers.

6 This does not exclude Afro-American cults from containing many nationalist elements, such as flags or references to popular figures in national history; not does it exclude Afro-American believers from being staunch defenders of their national identity.

7 This research began in 2010 as a part of the research being carried out by CINAF (Research Group on Indigenous and Afro-American Cultures, www.ub.edu/cinaf) at the University of Barcelona. Between 2003 and 2010 I had conducted fieldwork on Afro-American cults in Venezuela and Puerto Rico, focusing on the role of material culture in religious ceremonies and on the relationship between art, religion, and public space. I used visual anthropology methods and produced several ethnographic films. To conduct my fieldwork in Barcelona, my methodological strategy was to contact associations of Venezuelans in Catalonia. This fieldwork was qualitative in nature and was based on the participatory observation of ritual practice. Likewise, I conducted a series of semi-structured interviews to assess the value of these ceremonies in the migratory process and their impact on daily life. During this research, I also employed visual methods and I am currently working on a documentary film about Venezuelan immigrants in Barcelona. While I had not originally planned it, I did come to include in my research Catalan people interested in Afro-American religions, as well as immigrants from other countries (mainly Colombians, Dominicans, Senegalese, and Cameroonians) with whom the Venezuelan immigrants had established significant ties.

8 Downer and Williams define global citizenship as 'a view of the world that is holistic in the sense that there are no essential reasons why barriers, borders, diversity and the disparateness of the human condition render one person and their conditions and actions irrelevant to any others' (2002:2).

9 Wade provides a useful definition of *mestizaje* (mixture). According to the author: 'the main meaning of this term is sexual mixture, but implied is the spatial mixture of peoples and the interchange of cultural elements, resulting in mixed and new cultural forms' (2010:27).

10 There are a relatively small number of Venezuelans living in Catalonia: 10,220 out of 1,186,779 foreign residents in Catalonia, a region with 7,570,908 inhabitants (Source: Institut Català d'Estadística). In all of Spain, there are 55,987 Venezuelan inhabitants (Source: Instituto Nacional de Estadística).

11 Johnson makes an interesting distinction between diasporic religion and religious diaspora. According to the author: religious diasporas 'denote extensions in a space of a group whose most salient reference is religious identity rather than ethnic, racial, linguistic, or any other social bond', while diasporic religions 'are the collected practices of dislocated social groups whose affiliation is not primarily or essentially based on religion, but whose acts, locutions, and sentiments towards a distant homeland are mediated by, and articulated through, a religious culture' (2012: 104).

References

Alland, Jr., A. and Alland, S. (2006) *Catalunya: one nation, two states: an ethnographic study of nonviolent resistance to assimilation*, New York: Palgrave Macmillan.

Augé, M. (1997) *Pour une anthropologie des mondes contemporains*, Paris: Flammarion.

Baer, H. A. (1992) *African-American religion in the twentieth century: varieties of protest and accommodation*, Knoxville, TN: University of Tennessee Press.

Banks, M. (1996) *Ethnicity*, London and New York: Routledge.

Barreto, D. (1990) 'Perspectiva histórica del mito y culto a María Lionza' *Boletín Americanista*, 39–40: 9–26.

Bosniak, L. (2006) *The Citizen and the alien*, Princeton, NJ: Princeton University Press.

Braziel, J. E. and Mannur, A. (eds.) (2003) *Theorizing diaspora: a reader*, Malden, MA: Blackwell.

Brettell, C. B. and Hollifield, J. F. (2009) *Migration theory: talking across disciplines*, New York: Routledge.

Canals, R. (2010a) *L'image nomade: un essai sur les représentations de la déesse María Lionza (Venezuela)*, Saarbrücken: Éditions Universitaires Européennes.

Canals, R. (2010b) 'Studying images through images: a visual ethnography of the cult of María Lionza in Venezuela' in S. Spencer (ed.), *Visual research methods in the social sciences: awakening visions*, New York: Routledge: 225–38.

Clifford, J. (1994) 'Diasporas', *Cultural Anthropology*, 9 (3): 302–38.

Comaroff, J. L. and Comaroff, J. (2009) *Ethnicity, Inc.*, Chicago: University of Chicago Press.

Csordas, T. J. (ed.) (2009) *Transnational transcendence: essays on religion and globalization*, Berkeley, CA: The University of California Press.

Dower, N. and Williams, J. (2002) *Global citizenship*. Edinburgh: Edinburgh University Press.

Ferrándiz, F. (2004) *Escenarios del cuerpo*, Bilbao: Universidad de Deusto.

Fog Olwin, K. (2010) 'Cosmopolitan creolisation: cosmpopolitan traditions: Caribbean perspectives', *Social Anthropology*, 18 (4): 417–24.

Gilroy, Paul (1999), 'Diaspora' in S. Vertovec and R. Cohen (eds.), *Migration, diasporas and transnationalism*, Cheltenham: Edward Elgar Publishing: 293–98.

Isin, E. F. (2002) *Being political: genealogies of citizenship*. Minneapolis, MN: University of Minnesota Press.

Isin, E. F. and Nielsen, G. M. (2008) *Acts of citizenship*, London: Zed Books.

Johnson, P. C. (2012) 'Religion and diaspora', *Religion and Society*, 3: 95–114.

Khagram, S. and Levitt, P. (eds.) (2008) *The transnational studies reader: intersections and innovations*, New York: Routledge.

Knott, K. and McLoughlin, S. (2010) *Diasporas. concepts, intersections, identities*. London: Zed Books.

Koopmans, R., Statham, P., Giugni, M., and Passy F., (2005) *Contested citizenship: immigration and cultural diversity in Europe*, Minneapolis, MN: University of Minnesota Press.

Lévi-Strauss, C. (1966) [1962] *The savage mind*, London: Weidenfeld and Nicolson.

Lorand Matory, J. (2009) 'The many who dance in me: Afro-Atlantic ontology and the problem with 'transnationalism' in T. J Csordas (ed.), *Transnational transcendance: essays on religion and globalization*, Berkeley, CA: University of California Press: 231–62.

Lyotard, J.-F. (1979) *La condition postmoderne*, Paris: Minuit.

Meyer, B. and Moors, A. (eds.) (2006) *Religions, media, and the public sphere*, Bloomington, IN: Indiana University Press.

Mintz, S. and Price, W. (1976) *The birth of African-American culture: an anthropological perspective*, Boston, MA: Beacon Press.

Ong, A. (1999) *Flexible citizenship: the cultural logics of transnationality*, Durham, NC: Duke University Press.

Pine, F. and Pina-Cabral, J. de (2008) *On the margins of religion*, New York: Berghahn Books.

Salamone, F. (ed.) (2004) *Routledge encyclopedia of religious rites, rituals and festivals*, New York: Routledge.

Sánchez-Carretero, C. (2005) 'Santos y misterios as channels of communication in the diaspora: Afro-Dominican religious practices abroad', *Journal of American Folklore*, 118 (469): 308–26.
Scher, P. W. (2010) *Perspectives on the Caribbean: a reader in culture, history, and representation*, Oxford: Wiley-Blackwell.
Spinner-Halev, J. (2000) *Surviving diversity: religion and democratic citizenship*, Baltimore, MD: Johns Hopkins University Press.
Taussig, M. (1997) *The magic of the state*, London: Routledge 1997.
Turner, B. S. (2011) *Religion and modern society: citizenship, secularisation and the state*, Cambridge: Cambridge University Press.
Turner, V. W. (1977) *The ritual process*, Ithaca, NY: Cornell University Press.
Vertovec, S. (2009) *Transnationalism*, London: Routledge.
Vertovec, S. and Cohen, R. (1999) *Migration, diasporas and transnationalism*, Cheltenham: Edward Elgar Publishing.
Wade, P. (2010) [1997] *Race and ethnicity in Latin America*, London: Pluto Press.
Whitten, Jr., N. E. and Szwed, J. F. (eds.) (1970) *Afro-American anthropology: contemporary perspectives*, New York: The Free Press.
Yelvington, K. A. (ed.) (2006) *Afro-Atlantic dialogues: anthropology in the diaspora*. Santa Fe, NM: School of American Research Pr.

47

Vietnamese diasporic citizenship

Claire Sutherland

This chapter explores diaspora citizenship through the case of Vietnam. There, as elsewhere, nationality – in the strict sense of national belonging – is so closely bound up with citizenship and naturalization that citizenship can be considered the legal expression of national belonging (Sutherland 2012a). In the Southeast Asian context, the practical and spiritual connotations of nationality and citizenship are very wide-ranging, as is evidenced in the anthropological work of Aihwa Ong (1999) and Kate Jellema (2007) among others. Jellema (2007, 70) has used the term 'kinetic nationalism' to describe the Vietnamese state's readiness to countenance the long-distance belonging and periodic return of its diaspora as part of its nation-building project, one which is increasingly premised on the shared practice of ancestor worship as a source of national solidarity. This marks a new departure in the Socialist Republic of Vietnam's (SRV) positioning of citizenship to appeal to its diaspora, and a greater readiness among some members of that diaspora to engage with an ideological foe. Vietnamese citizenship is thus clearly a site of struggle over its ideological, religious, and ethnic parameters. The following chapter uses the concepts of territory, ideology, and solidarity to illuminate different facets of citizenship in the Vietnamese case.

Evidently, the Vietnam War and its aftermath engendered huge hostility towards the reunified SRV among the Vietnamese diaspora, much of which had fled the country after the southern Republic of Vietnam's final defeat in April 1975. Archetypal examples of those enduring this 'traumatic dispersal' (Cohen 1997, 180) were ethnic Chinese established in Vietnam, expropriated entrepreneurs and enemies of the Communist regime. Many so-called 'boat people' set sail on treacherous journeys, some languishing for years in refugee camps in Hong Kong and elsewhere, others settling all over the world but especially in the United States, France, Australia, Canada, and, to a lesser extent, Germany and the United Kingdom. The widespread welcome and positive media coverage accorded to Vietnamese 'boat people' arriving in the late 1970s contrasts with negative 'race tagging' and associations with violent crime from the mid-1980s onwards, which have been documented in Australia, Canada, and Germany alike (Pfeifer 2001; Edwards *et al.* 2000, 302; Bui 2003, 71). It should be noted, however, that parts of the Vietnamese diaspora were already well-established in France because of its colonization of Indochina (Cooper 2001). Other groups originally came as 'contract workers' to Soviet satellite states and often endured a precarious, uncertain status after the end of the Cold War and the

demise of East Germany in particular (Sutherland 2007, 2010; Schwenkel 2012). Indeed, the Vietnamese government's own attitude to diaspora citizenship must be understood against the lasting impact of Cold War divisions on diasporic attitudes to the Vietnamese nation-state and, by extension, its citizenship (Kwon 2010). There are similarities here with Germany, whose division into East and West strongly shaped the Federal Republic's attitude to its ethnic German diaspora both before and immediately after German reunification (Sutherland 2010).

Heonik Kwon (2006, 2008a, 2008b, 2010) has written widely on the significance of ghosts, particularly the restless, 'wandering souls' killed during the Vietnam War, in destabilizing established Vietnamese state narratives of patriotic heroism and nationalist sacrifice: 'the Vietnamese discourses about war ghosts abound with critical historical meanings, and they gain currency precisely because they relate to pressing moral and political issues in contemporary life' (Kwon 2008a, n.p.). Many ghosts of war dead have never been properly buried or enshrined in their descendants' home and thereby laid to rest according to popular Vietnamese rites. They are typically associated with civilians dying a sudden and violent death, US soldiers, and those Vietnamese who fought for the defeated ARVN, the Army of the Republic of Vietnam (commonly known as South Vietnam). This lack of commemoration lies in stark contrast to official cemeteries and memorials to the fallen 'heroes' and 'martyrs' of the victorious People's Army of Vietnam (PAVN), underlining the link between ancestor worship and nation-building. On the one hand, the Vietnamese state today is using the widespread practice of ancestor worship to foster national solidarity and draw in its diaspora. On the other, it continues to neglect the memory of spirits 'on the wrong side of history' and thus outside official nation-building narratives of Vietnamese resistance to foreign invasion. This chapter takes this as a starting point, using the work of Heonik Kwon to explore innovative readings of citizenship and nationhood in the twenty-first century.

Diasporas occupy a ghost-like presence at the margins of the nation-state, which can serve as a metaphor for how national belonging transcends state boundaries while simultaneously reaffirming the importance of the so-called 'homeland' to nation-building (Sutherland 2012b). The following analysis is concerned with diaspora citizenship as a tool of nation-building, which is understood as a form of state-led nationalism dedicated to maintaining the legitimacy of the nation-state construct. Clearly, there is a whole gamut of instrumental (Ong 1999), emotional, or patriotic reasons why members of a diaspora might opt for citizenship of the homeland. From the state perspective, the very fact that this option is open to long-term expatriates reveals official state understandings of the national community, which evolve over time. For example, political exiles once shunned for ideological reasons may be brought back into the fold for pragmatic purposes (Shain 2005). Nowhere is this more obvious than in the SRV, where brutal camps designed to 're-educate' soldiers and sympathizers of the Republic of Vietnam (i.e. South Vietnam) have given way to a series of measures designed to attract political exiles back to the homeland. Indeed, the Vietnamese Politburo's resolution 36, issued in 2004, stated that 'overseas Vietnamese are an integral part of the nation, entitled to state care and privileges' (Jellema 2007, 76). Capitalizing on the sense of duty of overseas Viatnamese to their ancestors is an important plank in government policy which, ironically, opens up a whole new set of spiritual solidarities that can be helpful in thinking about twenty-first century citizenship.

Territory

In a study of national identity in Southeast Asia, Noburu Ishikawa (2010, 4) defines 'national space […] as an analytical interface where nation and state are contested, and as a point of articulation' between a community, an authority, and a territory, which serves to legitimate the

nation-state construct. This highlights how the association between people and their place of residence is itself constructed and that asserting an even more tenuous link between an expatriate populace and its so-called 'homeland' is inherently problematic. Citizenship is another example of using a legal fiction – or legal construct – to link community, authority, and territory. In the case of diaspora citizenship, 'the state project of incorporating and homogenizing people under state territorialisation' (Ishikawa 2010, 6) extends the orbit of the homeland to expatriates, using the criterion of ethnicity. Therefore, this disrupts the ideal correspondence between citizen, residence, and nation that serves to legitimate the nation-state by introducing an additional ethnic route to citizenship. In so doing, it recognizes a putative, enduring bond which can cross time and distance to justify the privileged inclusion of long-term expatriates and their descendants in the politics and economics of that nation-state. As is argued below, this form of citizenship is not deterritorialized, because 'peripheries make the center' (Harms 2011, 10) in the sense that diasporas are deemed to strengthen the home territory by serving its interests.

The Vietnamese word for country or nation is 'dat nuoc', literally translated as land and water. The concept of state, 'nha nuoc', is a variation incorporating the word for house or home. These etymological roots themselves evoke the 'rootedness' that nationalists often use to describe the connection between a national collectivity and its homeland. Nation and territory are never coterminous and the diasporic citizen embodies this disjuncture. The phrase 'deterritorialized citizenship' seeks to capture how countries are recognizing expatriates' important stake in their homeland's affairs (Dorais 2010). For example, in 2010 France created parliamentary seats for expatriates by dividing the world into eleven huge constituencies, and Uruguay has encouraged its own expatriate citizens to form Advisory Councils (cf. Barabantseva and Sutherland 2011). Similarly, the SRV has also sought to reconnect with its diaspora. However, the phrase 'deterritorialized citizenship' is something of a misnomer (*pace* Dorais 2010) in describing the reassertion of ethnic rootedness and loyalty to the homeland, because it underplays both the importance of that homeland as a driving force behind the revival and the maintenance of its interests as the ultimate raison d'être of state-diaspora ties (Sutherland 2012b). This phenomenon can also be considered a regressive move to the extent that it shifts the focus of nation-building away from those resident within a state's boundaries – including immigrants without citizenship – to an imagined community of citizens bound only by their continued emotional, familial, political, or financial investment in the homeland. Thus, diaspora citizenship is not only strongly focused on promoting the national territory, but it is also potentially regressive in doing so through ethnic affinity rather than actual residency.

Patrick McAllister has rightly pointed out that the Vietnamese word *nha*, defined above to mean a house or a family home, differs from the Vietnamese word for homeland or 'natal or original home (que huong)' (McAllister 2012, 115) from which Kate Jellema (2007, 70) derives her conception of kinetic nationalism. Drawing on ideas of both home and homeland, Vietnamese ancestor worship is closely bound up with rituals centred on the ancestral altar in the family home and with a wider sense of belonging to one's native place. In turn, the Vietnamese government's promotion of ancestor worship as a shared Vietnamese characteristic uses both of these notions of home for the purpose of nation-building (McAllister 2012, 123). This is encapsulated in state-sponsored ceremonial offerings to various 'fathers of the nation', ranging from ancient, legendary kings to Ho Chi Minh. The ancestral home evokes both the altars found in Buddhist, Catholic, and Cao Dai households and the wider notion of Vietnam as an ethnic homeland. Practices such as tending graves or summoning ancestors' spirits as part of Lunar New Year celebrations emphasize 'the importance of the family, which include [sic] the dead as well as the living, and is part of the ongoing relationship between living and dead on which the happiness and well-being of both depend' (McAllister 2012, 121). Lunar New Year is also when

Vietnam's urban dwellers return to their rural village origins and is a popular time for expatriates to return to the 'homeland' and pay their respects to relatives, both alive and dead. Significantly, the wandering ghosts that are considered in the following section are placated at this important time, which is seen as auspicious for the coming year.

Understanding the interdependence of citizenship and nation-building, encapsulated in how the words 'nationality' and 'citizenship' have become synonymous, is crucial in explaining enduring citizenship ties between members of a diaspora and their 'homeland'. Indeed, why should long-term expatriates and their descendants, who have ostensibly made their home elsewhere, continue to influence domestic affairs in a country that is theirs only by dint of birth or descent? The answer must have something to do with enduring ethnic affinities and the sense of belonging conjured by the term 'homeland' itself, which provide the foundations for the political ideology of nationalism underlying every nation-state (Sutherland 2012a). As such, love of, and loyalty to, the homeland, however remembered, are easily politicized, as, for example, in the practice of stripping political exiles of their citizenship as punishment for opposing the government (Shain 2005). This illustrates how citizenship functions as the legal expression of national belonging. For example, citizenship tests gauge applicants' general knowledge of state history and politics as a proxy for their degree of integration into a national community. From the state's point of view, citizenship legislation and the accompanying tests, oaths of loyalty, and measures of distinction serve to support the legal fiction of a nation-state. In other words, equating citizenship to nationality – in the strict sense of belonging to a national community – maintains the legitimacy of the nation-state construct.

For many residents of a nation-state and members of its diaspora alike, 'their spatial identity or mental map differs from that of the national school atlas' (Ishikawa 2010, 232). From the perspective of nation-states, however, defining eligibility for citizenship is an important way of delimiting the boundaries of national belonging, and granting citizenship to members of a diaspora puts ethnicity at the heart of nationality. The following argument, therefore, is based on the premise that eligibility for citizenship symbolizes a rite of passage into the national community in the eyes of the state. Whether eligibility is evidenced through satisfying residency requirements, passing a citizenship test, swearing an oath of loyalty, or demonstrating proficiency in an official language is itself highly revealing of how that national community is defined using ethnic and/or civic markers. As a corollary to this, the extension of citizenship to non-resident members of a diaspora reflects on a nation-state's self-understanding. For example, ethnic German *Aussiedler* from Eastern Europe were initially welcomed 'back' to the Federal Republic of Germany, which understood itself to be a homeland for all dispersed and divided ethnic Germans, most recently as a result of the vagaries of World War II and the Cold War.

As Benedict Anderson (1991) and James Scott (2009) have shown, among many others, Southeast Asia provides a rich source of concepts and data with resonance beyond the region (King 2006). Anderson's seminal text, *Imagined Communities*, has been criticized for suggesting that the nation is imagined as a homogenous community, which thereby detracts from hierarchies in ethnicity and power (Anderson 1991, 26; Kelly 1998). James Scott, by contrast, is at pains to decouple 'ethnic minorities' from the national majority which defines their marginal status. In a book tellingly entitled *Dependent Communities*, Caroline Hughes (2009, 197) discusses how 'the task of elites is to create not only a narrative that can elicit allegiance, but a web of practical connections that links the state to society, in a manner that can give form to claims of central representation.' For instance, the fledgling East Timorese state's failure to do this in the 2000s quickly led to disillusionment in some villages and attempts to bypass the state for direct access to international aid. In Cambodia, by contrast, the governing party has sought to connect with local needs and concerns though handouts and a dense local presence, including frequent village visits

by prime minister Hun Sen himself, whose 'own footsteps link the village to the nation' (Hughes 2009, 221). Hun Sen's visits are symbolically important too, in that his many speeches tell 'stories of national development and progress that give substance to the imagined community of the nation' (Hughes 2009, 219). The Vietnamese case is no different, in that the state's evolving rhetoric towards its minorities (Pelley 1998), its immigrants, and its diaspora testifies to changing official attitudes towards national belonging and attendant citizenship regimes (Jellema 2007).

Ideology

Alongside the emotional, familial, political, or financial ties that bind members of a diaspora to their homeland, the Vietnamese case highlights an important religious dimension to the phenomenon of 'long-distance nationalism' (Anderson 1998, 58). A sense of spiritual confraternity is variously used by the incumbent, communist government (Jellema 2007), anti-communist religious leaders in the diaspora (Hoskins 2011, Ong and Meyer 2008), and Vietnamese villagers pursuing their own localized agendas (Roszko 2012) to evoke an 'imagined community' (Anderson 1991) in which national loyalties mix with religious observance (Hoskins 2011, 71). In the wake of Vietnam's economic liberalization from the mid-1980s onwards, the Vietnamese Communist Party's (VCP) move away from condemning religious practice as 'superstitious' (*me tin*) has led to more open displays of spirituality (Taylor 2002, 2007; Endres 2011) and the revival of religious festivals. Indeed, the VCP itself has explicitly sought to link the widespread Vietnamese practice of ancestor worship to a sense of common national identity (Jellema 2007, 69). For instance, it has sponsored commemoration of the mythical Hùng Kings as the ancestors and guardian spirits of the Vietnamese nation, with the prime minister attending annual temple ceremonies on what has been a national holiday since 2007. Importantly, this reconfiguration of Vietnamese national identity in spiritual terms is also designed to appeal to the Vietnamese diaspora.

Vietnam's economic liberalization and its resumption of diplomatic relations with the USA in 1995 facilitated a rapprochement with some members of its diaspora, though attitudes towards the incumbent government still vary widely across generations and communities (Dorais 2010, Hoskins 2011). In an effort to deflect attention from the legacy of a conflict that was as much a civil war as an international conflagration, the Vietnamese government has focused on the common popular practice of ancestor worship over ideological and religious divisions. This is ironic, since the postcolonial Democratic Republic of Vietnam (i.e. North Vietnam) and its unified successor (Pelley 2002; Ninh 2002; Roszko 2012) were long characterized by a 'political campaign focused on substituting the commemoration of heroic war dead for the traditional cult of ancestors' (Kwon 2008a, n.p.). Only with the advent of economic liberalization and the development of a 'market economy with a socialist orientation' (Schwenkel and Leshkowich 2012, 384) did the VCP begin to relax control over spirit and ancestor worship, which soon began to flourish once more (Endres 2011). Philip Taylor's 2007 edited collection, entitled *Modernity and Re-enchantment*, deftly captures the links between economic and religious liberalization, while Christina Schwenkel (2008) has shown that the nationalist commemoration of war dead also became more attuned to the sensitivities of global audiences, not least those of international tourists, governments, and returning US veterans of the Vietnam War. More recently, Schwenkel and Leshkowich (2012) have shown that, far from signalling a complete break with communism, what might be termed neoliberal ideas and practices have been adapted to established patterns of socialization in the SRV. That is, the reframing of diaspora citizenship in contemporary Vietnam should be understood within an ongoing nation-building project aimed at maintaining state legitimacy and keeping the VCP in power. At the same time, it is interlinked with economic reform and the recalibration of official attitudes to religious and spiritual

observance, to the point that ancestor worship is now officially promoted as a key unifying factor designed to draw the diaspora back to Vietnam.

What can we learn about diaspora citizenship from the Vietnamese case? Heonik Kwon (2008a n.p., 2008b) has pointed to the potential for practices of ancestor worship to overcome the divisions inherent in celebrating the northern Vietnamese army (PAVN) as heroes and martyrs, while forgetting or even erasing the memory of the defeated southern ARVN (Schwenkel 2009). This nationalist commemoration of victorious liberators has

> relegated a significant part of genealogical memory to a politically engendered status of ghosts in the southern regions, one excluded from the new political community of the nation-state and, by extension, alienated from the family and community-based commemorations that were engulfed by the politics of national memory.
>
> *(Kwon 2008a, n.p.)*

Yet the Vietnamese government's turnaround in its attitude to ancestor worship has opened up a space for *Vergangenheitsbewältigung* – or coming to terms with the past – by allowing for national introspection on the Vietnam War as a civil war and not simply a struggle against the US aggressor and its so-called 'puppet regime' in the South. Although still outside the official commemorative practices of the nation-state, the commemoration of ghosts and neglected ancestors allows for some recognition of the suffering of both sides in the civil war. This is most poignant in the case of families riven by conflict, in which photographs of soldiers who died on opposite sides can now take their place on the same family altar.

Rituals of ancestor worship in Vietnam also pay due attention to the 'wandering souls' of ghosts who have died a violent death or were not afforded a proper burial by recognizing their torment and seeking to placate them with offerings. In the case of war dead, these rituals do not distinguish by nationality, and fallen US soldiers are thus included (Kwon 2008b). This is one way of coming to terms with the everyday experience of suffering which did not distinguish between civilian and soldier, ARVN or PAVN, Vietnamese or foreigner. As such, it is a radically different space for commemoration from the clear confines of nationalist political propaganda, which officially 'forgot' supporters of the losing side within its own reunified nation-state.

Heonik Kwon's focus on ritual attention to ghosts as an alternative to the official commemoration of heroes introduces a new dichotomy to the domestic politics of victor and traitor. Instead, ancestors safely returned to their rightful place in the family home are presented in opposition to the wandering ghosts beyond its threshold who have yet to find peace, but can be consoled by anyone regardless of national and ideological differences. This suggests a more inclusive and caring brotherhood of man, which does not spurn, blame, or exclude wandering souls because of their predicament. There is evidently self-interest at play in discouraging them from bringing bad luck on a household or a shopkeeper, but also a heartening disregard for origin and creed, which erases the battle lines drawn by political propaganda. Thus, the Vietnamese government's promotion of ancestor worship as a unifying marker of Vietnameseness also holds strong analytical potential for reconfiguring the state's relationship towards its diaspora.

Solidarity

The SRV's focus on ancestor worship is undoubtedly an instrumental attempt to bind together a national community beyond the state for the benefit of that state (Jellema 2007, 71), but it also points to a less confrontational way of imagining the nation. The SRV paints the nation in conventional nationalist terms as a large family united by common ancestors – something which all

filial Vietnamese are deemed to appreciate and support – and encourages members of a diaspora to honour their own ancestors and reconnect with the homeland at the same time. However, if one looks beyond the family/nation at how outsiders are treated, the corollary of ancestor worship is that wandering ghosts who are not securely anchored in a family are not ignored. Instead, their fate is remembered and they are ritually fed and consoled. There is sympathy for their plight 'and these beings appear as close companions to the living in their arduous journey of life rather than a menacing force' (Kwon 2008a, n.p.). The VCP's current use of ancestor worship as a marker of Vietnameseness seeks to draw the diaspora into the national family fold, so it does not in itself transcend the cultural and ethnic markers of belonging which tend to denote nationality. However, there is potential to use the treatment of wandering ghosts in Vietnam as a metaphor for more progressive ways of imagining diasporic citizenship, and citizenship in general. Defining these as spirits 'obliged to move between the periphery of this world and the fringe of another world […] ontological refugees who are uprooted from home, which is a place where their memory can be settled' (Kwon 2008a, n.p.) highlights parallels with all those – exiles, diasporics, migrants, refugees – who do not fit into a national community of citizens neatly bounded within a state, an ever less likely ideal in the age of migration (Castles and Miller 2003). The relationship between ghosts and the living is evidently one of great difference, of strangeness, unknowability, and fear. Similarly, members of a diaspora often report feeling caught between two worlds, never accepted in their country of residence but never quite at home in the homeland (Topçu *et al.* 2012). The ghost, the stranger, and the foreigner all occupy a liminal space which defines the boundary between self and other, insider and outsider, citizen and alien.

