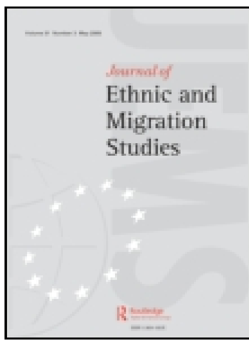

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Citizenship, national identity and the accommodation of difference: reflections on the German, French, Dutch and British cases

Christopher G. A. Bryant

Abstract *This article is about the constitution of citizenries. It describes, and seeks to explain, differences in the civil societies of four ethnic and civic nation-states in Western Europe and their principles of inclusion and exclusion. Attention is given to the ethnic nation and exclusion in Germany, the civic nation and assimilation in France, the civic nation and pluralism in the Netherlands, and the civic nation and 'pragmatism' in Britain.*

This article deals with the constitution of citizenries, a topic of renewed significance in Europe in the context of both the democratisation of post-communist countries in Eastern Europe and the ambitions for an ever-closer European Union expressed in the Treaties of Rome and Maastricht. It describes, and seeks to explain, differences in the civil societies of four ethnic and civic nation-states in Western Europe and their principles of inclusion and exclusion. Attention is given to the ethnic nation and exclusion in Germany, the civic nation and assimilation in France, the civic nation and pluralism in the Netherlands, and the civic nation and 'pragmatism' in Britain.

The discussion of principles of inclusion and exclusion raises questions about assimilation, integration and the accommodation of difference. The motto of the USA, *E Pluribus Unum*, or Out Of Many One, refers to these processes. There, the many were originally conceived of as individuals but subsequently have also been thought of as groups – WASPs (White Anglo-Saxon Protestants), hyphenated Americans, blacks, etc. But *E Pluribus Unum* also prompts the question: 'Out of how many before the integrity of the one is (perceived as) lost?'. The German, French, Dutch and British cases suggest different answers.

Before beginning an examination of the four cases, it is first necessary to distinguish the sociological conception of 'civil society' derived from Tocqueville from the significantly different conception contained within the tradition of Hegel and Marx. It is necessary also to specify what is meant by 'pluralism' and to point out the confusing relations between 'citizenship' and 'nationality' in social scientific, legal and lay discourses.

Civil society

From the Greeks to Gramsci and beyond there have been many variants on the notion of civil society (Bryant 1992, 1995; Kumar 1993). The 'sociological' variant

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which stretches back from Gouldner (1980) to de Tocqueville and, arguably, to the Scottish moralists serves as a starting point for this article. It refers to a public space between household and state, aside from the market, in which citizens may associate for the prosecution of particular interests within a framework of law guaranteed by the state. The sociological variant of civil society affirms the self-organisation of society, rejects the state-dependency of citizens and treats civil society as an entity in its own right which cannot be reduced to economic structures. Contrary to Hegel and Marx, civil society so conceived is a permanent, not a transitional, entity; contrary to Marx, political economy does not subsume civil society; and contrary to Gramsci, civil society is not just the site of resistance to a hegemonic ruling class.

This 'sociological' conception is the one favoured by Gellner (1994) in his *Conditions of Liberty*, but whilst wishing to reinforce one of Gellner's main arguments there is another to correct and a third to qualify. The argument which I wish to support is that civil society is about pluralism and the accommodation of difference and not, as Seligman (1992) and Tester (1992) would have it, civic virtue understood in terms of the general will, the *conscience collective* or common subscription to primary values. Civil society is marked by civility, not fraternity, and the coolness of civility contrasts with the warmth of communal enthusiasms. One is not required to like the others one treats civilly, let alone suppose that they are on a par with one's own kin.

A second argument of Gellner's to challenge is that civil society is amoral. Gellner means by this that it is not a community of believers, whether religious or ideological; it does not sustain a shared faith or a shared truth. He might have done better to say that civil society depends on what MacIntyre (1967) calls secondary values – pragmatism, accommodation, tolerance, live-and-let-live, compromise without loss of honour, fair play and due process – which afford mediation between subscribers to different primary values who share the same space. These are still values, there are norms associated with them, and values and norms together are central to civic consciousness and civic education. An amoral or demoralised civil society could not endure. Conversely, civil society is necessarily a continuing project; it is never finally secure.

The third argument to qualify has to do with nationalism. Gellner starts from the notion of 'modular man'. This is a reference to modern men and women who are attuned to an elaborated division of labour in society and whose idioms of speech and action are sufficiently standardised for them to enter and leave different roles and associations. What, according to Gellner, makes civil society more than anything else is:

> ... the forging of links which are effective even though they are flexible, specific, instrumental. [Civil society] does indeed depend on a move from Status to Contract: it means that men [sic] honour contracts even when they are not linked to ritualized status and group membership. (Gellner 1994: 100)

This is, however, possible only within a culture, and, one might add, a jurisdiction. Gellner says this of the average person:

> His [sic] deepest identity is determined neither by his bank balance nor by his kin nor by his status, but by his literate culture. He is not a nationalist out of atavism (quite the reverse), but rather from a perfectly sound though seldom lucid and conscious appreciation of his own true interests. He needs a politically protected *Gesellschaft*, though he talks of it in the idiom of a spontaneously engendered *Gemeinschaft*. (Gellner 1994: 100)

Indeed outside his or her literate culture, the average person is unsure how to proceed.

