

Citizenship as A Form of Exclusion: European Citizenship, Migrants and Minorities

Dr. Dilshad H. Khdhir

International Relations & Diplomacy Department, Tishk International University, Erbil, Iraq

Email: dilshad.hamad@ishik.edu.iq

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Abstract

This study is a modest theoretical attempt dealing with the European notion of citizenship to uncover some of its enduring inconsistencies. Mainly to identify its exclusionary nature in respect to migrants and minorities within Europe and questioning its characteristics in reference to the liberal political theory. To put things into perspective, citizenship and the nation-state paradigm will be examined. Then possibilities of transcending European citizenship beyond its nationalistic character to a new post-national notion one will be discussed. In doing so, some elements of the critical perspective on citizenship and political community will be positioned vis-à-vis the mainstream liberalist approach, which underpins the paradoxical traits of the modern European citizenship.

The study attempts to uncover some root causes of the exclusionary European notion of citizenship through examining the position of migrants and minorities within Europe utilizing a form of critical approach backed by a modest amount of secondary date.

Keywords: European citizenship, migrants, minorities, liberal communitarianism, critical approach

Introduction

European citizenship has traditionally been hailed as a great achievement with which Europeans are endowed in the modern age. However, this achievement has never been immune from inconsistencies, as it is the case with most products of modernity. It has been argued that citizenship as a new phase of the transformation of European political community, despite its universalistic progression, has always charged with paradoxes. On the one hand, those who acquired a new socio-political status primerly on the basis of their national belonging, have attained it as part of a compromise from their side and the newly established nation-states, namely, as a price of abolishing the traditional political community. On the other hand, for those groups and individuals who did not share the same national identity, citizenship, to start with, was a new mechanism for a legitimate exclusion utilised against them. As Brubaker remarks citizenship has been a vital tool at the disposal of the modern state for exclusion and inclusion purposes. (Brubaker, 1994)

What makes citizenship paradoxical essentially is its formation and adaptation mainly by the liberal philosophy. Citizenship, has been argued, reveals a serious shortcoming in the liberal paradigm constituted itself in a dualism: universalistic orientation constrained by nationality. This dualism of the liberal philosophy constituted itself in exclusionary policies at work in the western and especially European countries. This, has commonly been argued, has its roots in the liberal nationalist and communitarian theories of citizenship. From a critical internationalist perspective Andrew Linklater (1998:191) states:

The modern idea of citizenship is laden with tension and instabilities. On the one hand, citizenship embodies the right of freedom and equality which is the property of whole humanity; on the other hand, citizenship is invested in separate political communities which can happily purchase their autonomy by limiting the freedom of others.

This study is a modest theoretical attempt dealing with the European notion of citizenship from some of its aspects. Mainly to identify its exclusionary nature in respect to migrants and minorities within Europe and questioning its characteristics in reference to the liberal political theory. To put things in perspective, citizenship and the nation-state paradigm will be examined. Then possibilities of transcending European citizenship beyond its nationalistic character to a new post-national notion

one will be discussed. In doing so, some elements of the critical perspective will be positioned vis-à-vis the mainstream liberalist approach to citizenship.

Exclusion and excluded

Arguably, exclusionary features of European citizenship uncover a very serious inconsistency in the liberal philosophy. This is evident in the paradox inherent in advocating for universalistic liberal values that ought to govern the practice of liberal states, while restricting these values to fellow nationals of bounded nation-states. To elaborate more on this point, a statement from Joppke may do the job, where he argues:

The predominant model of organizing political space in the modern world, the Western nation-state, is marked by a tension between universalistic liberalism and particularistic nationalism, the first pushing toward equal rights and liberties for all of its members, the second toward excluding from these privileges all nonmembers. (2005, 8/1:43)

This European conception of national-citizenship in its exclusionary phase, we could argue is rooted in its historical formation. It was first appeared as Damian Tambini reveals, as a 'compromise between historical forces and agents under conditions peculiar to modern Europe'. Under the same conditions of modernity, citizenship and political participation have been granted to people based on their ethnic and national identities. (2001:196) Therefore, as it has been argued, it is the fusion of nation and state inherent in the formation of the nation-states that accompanied the formation of European citizenship. This reveals a very important point in our search for the roots of exclusion in citizenship institutions in Europe. It's universalistic within the boundaries of a territory '...attributable to all individuals equally, but only insofar as they belong to a particular nation-state.'. (Halfmann, 1998:512) This outcome fairly portrayed by Andreas Wimmer (2002:1) '[T]he modern principles of inclusion are intimately tied to ethnic and national forms of exclusion' or as Joppke put it 'The inherent particularization of the nation-state is often summarized in the notion of 'ownership' of the state by a particular nation or ethnic group, at the cost of "excluding" all non-national or non-ethnic others'. (2005:44)