The context in which contemporary nation-building evolves is crucial to understanding diaspora citizenship. The momentous events of the 2011 Arab Spring remind us that state legitimacy continues to rely on citizens' support. Citizenship is thus a crucial tool in the armoury of states concerned with maintaining and promoting a sense of national belonging in their populace. However, as Aihwa Ong (1999) has shown, citizenship has also become ever more 'flexible' and commodified among those able to take advantage of globalized business and mobility. Citizenship can be bought by entrepreneurs intent on securing land rights or patronage in a third country or by politicians seeking to protect themselves from the vagaries of their profession (Poethig 2006). In many cases, dual citizenship continues to carry a certain stigma from the perspective of states that associate citizenship with undivided allegiance and from that of less wealthy compatriots who, by necessity or loyalty, do not seek to escape penury or persecution by moving abroad. Nevertheless, ever fewer countries now ban dual citizenship in principle, as they recognize the potential benefits of a well-connected diaspora with a footprint in at least two countries. This is not new, given the cross-continental importance of remittances to countries such as the Dominican Republic, Egypt, Bangladesh, or the Philippines, and the historical importance of diaspora support to fledgling nineteenth-century states like Greece (Barabantseva and Sutherland 2011). However, Vietnam's recent shift to so-called 'market socialism' is a particularly illuminating case of how economic reform, nation-building, and religious revival have cross-fertilized to create a particularly propitious environment for the development of diaspora citizenship. This is not necessarily in opposition to an inclusive understanding of the nation-state encompassing all those resident in Vietnam, regardless of their ethnicity, but it does suggest a hierarchy of belonging in which ethnicity continues to play a key role.

Kwon (2008a, n.p.) argues that 'ghosts, as a discursive phenomenon, are constitutive of the Vietnamese self-identity just as ancestors are' and that individuals' affinity with displaced ghosts may increase, the more they themselves have experienced disruption in their lives. '[T]he ritual action affirms the existing solidary relations between the living and the dead' (Kwon 2008a, n.p.), exemplified by the practice of kowtowing first to ancestors in the home, then taking a half

turn to pay respects to those who have died 'in the street' (*chet duong*). When Vietnamese state policy relaxed in the 1990s, a rebuilt family altar was often complemented by an outside shrine destined for ghosts. According to Kwon, worshippers are thus implicitly acknowledging their past history of violence and praying for a more peaceful future;

> [Such] actions point to a particular vision of society – a society in which both natives and strangers have the right to dwell in the place. For the dead, this means that strangers to the political community of the nation can join the local ritual community of kinship as ancestors. Those who are not entitled to join this ritual unity can still benefit from the sites of consolation prepared in the exterior of the communal unity.
>
> *(Kwon 2008a, n.p.)*

Transposed to the realm of citizenship, the diaspora corresponds to 'strangers to the political community', at least the substantial number that fled communist victory in 1975. Those in the 'exterior of the communal unity' are the migrants, refugees, denizens, and other non-citizens who can be cared for and consoled. Thus, the SRV's embrace of ancestor worship as a nation-building tool carries within it the possibility of a more inclusive understanding of a national community of citizens.

Conclusion

The SRV's promotion of ancestor worship as a unifying marker of Vietnameseness builds a bridge to the diaspora community, which also seeks to transcend ideological divisions. This approach is thus a clear example of a state positioning its understanding of national citizenship to respond to the demands and potential of a globally dispersed diasporic community. However, this approach also entails struggle and contestation as the Vietnamese state renegotiates its relationship with both Vietnamese spirituality and the enduring divisions – which it created – in commemorating the legacy of the Vietnam War. Just as the spirits of ancestors are traditionally called home to celebrate the Lunar New Year with their families, so the ancestors who fought on the losing side in Vietnam's civil war can now be called home to their family's ritual altar. In turn, ancestor worship is one way of calling the Vietnamese diaspora back to the homeland, if not to live, then to invest in both financially and emotionally. Ancestor worship's nation-building function finds a parallel in the state's official commemoration of ancient, legendary Hùng Kings as the nation's ancestors, a form of ancestor worship writ large (Sutherland 2010, 142). Similarly, contemporary diaspora citizenship is by no means deterritorialized, because it continues to be anchored in a putative allegiance to a nation-state, whether that is measured in financial or affective terms. In contrast to cases where citizenship is commodified, diaspora citizenship is also clearly ethnicized. That is, it extends eligibility beyond state boundaries by virtue of a single ethnic criterion of descent. Nevertheless, this reading of the Vietnamese 'imagined community' as ethnicized and hierarchical also contains an inkling of a more inclusive, egalitarian citizenship. Ironically, this is to be found in a spiritual world that has much in common with a perception of time as the 'simultaneity of past and future in an instantaneous present,' which Benedict Anderson (1991, 24) argues was superseded by the 'homogenous, empty time' of the national community.

References

Anderson, B. (1991) *Imagined communities*, London:Verso.
Anderson, B. (1998) *The spectre of comparison: nationalism, Southeast Asia and the world*, London:Verso.

Barabantseva, E. and Sutherland, C. (2011) 'Introduction; diaspora and citizenship', *Journal of Nationalism and Ethnic Politics* 17 (1) pp. 1–13.
Bui, P. (2003) *Envisioning Vietnamese migrants in Germany*, Münster: LIT Verlag.
Castles, S. and Miller, M. (2003) *The age of migration*, Basingstoke: Palgrave Macmillan.
Cohen, R. (1997) *Global diasporas: an introduction*, London: UCL Press and Seattle: University of Washington Press.
Cooper, N. (2001) *France in Indochina*, New York and Oxford: Berg.
Dorais, L-J. (2010) 'Politics, kinship, and ancestors: some diasporic dimensions of the Vietnamese experience in North America', *Journal of Vietnamese Studies* 5 (2), pp. 91–132.
Edwards, L., Occhipinti, S., and Ryan, S. (2000) 'Food and immigration: the indigestion trope contests the sophistication narrative', *Journal of Intercultural Studies* 21 (3), pp. 297–308.
Endres, K. (2002) 'Beautiful customs, worthy traditions: changing state discourse on the role of Vietnamese culture', *Internationales Asienforum*, 3–4, pp. 303–22.
Endres, K. (2011) *Performing the divine: mediums, markets and modernity in urban Vietnam*, Copenhagen: Nordic Institute of Asian Studies Press.
Harms, E. (2011) 'The critical difference: making peripheral vision central in Vietnamese studies', *Journal of Vietnamese Studies* 6 (2), pp. 1–15.
Hoskins (2011) 'Diaspora as religious doctrine: an 'apostle of Vietnamese nationalism' comes to California', *Journal of Vietnamese Studies* 6 (1) pp. 43–86.
Hughes, C. (2009) *Dependent communities*, Ithaca, NY: Cornell University.
Ishikawa, N. (2010) *Between frontiers: nation and identity in a Southeast Asian borderland*, Singapore and Copenhagen: National University of Singapore and Nordic Institute for Asian Studies.
Jellema, K. (2007) 'Returning home: ancestor veneration and the nationalism of doi moi Vietnam', in P. Taylor, (ed.) *Modernity and re-enchantment: religion in post-revolutionary Vietnam*, Singapore: Institute of Southeast Asian Studies, pp. 57–89.
Kelly, J. (1998) 'Time and the global; against the homogeneous, empty communities in contemporary social theory', *Development and Change* 29, pp. 839–71.
King, V. (2006) 'Southeast Asia: personal reflections on a region' in C. Chou, and V. Houben (eds.) *Southeast Asian studies: debates and new directions*, Singapore: Institute for Southeast Asian Studies pp. 23–45.
Kwon, H. (2006) *After the massacre: commemoration and consolation in Ha My and My Lai*, Berkeley, CA: University of California Press.
Kwon, H. (2008a) 'The ghosts of the American War in Vietnam', *The Asia-Pacific Journal: Japan Focus*. Available online at www.japanfocus.org/-Heonik-Kwon/2645. (accessed 4 January 2013).
Kwon, H. (2008b) *Ghosts of war in Vietnam*, Cambridge: Cambridge University Press.
Kwon, H. (2010) *The other Cold War*, New York and Chichester, West Sussex: Columbia University Press.
McAllister, P. (2012) 'Connecting places, constructing Tet: home, city and the making of the lunar New Year in urban Vietnam', *Journal of Southeast Asian Studies* 43 (1) pp. 111–32.
Ninh, K. (2002) *A world transformed: the politics of culture in revolutionary Vietnam 1945–65*, Ann Arbor, MI: University of Michigan Press.
Ong, A. (1999) *Flexible citizenship*, Durham, NC and London: Duke University Press.
Ong, N. and Meyer, D. (2008) 'Protest and political incorporation: Vietnamese American protests in Orange County, California, 1975–2001', *Journal of Vietnamese Studies* 3 (1), pp. 78–107.
Pelley, P. (1998) '"Barbarians" and "younger brothers"', *Journal of Southeast Asian Studies* 29 (2), pp. 374–91.
Pelley, P. (2002) *Postcolonial Vietnam: visions of the present and past*, Durham, NC: Duke University Press.
Pfeifer, M.E. (2001). '"Community", adaptation and the Vietnamese in Toronto', *Vietnamologica* 5 pp. 147–225.
Poethig, K. (2006) 'Sitting between two chairs: Cambodia's dual citizenship debate' in L. Chau-Pech Ollier and T. Winter (eds.) *Expressions of Cambodia: the politics of tradition, identity and change*, London; Routledge pp. 73–85.
Roszko, E. (2012) 'From spiritual homes to national shrines: religious traditions and nation-building in Vietnam', *East Asia: an international quarterly* 29 (1), pp. 25–41.
Schwenkel, C. (2008) 'Exhibiting war, reconciling pasts: photographic representation and transnational commemoration in contemporary Vietnam', *Journal of Vietnamese Studies* 3 (1), pp. 36–77.
Schwenkel, C. (2009) *The American War in contemporary Vietnam*, Bloomington and Indianapolis, IN: Indiana University Press.
Schwenkel, C. (2012) 'Civilizing the city: socialist ruins and urban renewal in central Vietnam', *Positions: East Asia Cultures Critique* 20 (2), pp. 437–70.

Schwenkel, C. and Leshkowich, A.-M. (2012) 'How is neoliberalism good to think Vietnam? How is Vietnam good to think neoliberalism?', *Positions: East Asia Cultures Critique* 20 (2), pp. 379–401.
Scott, J. (2009) *The art of not being governed*, London and New Haven, CT: Yale University Press.
Shain, Y. (2005) *The frontier of loyalty*, Ann Arbor, MI: University of Michigan Press.
Sutherland, C. (2007) 'Digesting diasporas: Vietnamese migrants and German multiculturalism' in A. Ní Éigeartaigh, K. Howard, and D. Getty (eds.) *Rethinking diasporas: hidden narratives and imagined borders*, Cambridge: Cambridge Scholars Publishing pp. 39–51.
Sutherland, C. (2010) *Soldered states: nation-building in Vietnam and Germany*, Manchester: Manchester University Press.
Sutherland, C. (2012a) *Nationalism in the twenty-first century*, Basingstoke: Palgrave.
Sutherland, C. (2012b) 'Introduction: nation-building in China and Vietnam', *East Asia: An International Quarterly* 29 (1) pp. 1–13.
Taylor, P. (2002) 'The goddess, the ethnologist, the folklorist and the cadre', *Australian Journal of Anthropology* 14 (3), pp. 383–401.
Taylor, P. (2007) 'Introduction' in P. Taylor (ed.) *Modernity and re-enchantment: religion in post-revolutionary Vietnam*, Singapore: Institute of Southeast Asian Studies pp. 1–56.
Topçu, Ö., Bota, A., and Pham, K. (2012) *Wir neuen Deutschen: wer wir sind, was wir wollen*, Hamburg: Rowohlt.

This page intentionally left blank

Part VIII
Indigeneity

This page intentionally left blank

48

Beyond biopolitics? Ecologies of indigenous citizenship

Sarah Marie Wiebe

Hailed as both hero and grandstander, Chief Theresa Spence spawned a flurry of attention and controversy for placing her body at the forefront of Indigenous-state relations in Canada.[1] On 11 December 2012, as a form of protest, Chief Spence began a hunger strike, undergoing considerable physical, mental, and emotional duress to raise awareness about the dire straights facing Indigenous communities across Canada.[2] Subsisting on tea and broth for 44 days, she sought recognition of a nation-to-nation relationship for her peoples with the Crown.[3] Her body became a symbol of sacrifice and a mirror of the 'bare life' for the livelihoods of the communities she represented.[4] In the words of journalist Alice Klein, this act 'crashes against the unconscious non-Indigenous Canadian certainties and political calculations. It demands that we recall instead the actual history of our country and how it still lives in the unrelentingly colonized amongst us' (Klein, 2013). Frustrated with the perpetual need to fight for physical and cultural survival, as a result of the past and present manifestations of Canada's colonial legacy, Chief Spence put her body on the line – a fine line between bare and political life – as a symbolic gesture for Canada and the world to see.[5] Moving herself into the spotlight of Canada's body politic made her abject[6] body visible and thus charged with biopolitical meaning.

This is not the first time Indigenous peoples mobilized their bodies to draw attention to their lived experiences. Many Indigenous communities in Canada and the world live in a constant state of insecurity because of their perpetual exposure to environmental contamination. As I have argued elsewhere, the Aamjiwnaang First Nation is one such community, located in the doughnut hole of 'Canada's Chemical Valley' (Wiebe, 2012).[7] Here, individuals reside in a risky environment, where uncertainty reframes the conditions for one's life, being, and citizenship. While trans-border exposure to environmental harm is indicative of a globalized, deterritorialized threat, in this chapter I contend that the emergent practices in these precarious places prompt a different kind of thinking about citizenship and reterritorialize our focus. With respect to Aamjiwnaang, I discuss the significance of 'place' to emergent ecologies of Indigenous citizenship, to challenge biopower's hold on Indigenous citizenship. I contend that the everyday experiences of Indigenous citizens underscore biopolitical concerns; however, by highlighting practices of ecological citizenship, I argue that the activities of these Indigenous citizens demonstrate how citizenship is simultaneously embodied, rooted, and territorial. First, I offer a biopolitical account to situate practices of Indigenous resistance going on in Aamjiwnaang. Second,

I discuss the implications of these practices for citizenship to intersect the body with place and thus form 'ecological citizenship'. Subsequently, I problematize 'ecologies of Indigenous citizenship' as an attempt to situate citizenship in place, seeking to move beyond the biopolitical grip on life itself.

Children, staff, and supporters of the Aamjiwnaang Binoojiinyag Kino Maagewgamgoons daycare centre took to the streets on Wednesday 16 January 2013 to protest for their right to a cleaner environment.[8] Cited as an 'idlenomore'[9] demonstration, concerned citizens demanded better communication between industry officials and local residents. The previous Friday, a mercaptan leak from an adjacent Shell refinery caused a stink, resulting in road closures, school buses being rerouted, and a shelter-in-place warning. Nearly two hours later, daycare staff were finally notified of the release. In frustration, the staff sent letters home with each child, demanding protection for the rights of their children. Several accounts of nausea, headaches, sore throats, and swollen eyes emerged over the weekend. The alert sirens – which frame the reserve – failed to sound. By Wednesday, citizens, with children in tow, mobilized, marching from the daycare centre towards the band cemetery, along the St. Clair parkway at the reserve's northwestern perimeter.

The long-term health impacts of such spills and accidental releases are unknown. This march is but one form of activism in a lengthy history of many others, ranging from fasting to rail blockades, to bio-monitoring studies, bucket brigades, door-to-door health surveys, and body-mapping.[10] In the midst of such uncertainty shaping and constraining everyday life, what becomes clear, to cite Bargu, as a 'theoretical register', is the prominence of the body as a conduit for agency (Bargu, 2011). As such, the body makes a statement about life itself. To return to Chief Spence's hunger strike, this act illuminates how life, reduced to bare life, may not be worth living without recognition of a radically different kind of politics. For the hunger strike and everyday life in Aamjiwnaang alike, life itself is both an object and subject for political action. With an abject life, dwelling between 'subject' and 'object', between 'bare' and 'political' life, citizens living in these precarious places with their bodies on the line exist in a perpetual state of uncertainty. With an abject life, somewhere in between the inside/outside contours of Western citizenship, bodies are symbolic markers for life in this sacrificial zone.

According to Agamben, our Western notion of citizenship is rooted in an ancient Greek distinction between *zōē* – bare, or mere life, and *bios* – political life. Classic theorists concerned with citizenship and the good life focused primarily on the qualified, particular life of 'bios'. As Michel Foucault's *The history of sexuality* argues, natural life – *zōē* – becomes included in the mechanisms and calculations for state power at the threshold of modernity; in this respect, 'life itself' becomes a subject and object of rule (Foucault, 1990: 143). The politicization of 'bare' life presents a radically different formation of citizenship than what the Greek theorists conceived. Given the circumstances facing a hunger striker and citizens living in Aamjiwnaang, it becomes clear how power penetrates the body, forming biopolitical subjectivity: these citizens are at once bound to their individual agency while simultaneously bound to external, colonial power.

In an era of biopolitics and biological responsibility, individuals mobilize around their biological make-up, activities, and interests. Citizens form identities around their biology or biosociality. Drawing from Paul Rabinow, Nikolas Rose discusses 'biosociality' as a way to characterize forms of collectivization organized around the 'commonality of a shared somatic or genetic status', which draws attention to emergent technologies that are assembled around the categories of corporeal vulnerability, somatic suffering, risk, and susceptibility (Rose, 2007: 134). Individuals may organize around a sense of shared somatic (corporeal, embodied) status and engage in activist strategies to reject dominant modes of governance and biomedical expertise.

Citizenship can be understood as an active and embodied practice. This notion expands upon Adriana Petryna's work on biological citizenship (Petryna, 2002). By examining the 1986 explosion of the Chernobyl nuclear reactor in the Ukraine, Petryna discusses how wounded individuals organize and make claims against the state on the basis of their biological condition. She discusses the ways in which individuals who are living with uncertainty band together and form (in)formal networks. Petryna refers to this as an emergent 'social practice', where the damaged biology of a population becomes the grounds for social membership and the basis for staking citizenship claims (Petryna, 2002). Her analysis exposes how forms and terms of engagement, struggles for resources, and rationalities go beyond traditional notions of citizens as bearers of formal, legal rights. Instead, she offers 'biological citizenship' as a way of bringing the body forward as central to the nature of contested forms of inclusion and exclusion in a political community. Thinking about citizenship as a practice in this regard prompts us to consider how power relations take shape from the ground up.

Following Petryna, Rose adopts the notion of 'biological citizenship' to explore the connection between nation-building, colonization, and ideas about desirable citizens on the basis of their biology (Rose, 2007). Rather than solely thinking about the make-up of citizens imposed from hierarchical state authority 'above', an analysis of biological citizenship focuses on the languages, aspirations, and practices employed by individuals who understand themselves and relate to others. These meanings, and framings oriented around citizen agency and biology can be conceptualized as expressions of identity formation and biosociality. In examining the relationship between politics and life itself, Rose's aim is not to call for a 'new' philosophy of life itself, but to explore how citizens embody the management of vitality.

Biosocial identities emerge when the vitality of a community is in question. For example, the experiences of victims in Chernobyl, Bhopal, and Love Canal, among others, reveal some of the ways in which life itself acquires value to be negotiated for recognition, redress, and compensation. With respect to the Aamjiwnaang First Nation, the damaged biology – in addition to ecology – of this population forms the basis of 'vital' rights expressed by injured citizens.

There is an (in)voluntary sacrificial logic to the abject life of a hunger striker, and there is an imposed sacrificial logic to the bare existence and survival of citizens living in Aamjiwnaang. The act of a hunger striker and child protester alike is political, spectacular, and performative: these actions confront any rigid demarcation between private and public life. As public practices, they reveal resistance and rebellion to the dominant, oppressive political conditions.

Biopolitical power brings private life into the public arena. Giorgio Agamben makes a case for modern biopolitics by honing in on *homo sacer* – an outcast, a form of life that can be 'killed but not sacrificed' (Agamben, 1998). By contrast, from Spence's home community of Attawapiskat to Aamjiwnaang, the abject citizen embodies sacrifice. Counter to Agamben's formulation, in this context there is a kind of activism, a form of political agency at play that counters and resists a colonial legal regime outlined in *Canada's Constitution* and *Indian Act*, 1876. This agency problematizes formal citizenship as a rights-based status and is richly rooted within an ontological connection to 'place'.

Citizenship is Janus-faced: at once it hitches citizens to specific notions of political life and simultaneously creates space for radical forms of belonging. In my view, and following Engin Isin, it is not enough to look at what citizenship 'is' to understand the ways in which it produces the boundaries of belonging in a political community (Isin, 1997). It is a crucial task to ask how this 'is' becomes defined and enacted. In so doing, I seek to illuminate some of the discursive and practical means through which citizens are increasingly governed through biological and ecological responsibilities and practices. The ways in which groups and individuals act, interpret their rights and responsibilities, and ascribe meaning to the environment is revealing about the

practices or ethics of everyday life. Their meanings and interpretations are multifaceted and interpreted in different ways, and illuminate new modes of thinking about ecologies of citizenship.

According to several residents of Aamjiwnaang, the land forms part of an attachment to a greater relationship with the spiritual world, whereas for the neighbouring industrial facilities, the land is considered to be a source of exploitation and/or revenue. The ontological challenge to Western thought and citizenship posed by Indigenous ecologies – or lived knowledge in relation to one's own land and being – has been widely discussed and debated (Alfred, 2009; Borrows, 2002; Bryan, 2000). Albeit from divergent worldviews, citizens residing within and adjacent to Canada's Chemical Valley engage in some kind of ethic – from constructing chemical refineries to practising traditional medicine – such actions reveal ontological questions relating to one's relationship to the landscape. In this domain, struggles regarding science, expertise, discourse, and policy arrangements play out as some interpretations take precedence over what 'is' true or valid knowledge. In this contentious zone, the boundaries of belonging and the nature of citizenship come to the fore.

Rather than thinking about citizenship as an object or set of rights or entitlements, 'ecological citizenship' refers to a kind of ethic or mode of being. With respect to the ongoing activities in Aamjiwnaang, where citizens are interpolated into governmental processes such as ongoing health studies or industry consultations, the links between participatory democracy and social justice emerge. As citizens become involved in these processes, rights and entitlements are continuously redefined, reaffirmed, and reproduced.

I employ the terminology of 'ecological citizenship' in reference to the way in which individuals enact corporeal subjectivity in a specific territorial place. From this paradigm, not only is the body an object and subject of governance, but so too is the environment, inseparable from bodies. Interpretive analyses illuminate the different ways in which these relationships are understood and reveal ontological underpinnings of body-place subjectivity. Such tensions centre upon different philosophies of human/nature, body/environment, self/Mother Earth relationships and highlight notions of how humans relate to their selves, lands, and environments.

David Suzuki's documentary *Force of Nature* suggests: 'when you destroy the air, you destroy us' (Gunnarsson, 2010). This resonates with the experience of many citizens of Aamjiwnaang. It speaks to the ways in which the conditions shaping how one lives have much to do with how individuals act, respond to, and feel about their environments and, consequently, themselves. Individuals relate to, and are affected by, their environments. To follow James Tully, individuals are embedded in larger relationships and habitats, for which they are responsible (Tully, 2008). Tully discusses the ways in which many Indigenous Elders explain that the identities of their people are related to the places they live: 'the creator has placed them here with the responsibility to care for life in all its harmonious diversity' (Tully, 2008: 250). Thus, the responsibility to care for all ecologically interrelated forms of life is timeless, when one looks back to the wisdom of ancestors and forward to seven generations in the future. He continues: 'this unshakeable sense of responsibility to the source and network of life is at the core of Indigenous identity' (Tully, 2008: 250). This is coupled with an individual's sense of responsibility to the environment and a desire to learn more about one's place.

Situating citizen concerns within a particular place locates power relations at arm's length from the formal institutional scales of government and focuses rather on state appendages. This approach draws inspiration from Foucault's conception of 'governmentality', including relations of power, which manifests through citizen activities (Rabinow and Rose, 1994). In contrast to citizenship approaches that centre upon the 'State', or the 'individual' as a core axiom for analysis, a governmentality approach begins with regimes, or relations of power, shaped through discursive fields. From this approach, scholars examine the effects of institutions or structures on

political behaviour. As such, in examining the emergence of 'ecological citizenship', my analysis situates governmental modes of power in a particular location; in this way, I aim to trouble governmentality studies by drawing attention to the rich texture and particularities of citizen action rooted in place.

Power, according to this lens, is diffused. Rather than viewing government as a single hierarchical centralized institution, set of institutions, individuals, or groups, a governmentality approach examines the outcome of multiple thoughts and practices that shape assumptions about what government is, how it should be exercised, by whom, and for what purposes (Murray, 2007). The agency of actors is limited by the discourses in which they are embedded. Thus, language, speech, and communication carry and transmit relations of power. These power relations take place in the First Nations community of Aamjiwnaang, adjacent to Canada's 'Chemical Valley', where many citizens become first responders to the ever present threat of environmental catastrophe with their bodies on the front lines.

The mere existence of Indigenous peoples in Canada, many of whom live on reserves and exercise a unique set of rights, challenges our conventional ways of thinking about citizenship through individual, civic, or (neo)liberal models. In contrast to T. H. Marshall's writings on citizenship and social class, which outlined civil, political, and social rights and delineations of distinct features about what citizenship 'is', I discuss citizenship as an embodied and territorialized practice (Marshall, 1964). 'Practices' of citizenship conventionally refer to forms of access to the state, representation of interests within the state, and recognition of model citizens, where novel forms of individualized identities for citizens emerge to the detriment of 'the social' or group rights, eclipsed by market forms of citizenship (Hindess, 2002; Jenson and Phillips, 1996; Rose, 2007). Within the field of citizenship studies, there has been a limited discussion of the specific ways in which practices of citizenship emerge on the ground as simultaneously active, embodied, and emplaced. The Aamjiwnaang situation illuminates this.

Aamjiwnaang pertains not only to a geographical place where the rapids meet the shore, but also refers to a spiritual connection that Anishinaabe peoples have to this locale. According to the Anishinaabe historian David Plain, Aamjiwnaang is a word with no English equivalent; it describes a unique territorial characteristic, meaning 'place where mahnedoog live in the water' (Plain, 2007: 1). The territory once covered a much larger area on both the United States and Canadian side of the border; today, the name Aamjiwnaang is localized to one small reserve.

The reserve's location adjacent to Chemical Valley can be understood as a political place. It is not merely a plotted grid on a map or an external container, separate from human existence: it is a place imbued with interpretive, relational meanings (Soja, 2010; Thornton, 2008; Yanow, 2000; Yanow, 1998). The Aamjiwnaang reserve's location – a unique geographical site – produces meanings which reveal 'place' through the daily activities, experiences, and sentiments of its citizens. While space generally refers to a physical location, place refers to the symbolic and interpretive meanings that emanate from individual and collective relationships to a space (Gattrell and Elliot, 2008). I thus suggest that the Indigenous reserve is not a dead or passive space; rather, it is a place to which interpretive meaning is ascribed, including a thick multidimensional history.

The foundation of Canadian sovereignty is predicated on the historical and present reserve emplacement of Canada's Indigenous peoples on fragments of historical territorial land bases. In addition to displacing Indigenous peoples and situating them on reserves, early settlers appropriated their territories by effecting exclusive jurisdiction over their bodies and lands, opened them up to resettlement, capitalist development, and promoted the advancement of resource exploitation and Western traditions of land use, such as farming. The long-term effects of this (dis)placement led to conditions of overcrowded housing, welfare dependency, limited education, health problems, and high rates of unemployment.[11] These prevalent socio-economic conditions

shape the livelihoods of Indigenous peoples today, caught trying to both preserve and practice their way of life while responding to the incessant encroachment of environmental and corporeal contamination.

Citizen struggles to protect land and life in Aamjiwnaang reveal competing notions of citizenship itself. Ontology is at the centre of tensions between egocentric biopolitical citizenship and what I refer to here as an 'Anishinaabe' approach to citizenship.[12] This thinking responds to apparent tensions between atomistic Western liberal notions of citizenship that separate land from life, blaming individual citizens for their health and well-being, and an Indigenous or Anishinaabe approach, which entails experiential Indigenous ecological knowledge. An Indigenous 'ecological' formulation of citizenship emphasizes the importance of integrating traditional knowledge into a contemporary mode or way of being.[13]

The term 'Anishinaabe' can be understood as an alternative to the word 'Indian'. In Ojibwe, the term translates as 'man made out of nothing' and refers to 'spontaneous beings', on a path given by the creator (Johnston, 2005: 15). Traditional teachings consider and articulate that man, or humankind, was created from new substances unlike those out of which the physical world was made, connecting the corporeal and incorporeal. An Anishinaabe way of being connects the corporeal and the incorporeal, including the physical world, such as plants, wildlife, and land.

One concept that speaks to the core of tensions between an atomistic egocentric approach to citizenship and an ecological, ecocentric, or Anishinaabe approach is the notion 'property'. Property ownership is a fundamental principle of Western liberal thought. This contends with a notion of land as something to be cared for, cultivated, and as central to 'being'. To follow Bradley Bryan, property is not merely a legal concept, but is 'inherently socio-cultural and philosophical' (Bryan, 2000: 26). It is a social practice that frames our relationship with the environment. As such, it tells us something about agency and how we interact and behave in the environment. Property as a concept reveals social relations, describes set practices, and illuminates knowledge of particular territories, entitlements, land use, and so on (Bryan, 2000). There are many community-specific regimes of agency, which vary from community to community, from one First Nation to another. Such variability contends with liberal notions of property and citizenship which 'pin' and frame the structure of daily life.

