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International Migration and Liberal Democracies.
The Challenge of Integration

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abstract:

Migration theories that build on economic incentives and social network effects will generally expect much more international migration than we observe. We have to 'bring the state back in' to explain why so few migration potentials lead to actual flows and why these flows are highly selective. Immigration policies have been strongly shaped by particular nation-building projects but the increasing diversity of origins in contemporary migrations has also challenged and transformed perceptions of national identity at the receiving end. This contribution discusses the need for studying integration regimes in a comparative and normative perspective.

The paper examines characteristic features of four regimes: the US, Canada, Israel and the European Union. It defends a conception of integration that embraces the ambiguities of this term. Integration should be understood as referring to the inclusion of newcomers as well as to the internal cohesion of societies and political communities that are transformed by immigration. These two meanings are combined in a third one of integration as federation, i.e. the process of forming larger political unions from distinct societies. Particularly in the context of the European Union integration policies for immigrants should live up to the same democratic principles that are invoked for the political integration of the Union. This suggests a European agenda for harmonizing the legal status of third country residents and their access to citizenship.

Bringing the state back in makes us also aware that the transnational communities of migrants cannot substitute for access, status and rights within territorially bounded polities. Instead of portraying migrants as harbingers of the end of the nation-state, we should rather think how to transform nation-states so that increasingly mobile populations can still share a political authority, a bounded territory and a common historical horizon. This perspective of integration is 'transnational' rather than 'postnational'. A transnational perspective does not envisage the dissolution of nation-states, but emphasizes instead that societies and cultures increasingly overlap both in space and time.

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1. Why migration theories seem to explain too much

The second half of this century has witnessed growing global demographic and economic disparities and a simultaneous shrinking of distances for communication and travel. Both developments have contributed to the increase in international migration flows. Mainstream theories explain this very well by understanding migration as a spontaneous movement of persons who seek to improve their situation and cause thereby a gradual reduction of these inequalities. One problem with this common sense approach is that it would predict much more migration than we can actually observe. During the 19th century Europe exported its demographic transition problem to North America. Why does the global South, where a similar transition occurs today on a much more dramatic scale, not do the same? According to standard economic theory the free flow of labour across borders should lead to a more efficient allocation of this factor of production and to an equalization of income from it, i.e. of wages. Why then has the globalization of markets not yet created a borderless market for labour? Economists have in recent years greatly refined their theories of migration. Oded Stark and others have suggested that in many contexts the family household, rather than the individual migrant, is the relevant decision-making unit and that choices are not always driven by maximizing income, but also by considerations of risk diversification or relative deprivation in a reference community.¹ Yet even for these new approaches the basic puzzle still remains. As a group of researchers around Tomas Hammar has pointed out² the challenge is not how to explain the increase of migration, but the astonishing degree of immobility of persons in a world where incentives and opportunities for moving to other countries seem so abundant.

Sociologists and anthropologists sometimes explain this immobility by including the costs of cultural adaptation in the individual's calculus whether to move or to stay. Cultural community may thus be a general inhibitor for outmigration, but more plausibly it is just an initial threshold. Emigration is often not an exit from community obligations, but a form of compliance that involves promises by those who leave to return money and finally to return themselves. And in every group of potential migrants there will be some risk-seeking characters who are likely to explore new destinations. As the political theorist Brian Barry has pointed out, once these

¹ Stark (1991)

² Hammar et al. (1997)

pioneers have established themselves in another country the cultural deterrent will be much lower for those who come after them. As more and more people move from the same origin to the same destination they form networks of information and material support and create a familiar environment for later immigrants. Cultural barriers will continue to become weaker so that eventually only the flattening of economic and demographic disparities should stop the flow.³ This is a greatly simplified account of the core idea in migration system and chain migration theories.⁴ They explain very well why migration is a self-reinforcing process whose patterns are not a simple function of inequalities and distances between origin and destination. But they can rarely predict the beginning or the saturation point of a flow.⁵

2. Bringing the state back in

Why is our world not like Barry's model? Paraphrasing a famous 19th century philosopher and economist one might say that migrants make their own choices whether and when to leave and where to go, but they do so under circumstances not of their own making. These circumstances are not merely economic, but also political ones. The most powerful agent shaping the conditions under which international migration occurs is of course the modern state. In recent contributions Aristide Zolberg and James Hollifield have argued for bringing the state back into migration theory.⁶

Which kinds of movement states try to control has varied greatly in history and between different types of regimes. In early modern times migration within the state territory and emigration were tightly restricted. By contrast, the liberal democratic state has created a zone of internal free movement but has stepped up its control of immigration to unprecedented levels. The demographic, economic and cultural factors mentioned above are good predictors for internal migration when it has become a liberty protected by the state. But economic migration theories have yet to "factor in" state control of external borders. Generally they do not attempt to explain what drives regulation efforts, but instead regard governments as addressees for policy advice on how to regulate immigration in order to maximize its economic benefits for the receiving society.