Gellner thus recognises that societies are bounded and that citizens are citizens of something. In other words, there has to be, to use Anderson's (1983) term, an 'imagined community' with which citizens identify and within which the accommodation of difference can be achieved. Gellner acknowledges that these are typically nations but neither distinguishes between ethnic and civic constructions of nation, nor attends to their various principles of inclusion and exclusion. In short he lauds the accommodation of difference which accompanies civil society but declines to consider which differences are accommodated or can be accommodated at a given place and time. In due course, I shall return to this issue but I must first specify what I mean by 'pluralism'.

Pluralism and the accommodation of difference

'Pluralism' can refer to both plural societies and pluralist politics. *Plural societies* display (degrees of) segmentation; (vertical) differentiation on the basis of race, ethnicity, language or religion has high salience for all members – and for some, at least, higher salience than the horizontal differentiations of class or stratum. In extreme cases a single society may comprise a number of co-existing sub-societies. The Netherlands offers the closest approximation to this among European democracies from the inception of the 'pillarised' system there in 1917 to the partial depillarisation which dates from the mid-1960s (Bryant 1981). *Pluralist politics* properly refers to more than the articulation of political differences and the legitimacy of opposition (the prevailing conception in Eastern Europe since 1989). Connolly (1969) sums up what was in origin a largely American approach to politics as follows.

> It portrays the system as a balance of power among overlapping economic, religious, ethnic, and geographical groupings. Each "group" has some voice in shaping socially binding decisions; each constrains and is constrained through the processes of mutual group adjustments; and all major groups share a broad system of beliefs and values which encourages conflict to proceed within established channels and allows initial disagreements to dissolve into compromise solutions. (Connolly 1969: 3)

This system of multiple group pressures is said to promote a plurality of legitimate and public ends. Crucially, all groups are assumed to have enough resources – votes, money, leaders, presentational and organisational skills – to affect outcomes.

Few contemporary democracies present segmentation or vertical differentiation on the scale associated with plural societies. On the other hand, the benign assumptions of harmony and balance among competing interests favoured by supporters of the (American) notion of pluralist politics do not sit easily with contemporary struggles to secure an acceptable accommodation of differences of value, interest, culture and consciousness – differences articulated in varying organisational forms and with varying degrees of success, and associated not only with the ethnicity, language and religion of most concern to analysts of plural societies, but also with class, gender, region and national identity. In sum, when speaking of pluralism it is necessary to come to terms with complex actualities which contain elements of both plural society and pluralist politics. Pluralism is thus best regarded as socio-political pluralism, and

it raises questions about the relations between civil society, the state and the limits to the differences which can be accommodated within democratic systems.

Nationals, citizens, denizens and others

Civil society is fundamentally a society of citizens, but who may be a citizen and what rights and responsibilities do non-citizens have? The provision of answers is not helped by the confusions in legal, social scientific and ordinary discourses associated with citizenship and nationality. For the social scientist each term presents a difficulty. Minors do not have all the rights and responsibilities of citizens but they are nationals. One can also be a citizen of territorial and legal entities other than the state, such as the city or the European Union, to which rights and responsibilities attach. On the other hand, the states of which individuals are nationals may be multinational. In some legal and administrative contexts nationality refers to one's national identity and in others to one's state. For the French in France these are the same, for the English and Scots in Britain or the Russians and Ukrainians in the former Soviet Union they are not. And dual nationality refers, of course, to being not, say, English and British, but rather British and French – even where one identifies primarily with one but has the citizenship rights and the passports of both. For adults, at least, dual citizenship would be more accurate but it is not the term most often used in ordinary English discourse.

There is a second awkward issue here. It is often assumed that having the full rights and responsibilities of citizens is preferable to any other status and that long-term residents who are not citizens are thereby disadvantaged. In Germany, for example, there is an anxious debate about the commitment to the Federal Republic of Germany (FRG) that can be expected from long-settled, indeed second or more generation, migrant workers who have rights of residence for themselves and their families but who are denied citizenship. But in many countries one of the responsibilities of citizens is national military service and one of the liabilities is conscription. In France in the 1880s public opinion eventually favoured extension of citizenship to immigrants because of resentment that those permanently settled there enjoyed the benefits of French life whilst avoiding military service (Brubaker 1992: 109). In practice non-citizens of a country can range from well-paid expatriates uninterested in obtaining full civil rights in their country of work and residence, to illegal immigrants desperately trying to scratch a living from employers who exploit them knowing they cannot complain. Cohen (1994) divides non-citizens into privileged 'denizens' and unprivileged 'helots', but a gradational rather than a dichotomised classification would seem more appropriate (cf. Hammar 1990; Heisler and Heisler 1991).

