Chapter 4
Citizenship

Social movements concerned explicitly with identity and equality have been transforming citizenship. The sociological study of citizenship is relatively recent, although as a concept, social status, and set of political practices, it goes back to the ancient world. The model of citizenship outlined by T. H. Marshall in the late 1940s, now regarded as the classic starting point of any discussion of the topic, did not achieve widespread influence until relatively recently (Rees, 1996: 1; Somers, 2008: 162–8). It is especially since the 1980s that citizenship has become a topic of extensive debate in political sociology. This is undoubtedly linked to the growth of social movements which have challenged the traditional form of citizenship as it has developed in liberal democracies.

As we will see when we examine Marshall's model of citizenship in more detail in section 4.1, his account of the historical development of citizenship focused on the extension of citizenship rights as a feature of the progress of modern society. He represented this as the achievement of universal citizenship, of identical rights for all citizens regardless of socio-economic class. Focused on citizenship in relation to the occupations of male heads of households, Marshall neglected other dimensions of social inequality. This is unsurprising, as Marshall was writing in Britain in the late 1940s, when society was seen as stratified only in terms of class, and the labor movement was prominent in campaigning for the expansion of citizenship rights, particularly the social rights of the welfare state. Class inequalities were the main focus of attention in society and in sociology. Increasingly, however, as "new" social movements like the civil rights and anti-racist movements, feminism, and the gay liberation movement gained in strength and directed campaigns at inequalities in

the rights of different categories of citizens, both Marshall's optimistic model of "universal" citizenship rights and the idea that social inequalities are essentially class inequalities have come to be seen as less relevant.

Sociologists are interested in how formal citizenship rights are related to non-formal criteria of inclusion in what Alexander calls the "civil sphere," the space of citizenship between the state and the market (Alexander, 2006). Formal rights are granted by the state, but citizenship entitlements depend on informal criteria that are decided on in the civil sphere. In the first place, the civil sphere involves the construction of shared understandings concerning which individuals are entitled to the status of citizen. It is inherently normative; inclusion in the civil sphere depends on the recognition by others that an individual deserves to be included within it. It depends on the assessment and valuation of a particular individual as the kind of person who, along with others in the civil sphere, should enjoy the "right to rights," as Hannah Arendt puts it (Arendt, 1968: 298). These criteria of inclusion are invariably mediated, however, by identification and self-identification of individuals with different social groups.

Social movements challenge informal criteria of citizenship that define some individuals as "Other," as belonging to a group that makes them unworthy of equal rights in the civil sphere. Although social movements are generally directly engaged in making demands for formal citizenship rights, they are even more fundamentally engaged in the cultural politics of identity formation. The identity of those who "belong together" in the civil sphere must be altered to make it more inclusive of previously stigmatized groups, as well as commonly shared definitions of those groups who are excluded or who are included only in ways that are unequal. The state ultimately guarantees citizenship rights, but it is the way in which citizenship identities and entitlements are settled between the civil sphere and the state that creates different historical forms of citizenship. It is how citizenship is defined in the cultural politics of social movements that matters.

The main theme in the cultural politics of citizenship inspired by social movements is that of "difference." It is always, however, closely linked to "equality." Historically, the cultural politics of social movements has involved challenges to assumptions that "normal" citizens are white, heterosexual, male heads of households, on the basis that others should enjoy the *same* formal rights. This was, for example, the main theme of first-wave feminism in the nineteenth and early twentieth centuries. In contemporary society, however, challenges to inequality rarely involve the simple claim that members of particular social groups are not treated like

"normal" citizens. It is much more common now that cultural politics contest and displace what is "normal" as just one of a range of possibilities. In this respect, social movements challenge the idea of citizenship as consisting of individuals enjoying identical rights and imply a more open, pluralist model of society.

Indeed, the risk that group-differentiated rights themselves may produce "Otherness" in relation to a norm tends to be taken very seriously in social movements concerned with difference and equality. The identities and positions represented by social movements are never homogeneous. It is impossible, for example, to simply be a woman; women are always also socially positioned in terms of ethnicity, sexual orientation, marital status, occupation, age, geographical location, and so on. Furthermore, contemporary society changes fast, partly as a result of the activities of social movements themselves. Social groups contain within them, therefore, a range of more or less traditional or "de-traditionalized" identities. This is evident, for example, where young people have been brought up in a society that is quite different from that of their parents – whether as a result of migration or simply of social change. The heterogeneity and fluidity of social identities is very important to a consideration of citizenship rights intended to promote more progressive and egalitarian ideals. Another way of putting this is to say that "freedom" to create new identities is just as important as "equality" between groups. But this raises very real difficulties. The aim of social movements is not just to equalize citizenship rights but also to avoid constraining the development of new ways of life. We will discuss these issues particularly in relation to sex and sexuality in section 4.3, and racialized ethnicity in section 4.4.

Social movements have typically addressed civil spheres in relation to nation-states, even if, as we saw in the previous chapter, they have also long shared ideas, resources, and tactics transnationally. Similarly, sociologists have understood the civil sphere as a space between the nation-state and state-regulated markets. It is important, however, not to see the civil sphere as literally a geographical space; the civil sphere is not necessarily national. Indeed, people living within the same national territory may be excluded from the civil sphere by "internal borders," as Margaret Somers argues that people in poverty are today (Somers, 2008). By extension, the civil sphere might include those living outside a national territory. Though given that, as we have noted, rights are ultimately guaranteed by states, it is harder to imagine how this might develop.

Marshall's thinking on citizenship epitomizes "methodological nationalism" in that he assumes that society is confined within national borders and that the state is the ultimate power over citizens. Since that time,

however, globalization has called a number of the features of the bounded society into question. In the first place, in accordance with conventional understandings of his time, Marshall assumed cultural homogeneity amongst citizens. In fact, the ideal of the nation-state as consisting of a singular, unified, and self-determining nation has rarely been realized historically; there have almost always been large cultural minorities in nation-states, whilst "countries of immigration" have long received people from different societal cultures. In the late twentieth century, the enjoyment of cultural rights to difference came to be seen as an ideal in societies oriented towards multiculturalism. In addition, there has also been mobilization for changes in the rights of long-term residents who are not citizens, and for states to respect the human rights of migrants fleeing persecution. We will look at these issues in section 4.4, on multinational citizenship rights, and in section 4.5, on post-national citizenship rights. Finally, debates over citizenship at the beginning of the twenty-first century also concern concrete possibilities for global environmental citizenship, which we will consider in section 4.5.

Before looking at the politics of social movements around citizenship, however, we will look at how citizenship has changed since Marshall was writing with respect to issues of wealth and poverty. At more or less the same time that social movements began to make an impact on citizenship rights, from the 1970s onwards, the neo-liberalization of welfare states began in response to the crisis created by the rigidities of the Keynesian management of capitalism. Neo-liberalization involves an emphasis on freedom *from* the state, traditionally associated with classical liberalism and given new life by the New Right, especially in Britain and the US with Thatcherism and Reaganomics. From these origins, neo-liberal policies have become part of the toolkits of governments across the world; to a greater or lesser extent in different cases, securing economic growth now involves cutting business taxes to attract multinational corporations, cutting state costs, and trying to pass the costs of social reproduction onto citizens. Social movements, on the other hand, typically come from the Left, and emphasize equality and freedom *to* realize one's full potential. They generally aim at expanding state regulation and expenditure. It is difficult to defend and extend citizenship equality in a context in which markets and consumer choice are promoted as the best way to deliver public services. The expansion of the market is the context within which social movement definitions challenge hegemonic understandings of membership and identity in the civil sphere, with consequent limitations on claims for rights to equality and difference from the state.

4.1 T. H. Marshall: Citizenship, Social Class, and the Nation-State

The classic starting point for a discussion of citizenship is the historical-sociological analysis of Thomas Humphrey Marshall. It is very much a product of its time and place, written at the peak of optimism concerning the post-war welfare state in Britain, and it is therefore of limited relevance for an understanding of contemporary society. Nevertheless, the analytic framework Marshall provides, in which citizenship is seen as comprising civil, political, and social rights, is useful and widely adopted. Furthermore, a number of the deficiencies of Marshall's model clearly illustrate the directions in which the new political sociology of citizenship has developed in relation to the cultural politics of social movements and processes of globalization.

Marshall analyzes citizenship as consisting of three types of rights: civil, political, and social. Civil rights involve the protection of individual freedoms, including "liberty of the person, freedom of speech, thought, and faith, the right to own property and to conclude valid contracts, and the right to justice" (Marshall, 1992: 8). Associated with the modern institutions of the civil and criminal courts of justice, Marshall sees civil rights as developing in the eighteenth century. Political rights involve the right to "participate in the exercise of political power as a member of a body invested with political authority or as an elector of the members of such a body" (1992: 8). Already existing for some, according to Marshall, they became citizenship rights only in the twentieth century with the extension of universal suffrage to all adults. This established the principle that they depend on personal status rather than on economic means. In terms of institutions, they involve the development of parliament and the councils of local government formed in the nineteenth century. Social rights Marshall sees as developing in the twentieth century in their modern form, with the institutions of the welfare state, including the national system of compulsory education and those of health and social services. Marshall's definition of social rights is more abstract than his definition of civil and political rights, reflecting the wide view he takes of them:

> By the social element I mean the whole range from the right to share in a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society. (1992: 8)

Marshall linked the historical development of citizenship to the development of capitalism. In particular, he was interested in the coincidental development of citizenship rights as a system of *equality* with capitalism as a system of *inequality*. In conjunction with civil and political rights, he saw the slow development of social rights as contributing to the development of a parallel system of substantive equality which mitigates, and is in contradiction with, the economic inequalities of capitalism. As Marshall (1992: 33) puts it:

> The extension of the social services is not primarily a means of equalising incomes … What matters is that there is a general enrichment of the concrete substance of civilised life, a general reduction of risk and insecurity, an equalisation between the more and the less fortunate at all levels – between the healthy and the sick, the employed and the unemployed, the old and the active, the bachelor and the father of a large family. Equalisation is not so much between classes as between individuals within a population which is now treated for this purpose as though it were one class. Equality of status is more important than equality of income.

Although the only existing inequalities Marshall pays attention to are class inequalities, at the same time, it is clear from his understanding of the inter-relationship of capitalism and citizenship rights that he actually sees class conflict displaced with the development of citizenship. In fact, Marshall goes so far as to predict that citizens will become less interested in earning high wages, not only because of high levels of taxes in a welfare state, but because money will itself become less relevant where the essentials of life – including pensions, unemployment benefit, good education, healthcare, and so on – are provided equally, by right, to all citizens (1992: 47–8).

The details of Marshall's prediction have not been borne out, but arguably, the development of citizenship rights is one of the factors that has contributed to the decline of class politics. Citizens orient their political struggles and claims for greater equality toward the state, while workers' struggles with employers have become less important. Of course, class inequalities in welfare provision could have remained the main object of citizens' concern, as they were in Marshall's time, but in fact, this has not been the case. It is not only that class struggles at the economic level have been displaced by the system of status equality constructed in terms of citizenship rights Marshall analyzed; it is also that class is no longer the principal identity around which demands for greater equality are organized.

Limits of Marshall's account of citizenship

Marshall's account has several problems that are relevant to our consideration of citizenship in relation to the cultural politics of social movements and the consequences of globalization. We will deal explicitly with these topics in following sections, but for the moment, we will look at the deficiencies of Marshall's theory of citizenship more generally.

First, Marshall's model is criticized for the way in which it tends to ignore politics. It is argued, notably by Anthony Giddens, that Marshall's treatment of the extension of citizenship rights is implicitly evolutionist; it is as if there is a natural progression from civil to political to social rights as part of the development of modern industrial society. Giddens argues that Marshall fails to give enough consideration to how each of the three sets of rights has only been achieved after protracted struggle (Giddens, 1982: 171). Not all commentators on Marshall's work agree with Giddens. As Barbalet (1988) notes, some actually take quite the opposite view, arguing that Marshall's model shows how citizenship rights are extended through conflict. Such divergent understandings stem in large part from Marshall's own ambivalence on the question. He is certainly much more interested in the sequence of development of citizenship rights than in how this development has been achieved, and he gives an unresolved and even contradictory account of it. In *Citizenship and Social Class*, he says that the growth of citizenship "is stimulated both by the struggle to win those rights and by their enjoyment when won," but then almost immediately goes on to say that "the familiar instruments of modern democracy were fashioned by the upper classes and then handed down, step by step, to the lower" (Marshall, 1992: 24–5). Barbalet's interpretation seems the most reasonable: although Marshall does speak of conflict, what he means by it is the conflict of principles between capitalism as a system dependent on inequality and citizenship as a system of equality rather than struggles between actual social groups. Barbalet argues that it is not possible to judge from Marshall's sparse comments on the issue whether he saw the working out of this conflict as a matter of bargaining and conciliation or of struggle and violence. However, as he notes, an emphasis on the development of new sets of rights out of existing ones, combined with Marshall's lack of interest in the actual conditions of their development, does incline his model toward evolutionism (Barbalet, 1988: 30–1).

From Marshall's point of view, on the crest of the wave of post-war welfare state creation in Britain, evolutionism would presumably not have seemed as inadequate as it does to most sociologists in these less expansive

times. From our vantage point in the twenty-first century, it is clear that citizenship rights are an important object of cultural politics. Continually contested, they can never be finally secured and they certainly do not develop according to an inherent logic.

The implicit evolutionism of Marshall's account is linked to another problem: he apparently assumed that the development of citizenship rights took the same form in all countries. Marshall's history of the development of citizenship rights is a description of British society. However, he is, at the same time, proposing a general model of the development of the relation between citizenship and class in capitalist societies. It is implicit, therefore, that the British case is not unique, but representative of all capitalist societies. This is an unwarranted assumption which is not borne out by the development of citizenship in other countries (Turner, 1990). In the case of the US, Michael Mann argues that because political rights were granted to the working class much earlier than in Britain, before the labor movement was strong enough to offer a real challenge to the ruling class, workers formed interest groups within the political constitution and party system (Mann, 1996). As a result, social rights were already underdeveloped in the US before neo-liberal globalization. Scandinavia is at the other extreme, where welfare provision has been much more comprehensive and generous, shaped by a strong socialist party, trades unions, and farmers' organizations early in the twentieth century (Stephens, 1996).

From the point of view of social movements, there is a still more important aspect of Marshall's universalism: he assumes that citizenship rights within a society *are* genuinely universal and confer equality upon citizens. The most theoretically elaborated challenge to this view has come from feminists. It is not that Marshall ignores the differences between the sexes altogether; in his account of the historical development of rights, he does mention the way in which women's citizenship advanced at a slower rate than men's – in relation to winning the vote, for example. However, as Sylvia Walby (1994) has argued, Marshall's analysis of citizenship rights is so imbued with gender-specific assumptions that he fails to notice that the development of women's rights has actually followed quite a different trajectory from men's, in some respects to a different end point, even in the British case. As an example, she points out that women had very few civil rights until they were gained as part of the wider struggle for political rights in the nineteenth and early twentieth centuries: the right to own property, to professional employment, not to be beaten by a husband, to terminate a marriage, and so on. Some were not won until after political rights, thus reversing the development Marshall proposes for all citizens. Furthermore, Walby argues that some still have not been won

today – the right to abortion, for example, she sees as a fundamental civil right to control over one's own body – while social rights to difference and equality are, as we will see in section 4.3, inherently problematic for women where the male norm continues to be taken for granted. Similar points may be made in relation to all those who do not conform to the norm of citizenship. A striking example is the black civil rights movement in the US, campaigning for freedom of the person, equality before the law, and economic freedom for Southern blacks about a hundred years after they had been formally accorded American citizenship with the ending of slavery (Morris, 1993). As we will see in section 4.4, it is arguable that the lack of seriousness with which the judicial system treats racial harassment means that black citizens still do not have freedom of the person.

