

Have we seen the emergence of post-national forms of citizenship? Discuss with reference to the work of Yasemin Soysal among others.

'In a world of incessant migrations, it is in these novel geographies of citizenship that we recognise the dynamics and distribution of rights and identities, and patterns of exclusion and inclusion' (Yasemin N. Soysal, 2000, pp.3).

It seems citizenship is the *Zeitgeist* of the 21st century. But then, politicians have been attempting to redefine citizenship and national identity for decades, from Norman Tebitt's infamous cricket test suggestion in the 1990s to the current Labour government's Citizenship Test (The Times, 2005). The modern nation, as invented by the French Revolution, redefined the membership of modern states as democratic citizenship. Rousseau's idea of Universal Man, the free individual, was quickly contradicted by 1789 Declaration of the Rights of Man and the Citizen, which limited citizenship by making it dependant on nationality. 'Citizenship is one of the key institutions of contemporary societies, at the very core of both democracy and national identity (Castles *et al*, 2000, pp.10), linking the state and the nation, the nation being a people 'defined both on the basis of belonging to the territory and of the state and having a common cultural and ethnic background' (Castles, 1998, pp.225).

Traditionally, citizenship is based on bounded citizenries within national parameters, ambiguously implying that if some are fortunate enough to be included there are also those who are excluded, that is, *non-citizens*. '*L'identification collective par l'altérité: nous sommes "nous" parce que nous ne sommes pas "eux"*' (Winock, 1996, pp.8)¹ underscores how ideas about race and nationhood, and even more so today, 'are as much to do with the 'others' in Europe as with those outside' (Solomos, 2003, pp.212).

T. H. Marshall conceived citizenship as 'expanding categories of rights [...] equally bestowed on expanding categories of persons, without consideration of their inherent characteristics' (Joppke, 1999, pp.629), breaking this down 'into three types of rights: civil, political and social' (Faulks, 1998, pp.42). However, this expansionist view is no longer possible as immigration has 'revealed citizenship in a new post-Marshallian light, as a legal status and identity that excludes rather than includes people' (Joppke, 1999, pp.630).

¹ My translation: Collective identity based on 'otherness': we are 'we' because we are not 'them'.

Immigration, multiculturalism, increased mobility, improved communications and globalisation all present challenges to citizenship based on the modern nation-state. 'Globalisation has destabilized the 'national industrial society' (Castles *et al*, 2000, pp.7), new economics transcend national borders in the global market and sovereignty is increasingly limited by a proliferation of international organisations and international laws which are transferable across borders, including the expanding international discourse on human rights guaranteed by a supranational bodies, for example: The European Convention on Human Rights. This mediates previous power of national determinants like state institutional arrangements, political and cultural traditions, domestic social structures, historical context, geography, colonial legacies to name a few (Feldblum, 1998).

Societies have and will continue to become more and more ethno-culturally diverse. 'The current crisis of citizenship is thus linked with the challenges facing the nation-state model at the end of the twentieth century' (Castles, 1998, pp.224). It is argued that the nation, as the location of a common identity and the 'imagined community' (Anderson, 1991), and nationality, as a basis of belonging and the state as the administrator of rights and obligations, are outmoded concepts. In this paper I will examine the work of various authors in reference to post-national citizenship, looking firstly at those arguments for and secondly those against the concept and whether there are other forms of citizenship participation taking place. Thirdly, I will consider the recent unrest in Paris and what this tells us about the state of citizenship in France.

Post-national citizenship: the positives

Yasemin N. Soysal states that 'in response to transformations affecting the contemporary politics, economics and institutions of the nation-state system, new forms of citizenship, belonging and claims have emerged' (Soysal, 2000, pp.3). We are now seeing a more universalistic approach to identity claims based on 'personhood', located in trans-national spaces. There is a 'proliferating of sites of making and enacting citizenship' (Soysal, 2000, pp.1) beyond the limiting 'authentic' nation-state, with new ways of mobilising identity and practising citizenship mainly due to immigration and globalisation.