Germany: the ethnic nation and exclusion

German nationhood is vested in the *Volk*, an ethnic community, and citizenship is based on descent, the principle of *jus sanguinis* (Brubaker 1992). This principle, long the basis of citizenship in German states before and after 1871, was vigorously upheld in the law of 1913 and any taint of *jus soli*, citizenship determined by birth within the borders of the German state, was decisively rejected. The law of 1913 assigned citizenship to Germans abroad (*Auslands-*

deutsche) and their descendants but denied it to immigrants who were not ethnically German. The German nation so conceived is an ethnic nation, unambiguously a *community of descent*, and it is not confined by territorial boundaries. This principle has continued to define citizenship in the Federal Republic of Germany (FRG) (which formally treated citizens of the former German Democratic Republic (GDR) as its own). Recent returnees from Eastern Europe (whose forebears settled there in the nineteenth century or earlier and who may not even be proficient in German) can obtain citizenship instantly; by contrast second-generation migrant workers born in Germany have faced impediments to its acquisition even after the introduction of more liberal provisions in 1991 and 1993.

It is, according to Rittstieg, a dictum of the German constitutional court that 'dual nationality is an evil from the national as well as the international viewpoint, and it should be avoided in the interest of citizens and states' (1994: 116). Naturalisation has been possible for non-Germans, including migrant workers, who have lived there for 10 years, but only on renunciation of other citizenships – a problem for long-settled Turks (and Kurds) who would have liked German citizenship but who have been unwilling to renounce their Turkish citizenship. Would-be citizens have had to meet criteria for integration (*Einordnung*) in the German way of life, and for a voluntary and lasting affiliation (*Hinwendung*) to Germany. And even when these and all other criteria have been met, the grant of citizenship has been discretionary, not automatic. Naturalisation has been regarded as exceptional and only to be allowed when in the public interest (Cinar 1994: 53). In any case, and as both Brubaker and Rittstieg emphasise, the impediments to naturalisation are cultural as much as legal. From the end of the 1970s the 'integration of foreigners' was declared policy. As Rittstieg says 'integration policy meant that guest workers and their children had to integrate as "foreigners"' (Rittstieg 1994: 112), as permanent residents with a diminished status in law and society. Indeed, he continues, 'foreigner' has come to mean in ordinary German usage not someone who is foreign to the country but someone who lives there but is not German.

Recognition that integration cannot be expected to include identification with Germany if even second and more generation immigrants remain foreign and cannot become German prompted the reluctant adoption of the Aliens Act of 1990 which was implemented in 1991 and revised in 1993. This gives first-generation immigrants a right to German citizenship if they have lived in Germany for 15 years, can support themselves, have not been convicted of a crime and renounce their previous citizenship. Second-generation immigrants have a right to citizenship after eight years of residence and six years in German schools if they apply between the ages of 16 and 23. Again they must not have been convicted of a crime and must renounce their previous citizenship. In addition the liberal Free Democratic Party (FDP) has negotiated some further concessions to third-generation immigrants as part of the programme of the current Christian Democratic Union (CDU)/FDP coalition.

Cinar estimates that, despite historic objections and legal impediments to it, 1.2 million Germans have dual nationality. Many are ethnic German returnees (*Aussieddler*) who have not been required to renounce other citizenships, others are the children of mixed marriages who acquire two citizenships, but some are naturalised persons who have been exempted from the renunciation requirement. The exceptions allowed under the 1977 rules have been interpreted more

liberally of late in some *Länder*, particularly Berlin. According to the Federal Statistical Office, 2,366 out of 3,502 Turks naturalised in 1991 retained their Turkish citizenship – though both figures are tiny compared with a total Turkish population in Germany of 1,779,568 (Cinar 1994: 54, 55).

Germans are used to thinking of citizenship in ethnic terms and most find it hard to countenance those who are not ethnically German as German citizens. Civil society is exclusive and suspicious of ethnopluralism. There is another, more liberal, element in the relations between Germans and the Other, however, which also ought to be mentioned to complete the picture. Until recently, the FRG's law of asylum was unusually inclusive. Paragraph 16 of the Basic Law stated that 'Politically persecuted people shall enjoy asylum' and the FRG granted political asylum very much more readily than Britain, France and most other European countries. In the period 1984–1986, for example, Cohen reports that the UK processed 13,300 asylum seekers, compared with 71,300 in France and 208,000 in Germany (Cohen 1994: 77). The law was changed in 1993, however, when it was feared that migrants from politically unstable and economically impoverished parts of the former Eastern bloc might flood into Germany. To obtain legal residence in Germany, however, has always been one thing; to gain entry to civil society – the society of citizens – quite another. With remarkably few exceptions, the principle of *jus sanguinis* continues to determine citizenship. Combine Brubaker's analysis of the German law of citizenship and naturalisation with Anderson's analysis of nations as imagined communities, and one may conclude that most Germans find it hard to imagine the German nation any other way.

