Transnational participation and citizenship: immigrants inside the European Union

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Definitions of the European Union in terms of ‘shared destiny’ or as an expression of the ‘will to live together’ lead back to ideas at the present formation of the European Nation-States in the nineteenth century. Can one think of the European Union in the same terms as the Nation-State? Is the fact that States attempt to set in place a ‘political agenda’ and that European institutions are concerned to harmonise cultural and legal differences enough to conceive of the Union as a political community?

This directly raises the two issues of firstly, modes of political participation in a united Europe and secondly, that of citizenship. According to article 8 of the Maastricht Treaty, any individual who holds the nationality of a member State is a 'citizen of the Union'. Such a definition is merely the projection of citizenship in relation to nationality worked out within the framework of the nation states. There is a clash in practice, for according once again to the Maastricht Treaty, 'citizens of the Union' are granted local voting rights on the basis of residence. A separation between citizenship (legal rights in practice) and nationality (belonging) is being introduced right from the start. Seen from this perspective, citizenship in practice places the citizen of the Union before multiple modes of belongings and allegiances which indeed represent a challenge to the Nation-State.

Similarly, the territorial limits imposed on political action and citizenship confront political participation at a transnational level, as can be seen in the case of populations produced by immigration in the 1960s. In effect, among individuals of non-European origin, some remain citizens of the country in which they hold the status of resident, and others are legal foreigners. Although immigration and integration policies come within the province of the States, the populations produced by immigration foster 'primordial' solidarity networks which cross national borders on the grounds of one or several identities of so-called 'origin'. Such networks, like networks in professional corporations, form the threads of a spider's web covering European space, that 'space without internal

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1 Chargée de recherche de CERI/ CNRS, Paris, France. Translated by Dominique Lussier (ISCA) from an original paper in Cultures et Conflits, no.28, Winter 1997.

2 Quotations from Ernest Renan’s lecture at the Sorbonne in 1882, in E. Renan, Qu’est-ce qu’une nation?

3 I borrow the sentence from Pierre Muller in 'Les mutations des politiques publiques européennes’, Pouvoirs, 69-1994, p. 64.

frontiers' in which - according to the Single European Act of 1986 - 'the free movement of goods, of property and capital is safeguarded'.

A transnational organization could allow the immigrant populations to bypass national policies, and it could lead to recognition beyond the limits set by national models. Such an organization is the expression of a quest for representation at the European level, an evolution which mainly shows that the multiple interactions between national social units and the wider European arena are areas of common political involvement; the same applies between nation states and European institutions of a supranational character. These complex situations lead to a new concept of citizenship shared by the countries of origin, the country of residence and Europe. In turn, this leads to a redefinition of the links between citizenship, nationality and identity simultaneously within the framework of the nation state and that of a united Europe.

Thus the quest for a new political model for a united Europe distances itself from the nation state formation model, and also challenges it. To look into the forms of organization found among the immigrant populations and their modes of collective identity is also to investigate political traditions and national 'models' repositioned in order to address immigration and the construction of Europe at the same time. We may question the extent to which political action at the European level exerts pressure on all nation states, compelling them to redefine their links with 'immigrant' populations.

**Transnational solidarities and identities**

All European countries have become *de facto* immigration countries. This has been the case for France for a long time, and for Germany and Great Britain since the 1960s; more recently so in the case of Spain and Italy, for example. A priori relations of a historical and political kind between the countries of departure and the countries of arrival have determined patterns of destination and settlement inside different member countries of the Union for the various populations from the southern or eastern Mediterranean, Africa, or the Indian subcontinent.

