

Exclusive citizenship as basis for chauvinistic nationalism

A historical institutionalist perspective on the ruling rationales of liberal regimes

Christian Tischmeyer

1. Introduction

»[I]f you believe you're a citizen of the world, you're a *citizen of nowhere*. You don't understand what the very word ›citizenship‹ means« (May 2016). With the speech this quote is taken from (I became aware of it through the eponymous book by Marsili/Milanese 2018), then recent British Prime Minister May denounces »too many people in positions of power«, whom she finds too cosmopolitan, for a lack of national identification. She blames unpatriotic elites to collaborate with foreigners, employing EU and other supra-national organisations for their egoistic schemes to avoid contributing to British society. Thereby they are betraying »the spirit of citizenship« and consequently the ordinary Brit. May promises to end this situation by strengthening government intervention. She portrays state agency, equal citizenship and collective national identity as mutually dependent.

May's speech mirrors the fashionable ›my country first‹ rhetoric and increasing awareness of continuous migration and global connectivity, posited against national interest. As she is Prime Minister of *the* European, liberal democracy, I consider her statement a very pointed illustration of the discourse I want to analyse. Are we witnessing a turning point in the political discourse on citizenship, a renunciation of an inclusive, liberal understanding, in favour of an exclusive, nationalistic one?

Seen from a historical perspective, the answer is *no*. When looking at genesis and development of modern citizenship, it becomes clear that citizenship has always been exclusionary. The problem with this is mainly one

of claim versus reality. The inclusion of a defined group through exclusion of everybody else may be considered the basic function of all groups which organise beyond face-to-face level (Barth 1970). However, this does not sit well with the emancipatory claims of liberal constitutions. Especially identitarian exaltations of citizenship (creating unity among citizens by denigrating others) contradict an inclusive and liberating self-conception of modern societies, which is said to find its expression in the status of democratic citizenship (Linz/Stepan 1996: 28; Menke 2015: 35; Przeworski 1995: 34). So, in this paper, I want to explicate the connection between those two elements of citizenship. How does the potential for liberation and emancipation relate to the instrument of exclusion?

The historical-institutional analysis shows that the contradiction between inclusive claim and exclusionary reality is only superficial. Tracing the historical development of modern citizenship clarifies its function for modern political systems (cf. Menke 2015: 11; Migdal 2001). From this perspective, citizenship is an administrative status, a political institution of unmediated, modern state rule. In this light, the current debate on legal inclusion and its political implications is a continuation of one of the foundational discussions on constitutional regimes in general, and democracies in particular (Linz/Stepan 1996: 28).

I will argue that the formal status of citizen allows for nationalistic exaltation of citizenship as primary identity. May's initial quote invokes the idea of citizenship as fateful belonging to a nation. In his chapter, Schlee (2020) points out how non-citizens are subjected to biopolitical selectivity. But as citizens are much more vital for political institutions, one should expect them to be accordingly more targeted by such biopolitical rationales (cf. Menke's 2015: 287-95 reading of Foucault). Through my institutional analysis, I intend to show to what extent exclusion is inherent to the dominating rationales of liberal democracies. To do so, I will sketch the evolution of modern citizenship rights. In the first part, I will briefly elaborate on my approach, to then argue for the function citizenship fulfils in electoral regimes. This will connect to the general rationales of liberal rule, some of which shall be outlined using critical theory of Foucault and Marx. Afterwards, I will position nationalism within these logics, leading to the final discussion of aspects of self-discipline within liberal institutions. I argue that the biopolitical selectivity applied to non-citizens shapes the institution of citizenship insofar as it supports nationalistic chauvinism.

Before going into the analysis, I will make a final remark on the theoretical position that I will take, in reference to Isin's (2009) concept of citizenship, which has a guiding function for this volume. To analyse the political design of citizenship in liberal mass-democracies, I will focus on the legal, or administrative, status of full citizenship.