Some Germans do now imagine the German nation another way, namely as those loyal to the German constitution; the 1990s have also seen petitions in support of dual citizenship. Even so, most of those who have obtained refuge or work in Germany, and their children, remain 'denizens' (Hammar 1990), not citizens. As such they can participate in much social life but not all. In particular they cannot fully engage in what Marr (1992), writing about Scotland, has called 'civil politics' – citizens' initiatives, etc. – because as non-citizens their views carry less weight. The low rate of acquisition of German citizenship by Turks in Germany, for example, is highly consequential because, as Caglar notes, 'the possession of citizenship affects one's standing within society as a whole' (1995: 310).

France: the civic nation and assimilation

France is a civic nation willing, since the Revolution of 1789, to bestow the honour and benefit of being French to all who were born there (the principle of *jus soli*), and to many who migrate there, in the expectation that they will acknowledge the honour and the benefit. A century later, in the law of 1889 which largely still applies today, the French system formally endorsed the principle of *jus sanguinis* but effectively grafted it on to the principle of *jus soli*. Brubaker emphasises that all parties in the National Assembly supported *jus sanguinis* as a means of avoiding two disagreeable features of *jus soli* – that it was a feudal relic (the tie to the soil) and that it afforded French nationality to persons who happened to be born in France in an age of increasingly easy international travel but who had no commitment to it. In the end, birthplace, descent and domicile all came to play a part in citizenship law (as indeed they

had even in pre-revolutionary *parlements*). Second-generation migrants could obtain citizenship at the age of majority provided they had no convictions for certain criminal offences. Third-generation migrants were ascribed citizenship at birth. Civil society was and is inclusive and assimilationist (though dual citizenship is permitted). It is assumed that the obvious virtues of French culture will commend themselves to immigrants and especially to their children educated in French schools.

Why does the principle of *jus soli* obtain in France but not in Germany? Brubaker argues that conceptions of a German nation, articulated by the romantic movement, preceded establishment of a unified German state in 1871 whereas the French state was established long before conceptions of a French nation came to be widely shared. In the German case the notion of a people, a *Volk*, was necessarily central, and this notion combines ethnicity and culture and views outsiders in its midst as a threat to its integrity. Its appeal persists to this day. In the French case the priority of state and territory facilitated conceptions of France not as a community of descent but as a *territorial community*. Of course the French predominated within this territory but, given, so republicans thought, the obvious attraction of so advanced a culture as the French, assimilation of foreigners and immigrants ought not to be a problem in principle, even if in practice it often was.[1] But now, of course, assimilation is sometimes a problem even in principle.

Difficulties have arisen in the 1980s with some immigrants from the Maghreb (Brubaker 1992: 140–42). Article 44 of French citizenship law attributes citizenship to second-generation immigrants at the age of 18 provided they were born in France, have resided there since they were 13, have not been convicted of certain crimes, and have not opted out of French citizenship in the previous year. In addition, Article 23 attributes French citizenship at birth to persons born in France of parents one of whom was also born in France. Before independence in 1962, Algeria was legally part of France; the children of Algerians born before 1962 are thus automatically French. Problems have arisen in so far as some citizens of Maghrebian descent covered by Article 44 do not want to be French and did not invoke the opt-out because they did not know about it; and some citizens of Algerian descent covered by Article 23 have had no opt-out available to them even though their families may have fought for Algerian independence. Others accept French citizenship instrumentally as a convenience but do not identify with France or embrace many aspects of French culture (such as its secular public schools) – a stance very different from that of the *évolués* in the former colonies. This desacralisation of citizenship, to use Brubaker's term, has offended many other French men and women and has prompted the rejoinder from Le Pen and the far right *Front National* that to be French you have to deserve it (*L'être français, cela se mérite*). Against this background, an overwhelming majority in the National Assembly supported a new law in 1993 which 'focuses on one's willingness to become French' (Wihtol de Wenden 1994: 91) and takes the historic step of restricting provisions for citizenship *de iure soli*. In particular, children born in France but without a French parent must now 'attest, between the ages of 16 and 21, to their willingness to become French before a judge or in an alternative administrative procedure' (Wihtol de Wenden 1994: 91).

Brubaker presents the French nation as a territorial community within which the question of unassimilable immigrants has now arisen. Silverman (1992) is

mistaken when he says that the nation in France is conceived as a voluntary association – there is nothing voluntary about the ascriptive principles of *jus soli* and *jus sanguinis* – but he is nearer the mark in his alternative formulation of it as a contract between free *individuals* (cf. Nisbet 1966: 31–42). Since the Revolution, 'the self-styled *"nation une et indivisible"* has', as Brubaker reminds us, 'been violently intolerant of anything that could be interpreted as a "nation within a nation"' (1992: 106; cf. Nisbet 1966: 31–42). This is why 'integration' is identified with the assimilation of individuals, and the accommodation of different *group* identities within civil society remains for most leaders and led alike literally inconceivable. As Hargreaves (1995) puts it:

> There is a wide consensus in favour of the view that citizenship is to be reserved for members of the nation, and that the nation should be open to people of foreign origin who have internalized its norms, as have most young people born and socialized in France. While open at the level of political incorporation, the assimilationist aspect of this idiom is closed to cultural difference. (Hargreaves 1995: 176)

Silverman has chosen to present the identification of integration with assimilation in terms of 'racialisation' and the 'national racism' of French republicanism – a language which both distorts and offends.