Each country is trying to advance the specificity of its own position, drawn from the founding principles of the nation states, in order to highlight dividing lines with respect to

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5 France receives the majority of North Africans (820 000 Algerians; 516 000 Moroccans; 200 000 Tunisians), and Germany receives the greater number of Turks (1 700 000). Turks (160 000) and Moroccans (123 000) form the major part of the extra-European communities present in the Netherlands, while Great Britain stands out with its large number of populations of Indian origins (689 000), West Indian (547 000) and Pakistani (406 000); Sources SOPEMI-OCDE, Eurostat, INED (1990).
its attitude towards immigration and the presence of immigrant populations. In this light, the French model is the exemplar of the nation state based on the premisses of republican individualism, with a 'dogmatic' policy of assimilation towards all individuals turned citizens through political choice. The French model is contrasted with the German one: the former operates on the basis of an elective and political concept of the nation while the latter derives from cultural and ethnic criteria which favour common ancestry. As for the so-called Anglo-Saxon model, and in context with the French model, it stands out by granting recognition to the cultural, national and religious communities in public life.

Such differences in the political traditions of nations are echoed in the manifestations of the collective identities and claims on the part of the immigrant populations. Indeed, the fact that their requests are in most cases shaped by opposition to definitions of national identity, yield elements that could be conducive to the structuration of a community. In France, for instance, the so-called immigrants' associations are opposed to all forms of intervention in the field of 'ethnicity', a term used in the British context. The discourses of militants or activists refer to the state's concerns geared towards social exclusion. In Great Britain, ethnic communities find common ground in the fostering of a 'Black' identity as the result of a struggle against racism. In Germany, 'ethnicity' becomes synonymous with nationality, with reference to the right to dual nationality, and is a source for collective action.

There is, however, a simultaneous convergence of various European countries' strategies and modes of political participation regarding the political action of the political actors born of immigration. Whether the states proclaim themselves to be republican or else favour the formation of ethnic communities, or both, strategies for integration are becoming increasingly collective, giving priority to cultural belonging. However, this does not prevent such 'communities' from entertaining relations with national and/or local institutions in each country.

For the most part, this results from convergence at the level of so-called integration policies' and the management of collective identities emerging in the public arena. Drawing inspiration from a certain brand of liberalism, European states are relying on democracy as a method, so as to define specific political measures in order to integrate 'differences' in the national community.

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Those parallel convergences meet in the European space, understood in terms of a new political arena. In effect, the arena of the Union brings together the actions both of the nation states and of the political actors of immigration which strive to remain independent from the national 'models'. 'Immigrant/born of immigration' populations, 'foreign' populations, or else 'ethnic communities' - depending on the terminology prevailing in each country - find refuge in transnational solidarity networks based on nationality or religion, or both. Even though immigration and integration policies always fall within the province of the nation states, they seek an anchor point in this new political arena called Europe, with its undetermined identity. This became especially clear at the time the Maastricht Treaty was signed, when some spoke of a 'thirteenth population' or 'thirteenth State', a 'thirteenth nation' even, thus making obvious the will to overcome European national frameworks in order to draw attention to the 'transnational community' form of organization.

Some of the networks which foster this view across borders are born of local initiatives, while others are set in place by European Union institutions, the European Parliament in particular; others still are promoted by the countries of origins. However, all assist the activists in working out strategies that reach beyond state systems. As a woman responsible for such an association in Marseilles puts it: 'One must make habits, one must address supranational organizations, reach one organization in Strasbourg, in Brussels, a European organization which will have to set down the law.'

The purpose of European institutions is to find a common denominator to deal with claims at a level beyond relations with the nation states. Thus, since 1986, the European Parliament has given subsidies to the so-called immigrants' associations to help them coordinate their actions. A new transnational structure called the 'Migrants' Forum' has arisen from such undertakings. Although the Forum owes its creation to the budgetary policy of the Union, it nevertheless aims to becoming 'a place where the populations settled in Europe who do not form communities can express their concerns and voice their requests, and also diffuse the information arising from European proceedings'. According to the person responsible for following the Migrants' Forum at the European Communities Commission, the aim would be to obtain for the nationals of third countries 'the same opportunities and the same rights as those of autochtonous people, so as to compensate for the democratic deficit'. Explicitly, therefore, the aim is to legally counter the rise of racism across the different European countries. Consequently, these are essentially associations whose activities are backed up by the member states, and whose

leaders work out a discourse on the equality of rights, on the universality of human rights, and who see in transnational mobilization one effective means of fighting against racism and xenophobia.