According to the tenets of Anishinaabe thought, relations between humans and nature are mediated through a matrix of relationships. In contrast to a technological view of society that constructs a sharp dividing line between humans and nature, humans connect to nature in flesh and spirit. As has been mentioned, this includes the corporeal and the incorporeal, and a deep respect for plants, animals, people, and the spirit world. It connotes respect for Mother Earth and Father Sun. Though Anishinaabe thought discusses the principle that 'all are related' and emphasizes interconnectivity, there are four main orders within creation: the physical world, the plant world, the animal world, and the human world (Johnston, 2005). Each order is intertwined, constituting the fullness of life's existence. With less than the four orders or realms, life and being are incomplete and unintelligible. No one portion is self-sufficient or complete; each derives its meaning from and fulfils its function and purpose within the context of the whole creation (Johnston, 2005: 21). The place, sphere, and existence of each order is predetermined by great physical laws for harmony. Through the relationships of the four orders, the world generates sense and meaning.

Respect for Mother Earth is a core feature of Anishinaabe ontology, which considers earth as an animate living being, where everything has a heartbeat. No one can own his or her mother, or the earth in the present and in the future (Johnston, 2005: 25). An Anishinaabe approach considers individual beings as part of the ecosystem.[14] The natural world is not merely a compilation

of inanimate objects. A tree is never just a tree; 'it could be someone's grandfather' (Bryan, 2000: 27). Instead of pinning a series of relationships to mere objects, an Anishinaabe approach to citizenship places citizens within their environment. It is commonplace for individuals to introduce themselves to groups by stating ther name and the place they are from. Where you are from (in)forms your being.

Cultivating a way of being in relationship to one's environment is central to many Anishinaabe teachings. Citing one teacher, a research participant referred to 'walking the Red Road', where 'we humans must come to a moral comprehension of the earth and air'; further: 'we must live according to the principle of a land ethic'. The alternative is 'that we shall not live at all' (Correspondence with Charlotte, 17 May 2011). When we discussed the meaning of this 'land ethic' further, she emphasized the importance of: 'Respecting and giving value to all living things and the environment we live in; land, air, water … Being grateful and giving thanks for everything, from the smallest organisms to the highest mountains …' (ibid.). Subsequent conversations with an Elder on the meaning of the environment illustrate this further:

> What is environment to you? To me, it is Bimaadziwin. Way of life. It is our life. It is all of Creation's life. It is the Seven Grandfather teachings. It is the teachings in the Medicine Wheel, circle of life. It is Human rights, Creation's rights to a comfortable and enjoyable way of living. It is maintaining, as caretakers of Mother Earth, in her entirety, sustainable beauty and flourishing entity. It is being responsible and caring. The Seven Grandfather teachings says it all. Environment is RESPECT, HONOUR, WISDOM, BRAVERY, HUMILITY, TRUTH, LOVE. IF INDUSTRY COULD ONLY UNDERSTAND THIS CONCEPT OF LIFE, AND OPERATE THIS WAY, MAYBE OUR ENVIRONMENT, OUR WAY OF LIFE, WOULD BE MORE CLEANER, MORE ENJOYABLE, MORE LIFE-LONG. We could enjoy our grandchildren, our great grandchildren, and the beauty Mother Earth gives us. MONEY… only gives us temporary satisfaction … not a long life. It may be nice to make the money in these industries, but how long are we guaranteeing our children, our life for them. ENVIRONMENT IS BIMAADZIWIN.
>
> *(Correspondence with Mike, 19 May 2011)*[15]

Elders and community members continued to firmly state that this 'land ethic' is not based upon 'traditional knowledge'; rather, it is to be considered a way of life. One gains knowledge through adopting this way of life. This epistemology of lived experience informs ecologies of Indigenous citizenship.

Consideration for Indigenous views and modes of being forces liberal thought to revisit the politics at stake in the constitution and construction of subjectivity. This chapter disrupts status-oriented notions of citizenship with experiential dimensions to gesture towards a new way of thinking about practices of 'ecological citizenship'. This builds on Rose and Petryna's work on 'biological citizenship', to challenge biopolitical subjectivity's emphasis on the autonomous, egocentric individual with ecocentric 'place'. This theoretical orientation disrupts biopolitical or governmentality-informed approaches to citizenship that do not account for place-based practices. An ecological conception of citizenship turns our attention away from the hierarchical authority of state rule towards individual bodies situated in specific locales. Examining Indigenous ecologies of citizenships prompts us to question the strict institutional parameters for our politics and reorients our attention towards more experiential, embodied, lived, and territorialized practices of citizenship.

Acknowledgements

First and foremost, miigwetch to members of the Aamjiwnaang First Nation for sharing time and knowledge with me throughout the duration of my doctoral research. I am also profoundly grateful to Jennifer Bagelman, Laurence Butet-Roch, Jonathan Darling, Michael Orsini, and Delacey Tedesco for insights into early iterations of this chapter. This research benefitted from financial support through the Social Sciences and Humanities Research Council of Canada – CGS Doctoral Award programme.

Notes

1 As discussed on Canadian Broadcasting Corporation's 'The National', January 27 2013.
2 Recall that a year earlier, her home community of Attawapiskat declared a 'state of emergency' because of poor housing conditions. See: www.huffingtonpost.ca/news/attawapiskat/3 (accessed 31 January 2013).
3 Leanne Simpson highlights the significance of fish broth as symbolic of hardship and sacrifice on her blog post: 'Fish Broth & Fasting' from January 16 2013. Available online at http://dividednomore.ca/2013/01/16/fish-broth-fasting/ (accessed 22 February 2013).
4 The distinction between 'bare' and 'political' life is a key distinction that subsequent sections of this chapter address in detail.
5 Canada's colonial legacy became institutionalized with the inception of the 1876 *Indian Act*, which continues in effect today. According to Canada's Constitution of 1867, under section 91(24) 'Indians' and 'land reserved for the Indians' fall under the Federal state's fiduciary responsibilities. As such, the *Indian Act* maintains that reserve title rests with the Crown. As the Canadian Royal Commission on Aboriginal Peoples highlighted, the *Indian Act* outlines state powers that range from defining how one is born or naturalized into 'Indian' status to administering the estate of an Indian person after death (RCAP, 1996). Conceived under nineteenth-century assumptions about inferiority, incapacity, and an assimilationist approach to the 'Indian question', the *Indian Act* produced disparities in legal rights and subjected status Indians to prohibitions and penalties that would have been ruled illegal and unconstitutional if applied to other Canadians (RCAP, 1996). Canada's confederation in 1867 thus had little positive significance for Indigenous peoples in Canada; the *Indian Act* enabled, and continues to enable, the state regulation of 'Indian' bodies, lands and spaces. A detailed genealogy of the relationship between Canadian governance, citizenship, and the biopolitical management of Indigenous bodies is discussed at length in my dissertation: *Anatomy of place: ecological citizenship in Canada's Chemical Valley*.
6 The term 'abject' builds upon Julia Kristeva's definition, wherein the 'abject' is cast off and degraded – yet it is simultaneously emancipatory – for its potential to disturb the existing social order. Abject – as that between 'object' and 'subject' – represents that which is taboo, cast off, or partitioned to liminal space. At the same time, I do not want to argue that Indigenous bodies are inherently abject; rather, to follow Banu Bargu, bringing attention to one's abject state of being can be thought of as a kind of political intervention (see her discussion, for example on hunger strikes and self-harm, available online at www.socialtextjournal.org/periscope/2011/05/the-weaponization-of-life---banu-bargu.php#more (accessed 29 January 2013). An intervention, or interruption (see Cohen, 2012) incites a conversation about the metaphorical and metaphysical meaning of life itself.
7 The name 'Chemical Valley' refers to Canada's densest concentration of petrochemical and polymer production facilities, which encircle the tiny Anishinaabe community. It is just across the Canada–US border from Port Huron, Michigan.
8 Video footage of the children's protest can be seen on the *Sarnia Observer*'s website for January 16 2013: www.theobserver.ca/2013/01/16/protest-demonstrators-march-near-refinery (accessed 22 February 2013).
9 #idlenomore is a tag for the Indigenous social movement that began in November 2012, when several Indigenous lawyers protested against the Conservative government's Omnibus legislation, Bills C-38 and C-45, which imposed amendments to navigable waterways and reserve lands without substantive consultation. The movement led to a national day of action and a series of rallies, blockades, and flashmobs. Chief Theresa Spence's hunger strike ended 44 days later after drafting a13-point Aboriginal rights agenda, signed off by the opposition parties in Canada. The Conservative Government did not sign on, and the state of Canadian–Indigenous relations continues to be in flux.

10 These practices are discussed at length in my doctoral dissertation: *Anatomy of place: ecological citizenship in Canada's Chemical Valley*. Drawing from interpretive and ethnographic methods, my findings are generated from two years of field research, including a year of primary data collection, including 60 interviews, participant observation, community engagement, and document analysis.
11 Reserves are highly demarcated spaces that keep people in place. As Razack discusses, marginalized bodies appear almost transparent, forgotten, left behind as a part of earthy debris (Razack, 2002). Such conceptions posit the Indigenous body as part of the natural landscape, perceived as an obstruction to industrial progress. The colonial notion of *terra nullius* produced an 'empty zone' or space to be fortified through state boundaries. Consequently, Indigenous peoples became reduced by the white settler society to natural savages for control and containment. As a result, such a (mis)conception of land as an empty space permitted, and continues to permit, its colonization (Taussig, 1987). The pre-contact notion of *terra nullius* justified European settlement and moving Indigenous peoples onto reserves (Razack, 2002). Today it justifies filling these spaces with toxic waste.
12 Some caveats require disclosure. I wish to be clear here that there is no singular, identifiable 'Anishinaabe approach' to the environment or ecological citizenship. This is a working term that I use to illuminate some of the tensions between 'individual' and 'place-specific' notions of health and the environment, as I understand them from relevant literature, field immersion, and interview results gathered throughout the duration of my research period. Community members, Elders and my advisors repeatedly stated that the culture must be lived out. The culture must become part of a person's being (Johnston, 2005). Written works only reflect a small proportion of unwritten traditions and practices forming Anishinaabe culture and life.
13 This is a difficult and delicate task, which, to follow Alfred, is nonetheless important for Indigenous and non-Indigenous scholars alike, who must co-assume the responsibility for making 'traditional knowledge' part of the present and future lived reality (Alfred, 2009). In a spirit of reciprocity and intersubjective engagement, this chapter responds to Alfred's call for academics to assist in this process of knowledge translation by creating some room within contemporary structures, institutions, discourses, and practices for Indigenous knowledges and ways of being in the world.
14 Throughout my interactions with community members in Aamjiwnaang, I was reminded that nature is not something 'for' us; it is 'part' of us.
15 Mike is an Elder from the community, whose name is given with his consent.

References

'About Attawapiskat', *Huffington Post*. Available online at www.huffingtonpost.ca/news/attawapiskat/3 (accessed 31 January 2013).

Agamben, G. (1998). *Homo sacer: sovereign power and bare life*. Stanford, CA: Stanford University Press.

Alfred, T. (2009). *Peace, power, righteousness: an Indigenous manifesto*. Oxford University Press.

Bargu, B. (2011). 'Forging life into a weapon,' *Social Text*. Blog post from May 21, 2011. Available online at www.socialtextjournal.org/periscope/2011/05/the-weaponization-of-life---banu-bargu.php#more (accessed 29 January 2013).

Borrows, J. (2002). *Recovering Canada: the resurgence of Indigenous law*. Toronto: University of Toronto Press.

Bryan, B. (2000). 'Property as ontology: on Aboriginal and English conceptions of ownership,' *Canadian Journal of Law and Jurisprudence* 13 (1): 3.

Cohen, S. (2012). 'The body's turn: abjection's betrayal and the corpse-encounter,' *Cahiers de l'idiotie*. 5: 331–53.

Foucault, M. (1990). *The history of sexuality*. Volume 1. New York: Vintage Books.

Gattrell, A. C. and Elliot, S. J. (2008). *Geographies of health: an introduction*. Oxford: Oxford University Press.

Gunnarsson, S. (director). (2010). *Force of nature* [Motion Picture].

Hindess, B. (2002). 'Neo-liberal citizenship,' *Citizenship Studies*. 6 (2): 127–43.

Isin, E. (1997). 'Who is the new citizen? Towards a genealogy,' *Citizenship Studies*. 1 (1): 115–32.

Jenson, J. and Phillips, S. (1996). 'Regime shift: new citizenship practices in Canada,' *International Journal of Canadian Studies*. 14: 111–36.

Johnston, B. (2005). *Ojibwe heritage*. Toronto: McClelland & Stewart Ltd.

Klein, A. (2013). 'The genius of Spence,' *NOW*. Toronto, Jan 31–Feb 7 2013. Available online at www.nowtoronto.com/news/story.cfm?content=191010 (accessed 22 February 2013).

Kristeva, J. (1982). *Powers of horror: an essay on abjection*. New York: Columbia University Press.

Marshall, T. H. (1964). 'Citizenship and social class', in T. H. Marshall, *Class, Citizenship and social development*. New York: Anchor Books.
Murray, K. (2007). 'Governmentality and the shifting winds of policy studies,' in M. Orsini and M. Smith (eds.), *Critical policy studies*. Vancouver: UBC Press: 161–84.
Petryna, A. (2002). *Life exposed: biological citizens after Chernobyl*. Princeton, NJ: Princeton University Press.
Plain, D. (2007). *The plains of Aamjiwnaang*. Victoria, BC: Trafford.
Rabinow, P. and Rose, N. (1994). *The essential Foucault*. New York: The New Press.
Razack, S. (2002). *Race, space and the law*. Toronto: Between the Lines.
RCAP (1996). 'People to people: nation to nations,' *Royal Commission on Aboriginal peoples*. Final Report. Available online at www.aadnc-aandc.gc.ca/eng/1100100014597/1100100014637. (accessed 12 June 2013).
Rose, N. (2007). *The politics of life itself*. Princeton, NJ: Princeton University Press.
Soja, E. (2010). *Seeking spatial justice*. Minneapolis, MN: University of Minnesota Press.
Suzuki, D. (2007). *The sacred balance*. Vancouver: Douglas & McIntyre Publishing Group.
Taussig, M. (1987). *Shamanism, colonialism and the wild man: a study in terror and healing*. Chicago: Chicago University Press.
Thornton, G. (2008). *Being and place among the Tlingit*. Seattle, WA: University of Washington Press.
Tully, J. (2008). *Public philosophy in a new key: vol 1*. Cambridge: Cambridge University Press.
Tully, J. (2010). 'Responsible Citizenship'. Lecture, University of Ottawa.
Wiebe, S. M. (2012). 'Bodies on the line: the in/security of everyday life in Aamjiwnaang,' in M. A. Schnurr and L. A. Swatuk (eds.), *Natural resources and social conflict: towards critical environmental security*. New York: Palgrave Macmillan: 215–36.
Yanow, D. (1998). 'Space stories: studying museum buildings as organizational spaces while reflecting on interpretive methods and their narration,' *Journal of Management Inquiry*. 7 (3): 215–39.
Yanow, D. (2000). *Conducting interpretive policy analysis: qualitative research methods 47*. Thousand Oaks, CA: Sage.

49

African indigenous citizenship

Noah Tamarkin and Rachel F. Giraudo

Indigeneity has proliferated in recent decades among a wide range of African individuals and groups. In this chapter, we ask: how do transnational, national, and cultural forms of citizenship find expression in African contexts through the idea of indigeneity? How is indigeneity defined, lived, and contested in Africa, and how do specific forms of African indigeneities articulate with global discourses of indigeneity?

It is not self-evident who or what 'indigenous' describes. The term has been claimed by, and applied generally to, the descendants of precolonial populations all over the world. But it has also taken on more specific meanings in transnational and national legal discourses, through social organizing by those who see themselves as indigenous and on behalf of those who are seen as indigenous, as a political identity that may or may not be recognized by others, and as a debated analytic concept. In this chapter, we account for this dynamic relationship between differing meanings of indigeneity by viewing it as a political concept rather than one that is strictly descriptive or that can be understood through one definition. We thus view indigeneity as an ever-emerging, relational concept through which normative 'indigenous' characteristics and concerns are alternately embraced, challenged, and shifted, as those who claim it as a point of identification reconstitute the concept with their own experiences and concerns (de la Cadena and Starn 2007). Claims to rights, recognition, participation, and other aspects of citizenship are a prominent way that the changing parameters of indigeneity have been delineated in the late twentieth and early twenty-first centuries.

This chapter examines the politics of indigeneity through the concept of 'indigenous citizenship'. We approach citizenship expansively: we include both transnational and national citizenship discourses and experiences, and our discussion encompasses not just rights and recognitions but also issues of marginality and belonging that constitute the terrain of struggle for cultural citizenship (Rosaldo 1994). We thus define 'indigenous citizenship' as claims to rights and recognition in transnational and national contexts, social movements invoking such rights and recognitions, and the politics of belonging and exclusion experienced by those who have been identified, or who have sought to identify themselves, as indigenous peoples. In this sense, the politics of indigeneity is always also a politics of citizenship.

State governments, non-governmental organizations (NGOs), and peoples struggle over the meaning and implications of emerging indigenous claims, and such claims also find expression

through activist networks, regional governing bodies, and the United Nations (UN). The UN and many national governments do not explicitly define 'indigenous peoples', choosing instead, in the case of the UN, to define indigenous rights, which are then potentially claimable by self-defined indigenous peoples, or in the case of most nation-states, to refrain from any legal definition of indigenous peoples *or* indigenous rights. In this way, self-definition as indigenous continually reshapes the contours of the category, but it does so within the parameters of established ideas of what it means to be indigenous. These established ideas derive from the meaning of the word itself – native to, or originating in, a place – and also from social movements, such as the American Indian Movement, from established histories of participation in the UN Permanent Forum on Indigenous Issues (UNPFII) and its precedent Working Group, and from other UN documents that have, in fact, set out some parameters of the characteristics of indigenous peoples. For example, while the 1989 International Labour Organization (ILO) Indigenous and Tribal Peoples Convention 169 adopts a principle of self-definition to determine who is indigenous, it also provides guidelines suggesting that indigenous peoples are tribal peoples, descended from precolonial populations, who retain distinct cultural and political institutions (Hodgson 2002). In a testament to the ongoing power of these specific ideas of what defines indigenous peoples, opponents of granting indigenous status to those African peoples who claim it often note that postcolonial Africa in general meets these guidelines and so cannot accommodate marking some Africans as more indigenous than others. African contexts are thus particularly instructive for an analysis of indigenous citizenship.

Some scholars have emphasized that frameworks of indigeneity that emerged in the Americas and Australia translate awkwardly to Asian and African contexts because of different histories of settler colonialism and different political dynamics of multi-ethnic states (Hodgson 2002; Igoe 2006; Li 2000). In African contexts in particular, historical and ongoing migrations have troubled the place-specific time depth often assumed and required of indigenous peoples in juridical contexts. For example, some groups which consider themselves to be indigenous peoples historically migrated across large distances as pastoralists or foragers, or are recent arrivals to their current places of residence (Geschiere 2009; Hodgson 2002; Ndahinda 2011). These African differences have reshaped transnational discourses of indigeneity even while some have argued that they also render 'indigenous' inappropriate or untranslatable for Africa.

Indigenous citizenship implies two distinct, contradictory meanings in African contexts: indigenous peoples and indigenous practices. On the one hand, identification as indigenous has been used by or on behalf of specific African peoples – often, but not always, those who were historically hunter-gatherers or pastoralists, and often, but not always, those who have faced the most discrimination and marginalization – in a way that emphasizes their specific marginalization and sets them apart from the larger population of descendants of precolonial peoples. On the other hand, it has also been used to refer to cultural practices and traditions of this larger population in a way that differentiates them from European settler colonists and their white descendants. Indigenous in the latter sense has had different meanings in colonial versus postcolonial contexts. Colonial designations of all Africans as 'indigenous' fixed and divided historically flexible tribal groupings while imposing on Africans a powerful discourse of primitivity (Nyamnjoh 2007). Postcolonial invocations of practices and forms of knowledge such as traditional medicine, ancestor worship, and chieftaincy as 'indigenous' retain the idea that all Africans are indigenous while reframing indigeneity as a source of strength and cultural value.

The ambiguity between indigenous peoples and indigenous practices becomes most contentious in the contradictory claims to indigeneity by postcolonial African states and by specific minorities within them. Postcolonial governments engaged in nationalist projects invoke undifferentiated, state-wide indigeneity for the descendants of precolonial Africans, denying that

some groups should be considered more indigenous than others. Meanwhile, peoples seeking indigenous rights both within and beyond state boundaries argue that their specific marginalization can and should be redressed through a framework of indigeneity that differentiates among postcolonial African citizens. The stakes of African indigeneity are varied and include material, cultural, and symbolic resources such as land, minerals, water, intellectual property, heritage, and human remains. But it is the interplay between cultural difference and cultural belonging that makes both the claims of states and the claims of peoples within them legible as specifically 'indigenous'.

The cultural politics of emerging indigenous claims have been echoed by scholarly analyses of the concept of indigeneity. The study of global indigeneities, or global indigenism, has begun to trace the emergence of varied indigenous identities around the world and the rights and recognitions sought in its name (Niezen 2003). Concepts like 'indigenous rights', 'indigenous sovereignty', and 'indigenous recognition' describe the kinds of political claims made by and for people who see themselves or are seen as indigenous and the means through which such claims have been made (Barker 2011; Cattelino 2008; Kauanui 2008; Li 2000; Povinelli 2002). Debates within Africanist anthropology about the analytic use of 'indigeneity' have emphasized, on the one hand, the potential of the concept to reinscribe pejorative concepts of primitivity on already marginalized people and, on the other hand, the utility for those same people of the concept of 'indigeneity' as a political signifier (Barnard 2006; Kuper 2003). As more and more African groups have taken on the language of indigeneity and the politics of indigenous recognition, these debates have shifted from the relative merits of indigeneity as an analytic concept to instead accounting for and analysing the circumstances and implications of emerging African indigenous identities and organizations.

In what follows, we examine transnational, national, and cultural politics of differentiation and belonging at play in African indigenous citizenship as a way to emphasize the dynamic, contingent, and emergent politics of indigeneity. By considering various African indigeneities, we reframe who and what is meant by 'indigenous citizens'. We argue that African indigeneities require and enable redefinitions of how citizenship articulates with the idea of indigeneity in transnational and state contexts. When a range of examples of African indigeneity are viewed through the lens of citizenship – transnational, national, and cultural – the picture that emerges demonstrates both gaps and overlaps among these citizenship formations, a testament to the dynamism of the practice of citizenship by those who seek its redefinition.

Transnational translations: claiming indigenous citizenship across national borders

In the context of indigeneity, transnational citizenship has two distinct meanings. First, transnational citizenship enables analysis of the citizenship dilemmas that face indigenous peoples who span national borders. Second, transnational citizenship is a way to account for the claims to rights, recognition, and belonging that are made via participation in the UN and other international and regional forums. These claims are sometimes made to register or establish commonality or solidarity with indigenous struggles elsewhere; they also often serve as a way to leverage better treatment, social or cultural rights, correctives to historic loss of land and resources, and access to ongoing threats to livelihoods within specific states. In this section, we trace both meanings of transnational citizenship – peoples who span borders and claims made in international arenas – through east African Maasai and southern African San indigeneities. We further emphasize the significance of international claims by considering three indigenous organizations that operate at different scales: the International Work Group for Indigenous Affairs (IWIGA), the Working

Group of Indigenous Minorities in Southern Africa (WIMSA), and the Indigenous Peoples of Africa Co-ordinating Committee (IPACC).

Since the 1970s, 'indigenous' has become increasingly meaningful as a political identity with transnational implications. It gained traction worldwide through the efforts of indigenous activists who sought new avenues to gain rights, recognition, and sovereignty, as well as through the work of anthropologists and human rights activists on behalf of indigenous peoples. From the 1980s and increasingly in the 1990s, indigeneity began to take off in African contexts through linkages with established indigenous movements elsewhere. Maasai activists are often cited as important actors in this process: they are credited with establishing transnational links, popularizing ideas that the marginality of particular Africans could be addressed through the language of indigeneity, and claiming indigenous recognition via UN participation. For example, the first African to address the UN Working Group on Indigenous Populations as an indigenous representative in 1989 was Maasai activist and former Tanzanian Parliamentarian, Moringe ole Parkipuny (Hodgson 2009).

Indigenous rights frameworks resonated with Parkipuny and other Maasai in Tanzania and Kenya, as well as other pastoralist and agro-pastoralist peoples, and they, in turn, redefined 'indigeneity' on the basis of their concerns. Through their specific histories of land loss and marginalization and continued threats to pastoralism as a viable livelihood, they realized that their structural positions vis-à-vis their respective states had much in common with those of indigenous peoples elsewhere (Hodgson 2009). Their success at obtaining indigenous recognition transnationally was in part because Maasai indigeneity resonated with NGOs focused on indigenous rights and development. The rise of Maasai indigeneity in the 1990s and 2000s could be charted by the exponential increase of NGOs devoted to, and in many cases founded by, Maasai and other pastoralist peoples under the sign of indigeneity (Hodgson 2011). These were coordinated, often contentiously, within an umbrella group called Pastoralist Indigenous Non-Governmental Organizations (PINGOs) Forum, which in turn was part of the IPACC network, which we will introduce below.

The San[1] (Bushmen) of southern Africa have also played an important role in redefining indigeneity through their own activism and as a result of international and regional activism on their behalf. Like the Maasai, the San are not restricted to one national boundary: they inhabit areas of modern-day Botswana, Namibia, South Africa, Angola, Zimbabwe, and Zambia. San indigeneity emerged from a confluence of historical oppression and interventions by NGOs and others for whom the San resonated as 'indigenous'. San peoples' ability to maintain their traditional foraging livelihoods and many other aspects of their traditional cultures have, to a great extent, been eradicated by various colonial regimes along with postcolonial nation-building: the degradation of the environment that was historically their source of survival, their loss of access to the land, water, and wildlife that remain, and their loss of human and cultural rights together are considered by some as a cultural genocide (Hitchcock and Babchuck 2011). Although this was initiated by non-San academics, activists, and NGO workers, San activists are increasingly organizing more collectively to petition their respective states and the international community on their own behalf. For example, in 2012 a San Caucus read a historic statement at the 11th Session of the UNPFII denouncing the doctrine of discovery and calling for southern African governments to recognize their right to their lands and livelihoods (San Caucus from Southern Africa 2011).

As Maasai and San indigeneities emerged, discursive and material colonial legacies converged. Colonial characterizations of the Maasai as noble savages and the San as nomadic foragers – both 'primitive' – found new life in the characterization of some NGOs focused on preserving indigenous traditions: here, Maasai became synonymous with the image of warrior pastoralists untouched by modernity (Hodgson 2011) and the San as the epitome of the 'pristine'

hunter-gatherer now facing the threat of cultural extinction (Sylvain 2002). These stereotypes that position the Maasai, the San, and others as outside of modernity also, by extension, render them illegible as actors in their own right seeking the rights and recognitions of modern citizenship. To understand the Maasai and the San as engaged in the pursuit of citizenship, another reading of their predicaments is necessary: colonial policies resulted in massive loss of land (and cattle for the Maasai), and the new postcolonial states emphasized development and in some cases assimilation to the detriment of Maasai and San practices of land use, livelihoods, and cultural identities. As Maasai and San activists have sought restitution for loss of land and livelihoods at the UN and through regional networks and NGOs, they have also redefined, through 'indigeneity', their relationship to citizenship.

The UNPFII and the UN Declaration of the Rights of Indigenous Peoples (UNDRIP) are significant as, respectively, spaces for, and manifestations of, transnational African indigenous citizenship. The UNPFII was formed in 2000 – in the midst of the first UN-proclaimed International Decade of the World's Indigenous Peoples (1995–2004) – as an advisory body to the UN Economic and Social Council. Each year since 2002, the UNPFII has hosted a two-week session at the UN Headquarters in New York City. Africa is represented as a regional grouping: government and indigenous delegates from Africa are nominated and elected by the UNPFII council. The UNPFII therefore provides an especially important platform for indigenous peoples in Africa, as non-state actors, to represent themselves to the international community. For indigenous delegates, this forum provides a formal representation in a transnational governing body that in some cases exceeds their rights to representation within national arenas.

The adoption of the UNDRIP in 2007 now provides a global point of reference for activists and governments in addressing how to protect the rights of indigenous peoples. It was made possible, in large part, because of the outlet that the UNPFII provided. It is important to remember three things about the UNDRIP. First, it was the result of a long process of advocacy and negotiation among representatives of different self-defined indigenous peoples with different histories, different struggles, and different priorities. Second, and this is related to the first point, the Declaration does not actually define who is or is not 'indigenous' – arguably an outcome of the involvement of various African indigenous peoples who did not fit earlier UN definitions, as well as the involvement of delegates from African governments who refused to vote in favour of a Declaration that would impose and limit definitions of indigenous peoples. Third, the Declaration is non-binding, so there are no ramifications for states whose policies and practices violate those terms and expectations. We focus on African states in the next section; for now, it is the first point that we want to emphasize. It is particularly important to consider how Maasai indigeneity reshaped the global meaning of the concept. Whereas 'indigenous peoples' had in the past been synonymous with 'first peoples', a concept which resonated especially well with San history, Maasai histories of relatively recent migration, their cultural histories of differentiation from other Africans on the basis of cattle ownership, and their emphases on threats to pastoralism introduced livelihoods as a primary marker of indigeneity (Hodgson 2011).