2. A historically grounded perspective

What is citizenship? In his influential lecture, Marshall (1950: 8) understands citizenship as »full membership of a community«¹. Przeworski (1995: 43) also takes this point of departure and adds that »[m]odern citizenship entails a bundle of predictable and enforceable rights and obligations for every member of the political community«. Going one step further, Linz and Stepan (1996: 28) infer the political institution of the state in defining who is citizen. Almost in line with the initial quote by May, they argue: »Without a state, there can be no citizenship; without citizenship, there can be no democracy« (Linz/Stepan 1996: 28). Empirical operationalisation of citizenship points into this direction as well. Despite a variety of existing approaches, Pammett (2016: 1-2) finds the three elements, »rights, identity and participation« as crucial dimensions of citizenship. All three specify the relationship between the designated individual (citizen) and the political community. While partially going beyond, all aspects centre on the legal status². In summary, it seems uncontroversial that citizenship denotes the relationship of full membership that certain persons (citizens) have in the political community. In modernity, this community is framed by the state – typically called the nation. It is a status of accumulated, specifiable rights which entail both negative protection from and participati-

1 Marshall (1950: 10) separates three dimensions of citizenship along a historical »evolution« of the concept through »civil, political and social« rights. While it is clear that notions of rights have expanded throughout the centuries, one can defer political and social rights from the same basic ideas as civil rights – they are at least compatible, if not already inherent (cf. Menke 2015: 222-25). Marshall (1950: 14) also suggests to follow the separation of »three elements of citizenship« not too rigorously.

2 For example, they elaborate that identity means the »citizens« orientations and attitudes as members of a political community« (Pammett 2016: 2), both towards official position-holders within the state apparatus and their fellow citizens. Thus, it presents the overarching frame of that relationship

on rights within a state. Thus, citizenship is most meaningful in an electoral regime.

As mentioned in the introduction, Isin's (2009) idea of citizenship is distinct from my theoretical position. To him, citizenship is a much broader concept; anybody who claims rights in any community (thereby making statements how one relates to members and non-members of that group) is engaging in citizenship. While this is useful in other investigations on citizenship, e.g. how non-citizens can overcome their principal exclusion (cf. Rządtki's 2020 chapter in this volume), I will use the concept narrowly, denoting the relation that full members have towards the modern state.

A »historical institutionalist« approach (following Migdal 2001: 246-55) can trace the origin of political practices, specifically the development of their underlying rationales (cf. Tischmeyer 2018: 8-9). In this way, it is similar to a Marxist notion of critique (cf. Menke 2015: 11; 170-171). Especially the historical institutionalist approach is based on the premise that political regimes are shaped by specific histories which still frame present politics. Institutions, broadly understood as continuous structuring patterns of routine behaviour, are the very link between historical developments and individual behaviour (Giddens 1985: 11-12; Migdal 2001: 246). While already pragmatic decisions of individual actors lead to the routinisation of relations, it is especially organisations that purposefully pursue routine interaction in order to lower costs of continuous relations. As expectations are specified and options narrowed down, behaviour is increasingly predictable; order is installed. Thus, processes of institutionalisation are intimately linked to the establishment of continuous power relations (Giddens 1985: 11-12); even when not directly backed by sanctions. At the very least, institutions serve as guidelines how to imagine a *normal* course of action and what to imagine at all (Migdal 2001: 246). While individual preferences how to act are massively shaped by institutions, human actions determine institutions vice versa (Giddens 1985: 11-12; Migdal 2001: 246).

I take citizenship as a fundamental political institution of liberal, electoral regimes. This institution was created through bourgeois revolutions (cf. Menke 2015), namely in USA and France, and adapted in later constitutions following these examples. Such institutions have a functional and a cultural side (Migdal 2001: 255-62). By focussing on the former, I aim to show the consequences on the latter. As has been mentioned introductorily, citizenship is charged with dimensions of identity. Concomitant to this, the history of achieving citizenship rights is also idealised. However, uncritically applau-

ding past revolutions and constitutions means to outright deny the authoritative positing of a specific order – especially the ignorance towards alternative options. This idealisation also has a certain kind of ›solemn‹ element to it. After all, as even critics acknowledge (Marx 1976 [1843]: 356), bourgeois constitutions do present crucial steps towards liberation from earlier, more despotic regimes. However, as historians (Mann 1993), theoreticians of the state (Giddens 1985, Migdal 2001), and political philosophers (Foucault 2008; Menke 2015) agree, citizenship rights were gradually granted by the ones in power – albeit under pressure ›from below‹. To understand citizenship rights in their historical continuity means to see them as functional adaptations to the ruling rationales of modernising regimes.