> By making membership of the political and national community dependent on cultural conformity, the national state created a national racism *at the same time as* a "liberal" republicanism; they are part of the same process. (Silverman 1992: 33)

This language distorts and offends because we are confronted here with principles and practices based not on biology and descent – one in four French men and women have a parent or grandparent who was not born French, as Silverman himself notes, and the French have a strong tradition of humanitarian concern – but on demands for cultural conformity. Being accepted as French by French citizens depends less on who you are descended from, and more on your embracing of French culture. Though every principle of inclusion is also a principle of exclusion, one neither clarifies nor provides an effective critique of the French case by adopting the offensive elision of racialisation and racism.[2] It is more accurate to characterise France as a civic nation which accepts assimilation but rejects pluralism and which thus has great difficulty providing for citizens committed to different group identities because the latter represent (potentially) alternative ways of being French when it has long been part of the national imagining that there is only one way. Bretons and Corsicans can confirm this as easily as Maghrebis.

The Netherlands: the civic nation and pluralism

For an example of a civic nation which endorses pluralism whilst confirming that the accommodation of difference can never be unlimited, one can turn to the Netherlands. Dutch society has made separate institutional provision for people of different religious and secular worldviews. 'Each group', Lijphart wrote in 1968, 'has its own ideology and its own political organizations: political parties, labor unions, employers' associations, farmers' groups, newspapers, radio and television organizations, and schools – from kindergarten to university' (Lijpjart 1968: 1). And it did not end there; he could have added health and social services, and clubs and leisure associations. The groups concerned were the Catholic, the Calvinist, and the general or secular who divided for some

purposes into bourgeois liberal/conservative and socialist constituents. Each group constituted a *zuil* or pillar; *verzuiling* thus refers to the pillarisation of Dutch society. Many employers, especially large employers, had mixed workforces; that apart, it was possible for Dutch men and women to interact throughout their lives with others of a similar religious or ideological persuasion. In other words, the Netherlands provided for institutional separation without geographical separation.

Dutch society was at its most pillarised between 1917 and the mid-1960s. By the time Lijphart wrote the first edition of his celebrated *The Politics of Accommodation* in 1968, depillarisation had already begun (Bryant 1981). Depillarisation has, however, been uneven and the current situation is too complicated to describe in detail here. The two points which do require note are, first, that pillarisation has much less salience for most Dutch men and women today (though not all) than it had before the mid-1960s; and, second, that much pillarised institutional provision remains. Together they have prompted Zijderveld (1995) to speak of organisational pillarisation and ideological depillarisation.

The civic culture which has accompanied pillarisation is an extreme case of live-and-let-live – originally systematic separation and toleration, now only-when-you-want-it separation and toleration. There have, however, always been limits to what could be accommodated and tolerated. Accommodation has always required a basic loyalty towards the Netherlands, its representations of the whole nation – especially the crown, and its national imagining as a small nation which has sought to survive and prosper in a constant contest with the sea (a third of the country is below sea level) and with its larger neighbours. The founding myth of the Netherlands is of a Protestant revolt against the imperial power of the Catholic Spanish Hapsburgs. The last traces of discrimination against, and suspicion of, Catholics did not disappear until the common resistance to Nazi occupation during the Second World War. Since then Dutch-speaking immigrants from Indonesia, the Netherlands Antilles and Surinam have, in effect, tested the limits of accommodation. Black West Indians, in particular, have often run up against these limits (see the Dutch contributions to Cross and Entzinger (1988)). Non-Dutch-speaking migrant workers from North Africa, Turkey and other Mediterranean countries have had a harder time still.

Having entered the caveats, it is also worth noting that the structure and culture of pillarisation still afford a flexible pluralism. It is striking, for example, that, whilst van Amersfoort (1982, originally published in 1974) ruled out any possibility of the development of an Islamic pillar, two decades later Zijderveld has drawn attention to exactly that incipient development.

> Making use of the constitutional right to subsidies, there are already several fully subsidized Islamic primary schools (with, of course, Dutch curricula taught in the Dutch language). There is an Islamic radio and television corporation; there is an Islamic Council. This Islamic mini-pillar needs to transcend ethnic differences, as there are Turkish, Moroccan, Moluccan and Surinamese, and (a very few) Dutch Muslims in the Netherlands. The success of Islamic pillarization will depend on a necessary but very difficult inter-ethnic co-operation, and on an Islamic leadership which knows how to operate in the often complex world of a modern democracy. With the gradual emergence of an ethnically differentiated Muslim bourgeoisie, we will witness also the predominant characteristic of pillarization: its perpendicular class-intersecting nature. (Zijderveld 1995: 376)

Silverman has stressed the French hostility to official acknowledgment of group identities. The Dutch case, however, reminds us that institutional separation is

possible without geographical separation; the French fear of ghettoisation need not apply.