Citizenship is 'increasingly decoupled from belonging to the national collective' (Soysal, 2000, pp.4), so that 'the mobilisation of claims takes place independent of nationally determined collectives and at different levels (local, national and trans-national)' (Soysal, 2000, pp.7). Soysal uses the example of British Pakistanis demanding the right to teach Islam in state schools, claiming rights as British citizens from the State and simultaneously appealing to universal human rights as Muslims, with supranational bodies such as the European Union and its European Court of Justice for legitimating (Soysal, 2000). 'So, while, the claims and mobilisation of Muslim groups aim to further particularistic identities and solidarities, paradoxically they make appeals to the universalistic principles of human rights' (Soysal, 2000, pp.10).

Alain Finkielkraut in his book, *The Undoing of Thought*, 1998, (*La Défaite de la Pensée*, 1997) claims that post-modern times are characterised by individualism and personal choice, lamenting the decline of the collective and that now citizens carve out new and distinct locations for identities. However, the dichotomy between individual and collective is not so marked according to Soysal. In the post-national arena, claims of universal personhood discourses legitimise collective claims on a local level. As national community rights become more abstract, legitimised at the trans-national level, we see a return to group based rights on a local, more tangible, scale, or as Castles *et al* term it 'a re-ethnicization of culture at a sub-national level' (Castles *et al*, 2000, pp.8).

'Inherently contradictory' (Schuster *et al*, 2002, pp.39), multiculturalism emphasises authenticity and rejects universalism (Joppke, in Schuster *et al*, 2002 pp.39). Kymlicka's multicultural citizenship 'depicts liberal states as no longer assimilating their immigrants, but as respecting and protecting the ethnic identities of the latter' (Joppke, *How*, pp.631), which we can see in Britain with 'its celebrated multicultural model' (Schuster *et al*, 2000, pp.46). Soysal maintains that this has been replaced by a form of membership and identity-making that goes beyond the bounded, albeit malleable, national citizenship which combines what was previously held to be mutually exclusive, that is, the universal and the particular. Post-nationalism breaks down these binary opposites so that they become 'concurrent levels within which the current practices of citizenship' (Soysal, 2000, pp.13)

Diasporic communities are the perfect example, according to Soysal, of this trans-national identity-forming reaching across boundaries. The global framework gives us a point of reference beyond the origin or host to a transnational identity. 'Citizenship defines bounded populations, with a specific set of rights and duties, excluding 'others' on the grounds of nationality' (Soysal, 1994, pp.2, 120, 137), however, Soysal's work on Turkish communities resident in Germany highlights how they claim space, rights and belonging from both nations: 'In western Europe, long-term residents have the economic, legal, and social rights of citizens, including rights to welfare, rights to social services, unemployment benefits and medical insurance' (Feldblum, 1998, pp.238).

Citizenship has become less determinative as non-citizens and immigrants 'envisage their participation in multiple civic spaces (Soysal, 2000, pp.10). European Union citizens have the right to vote and stand in local and EU elections in other EU member states, guaranteed by the 1991 Maarrstrict Treaty. 'The participation of guest workers in the host polity as social, political, and economic actors with a wide range of rights and privileges contests the foundational logic of national citizenship' (Soysal 1994, pp.2).

Citizenship models across Europe are all 'premised on citizens who belong to just one nation-state. Migrant settlement is seen as a process of transferring primary loyalty from the state of origin to the new state of residence' (Castles *et al*, 2003, pp.44). However, increasing numbers of people have ties to more than one state and they 'maintain strong cross-border affiliations – possibly over generations' (Castles *et al*, 2003, pp.45). 'Dual citizenship breaks with the logic and practice of national state citizenship' (Feldblum, 1998, pp.23) by 'breaching the notion of political membership and loyalty in a single state' (Soysal, 2000, pp.6). Modern states are fixed, viewing the citizen as a homogenous whole and expecting unfaltering faithfulness. 'The post-modernists exalt the rather dizzy uncertainties of cultural fluidity over the fixed virtues of cultural rootedness' (Finkelkraut, 1988, pp.111) and in the face of the emerging fluidity of national boundaries and growing choice of memberships the modern state is an anomaly, a fact bemoaned by Finkelkraut as the fragmentation of authentic society. As Christian Joppke points out, people are expected in modern

society to have multiple purposes, to be multiply orientated, perpetually flexible and mobile (Joppke, 1998). The 'one job for life' no longer exists, nor do people only live in one community for generations. 'Overlapping citizenship rights can extend from sub-national to trans-national levels, and cut across several categories of citizens and foreigners' (Feldblum, 1998, pp.238).