Transnational citizenship finds expression not just through the UN, but also more locally through cross-border connections and organizations. Different colonial and postcolonial histories can present challenges for indigenous activists who share an identity as a specific indigenous people, but who are subject to different laws and policies as citizens of different states. For example, Botswana, Namibia, and South Africa, where the majority of San peoples live today, all enacted cultural and racial persecution of the San throughout colonial and white rule. However, in Namibia and South Africa, white rule only ended in the 1990s with Namibia's independence from South Africa and the end of apartheid, while Botswana ceased to be a British protectorate and achieved independence in 1966. From the 1960s to the early twenty-first century, Botswana

has pursued assimilation policies, while post-apartheid Namibia and South Africa have embraced multiculturalism. Additionally, while Botswana – more so than other states – rejects the idea that the San are 'first peoples', Namibia and South Africa acknowledge San claims to that status. Transnational networks, including a number of NGOs, human rights groups, and other sectors of civil society, both emerge from and address these differences.

These transnational networks are able to mobilize indigenous issues both within Africa and globally, all the more so when they are able to work with the UN. It is within and through these transnational networks that various indigenous groups on the continent have gained more support in articulating their claims to rights and recognition. We highlight here a few indigenous networks working with African indigenous peoples to demonstrate the range of actors, scopes, and scales of the African indigenism movement. These diverse networks and organizations make possible a multiplicity of understandings of 'indigenous', and they have been effective mechanisms through which indigenous peoples have achieved political and social rights.

Although African indigenous activists are increasingly central to drawing attention to their struggles and advocating for their rights, non-indigenous actors have also greatly contributed to the overall indigenism movement in Africa. IWIGA is an international human rights organization started by a group of anthropologists in 1968 that works with indigenous peoples around the world on human rights issues. IWIGA publishes annual reports on the status of indigenous issues around the world, incorporating current research on these matters. Working in Africa since the mid-1990s, IWIGA has specifically worked on indigenous issues in Botswana, Tanzania, Kenya, Rwanda, Niger, Burkina Faso, and Burundi. IWIGA is longer established and has a wider scope than regional networks in Africa. This enables the organization to increase international attention on African indigenous issues and to lobby for indigenous rights on behalf of those who seek recognition as indigenous peoples.

In 1996, around the time that IWIGA began working in Africa, WIMSA was established to advocate and lobby on behalf of San human rights. WIMSA grew out of the wider need for San advocacy, following the development of the Kuru Development Trust (a community development organization working on behalf of the San) and other San NGOs and organizations in Botswana, Namibia, and South Africa. It enables transnational, yet sub-regional organizing by and for San peoples spread across national boundaries to establish a more collective voice with national governments in the region and with international organizations and other transnational networks.

Around this time, many other regional networks like WIMSA formed throughout Africa to advocate for local indigenous peoples and issues. In 1997, IPACC began as a multilateral network that could amplify local claims and concerns. IPACC coordinates about 150 organizations representing indigenous peoples in Africa. It has a strong presence in various UN councils and programmes, as well as the African Commission on Human and Peoples' Rights. Its goals are to promote the recognition of indigenous peoples, participation by indigenous peoples in the UN and other international forums, and to strengthen the organizational capacity of indigenous networks. IPACC has regional representation throughout the continent, working with regional and local NGOs to help facilitate their ability to engage the state and broader indigenous networks. For example, IPACC also works closely with both WIMSA and the PINGOs Forum.

The networks described above demonstrate the breadth of indigenous networks working within and beyond Africa, from the regionally based networks working alongside local and national NGOs and other organizations to the global capacity of academic advocates who participate in lobbying on behalf of indigenous peoples' rights and disseminating information and updates about ongoing indigenous issues. Through their ever-changing, lateral nature, these networks have enabled state-specific organizations, activists, and advocates to pursue rights and

recognitions in a transnational space, which has been especially significant when indigenous claims are understood as in opposition to the states from which they emerge.

States, sovereignty, and autochthony: claiming and challenging indigenous belonging

While the idea of indigeneity has increasingly resonated for minorities within African states, many African states have rejected these claims, arguing instead that all citizens are equally indigenous or that the category itself is inappropriate for African contexts. At stake are colonial legacies, postcolonial projects of nation-building, and related concerns about postcolonial African sovereignty (Ndahinda 2011). Colonial legacies prompt state actors and scholars alike to resist notions of indigeneity in Africa: European colonialism imposed racial hierarchies through which African ethnicities were delineated in order to subjugate Africans (Mamdani 1996, 2002). The idea that one ethnic group can be more 'indigenous' than another is therefore held in suspicion and contempt as an extension of colonial logics of domination. Furthermore, state actors in particular view the indigenous claims of minorities as a way to further suppress the legitimacy, and therefore the sovereignty, of new African states. Because of the multivalency of meanings of indigeneity, there are misunderstandings between parties identifying as 'indigenous', parties being identified as 'indigenous' by outsiders, and governments claiming 'indigenous' state sovereignty. These multiple discursive frames are why there is sometimes difficulty in gaining traction in Africa to support the 'indigenous rights' of some ethnic groups who are often the most marginalized by the states that in turn claim to be 'indigenous'.

This is the case in the southern African country of Botswana, home to more than 50,000 San, the most in the region. The San are widely considered the 'first peoples' of southern Africa, in large part as a result of archaeological, anthropological, linguistic, and genetic research. Archaeologists and linguists estimate that Bantu speakers migrated southward about 1,500–2,000 years ago, whereas the San have resided in the region for many millennia. With a population of approximately 2,000,000, Botswana is held up as a model of African democracy for its government's transparency and consistent economic development since independence in 1966. One major blemish on Botswana's record, though, is its refusal to address concerns about the marginalization of the San. The government scoffs at the notion that the San are more 'indigenous' than the Tswana, the ethnic elite, or other Bantu speakers, and argues that all of its citizens are 'indigenous' (Saugestad 2001). This position on citizenry being equivalent to indigeneity stems from the end of the protectorate era when the country's first president, Seretse Khama, promoted the ideal that individuals in Botswana identify themselves first as citizens and not as members of ethnic tribes. However, the cultural hegemony of the Tswana that then permeated the new state made possible the continued subjugation of the San (Giraudo forthcoming).

The government policies that negatively impact the San in Botswana include the constitution that legally recognizes only Tswana tribes (and, until recently, only Tswana tribal leaders) and divides the country's territory between the eight Tswana tribes, which is then governed by tribal land boards. The land tenure systems of the San were not acknowledged by the government, which resulted in the San losing their traditional land. The government's promotion of cattle rearing and wildlife conservation further contributed to the loss of access to land by the San. In its defence, the government argues that the San are 'primitive' and require state supervision for their well-being in 'developing' and more fully assimilating as *Batswana* (citizens of Botswana) (Giraudo forthcoming). Without access to land and because of restrictions on practising their traditional foraging livelihoods, the San are dependent on government handouts through social programmes, such as the Remote Area Dweller Programme (RADP).

Interestingly, the government of Botswana voted in favour of the UNDRIP in 2007, although they did so only after the Declaration was revised to eliminate the possibility that external definitions of 'indigenous' could be imposed by outsiders (Moemedi 2007). Their stance at the UN leaves intact their use of 'indigenous' to mark a generalized African postcolonial citizenship. Nevertheless, international human rights groups, regional minority rights groups, and NGOs have continued to work to validate the San's specific differentiated indigeneity claims.

The multiple meanings of indigeneity in Botswana provide an example of why 'indigeneity' resonates for marginalized African minorities, and why African states have misgivings about new politics and discourses of difference and recognition. The San consider themselves to be 'indigenous' to the area that is present-day Botswana because of their longevity in the region and their encapsulation first by pre-state Tswana polities in the nineteenth century and now by the postcolonial Botswana state. Their ongoing marginalization is why outsiders also recognize the San as 'indigenous peoples'. But for Botswana, at stake is state sovereignty, in the sense of the state's right to define indigeneity within its own borders. This position is a relational framing between African states vis-à-vis Western sociopolitical and economic hegemony.

The revisions requested to the UNDRIP by Botswana and other African states were thus an extension of their own claim to the sovereignty that for them should follow from state indigeneity. This use of the concept of 'indigenous' is actually more akin to 'autochthonous', which refers to rights to an area from outsiders (Gausset *et al*. 2011). Like indigeneity, autochthony has emerged as a contentious site of difference, belonging, and sovereignty in Africa and elsewhere. 'Autochthony' and 'indigeneity' share much analytically: both concepts connote primordial links to land, naturalize particular forms of belonging and exclusion, and are less self-evident and more elastic than they appear; as such, both of these concepts significantly reshape citizenship and belonging. The two concepts are sometimes used interchangeably. This is certainly the case in the context of transnational indigenous citizenship: the UN considers *autochthone* to be the French translation of 'indigenous'. However, in francophone Africa, the meanings of 'autochthony' and 'indigeneity' diverge: in contemporary political discourse, *autochthone* and its antonym *allogène* delineate those who belong from those who are outsiders. In these contexts, the idea of autochthony has emerged as a central organizing principle of national political power, while the idea of indigenous peoples corresponds with those on the margins of national citizenship (Geschiere 2009).

In Cameroon, convergences and distinctions between autochthony and indigeneity demonstrate some of the limits of indigenous citizenship in Africa. Immediately after decolonization, the 1960s to the 1980s saw investments in nation-building through ideas of national unity that found expression in one-party rule. At that time, regionalism and ethnicity were seen as potential political threats to central authority. However, in the 1990s, international pressures, such as the World Bank's emphasis on decentralization and the imposition of multiparty democracy, effectively flipped the political significance of regionalism and ethnicity; no longer a threat, they became the primary means through which central political power was perpetuated: party members who wanted to maintain or improve their standing were now required to generate support in their home regions for centralized political power (Geschiere 2009).

In this context, power struggles emerged between migrants and those with historic links to regions or even to specific villages. A new constitution in 1996 explicitly protected the rights of minorities and *indigènes*, or 'indigenous peoples', but did not define who was to be protected (Ndahinda 2011). In practice, the principle of autochthony rather than the principle of indigeneity determined access to rights and resources. For example, new regional councils designed to protect minorities limited the participation of migrants, and voting rights were increasingly

linked to one's home village rather than one's place of residence, which disenfranchised many migrants (Geschiere 2009).

Here 'minority' corresponded to 'autochthonous', which was rhetorically linked to 'indigenous'. But these links between autochthony and indigeneity are misleading, as can be seen when examining the indigenous citizenship practices of the Baka of Cameroon, who are one of several peoples identified as 'Pygmies' in central Africa. Baka representatives participate in the UNPFII, thus explicitly engaging transnational citizenship. The Baka are widely acknowledged as the original inhabitants of the region and hence, in theory, can be seen as both 'indigenous' and 'autochthonous', but they also exist on the margins, both politically and socially. Many Baka peoples are forest-dwellers, living outside villages and cities; in that sense they are spatially on the margins of the state and beyond the contemporary national political use of 'autochthony,' with its emphasis on links to villages and legitimate belonging vis-à-vis migrants (Leonhardt 2006). Baka spatial marginality corresponds to citizenship marginality: often without birth certificates, they also cannot access identity cards or state services (Geshchiere 2009). Researchers emphasize that it is not self-evident that Baka peoples desire state citizenship, but that if they do, their obstacles to obtaining it go beyond policy. Baka peoples historically lived near villages and engaged in trade relationships with villagers who valued their ability to provide forest products and medical skill, but who nevertheless often viewed them as subhuman and therefore properly without state rights or protection (Geschiere 2009; Leonhardt 2006; Pelican 2009). Perceived to be lacking the authentic links to soil implied by autochthony, the Baka fit current transnational models of African indigeneity that emphasize livelihoods and historic marginalization more than primordial links to land. But within Cameroon, it is autochthony and not indigeneity that facilitates access to the state, despite constitutional recognition of indigenous peoples. In Cameroon, political investments in the idea of autochthony have rendered the Baka without access to state citizenship despite their recognition transnationally as an indigenous people.

Self-definition is a powerful source of indigenous citizenship, encompassing the claims of states like Botswana to indigeneity in the name of postcolonial sovereignty and the claims of peoples like the San or the Baka who fall outside their respective state definitions or practices of citizenship, representation, and cultural belonging. Despite this encompassing nature of the idea of indigenous citizenship, differentiation continues to matter. Transnational indigenous citizenship – whether expressed through regional networks or through the UN – has proved to be a critical means of seeking improved access to land, livelihoods, and resources within states. But the kind of national indigenous citizenship that Botswana and other states claim can also undermine the likelihood that indigenous claims within its borders can be heard as such. For example, San cultural distinctiveness and status as a 'first people' of the Kalahari are used to stress San indigeneity. However, it is their marginalized status that has enabled them to achieve recognition from the government and political traction from donors to support their networks and NGOs. Similarly, Maasai activists have found that their efforts within their respective states are more successful when they eschew the language of indigeneity. They continue to seek recourse for loss of land, threats to livelihoods, and poor access to schools, infrastructure, and other resources, as indeed they did before the popularization of 'indigeneity' as a name for their struggles. But within the state, they find other words to advocate for themselves, while they also continue to participate in regional and transnational indigenous rights networks and forums (Hodgson 2011). It is this dynamism that makes indigenous claim-making so compelling: there is not just one approach at any given time, but always a multiplicity of approaches, enabling the greatest chance for movements that have coalesced under the sign 'indigenous' to successfully attain the rights and recognitions that they seek.

Emergent claims: culture, knowledge, belonging

Although indigeneity has gained more attention in other areas of the world, it is the involvement of African indigenous peoples and states that has further developed a global understanding of what indigenous can mean. Indigenous organizing is a multi-scalar process that ultimately involves communication with the UN, but recognition by the UN does not necessarily translate into national indigenous rights or recognition. Furthermore, UN participation is not the only avenue through which Africans self-define as indigenous: claims are also made directly to specific states that are not also made to the UN, and the contexts of both national and local identity politics shape and are shaped by emergent indigeneities. States, in turn, mediate indigenous claims according to their own politics of belonging, which sometimes results in a turn away from the discourse of indigeneity.

Postcolonial states are reluctant to accord specific African ethnic groups a specialized status, such as that of being 'indigenous', because they do want lose control over land and other resources, as well as in order to avoid ethnic conflict in multi-ethnic states. Still the momentum of indigenous claim-making lends itself to emergent forms of African indigeneity. For example, in South Africa the Lemba have sought ethnic recognition from the state since the 1950s. They have never been recognized as ethnically distinct, although they are known internationally as such, because in the 1980s and 1990s they took part in DNA studies that supported claims of their historical links to the Jews. The Lemba have increasingly invoked their African indigeneity, for example through their participation in the reburial of human remains from Mapungubwe, a thirteenth-century kingdom that is now a World Heritage site. Lemba ideas about indigeneity were influenced by transnational discourses, but they did not pursue recognition from the UN as an indigenous people. Rather, for them, indigenous citizenship meant seeking indigenous recognition specifically and only from the South African state; for them, indigeneity made possible their postcolonial national belonging (Tamarkin 2011).

Other emerging claims by indigenous peoples in Africa are over control of their intellectual property and cultural heritage, and these claims are made using established and new transnational networks to guard against multinational companies that exploit indigenous knowledge, as well as national appropriation of their cultural knowledge and symbolism. For example, WIMSA, the regional network of San activists, worked with intellectual property lawyers to successfully sue the pharmaceutical giant Pfizer over the corporation's attempt to patent a molecule of the Kalahari succulent, *Hoodia gordonni*. Pfizer and a number of weight-loss companies were exploiting San medicinal knowledge that *Hoodia gordonni* could be consumed to ward off hunger and thirst as they packaged, sold, and distributed a processed form of the plant internationally as a weight-loss supplement (Chennels *et al*. 2009). Indigenous peoples also want more involvement and say over the use of their cultural heritage, such as their cultural imagery and representations of their histories and heritage, which is used either for profit or nation-branding by the same actors that marginalize indigenous peoples. For example, indigenous peoples from Africa have only recently gained representation at the UN regarding the nomination, designation, and management of World Heritage sites, before which negotiations only took place on the UN–state level, and states reaped the local benefits of such a designation, while indigenous peoples were often displaced and disadvantaged by these conservation measures.[2]

As we note, indigeneity in Africa is always a relational, political process. African indigenous citizenship revolves around the ongoing politics of differentiation and belonging played out through transnational networking and in the attempted modification of national dialogues. Whereas African indigeneity has the most saliency in its ability to merge with other, global indigenous conversations, it is, in fact, its international influence that reinforces African scepticism of

the concept and of the movement. Postcolonial sovereignty is what is at stake for new African states that also claim marginalization and a historical loss of rights and recognition from the West. Emergent indigenous claim-making in Africa, however, provides more opportunities for examining new modes of belonging and opposition to the state, as well as the corporate sector. It is therefore the mutability of African indigeneity that contributes more broadly to discussions of indigenous citizenship.

Notes

1 'San' is widely used to refer to the numerous and diverse cultural groups of traditional hunter-gatherers (and some herders) from the southern Africa region who speak, or are descendants of speakers of, the click-consonant languages from the Khoisan (Khoesaan) language family.
2 The Theme on Indigenous Peoples, Local Communities, Equity and Protected Areas (TILCEPA) is working with the World Heritage Advisory Body, the International Union for Conservation of Nature (IUCN), to increase the participation of indigenous peoples in the World Heritage process, as well as to advise States Parties with regards to their responsibilities to indigenous communities impacted by state conservation regimes. The Chair of TILCEPA is also the Director of Secretariat for IPACC.

References

Barker, J. (2011) *Native acts: law, recognition, and cultural authenticity*, Durham, NC: Duke University Press.
Barnard, A. (2006) 'Kalahari revisionism, Vienna and the 'indigenous peoples' debate', *Social Anthropology*, 14 (1): 1–16.
Cattelino, J. (2008) *High stakes: Florida Seminole gaming and sovereignty*, Durham, NC: Duke University Press.
Chenells, R., Haraseb, V., and Ngakaeja, M. (2009) 'Speaking for the San: challenges for representative institutions' in R. Wynberg, D. Schroeder, and R. Chennels (eds.), *Indigenous consent and benefit sharing: lessons from the San-Hoodia case*, Berlin: Springer, pp. 165–89.
de la Cadena, M. and Starn, O. (eds.) (2007) *Indigenous experience today*, New York: Berg.
Gausset, Q., Kenrick, J., and Gibb, R. (2011) 'Indigeneity and autochthony: a couple of false twins?' *Social Anthropology*, 19 (2): 135–42.
Geschiere, P. (2009) *The perils of belonging: autochthony, citizenship, and exclusion in Africa and Europe*, Chicago: University of Chicago Press.
Giraudo, R.F. (forthcoming) 'San cultural tourism: mobilizing indigenous agency in Botswana' in A.C. Bunten and N. Graburn (eds.) *Cultural tourism movements: new articulations of indigenous identity*, Chicago: The University of Chicago Press.
Hitchcock, R. K. and Babchuck, W. A. (2011) 'Genocide of Khoekhoe and San peoples of Southern Africa' in S. Totten and R.K. Hitchcock (eds.) *Genocide of indigenous peoples*, New Brunswick: Transaction Publishers, pp. 143–72.
Hodgson, D. (2002) 'Introduction: comparative perspectives on the indigenous rights movement in Africa and the Americas', *American Anthropologist*, 104 (4): 1037–49.
Hodgson, D. (2009) 'Becoming indigenous in Africa', *African Studies Review*, 52 (3): 1–32.
Hodgson, D. (2011) *Being Maasai, becoming indigenous: postcolonial politics in a neoliberal world*, Bloomington, IN: Indiana University Press.
Igoe, J. (2006) 'Becoming indigenous peoples: difference, inequality, and the globalization of East African identity politics', *African Affairs*, 105 (420): 399–420.
Kauanui, J. K. (2008) *Hawaiian blood: colonialism and the politics of sovereignty and indigeneity*. Durham, NC: Duke University Press.
Kuper, A. (2003) 'The return of the native', *Current Anthropology*, 44: 389–402.
Leonhardt, A. (2006) 'Baka and the magic of the state: between autochthony and citizenship', *African Studies Review*, 49 (2): 69–94.
Li, T. (2000) 'Articulating indigenous identity in Indonesia: resource politics and the tribal slot', *Comparative Studies in Society and History*, 42: 149–79.
Mamdani, M. (1996) *Citizen and subject: contemporary Africa and the legacy of late colonialism*, Princeton, NJ: Princeton University Press.

Mamdani, M. (2002) *When victims become killers: colonialism, nativism, and the genocide in Rwanda*, Princeton, NJ: Princeton University Press.

Moemedi: The Envoy (2007) 'Botswana votes for revised UN Declaration', *Moemedi: The Envoy (Quarterly Newspaper of the Ministry of Foreign Affairs & International Cooperation)*, July–September (10): 12.

Ndahinda, F. (2011) *Indigenousness in Africa: a contested legal framework for empowerment of 'marginalized' communities*, The Hague: T. M. C. Asser Press.

Niezen, R. (2003) *The origins of indigenism: human rights and the politics of identity*, Berkeley, CA: University of California Press.

Nyamnjoh, F. B. (2007) '"Ever-diminishing circles": the paradoxes of belonging in Botswana' in M. de la Cadena and O. Starn (eds.) *Indigenous experience today*, New York: Berg, pp. 305–32.

Pelican, M. (2009) 'Complexities of indigeneity and autochthony: an African example', *American Ethnologist*, 36 (1): 52–65.

Povinelli, E. (2002) *The cunning of recognition*, Durham, NC: Duke University Press.

Rosaldo, R. (1994) 'Cultural citizenship and educational democracy', *Cultural Anthropology*, 9 (3): 402–11.

San Caucus from Southern Africa. (2011) 'The doctrine of discovery. statement by the San caucus from Southern Africa to the 11th session of the UN Permanent Forum on Indigenous Issues (UNPFII)', New York City, May 7–18.

Saugestad, S. (2001) *The inconvenient indigenous: remote area development in Botswana, donor assistance, and the first people of the Kalahari*, Uppsala: The Nordic Africa Institute.

Sylvain, R. (2002) '"Land, water, truth": San identity and global indigenism', *American Anthropologist*, 104 (4): 1074–85.

Tamarkin, N. (2011) 'Religion as race, recognition as democracy: Lemba 'Black Jews' in South Africa', *Annals of the American Academy of Political and Social Science*, 637 (1): 148–64.

50

Indigeneity and citizenship in Australia

Maggie Walter

Indigenous[1] Australia is inequitably and differentially positioned from the Euro-Australian majority within contemporary nation-state citizenship. This disparity emerges from two sources. The first is the colonial legacy of the direct denial of citizenship rights. When Cook raised the British Flag at Possession Island in 1770, he did so in disregard of the continent's peoples. From a social Darwinism perspective, the Aboriginal inhabitants, deemed as being without a sovereign or system of land tenure (distinguishable to British eyes), were determined not to have progressed to a recognizable level of civilization (Moreton-Robinson 2009). Therefore, the country was legislatively unowned (*terra nullius*). Belief in a naturally occurring racial hierarchy meant that the social, political, and civil marginalization of Australian Aboriginal peoples in the new colonies was deemed the natural outcome of the evolutionary racial order. Until it was overturned in 1993, the legal fiction of *terra nullius* supported, despite the protracted violent interaction between Aborigines and settler colonists, the Euro-Australian myth that the continent was settled, not invaded, and Aboriginal peoples included, not dispossessed.

Over the next two centuries discourses of the Indigenous place within notions of citizenship varied. Differentiation operating from first settlement to the mid-twentieth century justified first subjugation, segregation, and then forced assimilation alongside separation. The 1960s saw a discursive shift with notions of human rights and then self-determination reshaping citizenship concepts. Now, the dominant discourse is one of undifferentiated equality. Herein lies the second source of Indigenous citizenship disparity. While the official apparatus of racial inequality was ostensibly removed during the latter half of the twentieth century, the hierarchies of social, cultural, material, and political privilege/marginalization, and as this chapter argues, race privilege/disadvantage, were not. These 'old century' inequalities are now captured within a discourse that eschews a racial dimension of citizenship. This discursive contradiction is summarized in this chapter by the term 'race bind'.

In this chapter, the race bind is first conceptualized and linked with the notion of citizenship for Indigenous peoples in First World settler states. This discussion is contextualized via the detailing of changing discourses on Indigenous citizenship from colonization to the present. The race bind discourse is then operationalized via a comparison of the citizenship context of the 1967 referendum with that of the 2010 proposal to recognize Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

Indigeneity, citizenship and the race bind

T. H. Marshall (1950; 1994) positions citizenship as an essential social institution of the modern nation-state. Dividing citizenship into civil, political, and social rights, Marshall theorizes each emerged at a particular (European) time in history and is distinguished by a specific set of rights and institutions through which those rights are exercised. More contemporarily, citizenship rights have been defined as a 'bundle of entitlements and obligations which constitute individuals as fully fledged members of a socio-political community, providing them with access to scarce resources' (Turner and Hamilton 1994: 3). Indigenous citizenship in colonized First World nations does not fit with either the Marshall or the Turner and Hamilton understanding of citizenship. The past and present capacity of colonized Indigenous peoples to exercise or access social, civil, and political power has been deliberately resisted by their settler nation states. The result, as argued by Holder and Corntassel (2002), is that the place of Indigenous citizenship rights, individual and collective and the relationship between, is increasingly precarious in colonized First World nations.

The key issue is that Indigenous/settler citizenship rights have always been, and remain, predominantly competitive and not compatible (Walter 2010). For Tully (2000) the solution to the long-standing rights conflict for settler states has been to eliminate the Indigenous problem. In present times, rather than physical annihilation, he argues, difference-blind liberalism is discursively deployed to reject Indigenous claims. Undifferentiated rights, however, not only 'work against the grain of validating the Indigenous world' (Thornberry 2002: 413), but they also threaten the identity of groups which are culturally or racially different (Kymlicka 1995). Hokowhitu (2010) takes this argument further, pointing to the conflation of human rights and citizenship rights as a paradigmatic shift. Indigenous resistance to rights subordination was no longer epistemically driven by Indigenous world views. The framework of individual rights, while powerful, he argues, in its negation of Indigenous peoples' rights, creates false impressions of progress.

The notion of difference, therefore, is central to Indigenous citizenship, and this includes the differentness of the settler populations from Indigenous first nations as well as its reverse. As such, contemporary discourses of equal citizenship rights are largely discursive euphemisms for continuing the prioritizing of settler states and their populations' rights. Yet, as is argued in this chapter, the promotion of undifferentiated individual rights is only one aspect of a larger and more complex and contradictory picture of the ongoing denial of Indigenous citizenship. In colonized Anglo First World nations such as Aotearoa New Zealand, Canada, Hawaii, the United States, and Australia, dominant discourses of individualism have melded, seemingly seamlessly, with older discourses which positioned Aboriginal peoples as uncivilized and uncivilizable and culturally and morally deficit. The resulting paradox, the race bind, is intricately woven into the concept of citizenship and played out in contemporary Australia across multiple terrains.

The emergence of the race bind discourse can be linked to the rising dominance of neo-liberalism. From the 1980s onwards, and at an accelerating pace through the 1990s and 2000s, Australia, like other Anglo Western nations increasingly transformed its liberal welfare state into a neoliberal nation-state. In the neoliberal state the notion of citizen is individualized to mean personal freedom to operate within a marketplace built on individual accountability for success or failure within that market (Harvey 2005). Neo-liberalism and increased transnational integration impose imperatives that disrupt individual national models of citizenship. The atomization of the social to the base level of the individual results in two outcomes, both of which are negative for Indigenous citizenship rights. The first is a further privileging of Western culture and whiteness inherent in neo-liberalism (Gale 2005). Arguments of cultural differentiation are labelled divisive and/or deviant, but Western cultural values have become so normalized that their

perception as normal morphs into 'natural'. Second, the 'present time' focus of neo-liberalism replaces notions of structurally embedded privilege and disadvantage with the pre-eminence of individual effort and meritocracy. In this discourse, continuing and consistent deep Aboriginal socio-economic disadvantage is posited as individual and community incapacity, poor behavioural choices, and undeservingness (Walter 2010). Indigenous deprivation is reframed not as a failure of state or society, but a failure of Indigenous people to utilize their equally available citizenship rights. The resultant discursive paradox denies the concept of race itself, but simultaneously justifies racially differentiated access to citizenship rights. In the race bind, the embedded settler/Indigene stratification systems that historically and contemporarily determine disparate access to social, economic, political, and cultural resources are erased from the non-Indigenous view. The privileging of the Euro-Australian citizen, especially at the expense of Australian Aboriginal and Torres Strait Islander peoples, is deemed equal rights.

Indigenous citizenship: from colonization to the 1967 referendum

While Aboriginal peoples were legally British subjects, the spread of colonization throughout the Australian continent required the suspension of the rule of law for them. In New South Wales mounted police quashed Aboriginal resistance and then hanged executed prisoners bodies from trees to both terrify and pacify the Aboriginal population, and in Tasmania martial law was declared to legalize the violent oppression of the Tasmanians (Chesterman and Galligan 1997). In Western Australia, the use of flogging and leg and neck chains for Aboriginal prisoners continued until the 1930s, and in the Northern Territory, police punitive patrols were not banned until 1936 (Cunneen 2007).