Moreover, throughout the modern history limiting citizenship mainly utilised to monopolize privileges and opportunities (Linklater, 1998:189). Some go so far as saying that 'Citizenship in Western liberal democracies is the modern equivalent of the feudal privilege'. (Carens, 1987:252) This manipulation of citizenship has had multiple dimensional effects on the legal, political, and socio-economic status of the excluded groups in which migrants and ethnic minorities condemned to be the primary members. This, according to Wimmer, grants a particular nation or ethnic group the ownership right of the state, as the result, ethnic conflict, xenophobia, and racism become central elements to the modern nation-state. (Wimmer, 2002:5)

A Communitarian perspective

The idea of community is central to a theory of citizenship, for citizenship implies in the most general sense membership of a political community. (Delanty, 2016:33) The principal theme upon which Delanty constructs his interpretation of this relationship between the two, evolves around the two terms of 'community' and 'society'. He traced the ontological roots of both terms in both modern sociology and anthropology. The two terms belong to two different stages of history of western societies. Community, has mainly been associated to the classic homogenous social entities, while society belongs to the modern changing and heterogeneous ones. The status of members of a community is derivative from one's ascriptive characters with which they have nothing to do, such as origin and ancestors. On the contrary, status in a society merely depends on membership in a political community. (Delanty, 2016:34-37). At the center of the communitarian perception of citizenship lies the idea of peculiarity of each political community with a distinct ethnic or national identity. National citizenship, one could argue, heavily relies on this assertion from the communitarian side on distinguishing in regards to rights and obligation between two domains 'insiders' and 'outsiders'. In other words, between those who share a common national identity and those who do not.

This conflictual relation between society and community, which Delanty portrays as the marking characteristic of the twentieth century where ‘community triumphs over society’ (2016;34-37), has reduced citizenship to a domain of exclusion for those who, for many reasons happens to live side-by-side with the host communities, but hold different identities ranging from aliens, outsiders and foreigners to migrants, minorities and others. Exclusion as such which is the main concern of this work, is an institutionalized one—one which incorporated within the institutions of citizenship and immigration. Immigration rules which in contrast to Joppke’s overstated observation (Joppke, 2005:8.1) are not liberalized as such. The current EU immigration policies according to which migrants from the EU countries enjoy far greater rights than non-EU migrants is a stark example of such exclusionary practice.

As a communitarian defense of national citizenship, Walzer and DeBary argue that the social bond is partly constituted by the rituals of exclusion which are appointed against other societies. As Linklater argues, they rework the Hegelian theme that systems of closure are a central dimension of the ontology of the social world. (1998:111) for Foucault exclusion is ‘also’ exercised in its modern forms with exclusion against those groups of society who lack the qualities of rationality that others hold. (1998:111) The latter is obviously referring to the separation of mentally ill people from the rest of the society.

Post-national citizenship

I intend to start this section by an optimistic (I would rather say) remark by Tambini (2001, 24/2:198) ‘national citizenship emerged and national citizenship will pass’. They portray a new epoch where “‘the nation’ has no monopoly over access to rights, and social and political participation increasingly takes place outside the arenas of nation-state’. (2001: 200) Tambini is not alone in their optimistic vision towards a different phase of citizenship, differentiated by its humanistic and universalistic characters. Habermas was considered to be one of the leading thinkers who, from a critical emancipatory perspective questioned the nation-state bounded particularistic nature of national citizenship and called for a universalistic post-nationalistic citizenship. He accommodated his conception of post-national citizenship within a new rhetoric of ‘constitutional patriotism’. (Habermas in Tambini: 2001:202)

This ‘postnationalism’, it has been argued, represents a new era of ‘universal personhood’ and ‘decoupling of identity and rights’ (Soysal, 2011). In the same vein, Joppke arrives at a similar point while pointing out as part of his ‘modes of exclusion’ explanation that the dominant mode of exclusion is not based on group identity, namely cultural discrimination, but it is rather an individualistic one. Therefore, he is not willing to call this mode of exclusion ‘discrimination’. However, paradoxically, this has paved the way for new crisis in the western societies. as Fukuyama (2007) has observed, this shift from group exclusion to individual exclusion (which seems to be allowed by Joppke) has created what he later termed ‘identity politics’ which is the failure of western states especially, Europeans in incorporating a collective identity of Muslim groups, instead opting to its liberal individualistic notion of identity which can not capture cultural differentiation. Therefore, it has been argued that resisting this liberal individualistic hegemony and a strong cultural presence of Muslim minorities contributes to their fear of threat and consequently, to the revival of a visible community. (Bauman, 2001:88).