EU citizenship is not delimited to the nation-state (Feldblum, 1998) because there is no European nation, but it is administered by a supranational body and directed by trans-national norms and discourses (Joppke, 1998). 'Part of the drive underlying the new EU citizenship has been that the European Union is giving its member nationals the new status to generate loyalty and identity to itself' (Feldblum, 1998, pp.239). Post-national developments are not simply an extension of national policies but 'break with its logic by moving citizenship beyond or outside of the parameters of a territorial nation-state' (Feldblum, 1998 pp.240).

An influential factor in post-national relations is the increasing access to the rapidly advancing world of technology. Soysal asserts that immigrants 'appropriate their identity symbols as much from global cultural flows as the host or home country cultural practices' (Soysal, 2000, pp.11). There are satellite channels aimed specifically at diasporic communities and all members of the population have access to the same multi-level discourses of global television, music, and fashion. Finkelkraut grumbles that 'from now on [democracy] is going to mean everyone's right to the culture of this choice [...] equipped with remote control, in life as much as in front of his television [...] without allowing himself to be intimidated any longer by traditional hierarchies' (Finkelkraut, 1988, pp.116).

Post-national citizenship: the negatives

Where Soysal sees a positive gain from multiple locations for and choices of culture others predict a cultural crisis in response to the erosion of the nation-state, leading to defensive and regressive exclusionism, concerned with immigration, fuelling resentment and a renewed interest in cultural identities (Morris, 1997, pp.3). Lynda Morris describes globalisation as 'an expanding recognition and enforcement of rights of individual over and above those rooted in membership of a particular nation-state' (Morris, 1997, pp.1) presenting a challenge to the 'self contained autonomy of the

nation-state' which Brubaker sees as 'ultimately rooted in political and cultural geography' (Brubaker, 1992, pp.16).

In Joppke's view, Soysal claims that 'European citizenship is post-national membership in its most elaborate legal form' (Joppke, 1998, pp.29), is one level true as it derives legitimacy from supranational norms and discourses, such as free movement and non-discrimination, while implementation is left to states (Joppke, 1998). Nonetheless, he points out that 'post-national citizenship is parasitical on nation-states, because it requires them for provision of rights and benefits, without doing much to regenerate them' (Joppke, 1998, pp.28). The purpose of European citizenship, as set in the 1991 Maasrict Treaty, is to strengthen to protection and rights of nationals of member states, not replace it. '*L'entité supranationale de l'Union européenne devient un espace juridique, économique, financier, policier, monétaire: ce n'est pas un espace identitaire*' (Thiesse, 1999, pp.18)². European citizenship would become post-national if 'non-citizen immigrants residing in the member states would get it too' (Joppke, 1998, pp.30).

European membership actually renews association between citizenship and nationality and reinforces its exclusivity, as one cannot hold EU citizenship independently of national citizenship. 'For non-EU nationals [...] it is not European citizenship that allows them to move between countries, but intergovernmental agreements such as Schengen' (Schuster *et al*, 2000, pp.50). 'Certainly, individual rights may be established in a supranational form, but their immediate guarantor is the nation-state' (Morris, 1997 pp.5). Morris views intergovernmental treaties such Schengen system as representing 'an expansion of the nation-states' capacity for surveillance and control rather than any relaxation of national authority' (Morris, 1997, pp.5). The Marshallian bundle of rights is only on offer to a limited group and the supporters of post-nationalism overestimate the 'benefits of trans-nationalism and the number of people who enjoy them' (Schuster *et al*, 2000, pp.41). Consequently, the 'processes of exclusion that accompany the creation and maintenance of the state and the nation' (Schuster *et al*, 2000, pp.38) are extended to trans-national spaces such as the European Union. Migrants and minorities still need national citizenship to guarantee

² The supranational entity of the European Union is a judicial, economic, financial, policing and monetary space: it is not location for identity.

to some degree their rights and security. 'For community leaders, and the people they represent, integration is dependant on equal rights, something they do not enjoy and that they cannot begin to enjoy without citizenship rights-political as well as economic' (Schuster *et al*, 2000, pp.47).