Marshall's assumptions concerning the normal citizen and the universalism of citizenship rights have also increasingly come to be seen as problematic in relation to culture. What is meant by "culture" in this context is highly complex, but, assuming homogeneity amongst citizens in terms of life-style choices, national origins, history, and language, Marshall simply collapses cultural into social rights. For Marshall's contemporaries, the enjoyment of rights to "live the life of a civilised being" included a cultural component, rights to public museums and heritage sites, state subsidized arts, and perhaps most importantly in Britain, the BBC, the public broadcasting service paid for by viewers and listeners that expanded massively in the post-war period. "Culture" is multifaceted here, including national culture, the memorialization of the nation's history; high culture, "the works and practices of intellectual and especially artistic activity" (Williams quoted in Jordan and Weedon, 1995: 6–8); and, to a lesser extent, popular culture, too: the BBC's ideal was to "inform, educate, and entertain." In Britain and virtually everywhere else, any secure sense of cultural value has been disrupted, as absolute distinctions between high and low culture have come into question (Is Bob Dylan's poetry as good as Keats? Is an unmade bed really Art?), and globalization brings people, images, and ideas from different places and "societal cultures" together in multicultural societies. As a result, in commonsense terms, "culture" has become virtually indistinguishable from notions of "cultural difference" (and, critics would say "cultural relativism," the view that cultural norms are of equal value). The most concrete effect of debates around cultural difference in relation to citizenship rights has been the remaking of national identities as multicultural, and the understanding that different groups in society may need different "cultural rights." Marshall's schema of civil, political, and social must,

therefore, be supplemented with rights to cultural difference (Pakulski, 1997; Rosaldo, 1999; Stevenson, 2001, 2003).[1]

Finally, Marshall seems to have understood citizenship as evolving towards the end point at which he analyzed it in Britain in the mid-nineteenth century. He neglected to consider how closely it was linked in this respect to the expansionary post-war economy, apparently assuming that Keynesian corporatism would lead to unending economic growth. Marshall saw a fundamental tension between citizenship, which reduces inequalities, and capitalism, which produces them. He was optimistic that the tension would be resolved in favor of citizenship. In the light of boom and bust economics since the 1970s, and neo-liberal restructuring of relationships between states and markets, the social rights Marshall apparently assumed were the end point of the evolution of citizenship have come much more seriously into question.

4.2 Citizenship, Wealth, and Poverty

From a descriptive analysis of the evolution of citizenship in the twenty-first century, Marshall's model has now become something more like an ideal. Marshall saw social rights as ameliorating the worst inequalities produced by capitalism, which inevitably affect some more than others. Social rights include what is commonly thought of as "welfare" in the US, and increasingly elsewhere: help from the government to those who are not engaged in paid labor to meet basic needs. For Marshall, however, social rights were much more than "welfare." He saw citizenship rights as producing a system parallel to capitalism, a sphere of life in which market logics of competition and profit would become irrelevant. In Europe, the greater part of the welfare state was made up of "universal" services, available to everyone, of which free education and healthcare were the most important in the post-war context. Citizens would spend most of their lives in this parallel sphere, to the point where inequalities produced by the capitalist labor market would become largely irrelevant. For Marshall, social citizenship introduced a fundamental tension into capitalist societies. Capitalism does not just produce inequality between citizens; the market requires that citizens are unequal: that they have incentives to sell their labor to earn money and compete to consume what is produced. In retrospect, Marshall's view of the compromise between citizenship and capitalism looks extremely optimistic (Turner, 1986).

Most importantly, since Marshall was looking forward to the consolidation of citizenship in 1948, states have all been involved, and restructured to different degrees, in processes of neo-liberal globalization. It is not so much that the state has lost control of economic processes with the end of the Keynesian management of capitalism, although this is often the way globalization is represented in the rhetoric of politicians. Neo-liberalism is an economic project, but it has been facilitated by states (Scott, 1997b). Although the ideal of neo-liberalism is the free market, the reality is market-driven government (Somers, 2008: 93-5). In relation to social citizenship, neo-liberalizing states have been involved in rolling back their *own* frontiers, to paraphrase Margaret Thatcher, especially in relation to the costs of social rights. In Marshall's terms, they have been involved in extending the market and narrowing the sphere of public life in which citizens were supposed to enjoy equality. In actual fact, this has led to complex new arrangements between states and markets rather than a reduction in state intervention altogether (Crouch, 2001).

"Market fundamentalism" has been most advanced in the UK and the US, where it originated in the policies of the "New Right" and has now been taken over to a greater or lesser extent by political parties on the center-Left. Although there have been some attempts to redraw the boundaries between states and markets elsewhere in Europe, including Scandinavia, incursions into social insurance and rights to education and healthcare have been much more energetically resisted there, as elsewhere in Western Europe, and have not advanced to anything like the same extent (Cochrane et al., 2001; Harvey, 2005: 112–15).

In the UK, there have been a range of reforms aimed at reducing the cost of the welfare state which have had direct impact on citizens' access to social rights. The most prominent of these effectively re-create citizens as consumers. In some cases, there is a kind of quasi-marketization, as when, in the UK, parents are encouraged to choose a local state school for their children (when previously, they would have been expected to attend the one nearest their home) or – if they can afford it – to send them to private, fee-paying schools. Similarly, although healthcare remains universal in the UK, those who can afford it are now encouraged to supplement treatment in the National Health Service with private medical insurance. State pensions are so low they must be "topped up" by paying into private schemes, and so on. Not only does this mean that citizens receive different treatment according to their income, it also reduces commitment to "universal" citizenship rights and results in the stigmatization of those who have only access to inferior services. Similarly in the

US, where social rights were already far less developed than anywhere in Europe, cuts in state spending have led to reduced levels of social insurance and access to medical care for the poorest. Cuts in the federal budget to help people in the case of emergencies were responsible for the way poor people in New Orleans were left to deal with the devastation caused by Hurricane Katrina, which made the realities of life beneath the poverty line shockingly visible to US citizens, and to the world (Somers, 2008).

The emphasis of neo-liberalism is on freedom rather than equality. Individuals should be free to choose the best provision for themselves and their families. In practice, this means that citizens are encouraged to see themselves as consumers of goods and services, rather than as citizens with rights to a certain standard of public provision. The language of "incentives" is especially important here; the ideal of marketization is that standards of all goods and services will be raised when competition between providers undercuts state monopolies. In both the US and UK, marketization has been accompanied by an emphasis on developing "human capital" through education, skills development, and training to increase people's chances of bettering themselves in the labor market. In this respect, where citizenship was previously understood to involve social insurance against the risk of unemployment, it is now redefined as an obligation to make oneself fit for the labor market (Roche, 1995). The emphasis on paid employment has been accompanied by real cuts in benefits to those without work. In the most extreme case of "incentivization," the US government introduced "workfare," a social program introduced to inculcate work-discipline in welfare recipients (King, 1991). In practice, of course, however disciplined and highly motivated, not all citizens can earn high wages and become consumers of private services. But one of the main effects of the restructuring of citizenship is that failure to become a good consumer is also privatized: it is constructed as a matter of personal responsibility, the failure to make the right, intelligent, and informed choices. In a consumer society, the poor are "flawed consumers" rather than citizens, deficient in the skills and know-how to exercise freedom and to compete with others in the market (Bauman, 1998).

It is not surprising, then, that neo-liberal policies have been accompanied by a polarization of wealth. Britain and the US are now in the bottom four of the most unequal societies in the developed world (with Portugal and Singapore), and inequalities in income have increased dramatically since the mid-'70s (Wilkinson and Pickett, 2009). This is a measure of growing citizen inequality in a straightforward sense in that it indicates growing numbers of people on welfare support and receiving low pay. It

is also, however, an indication of even wider citizenship inequality, as those with higher incomes increasingly opt out of public services, while those who are not able to make the right life-style choices find it difficult to get out of poverty.

Defining and measuring poverty is itself political. The definition closest to Marshall's ideal of society is that of Peter Townsend. As we have seen, in Marshall's conception of citizenship, social rights are related to the idea that all citizens should be able to participate in a common standard of "civilized" life. On this understanding, citizenship and poverty are antithetical. In fact, in the years following the institution of the welfare state in Britain, it was assumed that poverty had been virtually eliminated; only poverty among the old, sick, and disabled remained a problem, and it was understood that it would soon be remedied by continuing economic expansion. Notoriously, Townsend re-discovered poverty in the 1960s. He opposed the definition of poverty on which previous assessments had been made, the "absolute" or "subsistence" definition. According to this definition of poverty, only those who do not have enough for the necessities of life are in poverty. Townsend argued that it was too restricted: the necessities of civilized life go beyond those required simply to meet animal needs. He defined poverty in relative terms, as the lack of goods which enable people to participate in everyday life:

> Individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the types of diet, participate in the activities and have the living conditions and amenities that are customary, or are at least widely encouraged or approved, in the societies to which they belong. Their resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary living patterns, customs and activities. (Townsend, quoted in Scott, 1994: 78–9)

Although Townsend does not use the term "citizenship" in his work, his definition of poverty is complementary to Marshall's view of citizenship rights: poverty has consequences for citizenship where citizenship involves the rights to full participation in society.

Townsend's definition of poverty is used quite often in research carried out for NGOs like the Joseph Rowntree Foundation in Britain. It is difficult to use as a measurement of poverty because it is necessary to decide what should be included as customary, and exactly how much money is needed to live according to these standards. Both change over time; what is normal now would have been a luxury 50 years ago (a TV, or a phone, for example); and costs of items change relative to each other as well as

rising with inflation. Townsend himself set the figure at 150 percent of the British unemployment benefit rate, after taking housing costs into account, and this was confirmed by a subsequent large-scale study of poverty in Britain in 1985. This means that all those on welfare benefits or state pensions in Britain are in poverty, as is a high proportion of those on low incomes. Evidently, then, since the numbers of unemployed and those employed on low wages have increased, so too have rates of poverty.

Governments prefer to use their own national poverty line definitions, which result in much lower figures. In member states of the European Union, the most common definition used is the European Poverty Line, which defines households as at risk of poverty if they have an income of less than 60 percent of the national average. This is a very crude measure, but easy to use in collecting survey data. In 2006/07, around 13 million people in the UK were living in households below this low-income threshold. This is around a fifth (22 percent) of the population. This proportion was rising for two years before this, after a number of years in which it had decreased (see The Poverty Site www.poverty.org.uk). In the United States, poverty continues to be defined in terms of absolute poverty. US citizens are poor when they have insufficient income for subsistence. The official poverty line is the level of income that allows for the provision of the necessities of life and is set each year for different states. However, the amount per a year that is supposed to meet basic household needs is too low, as the "basket" of goods it covers has not changed since it was developed in the 1950s. Schwarz argues that the official poverty line should be set much higher as it has lost touch with the actual needs of American families, which are very different now, and we should, therefore, be skeptical about statistics purporting to represent the extent of poverty in the US (Schwarz, 2005: 49–50). Even using this measure, however skewed to keep numbers low, roughly 12.5 percent of Americans were in poverty in 2008 (US Census Bureau: www.census.gov/hhes/www/poverty.html).

As Ruth Lister points out, people in poverty have long been "Othered" as moral lines are drawn between "us," the deservedly well-off or non-poor, and "them," who are inherently different. Historically, discourses of the "undeserving" poor and the "dangerous classes" have identified the poor as diseased and criminal (Lister, 2004). Contemporary understandings of the poor, even when well-intentioned, are entangled with such evaluations.

The most controversial term used to refer to the poor is "underclass." In the US, it both distinguishes the poor from the rest of society and, at the same time, sums up the behavior that keeps them in poverty. People

who are poor over the long-term, it is argued, reproduce a "culture of poverty," using welfare to avoid working in paid employment and lacking motivation to integrate with the rest of society. The underclass is seen as made up of single mothers dependent on welfare and semi-criminal men who do not work, and is associated with a supposedly black lifestyle in which women have children by many fathers who do not provide for them. The large numbers of black people living in poverty in the ghettos of American cities are seen to make up an "underclass." In actual fact, most of the poor in the US do not live in urban areas and most are not black (Fainstein, 1996). Nevertheless, theorists of the "underclass" see it as reproducing poverty. In the US, young, unmarried, or childless men have no automatic right to state benefits; they have the right to insurance-based unemployment benefit, but growing numbers do not qualify for it because they have worked too little and made too few contributions. It is practically only single mothers who are eligible for the means-tested welfare benefit, Aid to Families with Dependent Children. Charles Murray, one of the most important proponents of the New Right view of the "underclass," argues from a rational choice perspective that welfare benefits make dependence on the state a more attractive possibility for many women than marriage or paid employment (Lister, 1996). The solution is to alter the rational choices of poor mothers by making them work for welfare.

In the 1980s, William Julius Wilson tried to produce a different understanding of the "underclass," arguing that it should be seen as an economic and social phenomenon rather than the result of rational individual choices. He argued that the "underclass" is synonymous with "the ghetto," the result of the black middle-classes moving out of the inner cities and the worsening economic prospects for the deprived African-Americans who remain there. In Wilson's view, the most important problem for members of the "underclass" is social isolation; many families in poor areas of the city experience long-term unemployment, and, because they have few contacts with those in steady jobs, welfare dependence becomes a way of life (Wilson, 1987). However, despite Wilson's stress on structural causes, his use of the term "underclass" is seen as too close to the moral terminology of the New Right to challenge their interpretation of urban poverty. As a result, he has abandoned the term, preferring "ghetto poor" (Silver, 1996).

In Europe, the term "socially excluded" is more commonly used to distinguish the poor from the rest of society. "Social exclusion" came to prominence in France in the mid-1980s to refer to growing unemployment, marginalization, and perceptions of a general increase in the

precariousness of many people's lives (Lister, 2004: 75). Much of this was seen as a result of new social conditions: "the rise in long-term and recurrent unemployment and the growing instability of social relations … family break-up, single-member households, social isolation, and the decline of class solidarity based on unions, workplaces and social networks" (Silver, 1996: 113). "Social exclusion" does not have the moral resonance of terms like "underclass." Indeed, it is quite closely linked to definitions of poverty as relative deprivation, delineating a group that is excluded from social norms rather than excluding themselves. It is widely used in EU policy documents and in Britain (a rare example of the UK adopting a European rather than a US policy discourse, Lister notes) (Lister, 2004: 76).

Nevertheless, many of the criticisms made of the term "underclass" have been applied also to "socially excluded." In the first place, it is argued that it still suggests that the poor are somehow fundamentally different from others in society. Norman Fainstein argues that the poor are not qualitatively different from the rest of the population; it is not their characteristics as a group we should consider in order to understand growing poverty. He argues that the whole family of terms – "underclass," "ghetto poor," and "excluded" – work "to deflect attention from the dynamics of economic and political processes which generate and reproduce the very populations and places which appear to lie under or outside of capitalist systems" (Fainstein, 1996: 154–5). Similarly, Giovanna Procacci argues that "social exclusion," suggesting as it does that the poor are "outside society," displaces and contains the problem of inequality. While "exclusion" suggests a static division of social space, with citizens inside and the poor outside, the idea of inequality points to the possibility of achieving equality. It, therefore, implies a more dynamic analysis of social institutions and the way in which they produce poverty (Procacci, 1996).