3. Citizenship as political institution, functional to state rule

To ground citizenship in historical perspective, one has to be aware that liberal democracies are systems of rule. The claim to authority is no weaker than in autocracies, it is just different in its specifics. In this part, I will outline some of these rationales, considering three interrelated aspects. I will structure the chapter roughly along the historical development of statehood during the formative period of institutions of modern rule, i.e. rule in liberal mass-democracies. Doing this, I will consider influential criticisms of capitalistic societies of mass-production and increasing mass-consumption by Marx and Lenin. I will devote special attention to Foucault's concept of biopolitics. Following Menke (2015: 287–95), Marx and Foucault present very different critiques of liberal regimes. Marx' critique is based on the de facto inequality of formally equal members of society, and consequently class-based exploitation. On the other hand, Foucault's critique targets the institutions of rule, specifically how domination is installed through self-discipline when interacting with or participating within authoritative institutions. I seek to combine those two critiques.

In the process of political modernisation to unmediated, central state rule, the populace was no longer just the object of rulers, but emerging to demand participation. Modernising regimes successfully channelled the political voices of the masses into national representative institutions (Mann 1993: 252; Marsili/Milanese 2018: 48). Its staffing was decided on in public elections, with suffrage continuously expanding, until it comprised the vast majority of the population (Hobsbawm 2000: 83; Marshall 1950: 20). This is only consis-

tent with the move to direct rule. Historical accounts show that representative institutions have already been critical to pre-modern regimes to foster compliance within the groups they depended upon (Giddens 1985; Mann 1993). As modern states depend on mass-compliance, broad segments of the population are now integrated into the representation mechanisms.

As Giddens (1985: 206) puts it, rights were granted as concessions to compensate for deeper intrusion of the state into societal life. As the Ancient Régime first incorporated the grand bourgeoisie, property guarantees were codified before the protection of liberty (Mann 1993: 247–52). Gradually those protection and participation rights were expanded in substance and reach to compose the contemporary ›bundle‹ of citizenship rights (cf. Marshall 1950). In line with continuous extension of suffrage, universal civil liberties might also be seen as gradually inflated rights of the grand bourgeoisie (Williams 1984: 126). From this perspective, mass-democracy can be regarded rather as quantitative expansion of the citizen group than the new quality of a constitutional state.

Menke (2015) also sees the seminal codification of property rights as precedent for all modern rights, including citizenship rights. These subjective rights are framed as »natural or pre-political« (Menke 2015: 210; my translation). He recapitulates John Locke, who frames property as continuation of the free will of the individual. Hence, any regulation of property is understood as intrusion into the personal sphere (Menke 2015: 213). As Foucault (2008) argues, this aversion to directly intervene into individual affairs, however, did not mean that political authorities reduced their activities. On the contrary, under the banner of a lean or »frugal« state, government activity was ever increasing. According to Foucault, this is because liberal government concerns itself with the welfare of the people. This general orientation, as well as the more specific rationales applied by political actors to that end, are what he calls biopolitics. At the same time stands the realisation that government cannot directly produce societal wealth, but has to rely on the market to drive its production.

Thus, a *successful* government effectively creates the conditions under which the population thrives – measured by a range of pre-determined indicators. This means to enable the individuals who compose the population to utilise the granted freedoms (e.g. those of the market, but also political freedoms of discussion and expression; Foucault 2008: 63). In practice, however, this enablement requires to respond to all kinds of threats to the foundational freedom of liberal regimes. Foucault (2008: 66) deduces that in liberalism,

»individuals are constantly exposed to danger, or rather, they are conditioned to experience their situation, their life, their present, and their future as containing danger«. Thus, liberal government not only becomes immensely active, but also engages in a paradox (or dialectical) relationship to freedom. It attempts to enable individual freedom by limiting the general decision space (Foucault 2008: 64)³. In other words, it is generally acknowledged that free agency may well constitute a threat to the freedom of others. Therefore, to become a subject in (or of) a liberal order means to waive political agency⁴.