In principle, the Migrants' Forum gathers together the immigrants' associations formed according to the nationality criterion. But other selective criteria can determine which associations may join the Forum. Such criteria include qualifications for organization, gauged in terms of the number of nationalities being represented, the number of branches, the scale of the networks, the plurality of sectors they combine (economic, social, cultural) and of course their representation in the country where they are based.

In reality, the main criterion for network structuring relates to identity. Presumed identities of origin, or 'circumstantial' identities, to quote a term of Jean Leca's, construed in relation with the host States and institutionalized by the associations, form links in the transborder chain. This is confirmed by the local actions of some associations, since they will in the future include programmes for cultural exchanges, concerts and debates across Europe, so as to define their social and legal position within the Union. The avowed aim of European institutions compel them, as a matter of fact, to conceal their concerns with identity when they strive towards recognition in their capacity of 'non-European Europeans'.

The paradox of supranationality thus comes into the open. In effect, European institutions, by definition, form a challenge to the nation states. With the creation of the Migrants' Forum, the European Parliament signals its autonomy with regard to national institutions and encourages the actors derived from immigration to deal at a level beyond the nation states thanks to transnational action. But simultaneously, by defining the criteria for admission into the Migrants' Forum in the very terms applying to the welfare states of the member countries, the European Parliament casts the images of collective identities at the European level. Behind the criterion of nationality used as an identity component claiming a priori objectivity (since it is legally defined), membership of the Migrants' Forum includes associations in sympathy with the nationality of origins criterion (as for instance the youth associations born of North African immigration in France, or else those of Blacks in Great-Britain; the former representing youths of French nationality for the most part, and of British nationality as far as the latter are concerned),

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8 In 1990, 29% of the individuals who were consulted wanted to see some restrictions on the rights of immigrants. In 1992, this reached 34%. Similarly in 1991, 60% would have agreed to the arrival of immigrants from the Mediterranean provided restrictions were imposed on them, and in 1993, only 46% of public opinion showed approval. Eurobaromètre, December 1992.

9 Sic in the original (n.o. t.)
according to religion, or else skin 'colour'. Therefore it is not a matter of nationality: it is a matter of ethnicity.

In this perspective, the European arena appears as the projection of the national arena at the transnational level. But already at the national level the fight against racism is becoming increasingly linked with the assertion of a collective identity confronting social problems, perceived and lived at the same time on the basis of a community of origins and the rise of an 'ethnicity' resting on identical foundations.

In this perspective, a united Europe forms a second stage for political socialization as far as immigrant actors are concerned, the first being the one that operates with national social frameworks. In effect, since the 1980s, and owing to the proliferation of the so-called immigrants' associations created and sustained by the public powers, religious, national, and ethnic identities have come to the fore to confront the state with a view towards recognition.

At the same time, participation built up within the associations and the global institutions whereby 'civic virtue' is acquired, signals the dawning of the very exercise of citizenship, and more importantly the creation of a 'citizen identity'. Such participation finds expression in both so-called community and national institutions, and above all, it displays the level of involvement of the individual \(^{10}\). After all, this is the result of a 'political acculturation' process, i.e. the internalization of the national values of the host countries and of the rules of the political game.

The very concepts of citizenship and nationality are defined above all through belonging to a political community. A 'citizen identity' derives most of all from participation, be it direct or indirect, in the public life of immigrants and of the bulk of the population. Of course, the laws on nationality affect modes of participation and actors' strategies. For example, citizenship defined in political terms, and therefore in legal terms, for immigrant youths in France, leads them to direct involvement in the national community through voting, while in Germany, where the laws on nationality give precedence to blood ties, contrary to birth on the national soil, as it is the case with France, 'foreigners' develop compensating strategies through indirect means of participation, driving the 'foreigners' to find means by which to influence public opinion. Through the associations, they are integrated into the corporatist system, and therefore, into civil society. A citizenship appears that could well be labelled a \textit{civil} citizenship in contrast to a \textit{civic} one. Thus the immigrants, citizens or foreigners from a legal viewpoint,

\(^{10}\) For citizenship as feeling of belonging and citizenship as involvement, see Jean Leca 'Individualisme et citoyenneté' in Pierre Birnbaum, Jean Leca (dir.), \textit{Sur l'individualisme}, Paris, Presses de la FNSP, 1986, pp. 159-213.
are driven to action in the public arena, this common arena for socialization and the exercise of power, and in this way are in a position to manifest their involvement and their belonging, at least de facto, to the national community.