Citizenship is being eroded, or 'hollowed out' as rights become predicated on residency and not citizenship and as the distinction between citizen and alien disappears (Jacobson in Schuster *et al*, 2000, pp.41). 'If there is no longer any distinction between them and us, if the state provides them with all of the benefits to which we are entitled, why should we owe any special allegiance to our state?' (Schuster *et al*, 2000, pp.49). The fact that European Union needs to create a flag and a hymn to accompany its fledgling citizenship points to the fact that modern nation-state model is still being followed to some degree. Joppke highlights the need to go beyond the limitations of the post-national as well as the nation-state model. It may be good for first generation immigrants to maintain myth of return but 'denizenship' links subsequent generations to the former culture stigmatises them in the host country and prevents full integration (Joppke, 1999). Morris questions the commitment of governments to international conventions on human rights and refugee rights (she notes that Schengen and the Dublin Convention are somewhat incompatible with the Geneva Convention, [Morris, 1997, pp.4]) rendering post-national citizenship irrelevant to the large majority of non-citizens within Europe.

France: a case in point

Rogers Brubaker asserts that despite European Union attempts 'to establish a common immigration policy, definitions of citizenship continue to reflect rooted understandings of nationhood' (Brubaker, 1992, pp.3). In France, citizenship is conceived in political not ethno-cultural terms, as Ernest Renan, wrote in his letter to M. Strauss in 1871, comparing the German and French approaches: '*Notre politique, c'est la politique du droit des nations; la votre, c'est la politique des races [...] trop peu de pays possédant une race vraiment pure*' (Winock, 1996, pp.8)³. The French Republic, the birthplace of human rights, is 'one and indivisible', making no distinction between its citizens, thus 'it makes no sense to speak of minorities, since all

³ My translation: Ours is the politics of the rights of the people; yours is the politics of race [...] too few countries possess a truly pure race.

are equally French' (Schuster *et al*, 2000, pp.47). France continues to claim that it is not a multicultural society. Minorities, as French citizens, 'are expected to become invisible in the public sphere' (Martiniello, 1998, pp.991); 'Cultural specificity can only be cultivated in the private sphere' (Martiniello, 1998, pp.911).

'The expansive, assimilationist citizenship laws of France, which automatically transforms second-generation immigrants into citizens, reflects the state-centred, assimilationist self-understanding of the French' (Brubaker, 1992, pp.14): '*La nation transcende les particularisms ethniques, religieux, culturels: le lien social qu'elle instaure est politique*' (Winock, 1996, pp.13)⁴. However, 'even if immigrants have acquired the citizenship of the receiving state, they are often not enjoying equal rights', (Joppke, 1999, pp.630). Since the 1970s, immigration has been a political and a public issue in France. As in Britain, it has been argued that controlling numbers and clandestine immigration is the only way to better help integrate existing legal immigrants. More recent immigrants have proved more difficult to assimilate and so have 'threatened social cohesion' (Silverman 1992, quoted in Brúlard, 1997, pp.183). However, the current issue is not about new immigrants but second and third generation immigrants. 'Citizenship is of enormous importance in enabling groups to claim economic and political rights [...] but in France and Britain the possession of formal citizenship has not lead to substantial equality with the white majority population' (Schuster *et al*, 2000, pp.48)

Kymlicka 'depicts liberal states as no longer assimilating their immigrants, but as respecting and protecting the ethnic identities of the latter' (Joppke, 1999, pp.631). He argues for continuation of bounded citizenship as the prerequisite for liberty, but in a more malleable multicultural form. In Europe, immigrant communities' claims tend towards emphasising their group identities but appealing to 'the universalistic principles and dominant discourse of equality, emancipation and individual rights' (Soysal, 2000, pp.7). However, in France, the dominant discourse continues to be 'of the need for newcomers to adapt to the host society norms of behaviour' (Schuster *et al*, 2000, pp.47). 'The British model of a multicultural society with different and distinct minority group, and political mobilisation of those groups, is seen as divisive

⁴ My translation: The nation transcends ethnic, religious and cultural particularisms: the social quality that it instils is political.

and politically dangerous' (pp47). France had always maintained a universal approach to citizenship and identity inextricably linked to national belonging. Marco Martiniello states that France is 'rarely willing to discuss openly the changes needed to accommodate its diversity' (Martiniello, 1998, pp.912). 'If analysing a problem is half way to solving it, [this] is not a good start' (Henley (a), 2005).