Second, although "social exclusion" does not refer exclusively to exclusion from the labor market, in the UK government policies to combat social exclusion have focused on ending poverty by getting people into paid employment. This has involved a mixture of incentives, including income support for households on low-wages as well as welfare-to-work schemes for single parents. The emphasis on paid work as the basis of citizenship is not new; it is a feature of all insurance-based systems in which welfare is tied to employment status. As Lydia Morris argues, however, the emphasis on paid work to end poverty is problematic because it does not take into account wider social changes that impact on social rights. Citizenship in the welfare state was premised on full, male employment and the nuclear family, consisting of a male breadwinner and female

carer at home. For many people, the nuclear family is no longer a possibility (though it remains the ideal for most), and there are high rates of unemployment, particularly in areas where migrant workers were brought in to do the most insecure and poorly paid jobs. In such circumstances, it is unsurprising that single mothers and men in racialized minority groups are over-represented in poverty statistics. To stigmatize women for dependency on welfare in a context in which childcare facilities are still too often inadequate or too expensive is unjust. Similarly, when unemployment is high, even the jobs that white workers prefer not to do may not be available to men and women from racialized minorities (Morris, 1996).

Welfare-to-work schemes are premised on the assumption that well-paid jobs exist that welfare recipients refuse to take. Predictions that new technology would lead to massive unemployment as more jobs became redundant have not been borne out. Nevertheless, the idea that anyone can get a well-paid, secure job is also a dream. Neo-liberalization is, in part, a response to what were perceived as the labor market rigidities of Keynesian economic policy in the 1970s. As employers found it hard to get rid of or to redeploy workers protected by strong trades unions and strict employment law, it was difficult for firms to take a flexible approach to taking on new workers. This led to high rates of unemployment. Where resistance to neo-liberalization has been strong, while those in paid employment have good wages and social insurance packages, the long-term unemployed have little chance of joining them. Neo-liberal marketization is directed at the labor market, to introduce flexibility of labor contracts and low-wages to stimulate economic growth which should lead to low rates of static unemployment. A relatively high level of cyclical unemployment is considered necessary, however, in this type of system: firms make use of the available pool of workers, hiring and firing as necessary, and people go in and out of the labor market (Potužáková, 2007). Neo-liberalization leads to the creation of what are sometimes called "Mc-jobs": low paid, insecure, and with little expectation of job satisfaction or commitment. Paid work for everyone is not a solution to social exclusion, either in states that have subjected labor markets to neo-liberalization, or in those where it has been resisted; low wages and intermittent employment is a route to poverty as surely as long-term unemployment.

John Scott has proposed an imaginative strategy of social integration around differences in wealth. He argues that if poverty is seen in Townsend's terms as relative deprivation, it is, by definition, related to privilege. If people can be deprived by being excluded from public life,

they may also be *privileged* in relation to public life. Citizens may be excluded, but they may also exclude. He suggests that a privilege line could be drawn, at an income level above which it is possible to exclude others from advantages by withdrawing into private benefits unavailable to the majority of citizens (Scott, 1994). Policies aimed at ending social exclusion should target the wealthy at least as much as the poor, using taxation on income above a certain level to redistribute resources to a far greater extent, and ending private education and healthcare. Such policies would require global coordination; governments are reluctant to levy high taxes on the wealthy and on corporations for fear that they will discourage investment, and encourage the rich to deposit their money in tax havens out of the state's reach.

Unlike other types of citizens we will look at in this chapter, the poor are not organized into a social movement. The labor movement is still important to workers in certain sectors of the economy, and unions have adapted to a changing workforce that no longer consists predominantly of white, male heads of households. Traditionally, however, unions have been concerned with workers' rights, not with poverty and exclusion. In addition, the labor movement has been very much weakened by globalization, as its coordination across national borders has not matched the growth of multinational corporations and flows of capital (Sklair, 2002). It is very difficult for the poor to organize specifically around ending poverty as citizens – in fact, historically, poverty has been associated with the *removal* of civil and political rights (Lister, 2004: 164). In part, Lister argues, these difficulties are related to identity; the very idea of admitting that you are poor is shameful, especially where the poor are seen as responsible for poverty. Combined with the fact that, by definition, poor people have fewer resources than others, and that, divided by gender, ethnicity, and age, they may find little in common, it would require an extraordinary political will to turn being identified as "poor" from a source of shame into a mark of political activism.

4.3 Citizenship, Sex, and Sexuality

The women's movement and the gay and lesbian movement have been among the most prominent of social movements contesting the traditional model of citizenship rights and trying to work out more inclusive models. Although, as social movements, they developed quite separately, the issues they raise are analytically linked. Both women's citizenship and rights in relation to homosexuality problematize traditional roles for the sexes and

demonstrate how existing citizenship, far from affording rights to individuals as such, depends on the position people occupy in relation to the nuclear family.

The women's movement

The most important point of the recent feminist critique of liberal citizenship is that, developed from a male perspective, it has institutionalized a male norm. Contemporary feminists see women as incorporated into liberal democracy in a paradoxical and unjust way. As a result, they are continually faced with what is known as "the sameness–difference" dilemma. Should the women's movement focus on rights for women to be treated the same as men or on gender-specific rights, enabling women's differences from men to be valued and taken into account as the means of gaining genuine equality between the sexes?

As it is, there are three, quite contradictory ways in which women are excluded from full citizenship rights. First, women are discriminated against when they should have the same rights as men. Second, on the other hand, they are treated the same as men when only differential treatment would make genuine equality possible. In such cases, physical and historical differences are ignored which prevent women from actually participating in institutions and practices developed to suit men, even though they have the formal rights to do so. Third, however, some citizenship rights, notably social rights, are accorded differently to women and men and, in such cases, women are treated as inferior citizens. As feminists see it, the paradoxes and inconsistencies of women's citizenship are linked to the way in which they have developed secondarily to men's. Historically, until very recently, citizens have been male heads of households and women's citizenship has developed within the framework set by rights developed on this basis.

The first and second cases are exemplified by civil rights. In the past, feminists have put a good deal of energy into campaigns for equal rights for women to be treated as identical to men, to remove the barriers to women's participation in public life, and to try to ensure their protection in the private sphere. In the US in particular, many feminists continue to see equal rights as the most important aim of the women's movement. An example is maternity rights. Until the 1960s, many American employers had rules which compelled a pregnant woman to leave her job at a set time and forbidding her to return to work before a certain date. Maternity leave with pay was not provided and the right to return to work was not guaranteed. The initial impetus of feminist campaigns was to overturn

such rules as discriminating against women. In the 1970s, they were found to be unconstitutional on the grounds that they infringed freedom of personal choice; it was decided that women should not *have* to go on maternity leave when pregnant. The current situation is that employers are bound to treat pregnancy and maternity no less favorably than any other illness or disability, or states of ill health which may also be suffered by men. Many feminists see this as unsatisfactory: pregnancy is specific to women and to describe it in such terms in order to make it gender-neutral is to capitulate to the male norm. Furthermore, in most states, paid maternity leave is covered only by insurance schemes which employers are under no obligation to provide, so that women who get pregnant are being discriminated against as women. However, "equal rights" feminists support the ruling, against "difference" feminists, on the grounds that to insist on special treatment for women would prevent them from competing on equal terms in the labor market and force them into economic dependence on men (Bacchi, 1990: chapter 5).

As Bacchi (1990) argues, the position of "equal rights" feminists in the US often seems extreme to feminists elsewhere. To a large extent, it is due to a lack of social rights; where women have a statutory right to paid maternity leave, the same problems do not arise. In such countries, the "difference" feminist position is much less risky for women, and it has become increasingly important. Feminists are now concerned that treating men and women as the same in law is ineffective as a means of realizing real equality between the sexes. The anti-discrimination rights gained in Europe and North America in the 1960s and 1970s, for example, now tend to be seen as ineffective precisely because they fail to take into account women's particular embodiment and the way in which their historically specific circumstances differ from those of men. Equal pay legislation, for example, which stated that all workers should get equal pay for doing the same jobs, was of little use because men and women tend to do different kinds of jobs. In the British case, the European Court of Justice ruled against this law and it has now been changed: comparison must now be made between work of equal *value*. However, it remains the case that the basis of comparison is the male norm insofar as women must show the work they do to be of equal value to the better-paid work done by men. Unsurprisingly, perhaps, the job evaluation surveys on which judgments of equal worth are based generally reproduce the undervaluation of women's work that already exists in society (Frazer and Lacey, 1993: 86).

The third case is exemplified by gender-differentiated social rights. Women are disproportionately represented in welfare states, both as

beneficiaries and also as workers in the health, social, and education services. Women are often employed intermittently in paid work in order to care for their families when children are young; they sometimes work part-time as families are growing up, and even when they work full-time, they are almost always paid less than men. As a result, women face a higher risk of poverty than men throughout their lives. This is especially true of female-headed households. Single parents, usually women, who cannot afford childcare, and older women who often do not have occupational pensions and who have outlived or separated from their husbands are especially likely to be in receipt of welfare payments (Lister, 2004: 55). Feminists see what is sometimes called the "feminization of poverty" as the consequence of taking men as the norm. Social rights are linked to a male norm of continuous, full-time employment in the labor market, intended to be interrupted only, in the worst cases, by unfortunate accidents or illness against which the worker has insured himself. However, this type of work depends on unseen and unpaid work in the domestic sphere, which is mainly done by women.

Feminists have linked women's inferior social rights to their inferior political rights. Women, it is argued, have less power in society than men. It is for this reason that some feminists argue that the welfare state is patriarchal. A number of Scandinavian feminists in particular, writing in a context in which social rights for women are more extensive than anywhere else in the world, have argued that women's inferior citizenship is due to their lack of decision-making power, both within welfare institutions themselves and also in the institutions of representational government. Although women are employed in large numbers in the public sector, they occupy positions similar to those they occupy in the private sector, low in the bureaucratic hierarchies, so that they do not make decisions about how institutions are organized. It is also argued that, although women have the same formal political rights as men to vote and to stand for election, in practice very few women participate in "high politics." This is seen as due to straightforward discrimination on the part of political parties who propose members for election and of electors themselves, and also to the fact that it requires long hours which are incompatible with women's domestic responsibilities. It is argued, therefore, that although social rights are valuable in allowing women to escape subordination from individual men in the home, if women then become dependent on a state over which they have no control, they have done little more than exchange private patriarchy for public patriarchy (Hernes, 1984; Siim, 1988).

In recent years, then, the focus of the women's movement has been on political rights, both on the part of feminist theorists and movement

activists. This represents a significant shift on the part of the second-wave feminist movement which, unlike that of the nineteenth century, was rather suspicious of the state. Second-wave feminism was dominated by socialist and radical feminists who have tended to see the state in functionalist terms as reproductive of capitalism and patriarchy, and who have preferred to direct their activities elsewhere. In many respects, this strategy has proved very fruitful. The success of the slogan "the personal is political" is indicative of the politicizing of subjectivity and personal relations, for example, and many of the institutions set up by the movement, such as the centers dealing with rape and domestic violence, have had a significant impact on perceptions and practices. Arguably, as we saw in chapter 3, these forms of politics are as important to women's citizenship as formal rights to political participation. It has, of course, also been the case that some second-wave feminists have been engaged with issues of law and public policy, often working through trade unions in Europe, or through interest groups such as the National Organization for Women in the US. It is, however, relatively recently that the issue of women's representation as such has been raised.

The discussion of political rights for women, however, exemplifies another prominent dilemma in recent feminist thought and action, that raised by the issue of essentialism. It is useful to distinguish two different types of essentialism used in this debate. Following Diana Fuss (1989), the first may be identified as "real essentialism." Derived from Aristotle, it indicates that the essence of something or someone is what is irreducible and unchangeable about it or them. It is also the most common use of the term in feminist theory. It is used to describe the belief that women are intrinsically and unalterably different from men. The most obvious difference in this respect is in reproductive capacities and there is considerable discussion concerning the intrinsic importance of this aspect of sexual difference. However, the term is also applied – pejoratively – to those who agree with Carol Gilligan (1993) that women have a "different voice" from men in relation to moral issues: context specific and relationship oriented rather than based on adherence to universal moral principles. The second use Fuss calls "nominal essentialism." The essence of someone or something here consists in what remains the same across the different uses of a term, a classification made in language. She argues that social constructionists, those who take as their starting point the view that there are no intrinsic, fundamental differences between women and men, may be nominal essentialists where they focus on historically and socially specific differences between the sexes, on "the production and organization of differences" (Fuss, 1989: 2). In relation to reproductive capacities,

for example, they argue that what is important is the way in which perceived differences are used to make a *social* difference between the sexes as stereotypical mothers and fathers of children. Furthermore, social constructionists contend that there are social differences between women in this respect which are as important as those between men and women. Linda Nicholson (1983), for example, discusses how white women in nineteenth-century America were excluded from public activities and confined to the home in order to maximize their capacities to bear children, while, as soon as they were no longer commodities to be bought and sold, black children were much less valued and black women were socially positioned as menial workers. As a result, she argues, the orientation toward care analyzed by Gilligan as specific to women would more appropriately be applied to white women in a particular, historically specific situation; women, as such, do not have a "different voice," since women do not speak with a single voice at all (Nicholson, 1983). Nevertheless, as Fuss argues, although social constructionists oppose "real essentialism," the perspective retains a degree of – unacknowledged – "nominal essentialism" insofar as they continue to classify the world as divided into "men" and "women." As she puts it, "Some minimal point of commonality and continuity necessitates at least the linguistic retention of these particular terms" (Fuss, 1989: 4). Although "women" are treated as a heterogeneous social group, rather than as a "natural kind," there is, nevertheless, the assumption that such a group can, and should, be seen as sociologically relevant.

The importance of Fuss's distinction becomes evident when we look at the issue of political rights. It has been argued by feminists that, given the under-representation of women in political institutions, women need special rights in order to achieve equality with men in this respect. Anne Phillips, one of the most prominent proponents of this view, puts forward the argument that there should be quotas to increase women's presence in the political process in order to enable them to influence policies affecting women (Phillips, 1991, 1995). Phillips actually explicitly rejects essentialism on the grounds that women are not all the same and do not share the same interests. Furthermore, her argument is not that women in political institutions should be seen as *representing* women. As she points out, representation in liberal democracies is based on geographical area or, in the case of proportional representation, on promises of action, not on the direct representation of social groups. In fact, such representation is impossible if the category "women" is seen in pluralist terms, as a heterogeneous group of cross-cutting and even conflicting identities: speaking in the name of "women" could only mean favoring some and excluding

others. Nevertheless, her most compelling argument for the presence of women in the political process is that, because women share certain experiences, they will articulate views which would not otherwise be heard. This argument makes little sense without the assumption that women share a certain perspective which makes them different from men, even though Phillips qualifies her argument by saying that there are no guarantees that this is the case (Nash, 1997). She is, then, arguing for special political rights for women on the grounds that there *may* be a real, though not necessarily natural, difference between the sexes.