³ Barry (1992: 281)

⁴ Tilly (1990), Gurak and Caces (1992)

⁵ A group of scholars coordinated by Douglas Massey has attempted a systematic to comparison and empirical assessment of economic and sociological migration theories. See Massey at al (1993, 1994, 1998).

Legislators and governments seem to act irrationally when they do not follow such advice. However, I want to suggest that control efforts are never merely driven by economic interest. They invariably involve a political logic of sovereignty and nationhood. The very definition of the basic unit over which costs and benefits will be aggregated is a political one: it is a *national* economy. And immigration complicates the aggregation by blurring the boundaries: Are immigrants to be counted among those whose collective interest is to be maximized through immigration control? Will they be counted only after they have become citizens, or right after being admitted, or even before entry, i.e. should the utilitarian calculus include potential immigrants? Thus any kind of immigration control refers us back to the basic question of political membership: Who belongs?

Although immigration control has become the most important way in which states impact on migration flows, one should not forget that states are also often the cause of emigration. Political or religious oppression, wars and civil wars, foreign occupation or the break-up of multinational states have triggered some of the largest population movements in contemporary history.⁷ Furthermore, immigration control is not always meant to reduce flows. Sometimes receiving states encourage them proactively by recruiting foreign labour abroad or through an open door policy for co-ethnics who are regarded as belonging to a national community. Certainly, state control over immigration is always imperfect – it is not like opening or closing a water tap. Even where it is triggered by political action, migration is a process with its own economic and social dynamics that may subvert regulatory efforts or produce unintended effects. Recruiting temporary workers leads to their permanent settlement,⁸ closing front doors for legal inflows diverts them towards back doors for illegal immigration,⁹ sponsored immigration selected by its ethnic origins brings in others who are not seen as belonging to the nation.¹⁰ What these well-known phenomena illustrate is, however, not a general ‘loss of control’, a succumbing of the state to the forces of economic globalization. By and large the problem is less the lack of technology for controlling border crossing or for detecting and deporting overstayers, nor the costs of implementing it. When control does not achieve its stated aims this is more often due to a

⁶ Zolberg (1999), Hollifield (2000)

⁷ Zolberg et al. (1989), Weiner (1995)

⁸ Castles (1984), Zolberg (1987)

⁹ Zolberg (1990)

¹⁰ Thränhardt (2000)

political inhibition to use available means – for example to introduce a general population registry in the US – or from constraints imposed by domestic interest groups or judicial review.

In order to understand the politics of immigration at the receiving end we must therefore consider the state not only as an *agent* in the international arena who is driven by the goals of maximizing its security and influence but as itself an *arena* for domestic political forces. Democratic states are responsive to organized interest groups and to the preferences of the general electorate. Unless we take these into account we can hardly explain why governments have adopted so very different policies towards immigration. Gary Freeman has suggested the interesting hypothesis that immigration control in liberal democracies is not merely constrained by the rule of law but also tends to be more liberal than voter preferences. The reason is that the burdens of additional immigration (e.g. on social services) are widely dispersed throughout society whereas the benefits are highly concentrated in particular sectors (such as certain businesses or established immigrant groups). The latter groups are thus more motivated and capable to organize and can block the implementation of restrictive programs that are popular with voters.¹¹ However, this does not yet explain *why* these are so popular among voters who are hardly affected by immigration. The general public attitude towards immigration and its impact on government policies is often quite unrelated to the actual size of inflows and the costs and benefits they generate. In the 1990s the ‘immigration issue’ has become a wild card in elections in Europe and both right and left wing governments have been under stronger pressure from xenophobic sentiments than from pro-immigration lobbies. This may change in coming years for demographic and economic reasons. Shrinking and ageing native populations threaten European social security systems¹² and a lack of qualification in new sectors of the economy hampers Europe’s competitiveness in world markets. Given these strong pressures for more immigration, the timidity of European policy-makers seems quite difficult to explain.¹³

We have to take one further step beyond the description of the state as an international agent and a domestic political arena. In democracies political legitimacy is grounded in the idea of popular

¹¹ Freeman (1995)

¹² UN Population Division (2000)

¹³ In 2000 Germany introduced a “green card” program to attract 10 000 information technology specialists from abroad. In contrast with the US American model, the German green card does not involve a permit residence permit but only a temporary one for five years. Unsurprisingly, applications have remained below expectations (Scheidler 2001).

sovereignty, that is, of a self-governing *political community*. Modern states have been engaged in nation-building projects that identify the boundaries of their particular community and its historic and cultural character. Immigration policy is an essential instrument for this purpose. Those who come from outside are not merely assessed by economic criteria but also by how well they fit into the national mould. Ours is an age of global migration,¹⁴ but also still an age of nationalism. The locally and historically specific interactions of these two conflicting forces have shaped different immigration regimes. Since Rogers Brubaker's historical study of French and German citizenship¹⁵ there has been a growing awareness that comparative research on the link between nation-building and immigration is indispensable for understanding both the patterns of international movements and the integration patterns of immigrants after settlement.