After dispossession, each colony enacted measures to segregate Aboriginal peoples from settler citizens. The most ubiquitous of these were the misnamed Protective Legislations, which contained surviving peoples via an intimate level of individual, social, legal, and economic surveillance and regulation. For example, in Victoria, the *Act to Provide for the Protection and Management of the Aboriginal Natives of Victoria, 1869* prescribed where Aboriginal people could live and regulated employment (Peterson 1998). In Queensland, in a model later adopted by other states, laws restricted Aboriginal personal autonomy in almost all areas, including freedom of movement, employment, marriage, and child-rearing (Peterson 1998). These legislative regimes were founded on the belief that Aboriginal peoples were unfit for civilization and, therefore, doomed to extinction. Towards the end of the nineteenth century, however, the growing number of people of mixed race emerged as a threat to colonial ambitions. The colonial response was to add forced assimilation to separation. In Victoria, for example, the definition of an Aboriginal native was restricted to those without any European forebears while in Queensland the definition included Aboriginal natives and half bloods habitually associating with them (Chesterman and Galligan 1997).

Nationhood changed little. The 1901 Australian Commonwealth Constitution mentioned Aboriginal people only twice. Section 51 precluded the new Commonwealth Government from making laws in respect of Aboriginal people and Section 127 prohibited the inclusion of the Aboriginal population in state or Commonwealth censuses. The purpose of Section 51 was to maintain the newly formed states' control of 'their' Aboriginal populations via their respective 'Protective' Legislations, which, despite, or perhaps because of, the new nationhood continued unabated and often with increasingly restrictive powers. In Queensland, for example, during the first half of the twentieth century, the remit of the Act included control of residence, movement, employment, marriage, reading matter, leisure activities, religious and cultural rituals, and wages. S. 127 ensured states such as Western Australia and Queensland with large Aboriginal

populations by virtue of their later colonizations could not access Commonwealth monies by 'inflating' their citizen population with Aborigines (Chesterman and Galligan 1997).

The new Australian Government, however, also soon entered the Indigenous citizenship restriction domain. One of its first legislative acts, the *Commonwealth Franchise Act, 1902*, excluded from the Electoral Roll, alongside those of unsound mind, those convicted of treason, or ex-prisoners, Aboriginal natives of Australia (Chesterman and Galligan 1997). This 'exclusion of Aboriginal natives' became the standard proscribing clause in Commonwealth legislation relating to social and civil rights, including the various Social Security acts governing entitlement to age, invalid pensions, maternity allowances, or unemployment or sickness benefits (Walter 2007). The right to a living wage was also not extended to Indigenous Australians. From 1904 until in some cases the 1980s, state governments withheld or underpaid wages earned by Aboriginal workers (Kidd 2006). Even war service rewards were included. Of the more than 300 Aboriginal soldiers who served in World War 1, only one is known to have received a soldier settlement land grant (Peterson 1998).

Indigenous citizenship activism and the 1967 referendum

Despite the rigidity of exclusion, Aboriginal peoples continually resisted their relegation to non-citizen status. William Cooper, Jack Patten, and William Ferguson organized the first 'Day of Mourning' to mark the 1938, 150th anniversary of colonization. As part of this protest an 'Australian claim of civil rights manifesto' was presented to King George VI and a ten-point plan for Aboriginal citizenship presented to Australian Prime Minister Joseph Lyons (Attwood and Markus 1999). While this plan was ignored, continuing Aboriginal activism resulted in a gradual change of public sentiment. The 1948 *Nationality and Citizenship Act*, while containing no rights or obligations to Australian citizenship, did not exclude Aboriginal people from its remit. The 1950s saw a gradual lifting of the exclusionary clauses and in 1963 the Aboriginal exclusion from national suffrage was removed (Petersen 1998).

The major Aboriginal citizenship change event, however, was the 1967 *Constitution Alteration (Aboriginals) Act (Cwlth)* referendum. In this referendum, more than 90 per cent of Australian electors voted YES to amending the Constitution to alter Section 51. (xxvi) to omit the words 'other than the aboriginal race of any State' and to repeal Section 127. These changes meant that the federal government was now enabled to make laws in relation to Aboriginal peoples, and Aboriginal and Torres Strait islander peoples could be officially counted in the national census. In contrast to the very high level of voter caution in relation to referenda, where only eight of over 40 proposals have passed, the support for this referendum was unique in Australian history. As such, the overwhelming non-Indigenous Australian support for the referendum is seen as a high point of Australian egalitarianism, with historians now arguing (see Attwood and Markus 1999; Petersen1998; Chesterman and Galligan 1997) that it has been imbued with a meaning significantly greater than its actual achievements. For example, it is common for the media to refer to the referendum as when Indigenous peoples achieved full citizenship rights or were granted the vote or the discriminatory state laws were ended, regardless of the fact that it actually did none of these things.

Public and political response to the referendum proposal in 1967

The 1967 referendum was the culmination of a long campaign of activism. The pre-eminent Aboriginal organization, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), supported by senior figures in the churches and the trade union

movement, actively engaged in 'selling' the referendum, and there was a deliberate policy among campaigners to 'talk up' the significance of amending the constitution. As Faith Bandler, a prominent member of FCAATSI, stated: 'by voting yes, you give this responsibility to the national parliament and make possible a real programme of equal rights and equal opportunity for Aboriginals' (Attwood and Markus 1999: 126). The high media visibility of the 'Vote Yes for Aborigines' committee aided a sentiment that referendum success would allow Australia to move past its previous history of discrimination.

The emerging Aboriginal citizenship rights discourse was also influenced by the concurrent civil rights movement in the United States (Peterson 1998). Aboriginal activists, such as Charles Perkins, and students from the University of Sydney shone a light on the similar embedded racist attitudes in Australian regional towns in their own Freedom Rides (Attwood and Markus 1999). Local activism and global civil rights movements, therefore, supported the acceptance of the need for constitutional change by the Australian public, and, perhaps more importantly, the Australian media. As *The Age* told its readers:

> Voting Yes to these proposals is a simple matter of humanity. It is also a test of our standing in the world. If No wins, Australia will be labelled as a country addicted to racist policies. In spite of our increasing involvement with Asia, in spite of our protestations of good will towards all men of all colours and creeds, this labour would have a millstone's weight around the neck of Australia's international reputation.
>
> *(cited in Attwood and Markus 1998: 129)*

While government support for the referendum was relatively lukewarm, public opinion dictated action. As is further noted by Attwood and Markus (1999: 126), the Attorney General of the government of the time is cited as stating: '[T]here would be a large area of dissatisfaction if the Commonwealth did nothing […] I believe the Government would be criticized, albeit mistakenly for lacking sympathy for the aborigines'. By the time the vote was put in May, 1967, the YES vote almost could not fail. After the referendum, while change was slow, it did come. Through the 1970s, policies of assimilation were formally replaced with policies of self-determination; in the 1980s, the last 'Aboriginal Protection' laws were repealed, and in the 1990s, land rights became at least a legal reality via the successful 1993 Mabo Native Title case in the High Court of Australia (Falk and Martin 2007).

Contemporary Australian Indigenous citizenship

In 2013 the promise of the 1967 referendum remains unfulfilled. The social, civil/legal, and political rights of Aboriginal and Torres Strait Islander peoples in Australia is manifestly below that of other Australians, and particularly below that of the dominant Euro-Australian majority. In social citizenship dimensions, defined by Barbelet (1998) as the right to the prevailing standard of life and the social heritage of society, Aboriginal life circumstances remain devastatingly disparate. Despite a national policy framework aimed at 'closing the gap' on Aboriginal socio-economic disadvantage, national statistics continue to reaffirm Aboriginal and Torres Strait Islander Australians' status as the nation's poorest people. A booming Australian economy still sees Aboriginal unemployment rates at three times the national average and Aboriginal peoples remain heavily over-represented among those in public housing, among the homeless, and among those with comparatively very low rates of secondary school completion (AIHW 2011). Moreover, these disparities exist throughout the nation's many Aboriginal peoples and regardless of the State of residence or urban, regional, or remote location (Walter 2008).

The gap in Aboriginal and Torres Strait Islanders civil citizenship rights status is overwhelming. The rights necessary for individual freedom and associated with the rule of law and the courts (Barbelet 1988) remain largely inaccessible to the Indigenous population. Aboriginal people are among the most imprisoned in the world, with adults around 17 times and youths around 23 times more likely to be imprisoned than non-Indigenous Australians. Moreover, the current trend is upwards, with rates steadily increasing over the last 20 years (Cunneen 2007). Criminologists argue that at least some of this huge differential in imprisonment rates can be explained by the way the law is applied to Indigenous Australians. Studies consistently show Aboriginal people are more likely to be given custodial and longer sentences than non-Indigenous offenders (Behrendt *et al*. 2008).

It can also be argued that Aboriginal and Torres Strait Islander people are now more disadvantaged in terms of political citizenship than in 1967. As Thornberry (2002: 413) asserts, Indigenous peoples are entitled to an adequate institutional order to promote their rights but no such institutional order currently exists. Given that Aboriginal people make up less than three percent of the total Australian population, enfranchisement does not assist political power. More particularly, the 2005 disbandment of the Aboriginal and Torres Strait Islander Commission (ATSIC) by Prime Minister John Howard on the basis that 'the experiment in separate, elected representation for indigenous people has been a failure' (*The Australian* 2005: 1) removed almost all vestiges of access to political representation. In 2011, the Gillard Government supported the establishment of the National Congress of Australia's First Peoples. However, this new body has none of the bureaucracy, funding streams, service delivery functions, or political profile of its predecessor, ATSIC (National Congress of Australia's First Peoples 2012).

The race bind, citizenship and the constitutional recognition proposal

When we consider current citizenship rights for Aboriginal and Torres Strait Islander peoples in Australia, the more important question, is why, not what. Why, in the 2010s, are Aboriginal and Torres Strait Islander citizenship rights, even by limited individual rights definitions, defined more by lack than presence? The concept of the race bind, as the comparatively discursive discussion of the current referendum proposal demonstrates, provides at least a partial explanation.

In 2007, 40 years after the 1967 referendum, another referendum was proposed. The impetus was an election campaign commitment by the then Prime Minister John Howard to seek recognition of Aboriginal and Torres Strait Islander peoples as Australia's first peoples within the Constitution. This proposal was, in turn, a response to accusations of racism relating to the suspension of the *Australian Racial Discrimination Act, 1985* to allow military and other interventions in Northern Territory Aboriginal communities. The constitutional recognition proposal was also supported by the electorally successful Labour Party, but the proposal remained dormant until after the 2010 federal election. Then, to secure the support of independent parliamentarians to form a minority Labour Government, Prime Minister Gillard committed to holding the referendum within the life of the current parliament.

In November 2010, the Prime Minister set up an expert panel of 22 respected Indigenous and non-Indigenous people to consult on options for constitutional amendment. Two questions were posed. The first was whether Aboriginal and Torres Strait Islander peoples should be recognized as the 'First Australians' in a preamble to, or within the body of, the Constitution. The second was whether the still existing race-related provisions, Section 25 and Section 51(xxvi) should be removed or amended. Section 25 rules that if a racially identified group is banned by a state from voting, then that state cannot count those people as part of their population for other purposes. Section 51 (xxvi), already amended in the 1967 referendum, now gave

the federal government the power 'to make laws for … the people of any race for whom it is deemed necessary to make special laws'. The question to be resolved was whether to remove this section altogether or alter it so that laws made for any race can only be made for the benefit of that race.

In January 2012, the expert panel delivered its final report. Its major recommendations supported the recognition of Aboriginal and Torres Strait Islander people within the body of the Constitution and the repeal of Section 25 on race-related voting bans. The report also recommended the insertion of three new constitutional sections. These were, first, the recognition of English as the national language, and of Aboriginal and Torres Strait Islander languages as original languages and part of the Australian national heritage (S127A). Secondly, a new Section 116A was suggested, prohibiting discrimination on the grounds of race, colour, or ethnic or national origin, while not precluding the 'making of laws or measures for the purpose of overcoming disadvantage, ameliorating the effects of past discrimination, or protecting the cultures, languages or heritages of any group' (EPCRIA 2012). Thirdly, the report recommended that Section 51(xxvi) be repealed and replaced by a new Section 51A with a dual purpose: formal recognition of Aboriginal and Torres Strait Islander peoples as the original occupiers of Australia, acknowledging the continuing relationship to traditional lands and waters; and official respect for continuing Indigenous cultures, languages, and heritage. The new section would also give the federal parliament the power to 'make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples' (EPCRIA 2012).

Taking a leaf from the 1967 FCAATSI success, YES case proponents, such as panel members Marcia Langton and Meegan Davis, positioned the proposal as essentially asking 'Do you want to remove racist provisions from our Constitution? (Langton and Davis 2012)'. Sections 5 (xxvi) and 127, they argued, were 'remnants of the racist sentiment of the Constitution developed in the 1890s at the end of the colonial period'. Further, inclusion of a recognition of Aboriginal and Torres Strait Islander peoples in the body of the Constitution was both preferable and more logical than inclusion of such in the preamble, as the Constitution already had an unchangeable preamble: one legislated by the British parliament in 1890. Moreover, the repeal of unspecified race powers of the Constitution was in the interests of all Australians, regardless of race. Without them, the Federal Parliament was unable to legislate in the interests of Aboriginal and Torres Strait Islander peoples, and it was this logic that underpinned the recommendation for the insertion of Sections 51A. This clause allows positive legislation such as land rights and other laws that could ameliorate the effects of past discrimination. Not to support the referendum would, the authors argued, again borrowing from the 1967 campaign, 'brand Australians to the world as racists, and self-consciously and deliberately so' (Langton and Davis 2012: 14).

Public and political response to the referendum proposal in 2012

In September 2012, Prime Minister Gillard announced that the referendum would be deferred until an unnamed date (ABC 2012). The members of the Expert Panel and many Aboriginal Torres Strait Islander people around Australia agreed with this decision. Yet, what would have been asked in the 2012/13 constitutional referendum proposal, even if all recommendations were included, is arguably far less than that overwhelmingly supported in 1967. In 1967, clauses which had consciously been included by the Euro-Australian founding fathers to restrict the power to make laws relating to Aboriginal peoples to the states were repealed, and the power was extended to the federal government. In contrast the 2012 proposals sought only to excise the last vestiges of race-based clauses, clarify the changes made to Section 51 in 1967, and symbolically recognize the first Australians.

Why, then, was the referendum proposal deferred indefinitely, while the 1967 referendum went ahead successfully? The answer can be found in the contrasting political, public, and media responses. In the 1967 referendum the deep inequality of Aboriginal and Torres Strait Islander peoples within Australian society was accepted as a shameful given, and it was accepted that these circumstances were the ongoing consequences of the direct denial of citizenship rights. In 2011 and 2012, the public, political, and media debate that followed the release of the Expert Panel Report focused on the irrelevance of race to contemporary social, political, or civil citizenship in Australia, contradictorily aligned with a discourse of the unfairness of any change to non-Indigenous Australians. For example, conservative media commentator Andrew Bolt had immediately labelled the initial 2007 proposal to include recognition of Australia's First Peoples in the Constitution as 'racism' (see Bolt 2008). The fact that the Euro-Australian majority, by virtue of their dominant cultural status and control of all the institutions and resources of the state, already exclusively possess the citizenship rights that the recommendations sought to extend to Aboriginal and Torres Strait Islander peoples is rendered invisible by a discursive insistence that equal rights already exist.

The theme of the race bind – that is, denial of race inequality alongside an equal insistence that any change would be unfair to non-Aboriginal Australians – is also evident in mainstream media reporting. For example, Patrick McCauley (2012), writing in the national broadsheet, *The Australian*, branded the recommendations for constitutional change as just a 'grim legacy of compassion' and an attempt by Aboriginal and Torres Strait Islander people to differentiate themselves from other Australians. He then argued, in racialized terms, that modern Australia owed nothing to its First Peoples. Similarly, conservative historian Keith Windshuttle, in a prominent opinion piece, argued that the referendum proposal was an effort 'to intimidate Australians (sic) by exploiting the emotions of guilt and shame'. Not only were the named clauses not racist, argued Windschuttle, but their history demonstrated they were intended to protect Aboriginal people. Moreover, he argued, the term race was now 'biologically and culturally meaningless' and therefore an insufficient reason for a referendum. Indeed, Windschuttle claimed, the Australian Constitution as it currently stands, is the opposite of racist, as it:

> puts all Australians on an equal footing, no matter when they, or their ancestors, arrived here. Indeed, it would be not only racially discriminatory but also socially divisive to endorse this report and give some Australians status and privileges not available to others simply because of their ancestry.
>
> *(Windschuttle 2012)*

In the following day's edition of *The Australian* the journalist Janet Albrechtsen (2012) deployed the same discursive strategy. Characterizing the recommended constitutional changes as 'divisive', Albrechtsen put quotation marks around the 'expert' part of the term expert panel twice, deliberately denigrating not only the standing of the 22 eminent members but the validity of their recommendations. For the panel to suggest more than Prime Minister Howard's initial proposal for a 'new reconciliation' with 'indigenous (sic) Australians', Albrechtsen argues, was 'hubris' resulting in the suggesting of 'grandiose recommendations'. The same discursive paradox of denial of race and a singular Australianness linked with hostility to efforts to even symbolically recognize the existence of Australia's Indigenous population was repeated again and again in media comment blogs.

In the wake of this sustained attack, Indigenous spokespeople were forced on the defensive, denying that the recommendations were an attempt to 'play emotional blackmail'. Indigenous leader and expert panel member Patrick Dodson (2012) mounted a strong defence of the recommendations, explaining that the propositions were neither radical nor new; rather they would merely bring Australia in step with First World international standards. Regardless, by late 2012,

it was clear that any momentum for the referendum was lost. While both major political parties ostensibly backed a referendum, neither demonstrated any political will to advance the proposal. Opposition leader Tony Abbott, while vaguely committing to recognition of Aboriginal peoples within the Constitution, rejected the other recommendations. And the Labour minority Government, after setting up the expert panel, then did little to build community support for the referendum.

In November 2012, Prime Minister Gillard formally reneged on her promise to hold the referendum within the term of parliament. In announcing an interim replacement, the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012, she argued that more time was needed to build community support. This bill, which acknowledges 'the unique and special place of our First Peoples' (FAHCSIA 2012) but makes no changes to the Australian constitution, was passed by the Australian Parliament in March 2013. However, with a two-year sunset clause, no date set, and a change of national government, the future of the referendum proposal itself is very uncertain.

Conclusion

The burden of citizenship disparity continues for Aboriginal and Torres Strait Islander peoples, and the race bind is now a central element of lived Indigenous citizenship. The normalized relations of individualism both construct and deny the race bind, embedding the privileging of the Euro-Australian citizen under existing citizenship arrangements. The established racial stratification system in terms of access to entitlements and obligations, sociopolitical community membership, and access to scarce resources is maintained while also denying the existence of race-based privilege or disadvantage. With the merged racial stratification system and the discourse of individualism now largely institutionalized, the paradigm change of how the Australian nation state 'does' Indigenous citizenship appears set.

For Australian Indigenous peoples the result is twofold. The first outcome is a continuation of the grim realities of the huge social, civil, and political citizenship disparity, now additionally burdened by the mainstream allocation of personal, community, and race responsibility for both their cause and their remediation. A racially infused discursive explanatory of the differentiated life trajectories of Aboriginal and Euro-Australian citizens is deemed evidence not of structural and institutionalized social inequality but of Aboriginal peoples' cultural, moral, and aspirational deficits.

Second, the notion of undifferentiated rights as equal rights silences debate on Indigenous citizenship rights. In a discursive thesis of national cohesion and undifferentiated Australianness equalling equal rights, mechanisms for placing Indigenous rights on the political agenda are halted. As has been demonstrated by the response in the mainstream Australian media to the constitutional recognition referendum proposal, even suggestions for symbolic rights are deemed divisive, deviant, and, as such, socially sanctioned. Indigenous Australians are, therefore, caught in the fork of long standing race inequalities and the rejection of race as relevant to citizenship. Within this race bind, meaningful reconciliation between Australia's Indigenous and non-Indigenous peoples appears farther away now than it did half a century ago. While the primary burden of the race bind is borne by Aboriginal and Torres Strait Islander peoples and people, the cost to the nation and its various non-Indigenous peoples is also too high.

Notes

1 The preferred nomenclature of Australian Aboriginal peoples is Aboriginal, or, when one is referring to all the continent's Indigenous peoples, Aboriginal and Torres Strait Islanders peoples. These terms are used here, as well as the term Indigenous, with reference to both Aboriginal and Torres Strait Islander peoples.

References

ABC 2012. 'Indigenous leaders back move to defer referendum', *ABC News*. Saturday September 22 2012. Available online at www.abc.net.au/news/2012-09-22/indigenous-leader-backs-move-to-defer-referendum/4275256 (accessed 29 December 2012).

AIHW 2011. *The health and welfare of Australia's Aboriginal and Torres Strait Islander people: an overview*. Australian Institute of Health. Cat no. IHW 42. Canberra: Australian Institute of Health and Welfare.

Albrechtsen, Janet. 2012. 'Another chance for PM to show her backflip skills'. *The Australian*. Wednesday January 25 2012: 12.

Attwood, Bain and Markus, Andrew. 1998. 'Representation matters: the 1967 referendum and citizenship', in Nicholas Peterson and Will Sanders (eds.) *Citizenship and Indigenous Australians, changing conceptions and possibilities*. Cambridge: Cambridge University Press: 118–40.

Attwood, Bain and Markus, Andrew. 1999. *The struggle for Aboriginal rights: a documentary history*. Sydney: Allen and Unwin.

Barbalet, Jack M. 1988. *Citizenship*. Stratford: Open University Press.

Behrendt, Larissa, Cunneen, Chris, and Libesman, Terry. 2008. *Indigenous legal relations in Australia*. Melbourne: Oxford University Press.

Bolt, Andrew. 2008. 'No to this racism'. *Andrew Bolt Blog, The Herald Sun* 13 July 2008. Available online at http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/no_to_this_racism/asc/P20/ (accessed 10 December 2008).

Chesterman, John and Galligan, Brian. 1997. *Citizens without rights, Aborigines and Australian citizenship*. Cambridge: Cambridge University Press.

Cunneen, Chris. 2007. 'The effects of colonial policy: genocide, racism and Aboriginal people in Australia', in Michel Prum, Benedicte Deschamps, and Marie-Claude Barbier (eds.) *Racial, ethnic, and homophobic violence: killing in the name of otherness*. London: Routledge-Cavendish: 17–30.

Dodson, Patrick. 2012. 'Too tolerant of ugly racism'. *The Age*, Tuesday January 31, 2012: 13.

EPCRIA 2012. *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: report of the expert panel*. Expert Panel on Constitutional Recognition of Indigenous Australians. Canberra: FAHCSIA.

FAHCSIA 2012. Constitutional recognition of Indigenous Australians, Department of Families, and Housing, Community Services and Indigenous Affairs. Available online at www.fahcsia.gov.au/our-responsibilities/indigenous-australians/programs-services/recognition-respect/constitutional-recognition-of-indigenous-australians (accessed 29 December 2012).

Falk, Phillip and Martin, Gary. 2007. 'Misconstruing Indigenous sovereignty: maintaining the fabric of Australian law', in Aileen Moreton-Robinson (ed.) *Sovereign subjects: Indigenous sovereignty matters*. Sydney: Allen & Unwin: 33–47.

Gale, Peter. 2005. *The politics of fear: lighting the Wik*. Sydney: Pearson Education.

Harvey, David. 2005. *A brief history of neoliberalism*. Oxford: Oxford University Press.

Hokowhitu, Brendan. 2010. 'A genealogy of Indigenous resistance', in Brendan Hokowhitu, Nathalie Kermoal, Chris Andersen, Anna Petersen, Michael Reilly, Isabel Altamirano-Jimenez, and Poia Rewi (eds.) *Indigenous identity and resistance: researching the diversity of knowledge*. Dunedin: Otago University Press: 207–26.

Holder, Cindy and Corntassel, Jeff. 2002. 'Indigenous peoples and multicultural citizenship: bridging collective and Indigenous rights'. *Human Rights Quarterly* 24 (1), 126–51.

Kidd, Rosalind. 2006. *Trustees on trial: recovering the stolen wages*. Canberra: Aboriginal Studies Press.

Kymlicka, Will. 1995. *Multicultural citizenship*. Oxford: Oxford University Press.

Langton, Marcia and Davis, Meegan. 2012. 'An answer to the race question'. *The Weekend Australian*. January 21–22 2012: 14.

McAuley, Patrick. 2012. 'The grim legacy of compassion'. *The Weekend Australian*. January 14–15. Available online at www.theaustralian.com.au/news/features/the-grim-legacy-of-compassion/story-e6frg6z6-1226243954814. (accessed 29 December 2012).

Marshall, Thomas. H. 1994. 'Welfare and citizenship (UK)', in Brian. S. Turner and Peter. Hamilton (eds.) *Citizenship, critical concepts, Volume II*. (London: Routledge: 8–17.

Marshall, Thomas. H. 1950. *Citizenship and social class: and other essays*. Cambridge: Cambridge University Press.

Moreton-Robinson, Aileen. 2009. 'Imagining the good Indigenous citizen: race war and the pathology of patriarchal White sovereignty'. *Cultural Studies Review*, 15 (2), 61–79.

National Congress of Australia's First Peoples (2012) *About us*. Available online at http://nationalcongress.com.au/about-us/ (accessed 29 December 2012).

Peterson, Nicholas. 1998. 'Welfare colonialism and citizenship: politics and agency', in Nicholas Peterson and Will Sanders (eds.) *Citizenship and Indigenous Australians, changing conceptions and possibilities*. Cambridge: Cambridge University Press: 101–17.

Thornberry, Patrick. 2002. *Indigenous Peoples and human rights*. Manchester: Manchester University Press.

Tully, James. 2000. 'The struggles of Indigenous peoples for and of freedom', in Duncan Ivison, Paul Patton, and Will Sanders (eds.) *Political theory and the rights of Indigenous Peoples*. Cambridge: Cambridge University Press: 36–59.

Turner, Brian. S. and Hamilton, Peter. 1994. 'General commentary', in Brian S. Turner and Peter Hamilton (eds.) *Citizenship, critical concepts, Volume II*. London: Routledge: 1–14.

The Australian. 2005. '"The experiment has been a failure": Howard buries ATSIC', Friday April 16 p. 1.

Walter, Maggie. 2007. 'Indigenous sovereignty in a globalising era', in Aileen Moreton-Robinson (ed.) *Sovereign subjects: Indigenous sovereignty matters*. Sydney: Allen & Unwin: 155–67.

Walter, Maggie. 2008. 'Lives of diversity: Indigenous Australians', *Occasional paper 4/2008, Census Series #2*. Canberra: Australian Academy of the Social Sciences.

Walter, Maggie. 2010. 'The globalizing era and citizenship for Indigenous Australian women', in M. Abraham, E. Chow, L. Maratou-Alipranti, and E. Tastsoglou (eds.) *The contours of citizenship: women, diversity and practices of citizenship*. Farnham: Ashgate Publishing Limited: 95–109.

Windschuttle, Keith. 2012. 'The Constitution is anything but racist'. *The Australian*. Tuesday 24 January 2012: 12.

51

The Aboriginal Tent Embassy and Australian citizenship

Edwina Howell and Andrew Schaap

The position of Aboriginal people as citizens is potentially fraught, given the association of the ideal of citizenship with the modern state and the civilizational discourse used to legitimate colonization. In this discourse, those qualities of agency and industriousness that are supposed to distinguish citizens are precisely what the colonized are imputed to lack. In practice, citizenship has been associated with techniques of government that deny the basic rights of Aboriginal people by differentiating their civic status from that of citizens of a settler state or by making recognition of citizenship conditional on assimilation to a settler society. Yet, as a term of political discourse, citizenship also potentially affords a basis from which to contest settler ideology. This potential lies in the ideal status of the citizen as a free and equal member of a self-determining political association. As such, Aboriginal people might demand citizenship or put to the test their status as citizens in order to resist their colonization. Such struggles over citizenship by Aboriginal people should not necessarily be identified with a desire for inclusion within a settler nation but may be consistent with a rejection of the state and an assertion of land rights and self-determination. At the same time, however, they may also afford an opportunity for renegotiating the terms of political association between Indigenous and non-Indigenous people.

In 1972, the establishment of an Aboriginal Tent Embassy in Canberra challenged the complacency of Australians about the value of citizenship for Aboriginal people. Since they were effectively aliens in their own land, the demonstrators said, they needed an Embassy on the lawns opposite Parliament House to represent their interests to the government. The Embassy was born out of disappointment after the 1967 referendum, which raised expectations that 'full citizenship' would be extended to Aboriginal and Torres Strait Islander people. Although the referendum was successful, the Federal Government's inaction and continued commitment to assimilation and denial of land rights fostered further resentment among Aboriginal people. In this chapter, we highlight how the demand for full citizenship by Aboriginal people who campaigned in the referendum can be understood as being consistent with the struggle for land rights and self-determination that found dramatic expression in the Aboriginal Embassy. We then discuss how the Tent Embassy was both a negative demonstration of the dispossession and political alienation experienced by Aboriginal people and a positive demonstration of the rights to land and self-determination that they claimed. By refusing to identify as Australian citizens,

the demonstrators constituted a counter public sphere within which to renegotiate the terms of political belonging between Aboriginal and non-Aboriginal people in Australia.