The essentialist assumptions of Phillips's argument for political rights are clear in contrast to the more resolutely anti-essentialist position of Judith Butler (1993). In her view, *any* use of the term "women" to designate a social group is misguided. In terms of the distinction articulated by Fuss, she argues against real *and* nominalist essentialism. Butler maintains that "women" does not exist outside performances which bring the identity into practice. Any representation of women as an existing social group, in feminist debates and in the campaigns of the women's movement, just as much as in more obviously repressive instances of the use of the term, is actually productive of that categorization rather than the representation of a given reality.

According to Butler, the reification and regulation of gender relations produced in discourse are precisely what feminists should militate against. Far from arguing for political rights for women, since "the feminist subject turns out to be discursively constituted by the very political system that is supposed to facilitate its emancipation … an uncritical appeal to such a system for the emancipation of 'women' will be clearly self-defeating" (Butler, 1990: 2). Feminists should be concerned rather to disrupt and problematize the use of the term "women" wherever possible in order to overturn the "heterosexist matrix" which requires the duality of the sexes. Butler's work has been as influential in queer theory as in feminist theory and we will return to this point in the following section. For the moment, however, it is important to note that, for Butler, and for other post-structuralist feminists, the invocation of "women" for political purposes makes such a goal impossible. It contributes to the rigidity of the sexual division by foreclosing in advance the emergence of new identities which could transform or expand existing sexual differences. In this way, feminism is part of the problem because it contributes to the reification of sexual difference rather than to the dissolution of the problem itself.

Phillips's proposals and Butler's arguments against any feminist representation of women as a social group illustrate the polarity of feminist views in the current debates on essentialism. There is no obvious

resolution to the conflict. However, in practical terms, it is also the case that the women's movement is, and arguably always has been, involved in politics of both kinds. Not only in Scandinavia but in other liberal democracies like Britain, there have been campaigns for quotas for women MPs, for example. At the same time, there has been continual resistance on the part of women to be subsumed under a particular categorization of "women." This resistance may sometimes result in demands for rights to "sameness," but if this is done in a context in which there are institutional structures allowing for differences between the sexes in specific contexts – such as the right to maternity leave, for example – while there may be a tension between the two strategies, they are not necessarily incompatible. Group rights for women may be necessary in specific cases, but it is also necessary to disrupt assumptions about how individual women live as individuals who happen also to be identified as women. Otherwise, group rights "freeze" identities, and prove too constraining, both for those who do not easily fit the group identities available, and also in terms of the wider social change for which the women's movement has always aimed (Riley, 1988; Nash, 1998).

The gay and lesbian movement and queer politics

There is an obvious connection between campaigns for rights for women and rights for sexual minorities insofar as both challenge the way in which citizenship has historically been rooted in patriarchy. Both the feminist movement and the lesbian and gay movement demand rights for individuals to live on equal terms outside the traditional nuclear family which has structured citizenship rights in the past. It might be expected, therefore, that feminists and lesbians and gay men would have a common cause against "compulsory heterosexuality" which relegates those who do not conform to inferior citizenship rights. However, although both movements have used the term to analyze society, in practice, the relationships between the three groups have been much more complex. There have been conflicts between gay men and radical feminists who have opposed what they take to be a masculine, libertarian lifestyle; gay men and lesbians, who often have very different lifestyles and sexual practices; and between "political lesbians," who see themselves as the vanguard of feminism, and other lesbians, who may or may not be feminists and who resist the desexualizing of lesbianism by political lesbians (Edwards, 1994). These differences have meant that it has generally proved impossible to present a united front. In recent years, however, feminists and those who identify as "queer" have come together to some extent, at least theoretically.

Paradoxically, however, what makes it possible for individuals to unite under the "queer" banner is the way that queer politics challenges the very identities on which the older movements were based.

The struggle for gay citizenship rights began in the 1960s, alongside other social movements of the time. The gay liberation movement was founded in the US in 1969, following the Stonewall riot, in which the regulars of a gay bar in New York fought back after years of being raided by the police. Similar movements were established a little later in most Western European countries. Proposing a revolutionary anti-capitalist, anti-family, and anti-medical analysis of gay oppression, the movement was short-lived and soon gave way to more moderate organizations campaigning for reform. Campaigns for the extension of citizenship rights enjoyed by the majority to be extended to sexual minorities began to be well supported (Evans, 1993: 114–17; Weeks, 1993: 198). Lesbians, often involved in the initial impetus of the gay liberation movement, were less involved in the campaigns for legal rights and against police harassment which became the main themes of the gay movement. Historically, lesbians have suffered more from invisibility than from legal repression, since lesbianism has never been illegal, though it has been stigmatized. They have, however, participated in the important cultural politics of the movement which have made gay and lesbian lifestyles visible and viable. There is no doubt of its success in this respect. Every city now has gay bars, many have a gay neighborhood, and the impact of the movement on the media, popular culture, and fashion is evident everywhere. "Lipstick" lesbianism, in particular, has been seen as contributing to the recent fashion for gay images. However, with less disposable income than men, women have not been able to exert "consumer power" to the same extent as men and lesbians tend to be less visible in commercial spaces, too.

In terms of citizenship rights, for the most part, the gay movement has focused on equalizing civil rights between heterosexuals, gay men, and lesbians (to the extent that they share the same legal interests). The age of consent to sex, different everywhere but consistently higher for gay men in most countries until recently, has been targeted as blatantly discriminatory. Following a European Union ruling against Britain in 1997, the age of consent is now equal in most countries of Europe. In the US, it varies across different states. There have also been campaigns to legalize gay marriages, which would also bring a number of other rights from which gay partners are otherwise excluded, including immigration rights, pension benefits, and the possibility of legally adopting children. Same-sex partners may now marry in some European countries, including Holland, Spain, and Sweden, and in some of the states of the US. In the UK and

elsewhere, including France and Portugal, couples who are united in a "civil partnership" have the same rights as married couples, but there is no religious component to the ceremony. Another continuing injustice is employment rights. In Britain and elsewhere, there are no laws protecting against discrimination for sexual orientation. This leaves gay people open to hiring and firing discrimination, harassment or unequal pay, and dismissal for reasons of sexual orientation. In the US, this issue came to the fore in the 1990s with the question of whether gay men and lesbians should be allowed to serve in the armed forces. The highly unsatisfactory solution of "don't ask, don't tell," while admitting that there are gays and lesbians in the military, gives them no legal rights should they ever publicly affirm their sexuality. Finally, among the most serious cases of the continuing exclusion of gay men from civil rights is the harassment by the police to which they are subject, and the failure of the police to protect them from harassment and violence by other men. There are laws, for example, to which only gay men are subject, although they are supposed to be applicable to all citizens, regardless of sexual orientation. Only gay men, for example, are prosecuted for sodomy, as an "indecent act."

Andrew Sullivan (1995) neatly summarizes arguments for equal citizenship rights for lesbians and gay men. It would mean, he argues, quite simply extending the same civil rights to homosexuals as those enjoyed by other citizens:

> an end to all proactive discrimination by the state against homosexuals. That means an end to sodomy laws that apply only to homosexuals; a recourse to the courts if there is not equal protection of heterosexuals and homosexuals in law enforcement; an equal legal age of consent to sexual activity for heterosexuals and homosexuals, where such regulations apply; inclusion of the facts about homosexuality in the curriculum of every government-funded school …; recourse to the courts if any government body or agency can be proven to be engaged in discrimination against homosexual employees; equal opportunity and inclusion in the military; and legal homosexual marriage and divorce. (Sullivan, 1995: 171–2)

It is probable that no gay activist would disagree with such a list of rights. However, there is considerable debate about the compatibility of campaigning for citizenship rights with other, potentially more radical, aims to which the gay and lesbian movement might, and arguably should, aspire. Again, as in the case of the women's movement, the question turns on the issue of essentialism.

The problem is that in order to gain citizenship rights, gays and lesbians have, quite reasonably, adopted the strategy of describing themselves as

a "sexual minority." This is seen as the only realistic way to gain a hearing for the extension of citizenship rights in liberal democracy. They are claimed as "minority rights," to be granted to those who are not responsible for their sexual orientation and who should not, therefore, be persecuted and oppressed for it. This strategy depends, then, on the essentialist view that homosexuality is an innate disposition. It fits with the conservative, medicalized view of gays and lesbians as born, not made. Although this is certainly the belief of most self-identified gays and lesbians, it is at odds with the arguments of sociologists. They are much more likely to see homosexuality, like heterosexuality, as a historically and culturally specific identity rather than an innate disposition: we learn to see ourselves as having a "sexuality" only when such a view is socially available (Weeks, 1986). This anti-essentialist view is also more likely to be held by the younger generation of "queer" activists, who reject the fixity of the "sexual minority" claim in favor of a more disruptive challenge to the status quo.

From a queer perspective, claims for "minority rights" actually contribute to the dominance of an understanding of different sexualities as "normal" or "abnormal." This means that, at best, gays and lesbians can only ever be tolerated, since they will always be the abnormal minority (Herman, 1993: 251). What queer activists agitate for is rather the disruption of all fixed identities: lesbian, gay, bisexual, transsexual, and "still searching." This challenge extends to the naturalized links between reproductive capacities, gender identity, and sexual desire prescribed as normal by "the heterosexist matrix" in which masculine males must desire feminine females and vice versa. Queer practices may disrupt, as Judith Butler (1990) argues, by parodying and subverting gendered sexual identities, showing that they are not the expression of innate, natural tendencies but are nothing but performances. To quote a letter from a debate in the San Francisco *Bay Times*, "There is a growing consciousness that a person's sexual identity (and gender identity) need not be etched in stone, that it can be fluid rather than static, that one has the right to PLAY with whomever one wishes to play with (as long as it's consensual), that the either/or dichotomy ('you're either gay or straight' is only one example of this) is oppressive no matter who's pushing it" (quoted in Gamson, 1996: 406).

In practice, queer activism is associated with "in your face" demonstrations such as "kiss-ins" which "mimic the privileges of normality" (Berlant and Freeman, quoted in Gamson, 1996: 409), the return of camp styles and other forms of irony, "mixed" venues for men and women, and "gender-fuck" aesthetics like the photography of Della Grace in which lesbians are shown using the paraphernalia of gay male desire (sometimes

even including facial hair) (Mort, 1994). Older self-identified gays and lesbians who find "queer" problematic are concerned about the blurring of boundaries it promotes. The inclusion of bisexuals, transsexuals, and even heterosexuals who feel confined by conventional sexual expression, as "queer" removes the solid political ground they have struggled to mark out as a minority, and which provides the basis from which rights claims are made. This is indeed a problem as liberal democracy accords right to groups only if their membership is clear. A judgment in Colorado, for example, found that there was no case for outlawing discrimination against gay men, lesbians, or bisexuals since "We don't have a group that is easily confinable" (the Colorado solicitor-general, quoted in Gamson, 1996: 410).

As Steven Seidman (1993: 132) has argued, anti-essentialist queer activists tend to see identity itself as the main axis of domination. This is problematic insofar as the assertion of collective identity is necessary to militate against institutional forms which exclude lesbians and gays from full citizenship, so perpetuating violence and injustice. In this sense, the conflict between essentialist and anti-essentialist strategies is similar in the case of feminist and queer politics. However, it is not so easy to see how the two strategies can be reconciled in practice. If, as Sullivan (1995) argues, equal citizenship for lesbians and gays requires nothing more in principle than the extension of existing rights to all individuals, it is not clear that this commits those individuals as individuals to any particular sexual identity indefinitely. It is clear, then, that it is possible to affirm the stable identities with secure boundaries the political system requires, without individuals necessarily feeling bound by such identities. However, it is also clear that the public disruption of fixed identities is problematic so long as citizenship rights have not been extended to gays and lesbians. So while both strategies are currently being pursued in practice, given the dangers each one presents for the other, the outcome is far from assured.

4.4 Citizenship, Racialization, and Ethnicity

The themes of exclusion and inclusion in relation to a citizenship model premised on a white male norm are continued in debates around citizenship, "race," and ethnicity. In these debates, however, the social identities in question are highly contested and the very terms used to discuss the issues are controversial in contemporary society.

In this text, and commonly elsewhere, "race" is in "scare quotes" because it is so closely implicated in racism. Developed in a quasi-scientific

biological discourse in the nineteenth century, it referred to different species of persons, hierarchically ordered as naturally superior and inferior. This use of the term is now discredited. It is generally held, among sociologists and biologists at any rate, that humans are of the same genetic stock and that there is a continuum of individuals in terms of any of the features used to distinguish them – color, size, intelligence, and so on – rather than distinct groups which exist as "natural kinds." Nevertheless, claims about "race" are still used to distinguish people in social life more widely. It is therefore important to study how individuals are assigned to different "races" and the inequalities which are produced as a result. The difficulty then becomes how to avoid confusing the concept "race" with its referent while studying groups distinguished in this way. A common solution for sociologists is to think in terms of "racialized" groups, to which characteristics are socially attributed on the grounds of race. It is then possible to examine differences between groups of citizens in terms of common social position and treatment, without supposing that the individuals who make up such groups actually possess the racial characteristics attributed to them.

The term "ethnicity" is somewhat less commonly used, though its contestation in cultural politics is increasing. Although it is, therefore, less "dangerous" than "race," the two terms are often closely connected. In Europe, "ethnicity" is used to denote cultural difference, but only those groups distinguished by color are normally referred to as "ethnic groups." Italians, Poles, and Ukrainians are rarely designated in this way (Mason, 1995: 15). In this respect, ethnic minorities are racialized groups. In North America, where immigration is much more established as the norm, this is not always the case: it is more common to refer to white people as belonging to ethnic groups. The question of the interrelation of "race" and ethnicity is further complicated because what is called "new racism" calls for the exclusion of minorities from the nation on the basis of their unassimilable cultural difference, without grounding this in biological difference. At the same time, "ethnicity" is increasingly mobilized in political struggles as a self-descriptive term to represent cultural identity. In many countries, arguments concerning the need for culturally differentiated citizenship rights are now made as the only way in which racialized ethnic minorities can be assured of respect on the part of the majorities with whom they must live.

In this section, we will briefly analyze the history of citizenship with regard to "race" and ethnicity, charting in particular the shift from assimilation to differentiated citizenship rights. Assimilation as a model of integrating immigrants into mainstream society is far from obsolete. On

the contrary, it has continued to be favored by policy-makers in some European countries, and it is becoming increasingly popular again everywhere as multiculturalism comes into question. Nevertheless, it now coexists alongside demands for group rights in the name of equal respect for all citizens in multicultural societies.

Immigration, assimilation, and "new racism"

"Racial" or ethnic minority groups take many different forms in relation to the majority society of which they form a part. Some societies define themselves as multicultural. In India, for example, the criminal law is uniform, recognizing only individuals, while each religious community is governed by its own civil laws. The Indian citizen has, then, a kind of dual identity as a member of a religious community and as an individual (Parekh, 1993). In the West, however, the mono-cultural nation-state is the dominant model. In such societies, citizens are supposed to enjoy identical rights as members of a common national culture. Marshall certainly saw citizenship rights in this way: on one hand, they enable citizens to participate in the common standards of civilization; on the other, they contribute to social solidarity, unifying the nation in a shared sense of community (Marshall, 1992). As Will Kymlicka (1995: 236) points out, Marshall's understanding of citizenship rights is somewhat paradoxical: he sees them not only as fostering a common culture, but also as presupposing it. In fact, many European countries have always contained large cultural minorities: Bretons in France, Catalans in Spain, and so on. Some Western European countries, such as Britain, Belgium, and Switzerland, may well be described as multinational, where "nation" means "a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture" (Kymlicka, 1995: 11). New World nations, such as Australia, Canada, and the United States, are undoubtedly multicultural since they are made up of immigrants from different cultural and linguistic backgrounds, and, since they all contain native First Nations, they are multinational, too. Despite the fact that it has virtually never been realized, however, the dominant model of a culturally homogeneous nation has nevertheless posed problems for the minorities who live and work in these countries.