Marx (1976 [1843]) also criticises the authoritative positing of a specific order in and through liberalism. To him (Marx 1976 [1843]: 366), the very process of the declaration of rights is opposed to collective political action. He considers it baffling that at the very moment of successful collective political (bourgeois) revolution, the principle of individual, private enclosure is solemnly endorsed. Even more so, the revolution is declared to serve this very individualistic aim. The reason is a decision to establish the societal model of the bourgeois state as absolute⁵. The bourgeoisie de-politicises the preconditions of their rule by denying that those are consciously set conditions (Marx 1976 [1843]: 354). This does not only mean to avoid political regulation of the bases of their power – property, education etc.⁶ – but also to pronounce difference instead of community within non-national characteristics, e.g. religion (Marx 1976 [1843]: 356). Only in this fashion may the national state establish itself as the general or common characteristic, while all other dimensions of social life are regarded as individual traits. To Marx, the result of this is a societal development shaped by commodification and estrangement.

Summarising the two critiques, both qualify idealistic claims of bourgeois emancipation, but Foucault and Marx offer different readings of the limits of

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- 3 One of Foucault's (2008) examples are policies to protect the domestic economy from free trade via tariffs, so that it can develop ›freely«.
 - 4 While I put this here in definite, abstract terms, Foucault (2008: 313) clarifies that there is a constant process of weighing different interests at play – a process known as politics.
 - 5 Menke (2015: 8-10) finds this too simple and delivers a ›critique of rights« based on real-existing liberal regimes ›ignorance towards the continuous process of codifying rights out of acclaimed ›natural« or non-legal matter. While very rich in theoretical references, his argument emphasises the dialectics of freedom mentioned in the paragraph above, with reference to Foucault (2008: 64).
 - 6 Thereby, bourgeois regimes rely on private governance of such goods, however critical they are deemed for the effective exercise of citizenship, as Przeworski (1995: 43) argues.

citizenship in liberal regimes. Foucault analyses that and how the subject of liberalism is dominated by the political order. Marx, on the other hand, states that the order is designed in order to allow for ›pre-political‹ privilege of property and education to manifest. Rights are stylised as personal possessions, because they have been designed as additional asset of the bourgeoisie. In order to sustain this class rule, nationality is posited as *the* dividing line between people (of e.g. same class or religion; Marx 1976 [1843]: 354). To clarify matters, in this context Marx criticises national entitlement, not citizenship – seeing that in his days only a minority of nationals were citizens. I will clarify the connection of nationality and citizenship subsequently.

4. Equal citizens, unequal humans

The concessions to an empowered mass as described above have one major implication: the citizenship status becomes much more meaningful (Noiriel 1994: 83, 306; Torpey 2000: 121). Simply put, in electoral polities the question arises: Who is part of the citizenry? Who possesses the citizenship rights to participate in the state's decision-making? The nation is the abstract answer to this question. In this chapter, I will first deliver a terminological clarification of the term nation and then relate it to citizenship. I will outline the exclusive and often violent history of establishing citizenship in the modern nation-state before pointing out its relevance for contemporary democracies.

The historical context of nationalism – promoting a nation – also lies in expanded state activity and the consequent political modernisation (Tischmeyer 2018: Chapter 4). Through unmediated rule, inhabitants needed to comply directly with central state institutions via taxation, military service, and later schooling (Giddens 1985; Mann 1993). Being in need of mass-compliance without comprehensive local knowledge, rulers promoted the political culture of nationalism.

Nations are, borrowing Anderson's (1991 [1983]) famous term, »imagined communities«. That means they are too large for any member to know all co-members. Thus, their characteristics are also never completely known, and consequently object of continuous political struggle (Migdal 2001: 14-15, 259f). Being in the best position to do so, state rulers promote their interpretation of national culture. Through national narratives, the display of symbols, public holidays etc. (Anderson 1991), they attempt to make the nation a lived experience, to embed a diversity of cultural experiences in one over-arching

framework of a common, national culture (Migdal 2001). Nationality is aimed to be a primary and »natural« source of identification (Giddens 1985: 221; cf. also Marx 1976 [1843]: 354), so that those in government of the state can use it to mobilise for their own ends. However, due to the political nature of who and what best represents national interests, governments are often challenged by other nationalistic actors, promoting their own ideas, typically presented with chauvinism, i.e. degrading the non-national.