Vote 'Yes' for Aborigines: citizenship, assimilation, and the 1967 referendum

With Federation in 1901, Aboriginal people were recognized, in principle, as British subjects like all other Australians. However, the constitution excluded Aboriginal people from the census and effectively made Aboriginal affairs the preserve of state governments by proscribing the Federal government from making special laws for Aboriginal people. The Franchise Act (1902) practically excluded Aboriginal people from voting in national elections, since their eligibility to vote was determined by state legislation (Chesterman and Galligan 1997). During the protectionist era of the late nineteenth and early twentieth centuries, Aboriginal people who had survived the frontier wars were contained in internment camps, commonly known as Aboriginal reserves or mission stations, where it was assumed that 'the last of the nomads' would 'die out'. Yet, contrary to popular expectations, Aboriginal peoples survived and so-called 'half-caste' communities were growing in the early twentieth century, so that it appeared to officials that a new approach to the 'Aboriginal problem' was required. By the 1930s, eugenically influenced racial experiments in biological absorption were being conducted by senior government officials (Foley 2012a: 17). In several states, 'Chief Protectors' of Aborigines sought to absorb Aboriginal people of mixed descent into the white population through controlled marriages, child removal, and other intensive, coercive intrusions in the lives of Aboriginal people (McGregor 2011: 1–17).

Although Aboriginal people acquired the right to vote in federal elections with the Nationality and Citizenship Act (1948), they continued to be denied basic civil rights as a result of discriminatory state legislation (Chesterman 2005: 103–76). Under the special 'protection' measures of state governments, Aboriginal people suffered restrictions on freedom of movement, freedom of speech, political participation, the right to live with one's family and to manage one's own affairs, and the right to equal pay and conditions (Davidson 1997: 206). In most states, some Aboriginal people could apply for exemption certificates from such 'protection' measures, provided that they dissociated themselves from their families and communities and 'adopted the manner and habits of civilized life' (WA Native Administration Act, cited by Davidson 1997: 206). In Western Australia, the government referred to them as citizenship certificates. They were commonly known as 'dog tags' or 'dog licences' by Aboriginal people.

By the 1950s, assimilation was widely viewed by non-Aboriginal Australians as a progressive alternative to the racially discriminatory policies of the protectionist era (Davidson 1997: 196). In the Northern Territory, for instance, Paul Hasluck (the Commonwealth Minister for Territories) promoted assimilation as a new approach based on social advancement through which 'all Aborigines and part-Aborigines will attain the same manner of living as other Australians and live as members of a single Australian community' (Hasluck, cited in Wells and Christie 2000: 113). This was reflected in the *Northern Territory Welfare Ordinance 1953: an ordinance to provide for the care and assistance of certain persons*. While clearly intended for the governance of Aboriginal people, racial classifications such as 'full-blood' that had been used in existing legislation were replaced by the term 'wards of the state', which was applicable 'only to persons deemed to stand in need of … guardianship and tutelage' (Hasluck, cited in McGregor 2011: 82). In principle, this was supposed to reflect a shift in thinking that reversed the logic of the protectionist era from presuming the non-citizenship of Aboriginal people '(with provision for exemption into citizenship) to recognizing their natal entitlement to citizenship (with provision for its suspension)' (McGregor 2011: 83).[1]

The policy of assimilation was predicated on an assumption of the fragility of Aboriginal societies, which, it was thought, would collapse upon contact with outsiders to create stranded individuals who needed to be nurtured and welcomed into the settler society (McGregor 2011: 79). This assumption was untenable, given the resilience shown by Aboriginal communities, which organized politically to resist official efforts to fragment Aboriginal families and communities. In northern NSW, for example, Fred Maynard and Tom Lacey had established the Australian Aboriginal Progressive Association (AAPA) in 1924, which was inspired by the international black consciousness movement led by Marcus Garvey (Maynard 2007). The AAPA demanded full citizenship rights for Aborigines together with compensation for land theft (Davidson 1997: 191; Maynard 2007).[2] Liberation from the state 'protectorate' systems provided the impetus for the campaign for constitutional change by the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), which was formed in 1958.[3] Its five-point programme included 'equal rights for Aborigines with all other Australians' together with 'retention of all remaining reserves with native, communal or individual ownership' (cited in Davidson 1997). The referendum campaign proposed two constitutional amendments: to give the Federal government the power to legislate for the benefit of Aboriginal people and to count Aboriginal people in the census, which would enable Federal funding to address Aboriginal poverty and disadvantage. Non-Aboriginal referendum campaigners, such as Jack Horner, represented constitutional reform as a decision reflecting 'whether the Aborigines are to be fully citizens of Australia' (Horner, cited in Clark 2008: 187).

Aboriginal campaigners also demanded full citizenship, which provided an umbrella term with which to challenge multiple forms of injustice, including social and legal discrimination, restrictions on movement, poor housing and health, failure to respect Aboriginal culture, and historical disenfranchisement (Clark 2008: 188).[4] At the 1962 annual FCAATSI conference, for instance, Oodjeroo Noonuccal (then known as Kath Walker) presented an 'Aboriginal Charter of Rights', which included the lines: 'Make us neighbours, not fringe dwellers, Make us mates, not poor relations, Citizens, not serfs on stations' (Noonuccal 1962). A few days before the referendum in 1967, Aboriginal activist Chicka Dixon, who would be a key player in the Aboriginal Embassy, said:

> There's a simple reason why I want a huge 'Yes' vote on the Aboriginal question at next Saturday's referendum: *I want to be accepted by white Australians as a person*. There are scores of other reasons why the vote should be yes. But for most Aborigines it is basically and most importantly a matter of seeing white Australia finally, after 179 years, affirming at last that they believe we are human beings.
>
> *(Dixon, cited in Attwood and Marcus 2007: 130)*

The call for citizenship rights might be taken to indicate a desire for inclusion in the Australian nation. Equally, such rhetoric could be interpreted as evidence of a will to resist the political community of Australia in the context of changing circumstances in which people were beginning to experience freedom from the intense and arbitrary control exercised over their lives on missions and reserves. The rhetoric of citizenship may also have been adopted because it was perceived to be the language that was most likely to win support for constitutional change.

The referendum campaign was a resounding success. More than 90 per cent of Australians 'voted "Yes" for Aborigines'. This was a clear mandate to the Government to legislate for the benefit of Aboriginal people, which raised expectations that conditions would improve. However, the amendments themselves did not deliver substantial change (McGregor 2011: 165). The main outcome of the referendum was the establishment of the Council for Aboriginal Affairs, which

was to advise the Prime Minister on the Federal Government's new responsibility with regard to Aboriginal people, as well as an Office of Aboriginal Affairs to administer Commonwealth policies. However, the Council was not supported by cabinet or by its own department during its first five years. Aboriginal activists were sorely disappointed. In 1969, Oodgeroo Noonuccal, who had been a prominent campaigner in the referendum, claimed that the referendum victory had merely 'eased the conscience of white Australians', and Aboriginal people who had campaigned for the yes vote had been 'stooges of the white Australians working in the interest of white Australians' (Oodgeroo Noonuccal, cited in Attwood and Marcus 2007: 139).[5] Young Aboriginal people who had assisted the leaders of the FCAATSI campaign were especially frustrated, since conditions for many of these young people had in fact deteriorated (Foley and Anderson 2006; Foley 2009).

Moreover, if non-Aboriginal people viewed the significance of the referendum as symbolically welcoming Aboriginal people into the Australian nation (Clark 2008: 202), many Aboriginal people began to publicly articulate their concerns about the terms of that inclusion. For instance, in 1967, Bert Groves commented: 'We want to be part and parcel of the community … but we want to do this without losing our Aboriginality' (Groves, cited in Lake 2001: 585). While Aboriginal people wanted *integration* (a term adopted from the ILO convention 107 of 1957), Groves said, they rejected *assimilation*, which he described as a 'modified method of extermination over a long time' (Groves cited in Lake 2001: 586; McGregor 2011: 100, 108).[6] Driven by this concern, after the referendum, many Aboriginal political actors insisted on Aboriginal-control of Aboriginal organizations. In Victoria, for instance, the first Koori chairman of the Victorian Aborigines Advancement League (VAAL), Bruce McGuinness, adopted the consciousness and language of Black Power (Foley 2012a: 104). After the visit of Caribbean Black Power advocate Roosevelt Brown to Melbourne in August 1969, McGuinness and Bob Maza together sought to remove all non-Koori members of the VAAL from positions of office (Foley 2012a: 105–6). At annual meetings of FCAATSI, many Aboriginal delegates demanded reform of the organization by institutionalizing Aboriginal representatives from each state on the executive committee. Inspired by the push from Aboriginal members of FCAATSI for Aboriginal control over the organization, at the FCAATSI annual conference in Canberra in 1970, non-Aboriginal delegate Barrie Pittock put forward a motion for an all-Aboriginal executive and the restriction of voting rights to Aboriginal delegates. The motion was lost and resulted in a split in the council and the setting up of a rival all-Aboriginal organization, the National Tribal Council.

The demand for full citizenship by Aboriginal people who participated in the referendum campaign, therefore, did not necessarily reflect a desire for inclusion in the settler society as it already existed. As a means of protecting Aboriginal communities from intrusion by the state, the demand for citizenship was congruent with a rejection of the state and of white paternalism. To the extent that activists demanded recognition of their status as free and equal members of the Australian polity, the prospect of full citizenship presented the possibility of renegotiating the terms of political association between Aboriginal and non-Aboriginal people in Australia. If the Australian government failed to respond to the political opportunity afforded it by the social expectation that 'full citizenship' should be extended to Aboriginal people, it would be forced to do so five years later with the establishment of an Embassy on its front lawn by Aboriginal people demonstrating that they were 'aliens in their own land'.

'Aliens in our own land': Black Power, land rights, and the 1972 Aboriginal Embassy

In 1972, Aboriginal people set up camp on the lawns in front of Parliament House in Canberra for six months, demanding land rights and self-determination. The Aboriginal Embassy was

established in response to a statement by Prime Minister McMahon which refused to recognize Aboriginal land rights and opposed any form of 'separate development' for Aboriginal people. The government promised only to provide a special-purpose lease to some Aboriginal people in the Northern Territory where they could show they would make productive use of the land. The Embassy demonstrators rejected these terms of national inclusion outlined by Prime Minister McMahon.[7] Speaking at a massive rally at the Embassy in July 1972, Chicka Dixon declared that what McMahon said 'in effect, was that the niggers could lease their own land. We don't go along with this kind of thing and that is why this Tent was erected' (Dixon, cited in Foley *et al.* 2013: 181).

In New South Wales, the state government had responded to the uptake of Commonwealth responsibility in 1967 by accelerating the closure of the remaining Aboriginal reserves (Goodall 1996: 386–95). This contributed to a huge migration of Aboriginal people to Sydney and, particularly, the inner-city suburb of Redfern, where the Aboriginal population grew from around 5,000 to 35,000 by the early 1970s. As Gary Foley (2012b) later reflected: 'Redfern was a big black ghetto and this made the whitefellas nervous.' The Aboriginal community in Sydney was subject to intensive policing by the notorious 21 Division 'riot squad' (Foley 2012a: 99). A desire by some of the young Aboriginal people living in Sydney to do something about the indiscriminate arrests and police violence that their community was being subjected to led to the formation of a discussion group named 'the Black Caucus' (Foley 2012a: 126). Members of the Black Caucus set out to educate themselves about the problems that existed in their community and to find their own solutions. They read the *Autobiography of Malcolm X* and were also inspired by the likes of Vine Deloria Jr, Eldridge Cleaver, and Franz Fanon. They had heard about the latest developments in the civil rights movement in the United States from African-American servicemen on R & R from the Vietnam War in Sydney and were particularly inspired by the survival programmes of the American Black Panthers. They had also been influenced by the courage of the Gurindji people who had walked off the station on which they were employed, demanding the return of a portion of their ancestral lands where they could live free from government or station control.[8] Adopting and adapting the principles of Black Power to their own circumstances, they established the Redfern Aboriginal Legal Service to ensure access to legal representation for Aboriginal people charged with criminal offences and the Redfern Aboriginal Medical Service to provide much-needed health care for Aboriginal people (Foley 2012a). Similar developments were taking place in Fitzroy, Melbourne and in South Brisbane at this time.

By the early 1970s, then, a loose coalition of Aboriginal activists operating under the principle of Aboriginal control of Aboriginal Affairs had developed and had already made significant advances in the struggle to transform the social conditions in which they lived. The year 1971 saw two significant events that contributed to the establishment of the Aboriginal Embassy in Canberra the following year. First, the growing discontent of Aboriginal people found political expression in street protest. The anti-war movement and anti-apartheid movement had attracted thousands of supporters and, when anti-apartheid activists joined Black Power activists on the street in support of land rights, the Black Power movement became a force that the government could no longer ignore (Foley 2012a; Clark 2008: 203–43). Secondly, Justice Blackburn delivered his judgement in the Gove land rights case brought by the Yolŋu people of Arnhem Land, which challenged the legality of the sale of their land to bauxite mining company Nabalco.[9] Justice Blackburn acknowledged the traditional association with the land by the Yolŋu people but rejected their claim that this constituted a property relationship. He found that Indigenous rights to land could not be recognized in Australian law, which presupposed the doctrine of *terra nullius*.

McMahon's statement rejected the demand for land rights that was being loudly articulated by Aboriginal people in street demonstrations, while lending political support to Blackburn's ruling. Against the advice of the Council for Aboriginal Affairs, McMahon made his statement on Australia Day, which has been widely regarded as Invasion Day by Aboriginal people since the 1938 Day of Mourning (Dexter, cited in Foley, Schaap, and Howell 2013). The timing of McMahon's statement was viewed as highly provocative by the group of Redfern-based activists who had been at the centre of the surge of activist energy that provoked the government's declaration (Foley 2012a). They decided it required an immediate response. With the loan of a car and $70 from the local branch of the Communist Party, four young men (Michael Anderson, Bert Williams, Billy Craigie, and Tony Coorey) left Sydney late that evening. They arrived in Canberra in the early morning of 27 January where they huddled in the rain beneath a beach umbrella and some plastic sheeting to wait for the dawn (see Anderson in Foley, Schaap, and Howell 2013). Erecting a sign saying 'Aboriginal Embassy', they declared that since McMahon's policies confirmed that Aboriginal people were effectively aliens in their own land, they needed an embassy to represent them in Canberra like any other group of foreign nationals (Foley 2009: 15).

As Heather Goodall (1996: 402) observes, 'the sight of the canvas-and-plastic Embassy on the neat parliamentary lawns was immediately recognized by Aboriginal people throughout Australia' who 'responded to its ironic, powerful symbolism'. The Embassy soon also captured the imagination of the Australian public and the international media. Over the next few days, the beach umbrella was replaced by several tents, as Aboriginal people travelled to Canberra from other states to lend support to the demonstration (see Foley in Foley, Schaap, and Howell 2013). A five-point plan for land rights was formalized by the demonstrators, which called for Aboriginal control of the Northern Territory, legal title and mining rights on all existing reserves and settlements, preservation of sacred sites, and compensation for alienated land in the form of a lump sum payment of six billion dollars and a percentage of the gross national product (see Newfong in Foley, Schaap, and Howell 2013). The then recently designed and now internationally recognized Aboriginal flag was flown at the Embassy. In addition to large numbers of tourists, visitors to the embassy included Soviet diplomats, a representative from the Canadian Indian Claims Commission, an IRA cadre, and opposition leader Gough Whitlam, who announced his commitment to removing all discriminatory legislation and his support for land rights (Robinson in Foley, Schaap, and Howell 2013).

The Embassy stood for land rights and self-determination. In a material sense, specific areas of land were claimed in order to provide an economic base for Aboriginal communities. Interviewed in 1972, for instance, Gary Foley insisted:

> We want the land that we get to be completely independent of white Australia in all forms including independent in terms of law and independent in terms of governmental controls … Once we get this land we want to develop it as black communities where Aborigines can live as Aborigines without interference from outside society … We are very specific about the land we want. We want the reserves in which Aborigines live.
>
> *(Foley in Foley, Schaap and Howell 2013: 161, 162)*

The struggle for land justice was not a new development that emerged after the campaign for citizenship rights in the 1950s and 1960s but had been at the core of Aboriginal struggle since the time of invasion (Goodall 1996). Indeed, as has already been noted, Aboriginal ownership of reserve lands was part of FCAATSI's five-point programme in 1958. The Embassy demonstrators were thus following in the footsteps of those activists who preceded them, such as those involved in the Australian Aboriginal Progressive Association, who recognized control

over their lands as the key to freedom from the arbitrary oppression of the state (see Maynard in Foley, Schaap, and Howell 2013). However, the Embassy provided dramatic expression of a pan-Aboriginal movement that demanded land rights in the changed circumstances in which the Federal Government had the power to enact legislative change for the benefit of Aboriginal people (Briscoe in Foley, Schaap, and Howell 2013). Through the formidable talents of its Communications Minister, John Newfong, the Embassy harnessed the energies of the national and international media to bring the question of land to the forefront of the negotiation of the place of Aboriginal people within the Australian nation.

In this context, land was symbolically significant in a positive and a negative sense (Goodall 1996: 390). In a positive sense, land was synonymous with identity and survival. Land was at the centre of hard-fought struggles by communities to retain their cultural and social values by organizing themselves in relation to their own land. In a negative sense, land was 'symbolic as an absence: the land to which Aboriginal people did not have access or acknowledged ownership was a symbol of invasion and dispossession' and thus stood for the injustice that demanded reparation (Goodall 1996: 390). The Aboriginal Embassy demonstrated both of these symbolic qualities: it was, as Gordon Briscoe observed in 1972, a 'symbol of land rights as well as the many unjust practices against our people' which related him to 'all other Aborigines' (Briscoe in Foley, Schaap, and Howell 2013: 172). In a positive sense, by occupying the land directly in front of Parliament House, the Embassy demonstrated the survival of Aboriginal peoples in the heart of the national capital where their presence had been erased by formal planning and the monumental architecture of the ceremonial precinct of the Parliamentary Triangle. In a negative sense, the Embassy also demonstrated the dispossession of Aboriginal people. In Parliament, the Minister for the Interior, Ralph Hunt, denounced the Embassy as a 'squabbling, untidy and insanitary spectacle' (cited in Clark 2008: 242). But part of the point of the Embassy was precisely to bring the dispossession experienced in the fringe camps and reserves 'right under the noses' of the politicians (Foley 2009). 'From the first', Roberta Sykes wrote in 1972, the Aboriginal Embassy:

> … was poor and shabby, just like the people. For many of the residents who passed through and stayed for a while it was more luxurious than their own homes despite the cold, the lack of facilities, the constant need for money, for food. The embassy was everything that the people still are.
>
> *(Sykes in Foley, Schaap, and Howell 2013: 165)*

As John Newfong put it: 'The mission has come to town' (cited in Goodall 1996: 402).

Self-determination similarly had an immediate material significance for Aboriginal people as a demand to end state interference and exercise control over their own lives. Although this demand was expressed by refusing to identify as Australian citizens and claiming a separate political identity, the concerns that animated the Embassy demonstration were broadly the same as those that motivated the referendum campaign for full citizenship. However, in a projection of the injustices of the colonizers onto the colonized, the government (and sometimes the media) portrayed the demonstrators' demand for self-determination as 'reverse apartheid' (e.g. White, cited in Foley, Schaap, and Howell 2013: 148). When Brian White put this to Paul Coe in a television interview in February 1972, Coe responded:

> Aboriginal people themselves do not want to be separated – they were put out on mission stations, they're the ones that were forced to live on mission stations. Now the white Australian Government has decided that the assimilation policy is the policy that they want … Now they have decided that the Aboriginal mission stations be pushed aside, that

> the people are brought into the towns. Now, it seems that at no time was there any sort of dialogue with the Aboriginal people themselves about what they thought, how they should live their lives … All we want to do now is to take control both of the economical, the political and cultural resources of the people and of the land, so that they themselves have got the power to determine their own future … We want the right, the power to decide our own future. Not someone else deciding it on our behalf.
>
> *(Coe, cited in Foley, Schaap, and Howell 2013: 148, 150, 156)*

If the Embassy did promote separate development more boldly than previous generations of activists, the aspiration for communities to decide their own future had always been fundamental to the Aboriginal struggle.

As with land rights, the Embassy was a powerful symbol of self-determination in a positive and negative sense. Positively, self-determination was not only a goal to be attained, but an organizing principle of the movement, which was put into action in the same way as the survival programmes in Redfern. As a mobilization that was initiated, organized, and sustained by Aboriginal people, the Embassy was an act of self-determination that demonstrated Aboriginal political agency. The demonstrators created a public platform through which they controlled the terms in which they would interact with representatives of the settler society. By refusing to identify as Australian citizens, flying their own flag, and opening diplomatic relations with the Australian state on behalf of a pan-Aboriginal polity, they demonstrated their sovereignty and a fundamental equality with settler Australians. As Paul Coe observed, the Embassy was embarrassing and humiliating for the government since Aborigines had 'found a way of protesting, of making their point known, in a way no other group in this country has done' and the government did 'not like us being in a position where we can make our voices heard without getting our people subjugated to brutality' (Coe, cited in Foley, Schaap, and Howell 2013: 183).

In a negative sense, however, the Embassy also demonstrated that Aboriginal people were denied self-determination in being treated as 'aliens in their own land'. In this way it highlighted the failure of the state to redeem the promise of full citizenship for Aboriginal people that the 1967 referendum represented in the popular imagination. This negative symbolism was apparent in the form the Embassy took as a makeshift collection of tents in contrast to the monumental architecture of the Australian state and the 'embassies on Red Hill in really flash surroundings' (Foley 2009). Throughout the time the Embassy was encamped before Parliament House in 1972, the conservative government sought to dismiss the young activists who led the demonstration as a group of unrepresentative urban militants (Clark 2008: 242). This was a strategy that eventually backfired on the government, given the broad-based support that the Embassy received from Aboriginal people. In July 1972, the government instructed the police to remove the Embassy three times. The dramatic scenes of police violence against the protestors were broadcast on national and international television. As Paul Coe later reflected, this made the white violence that is experienced on a daily basis in Aboriginal communities publicly visible to white Australia for the first time (cited by Nicoll in Foley, Schaap, and Howell 2013: 271). The removal of the Embassy symbolically re-enacted the colonial dispossession of Aboriginal peoples in the public sphere that had been constituted by the demonstrators. As Alice Briggs, part of an older generation of Aboriginal activists who supported the Embassy, observed at the time: 'It may have been only a tent, but it was ours. It was all the Aboriginal people had going for them' (cited by Gilbert in Foley, Schaap, and Howell 2013: 164).

The Embassy was re-erected again on 30 July by around 400 Aboriginal people and over 1,000 non-Aboriginal supporters in the face of a huge police deployment (Harris, cited in Foley, Schaap, and Howell 2013: 214). Aboriginal speakers who addressed the rally testified to

the significance of the Embassy for Aboriginal people. Bruce McGuinness said those gathered demonstrated 'unity in diversity', with Aboriginal people from all walks of life turning out to defend the Embassy:

> They know what it is like to be stood on by the government. They've been stood on all their lives and they are still being stood on. Today they are all here … And no amount of police bashings, no amount of police brutality is going to stop us from standing up and demanding what rightfully belongs to us.
>
> *(McGuinness, cited in Foley, Schaap, and Howell 2103: 177)*

Bob Maza observed how impressive it was 'to see the way a movement like this has successfully united black people throughout the whole of the country and if nothing else we have at least proved that we can stand together on a united cause' (Maza, cited in Foley, Schaap, and Howell 2013: 177). Ken Brindle emphasized the importance of the visibility of the Embassy for 'Aborigines that are living in huts and shacks and shanties in places like Weilmoringle, Mungindi, Bourke, Collarenebri, Toomelah, Goodooga, you could go on all day. And these places are right out of sight of the government' (Brindle, cited in Foley, Schaap, and Howell 2013: 179). Pastor Frank Roberts said the Embassy was 'more than a symbol': it was 'a deep expression of what we are fighting for and what we crave' (Roberts, cited in Foley, Schaap, and Howell 2013: 184).

The 1972 Embassy demonstration and its eventual peaceful dismantling by the protestors in the face of police violence helped to remove the conservative government, placed Aboriginal land rights firmly on the national agenda, and brought an end to the assimilationist era of government policy. The Embassy inspired Aboriginal people across the nation to demand land rights and create the conditions in which a new relation between Aboriginal people and the state might be possible (Foley 2012a). As journalist Stewart Harris later reflected, the Aboriginal courage demonstrated at the Embassy in the face of state repression changed public opinion to such an extent that the 'enlightened policies of the Whitlam Government became politically possible' (Harris, cited in Foley, Schaap and Howell 2013: 213). It opened the way for a new era in Aboriginal politics in which it was believed that Aboriginal people could have both land and the ability to determine their own futures. Years after of the election of the new Labour Government led by Gough Whitlam, however, the Embassy was back.[10] The Embassy was re-erected intermittently throughout the 1970s and 1980s and has maintained a continuous presence in the National Capital since it was re-established on its twentieth anniversary in January 1992 by a number of activists involved in the original demonstration to (see Peters-Little 1992). On 27 May 1992, Kevin Gilbert lit 'international distress flares' at the Embassy on the twentieth-fifth anniversary of the 1967 referendum to 'signify to the world … the position Aboriginal People are in'. The anniversary of the referendum was not a day of pride for Australia, Gilbert insisted, since Aboriginal people were still dying and nothing had changed (Gilbert, cited in Attwood and Marcus 2007: 146).[11]

It is now widely recognized that the 1972 Aboriginal Embassy demonstration marked the end of the policy of assimilation and heralded a new era of self-determination and land rights in Aboriginal affairs. Yet, it is important that the event of the Embassy should not be folded into a Whiggish narrative of the development of citizenship rights for Aboriginal people in Australia that would lend legitimacy to the settler state.[12] For despite some significant policy developments in Aboriginal affairs, the contradictions and limits of Australian citizenship for Aboriginal people, which the Embassy forced into public view in 1972, remain as real as ever. In the early 1990s 'native title' was recognized by the High Court of Australia, which jettisoned the doctrine of *terra nullius* on which Blackburn's 1971 judgement was based. From 1991–2001 there was a formal reconciliation process. Gary Foley (2012b) gives voice to the legacy of generations of

Aboriginal activists who fought for freedom from the state in the form of economic independence, land rights, and self-determination, however, by declaring that 'Native Title is NOT Land Rights. And Reconciliation is NOT Justice'. That native title is the most inferior form of land tenure under British law makes a mockery of the widespread belief that native title is land justice (see Watson in Foley, Schaap, and Howell 2013). Similarly, despite the broad-based popular support from non-Aboriginal Australians that the 'people's movement' for reconciliation demonstrated, it remains vulnerable to the same criticism that Oodgeroo Noonuccal made of the 1967 referendum: that it only eased the conscience of white Australians while failing to deliver a modicum of justice for Aboriginal people.

The formal reconciliation process concluded in 2001 during the term of John Howard's conservative government (1996–2007). When the Labour party returned to power (2008–13), it sought to position Aboriginal peoples as part of a united political community through PM Kevin Rudd's apology to the stolen generations in its first sitting of Parliament and, subsequently, in advocating for a referendum to acknowledge the special place of Indigenous peoples in the preamble to the constitution. At the same time, however, the state continues to make Aboriginal people exceptions to the norm of citizenship, for example, with the passing of the Northern Territory Emergency Response legislation, the suspension of the Racial Discrimination Act 1975, and the rolling out of wide-ranging welfare quarantining measures specifically designed to target Aboriginal people. Ironically, such measures are enabled precisely by the constitutional change to the 'race power' won at the 1967 referendum, which campaigners believed would empower the government to extend full citizenship to Aboriginal people. As Larissa Behrendt observes:

> While at the time, this change was seen as an important tool in allowing the federal government to pass laws to assist Indigenous people, it has turned out that the power can also be used to repeal or limit the rights of Indigenous people as well. For example, native title can be legislated but also repealed; heritage protection can be enacted but can also be repealed; the Racial Discrimination Act has been stopped from applying to some aspects of native title.
>
> *(Behrendt, cited in Attwood and Marcus 2007: 167)*

The contradictory nature of citizenship for Aboriginal people in Australia can be understood when one is made aware of the exposure in 1972 of the state's own legitimacy crisis by the Aboriginal Embassy and the period of politicking regarding the battle for land rights that followed over the next two decades.[13] In light of all this, citizenship in Australia remains a fraught category not only for Indigenous people but for all Australians who would regard themselves as supporters of justice for Aboriginal peoples. Yet the event of the Aboriginal Embassy reminds us of the transformative possibilities created when non-Indigenous Australians place themselves in active solidarity with the struggles of Aboriginal peoples to refuse to identify as Australian citizens. As the work of Richard Bell, artist, Aboriginal activist, and artistic collaborator with Gary Foley, urges, we all need to be 'Imagining Victory' (Bell 2013).

Notes

1 White support for including Aboriginal people in the Australian nation was reflected in the campaign for the recognition of Arrernte artist Albert Namatjira as an Australian citizen in the 1950s (Wells and Christie 2000: 110). While Namatjira's citizenship was a victory for civil rights campaigners, citizenship as it was construed in the assimilationist era had little to offer Namatjira, who was charged and sentenced for supplying liquor to a fellow artist who was classified as a ward of the state. When Namatjira died of heart failure, shortly after his release from prison, this led to renewed debate about citizenship for Aboriginal people (Wells and Christie 2000: 123).