The very issue of whether or not immigrants are entitled to citizenship is linked to the homogenizing nation-state. There are two ideal-typical ways of attributing citizenship rights at birth. Some states traditionally grant citizenship to all those born within the state's territory (*jus soli*). Others grant it according to the citizenship of the baby's parents (*jus*

sanguinis). In practice, countries now have complicated criteria for granting citizenship, so that these ideal-types are not so clear cut. It is also possible to achieve citizenship as an adult through naturalization. All countries allow naturalization, though some encourage it, while others actively discourage foreigners from applying for citizenship and decisions are discretionary. In all cases, applicants have to prove their commitment to the country of choice. As a minimum, this almost always involves real or effective residence in the state's territory (*jus domicili*) (Hammar, 1990: 72–7).

New World states are often described as "countries of immigration" because a large proportion of citizens were born elsewhere or are descended from people who came to the country relatively recently. "Countries of immigration" typically grant citizenship to all babies born within the territory of the state, as the US does, as well as to the children of citizens born abroad, and they also have relatively easy procedures for naturalization. Western European states all now contain large minorities from elsewhere, but they differ in their attribution of citizenship according to the model of the relation between nation and state they embody. Colonialism has been an important factor in labor migration since many people have come from ex-colonies to the over-developed metropolitan centers. In the British case, those who arrived before 1962 from ex-colonies had the full citizenship rights attributed to all those born on British territory. Since then, however, British citizenship has moved closer to *jus sanguinis* and it is now limited to those with a parent or grandparent born in the country – mostly whites. Immigrants who arrived after the 1970s have a status closer to that of migrant workers in other European countries: short-term contracts as workers and no long-term rights of settlement. Citizenship in France, which has long been seen as exemplary of civic nationalism in Europe, although still based on *jus soli*, has also become relatively more closed. Until recently, second-generation migrants were all attributed French citizenship at birth and naturalization was actively encouraged as a policy to assist assimilation and to increase the French population. In recent years, however, rights of automatic citizenship have been brought into question in relation to second-generation Algerians, apparently because of the difficulty of assimilating Muslims into a secular society (Oommen, 1997: 165). In contrast, Germany has been taken as exemplary of an ethnic nation and citizenship has been traditionally based on *jus sanguinis*: traditionally, it is blood rather than the law that makes the German nation. This led to the anomalous situation in which Eastern Europeans of German descent were legally citizens

of the Federal Republic of Germany even before unification of East and West in 1990, while people of Turkish descent born and bred in Germany had to apply for naturalization. In recent years, however, naturalization, which was very difficult, has been liberalized, and the principle of *jus sanguinis* has been supplemented with that of *jus soli*: children born to foreign parents may now be attributed dual nationality, and they may choose to become German citizens when they reach adulthood (Kivisto and Faist, 2007: 119). European countries, it seems, are converging around citizenship criteria to include some racialized groups, where individuals have shown commitment to the state, whilst retaining tight control over immigration (Brubaker, 1992, 2002). The fact that dual nationality has been growing, as a legal possibility allowed by states and as a status that is increasingly taken up in practice, is further evidence that citizenship is increasingly seen as a civic status: states are allowing the links between citizenship and ethnic nationality to be loosened (Kivisto and Faist, 2007).

This is a relatively new departure. Citizenship always involves more than simply a matter of legal rights. Assimilationism is the name that is commonly used for the "melting pot" ideal of incorporation into the civic nation that was such a prominent ideal of immigration into the US since as early as the eighteenth century. In the "melting pot," immigrants are supposed to give up distinctive cultural identities so that everyone converges on the norms of the civic nation. In fact, however, civic norms are never abstract: they are always concretized in particular cultural forms. Furthermore, dominant forms of the civic nation are those with which elite groups are most at home. In order to assimilate, people do not learn norms of civic life in the abstract; they learn how to express civil competence in new concrete ways: "as Protestants rather than Catholics or Jews, as Anglos rather than as Mexicans, as whites rather than as blacks, as northwestern Europeans rather than as southern or eastern ones" (Alexander, 2006: 422). As a result, there have long been contestations of this ideal in the US, especially as it has grown more diverse with waves of immigration from different parts of the world. An alternative image of the American nation is that of the "salad bowl," in which migrants retain distinct identities as "hyphenated" Americans. According to Alexander, however, this remains close to the older model of assimilation insofar as "the center" of American life, to which "hyphens" attach, is not really questioned. The dominant culture takes up some of the "flavor" of other contributions – for example, the way in which Jewish writers like Saul Bellow and Phillip Roth have contributed to creating America's own image of itself. But hierarchies in the valuation of the cultural traits of

racialized groups, especially those who identify as "African-American," make the "salad bowl" as problematic as the "melting pot" (Alexander, 2006; Kivisto and Faist, 2007).

When Western Europe states invited immigration to re-build economies after World War II, they adopted a model of assimilationism that closely approximated the ideal of the "melting pot." This model has had two interrelated elements in this context. First, it has been closely linked to the control of numbers of immigrants. This has been a feature of the recent histories of all Western states, including "countries of immigration" which now have tight restrictions and quotas for the admission of migrants to live and work within their territories. In the words of Roy Hattersley, a British politician, speaking in the 1960s, "Integration without control is impossible, but control without integration is indefensible" (Solomos, 1993: 84). The rationale behind this view is that the national majority will not accept large numbers of immigrants, so that in the interests of social and racial harmony there must be restrictions. Second, the latter half of Hattersley's phrase makes clear the further connection between assimilationism and race relations policies in legislation against racism. Most Western states have laws banning discrimination against individuals on the basis of race, color, or ethnic origin. They were passed with the explicit aim of defusing conflicts between white and black and to promote the integration of immigrants into the fundamental institutions of the wider society. However, where such legislation exists, it has not ended either racial discrimination or the systematic disadvantage suffered by racialized groups. Although there is diversity in the socio-economic situations of ethnic minorities across Europe, in general, non-whites are more likely to be disadvantaged in terms of pay, unemployment, and welfare provision (Lister, 2004: 61–3).

At the very least, then, the assimilationist model of immigration has failed to ensure equal rights for all citizens of the nation-state. However, the more serious charge against it is that it may actually contribute to racism. In supposing that racial harmony can only be achieved by absorbing minority groups into the wider society, it contributes to the view that each nation has its own cultural values and way of life such that it cannot tolerate sharing its territory with those of another culture. The view is actively promoted in "new racism," explicitly promoted by neo-fascist groups across Europe. Unlike older versions of racism, it is not premised on the supposed biological superiority of one race over another. What is at issue is cultural difference: it is held that all ethnic and racial groups are equal, but it is "natural" that members of different cultures should feel threatened if they have to share their territory with those who live

according to incompatible cultural norms (Barker, 1981). In practice, "new racism" legitimates violence against members of racialized groups who do not belong to the majority nation and may lead to calls for their repatriation – a genuine, if impracticable, possibility where minorities are not citizens. Although assimilationism differs from "new racism" by calling for tolerance on the part of the white majority, it mirrors it by supposing that it is only insofar as members of ethnic minority groups are few in number and indistinguishable from the white majority that they can be tolerated. Like "new racism," assimilationism makes racialized minorities the "problem" in race relations, not racism.

Multiculturalism, group-differentiated rights, and "new assimilationism"

From the 1970s, increasing criticisms of assimilationism, whether "melting pot" or "salad bowl," led to adoption of multiculturalism as an ideal in many countries. It began in Canada and spread from there to the US, Australia, and New Zealand and also to some Northern European countries like Britain, Scandinavia, Holland, Belgium, and Switzerland. At the turn of the twenty-first century, however, multiculturalism itself is under serious strain as an ideal model for the integration of recent migrants into mainstream society. Criticisms of multiculturalism have grown, especially following the terrorist activities of Muslim fundamentalists since 9/11 because it is seen as fostering segregation rather than the integration of all citizens into civic culture, as working against social solidarity, and as facilitating the oppression of women. As a result, there is now a return of arguments for assimilationism, but this time for a "new assimiliationism" which encourages respect for diversity as well as for common values and national solidarity.

As a prominent advocate of multiculturalism, Will Kymlicka has argued that it is the only justifiable liberal policy. This is important since citizenship rights in the West are based on the liberal tradition. It is also surprising since liberals have generally held that the public sphere, including state institutions and the law, should be value-neutral and that cultural identity should be relevant only in the private sphere. However, the presence of cultural minorities who come from significantly different backgrounds to those of the majority makes it obvious the public sphere is not neutral: legal rights premised on the individual, assumptions concerning children's education, the role of the family in society, the language that is used in public institutions, the celebration of public holidays, and so on are all culturally specific. In fact, it is not possible to be neutral in

such matters. Supposed universality, therefore, is a mask for the dominance of one culture over others. As Kymlicka sees it, there is an impeccable liberal argument for individual freedom which follows as a consequence of acknowledging the cultural specificity of liberal institutions. The central liberal tenet is that individuals should be free to choose their own lifestyles. It is this premise that makes liberals view cultural rights with suspicion, since they are opposed to forcing any individual to conform to a set of group values. However, as Kymlicka points out, in order to make choices, there have to be valuable ways of life to choose from. It is culture – traditions, history, and language – which gives choices meaning, makes them comprehensible, vivid, and desirable to us. Therefore, in the name of individual freedom, cultural differences should be upheld and protected (Kymlicka, 1995).

Kymlicka analyzes multiculturalism into two kinds, each of which is now a somewhat different issue with respect to group-differentiated rights in liberal democracies. The first he calls "multinationalism." Multinational societies contain within them minorities which, under different circumstances, might have retained or established their own sovereign governments, but which have been incorporated into a single state, either voluntarily through federation, or as a result of conquest. The US, he argues, is of this kind, containing American Indians, Puerto Ricans, the descendants of Mexicans (Chicanos), Hawaiians, and others (Kymlicka, 1995: 11). Typically, demands for rights from these groups are for rights to some kind of self-government as a separate nation. Quebec has achieved such status in Canada, for example, through the federal division of powers which gave the province extensive powers over language, education, culture, and immigration. Native peoples in North America have also gained considerable rights to self-determination through the system of reserved lands within which they have increasing control over health, education, family law, policing, criminal justice, and resource development (1995: 29–30). Legitimate multinationalism, in Kymlicka's view, results in virtually parallel sets of citizenship rights which overlap only to some extent in common rights for all.

The second type of multiculturalism he calls "polyethnicity." Societies into which there has been migration are of this type. Polyethnic societies are those in which immigrants participate in the public institutions of the dominant culture, but maintain some distinctive ways of life in terms of customs, religion, language, dress, food, and so on. Again, the US is a good example. Immigrants have been expected to conform to the English-speaking institutions of the public sphere and, although tolerated in private, it is only since the 1970s that the expression of different cultural

heritages has been encouraged in public. Kymlicka argues that these groups do not require such extensive group-differentiated rights as nations. Their main aim is to be integrated into the multicultural society of which they are a part and to enjoy equal respect with other citizens. Minority groups in a polyethnic society will generally enjoy those rights common to all citizens, in his view. They should also, however, have *some* distinctive rights, in order to avoid disadvantages suffered as a result of their difference from the dominant culture and to combat racism (Kymlicka, 1995: 30–1).

To a limited extent, distinctive rights have been granted to ethnic minorities in some countries. In Britain, for example, Jews and Muslims are exempt from laws which would make it impossible for them to slaughter animals in accordance with their traditional methods, and Sikhs may wear their turbans instead of the crash helmets required by law. In addition, in recent years, Muslims, Seventh Day Adventists, and Hindus have won the right, already enjoyed by Christians and Jews, to government funding for schools in which the curriculum will be organized around these religious faiths. This has been very controversial because of the importance given to education in forming personal and social identity. Indeed, multiculturalism in mainstream education is perhaps the most highly developed aspect of multicultural policies around the world. It involves the recognition of the history, literature, and religion of cultural minorities, and often the celebration of different festival days. Although it is not actually a legal right as such, multicultural education is seen as offering children from minority groups genuine equal access to educational opportunities, as well as encouraging tolerance, if not understanding, from the majority population. In a sense, then, and paradoxically, faith schools are seen as opting out of multiculturalism because they have much more control over the curriculum and the intake of pupils than do mainstream schools. Most controversially, the possibility of institutionalizing Shari'a law has been proposed and debated in Canada, which already allowed Jewish and Catholic organizations to set up arbitration tribunals to regulate family disputes. The issue was resolved in this case when the government decided to equalize the communities, not by allowing Muslim courts, but by closing down Jewish and Catholic ones instead. There are ongoing campaigns both for and against introducing Shari'a law in Canada and elsewhere, including the UK, and it will surely become an issue again (Phillips, 2007: 170–6).

The most prominent example of a state that has resisted adopting multiculturalism as official policy is France. Interestingly, anti-racists as well as those sympathetic to the anti-immigration rhetoric of the National

Front Party, the largest of its kind in Europe, have been against multiculturalism. This resistance is constructed in terms of a fundamental commitment to French republicanism as historically involving universal equality for citizens. That is to say, in France no difference amongst citizens should be recognized by the state: all individuals are treated equally insofar as they are treated the same. As a consequence, it is maintained that the French state should not even gather statistics on ethnic minorities – to know, for example, the extent of racism and discrimination in employment and state services – far less accord different groups different rights. In fact, it has been shown that the construction of French universalism as dating back to the French Revolution is a myth: it was actually promoted by right-wing intellectuals in the media and taken up by policymakers as part of the rise of racist nationalism with the emergence of the National Front Party led by Jean Le Pen in the mid-1980s (Favell, 2001; Brubaker, 2002). It is a myth that is, however, now very well-established and difficult to challenge, even if it is coming under increased pressure as a result of growing unrest amongst young French people.

As multiculturalists see it, recognizing cultural differences in group-differentiated polyethnic citizenship rights enables genuine integration, while the assimilationist model results in exclusion for those who do not fit, or who are seen as not fitting, the dominant culture. Kymlicka (1995) argues that, far from encouraging the fragmentation of society, as assimilationists fear, demands for culturally specific rights enable minorities to participate fully in a multicultural society.

Nevertheless, it is important to recognize that "culture" itself is a term which may be used to different effect in different situations. There are certainly cases where it is inappropriate to think of unequal citizenship as primarily a matter of cultural differences. In some cases, indeed, this may be a way of de-legitimizing claims for greater equality. Perhaps the best example of the difficulty of thinking of citizenship in this way is the position of African-Americans in the United States and the way in which the New Right has suggested cultural differences as the reason for their predominance in "the underclass."