Infamously, Schmitt (1996 [1923]: 14-15) argued that in order to ensure democratic equality of nationals, all real-existing democracies relied on the exclusion of those groups of the population who were perceived to ultimately not fit in. Analyses of historical cases support this controversial author's claim. Mann (2005) suggests that exclusive settler democracies acted significantly more violent than their authoritarian equivalents against local – non-citizen – populations. In addition to this, the frequent mass-deportations in 20th century Europe since the Balkan Wars had been commonly welcomed by leading politicians of democracies as a means to achieve the desired »congruence of nation and state« (cf. Schwartz 2013). Finally, already the earliest modern nationalisms in revolutionary USA and France were immediately followed by widespread persecution of non-republicans, or aristocrats respectively – the rhetoric about human rights notwithstanding (Schwartz 2013: 10). In practice, privileging part of the population with citizen entitlements meant to subject other parts to severe violations of their human rights, through expulsion, forced labour, or even ethnic cleansing. Establishing modern citizenship rested on active, partially massively violent exclusion – at least in the past.

Now, to what extent does this relate to the rationales of citizenship, whereas not, e.g. of the nation? In historical practice, these two ideas are not distinct, but rather inseparable aspects of the same political modernisation leading to the democratic nation-state. According to Schnabel-Schüle (2004: 55-56) citizen was originally used to signify a carrier of rights, while nationals denote those of common origin. However, from the later 19th century onwards, the concepts of citizen and national were meant to coincide (Schnabel-Schüle 2004: 56-57). Also Noiriel (1994: 73-75) and Torpey (2000: 107-110) argue that in modernity these two aspects are not clearly separable. In the modern nation-state, the rights and obligations of citizenship are an expression of national in- and exclusion. Torpey's (2000) investigation of modern citizenship centres on identity papers – since there simply is no other way to know a person's nationality. This trivial recognition points out, how nationality typically has been a top-down ascription by state administrations. In the United States,

for example, »those held to be unworthy of admission into citizenship« comprised »a variety of groups regarded as impure, unclean, idiotic, non-white, or incapable of understanding the principles of republicanism« (Torpey 2000: 102). Identification papers are not a casual side-effect of modern states, but imperative for the protection of one's rights, e.g. as visible during First World War, when imprisonment was the normal way to treat nationals of enemy states. As soon as most of a country's inhabitants receive the status of citizens, the separation of nationality and citizenship becomes meaningless⁷. Thus, the above-mentioned human rights violations can be equally attributed to both nationalisation – designing one national culture out of a diverse population – as well as liberal emancipation – privileging citizens over ›foreigners‹.

And this is why, for modernity, I find Isin's (2009: 376) terminological separation invalid, which states that nationality is tied to origin (or ethnicity), while citizenship is tied to claiming rights. This means to deny the common, top-down practices of *granting* rights. While these typically were concessions from governments being confronted with demands by their populations, this process must not be confused with casting idealistic notions of liberal emancipation into political reality.

How exactly is this history of exclusive citizenship present in contemporary democracies? Przeworski (1995: 43), in discussing the challenges of »new democracies«, makes the point that »[c]itizenship can be universally exercised only when« certain, e.g. »social and economic perquisites« are met (cf. also Pammett 2014: 2). Hence, early liberal regimes set a ›property qualification‹ on citizenship, granting full participatory privileges only to those who were (economically) able to fulfil their obligations (Przeworski 1995: 43). Now, in the era of almost universal citizenship, political inequality results from states not promoting citizenship in all classes and throughout the whole country.

Viewed from this perspective, today's situation seems civil and inclusive, at least in established democracies. Lenin (1957 [1916]) famously argued that economically powerful nations bribe ›their‹ masses at the expense of workers abroad, in order to keep the exploitative system running. In this line of argument, liberal constitutions offer privileges for those parts of the population considered more critical to the functioning of the global economic system.

7 This is not to deny discrimination between formally equal citizens. However, in principal, this discrimination *cannot* be based on nationality, as this quality of a person is invisible (cf. Torpey 2000).