Such a definition of citizenship runs against the grain of classical analyses of citizenship linked in systematic fashion to the framework of the nation state, where identity and politics are confounded. The various levels of belonging and political involvement show that, in practice, citizenship is severed from a conception exclusively linked to national identity. No matter whether citizenship is political, legal, social or economic, its content based on identity, culture or legal notions, this arrangement boils down to a feeling of loyalty aimed simultaneously towards the group, the community, civil society and the state.

Thus social reality tends to upset the convergence of the national community and the political community, the connection between identity and law, and also the connection between culture and politics. Therefore, citizenship is increasingly restricted to a right to civic participation and no longer excludes, albeit in theory, the manifestation of collective identities, even though this questions republican ideology. However, in spite of the different political traditions which, in France, favours participation within a so-called republican political community, while participation rather aims at civil society in Germany, we are dealing in both cases with the cooptation of a concept of citizenship which has been strictly restricted to the nation state. Therefore, there is a dissociation between citizenship and nationality which reduces the former to political rights and grants the latter its proper dimension with respect to identity. The multiple identifications and cultural, ethnic, or religious allegiances that derive from it lead to new definitions of belonging which is now labelled ‘postnational’, and which finds some relevance mainly in projects for the building of a political Europe.

**A postnational citizen identity**

With the transnational solidarity networks, a new practice of political participation enters in a united Europe as in the nation states. Through it, the non-national actors, European residents, assert their autonomy with respect to the state systems defined on a territorial basis. By claiming equality of rights and of treatment, they are striving to promote their status as ‘European citizen’ in the new political arena being shaped.

Many debates on citizenship, nationality and European identity have taken place alongside the progressive transformation of a large single market into a political arena. Jean-Marc Ferry suggests a ‘postnational’ model in order to underline the taking over of
the 'nationalist principle' fostered by the building of a political Europe. Habermas, for his part, develops the concept of 'constitutional patriotism' in order to emphasise the separation between the feeling of belonging that national citizenship involves and its legal practice beyond the framework of the nation state. Similarly, taking into account the non-European populations deriving from immigration in the 1960s, Yasemin Soysal defines as 'postnational' the fostering of international norms referring to the person or residence instead of legal citizenship.

This postnational approach to belonging feeds the normative discourses which deal with the required definition for a new citizenship model. However, European projects do not always follow the same direction as these discourses. From a legal viewpoint, the Maastricht Treaty maintains the link between national citizenship and 'Union citizenship'. The citizen of the Union has the right to move and remain freely inside the territory of the member countries; furthermore s/he has the right to vote in municipal and European elections in a member state where s/he is not a national but a mere resident. This practice introduces in reality a notion of extraterritoriality with citizenship, and questions the adaptability of national citizenships to European legal frameworks.

As to the political involvement of the activists among immigrants towards equality of rights at the national and European levels, it is accompanied by a new language they have introduced concerning citizenship. 'We are European citizens; we are part of the European landscape', says one association spokesman. In that field, the European landscape as far as they are concerned is nothing but this spider's web, made of solidarity and interest networks, and spreading throughout a territory now including fifteen countries. As they see it, their presence in that web grants them a 'right' to participate in the building of Europe on the basis of their commitment in favour of a new political arena that would give everyone the legal status of citizen of the Union, or at least the status of a European resident settled in a member country for almost thirty years in many cases.

The structuring of transnational networks on the part of 'European residents' suggests an identification with European society. On the part of non-nationals in any of the member countries, citizenship then involves taking responsibility for the formation of the new 'shared destiny'. The associations' members who say they are European residents nevertheless experience difficulties in defining what would for them be the right kind of status. 'We are somehow Europeans, citizens of Europe. If we are not European citizens we nonetheless see ourselves as citizens of Europe', says an association leader, adding: 'As to acquiring nationality, as far as we are concerned, we would have preferred

a European nationality with regard to free movement'. While nationality conceived of in the nation state framework is an identity and *de jure* citizenship carrier, in the words of this militant nationality assumes a legal significance inasmuch as access to Union citizenship should imply the right of free movement attached to it.