Since the civil rights movement of the 1950s and 1960s, the chief issue for African-Americans in terms of citizenship has been integration through desegregation. The striking separation of black and white in the US invariably works to the advantage of whites: poor housing, neighborhoods with high rates of crime, poor schools, low pay, and limited job opportunities restrict the realization of full citizenship rights for black Americans in comparison with whites. The role of culture in segregation is, however, far from clear. As Kymlicka notes, African-Americans fit neither

the category of multinational nor that of polyethnic group. They were brought to the continent involuntarily, from different African cultural and linguistic backgrounds, and for a long time they were actively discouraged and even prohibited from trying to develop a common culture. They have no homeland nor distinctive social forms in America as national minorities do, and yet they have been kept physically segregated from the mainstream white culture (Kymlicka, 1995: 24). Multiculturalism has played some part in the movement against segregation, challenging the ethnocentrism of the liberal arts canon in American education, for example, with black history, literature, and so on. But the main claims for cultural difference have come from those who argue that poor black Americans reproduce their poverty as a result of inappropriate attitudes to work and family life. In this case, as we saw in section 4.1, a discourse of cultural difference reinforces segregation and legitimates inequalities rather than articulating claims for more equal citizenship rights and the genuine participation of all. We will look at these claims with respect to the racialized underclass in more detail in section 4.4 below.

The movement against African-American segregation, although not calling for group-differentiated rights on the basis of *cultural* differences, has called for "special rights" for black people in order to redress historic disadvantage. According to Kymlicka and others, such arguments are also justified in liberal terms insofar as they are designed with the aim of bringing about a color-blind meritocracy. The best known of these involves the use of quotas in universities, companies, and the public sector to bring the prospects of employment for black Americans closer to equivalence with whites than they would otherwise be as a result of imposed historical segregation, poorer living conditions, and disadvantage in the labor market. "Affirmative action" takes many forms, from "active non-discrimination" in which the employer tries hard to recruit minority applicants before deciding which candidate to employ for the job, to "reverse discrimination" in which preference is given to applicants from minority groups which have been discriminated against in the past. Affirmative action programs have always been extremely controversial and highly politicized. They have been criticized from the left on the grounds that they have benefited some black people while failing to address the problem of black poverty as such. However, it is the right-wing criticism which is currently dominant: that affirmative action is unfair to white individuals who may not be chosen for jobs or university places in competition with black people. The counter-argument that white people have only lost what they gained through past discrimination no longer has the resonance it once had. While affirmative action continues in the US, it is increasingly

under threat and has been outlawed in recent well-publicized court cases involving selection for university places. For African-Americans in US, it is individual rather than group-differentiated rights that are in the ascendant (Omi and Winant, 1987).

"Special rights" remain important, however, with regard to rights to representation in the political process. Multiculturalists, like feminists, are concerned with the way in which minority groups are under-represented in the legislatures of Western liberal democracies. Claims for political representation take different forms according to the group in question. As Kymlicka notes, claims for political representation are not synonymous with demands for self-government or for group-differentiated rights on the grounds of cultural difference. It is rather that they involve giving minorities a fair hearing in a situation in which their views would otherwise be systematically ignored. This is consistent with liberal understandings of democratic representation in which, as a bare minimum, it should provide for the protection of individual interests. In a more elaborated liberal version of democratic participation, political representation does more than this, facilitating citizens' individual development in accordance with their recognition of the common good. In either case, it is unfair that individuals who are members of minority groups are not represented. Increasingly group-differentiated political rights are an important issue in multicultural liberal democracies.

In the US, the most prominent attempt to reform systematic imbalances in representation has been "redistricting" – redrawing the boundaries of electoral districts to create black-majority or Hispanic-majority districts. Ironically, however, although instituted as part of the campaign against segregation, it is only effective insofar as residential segregation is the reality. In response, the Supreme Court has ruled that redistricting involving "segregating" races for the purposes of voting is to be regarded with suspicion. Like other affirmative action programs designed to redress systematic disadvantage, it should be seen, Kymlicka (1995) argues, as a temporary measure. In fact, it is reviewed regularly to assess how well it is working and whether it is still required.

However, there are cases where societies seem to be divided more permanently along religious or cultural lines. In such cases, it may be argued that requirements for group representation are not temporary. This is clearly the case where there are claims for a degree of self-government, as in federal systems, or where groups live on their own land, as Native Americans do. In other cases, however, group political rights are designed to accommodate differences within common decision-making procedures. This is, for example, the case in what is known as "consociational

democracies," like those of Holland and Belgium, in which religious cleavages are represented by different political parties. In such cases, political stability is supposed to depend on sharing decision-making power so that the cabinet will be composed of leading figures from all parties, there will be minority veto over socially divisive issues, and so on (Phillips, 1995: 14–15). The system in New Zealand is similar in that Maoris select candidates from a specific electoral list so that they are guaranteed representation in parliament as a group, though there is no Maori party. However, there are no examples of special political rights for racialized minority groups in Europe. Although consociational democracies are apparently more open to the possibility of fitting Muslim representation into the existing pluralist framework than other political systems, this remains no more than a possibility at present (Phillips, 1995: 15).

The whole issue of group-differentiated rights might be considered highly contentious in relation to the critique of essentialism which has been so important, as we have seen, in relation to citizenship for women and "sexual minorities." It is, however, less well developed than in these cases. In some respects, this is surprising. The anti-essentialist case against the concept of ethnicity as a way of distinguishing actual groups of persons *is* highly developed. Anti-essentialists argue strongly that we should see culture as *process* rather than as a set of attributes possessed by a particular group. Culture is not fixed in eternal forms; it is constantly being made and re-made in historical processes. It is on these grounds that theorists of race and ethnicity have argued that cultural identities are "hybrid": they are always constructed by drawing on a multiplicity of cultural symbols and identifications which are re-combined in ways such that there are no "authentic" ethnic groups (Hall, 1990, 1991a, 1991b; Gilroy, 1993).

In addition, individuals identify in a range of ways: why should they be identified with the cultural belonging their parents, or even their grandparents, may have inherited (Hollinger, 2000)? Multiculturalism is, therefore, seen as problematic insofar as it contributes to what Gilroy calls "ethnic absolutism," the construction of rigid and supposedly unchanging distinctions between cultures in ways that constrain creativity, individuality, and challenges to the *status quo* (Gilroy, 1993).

In recent years, concerns about the dangers multiculturalism raises for reifying cultural differences have been linked much more to questions about social cohesion and civic values than to the problems of balancing equality, diversity, and freedom for members of minority groups. David Hollinger (2000) criticized multiculturalism along these lines, as well as on anti-essentialist grounds, before 9/11, arguing for the political

importance of a sense of commonality amongst Americans, but critical voices have grown louder since the attacks on New York. Especially in Europe, critics of multiculturalism link it to the involvement of young Muslims in terrorist networks, arguing that – ironically, given the liberal roots of multiculturalism – it fails to foster a political culture in which toleration and respect for different ways of life are valued. Instead, multiculturalism is seen as promoting what is effectively community segregation as different ethnic and religious groups live together in the same districts, speaking their own languages, and often maintaining close links with "home" through minority media and social and religions organizations. Multicultural policies, it is argued, have failed to bring immigrant groups into mainstream society and they have therefore given support to extremists to whom that society is anathema. The fact that three of the young Muslim men who carried out the bombings in London in 2005 were born and brought up in Britain is taken as evidence of the failure of multiculturalism to create a society in which diversity is valued rather than hated and feared.

These criticisms do not only come from the Right. Some critics on the Left go further still in their arguments that multiculturalism undermines social cohesion. In a magazine article that was very much debated in Britain, David Goodhart argued that the more diverse a population is in terms of religion and ethnicity, the more difficult it becomes to build and sustain national solidarity. This has serious consequences for security, as community segregation leads to racial violence, the growth of racist right wing political parties and riots by disaffected young people who see no future for themselves in Western societies. But it also has serious consequences for the quality of citizenship itself. In particular, Goodhart sees diversity as undermining the grounds on which the redistributive policies of the welfare state were founded, as a sense of belonging together and sharing a common fate associated with nationalism is eroded (Goodhart, 2006). A parallel argument is that of Nancy Fraser, who has argued that the focus on the Left with cultural recognition has tended to lead to the neglect of concerns with redistribution. Fraser is not against multiculturalism as such, but she does see it as limited in comparison with the anti-essentialist transformations that are needed to cultural identities as well as in patterns of inequality if society is to become more egalitarian. Multiculturalism is not an end in itself, she argues: the politics of recognition should not lead to neglect of commitments to the politics of redistribution (Fraser, 1997, 2008).

However, it is concerns with social cohesion that now dominate debates over multiculturalism in the twenty-first century, whilst questions of

justice and equality in relation to racialized minorities are exclusively focused on the rights of individuals *within* groups. In his advocacy of multiculturalism, Kymlicka argues that not only is it rare for ethnic minority groups to demand "internal restrictions," the legal power to impose cultural norms on their members, but it is unacceptable from a liberal point of view, since they undermine individual freedom rather than protecting it (Kymlicka, 1999a). The enforcement of cultural norms that impose traditional restrictions on women and children which are not legal in liberal democracies, such as arranged marriages which violate existing laws regarding informed consent, clitirodectomy, and so on, are not acceptable in liberal multiculturalism. Nevertheless, the distinction between lifting "external restrictions" on group members and imposing "internal restrictions" is highly complex, as Kymlicka himself now admits. Although, as we noted above, multiculturalism does involve some group-differentiated rights, they are actually quite minimal in the West. However, it is not really the law that is at issue here. The legality of practices that are radically different from the Western norm has mostly been due to an *absence* of law. Polygamy, for example, was legal in France until 1993 simply because there was no law against it. And although it is now illegal, many West African families continue to practice it. Clearly, traditional practices are not eradicated simply by making them illegal where they are important to the identities and social relations of people who have grown up with them. Critics of multiculturalism argue that it promotes a political culture in which customs that are antithetical to modern progressive ways of life are tolerated out of a misguided cultural relativism, the view that each culture has its own values and that all are worthy of equal respect.

The claim that multiculturalism promotes oppressive practices raises particularly difficult issues for feminists, as it is invariably women and girls who are portrayed as its victims. On the one hand, as Anne Phillips argues, it is hardly news to feminists that gendered practices disadvantage and oppress women. On the other hand, however, many feminists have been reluctant to criticize minority practices to avoid themselves contributing to the victimization of women who are vulnerable members of minority communities in societies in which racism and Islamophobia is endemic. As Phillips puts it, in regard to the public outrage around practices of Muslim women's dress, for example: "People not previously marked by their ardent support for women's rights seemed to rely on claims about the maltreatment of women to justify their distaste for minority cultural groups, and in these claims, cultural stereotypes were rife" (Phillips, 2007: 2). The question is even more complicated because women are often responsible for safeguarding cultural difference within

communities, so that as well as being subjected to repressive practices, they are also actively engaged in perpetrating them. It is older women who are responsible for ensuring that girls become eligible for a "decent marriage" by arranging and carrying out female genital cutting, for example. Criminalization of these practices often, therefore, falls particularly hard on women who are effectively carrying out their duties as wives and mothers (Dembour, 2001; Gunning, 2002). As a consequence, although feminists are now quite routinely seen as complicit with racism, if not racist, and arguments about women's equality are used to discredit the ideal of respecting cultural diversity, at least in the English-speaking world, feminists themselves are actually much more likely to *support* multiculturalism (see Phillips, 2007; Schachar, 2001; Volpp, 2001; *cf* Okin, 1999). The multiculturalism feminists tend to support is, however, what Phillips calls "multiculturalism without culture." It is, in other words, anti-essentialist multiculturalism.

Phillips follows Kymlicka in arguing that multiculturalism is valuable because people are cultural beings: everyone is shaped by the norms and practices that have made us who we are. She departs from Kymlicka's reasoning, however, by arguing that it makes no sense to think in terms of cultures as if they were bounded, unified "things." In doing so, she argues, we bundle together sets of norms and customary behaviors which do not invariably go together, and which are, anyway, continually changing (Phillips, 2007: 52). In addition, people themselves differ in terms of the importance they give to cultural norms: while some endorse them, others celebrate the superiority of their way of doing things, and others resist thinking in terms of culture at all. In fact, it is very common to think: "I" have moral values; "they" have cultural traditions (Phillips, 2007: 31). In all these respects, she argues, women are effectively no different from men. Whilst it is certainly true that women are frequently identified as the "guardians" of culture, and they may lack resources that would enable them either to leave close-knit communities or to speak out against community leaders, what follows is support for women's rights as *individuals* – to refuges to protect them against family violence, for example, or to education and training to improve their social status, expertise, and economic situation. In addition, however, women also need individual rights that have long been taken for granted, but which are now in question for those whose choices offend the cultural norms of the majority: for example, the right to dress according to cultural and religious codes that is now treated with such suspicion and contempt in the case of some Muslim women.

Phillips's arguments are couched as a defense of multiculturalism, but in shifting the emphasis from group rights to individual rights, she brings it very close to what is sometimes called "new assimilationism" (Brubaker, 2002). In dissolving the "groupness" of cultures, in order to emphasize diversity and fluidity, she has changed what "multiculturalism" stood for in Kymlicka's version of group-differentiated rights. However, "new assimilationism" is not the assimilationism of the "melting pot." What is emphasized above all is belonging to a civic nation of liberal rights and obligations. It is solidarity and belonging across all groups that critics of multiculturalism believe should be fostered (Modood, 2007: 146–54). In Britain, for example, the government has introduced citizenship ceremonies for residents who become naturalized, in order to symbolize pride in joining the British nation, not just the acquisition of citizenship. Citizenship should be experienced as more than simply an abstract bundle of rights that are provided by the state. It should be felt as the expression of common values, to which everyone feels commitment and loyalty, not just acceptance and far less active resistance. This need not mean that immigrants give up their own sense of cultural belonging. Immigrants must become "like" the majority only to a degree and over time, and only to the extent that their values and practices are incompatible with mainstream values (Brubaker, 2002; Joppke, 2004; Kivisto, 2005). In this sense, the "new assimilationism" is a form of "hyphenation": there may be a variety of ways of belonging to the nation, as long as they are not in tension with its core commitments.

Nevertheless, there is a difference between Phillips's argument for multiculturalism "without culture," and that of the "new assimilationists." Phillips argues that it is important to retain multiculturalism as an ideal, while "new assimilationists" see that ideal as one of the main reasons for the crisis of civic nationalism. In a climate in which "cultural difference" is under attack, it is important to remember its importance to an egalitarian society. If, as we noted earlier, "new racism" finds cultural difference problematic, a commitment to multiculturalism is a clear demonstration of its value. To some extent, as Phillips notes, the term "cosmopolitan" may now be replacing multiculturalism in this respect, as in thinking of particular cities as "cosmopolitan," for example. "Cosmopolitan" does not, however, carry the same implications in terms of public policy. Phillips's arguments also give far more attention to individual rights compared to "new assimilationists," who are concerned, above all, with social cohesion. In focusing on rights, it is easier to avoid the slippage between

civic and ethnic nationalism that has been such an important feature of the exclusion of "foreigners" from enjoying equal, or even fundamental, rights. Instead of civic nationalism, Tariq Modood suggests rather that "civic multiculturalism" might be a good term for the balance between solidarity, cultural difference, and individual rights that is needed in contemporary Western liberal-democracies (Modood, 2007). Ideals of "equality" and "difference" are rather abstract, not least because they have such a variety of meanings and applications. On the other hand, it seems that nationalism must itself become more abstract if feelings of solidarity are to be forged more around the civic than the ethnic pole on the continuum of nationalism. Creating new names like "civic multiculturalism" to describe the realities of a country of which we might be proud, and as an ideal to which we might aspire, is surely necessary to guide collective life within and beyond the nation. And, no doubt, it will be necessary to invent new names again in the future.