Soysal asserts that 'the particularistic identities and claims we encounter today are inevitable outcomes of the universalistic principles to which we firmly adhere' (Soysal, 2000, pp.12). 'Questioning the validity of the French republican model, and its ability to deal with the deep social changes in French society' (Martiniello, 1998, pp.912) (as Michel Wievorka has dared to do) is seen as politically incorrect. Wievorka claims that the concept of the nation-state has lost its monopolistic central position and that 'sections of the population that suffer economic and social deprivation often suffer, in addition, from a lack of cultural and identity recognition which also amounts to a symbolic exclusion from the national community' (Martiniello, 1998, pp.913)

The recent riots across France have brought 'le retour obsessionnel des thèmes de l'intégration et de l'identité' (Ramadan, 2005), forcing this issue out into the open for public debate, demonstrated by the words of Alain Touraine, '*Nous vivons au contraire dans un phase de désintégration, marquée par le rejet des groupes minoritaires, par la fermeture de ceux-ci sur un défense communautaristes et par le recours croissant à une violence qui traduit l'incapacité de la société française à changer de modèle culturel*' (Touraine, 2005)⁵.

'Access to formal nationality is not the main indicator for inclusion or exclusion in today's Europe. Rights, membership and participation are increasingly matters beyond the vocabulary of national citizenship' (Soysal, 200. pp.12) but in France, large sections of legal members, marginalised in the poor suburbs on the outskirts of Paris, are unable to access their rights or participate economically, socially and politically: 'We hate France and France hates us [...] I don't know what I am. Here's not my

⁵ My translation: We are living in a phase of disintegration, marked by a rejection of minority groups, by a closure of these groups through community defence and by a growing recourse to violence which signifies the incapacity of society to change its cultural model.

home; my gran's in Algeria [...] We burn because it's the only way to make ourselves heard, because it's solidarity with the rest of the non-citizens in this country' (Henley (b), 2005).

The riots can be read seen as a protest against the '*terrible constat d'échec des politiques de ségrégation urbaine et sociale imposés depuis des années à ces quartiers et à leurs populations*' (Laurent, 2005)⁶. Soysal maintains that 'the universal right to one's own culture has gained increasing legitimacy and collective identity has been redefined as a category of human rights' (Soysal pp.6), but not in France. In the *banlieues* the French Republic's 'community of indistinguishable individual citizens' (Schnapper in Martiniello, 1998, pp.912), has broken down: 'the republic deals with citizens, not with individuals. But we're not citizens. We don't know what we are. Not Arab or west African, but not French either. We're unrecognised and unremembered. No wonder people rebel' (Henley, (b), 2005). There persists the idea that Islam threatens French identity, that it is not possible to be Muslim and French at the same time, demanding that the individual relinquish any public group identity. As a reaction to this process of deculturation, religion has become only way from some to find meaning in their lives, 'an approach they see as most appropriate answer to marginalisation' (Brúlard, 1997, pp.184).

But, the French do not like the 'future as it is presented by the Anglo-Saxon model' because it signifies a 'lack of ability to control future which generates fear and hostility' (Drake et al, 1999). Most would probably agree with Dominique Schnapper that '*il ne faut pas remettre en question un bon principe – celui de la république... il faut lutter pour qu'il soit mieux appliquer*' (Conan, 2000)⁷. 'French Euroscepticism (and hate for immigrants) is able to tap into widespread social unrest and allows fundamental differences between the Front national, the far Left and more mainstream statist to be blurred' (Drake et al, 1999). What used to be confined to the rhetoric of extreme right is now being used by mainstream French politicians to exploit the public's fears: '*le discours sécuritaire, préférence nationale, politique discriminatoire*

⁶ My translation: Dreadful acknowledgment of the failure of urban and social politics of segregation imposed for years on these districts and their populations.

⁷ My translation: It is not necessary to question a good principal - that of the Republic - it is necessary to fight to apply it better.

qui se confonde avec la question de l'immigration' (Ramadan, 2005)⁸. However, Adrien Favell points out that 'the fears of national disintegration because of cultural differences and the threat of Islam have indeed largely masked the fact that cultural pluralism would be much less a problem were poverty and social conditions addressed as the central focus' (Favell, 2001, pp.187).