Dutch citizenship law is based on a law of 1892 which embodies the principle of *jus sanguinis*. A child is Dutch if a parent was a Dutch citizen at the time of its birth, regardless of where it was born. Until 1992 dual nationality was not allowed. Dutch citizenship may also be acquired by naturalisation after 5 years residence in the Netherlands. The government is encouraging the naturalisation of long-settled migrants as an element of civic incorporation, but van den Bedem (1994) reports survey research which shows that most of the Turkish, Moroccan, Tunisian and Cape Verdean respondents who had acquired citizenship regarded their Dutch passports instrumentally and still did not perceive themselves as Dutch. Dutch authorities now view this pragmatically. Residence is taken as an objective commitment to the Netherlands sufficient for the status of being Dutch (*Nederlanderschap*); what applicants feel subjectively about their new country as compared with their old one is irrelevant. Renunciation of other citizenships is no longer required. There is an expectation that immigrants will identify with the Netherlands more in the fullness of time. De Jong (1995) reports evidence that this occurs. More controversially, however, he also argues that the Netherlands is not a multicultural society, but 'a society with a multi-ethnic and multicultural minority' (1995: 398). This formulation suggests that those differences between the Dutch historically associated with pillarisation are less salient now than both the difference between the white Dutch and the other Dutch and also the differences among the latter.

Britain: the civic nation and 'pragmatism'

It is possible to identify the principles of ethnic integrity, assimilation and pluralism which inform nationhood and citizenship in Germany, France and the Netherlands. By contrast, confusion, muddling through, is a very visible practice in Britain but hardly a principle. It can be, and often is, dignified, however, as 'pragmatism'. Britain has no written constitution and no codified law. Britons are confused about their nationality because relations between England, Scotland, Wales and Northern Ireland and the United Kingdom are understood differently by different groups in different parts of the kingdom. Britain is in origin a territorial community with a civic conception of nation. The British state dates from 1707 and the Treaty of Union between England and Scotland. Before 1707 there was no British nation, yet by the time Victoria ascended the throne in 1837 there existed a strong British national identity. How did this come about? British identity, according to Colley (1992), was forged out of four elements. First, there was Protestantism, and its defence against Jacobites at home and Catholic powers on the Continent. Second, there were the profits and opportunities for Scottish businessmen in the larger home market and in the expanding British Empire. Third, there was service in the British army, navy and empire, and a common experience of opposition to the Other in war and trade. Scots were disproportionately represented in the officer corps and imperial service. Talent came south and did well. Fourth, there was a remarkable mingling of landed estates and families. Intermarriage and the acquisition of estates in different parts of Britain and Ireland helped to create a British ruling class.

Colley also describes how in the second half of George III's reign – after his recovery from 'madness' – successful attempts were made to re-present the king

as a symbol of the nation visible to, quite literally seen by, Britons everywhere. 'Ritual splendour, an appearance of domesticity, and ubiquity: this was the formula that George taught and bequeathed to his royal successors' (Colley 1992: 236). This use of monarchy has continued ever since and its rationale, discussed by Habermas (1989, originally published in 1962), is connected with the emergence of public discourse and public opinion.

Colley's account can be supplemented and continued through the nineteenth and twentieth centuries as follows. Britain, not England, was the first industrial nation; the Great Reform Act of 1832, which initiated the current electoral system, applied to all of Britain; the British Empire was indeed a British enterprise; the British armed forces have continued to fight numerous wars; and the British Broadcasting Corporation (BBC) has always addressed all Britain at the same time and in the same terms. Common industrial, political, imperial, military, royal and cultural experiences have done a huge amount to make Britain one community of sentiment, to use Weber's phrase, or one nation. There also has been a great deal of internal migration and intermarriage. These have not, however, been sufficient to eliminate conceptions of England, Scotland and Wales as separate nations.

England may dominate the union by weight of numbers and the concentration of political, economic, financial and cultural power in London, and many of the English may conflate England and Britain in many circumstances (though never in all), but Scots and Welsh seldom, if ever, forget the difference between Scotland and Wales, respectively, and Britain. Indeed the re-imagining of Scotland especially, but also Wales, is currently occurring more vigorously than for many generations. There is arguably more doubt about the future of the union now than there has been at any time since its foundation. In particular, as McCrone (1992) argues, the distinctive Scottish civil society, guaranteed by the 1707 Treaty of Union, can, and currently does, lend strength to the re-imagining of the Scottish nation and the demands for statehood. Polls suggest, however, that only a minority of Scots want an independent Scottish state inside or outside the European Union – 38 per cent according to an ICM poll reported in *The Scotsman* of 10 March 1994.