4.5 Post-National Citizenship?

A further challenge to settled assumptions about citizenship comes from the way states now grant rights to non-citizens. The paradigm case of non-citizens who are entitled to rights as long-term residents within state territories in Europe is "guest-workers." Originally invited and given temporary work visas, there are guest workers who have been resident now for decades in Western Europe, especially Germany and France, and many of them now have children born in their new home states. Other non-citizens with entitlements in Europe and North America include asylum-seekers and refugees who, with illegal migrants, make up the majority of the most recent wave of migration. As a result of successful rights-claims on states by non-citizens, it is argued that citizenship itself is changing: it no longer involves rights for nationals to the exclusion of all those who do not have nationality. As rights are extended to residents and others who make claims on the state on the grounds of universal human rights, membership of the civil sphere is also extended to include persons as human beings.

In addition to changes *within* states, the European Union, which now confers European citizenship on individuals within its borders, is seen as a manifestation of the development of post-national citizenship *between* states. The EU is not a state; it has not developed into the United States of Europe, and the prospect of it doing so is in many ways as remote as ever, despite the hopes of European elites (Kivisto and Faist, 2007: 125).

It is a unique supranational institution, which shares sovereignty with member states. It is in this respect that (as we noted in chapter 2), Europe is sometimes seen as prefiguring the political institutions of a more cosmopolitan world. Unless the problem of Europe's "democratic deficit" can be solved, however, it is rather a tarnished flagship for cosmopolitan democracy.

Possibly the most far-reaching vision of citizenship is raised by the environmental movement. Global citizenship may not seem the obvious way to develop environmental politics, with its focus on rights for human beings. Although rights always entail obligations, discussions of environmental citizenship are unusual in giving more weight to obligations than rights. It has in common with other discussions of citizenship raised by global social movements, however, an emphasis on the importance and value of public goods – the environment itself being chief amongst them, and questions of global justice are similarly to the fore in models of citizenship developed by environmentalists.

Migration and rights across borders

Section 4.4 of this chapter, on citizenship, racialization, and ethnicity, was concerned with settled populations in Western states. Until the 1980s, there was a general belief amongst sociologists and others that mass migrations had ended, and debates over citizenship rights in relation to discrimination, racism, and multiculturalism took place on the basis of this assumption. In fact, while immigration into the US was restricted from the 1920s, and European countries ended systematic labor migration from the mid-1970s, migration continued in other forms. There were the families of migrant workers who were granted rights of settlement on the grounds of "family reunion." This form of migration was particularly important in European countries like Germany with its "guest-worker" system. In the US, it actually led to an *increase* in immigration in the 1960s and 1970s, and it also meant more visible immigration with the entry of Asians and Latin Americans rather than the Europeans who had previously made up the majority of migrants. There was also a significant migration of managerial, professional, technical, and scientific workers who moved between advanced capitalist countries. These privileged workers are usually ignored in discussions of migration.

Since the late 1980s, there has been political alarm in all Western countries about illegal immigration and asylum-seekers, because they are understood to threaten nation-states' control of their borders. These migrants are also, no doubt, seen as particularly problematic because they

involve migrants from the developing world. In the US, it is over the increase in illegal immigrants from Mexico that the alarm has been raised. In fact, restrictions on entry by Mexicans into the US have never been closely enforced and employers have long made use of low-skill, low-wage, agricultural workers from south of the border. Indeed, until quite recently undocumented migrants in the US were entitled to gain legal residence if they could prove they had been in the country and of "good conduct," for several years (Sassen, 2006: 295). However, due mainly to worsening conditions in the Caribbean Basin, there has been an increase in illegal immigration in this region since the 1970s. As a result there have been increased restrictions on crossing the border into the US and new limits on illegal migrants gaining legal residence. In Europe, illegal immigration is seen as a problem especially in relation to opening up national borders within the European Union. Unskilled manual labor has been recruited to build up service industries in Spain, Italy, Portugal, and Greece, until recently providers of migrant labor for elsewhere and now the destination for illegal immigrants from North Africa. Other European countries are concerned because they see the opening of national borders as allowing the spread of illegal immigrants throughout the Union. Numbers of asylum-seekers in Europe and North America have actually dropped since the steep rise in the 1980s because of restrictive measures. But, as Castles and Miller point out, much migration is simply unrecorded, and, in general, it is likely to grow with inequalities of living standards between the global North and South, and conflicts and wars that mean people have to flee their homes. Furthermore, working against the restrictions, there is the fact that international migration, like other processes of globalization, is made easier with networks of digitalized communication and transportation across borders (Castles and Miller, 2005: 4–5).

As a result, all states have taken measures to discourage new forms of migration. In the US, there have been attempts to control illegal immigration, by penalizing employers who knowingly hire unauthorized aliens and by stricter policing of the border with Mexico. In Europe, immigration measures have been linked to the institutions of the European Union. While to some extent travel across borders within the Union has been made easier, increased resources have been made available for surveillance of the external borders and the policing of migrants and asylum applicants, including a computerized database of criminals and deported and unwanted persons. There is also growing international cooperation between the countries of Europe, North America, and Australasia to facilitate harmonization of immigration policies and to combat illegal

immigration. Measures include the use of detention camps where migrants are held, sometimes for years, in overcrowded and poor conditions whilst waiting for asylum cases to be heard. Such measures are often described as constructing "fortress Europe" or "fortress America," political units which put up barriers to those outside. On the grounds that these are at the same time barriers to maintain racial segregation, Anthony Richmond has described this new world order as "global apartheid." He argues that immigration controls involving work permits, segregated housing locations, restricted travel, and deprivation of political rights are used against illegal immigrants and asylum-seekers in order to protect privileged access to health, education, and welfare services, just as the South African government used such measures to control and exploit the black population when apartheid was enforced (Richmond, 1994; see Balibar, 2004; 120–3).

An alternative, much more optimistic, assessment of global migration processes sees them as significant for the way in which they have prompted a form of post-national citizenship. According to Yasemin Soysal, migrant groups who are resident but not citizens in Europe (most notably "guest-workers") have won human rights to a wide range of benefits within European states. They have been able to do so because international human rights have been incorporated into national law in Europe. Organizations representing migrants have won civil rights to appeal against deportation, political rights to vote in local elections, cultural rights to translation services in public institutions, and a range of social rights to healthcare, education, housing, and welfare. As a result of global migration and developing regime of international human rights, Soysal argues that rights are now based on universal personhood, not membership of a particular nation. Nationality and rights are disarticulated as the absolute distinction between "citizenship" and "foreigner" is eroded within nation-states, at least in terms of formal legal rights (Soysal, 1994).

Similarly, David Jacobson (1996) argues that in the US, individual rights are no longer directly tied to nationality; the individual now has a status in international law, and in many cases, rights attached to this status are equivalent to the rights of citizens guaranteed by nation-states. The US has adopted quite generous interpretations of international human rights law covering asylum-seekers, including for women fleeing gender-specific violence to which much of Europe remains closed. It is also the case that, over many years, resident aliens in the US have won rights through the courts, including social rights to children's education and welfare. However, US state officials are notoriously reluctant to introduce international human rights law into domestic law, and the rights of

resident aliens tend to be based on "activist" interpretations of US law itself. Bosniak argues that US law is inherently schizophrenic, separating out questions of who is and can be a member of the society, which is covered by immigration law, from questions of the rights of individuals within the territory, which may include those of non-citizens. She argues that constitutionally resident aliens are entitled to virtually the same rights as citizens in US law, and the courts have accepted this to some degree (Bosniak, 2006). On the other hand, as Rainer Baubock points out, where resident aliens have recourse only to national law, with no direct appeal to international human rights in US courts, those rights are particularly vulnerable to changes in the political regime. Indeed, from 1996, resident aliens were denied federal welfare benefits through government legislation (Baubock, 2002: 134).

Theorists of post-national citizenship are much more optimistic than Richmond because they do not see the state as acting in a singular and unified fashion with regard to migration processes. Nor do they see a homogeneous global order emerging. It is rather that there is often a void in national law with respect to detailed provision for non-national residents and asylum-seekers. Under these conditions, associations, organizations, and individuals maneuver to try to gain a measure of security and well-being when non-citizens would otherwise be without rights – with some degree of success. As Soysal puts it, states are caught between competing claims to legitimacy: bound on one hand to respect human rights, and we might add, domestic law where it may be interpreted to cover non-citizens, and on the other, to regulate immigration as an expression of sovereignty. Their activities are not always consistent (Soysal, 1994: 7–8).

Jacobson argues that post-national citizenship erodes the principle that a state should, above all, be concerned to protect its national interests (Jacobson, 1996). This is far from evident, however, even in Europe. First, states have withheld rights to vote in national elections from non-citizens; although in most European states they have the right to vote in local elections. In this respect, then, they deny non-nationals the right to determine the laws and policies under which they live that is considered the defining feature of democratic citizenship. Second, especially since heightened security fears after 9/11, the precariousness of even the formal rights of resident non-citizens has become much more visible, especially where accusations of involvement in terrorist activities have resulted in the infringement of basic civil rights. In the UK, several non-citizens were detained without trial for a number of years following 9/11, without even being allowed to see the evidence against them, before the policy was

ruled illegal under the European Convention on Human Rights. At the same time, individuals thought to be dangerous to the state have lost their citizenship status, as in the case of the "accidental citizen" Yasser Hamdi who was detained by the US authorities, similarly without charge and without access to lawyers, before being persuaded to give up his US citizenship (Nyer, 2006; Nash, 2009b). In fact, such practices are consistent with the thesis of post-national citizenship insofar as *removing* citizenship may indicate that nationality no longer counts as it once did in terms of securing, or losing, citizenship rights. Nevertheless, Hamdi was headed for Guantanamo Bay when it was discovered that he was a US citizen, and in comparison with those detained there, he enjoyed privileged treatment.

Insofar as post-national citizenship is developing, then, as rights are granted to non-citizens, it is resulting in the growing *proliferation* of citizenship statuses. The formal equality of rights once only afforded to citizens is just one aspect of citizenship. Post-national citizenship does not simply involve resident non-citizens gradually winning approximately the same rights as citizens. Throughout this chapter, we have been looking at how, even when marginalized groups are successful in winning formal rights, inequality continues in their actual enjoyment of rights in practice. Similarly, in post-national citizenship, the actual enjoyment of formal rights depends on other conditions, including not belonging to a minority about which the majority population has suspicions. In effect, post-national citizenship means quite different things to different groups. Post-national citizenship involves a proliferation of citizenship statuses: from the "super-citizens" of the global elite; to "quasi-citizens" who have formal rights but who may find themselves in anomalous situations because they are unable to demonstrate that they "belong" to the majority culture or that they are loyal to the state; through to "un-citizens," who may be long-term residents in a state, but who, without legal rights to remain, face deportation if they come to the attention of the authorities (Nash, 2009b). In practices of post-national citizenship, the state does not act in a unified and homogenous fashion. Possessing nationality, and therefore "full" citizenship status, still makes a difference in relation to state authorities, though for some people, even that may not be enough to ensure respect for their rights.

It is not, then, that the proliferation of citizenship statuses undermines the state. On the contrary, in some respects, it may be that the legitimacy and scope of the state is strengthened in the multiplicity and variety of citizenship claims. It is states that are called on to guarantee human rights. In the case of refugees, for example, it is because states have the duty to

protect and further the well-being of the population residing within their territories that asylum-seekers may legitimately claim to be stateless when they are in danger of persecution in their homeland. Furthermore, it is not obvious either that post-national citizenship undermines nationalism. On the contrary, it may be rather that, as Soysal argues, claims to nationality, cultural distinctiveness, and self-determination that were previously linked together in nation-states are now disarticulated and re-articulated as core elements of what it is to be human. As she notes, "The universalistic status of personhood and postnational membership coexist with assertive national identities and intense ethnic struggles" (Soysal, 1994: 159). Nowhere are these dialectics more evident than in the political institutions of the European Union.

European citizenship

The word "citizen" has only recently been used to refer to those who live and work in the countries making up the European Union. Before the Maastricht Treaty was ratified in 1993, the main reference was to "workers," economic cooperation being the chief concern. The language of citizenship represents a further step toward a supranational European state with an explicit focus on political union. The Maastricht Treaty created citizens of Europe, stating, "Every citizen holding the nationality of a member state shall be a citizen of the Union." It further stated that the four fundamental freedoms – of movement of goods, persons, services, and capital – previously attached to citizenship of a member state were to be rights of citizens of the Union. They remained the same as they were before in virtually every other respect, though the treaty also created some new citizenship rights. The most important are undoubtedly political rights; those citizens of the Union who are resident in a member state of which they are not a national now have the right to vote and stand for election in local elections and for the European Parliament. Significantly, they still have no rights with regard to national elections. There are also new rights for all residents of the EU, including non-citizens, to petition the European Parliament concerning maladministration of its institutions (Guild, 1996). Social rights remain minimal at the EU level. Previous attempts to standardize benefits and rights for workers across nations are continued in the Maastricht Treaty, but social rights are extended very little beyond participation in the labor market. The emphasis on ensuring the free movement of workers remains and there is no attempt to harmonize national welfare systems (O'Leary, 1995).

The question of the extent to which citizenship of the European Union may be described as post-national is not a simple one. Citizenship rights remain clearly national in some respects. EU citizenship is granted only to those who are nationals of member states and the decision about who to include is made at the national level. Nation-states retain the power to divide those who are resident in their territories into European citizens, with all the freedoms of the Union, and non-citizens, who will not have the automatic right to travel or work in other countries within Europe. The link between nationality and citizenship is reproduced rather than undermined in the current conception of European citizenship (Mitchell and Russell, 1996: 63). Furthermore, rights will continue to be assured by nation-states, and the European Union has only limited power to make member states comply with its rulings. The European Union has an integrated legal system but, as Elizabeth Meehan (1997) has pointed out, there is a plurality of legal instruments within the common legal order, each of which works differently at different levels. The European Parliament, Council, and Commission act jointly to make regulations which are directly applicable in member states. However, most common policies are not the object of regulations but of directives which "direct" states to act to bring about a common objective expressed quite abstractly and without detailed instructions. Directives are intended to allow divergences in national procedures with respect to policy implementations, resource allocations, and so on. Furthermore, new directions in policy cannot be made without the consent of the Council of Ministers, an intergovernmental body made up of representatives of member states rather than a supranational institution. In some cases, states are permitted to opt out of commonly agreed objectives on the basis of distinctive national traditions. The UK, for example, is exempt from introducing workers' rights to consultation in the workplace. The rights of the citizens of the European Union continue to be determined to a large extent, then, by the nation-state within which they happen to reside (Meehan, 1997).

On the other hand, it is clear that in some respects the new citizenship rights instituted by the Maastricht Treaty are post-national. They are, however, post-national in two rather different ways. First, a number of the rights ensured by the European Union are post-national in the sense that they are universal human rights, attached to persons rather than to citizens. For many years, the European Court of Justice (ECJ) has been guided by the European Convention on Human Rights (ECHR) in order to make its judgments. In most of the member states of Europe, the ECHR is not only recognized as international law but is directly incorporated into domestic law-making. The judgments of the ECJ are binding on

member states. In addition, individuals – citizens or non-citizens – and member states may also bring cases to the European Court of Human Rights, which produces rulings to which states are obliged to respond with new legislation if necessary. The nation-states that make up the European Union have, therefore, been incorporating international human rights law into their statutes for up to 25 years before the Maastricht Treaty created European citizenship. In this sense, at least, post-national citizenship in Europe was not created by the explicit declaration that Europeans are citizens of the EU.