3. How immigration contributes to nation-building and subverts it

Yasemin Soysal, Stephen Castles, James Hollifield and others have suggested various typologies of 'immigrant integration regimes'.¹⁶ Often these are ideal-typical in Max Weber's sense – they condense observed differences between countries into a classification that seems to exhaust logical or conceptual possibilities. While this is a valuable endeavour, it generally leads to overestimating the internal coherence of such regimes. Often it will be more interesting to focus instead on the internal complexities of regimes. In doing so one should try to avoid the opposite danger of abandoning the comparative perspective by describing each national regime as a singular case.

I have just proposed that we should examine the makeup and shared sense – or, if you prefer, the structure and ideology – of political community in various countries in order to understand the different kinds of immigration and integration regimes they have developed. We will then start by asking questions like the following ones: Is a political community understood to be multinational, mono-national, or composed of a national majority and various kinds of minorities? Does the hegemonic group regard itself as a nation of immigrants or has it been shaped by emigration and exile? On the one hand, the particular mix of these and other building blocks of political community may then explain a country's general approach to the integration of

¹⁴ Castles and Miller (1993)

¹⁵ Brubaker (1992)

immigrants. On the other hand, ongoing immigration becomes itself a part of the framework; it is also an independent variable that changes the ethno-cultural makeup of 'receiving societies' and their sense of political community and it is often the most dynamic element of such change. We should therefore not expect that countries can be easily classified by ethnic versus civic national identities that are frozen in time and shape the general public attitude as well as immigration policies.¹⁷ This assumption would simply translate nationalist ideology into research hypotheses. What we should explain is persistent difference as well as convergence between integration regimes. In order to do this we have to examine structural features of political communities and their endogenous as well as exogenous evolution over time.

With these ideas in mind, let me now take a brief look at four different kinds of integration regimes: the USA, Canada, Israel and the European Union.

USA: the ethno-racial Pentagon

The US are generally seen as the world's foremost society of immigration, which is still true in terms of absolute numbers of legal admissions per year, but not with regard to per capita immigration or the percentage of foreign born among the population. In these regards they have been overtaken by Israel, Australia, Canada and some western European states. It is also important to remember that the American self-perception as a nation of immigrants has not prevented widespread resentment against successive waves of European immigrants (first Germans, then Irish, then Slavs and Jews), the Asian Exclusion Acts of the late 19th century, waves of nativism and 'Americanization' efforts around World War I,¹⁸ and finally a long period of extremely restrictive and selective admission from 1924 to 1965. In the early 1990s both immigration and integration became divisive issues in American politics. Anxieties about national identity are a subtext to many of the debates on illegal immigration or on welfare benefits for foreign residents. They rise to the surface in ballots against bilingualism in education and other areas of public life. Yet on balance there is a remarkable persistence of the idea that the

¹⁶ Soysal (1994, chapter 3), Castles (1994), Hollifield (1996)

¹⁷ See Hjerm (1998) for empirical evidence that there is surprisingly little difference in the distribution of ethnic versus civic national identities between the German, Swedish and Australian populations.

¹⁸ Higham (1955)

US is not only a nation of immigrant *origin* but ought to continually renew and change itself through further immigration.

It has often been said that what keeps this country united and open for future self-transformation is a civic rather than ethnic idea of nationhood. But, paradoxically, since the Civil Rights revolution of the 1960s the very commitment to a more inclusive interpretation of political equality has led to a renewed emphasis on ethnic and racial difference. American nationhood had been constructed on the twin foundations of inclusion of European immigrants and exclusion of Blacks. Attempts to cope with the continuing discrimination against African Americans have produced a much more heterogeneous nation. In the late 19th century America may have been close to becoming a *multinational* society of European immigrant groups;¹⁹ during much of the 20th century it was a real melting pot for immigrant identities and now it has become a *multicultural* society, divided, according to David Hollinger, into an ‘ethno-racial pentagon’ with Euro-American, African American, Indigenous, Asian and Latino segments.²⁰ The fastest growing groups of recent immigrants form the latter two sectors. The borders between these five categories are of course quite artificial, but whether they will soften over time does not merely depend on rates of intermarriage and residential desegregation. Or rather, these social patterns of intermingling will be strongly influenced by public perceptions of ethno-racial difference. Softening the borders will require a more inclusive national consensus, which may feed on the old idea of the republic of immigrants but has to interpret it in new ways. The alternative to this is a pattern of what Alejandro Portes and Min Zhou have called ‘segmented assimilation’²¹ of new immigrants into the separate compartments of the pentagon.