'British' has always been a composite identity and it has never been difficult to extend it to cover citizens of other origins from refugees from Eastern Europe in the 1940s, especially Poles, to 'coloured' immigrants from the imperial and former imperial possessions in the 1950s and 1960s. What it means to be British, and the place of national and other identities within the union, have long been something of a muddle. To take one minor example. Until the late 1970s, there used to be an annual football competition each spring between England, Scotland, Wales and Northern Ireland. These matches were known as the 'home internationals'. Now the notion of a 'home international' is a very odd one if one thinks about it, but no one in Britain ever did think about it.

What one has in Britain is a civic nation which has proved capable of accommodating a large amount of difference. Certainly the notion of ethnic and other communities, of community relations and leaders, of different ways of being British – a notion which, albeit for very different reasons is alien to both the Germans and the French – is to most Britons most of the time as 'natural', as unremarkable, as it is to the Dutch. Where the British differ from the Dutch is in the *haphazard* character of the civic nation. There is a *de facto* pluralism rather than a *de jure* one. The civic nation is the product of union and empire

without there having been any guiding principles in its formation. This can make it extraordinarily accommodating but it also means that when conflicts, tensions and moral panics do occur there are few principles to fall back upon when responses are sought (though there may be all manner of *ad hoc* precedents) other than the secondary values of pragmatism, accommodation, tolerance, live-and-let-live, compromise without loss of honour, fair play and due process which MacIntyre identified (and whose origin he attributed to the class collaboration which evolved in the Victorian period). To give one example, the British government has resisted providing public money for Muslim schools although money has long been granted to Anglican, Catholic and Jewish schools. Objectors to this apparent discrimination sought judicial review of ministerial refusals and obtained a judgement which has in part prompted policy shifts in their favour, but without the state conceding the principle that public money should fund religious schools of all faiths in the same way.[3] In the Netherlands, the law makes exactly that provision in conformity with the principles of pillarisation, and Islamic and Hindu schools have been able to secure funding on the same terms and conditions as any others (Dwyer and Meyer 1995).

The complex of laws governing nationality and citizenship is also a quite extraordinary mess (Cohen 1994; Dummett 1994; Dummett and Nicol 1990). The basic principle of British nationality, *jus soli,* is that of the English law of feudal times. People owed allegiance to the lord of the land on which they were born, ultimately to the person of the king, who in turn owed them protection. It was only in 1886 that a court finally clarified that allegiance was due to the crown rather than the person of the monarch (Dummett 1994: 91). This feudal principle readily converted into an imperial one. All those born in the king's lands at home or abroad were the king's subjects (with a few exceptions – such as the children of foreign ambassadors to England, later Britain). Commonwealth citizens continued to be British subjects with a right of entry to Britain and the rights of citizens in Britain even after their countries became independent wherever – beginning with the dominions of Canada, Australia, New Zealand and South Africa – the British monarch remained head of state. In circumstances and for reasons which are too complicated to outline here, this arrangement was extended to citizens of Commonwealth republics – beginning with India and Pakistan – and even to citizens of some former British territories outside the Commonwealth – notably Ireland (Dummett and Nicol 1990). It is only in 1948 that an act dealing with nationality refers to citizenship for the first time and the only right of citizens to be found in British nationality and citizenship law then and since has had to do with a right of abode in Britain. The impotence of the subject persists even after the language of the citizen makes its belated entry. This is connected to such key features of the British constitution as the use of the crown in parliament, the royal prerogative, and the sovereignty, since 1688, of parliament not people. The rights that Britons possess as 'citizens' they mostly possess in virtue of acts other than those of nationality and citizenship – such as the Representation of the People acts which govern the franchise. Needless to say, who in Britain is entitled to what has been defined differently in different statutes at different times for reasons both noble and base. Anomalies abound.

Entry for Commonwealth citizens was unrestricted until 1962. Naturalisation has long been possible for others legally resident in Britain for 5 years or more; dual nationality has been formally allowed since the British Nationality Act of 1948 (and in practice was common before). Controls on Commonwealth

immigration have become increasingly severe since 1962, but once admitted migrants continue to have full civic rights. The contentious issue is not civic rights for Commonwealth immigrants – even the far right which would like to 'send them back where they came from' does not propose to deprive them of their rights whilst they are here – but rights of entry into Britain in the first place. In particular the 1971 Immigration Act reintroduced the hitherto archaic notion of 'patriality'. Patrials are persons who have a parent or grandparent who was born in Britain; patrials abroad, who are of course almost always white, have a *right* of abode in Britain; Commonwealth non-patrials, who are mostly black, do not and are subject to ever more stringent immigration controls. Immigration policy can be challenged as racist; citizenship policy clearly cannot. The 1981 British Nationality Act, which came into force in 1983, made use of the principle of patriality in distinguishing British citizenships which afforded a right of abode in Britain from those which did not (for example non-patrial British citizens of Hong Kong). Before 1983 anyone born in Britain also automatically had British citizenship with a right of abode in Britain. Since then, only those born in Britain with a parent settled here have an automatic right to British nationality. Children born in Britain of immigrant parents have a right to register as British after 10 years' residence in Britain, but the principle of *jus soli* has been breached.