However, this domestic social pacification is consciously built on the inequality of others. While this initially affected most of the populations of the ›democracies‹, non-propertied men, women, and non-whites were gradually included (cf. Williams 1984: 126). After incorporating most of a state's permanent population into the political regime, most disadvantaged are those subjected to a state's control without being considered as citizens. Today, this applies mainly to refugees (Noiriel 1994: 83-86), but also resident non-citizens in general. Even if granted protection, they always depend on the voluntary, hence precarious benevolence of the state⁸. Since the claim to full political privilege in the form of legal rights is no longer based on minority qualities like property plus masculinity, citizenship is effectively based on nationality. While the ideational bases of citizenship and nationality used to be separated (as also Isin 2009 points out), in modernity they denote a practically inseparable compound – full membership in the political community plus organisation called the nation-state. The imagined community of the nation finds its legal expression in full citizenship rights.

5. Citizenship as disciplining institution

While the above argument delineates how the principal distinction between privileged citizens and precarious non-citizens has been set up, this chapter will discuss some effects that its exclusivity has on both the institution of citizenship and the citizens. Linking to the critiques presented above, the participatory element of democratic citizenship has to be qualified. The voices of the masses are channelled into representative institutions, while the (material and social) bases of effective participation are depoliticised. Instead, politics is concerned with regulating the biosocial qualities of the population, attempting to shape the conditions conducive to society's welfare (Foucault 2008). However, this is accompanied by the heightened awareness to the dangers such liberties bring. Being a citizen in a liberal society does not only mean to succumb to a ruling order. Participation under these conditions entails self-

8 As Depelchin (2008: 28) points out, it is common only in cases of such underprivileged people to speak about violations of human rights. Contrary to the full entitlement expressed by citizenship, human rights are minimum criteria for underprivileged inhabitants of a state. Marx (1976 [1843]: 363) also sees human rights as the negative bourgeois rights of individualist separation. Human rights are individual and negative, whereas citizenship rights are political and participatory.

discipline to adhere to the ruling rationales as codified within political institutions. Subsequently, I will elaborate on this aspect of self-discipline.

The attempt to discipline certain groups within the citizenry was part of the speech delivered by Theresa May, as quoted initially. As Menke (2015:74-82) states, self-discipline has been part and parcel of liberal thought from the start. He refers to Thomas Hobbes' idea to relinquish some ›natural liberty‹ in order to receive security. Hobbes argues that the official religious confession of a person may, or even has to be, subordinate to the common good of civil peace, while (only) the inner creed remains free. Thus, in order to be free, one has to behave in a certain way. A common contemporary manifestation is the duty of citizens to stick to designated participation channels. Citizens who, for example, fail to transform their political opinion into a vote can be easily disregarded. Teenagers, who deliberately refuse to go to school as they feel their future is ultimately challenged, are being denounced as absentees. Not sticking to institutionalised ways of action means being exposed to sanctions. In liberal democracies, these reach from comparatively benign ones, like being misunderstood or ignored, up to being banned from certain institutions, or even criminalised (e.g. for civil disobedience)⁹.

Building on the logic of self-discipline, Foucault (2008: 226) argues that under the biopolitical rationales of liberal societies, every member of society is seen as ›entrepreneur of himself«. Competition becomes a main regulating rationale in all spheres of society (Foucault: 148-149), and human capital investment is seen as the main driver of market success (Foucault: 230-32). Consequently, the ›migrant is an investor. He is an entrepreneur of himself who incurs expenses by investing to obtain some kind of improvement« (Foucault 2008: 230). In order to stimulate that entrepreneurial spirit, go-

9 This coarse argument can do with two qualifications. First, my assessment of institutionally prescribed action and individual deviance is very one-sided. In reality, those acting within institutions do shape them, if only by reproducing original rationales, but more commonly by gradually shifting the recommended courses of action. Additionally, as Isin (2009: 382) argues, institutions can be changed by those acting explicitly outside of them. Second and relatedly, liberal regimes may be especially accommodative to such ›unconventional participation‹ in that, for instance, greater importance is attached to freedom of expression than to regulatory law. Nonetheless, institutions equipped with authority do sanction what they consider to be deviant behaviour. Then, the decision whether to sanction rests on the political distinctions between civil disobedience and crime, or unconventional as opposed to deviant behavior.

vernments (and other political actors) design institutions that are being responsive to such individual effort.

Ong (2006) analyses the situation in East Asia's special economic zones where states, in competition for transnational investment, bargain with rights of the workforce to supply the right combination of highly trained experts and exploitable ›migrant‹ workers. This behaviour clearly shows the nature of citizenship as accumulated ›bundle‹ of rights (Przeworski 1995: 43), which may be disaggregated and separately granted or withheld, depending on cost-benefit calculations of state administrations.