Such confusion is significant; infused with a republican tradition, it addresses citizenship on a cultural basis and refers to nationality as a source of rights. Alain Touraine's idea is similar when he writes: 'I myself wish to acquire a European nationality and still hold on to French citizenship', thus suggesting the hypothesis of a European state. By grounding his argument on the premiss of a separation between state and society, Touraine links nationality to the state and citizenship to society. But by severing nationality from citizenship, indissoluble in republican logic, he is verging on a liberal tradition in which, according Habermas, citizenship 'is construed on the model of an affiliation to an organization which secures a legal position and posits the individual outside the state'.

Thus the discourses on political Europe keep piling up, either resembling or contradicting each other. Their polysemous character bring to the fore the disruption of the nation state 'model' as well as the difficulty of parting with it, for a 'postnational' citizenship is far from appearing on the horizon, which in turn suggests its lack of compatibility with European realities. Europe is being built with supranational institutions instead, the idea and functioning of which are opposed to the 'postnational' concept. While the latter would lead to a recognition of cultural diversity and acceptance of pluralism as the basis for European belonging, the supranational appears like a projection of the nation state and is being imposed upon the states. Furthermore, while questioning the nation state, it reinforces the role of the state in the building of a political Europe.

*Bringing the State Back in*  

The consolidation of transnational solidarities generally aims to influence the state from the outside. Even though the transnational networks contribute in some respects to the formation of 'special communities', the latter from now on appear to be indispensable structures for negotiating with the public powers the recognition of collective identities built within frameworks that remain national ones. In effect, the objective of the transborder structuring of associations' networks is to reinforce their representation at the European level, but its practical goal is to result in 'recognition' at the national level. Shall

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13 Alain Touraine, *Qu'est-ce que la démocratie?*, Paris, Fayard, 1994, pp. 102-103.
14 In English in the original (translator's note)
we add that the militants, even the most active ones at the European level, see the states as their only 'opponents' in the end? Besides, the states' predominance can be felt in the problems the associations have in coordinating their actions and their claims when they spring from their own initiative.

In other words, the aim is to reach a political representation that can only be defined at the national level, in order to protect rights of residence, to housing and employment, linked with the reckoning of this identity. Thus all claims at a national level from now on imply parallel pressure at the European level. But conversely, all claims at the European level aim to have an impact on decisions taken at the national level within each of the member countries: 'For us, immigrants from third countries, we must act in such a way as to be in an effective position to get organized and protect ourselves, to carry our claims high; since the bulk of our recommendations which are backed up by the EEC and often favorable to us are not always seen in the best of light by the member countries ... Let us act in such a way that what is positive at the European level be echoed in the country' (quoting from a leader of the Union of African Workers in France).

Thus a united Europe introduces a 'normative supranationalism' outdoing the nation states' framework, and even imposed upon the states. In cases of expulsion, for example, the foreigner can oppose national decisions by invoking the right to respect for family life (article. 8 ¶ 1), once the internal modes of appeal have been exhausted. Even though human rights remain the exclusive province of the States, the latter are forced to accept the new legal norms produced by the European institutions, inasmuch as the European Convention for Human Rights authorizes the European citizen (in this case one having the nationality of a member State that recognizes individual appeal) to address directly the Council of Europe, and a foreigner (who does not hold the nationality of a member country of the Union) to appeal to the European Tribunal for Human Rights.

On the other hand, the right to 'solidarity rights', referring to the freedom of collective action in the community framework and asserting that 'it is only within the community that the full blossoming of the individual personality becomes possible'\(^{15}\), could lead back to 'minority' rights in the case of populations born of immigration. According to the Human Rights Convention, 'the word minority refers to a group inferior in number to the rest of the population and whose members share in their will to hold on to their culture, traditions, religion or language'\(^{16}\).