2 In 1938, Pearl Gibbs, who was later involved in the coalition-based Aboriginal Australian Fellowship (AAF), helped to organize the 'Day of Mourning' in Sydney, an all-Aboriginal congress held on the occasion of the 150th anniversary of the British invasion. While a resolution was passed asking for 'full citizen status and equality within the community', the manifesto also emphasized the persisting antagonism between Aboriginal and non-Aboriginal Australians: 'You are the new Australians, but we are the Old Australians … You came here only recently, and you took our land away from us by force. You have almost exterminated our people, but there are enough of us remaining to expose the humbug of your claim, as white Australians, to be called a civilised, progressive, kindly and human nation' (cited in Lake 2001: 574). This suggests that Aboriginal campaigners perceived the potential benefits of Australian citizenship differently from many of their non-Aboriginal supporters.

3 FCAATSI was originally named the Federal Council for Aboriginal Advancement.

4 Not all Aboriginal people identified with the referendum as a strategy for achieving inclusion. Marilyn Lake mentions two people who would become key players in the Aboriginal Embassy. Ken Brindle, who was also a member of the AAF, later recalled 'You, Faith [Bandler]… went on about the referendum all the time … I couldn't see how it would benefit us' and Shirley Smith reflected 'As far as being a citizen, it wasn't even a word I thought about' (Brindle and Smith, cited in Lake 2001: 586–7).

5 In 1972, Gordon Briscoe, who participated in the Embassy demonstration, reflected: 'I recall my feeling at the 1967 referendum as one of hope for the future. Hope that would wipe away the injustices of the past 200 years of coercion, suppression and humiliation and establish a way of life for Aborigines that would bring the peace we are entitled to as human beings. I felt that the fundamental principles laid down, nationally, of Aboriginal opinion and consultation at grass-roots would be preserved … The inception of the Office of Aboriginal Affairs (OAA) was a product of the 1967 referendum and has subsequently failed … to meet the wants and needs of the people. Because the Liberal Government policy of assimilation has denied Land Rights and Civil Rights it is a policy which not only perpetuates the suffering of our people but is also a racist policy that coerces us to conform to the white system' (Briscoe, cited in Foley, Schaap, and Howell 2013: 172).

6 In fact, Groves had criticized the identification of assimilation with citizenship at the founding conference of FCAATSI in 1958, at which (as one of only three Aboriginal delegates) he said the policy is 'simply a kindly form of white chauvinism' premised on the 'belief that there is nothing worth preserving in Aboriginal culture and … dislike of accepting a permanent national minority in Australia' (Groves, cited in Lake 2001: 586). The term *integration* was also adopted by the Victorian Aborigines Advancement League, which had condemned assimilation since 1959 as 'racial genocide' (cited in McGregor 2011: 108).

7 In an interview shortly after the PM's statement, Bruce McGuinness observed that Aboriginal people in the Northern Territory 'are not getting land rights, not in any legal sense or any moral sense. They are getting access to land providing they can prove to the government that they can develop that land, and this is a ridiculous situation' (McGuiness cited in Foley, Schaap, and Howell 2013: 138). In July 1972, Gordon Briscoe wrote that the Embassy was established to 'voice our disgust and disapproval of the Liberal-Country Party decision' to offer leases rather than recognize land rights (Briscoe, cited in Foley, Schaap, and Howell 2013: 173).

8 Wave Hill station, which, according to the law of the Commonwealth, was owned by the British Lord Vestey, was in fact on the Gurindji people's land. Inspired by knowledge of the courage of so many Aboriginal people in the Pilbara region who had been involved in the strike there between 1946 and 1949, the Gurindji people walked off the station, refusing to work for a pittance and demanded the return of Daguragu on which they sought to live independently.

9 Williams (1986: 159) writes that rather than being an act of the Yolŋu ceding their jurisdiction to the British courts, the Yolŋu saw the case as an opportunity 'to explain' in their terms their system of land tenure. Yet Justice Blackburn did not recognize Aboriginal land ownership in this case and upheld the notion of *terra nullius*, empty land, as the legal principle by which Australia had been occupied by the British.

10 The Whitlam Government had initiated a Royal Commission into Aboriginal Land Rights, but the terms of the inquiry related only to the Northern Territory. From the vantage point of the native-title era (after the High Court's decision in the Mabo case) it is striking that the terms of reference were not whether land rights would be granted but simply *how* they would be granted. Such terms are evidence of the political effectiveness of the Aboriginal Embassy and the Aboriginal land rights movement.

11 Gilbert asserted that Aboriginal people 'had Australian citizenship imposed on us, very much against the will of the Aboriginal People, for we have always been Australian Aborigines, not Aboriginal Australians.

We have never joined the company. We have never claimed citizenship of the oppressor, the people who invaded our country. Twenty-five years after this citizenship, which was supposed to give us some sort of rights and equality, we see that instead of lifting us to any sort of degree of place or right it has only given us the highest infant mortality rate, the highest number of Aboriginal people in prison, the highest mortality rate, the highest unemployment rate. And after twenty-five years we still have Aboriginal children and people dying from lack of clean drinking water, lack of medication, lack of shelter. We have still had twenty-five years of economic, political and medical human rights apartheid in Australia. And it hasn't worked for Aboriginal People. At the end of twenty-five years, we have seen the Australian Government and the Australian people try and get off the hook of responsibility by saying, ten years down the track, we'll have Reconciliation' (Gilbert, cited in Attwood and Marcus 2007: 144–6).

12 A few images are key to the public relations success of this mainstream historical narrative, such as the Yirrkala bark petition, Gough Whitlam pouring sand into Vincent Lingiari's hands, and the face of Eddie Mabo.

13 Aboriginal academic Aileen Moreton-Robinson (2006: 388) suggests that the failure of the state to openly declare war on Aboriginal people is in fact a tactic of war. Michael Mansell similarly observes, 'It says a lot about Australia that a national government can get away with sending the army in to invade Aboriginal communities. No other group in Australia need fear such a move against it by the government or military: no government would consider such a measure' (Mansell 2007: 73).

References

Attwood, Bain and Marcus, Andrew (2007) *The 1967 referendum: race, power and the Australian Constitution*. Canberra: Aboriginal Studies Press.

Bell, Richard (2013). *Imagining Victory*, solo exhibition, 26 June–11 August, Artspace Sydney.

Chesterman, John (2005) *Civil rights: how Indigenous Australians won formal equality*. St Lucia: University of Queensland Press.

Chesterman, John and Galligan, Brian (1997) *Citizens without rights: Aborigines and Australian citizenship*. Melbourne: Cambridge University Press.

Clark, Jennifer (2008) *Aborigines and activism: race, Aborigines and the coming of the sixties to Australia*. Crawley: University of Western Australia Press.

Davidson, Alastair (1997) *From subject to citizenship: Australian citizenship in the twentieth century*. Melbourne: Cambridge University Press.

Foley, Gary (2000) 'Native title is not land rights', *ojeblikket: Magazine for Visual Cultures* 3 (10): 66–87.

Foley, Gary (2009) 'Black Power in Redfern 1968–1972' in K. De Souza and Z. Begg (eds.) *There goes the neighbourhood: Redfern and the politics of urban space*. Sydney: Breakout, 12–21.

Foley, Gary (2012a) An autobiographical narrative of the Black Power Movement and the 1972 Aboriginal Embassy. PhD Dissertation: the University of Melbourne.

Foley, Gary (2012b) *Foley*, produced with Ilbijerri Theatre Company, Melbourne Festival, Melbourne Arts Centre 2011 and Sydney Festival, Sydney Opera House 2012.

Foley, Gary and Anderson, Tim (2006) 'Land rights and Aboriginal voices', *Australian Journal of Human Rights* 12 (1): 83–108.

Foley, Gary, Schaap, Andrew, and Howell, Edwina (eds.) (2013) *The Aboriginal Tent Embassy: sovereignty, Black Power, land rights and the State*. London: Routledge.

Goodall, Heather (1996) *Invasion to Embassy: land in Aboriginal politics in New South Wales, 1770–1972*. St Edwards: Allen & Unwin.

Hokari, Minoru (2000) 'From Wattie Creek to Wattie Creek: an oral historical approach to the Gurindji walk-off', *Aboriginal History* 24: 98–117.

Lake, Marilyn (2001) 'Citizenship as non-discrimination: acceptance or assimilationism? Political logic and emotional investment in campaigns for Aboriginal rights in Australia, 1940–1970', *Gender and History* 13 (3): 556–92.

McGregor, Russell (2011) *Indifferent inclusion: Aboriginal people and the Australian nation*. Canberra: Aboriginal Studies Press.

Mansell, Michael (2007) 'The political vulnerability of the unrepresented' in J. Altman and M. Hinkson (eds.) *Coercive reconciliation*. North Carlton: Arena Publications, 73–84.

Maynard, John (2007) *Fight for liberty and freedom: the origins of Australian Aboriginal activism*. Canberra: Aboriginal Studies Press.

Moreton-Robinson, Aileen (2006). 'Towards a new research agenda? Foucault, whiteness and Indigenous sovereignty', *Journal of Sociology* 42 (4): 383–95.
Noonuccal, Oodgeroo (1962) 'Aboriginal charter of rights'. Available online at www.poetrylibrary.edu.au/poets/noonuccal-oodgeroo/aboriginal-charter-of-rights-0719030 (accessed 7 May 2013).
Peters-Little, Frances (dir.) (1992), *Tent Embassy*. ABC Television, 58 minutes, first screened 2 August.
Wells, Julie and Christie, Michael (2000) 'Namatjira and the burden of citizenship', *Australian Historical Studies* 114: 110–30.

Epilogue

This page intentionally left blank

Citizenship

East, west or global?

Bryan S. Turner

The classical legacy

The concept of citizenship has occupied a privileged place in Western political thought from Aristotle onwards. Modern political thought has typically drawn inspiration from both ancient Greece and imperial Rome. This classical theme suggests explicitly that democratic values and institutions are deeply embedded in Western history. Aristotle in particular is seen to have outlined some of the basic conditions of city democracy in the ancient world. While recognizing that many people in the city were not citizens, he departed from Plato by insisting that the political community was made up of all its citizens rather than by a small elite. Hence a citizen was someone who participated in legislative and judicial decisions. We should not however be overzealous in regarding Aristotle as 'a partisan of democracy' (Wolin, 1961: 57). Citizenship was restricted to adult men who were freeborn or less than a quarter of the population of ancient Attica (Hedrick, 1994). Despite these limitations, the Greek ideal of freedom and democracy had a profound influence on the political ideals of the American colony. The American Revolution drew its inspiration from many sources, but we should not underestimate its dependence on ancient democratic principles (or at least on how the Founding Fathers interpreted those principles) in the struggle of the 'people' against the monarchy. The result was a revolutionary secular constitution clearly separating church and state. While the modern debate about citizenship, secularism, and democracy can be identified with the American and French Revolutions of the late eighteenth century, both of which referred frequently to classical society and republican citizenship, the American tradition also drew inspiration from the Puritan revolution, autonomous churches, and a millenarian view of history. In this respect America was the New Jerusalem, the City on a Hill, and the First New Nation. This peculiar combination of sources has had long-term implications for American citizenship, as I will show shortly. We need to keep in mind two caveats with respect to this interpretation of the roots of citizenship. First, the ancient world was based on a slave economy in which the majority of the population was excluded from rational debate in the public sphere. Secondly, Hannah Arendt was probably correct in saying that the ancient world had no knowledge of 'society' but only the *polis*. It knew political but not social theory. This chapter departs from this conventional fiction that modern citizenship can be easily grounded in the ancestry of the ancient polis. Furthermore,

I want to break out of the East–West paradigm that has haunted the history of the concept of citizenship and to look, in a period of globalization, at common rather than different problems. My contention is that with the political impact of globalization, there is a common set of problems associated with citizenship that is shared across the globe. While cultural anthropology and political sociology are inclined to stress significant differences between societies, in this chapter I examine a cluster of related issues that confront societies with shared problems of participation and resource allocation. The common cause of many difficulties challenging citizenship is a demographic shift from high to low fertility and from youthful to ageing populations.

In questioning the idea that ancient Greece was the seedbed of modern democracies, it makes more sense historically to see the rise of citizenship in the nineteenth century with the rise of an urban working class that presented a growing challenge to bourgeois civil society. Insofar as theories of citizenship were developed in Victorian Britain, it was from liberals like John Stuart Mill on the one hand and from radicals like Karl Marx on the other. One would have to say that, on the surface, neither the liberal Mill nor the radical Marx had much time for citizenship. Mill, having read the second volume of Alexis de Tocqueville (1969) on *Democracy in America*, which appeared in 1840, concluded that expanding the franchise to the uneducated working class would result in a 'stationary society' which he compared to 'Chinese stationariness' (Turner, 1974). Mill was not as such a friend of democracy and, while he championed the freedom of the individual from social conformity, he wanted social pressures to limit large families in order to avoid overpopulation. In *On Liberty* Mill (1962 [1859]: 163) felt that the 'laws which, in many countries on the Continent, forbid marriage unless the parties can show that they have the means of supporting a family, do not exceed the legitimate powers of the State'. Mill's view of the legitimate role of the state contradicts his own defence of individual liberty and his view of overpopulation and large families could be said to have anticipated what was to become the Chinese one child per family policy.

Modern theories of citizenship by contrast have embraced the idea of a right to reproduce which is regarded as a component of 'sexual citizenship', partly because reproduction is seen to be an important aspect of women's health. Changing attitudes towards sexuality, sexual orientation, and gender are perhaps nowhere more strikingly illustrated than in the acceptance, at least in the US Supreme Court, of same-sex marriage in the last decade. Despite strong opposition from fundamentalist religious groups, legislation in support of same-sex marriage has been supported on the argument that opposition to its acceptance involves sex classification which is parallel to race classification (Klarman, 2013). I shall return to this issue in my conclusion.

Marx was also hostile to Thomas Malthus's population theory, but in most other respects he was a critic of Mill's version of individualism and rights to personal liberty. In the so-called Jewish Question, he had argued that political rights without social rights and the redistribution of wealth would be a hollow victory for the workers. He was critical of 'bourgeois' citizenship precisely because of its underlying assumptions about the prominence of individual rights over social rights. While Mill and Marx would appear to stand at opposite ends of a continuum in terms of political theory, they agreed on one crucial point. They drew a deep contrast between the dynamic capitalism of the West and the stationary societies of Asia, especially India and China. In this respect Marx probably never departed far from Hegel for whom the East had no history.

While the American and French Revolutions, drawing heavily on their interpretation of classical authors and Enlightenment rationalism, were definite points of departure for the modern theory of rights in general and of citizenship in particular, contemporary citizenship studies has been driven mainly by sociology with its concern for the public sphere and social rights. The modern debate about citizenship in the social sciences has centred on the reception of T. H. Marshall's *Citizenship and social class and other essays* (1950). Although this work was

published in the immediate aftermath of World War II, its influence was mostly experienced in the 1980s and onwards, when the policies of Thatcherism were beginning to take effect in the United Kingdom. Marshall wrote in the context of the Beveridge Report (1942) and Keynesian economics. While John Maynard Keynes was no enemy of capitalism, we might call Marshall's sociology of the welfare state an example of social Keynesianism. It took for granted the expansion of the state as a necessary consequence of increasing social security and generous welfare provisions. In fact, national insurance and pension schemes for the workers went back to the Liberal government of Herbert Asquith, but it was mass mobilization for war that was the real driving force behind the expansion of social citizenship in the 1950s and 1960s.

In retrospect, therefore, the Thatcher years in the United Kingdom and the Reagan administration in the United States were significant turning points in the history of modern citizenship, the outcomes of which are perhaps only finally and fully appreciated in the economic and financial crisis of 2008 that continues to unfold. Between 1979 and 1990, Thatcher did much to roll back the state, to destroy the political power of the trade unions, to deindustrialize Britain, and to promote the rise of finance capitalism and the dominance of the City over traditional manufacturing industries (Campbell, 2009). She had little tolerance for the social provision of welfare and Norman Tebbit, as Employment Secretary, had said that the unemployed man should, like his own father, get 'on his bike' in search of work rather than seeking support from the government. I shall argue later that the decade approximately from 1974 to 1984 laid the foundation for what was to become 'consumer citizenship'.

In considering the history of citizenship, we must keep in mind that America was the exception. There is the well-known argument from S. M. Lipset (1963) onwards that America, unlike Europe, never had a powerful or successful socialist movement or socialist party. There are many dimensions to this argument: the greater role played by religion in public life; the foundations of slavery and its enduring impact on American politics and culture; the frontier experience and the genocide of native Americans; the unbridled nature of capitalism; the dominance of liberalism in approaches to individual rights; and its unmatched global power in the second half of the twentieth century; and finally its denial of any significant imperial history. Here however I am only concerned with the issue of citizenship and civil rights.

Although notions of 'individual rights' and 'civil liberties' play a major role in American political philosophy, 'citizenship' does not appear prominently in the vocabulary of either political science or sociology. The War of Independence, the history of slavery, the Civil War, and the civil rights movement have shaped how Americans think about the relationship between the individual and the state. Judith Shklar (1991: 147), in recognizing the protection of minorities as being fundamental to American democracy, claimed that civil liberties occupy 'the very heart of American political values'. In short, what comes first in American political culture is the protection of the individual from arbitrary state interference rather than collective provision against the negative effects of economic instability. In Britain, post-war reconstruction and the legacy of the welfare state implied the responsibility of the state in protecting vulnerable individuals from the unpredictable exigencies of everyday life. In the United States, private provision and voluntary associations have been more significant in offering some degree of security for workers.

When American sociologists do in fact turn to the analysis of citizenship, they are typically concerned with questions about race and immigration. Given the history of migration in the United States, these two foci are hardly surprising. One example can be located in Talcott Parsons's *American Society* (2007), in which social solidarity is preserved through the institutions of citizenship. The other important components of solidarity for Parsons are the law, religion, and shared values. He argues that the American societal community has been largely successful in coping with cultural pluralism and he employs the idea of citizenship to consider the tensions

between solidarity and conflicts over interests. The main example of successful integration (the 'adaptive upgrading' of the system) has been the transition from early slavery through emancipation to the emergence of the Afro-American community as simply one component of an ethnically diverse social order. The discussion of citizenship and race reflects his earlier work on the social rights of the black community (Clark and Parsons, 1966). The growth of social and political rights not only explains the success of ethnic minorities in integrating into American society but also the resilience of social solidarity against the strains of authoritarianism, racism, and class conflict.

Whereas the British debate about social rights has concentrated on the tensions between the market, social class, and the welfare state, British sociologists invariably pay no attention to religion and ethnicity, which have been dominant themes in the United States. The parameters of the debate about civil society, democracy, and the state were originally defined by Alexis de Tocqueville in *Democracy in America* (1969) of 1835 and 1840, in which the churches as primary examples of voluntary associations were seen to be the principal providers of major social services in the absence of a centralized state. This connection between churches, welfare, and voluntarism has come to define a continuing characteristic of American democracy in which local community action is favoured over an interventionist state. Political opposition to Washington has often taken a populist form, including the recent protests of the Tea Party (Amery and Kibbe, 2010).

In concluding this opening discussion, we can simply note that there are different versions of citizenship in the West. In the century between 1850 and 1950, Western states experimented with a variety of authoritarian, liberal, and social-democratic strategies to provide some degree of security against economic volatility (Mann, 1987). Britain in 1919 and France in 1920 created ministries of health to address the chronic illness and disability suffered by troops during the Great War. The common theme in this development was the emergence of an urban working class that represented a potential threat to bourgeois culture and political authority.

I shall treat Judith Shklar as the exemplary theorist of citizenship in America. Issues relating to injustice and inequality were taken up in her *American Citizenship* (1991), where she argued that most interpretations of citizenship in political philosophy had ignored the importance of employment and earning in the foundation of notions of citizenship in colonial America. What the Founding Fathers feared most were the twin issues of slavery and aristocracy. Slavery quite clearly involves a loss of human status and dignity, while the role of an aristocracy was associated with luxury and idleness. In short: 'We are citizens only if we "earn"' (Shklar, 1991: 67). Given the connection between right and duty, earning an income is important if citizens are to fulfil their proper obligations such as paying their taxes, maintaining a household, and supporting their children.

Different trajectories/common problems: demography[1]

Clearly there are therefore specific conditions and different histories that explain differences in the historical development of citizenship in different national settings. I have already recognized the major differences in the West between citizenship in Northern Europe with welfare-state provision and the United States with its emphasis on individual responsibility and the market as an efficient economic mechanism. At the same time I am struck by the commonality of issues that face citizenship on a global scale. To understand these common issues, we need to abandon the Orientalist language of West versus East and focus on common issues within a global framework. These common problems sit at the intersection between demographic changes, economic developments in capitalism, and the political framework of representative democracy. Let us start with demography.

Modern societies from Germany to China are faced by a paradoxical combination of demographic changes, especially declining total fertility rates (TFRs) and corresponding rapid ageing of populations. There is an urgent political question: how to provide for the dependency of an ageing population? The causes of declining fertility rates are well documented in demographic history: urban living, the decline of agricultural employment, the availability of family planning and contraception, and the growth of literacy and education, especially for women. These demographic developments have been especially important in East Asian societies, where fertility rates are remarkably low. The majority of developed societies now have TFRs around or below 2.0. However, I want to argue that these developments are more or less universal, apart from some developing societies – such as Afghanistan and Mali, where the TFRs are 6.2 and 6.0 respectively.

A replacement fertility of the population in the developed world is around 2.1 births per woman and globally it is approximately 2.33. The TFR for the United States in 2011 was 2.01, or below replacement, but its population continues to grow because of legal and illegal inward migration. In South Central Asia, the TFR is 3.3, in Southeast Asia 2.7, and in East Asia 1.7. Some four decades ago, the average TFR in East Asia was around 6. Thus, the replacement rate in East Asia is defined as suboptimal. According to the CIA *World Factbook*, in 2012 the TFRs for East Asia are as follows: Singapore 0.78; Hong Kong 1.09; Taiwan 1.1; Japan 1.39; and China 1.55 (Central Intelligence Agency, 2013). South Korea offers yet another interesting example of these developments. As a result of rapid economic development and urbanization, Korean women were drawn into formal employment and out of the agricultural economy. In the 1950s the TFR was over 5, but this had declined to 1.29 in the period 2005–10. South Korea has an ageing population. In 1955 only 3.3 per cent of the population was 65 and over, but now it is close to 11.0 per cent. Social change has consequently been dramatic, especially in terms of urbanization. The population of South Korean is around 50 million people and the capital Seoul has a population of 10 million. However, within the Seoul Capital Area it is 25.6 million. With the traditional Confucian respect for education and the changing hierarchy of occupational status, there has been growing household expenditure on education. As a result, the costs of large families cannot easily be sustained, especially because Korean parents place a heavy emphasis on the material success and social mobility of their children (Kwon, 1993). These developments pose important questions for economic growth and for the standard of living of the working population.

It is well known that Japan's demographic transition has been dramatic, and its consequences are highly problematic. In 2012, Japan had a population of 127,368,088 people, but its population growth is negative (or –0.077 per cent). It has a rapidly ageing population in which 23.9 per cent is 65 and over. Consequently the 'burden of dependency' (the ratio of those in the age range of employment to the elderly and children) is extreme. The average life expectancy of Japanese women is now 87.4 years, but it is predicted that it will rise to 97 years by 2050. The Japanese TFR in 2010 was 1.39, which represented a slight improvement from 1.32 in the period 2001–5. Societies with a low TFR can still enjoy population stability or indeed growth if they have policies that encourage immigration. Japan, however, is an exception. Its net migration is zero, and while there are 2.2 million foreign immigrants in Japan, these are primarily of Japanese descent from South America.

Other Asian countries are also experiencing an ageing problem. For example China's economic 'miracle' has been associated with its so-called 'demographic dividend', but Chinese policymakers are currently worried by the decline in the working-age population, which shrank in 2012 by around 3.4 million persons. As the Chinese middle class has grown, its TFR has declined, but China's one-child-family policy of the 1970s has been the major factor in its fertility decline (Greenhalgh and Winckler, 2005). Efforts to increase fertility in the region, for

example in Singapore, through policy initiatives have not been successful (Thang, 2005). A report for the Singaporean government in 2013 from the National Population and Talent Division provides a range of policy options designed to increase fertility, such as faster access to housing to support young couples and providing affordable childcare options. Why are these demographic changes consequential and how do they relate to questions about citizenship in Asia?

These developments – declining fertility and ageing populations – are obviously not confined to East Asia. Russia has acute population problems. It is difficult to obtain precise demographic data for Russia, but basically its population suffered from the collapse of the Soviet Union in 1991, which was followed by two decades of decline. The death rate increased, as the standard of living declined, and the health status of the male population decreased as a consequence of alcoholism and high rates of HIV infection. By the end of the century, life expectancy for men was 63 years of age, and the birth rate fell from 17/1000 in the 1980s to 10/1000 in the 1990s. As a consequence of government strategies to improve population growth and structure, the TFR of 1.25 in 2000 rose slightly to 1.41 in 2010.

Citizenship can be understood as a bundle of 'contributory rights' in which citizens receive entitlements in return for duties undertaken to the community, including payment of taxes, family formation and reproduction, and military service (Turner, 2008). Population decline has significant consequences for military defence, especially for societies with disputed, problematic borders. Russia and Singapore, which depend on conscription, are both confronted by population decline, ageing populations, and popular resistance to conscription. Demography has obvious implications for the capacity of societies to defend their borders, especially when they are confronted by hostile neighbours. The classic example is Israel, which has ongoing military conflicts with neighbouring states and which also has a declining population and considerable internal political uncertainty (Ben-Porat and Turner, 2011). Israel has enjoyed a population growth rate in recent years of 1.5 per cent and a large influx of Russian Jews after the collapse of the Soviet regime. The Israeli population is composed of 6,042,000 Jews, 1,658,000 Arabs, and 318,000 others. There is some evidence that Israel is following a global trend in ageing. The life expectancy of women is 83.6 years and 10.3 per cent of the population is 65 and over.

The important feature of the Israeli population is its internal variation. In the period 1995–2000 the TFR for secular Israelis was around 2.0 to 2.2, for Christian Arabs, 2.6, and for Arab Muslims and Druze, 4.0. However for the Haredi (the ultra-Orthodox Jews) it was 6.0–7.0. These ultra-Orthodox Jews are not recruited into the military, have very low employment rates, high levels of poverty, and their Torah study and isolation from the formal labour market are funded by the state. With proportional representation, the religious, mainly through lobbying by the Shas Party, have considerable leverage over state resources. It is estimated that the ultra-Orthodox by 2030 would have a million members, most of whom will be children. At the same time, Israel is confronted by a Palestinian population with a high birth rate. While the figures for the Palestinian population are unsurprisingly contested, there are some 10.7 million Palestinians in the Palestinian Territories, Israel, neighbouring Arab countries and other parts of the world. The Palestinian TFR in the 1950s was over 7, in the 1960s over 8, and in this century it has been around 5.05 to 4.65. Some observers believe that Israel as a viable society cannot be sustained on this basis unless there is further inward migration, unless the Haredi can be persuaded to engage in secular occupations and support the military, and unless the Palestinian TFR declines significantly.

There is no such thing as 'the universal demographic transition' in global terms, but demographic changes are playing a significant part in the more general features of social change. These developments include the changing status and nature of masculinity, the rising status of women in the civil sphere, the growing dependence on foreign workers, the growth in international marriages, the development of international brides, the erosion of filial piety, the rise

in single-person homes, and so forth. In global terms, the status of women has risen as their fertility rates drop, primarily as a consequence of a dramatic improvement in education. As a result, their employment in the formal labour market is also rising. To take one example almost at random: women in modern-day Kuwait represent 70 per cent of the university population (Gonzalez, 2013). Of course, the progress of women towards educational and employment equality is never a smooth road. There can be an erosion of such rights and hence an evolutionary model of advances in citizen rights, which was implicit in Marshall's theory, should be resisted. Changes in policies to contraception in Egypt under the influence of Salafiyya Muslims in former President Morsi's government resulted in an increase in fertility rates which will in the long term have negative consequences for women's social advancement. How exactly do these demographic developments relate to questions about entitlements and duties within the framework of social citizenship? More specifically, how do they relate to the issue of 'contributory rights'? The connection between democracy and demography might be expressed through the idea of sexual citizenship, namely the bundle of rights and obligations relating to entitlements to marriage, procreation, abortion, and divorce or the rights that allow people opportunities to control their own sexuality. However in this chapter I argue that the implications of demographic change go much further into issues relating to youth employment, retirement benefits, pensions, and ultimately to personal identity, especially masculine identity.

While educated women are moving into the formal labour market (especially in the service sector), where they are challenging the traditional dominance of men, women are also especially vulnerable to exploitation. There has been an important feminization of the migrant workforce globally and ample evidence of the economic exploitation of women in the developing world, where women from rural backgrounds find themselves at the mercy of 'new masters' in factories with unregulated work conditions (Hairong, 2008).