While Ong's examples are non-democracies, her argument can be transferred to the West. Administrations inside the EU also differentiate between desired non-citizens and foreigners who are tolerated at best, as Schlee's chapter in this volume shows. Inter alia, the handling of working permits and residency status show highly unequal treatment, depending on the rationales of the receiving society. To signify that the migrant is not a full member of society, she or he is lacking in legal status. The way out of mere toleration is open only for those who perform well along the standards set for immigrants. As Schlee (2020; in this volume) analyses, in Germany this means language proficiency, specific job skills, and acceptance of some diffuse social norms. Consequently, it can be stated that even liberal democracies resort to a regime of differential inclusion of non-citizens. In other words, only ›good‹ foreigners may become equal citizens.

Coming to my final and main argument, this has certain effects on the natural(ised) population¹⁰. Under the demand of a flexible workforce, citizens compete with migrants (who are perceived as economic chance-seekers). Additionally, migration is problematized, as certain immigrants are said to endanger society (criminals, terrorists, welfare cheaters etc.; cf. Götz 2011: 146). This leads to the logic of selectivity, as societies should neither accept everybody, nor anybody: immigrants need to prove their value for societies. Borders are defined as instruments enabling this selection. An efficient border regime promises control and knowledge (and even truth, as can be seen by the ›threat‹ *Sans-Papiers* are posing). Again, this connects to the dangers

10 Maybe it is necessary to spell out that my argument does not depend on how one defines national belonging (e.g. communitarian vs. libertarian). The relevant institutional logics are based solely on the dichotomous status of citizens vis-à-vis non-citizens – irrelevant of individuals receiving this status through birth, naturalisation or other circumstances.

inherent to freedom, the fear of losing control as one becomes more aware of global connectivity. It is a small step for an anxious workforce, stimulated by nationalistic chauvinism, to demand that chance-seeking migrants not only fit labour market and administrative demands, but also offer a ›cultural fit‹.

Bassam Tibi (2017), one of the seminal voices in the German debate promoting a ›guiding culture‹ (*Leitkultur*)¹¹ when dealing esp. with Muslim immigrants, provides an illustrative argument to this cultural fit. His point of departure is that governments should regulate migration, i.e. decide on the demand for foreigners (Tibi 2017). While explicitly rejecting any ethno-nationalistic or religious interpretation of national culture, and making rather general and probably widely accepted suggestions¹², he nonetheless proposes a set of values which only non-citizens have to abide to, in order to be granted a mere chance of becoming full members of society. It becomes clear that citizens are in a privileged position compared to non-citizens. Tibi's points are an illustration of what has been stated about national culture; who ever attempts to describe such a culture is actually attempting to define it (Götz 2011: 81). And due to their agenda setting, legislative and implementation powers, governments are in the best position to do so – in fact, Tibi explicitly calls for government action.

Governments postulate nationalism for their own ends, but cannot stay on top of the forces they unleash. This perception of national distinctiveness, economic competition and outside dangers supports aggressive, chauvinistic nationalism – especially in combination with the shortcomings of capitalistic (commodification, estrangement) and national integration (limits of participation). Hence, the ruling rationales of liberal societies depend on and thereby reproduce the separation between citizen and non-citizen, and consequently the exclusion of non-citizens. Interestingly, this refers back to how rationales of the creation of nations were theorised by Carl Schmitt (1996 [1923]) the borders of the nation are defined by those who are considered equals.

11 Cf. Götz (2011: 14; 145-47) for an ideational contextualisation of the *Leitkultur* debate.

12 His European ›guiding culture‹ includes: 1. primacy of reason over religious dogma, 2. individual as opposed to group rights (esp. freedom of religion), 3. secular democracy and 4. pluralism including tolerance as basis for a rational way of dealing with cultural difference (Tibi 2017).

6. Conclusion

This paper understood citizenship as a functional adaptation to the ruling rationales of liberal regimes. Citizenship has been defined as a status of accumulated specifiable rights, meaningful mainly in relation to a democratic nation-state. Having historically started as a privilege for a few, citizenship now offers protection and participation rights for most inhabitants within liberal democracies. The flip side of the coin, however, is that this citizenship overlaps with categories of national belonging.