This concept, laden with ideology, provokes varying reactions from one country to another. In France, whether regional or religious identities are concerned, or else

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15 Article 29, ¶ 1 of the Declaration quoted by F. Sudre, op. cit., p. 154.
16 Article 2 of the convention proposal of 1991, quoted by F. Sudre, op. cit., p. 156.
collective identities evident with populations born of immigration, the term is being rejected. In Germany, it refers to German minorities only, settled outside German territory. In any case, Turkish nationals in particular draw inspiration from the official usage of the term when they demonstrate the will to structure a Turkish or Kurdish national community in Germany. The rearranging of their associations in this sense drives the Federal Republic to react in similar terms.

A supranational arena which increases interaction between countries gives rise to an opposition to European unification, and which underlines the predominance of national particularisms, all the more so when dealing with policies with regard to immigration, integration and access to citizenship. The remarks of Charles Pasqua, the then French Minister of the Interior, during the debates on new measures concerning the nationality law, identity checks and immigration, are quite revealing in this sense: 'In order to keep its identity under control, France intends to define her position herself, the quality and origins of those who are or will be associated with the national community in the spirit of the values of her Republic, in the framework of its Constitution and in the respect of international law to which she freely gave her consent' 17.

In Germany, article 16 of the Fundamental Law concerning asylum seekers similarly became a hot topic in the early 1990s. The debates on the abolition of this article have yielded remarks akin to those of the former French Minister of the Interior: 'It concerns the right of peoples to self-determination, a right which has precedence over the right to remain. This right to self-determination derives from the sovereignty of the State; it means independence from all form of foreign authority, the power to decide on the course of the political, economic, social and cultural evolution of one's own country' 18.

Finally, the two countries both develop an argument which is dictated by its own conception of 'evil', born of the presence of foreigners: France fears the non-identification of the French of foreign origins with the national community; Germany suspects abuses in the use of the right to remain on the part of asylum seekers, to which must be added xenophobic sentiments which seek justification in the economic crisis affecting all European countries. In all, this 'evil' that came from elsewhere leads to assertions of 'a right to self-determination' which paraphrases in one way, inside Europe, the same right as applied to minorities or oppressed peoples. Such evolution increases the already existing tensions between immigrant populations, majority populations and the states.

18 Extract from the Bulletin d'Information sur le droit d'asile, du Centre d'Information et de Documentation de l'Ambassade de la République Fédérale d'Allemagne, June 1993.
The European Union stands for the idea of open-minded conciliation, for an alternative conception of universality than that of the nation states, and it is perceived as peculiar. According to those who fight on behalf of immigration, the idea of universality suitable for Europe would be to conceive of an arena in which foreigners residents in Europe, and even citizens who are perceived to be foreigners (by virtue of the nationality of origins seen as an ethnic marker, or by virtue of colour or religion) would be inscribed within a plurality of cultures for the same reason as those referring to traditional national identities. To imagine a 'transnational community' born of immigration would give support to nationalist sentiments voiced by the member states facing immigration on the one hand and the building of Europe on the other hand. But at the same time, the irrationality of national sentiments amounting to no more than ethnic belonging stands opposed to the rationality of the European institutions which, anxious to harmonize things, define legal norms in such areas, Human Rights and the right of minorities in particular, areas that concern the 'foreigners from the inside'.

The structuring of the transnational networks represents a Europeanizing of the political action of immigrant populations sustained by supranational institutions. However, such structuring does not bring about the Europeanization of claims, which remain attached to the states as the only practical framework for mobilization and negotiation. Of course, this kind of organization which transcends national borders brings to the fore the principle of multiple identifications deriving from the logic of the idea of a political Europe. This principle is precisely what provokes the passionate debates that go with its construction, for it disrupts the concept of citizenship linked to nationality and political identity, and to the territorial nature of participation as well. It signals therefore the weakening of the nation states facing identity claims being expressed within national borders. But the non-relevance of the nation state in a political Europe does not necessarily imply the weakening of the state, which remains in its own right the structuring force behind the building of Europe.