Alongside these changes, as we have noted, is the greying of populations. This development is dramatic in the West, as the Baby Boomers born in 1946 are rapidly approaching retirement and Western governments are obviously concerned about the rising costs of pensions and medical care for the elderly and, given the economic climate, many governments are seeking to privatize pensions or to opt out of their obligations to the elderly. There are various solutions to this problem, all of which have implications for citizenship rights – extend the period of employment for workers by removing compulsory retirement, invest in technology to make labour more efficient or to replace it, increase inward migration, especially of skilled workers through a points system, promote same-sex marriage on the assumption that this would improve adoption rates and in the case of lesbian couples increase the TFR through donor insemination, and relocate elderly populations to societies with low labour costs through the creation of retirement villages. Most governments are trying to implement all of these options, but what must be borne in mind is that the pressure to privatize erstwhile universal and public arrangements is global (Blackburn, 2002).

One unintended consequence of migration is growing social diversity, which poses a general question for governments: how to manage growing cultural diversity with migration and globalization, especially religious and ethnic diversity? The global demand for (young) labour inevitably produces diversity through labour migration. One important change in the modern world is that Islam, which until the middle of the twentieth century existed as a majority religion in most Middle Eastern societies, now exists as a minority religion in many, if not most, Western societies. The majority of Muslims live outside the Middle East and in many societies Muslim communities now enjoy a successful existence alongside other religions in multifaith and multicultural societies (Bilici, 2012). However, there has also been widespread opposition to the presence of veiling in public spaces and to the alleged spread of the *Shari'a*.

My principal argument is that, given a significant decline in fertility, political leaders look, other things being equal, to migration to sustain the workforce. Importing 'fresh' labour is a quick solution to low fertility, but it comes with a price. The unintended consequence is cultural diversity, and governments need to embrace positive policies to multiculturalism in order to avoid social conflict. Conflicts with Muslim diasporas in Denmark, Norway, France, and Germany are not encouraging in terms of successful multiculturalism. In many European countries right-wing extremism – the English Defence League, the Norwegian Defence League, Golden Dawn, and so forth – may yet prove to be problematic. In the past it was assumed that right-wing parties could not have significant electoral success, because there is a tendency for consensus to build up around centre-left or centre-right parties. The impact of the UK Independence Party (UKIP) under the leadership of Nigel Farage on the Conservative Government of David Cameron suggests that this particular assumption about an electoral consensus may be mistaken. Populist politics – such as Beppe Grillo's Five Star Movement in Italy or the Tea Party in the United States – appears to have the capacity to change the electoral landscape. In Asia, ethno-religious tensions are widespread, but they are intensified by migration: Buddhists and Muslims in Sri Lanka and Thailand, Christians and Muslims in the Maluku Islands, and Muslims and Hindus in India. In Japan, in the Shin-Okubo area of Tokyo, police have been involved in quelling right-wing protests against foreigners. In June 2013, members of a movement called Zaitokukai (Citizens against Special Privileges of Zainichi), which is opposed to what it sees as unfair privileges given to Koreans (Zainichi), clashed with police and an anti-racist group ('Shitback Crew'). The leader of the protests Takada Makoto (alias Sakurai Makoto) was arrested, which gave rise to further complaints that Koreans and anti-racists were not arrested. In Singapore in 2013, there has also been peaceful opposition on the streets against the government's plans to increase foreign migration into the city state. Although these are small incidents in societies that are politically stable, they are indicative of underlying opposition to migration which is often expressed as concern over jobs. However, the protests also exhibit xenophobic fears about social diversity.

The second range of common issues concerns the problem of long-term employment prospects for young generations. This employment issue is another paradox. On the one hand, in countries with low fertility, governments are expressing serious concern about the shrinking of their future workforce and hence their capacity for economic growth. This problem is acute in Russia, Germany, and Japan. High fertility rates imply future patterns of consumption to drive the economy, simply because young people need to consume housing, transport, domestic goods, and education. To take one example, while employment was recovering in the United States by the early part of 2013, many of the jobs are in the low-wage, low-skill sector of the labour market, where employment does not offer the prospect of employment continuity with pension provisions and savings for the future. In addition in most developed societies in the West (from Germany to the United States) some 20 per cent of the labour market falls below the minimum wage. The problem for the future of citizenship is how to absorb young educated people into the occupational system and at the same time how to provide a satisfactory wage level for the unskilled and the semi-skilled. While economists often argue that immigration is good for the economy – not least because it raises taxes for the state – it is difficult to promote the idea to the electorate. The struggle over the immigration bill in the United States between Republicans and Democrats is an example of these conflicting interests between the needs of the economy and the political constraints in Congress over the idea that illegal migrants would be given amnesty. At the time of writing it is unclear whether Congress can forge an agreement on migration that will offer some legal status to its illegal migrant population.

There is one final aspect of this problem worthy of attention. In most developed societies, women have been far more successful in completing their education in terms of graduating

from college with recognized qualifications. The result of these developments lays the foundation for two forms of inequality that may be important for political alignments – generational and gender resentment. In the United States this resentment from declining social strata was manifest in the rise of the Tea Party, which recruited people both fearful of social change and angry about the forces bringing it about. Their anger was directed at what they think are the undeserving poor, the welfare freeloaders, and generally people who do not share their strong sense of the Protestant Ethic. There was also a clear element of racism in their vocabulary for President Obama who was often seen to be an outsider, if not a Muslim. They were also fearful of what they saw as the unstoppable spread of the *Shari'a* as evidence of Muslims taking over the country. Tea Party activists were typically elderly, white Protestants. Thus forty per cent of Tea Party supporters describe themselves as evangelical Christians. The social conservatism of their rank and file is also illustrated by their stand on a range of social issues such as gay marriage, homosexuality, and migration. Illegal immigrants were seen to be freeloaders who were accessing benefits to which they had no entitlement (Skocpol and Williamson, 2012: 69–70).

However, these issues also illustrate how much modern societies have diverged from the model of citizenship in T. H. Marshall's famous account of the British history of citizenship. Marshall's model described a set of contributory rights in which effective citizenship entitlement was associated with gainful employment, public service (such as the military), and family formation through marriage and divorce. In my article 'The erosion of citizenship' (Turner, 2001), I suggested that all three bases of citizenship were in decline. As we have seen with the decline of traditional agriculture and heavy industry with deindustrialization, the pattern of work has changed. Lifelong employment with secure benefits has disappeared for most of the working class. Military service in defence of the nation has also been transformed with the growing dependence on privatized services from security companies. Many societies in the West, in the absence of conscription, are forced to offer significant inducements for young men to join the military and hence the quality of the average recruit has declined. The heroic citizen-soldier has often been replaced by recruits of dubious social and personal attributes (Kennard, 2011). But the most significant post-Marshall development concerns the family.

Marriage as an institution has been much debated by feminist sociologists. On the one hand, no-fault divorce, which allows couples to terminate their marriages without for example having to prove infidelity, has weakened traditional family ties and, on the other hand, serial monogamy suggests that marriage is still highly desirable. In the West, the acceptance of same-sex marriage is perhaps the most controversial development. In the United States, there are some twelve states in which same-sex marriages have been approved by legal decisions of the courts, and homosexuality is now accepted among military personnel. Against considerable religious opposition, gay marriage has become legal across the world from the USA to New Zealand. While many gay marriages will result in families insofar as children are adopted, these legal developments imply an important change in the foundations of citizenship. One can expect these developments in the West to also have an impact in Asian countries. For example in Singapore, there is a gay lobby seeking recognition of homosexuality, and sexual experimentation is significant in Japan (Kong, 2011). In terms of sexual orientation, there are clearly differences between homosexuality in Asia and in the West, but with globalization these cultural differences are becoming less significant (Peletz, 2009). The underlying assumptions behind the Marshallian citizen – the white, male, fully employed, heterosexual father – are increasingly globally irrelevant.

The third set of common problems relates to the environment. The idea of environmental or green citizenship is a relatively recent development. The underlying assumption is that, with pollution and the degradation of the environment, it is important to build a set of enforceable rights that will offer citizens a right to clean water, fresh air, and reliable food (Dobson, 2003).

We need effective institutions to create environmental rights to protect vulnerable communities from a variety of disasters – tsunamis, earthquakes, droughts, food crises, and so forth in a context of global warming. Environmental citizenship is probably our best example that any discussion of East and West is irrelevant, because risk society is global (Beck, 2009).

In any discussion of environmental rights it is difficult to distinguish between citizens' rights to a sustainable environment and human rights relating to the environment. Theoretical developments in sociology have found some parallel in the field of international law in the work of Jonathan Charney, Louis Henkin and Christian Tomuschat. In this field of legal studies, scholars have recognized the emergence of legal provisions that bind nation-states to international agreements that enforce behaviour with respect to certain key issues, where there are common interests. For example these interests can be connected to rejecting slavery, serfdom, and genocide, or protecting scarce resources (such as water). Perhaps the most significant features of this global juridical framework are described as *erga omnes* obligations, which are of serious concern to all states, and these shared obligations are created by a common recognition of a set of fundamental human rights relating to human ills such as war, genocide and slavery. Historically legal relationships between autonomous nation-states were framed in treaties that had only a limited provenance, but international legal codes now recognize that the autonomy of nation-states is often limited by multilateral treaties that address issues of common concern. Early legal regulation of common interests included laws to regulate access to the sea, international trade, and the treatment of prisoners. The United Nations Convention on the Law of the Sea in 1982 was a significant step in the recognition of mutual interests that were embedded in law (Charney, 1993). The development of legally binding relations within the European community has also been seen as an important example of legal internationalism, and another example is the creation of the European Court of Human Rights in 1959. These international legal relations have multiplied with juridical globalization in clear recognition of the need to develop a set of universal standards to address concerns relating to major issues, especially the environment.

Many of these legal arrangements concern a mutual interest in protecting the environment and they have serious implications for the autonomy of the nation-state. Charney (1993: 530) notes that 'the enormous destructive potential of some activities and the precarious condition of some objects of international concern make full autonomy undesirable, if not potentially catastrophic'. Where there is recognition that a common good is threatened, there are compelling reasons for legally enforced cooperation between states. So-called *jus cogens* or 'compelling law' is a pre-emptory legal principle that recognizes binding arrangements on states, irrespective of their consent. Where there is an obvious need for common action over a shared problem (for example the dumping of nuclear waste), it is possible to argue that there exists a 'community necessity' over which there should be binding agreements. Unsurprisingly political contestation typically takes place over whether there is a 'community necessity', and the alternative is to accept a realist view of international politics as a competitive field of nation-states operating in terms of their geopolitical interests. Nevertheless there is some agreement that the globalization of law is already recognition of some common interests that transcend East–West differences (Teubner, 1997).

The debate about environmentalism and natural disasters raises an interesting question about whether 'natural disasters' are in fact always 'social and political disasters'. Margaret Somers's *Genealogies of citizenship* (2008) has had an important impact on modern citizenship studies. In her study of the Katrina hurricane disaster in the United States, she argues that the causes of the crisis and its aftermath had more to do with political failures (for example the failure to manage the levees) than with natural causes such as the severe weather. Similar arguments emerged in the United States after the flooding of New Jersey and New York after Storm Sandy in 2012.

The same perspective on 'natural' catastrophe would apply to earthquakes in China, where inadequate building construction and political corruption may have more significant consequences than actual earthquakes. Other examples might include the Japanese tsunami, where it is claimed that there were faulty design problems with its nuclear plants and that the crisis was worsened by inadequate planning. Failure to anticipate and manage disasters is obviously not confined to any particular society. Global warming clearly undermines any notion that climatic catastrophe can be categorized in an East–West binary.

To conclude this section of my discussion, we can say that the underlying issue in the changing nature of citizenship is related to globalization and specifically to the question of the sovereignty of the state. The emergence of citizenship in the West was closely tied to the consolidation of the nation-state on the one hand and to the rise of the working class on the other through the nineteenth and early twentieth centuries (Bendix, 1964). Similar nation-building processes behind the construction of citizenship were taking place in Japan after the Meiji Restoration and in Turkey with Kemal Atatürk's secularizing nationalist strategies in the 1920s. There is now a widespread view that the modern state is far more porous with ambiguous boundaries. Evidence for this perspective can be drawn from the growth of legal pluralism, in which legal sovereignty gives way to the influence of human rights, international law, commercial law, and in some cases the revival or recognition of customary law. Recognition of legal pluralism through the continuity of customary law was championed by sociologists like Eugen Ehrlich in *Fundamental principles of the sociology of law* (2002) which was first published in 1936. In documenting the continuity of customary law courts for dealing with the affairs of the peasantry in the Ukraine, Ehrlich offered an alternative to state-dominated views of law in the work of Max Weber and Hans Kelsen. In jurisprudence, Kelsen was famous for his 'Pure Theory of Law' in which he argued, against both reductionism and relativism, that law was a deductive, autonomous system of legal norms whose authority was guaranteed not by religion, morality, or the state but simply by other legal norms. Consequently Ehrlich's sociological views are still contested by legal scholars who argue that laws without state backing are in fact merely customs, but the growth of international human rights does nevertheless suggest an erosion of state sovereignty, which in turn has consequences for citizenship.

The legal assumptions of both Weber and Kelsen are challenged by the apparent erosion of state sovereignty, which is illustrated, for example, by the problem of controlling illegal migration. The porous nature of national borders is therefore illustrated by the problem of documenting both legal and illegal migration. For example Kamal Sadiq (2009) in *Paper citizens* provides an insight into how illegal migration in India, Pakistan, and Malaysia often leads incrementally and imperceptibly through *de facto* denizen status to actual legal citizenship. Criticizing what he calls the 'distinguishability assumption' in conventional citizenship studies, that host societies have well documented populations, he shows that traditional views of citizenship have failed to grasp the important role played by a variety of documents in the informal pathways to 'documentary citizenship'. In Asia and Africa, these illegal flows of migration have caused significant social and political disruption in receiving or host societies. Nation-states which begin with a clear and exclusive constitutional definition of formal and legal citizenship often over time acquire migrant populations that manage to accumulate documents resulting in the acquisition of citizenship that consequently dilutes constitutional commitments to exclusive national citizenship. Casual denizens over time can become bona fide citizens.

What Kamal Sadiq calls 'documentary citizen' – the challenge to register citizens through birth certificates, social security numbers, and a credit history – typically results from the fact that nation-states often to fail to provide basic registration of their citizens. In the first instance, the provision of birth certificates to infants is a crucial step towards ultimate recognition of

citizenship, but in Indonesia only four out of ten children receive a birth certificate, and in Bangladesh birth registration rates are as low as seven per cent. Inadequate registration is often caused by lack of access to registration offices, expensive fees, and lack of understanding of the basic legal requirements. In addition, marriage registration is not common in many traditional Muslim communities in South and Southeast Asia. Absence of registration among 'rural and poor people creates an environment of corruption and manipulation, where illegal migration, trafficking, and human smuggling become possible' (Sadiq 2009: 97). For instance, traffickers can falsify the birth dates of underage girls to allow them to enter the modern world of prostitution and slavery. This registration vacuum is filled by 'paper citizenship', in which migrants acquire a documented, if falsified, identity. Illegal or quasi-citizenship is characteristically a function of informal immigrant networks which subvert the formal gate-keeping activities of the state bureaucracy, the existence of blurred or fuzzy membership, and the complicity of state functionaries (civil servants, border guards, registration officers, local police, and others) who are willing to conspire with the illegal acquisition of documents. Diverse corrupt practices and faulty institutions allow illegal migrants fraudulently to acquire real or fake driving licences, bank accounts, birth certificates, land deeds, utility bills, state identity cards, passports, electoral roll certificates, vendors' permits, school diplomas, and so forth. Adequate documentation, especially birth certificates, is obviously not confined to Third World societies. The United States is basically unable to seal off its borders with Mexico despite massive investment in policing and surveillance. In the search for security, many societies are building walls and fences around their borders – Saudi Arabia, Israel, the United States, Paraguay, and others – to create 'enclave societies' to exclude the unwanted, but in most cases such measures are only symbolic (Turner, 2008).

Conclusion: mapping the future

Societies may have very different legacies and resources by which to respond to common challenges, but the problems of modern societies look remarkably similar and increasingly interrelated. Given the challenge of the twenty-first century, how will the legacies of citizenship survive? Does citizenship have a future?

The neoliberal economic revolution since the late 1970s had a worldwide impact on the relationship between effort and entitlement, in which there was a new emphasis on the contractual nature of the relationship between citizen and state. What we can call 'market' or 'consumer citizenship' gained in significance against both ethno-nationalist and social-welfare models. In response to a general profit crisis of the late twentieth century, welfare entitlements were curbed, personal and corporate taxation was reduced, and pension provisions were privatized or eroded (Clarke *et al.* 2007). The new economic regime also promoted bank deregulation, currency speculation, and high-risk financial instruments. These changes are often attributed primarily to the strategies adopted by Ronald Reagan and Margaret Thatcher in the late 1970s and after. Reagan had come to office on the back of disillusionment with Democratic liberalism and managed to revitalize Republican fortunes by promoting 'an outgoing, energizing, even sensuous ideal of a beautiful, limitless American future' (Wilentz, 2005: 137). Likewise Thatcher was able to transform traditional, stuffy, land-owning conservatism into a radical commitment to entrepreneurship. The problem for the British Labour Party was its 'failure to keep abreast with the concerns and aspirations of a new middle class, without whose support it could never again be elected to office' (Judt, 2005: 546). In retrospect it is clear that through her radical policies 'Margaret Thatcher may have destroyed the Conservative Party but she must be credited with the salvation and re-birth of Labour' (Judt, 2005: 545). This fact was borne out by

the electoral victories of New Labour under Tony Blair and the policy of a Third Way, which in retrospect could be said to be Thatcherism with a kinder face. Blair's projects – such as the semi-privatization of the London Underground and the promotion of competition in the health service – were evidence of his admiration for private enterprise. In short, while these strategies to breathe new life into capitalist enterprise are typically labelled Reaganomics and Thatcherism, most governments, whether in Asia or the West, have embraced policies to roll back the state, privatize public utilities, curb the influence of trade unionism, deregulate banking and finance, and promote the expansion and fluidity of global labour markets. While the 2008 financial crisis produced widespread public criticism of economic greed and inflated bankers' salaries, there is no clear sign that the capitalist system will be transformed or reformed. At present it looks like 'business as usual' (Calhoun and Derluguian, 2011).

With the financialization of capitalism, economic recessions have become deeper and more frequent. The connection between hard work and material success appears to be broken and hence the moral framework of early capitalism (thrift versus greed) no longer appears either relevant or convincing as workers lose their homes and their jobs. Modern-day finance capitalism calls upon the state to bail out insecure financial institutions and to use the law to punish the occasional financial miscreant. The cultural contradiction of modern capitalism is that the state simultaneously instructs citizens to follow China and Japan by saving for their own futures and encourages citizens to consume in order to keep the domestic economy afloat. However, the modern citizen is not necessarily a socially or politically active citizen, but simply an agent who behaves in an individual capacity following his or her own desires. The passive consumer-citizen operates in a new context of scarcity – 'for the denizens of this world of desire, it is no longer a question of "insufficiency": out of our affluence we have created a social world of scarcity' (Xenos, 1989). In modern capitalism, needs have been replaced by artificially created wants. The rise of the consumer-citizen can be interpreted as a logical conclusion to the underlying transformation of the capitalist economy.

Over the last four decades, states in the Western world are faced by an erosion of the tax base and an adverse dependency ratio with declining fertility and a substantial retired population. As a result, the modern state is typically strapped for cash, and there is a general crisis of credit. How then does the state acquire legitimacy? One answer might be taken from the recent history of Italy under Silvio Berlusconi (Anderson, 2009). Over the last two decades, the Italian economy grew by 1.5 per cent against the OECD average of 2.6 per cent. In Italy only 12.9 per cent of the population has a university degree compared with 26 per cent in the other OECD countries. Italy was ranked 84th out of 128 countries in the World Economic Forum 2007 index of gender equality. After years of public scandal and incompetent government, Berlusconi's popularity has remained high and he has been largely immune from criticism for a long time, because he owns or controls a large section of Italian TV and print media. It is perhaps fitting that a significant political challenge to the Italian political system has come from Beppe Grillo, a comedian who has rejected any compromise with formal political institutions. From different ends of the political spectrum and different ends of the globe, Silvio Berlusconi and Thaksin Shinawatra have achieved celebrity status, paving the wave for a new breed of telecommunication billionaires who turn to politics to protect their empires. The result is a problematic mixture of football, mass media, and political intrigue. Alongside the financialization of the state and 'casino capitalism' (Strange, 1986), the passive consumer-citizen is an appropriate figure in a world of political entertainment or 'videocracy' (Stille, 2010).

The policy revolution in the United States and United Kingdom in the 1970s created a political environment in which governments were no longer committed to the universalistic ideals of social citizenship, the welfare state, or full employment and related pension rights. These economic

changes, which were in response to what was seen to be a decline in profitability – reduction of state intervention and fiscal regulation of state expenditure, deregulation of the labour and financial markets, implementation of global free-trade arrangements, reduction in personal taxation and increased reliance on indirect taxation, the creation of welfare-for-work policies, and wage constraints – were a reflection of New Right doctrines that derived their ultimate intellectual credibility from the philosophical writings of F. A. Hayek, Karl Popper, and Milton Friedman. New Right doctrines argued that the spontaneous order of the market was to be valued and liberated from state regulation, and that governments could not claim to have any reliable, precise, or definite knowledge of human needs. While states could not adjudicate over needs, individuals could, and hence all judgements about human needs should be left to the operation of the market. New Right authors rejected all state interference apart from the protection of property rights and argued that all statutory restraints on individual freedom (such as drugs and sex) should be removed, and all forms of public property and infrastructure should be privatized (including all forms of public education and welfare). Mrs Thatcher's famous declaration – 'There is no such thing as society. There are individual men and women, and there are families. And no government can do anything except through people, and people must look to themselves first' – summed up the underlying methodological individualism of the neoliberal strategy, but also justified the harshness of her response to the plight of mining communities after the closure of British coal mines (Thatcher, 1993: 626).

The normative presupposition behind much of the sociology of citizenship was that the good society would depend on the development of the autonomous, active citizen. Welfare citizenship was never simply a system of suffocating social security from 'the cradle to the grave', but rather a safety net to allow the citizen to recover from temporary unemployment or poor health to return to work or family duties. With the commercialization of civil society on the one hand and the financialization of capitalism on the other, a new figure is emerging, namely the citizen who, from the safety of his or her own private space, observes society as a spectacle rather than acting upon or with society.

Prediction is always uncertain. In the first decade of this century, there is little or no certainty about how to manage the economy to produce employment for the young, security for the elderly, and a safe environment for everybody. Economic theory appears to have failed miserably both to explain and to resolve the current crisis. The problems facing any theory of citizenship are equally daunting, namely how to solve the problem of the exclusive character of citizenship in a global society where state sovereignty is greatly diminished and where there is no global governance to protect common interests in a peaceful and safe environment.

Note

1 The data for this discussion of the implications of demographic change are drawn from a variety of sources such as the CIA World Fact Book, Index Mundi, United States Census Bureau, United Nations World Population Prospects, the Russian Rosstat Official Government Statistics, the Palestine Central Bureau of Statistics, the Department of Population Studies Hebrew University of Israel, and from various national reports.

References

Amery, Dick and Kibbe, Matt (2010) *Give us liberty: a Tea Party manifesto*, New York: William Morrow.

Anderson, Perry (2009) 'An invertebrate left: Perry Anderson on Italy's squandered heritage', *The London Review of Books* 12 March 2009, 31 (5): 12–18.

Beck, Ulrich (2009) *World at risk*, Cambridge: Polity Press.

Bendix, Reinhard (1964) *Nation-building and citizenship: studies of our changing social order*, New York: Wiley.
Ben-Porat, Guy and Turner, Bryan S. (eds.) (2011) *The contradictions of Israeli citizenship: land, religion and state*, London: Routledge.
Bilici, Mucahit (2012) *Finding Mecca in America: how Islam is becoming an American religion*, London: University of Chicago Press.
Blackburn, Robin (2002) *Banking on death or investing in life: the history and future of pensions*, London: Verso.
Calhoun, Craig and Derluguian, Georgi (eds.) (2011) *Aftermath: a new global economic order?*, New York: New York University Press.
Campbell, John (2009) *The Iron Lady. Margaret Thatcher from grocer's daughter to prime minister*, New York: Penguin.
Central Intelligence Agency (2013) *The world factbook 2013–14*, Central Intelligence Agency: Washington, DC.
Charney, Jonathan (1993) 'Universal international law', *American Journal of International Law* 87 (4): 529–51.
Clark, Kenneth and Parsons, Talcott (1966) *The negro American*, Boston and Cambridge: Houghton Mifflin Company and the Riverside Press.
Clarke, John, Newman, Janet, Smith, Nick, Vidler, Elizabeth, and Westmarland, Louise (2007) *Creating citizen-consumers: changing publics and changing public services*, London: Sage.
Cohen, Elizabeth (2009) *Semi-citizenship in democratic politics*, Cambridge: Cambridge University Press.
Dobson, Andrew (2003) *Citizenship and the environment*, Oxford: Oxford University Press.
Ehrlich, Eugen (2002 [1936]) *Fundamental principles of the sociology of law*, New Brunswick, NJ: Transaction Books.
Foster, John Bellamy (2007) 'The financialization of capitalism', *Monthly Review* 58 (11): 1–14.
Gonzalez, Alessandra L. (2013) *Islamic feminism in Kuwait: the politics and paradoxes*, New York: Palgrave Macmillan.
Greenhalgh, Susan and Winckler, Edwin A. (2005) *Governing China's population: from Leninist to neoliberal biopolitics*, Stanford, CA: Stanford University Press.
Hairong, Yan (2008) *New masters, new servants: migration, development, and women workers in China*, Durham, NC and London: Duke University Press.
Hedrick, Jr, Charles W. (1994) 'The zero degree of society: Aristotle and the Athenian citizen' in J. Peter Euben, John R. Wallach, and Josiah Ober (eds.) *Athenian political thought and the reconstruction of American democracy*, Ithaca, NY and London: Cornell University Press: 289–318.
Judt, Tony (2005) *Postwar: a history of Europe since 1945*, New York: Penguin.
Kennard, Matt (2011) *Irregular army: how the US military recruited neo-Nazis, gang members, and criminals to fight the war on terror*, New York and London: Verso.
Kong, Travis (2011) *Chinese male homosexualities:* memba, tongzhi, *and golden boy*, London: Routledge.
Klarman, Michael J. (2013) *From closet to the altar: courts, backlash and the struggle for same-sex marriage*, Oxford: Oxford University Press.
Kwon, Soon-won (1993), *Social policy in Korea: challenges and responses*, Seoul: Korea Development Institute.
Lipset, Seymour Martin (1963) *The first new nation: the United States in comparative and historical perspective*, New York: W. W. Norton.
Manby, Bronwen (2009) *Struggles for citizenship in Africa*, London: Zed Books.
Mann, Michael (1987) 'Ruling class strategies and citizenship', *Sociology* 21: 339–54.
Marshall, Thomas H. (1950) *Citizenship and social class and other essays*, Cambridge: Cambridge University Press.
Mill, John Stuart (1962 [1859]) *Utilitarianism, liberty and representative government*, London: J. M. Dent & Sons.
Parsons, Talcott (2007) *American society: a theory of the societal community*, London: Paradigm Publishers.
Peletz, Michael (2009) *Gender pluralism: Southeast Asia since early modern times*, New York and London: Routledge.
Sadiq, Kamal (2009) *Paper citizens: how illegal immigrants acquire citizenship in developing countries*, New York: Oxford University Press.
Shklar, Judith H. (1991) *American citizenship: the quest for inclusion*, Cambridge, MA: Harvard University Press.
Skocpol, Theda and Williamson, Vanessa (2012) *The Tea Party and the remaking of Republican conservatism*, Oxford: Oxford University Press.
Somers, Margaret R. (2008) *Genealogies of citizenship: markets, statelessness and the right to have rights*, Cambridge: Cambridge University Press.
Stille, Alexander (2010) 'The corrupt reign of Emperor Silvio', *New York Review of Books* 57 (6): 18–22.
Strange, Susan (1986) *Casino capitalism*, Oxford: Blackwell.
Teubner, Gunter (ed.) (1997) *Global law without a state*, Aldershot, Dartmouth Publishing Company.

Thatcher, Margaret (1993) *Margaret Thatcher: the Downing Street years*, New York: HarperCollins.
Thang, Leng Leng (2005) 'Private matters, public concern: procreation issues in Singapore', *The Japanese Journal of Population* 3 (1): 76–108.
Tocqueville, Alexis de (1969 [1840]) *Democracy in America*, Garden City, NY: Doubleday.
Turner, Bryan S. (1974) 'The concept of social "stationariness" in utilitarianism and Marxism', *Science and Society* 38: 3–18.
Turner, Bryan S. (2001) 'The erosion of citizenship', *British Journal of Sociology* 52 (2): 189–209.
Turner, Bryan S. (2007) 'The enclave society: towards a sociology of immobility', *European Journal of Social Theory* 10 (2): 287–303.
Turner, Bryan S. (2008) *Rights and virtues: political essays on citizenship and social justice*, Oxford: Bardwell Press.
White, Leslie (2009) *The ethos of a late-modern citizen*, Cambridge, MA: Harvard University Press.
Wilentz, Sean (2005) *The rise of American democracy: Jefferson to Lincoln*, New York: W. W. Norton.
Wolin, Sheldon S. (1961) *Politics and vision: continuity and innovation in Western political thought*, London: George Allen & Unwin.
Xenos, Nicholas (1989) *Scarcity and modernity*, London: Routledge.

Index