While nationalism is also supposed to be functional for state rule, it enables challengers of both government and state on this very ground. Chauvinistic nationalism is not only a function of nationalistic challengers, but already inherent to the institution of citizenship. The structural inequality between citizens and non-citizens is a legal signifier for national distinctiveness and the formal basis for processes of socio-cultural (de-)grading. Liberal subjects are trained to see themselves in constant competition and exposed to dangers resulting from the freedom of others. At the same time, political participation rights of citizens are limited by two domination rationales. For one, freedom of expression is subject to self-discipline, as the voices of the masses are channelled into representative institutions. Secondly, the material and social bases of actual participation are de-politicised.

To what extent, then, is the institution of citizenship »in flux«? While Marshall (1950) seminally described the qualitative expansion of the concept in early modernity, historical accounts (e.g. Mann 1993) describe the quantitative enlargement of the citizen group. However, the general pattern remained unchanged. While some are privileged, most do not benefit from the protection and participation rights thus codified. Acknowledging that identity papers are a sine-qua-non to those ends, the effects of this legal exclusion must not be underestimated. Citizenship has been designed to serve as an exclusion instrument – although awareness of this is low when social change is little problematized. In this chapter, I explicated how the emancipatory and the exclusionary aspects of citizenship are related. To this extend, nationalistic interpretations of liberal institutions, as they are being put on the agenda by right-wing populists more recently, do not present a departure or re-definition.

Admittedly, the approach in the abstract way I applied it here is rather coarse and I shall discuss some consequences of my theoretical choices in brief. Specifically, I narrowed down the concept of citizenship to a formal institu-

tion in relation to the modern nation-state, more specifically liberal democracies. Focussing on ruling rationales embedded in institutions, I ignored how those very institutions develop and may transform through the actions ›under their roof‹ – and even explicitly outside their boundaries (exactly Isin's 2009 focus). Hence, alternative concepts take citizenship as a continuum. Notably, Isin (2009) understands it as a kind of audacious behaviour by anybody claiming political agency, even where it is officially and explicitly proscribed. However, to be effective in political practice, such efforts have to be met with acquiescence, at least. As historical cases show, democracies do not necessarily welcome ›unconventional‹ participation either. Hence, I deliberately chose my approach to highlight major rationales shaping the institution of citizenship and allowing for identitarian interpretation.

Still, democratic states of law usually not only acknowledge the validity of human rights, they offer certain juridical and constitutional safeguards against arbitrary administrative decisions, also for non-citizens. As already mentioned, Marx (1976 [1843]) also struggled to understand the duality of emancipation and exclusion in liberal regimes. In a recent analysis, Isin (2009: 369) states that citizenship always entails both domination and empowerment. While democratic citizenship is virtually synonymous to the subjects' eligibility to question and potentially alter a state's political institutions, this ability rests on the entitlement of some, typically granted in a top-down fashion. So, what does follow from my critical approach to citizenship? I think the core insight is to acknowledge that the status of citizen is mainly a one-sided dependency of the citizen on the state. Real existing, representative democracy is characterised by restrained institutional influence, even of citizens. Thus, a reform of the citizenship regime would benefit both non-citizens and citizens.

As we can conclude that citizenship is insufficient to safeguard protection and participation, what other bases can be thought of to secure rights beyond nationality? Are other institutions able to provide such safeguards? The transnational discourse on human rights seems very fitting here, as it scales up the narrow notion of state-sanctioned individual privileges. The legitimacy and capabilities to enforce such rights, however, is simply non-existing. To enable such competencies beyond the nation-state would not only require fundamental restructuring of political authority, but their desirability is also questionable (as this simply means to shift principal and to date unresolved issues onto a different level). The most feasible solution then, appears to lie in smaller, legal adaptations of citizenship within the nation-state framework.

These could allow for more acknowledgement of the continued reality of migration. There are examples, in which certain electoral rights are based on residency rather than nationality (e.g. in Germany the *Ausländerbeiräte*). Such ›best practices‹ may be expanded and disseminated by international and supranational (EU) organisations. This, however, could provide only a very unreliable solution, given the severity of a precarious, permanent non-citizen status.

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