Problematizing citizenship

Undoubtedly, exclusion wherever is practiced is essentially a social phenomenon and as Linklater puts it is (just as human beings can learn the rituals of exclusion which are based on hierarchical conceptions of class, ethnicity, gender or race, so can they unlearn them. (1998:119). Therefore, one could argue in postmodernist terms, as any other human narrative, citizenship can be problematized and made redundant. Any theory of citizenship, including nationalist ones, is essentially, socially construction and is condemned with the unhealthy relationship between ‘power’ and ‘knowledge’. In this case we shall strongly defend the point made by ‘Bryan Turner’ (1990:193) that ‘any theory of citizenship must also produce a theory of the state’, because as mentioned above, there is a historical fundamental relationship between citizenship and the formation of the nation-state.

Literally, in all societies human beings make normative, sociological and paradoxical judgments about the systems of inclusion and exclusion that shape the context in which they interact. (Linklater, 1998:113) However, it has largely been argued that only in a free democratic society, in Habermas's terms, under a discursive democracy and through dialogue, free judgments can be made. Undoubtedly 'Dialogue is the preferred means by which subjects should decide whether systems of exclusion are justified.' (Linklater, 1998:109)

That is in an ideal world where all artificial constraints, all forms of exclusion in public sphere that privilege particular groups with effective participation, while depriving others from the same rights. That being said, this by no means imply a magical disappearance of boundaries of nation states or the abolition of national laws and rules of immigration. In such a world which the new shifts in global economic interdependence is named 'global village, that very concept, as Delanty rightly claims, 'is based on the idea of community' (2016: 40).

According to our own exploration so far, citizenship in its dominant conception characterized by, yet its restricted exclusionary nature. Such an outcome can only be realized if we transcend the euro-centric perspective of scope and theoretical underpinning. Even in Europe, contrary to optimistic remarks of some observers, who, one could argue, overstate the current situation of European immigration and citizenship institutions, arguments could be made against, for instance, Jopkke in his overstated claim regarding the level of universalism and his taken-for-granted non-ethnic categorization and exclusion in immigration and citizenship institutions where he believes that the only distinction remains is between citizens and aliens. This outcome could be challenged by what one could bring under the term 'categorizing aliens' a visible and legitimized discrimination. In this case, I prefer quoting from Rosemary Sales, from where she criticizes Labor's immigration policies arguing that the party has 'extended anti-discrimination legislation into the public sector but excluded those who make decisions on immigration cases, allowing them to make blanket decisions on the basis of country of origin (2002, 22:456).

As ever, the nation-state and its sovereignty in their *status quo* has been argued, are the main factors behind those exclusionary policies. For liberal states to overcome this dualism which underlies their very philosophical underpinning, is to reassess the notion of the traditional nation-state and sovereignty. This is a way out of the impasse as Linklater suggests 'Transcending state sovereignty which remains the constitutive principle of modern political life is understood as essential to promoting narratives of increasing cosmopolitanism'. (1998:189) In addition to the above macro-political transcendence towards a more universalistic and cosmopolitan notion of citizenship, challenges to dominant modes of exclusion on the micro-political levels, again, Linklater suggest are: first, social differences do not have moral relevance that hegemonic groups have traditionally attached to them; second, the public sphere fails to recognize important racial, cultural or gender differences; and third, that vulnerable groups can not exercise their normally equal rights without significant transfers of power from the privileged social strata. (1998:117). While these have been counted as the main challenges, to overcome the paradoxical nature of the European form of citizenship, stakeholders ought to address each of them open-mindedly.

Conclusion

Undoubtedly European citizenship is a product of a new transformation of European political community. Formation of European citizenship accompanied by establishment of European nation-state and citizenship as an institution accommodated within the national state environment. Accordingly, the exclusionary characteristics of citizenship has since been charged with the same paradoxes already existed in the nation-state paradigm. Migrants as culturally and nationally aliens to any European nation-state, would automatically become the primary targets of such exclusion on the basis of '*jus sanuil*' or '*jus soli*'. Exclusion have taken different shapes and been portrayed in various forms. From legal exclusion constituted in immigration rules to social, political and economic rights, to racism, cultural fundamentalism and xenophobia.

As these exclusionary characteristics collide with the universalistic and humanistic values of liberal philosophy, therefore, there are always possibilities for transcending beyond this nationalistic form

of citizenship to a new post-national universal cosmopolitan one. This can only happen through active participation of 'all' and through dialogue. By replacing the existing discourses with a new 'dialogic discourses' upon which any future political community should be based in this global and the most interdependent world that has ever been experienced.

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