Second, however, European citizenship may be said to be post-national in that the European Union is increasingly a supranational state, sharing the sovereignty of member states. This is evident in the fact that, as we have noted, law is made in the institutions of the Union which overrides that made by the member states. In addition, the EU now has policing powers, border controls, a common currency over much of its territory, and even the beginnings of a cooperative foreign policy.

The main issue that arises with respect to post-national citizenship as a result of shared sovereignty is what is called "the democratic deficit": the EU is seriously inadequate in terms of political rights. At the level of the nation-state, democratically elected governments are losing the power to make policies and legislation that are binding on their citizens, as member states give up sovereignty to the institutions of the EU. At the level of the EU, however, elected officials have very little influence over the legislative process. The European Parliament is the only democratically elected institution of the EU and it has only a consultative role in policy-making. The European Commission draws up legislation which is then debated by Parliament and voted on by the Council of Ministers before it becomes law. Officials on the Council are chosen by their respective national governments, not elected. In addition, some argue that the EU results in a strengthening of the judiciary within member states that is undemocratic, as European human rights law is made binding on states without necessarily being made by legislatures (Jacobson and Ruffer, 2003). The Maastricht Treaty took certain measures to address the "democratic deficit" of the EU by strengthening the powers of the European Parliament; for example, the Commission and its president are now subject to Parliamentary approval. However, it is clear that in order to prevent a lack of democratic accountability as a result of the transfer of powers from the member states to the EU, all the political institutions of the EU need reform (Newman, 1996).

The issue of "democratic deficit" has been raised very starkly by attempts to decide on a European Constitution over the last decade.

Following the enormous expansion of the EU with the accession of Eastern European states in 2004, it was decided that a formal constitution was needed. A 300-page document, which apparently aimed to improve the transparency and efficiency of EU structures, was completed in the same year, and it was left to member states to decide how it should be ratified. Most opted to vote on it in their legislatures; several decided to hold referenda amongst their citizens. Almost half the legislatures of the member states had approved the new constitution when voters in France and the Netherlands rejected it in 2005. Although this meant an end to this form of the constitution, as member states had to be unanimous in its approval before it could be adopted, what is more important is that, whilst the constitution was being drafted, the majority of European citizens appear to have been completely unaware that it was in process at all (Beck and Grande, 2007: 228). What this indicates is a complete lack of interest and debate about the EU amongst ordinary people across Europe. European citizens may identify as European to some extent, but insofar as they are interested in current events, they are oriented far more towards national media – which generally take little interest in EU procedures and policies, except when national interests are in question – and national political institutions. It is unclear now what will happen to the European constitution. In 2008, Irish voters rejected its successor, the Lisbon Treaty, despite the fact that virtually all the Irish political parties were in favor of it and the EU is generally very popular in Ireland. Whatever happens, however, it is clear that without a European-wide debate on the necessity for a constitution, what form it should take, and how the political procedures of the EU might be made more transparent and relevant to European citizens, it will have no effect whatsoever on the EU's "democratic deficit" (Beck and Grande, 2007: 230).

Europeans do have a form of post-national citizenship assured by the EU as an emerging "supranational state," then, but it is problematic insofar as it has eroded some of the political rights they enjoyed as the citizens of sovereign nation-states. This is not to suggest that the EU is inherently undemocratic. On the contrary, lack of democratic accountability at the supranational level must presumably be weighed against the potential gain in control by national governments over processes that cannot be contained within national borders. It must also be weighed against the success of the EU in coordinating the peaceful existence of states that have been at war with each other, on and off, throughout their history, and in institutionalizing cosmopolitan law that gives individuals living in Europe, including non-citizens, some legal leverage over their fundamental citizenship rights.

Nevertheless, the EU vividly illustrates the problems for the democratization of global political institutions which we will look into more fully in the following chapter. Unless these problems can be solved in the European Union, there is little prospect that other regional bodies might develop along similar lines. The only possible candidate, currently, is the North American Free Trade Agreement, an economic pact linking Canada, Mexico, and the US. There are a number of reasons why it is unlikely that it will evolve, as the EU did, from linking states purely through economic relations to building political structures – especially, perhaps, the disproportionate size and wealth of the US (Kivisto and Faist, 2007: 128). But unless the EU can overcome its "democratic deficit," which appears to be very difficult indeed, there are good reasons to be skeptical about the desirability of the EU itself as an ideal that others might choose to emulate.

Citizenship and the environment

What difference might sensitivity to the natural environmental make to citizenship? In many ways, there is no obvious connection between environmentalism and citizenship. On one hand, citizenship is organized nationally, and environmental processes do not respect the artificial boundaries of nation-states. It is in this respect that environmentalism is linked to aspirations for global citizenship. On the other hand, many of the practices of the environmental movement involve care for local resources. How might the environmentalist slogan "think global, act local" work in practice for the extension of citizenship? In addition, the very notion of extending rights would seem to be at odds with at least some aspects of environmentalist thinking. The Keynesian welfare state, for example, was premised on the possibility of continual economic growth, and, therefore, of infinite natural resources. Might expectations of citizenship rights themselves need to be restricted as a result of our awareness of the potentially devastating effects of economic growth? Indeed, environmentalists do tend to be at least, if not more, concerned with citizenship obligations as with rights. Finally, democracy and environmentalism are not always obviously compatible. If state planning is needed to deal with climate change, for example, as Giddens argues, since policy changes across society are needed, what room is there for democratic decision-making that might result in the "wrong direction," potentially with catastrophic consequences (Giddens, 2009)?

In the first place, then, thinking about the relationship between the environment and citizenship raises a number of challenges to Marshall's

understanding of citizenship rights. First, there is the issue of who should be included as a citizen. Environmentalists argue that future generations should be included as having citizenship rights. In some ways, this is not as controversial a proposal as it might initially seem. To some extent, the rights of future citizens who are now children are already considered: rights to education, for example. Furthermore, there is the expectation that citizenship will be awarded to those as yet unborn insofar as the relevant conditions are expected to continue in much the same way. The Norwegian Constitution seems to have formalized such an expectation in relation to the environment in an amendment which states that:

> Every person has the right to an environment that is conducive to health and to natural surroundings whose productivity and diversity are preserved. Natural resources should be used on the basis of comprehensive long-term considerations whereby this right will be safeguarded for future generations as well. (quoted in Christoff, 1996: 165)

More controversially, animal rights activists argue that rights should be extended to animals, on the grounds that they, too, suffer, and also that they have moral value equal to that of human beings (Van Steenbergen, 1994). There are obvious difficulties with this argument, however, since animals, unlike humans, will never be able to exercise citizenship rights on their own behalf, nor respect the rights of other citizens, nor carry out the duties expected of citizens. It, therefore, seems more reasonable to think of the protection of animals and other non-human species as a matter of *responsibility* on the part of citizens, rather than as a matter of citizens' rights.

Second, environmental citizenship is often seen in terms of responsibility for nature, or "environmental stewardship" as it is sometimes called. This emphasis on responsibility rather than rights marks a difference, and perhaps potential for conflict, between environmentalism and other social movements. The idea of citizenship responsibility is not new; in fact, it has always been intrinsic to the enjoyment of citizenship rights. For example, the right to vote implies also the responsibility to elect political leaders, and in some countries, citizens are legally required to participate in local and general elections. More minimally, obligations to pay taxes and to obey the law (except under very particular conditions where civil disobedience may be more important) are also part of citizenship. Social movements have, however, generally campaigned for the extension of citizens' rights, not for redefinitions of citizenship obligations.

There may be a tension between environmentalism and other social movements over the balance between citizenship rights and obligations.

The extension of rights has been linked historically to the expansion of the capitalist economy. While some representatives of the green movement see concern for the environment as compatible with capitalism, all agree that economic growth is unsustainable in the long-term interests of the environment. There is, then, uncertainty over whether states could meet demands for expanding social rights (given the political will to do so), for example, at the same time as environmentalist demands to curb capitalist exploitation and despoliation of environmental resources. Developing alternative measures to GDP that would include assessment of environmental damage is crucial to beginning debates over the changes that are needed for a sustainable economy and how they are to be managed for the good of all (Giddens, 2009: 65–7).

On the other hand, however, the environmental movement does share appreciation of the importance of public goods with other social movements. Of course, the most important of these are the natural goods we enjoy in common in living on Earth, but it is the way in which they are managed that is important for citizenship. In keeping with neoliberalization, market solutions to environmental problems are now prominent. It is possible, for example, to pass on the costs of sustainable development to the consumer. A simple example is the decision taken by all large supermarkets in the UK in recent years to stop giving out free plastic bags to shoppers. The main problem here is that, although this is virtually guaranteed to change *behavior*, it may not do much to change long-term *attitudes* to the environment. The same supermarkets, for example, continue to sell goods wrapped in huge amounts of plastic, paper, and cardboard. It is true that most of this wrapping can be recycled, but creating, transporting, storing, and then recycling such a mass of packaging is hardly energy efficient. There is, however, no public campaign against this practice. Although market incentives have a role to play in creating a sustainable economy, then, they do not necessarily generate fundamental changes in how we live (Dobson and Bell, 2006). In skepticism about the role of markets, and in seeking to bring more social and economic life within the domain of public, rather than private decision-making, environmentalism is consistent with the cultural politics of other movements for expanding citizenship.

Third, although there are certainly potential tensions between democracy and environmental responsibility, in practice greater participation in political life is currently needed in order to make environmental citizenship a reality. Steward (1991) suggests that citizens should be involved with experts in assessing the environmental risks that directly affect them, and how they should be tackled. This is already practiced in the

environmental justice movement, based primarily in the US, which involves people trying to take control of local conditions that are unhealthy and unsightly, but also socially and economically damaging. Often these actions are linked to social and economic regeneration of a local area. In this respect, environmental citizenship is human-centered: it is rights to a decent, healthy, pleasant, and socially vibrant environment that are important. Although the model of the environmental justice movement remains well within existing understandings of citizenship rights in its concern with the equality of peoples' rights, it could have a huge impact around the world. Many people whose livelihoods depend on agriculture or fishing, or who rely on the local environment for firewood, water, or food, are well-aware that the conditions of their lives are directly at risk from environmental damage and are ready to take action to prevent it (Dobson, 2003: 92–4; Agyeman and Evans, 2006).

There is already European Union policy that is supposed to extend local participation in determining the direction of sustainable development. In principle, it extends power, responsibility, and influence to local government on the basis of subsidiarity, the democratic principle of the EU that political decisions should be make as at the smallest possible scale. It follows the Local Agenda 21 rules agreed at the UN Summit in 1992 of devolving responsibility to local governments to develop their own definitions of sustainable development in consultation with local citizens. At the moment, environmental action at the local level generally involves similar tactics to those of the environmental movement more broadly: lobbying government; investigating the activities of corporations and industries that are damaging the environment; and media campaigns to raise awareness, and to educate and inform other citizens. Use of the Internet may be especially promising in broadening consultation on environmental issues (Schlosberg et al., 2006). Agyeman and Evans argue, however, that there is comparatively little evidence of activity at the local level in the UK as a result of these initiatives: they doubt that top-down, procedural approaches can generate the kind of bottom-up grassroots movements that have become typical of actions for environmental justice in the US (Agyeman and Evans, 2006).

Ultimately, responsibility towards the environment can only be generated and sustained by changes of attitude towards environmental issues at all scales, from local to global; and by policies to end the rapid rate of environmental damage. Andrew Dobson takes the view that what he calls "ecological citizenship" involves non-territorial responsibilities. It is the responsibility of those who are causing environmental damage to stop, as they are affecting the rights of others, including those who live in other

countries and those who are not yet born. In Dobson's view, such responsibilities go far beyond any solutions that might be created at the local level; they involve a concrete sense of global citizenship. Dobson's ideas for global citizenship duties are actually very practical. He argues that responsibility for the environment should be addressed by national governments putting in place policies to reduce a country's "ecological footprint": its impact on the environment in terms of various elements, including carbon emissions, use of finite natural resources, and pollution. This idea can itself be applied at different scales: it is possible for a person to calculate their own personal ecological footprint (there are many calculators on the Internet), but it can also be done for a household, a town, an organization, a region, or a country. Measuring an "ecological footprint" is a very graphic way of showing how natural resources are being used and damaged. The "footprint" is the amount of the Earth's surface that is needed to sustain the person or organization measured. The great majority of people in the West are taking up far more than their share of the planet's surface. In effect, what Dobson is proposing as the basis of ecological citizenship is a development of what was agreed in the 1997 Kyoto Protocol: that countries must each take responsibility for reducing a quota of carbon emissions to reverse climate change (Dobson, 2006; see Greene, 2005: 471).

Writers on environmental citizenship tend to see the emergence of global civil society as offering the best hope for its future. Evidently, globalization in the widest sense – the growth of transnational economic and social processes and the setting up of international political institutions – does not necessarily mean an increase in environmental awareness. On the contrary, economic globalization may result in a more extensive and effective exploitation of the Earth's resources and more widespread environmental degradation. Of course, environmentalists believe that the planet's inhabitants will, by the same token, be increasingly exposed to ecological disasters as a result. However, this will not in itself lead to informed measures to safeguard the environment. People may ignore "nature's warnings." Anthony Giddens argues that this is especially likely because, although people may believe that environmental damage will be catastrophic, if they do not actually experience its effects, they will prefer not to change their way of life until it is too late (Giddens, 2009: 2). Nor will a greater degree of democratic participation lead automatically to a greater sensitivity to the environment. Indeed, it might equally well lead to greater destruction if citizens embrace a productivist, consumer identity. Global environmental citizenship requires an increase in public awareness of the issues and the construction of the will to act in

such a way as to ensure a healthy and flourishing environment in the long term.

The environmental movement is beginning to see some success in its contribution to global civil society. The activities of environmental organizations are contributing to the growth of public awareness and some consideration has been given to environmental issues on the part of international political institutions. There is now a system of international laws, conventions, and treaties covering such cases as protection of the North Sea, the elimination of CFC gases, and so on. Furthermore, most overdeveloped countries have accepted that they must reduce or stabilize carbon emissions to some extent, even when, as in the US, they did not sign the Kyoto Protocol. However, compared to the seriousness of environmental destruction, and the importance of changes needed to deal with it adequately, such measures are extremely limited.

Note

1 There are different definitions of cultural citizenship. For some commentators, multiculturalism includes the claims of all minorities (including gay men, for example, as well as cultural minorities) to be included in society as full citizens whose "cultural difference" is respected (e.g., Pakulski, 1997). For others, the most important aspect of cultural citizenship is communication and dialogue (Turner, 2001). I discuss communication and dialogue in chapter 5 on democracy and limit the discussion of multiculturalism to Kymlicka's definition of rights to live and choose within "societal cultures." One more caveat: the commonsense understandings of culture as "national," "high," "low," "difference," and so on are obviously different from the more technical way in which I am using "culture" throughout this book to understand "signifying practices" that are crucial to how society is reproduced and transformed.