'This shift from national collective to particularistic identities does not necessarily implicate disengagement' but that there 'is evidence of emerging participatory forms, and multiple arenas and levels whereby individuals enact and practise their citizenship' (Soysal, 2000, pp.12). 'By their choices about what the nation-state is for, it is [citizens] who will continue to define the frontier of national sovereignty' (Milward in Drake *et al*, 1998, pp.175), but French immigrants, even as legal citizens, are unable to influence the direction of national membership. Hence, neither the Kymlickan multicultural approach nor the post-national model of Soysal, occurring in other European states, seems a distant possibility for the immigrants in France.

Conclusion

Castles questions Soysal's analysis of post-national citizenship in that it 'overestimates the extent to which immigrants in Western Europe have gained most of the rights of citizenship without formal membership in the nation-state' (Castles, 1998, pp.234). While there is evidence that post-national forms of membership are taking place on some levels, for example, within certain communities who are able to claim particularistic identities and universal rights, and among the wealthy, it is also clear that immigrants are still denied access to the full rights granted citizens. 'Only citizenship guarantees the right of access to the territory of the state and protection from deportation. Only citizenship guarantees a least a degree of representation' (Schuster *et al*, 2000, pp.50).

'For sections of the population lacking recognition and social and economic resources, the notion of an autonomous subject is nothing more than a slogan' (Martiniello, 1998, pp.915) and we have seen that citizenship does not necessarily

⁸ My translation: The discourse on security, national preference, and the politics of discrimination are confused with the question of immigration.

guarantee rights or representation. For Joppke, post-nationalism 'elevates the fringe into the core experience. Immigration touches only the margins of society. It does not stir up the national order of things' (Joppke, 1998, pp.25). Nonetheless, the prevailing circumstances in France demonstrate how the margins can and will stir up the national (and trans-national) order of things. Soysal points to the breakdown of traditional dualities and the need to dissociate 'the rights of citizenship from its traditional link with nationality [...] that in a plural society the old republican rhetoric of nationality and secularism is frequently discriminatory and often racist' (Silverman, 1990, in Brúlard, 1997, pp.187).

Furthermore, there are 'new trends towards restrictiveness' (Castles, 1998, pp.235). In the face of expanding rights for some European legislation actually increases governments' powers of inclusion and exclusion. There appears to be a shift towards protectionism, fearing a loss of national rights and identity. Ernest Renan stated that nations do not exist independently of a national conscience, that '*les nations ne sont pas quelque chose d'éternel. Elles ont commencé, elles finiront*' (Winock, 1996, pp.11)⁹.

New approaches to citizenship are required to address the ambivalences of the nation-state model in the face of globalisation and the trans-national locations for identity-forming, political belonging and decision-making and in order to include new groups and their democratic participation. 'Citizenship should no longer be based on nationality (Castles, 1998, pp.241), but for the present 'national citizenship remains an indispensable weapon in the struggle for equality' and it is important to 'develop an analysis of contemporary trends and developments that is sensitive to what is happening at the level of nation-states, localities and regions as well as the European Union as a whole' (Schuster *et al*, 2000 pp.52).

Perhaps due to France's 'colour-blind republicanism and bungling by an out of touch elite' (Tisdall, 2005) '*La France paye aujourd'hui son arrogance*' (Thréard, 2005)¹⁰, a fact that cannot be remedied by deporting the disenfranchised protesters, regardless of legal status (El País, 2005). Unlike Kymlicka, who saw the individual as belonging

⁹ My translation: Nations are not something eternal: they had a beginning and they will have an end.

¹⁰ My translation: Today France pays for its arrogance.

‘to one culture only and displaying only one ethno-national identity’ (Martiniello, 1998, pp.914), Soysal has shown that cultures and identities and also locations evolve, and so must the Republican attitude towards its immigrants.

A German government spokesperson in response to the unrest in France, explains:

‘Les images qui nous viennent de Paris sont pour toutes les démocraties un avertissement à faire en sorte que ces efforts d’intégration ne doivent jamais être considérés comme achevés, mais qu’on doit sans cesse leur donner un nouvel élan’ (Bozonnet et al, 2005)¹¹.

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¹¹ My translation: The images coming out of Paris are a warning for all democracies to remember that our efforts at integration should never be considered accomplished, but that we must continue to give them new momentum.

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