Establishment of the British state preceded formation of a British nation, but British national identity has helped to secure that state. The Treaty of Union, however, has ensured that British national identity could only ever be an overarching, not an exclusive, one. It inserted the precedent of group rights – the separate institutions and identity of the Scots – from the start. Accommodation of non-territorial groups was always possible, though not necessarily easy, once it was clear all Britons were not going to be the same. The British Empire, all of whose subjects had a right of entry to Britain, only confirmed that. For the union of Britain to continue, however, there does have to be a content to an overarching British identity – and Protestantism, empire and military and economic might can no longer provide it. Negative British responses to both Commonwealth immigration and the development of the European Community/Union reflect, at least in part, the unease of those who are no longer confident about their nation's identity and who seek to reinforce it by recalling, or reimagining, the past. How, or even whether, British national identity can be reconstructed in a secular and post-imperial society of diminished economic standing remains to be seen.

Conclusion

Of necessity, discussions of civil society and nation introduce issues of diversity and unity, inclusion and exclusion, and identity and interest. These issues connect, of course, not only with ethnicity but also with class and gender. *De jure* citizenship may be of limited value where there are structural and cultural impediments to the *de facto* exercise of its rights and responsibilities (cf. Dahrendorf 1968 (originally published in 1965); Marshall 1950; Walby 1994; Wilson 1994). Now in very many societies in Europe there is also the difficult issue of the rights and responsibilities of long-term residents, from Turks and Kurds in Germany to Russians in Estonia and Latvia, who cannot obtain or may not seek citizenship. There has not been space to address these issues directly in this

article, although hopefully enough has been said about 'integration' and the accommodation of difference to prompt some thoughts about them. 'Integration', it should be recalled, has to do with the accommodation of 'foreigners' in Germany, assimilation in France (even if the term 'assimilation' has colonial associations and is often avoided), a limited but principled socio-political pluralism in the Netherlands and a pragmatic, *ad hoc*, not to say muddled, pluralism in Britain.

To elucidate how and why the civil societies of ethnic and civic nation-states differ by examining selected European examples was a primary goal of this article. My approach has been to put the examples into their historical contexts and to attend to whether the state preceded the nation (France and Britain), or whether the nation preceded the state (Germany and the Netherlands); whether rights are only individual or both individual and collective (individual only in France); whether the basis of group rights is principled (as in the Netherlands) or muddled (as in Britain); and whether there is more than one core ethnocultural nation (as in Britain). Consideration of these does throw light on the extent to which difference can be accommodated in the civil societies of ethnic and civic nation-states in the four countries selected and beyond. Like Mitchell and Russell (1995), I expected differences between European Union states to persist in this regard in the face of both the rhetoric and the realities of harmonisation.

Notes

1 But on the violence towards Jews and other ethnic minorities in France in the last third of the nineteenth century, including the killing of many Italians, see Birnbaum (1995).

2 It could be argued that other versions of 'racialisation' avoid the conflation of culture and racial construction and the elision of racialisation and racism to which I object. In particular, Miles uses 'racialisation' 'to refer to those instances where social relations between people have been structured by the signification of human biological characteristics in such a way as to define and construct differentiated social collectivities' (1989: 75). When anti-racists in Britain construct a collectivity of 'blacks', racialisation is, presumably, acceptable; but when racialisation involves a negative valuation of the collectivity constructed it is considered racist. Contrary to Miles, however, many writers on racialisation continue to combine references to biological characteristics such as skin colour, and cultural characteristics such as religion, and to elide racialisation and racism or at least to pass swiftly from racialisation through differentiation to racism. In their *Racialised Boundaries*, Anthias and Yuval-Davis, for example, are anxious not to exclude 'culturalist forms of racism ... which do not depend on racial typologies'. They then add that 'Racism need not rely on a process of racialization' (1992: 12), but may instead associate the undesirability of certain groups with elements of their culture. 'For example, anti-Muslim racism in Britain relies on notions of the "non-civilized" and supposedly inferior and undesirable character of Islamic religion and way of life, rather than an explicit notion of biological inferiority' (1992: 12). Anthias and Yuval-Davis are also anxious not to exclude from discussions of 'new racism' the experiences of migrant ethnic groups who find themselves treated as 'cultural, political or national outsiders and undesirables' (1992: 11). To sum up, Silverman uses 'racialisation' pejoratively and extends it to cultural differentiation, and Anthias and Yuval-Davis confuse by moving from racialisation to a racism associated with a cultural differentiation which treats the differentiated as undesirable without necessarily supposing that they are inferior. I think Hargreaves is wise to prefer to speak, in his *Immigration, 'Race' and Ethnicity in Contemporary France* (1995), of ethnicisation which does not depend on somatic features, rather than racialisation which, in his view and mine, does.

3 It is reported that the government is for the first time about to provide full state funding for an Islamic school, the Islamia Primary School in north London (see *The Guardian*, 28 December 1996).

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