Canada: binational, indigenous and multicultural

Canada is the country where the term multiculturalism was for the first time embraced for public policy purposes. In 1971 prime minister Pierre Trudeau introduced a policy of official multiculturalism. The 1988 Multiculturalism Act declares that “multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in

¹⁹ This vision was most eloquently defended by Horace Kallen (1915).

²⁰ Hollinger (1994)

²¹ Portes and Zhou (1993)

the shaping of Canada's future".²² The general framework of national identity and officially recognized diversity is quite different from the US model of ethno-racial segments. It is more like a multi-layered structure where each layer has different fault lines along which it may crack or break apart. If the windshield of a car has such a structure it offers better protection in case of collision than if it is made from homogeneous glass. Yet in contrast to the Swiss federation, which has been remarkably stable for just this reason, in the Canadian case one fault line dominates the others and it is showing numerous cracks. Although currently support for secession of Quebec seems to be rather low, it is unclear whether the country would survive the impact of a third referendum on independence of the Francophone province in its present form.²³

Canada is a white settler society, split into two language groups, the smaller of which has over time developed a distinct national identity and has acquired substantial powers of self-government within the province where it is now almost exclusively concentrated. However, Canada's bilingual federalism does not easily fit its constitutional design as a federation of ten provinces whose equal federal representation and political powers conflict with Quebec's claim to be recognized as a 'distinct society'. These parallel structures of regional and of multinational federalism²⁴ combine with a third layer of indigenous self-government for Indians, Inuits and Métis. Their autonomy has more political weight than in the US and relies strongly on federal protection against the provincial governments of both language groups. Immigrants form the fourth layer and the notion of multiculturalism is mainly associated with respect for their ethnic diversity. Both aboriginal First Nations and the Québécois have seen in this policy a downgrading of their more specific claims to territorial self-government. The Québécois government has signalled its reservation by replacing the term itself with the notion of *interculturalism*, emphasizing thereby the importance of integrating immigrants into its distinct political community.²⁵ The integration of immigrants has to some extent been instrumentalized for the national conflict within the Canadian federation. In its admission system Quebec gives more points to immigrants with a Francophone background and it requires immigrant parents to send their children to French public schools. But focusing on maintaining French as the language of public life makes Quebec's policy in the end not so different from that of many democratic

²² quoted from Kymlicka 1998: 185).

²³ Referenda were held in 1980 and 1995. In 1995 voters were asked a rather ambiguous question, which resulted in an extremely narrow defeat for secessionist by 49.4 to 50.6 percent.

²⁴ Resnick (1994)

nation-states.²⁶ And promoting immigration from diverse origins (including Francophone Western Africa and Caribbean islands) has made Québécois identity much less ‘ethnic’ and more similar to multiculturalism in other parts of the country.

The dilemmas of Canadian multiculturalism have provided a background for some of the most imaginative political theories how liberal democracies ought to respond to cultural heterogeneity. Charles Taylor suggests that in an asymmetrical federation of this sort ‘deep diversity’ requires a mutual acceptance not just of cultural differences in society, but of different ways of being a citizen of the federation.²⁷ Will Kymlicka disagrees with Taylor on the moral foundations and limits of cultural rights. But his theory contributes to understanding the implications of diversity in societies that are simultaneously multinational and multiethnic.²⁸ ‘Polyethnic rights’ for immigrants as well as self-government and special representation for national minorities are justified insofar as they provide external protection against majority preferences, but their purposes are different – while the former serve to integrate of immigrants as equal citizens, the latter establish groups as constitutive parts of a federal polity. The common label multiculturalism for both kinds of claims has distorted this difference and has led to false alarms that cultural recognition for immigrants will eventually lead to separatism.²⁹

Israel: immigrant nation, multireligious state, contested borders

The third regime that I want to consider is Israel. It is much more obviously a singular case, but it is also a mixed one and some of the ingredients may not be so completely unique that comparison becomes meaningless. First, as the two countries discussed so far, it is a political community created and sustained through immigration. But immigration is linked to a nation-building project in a quite different way. Israel is a state which remains not only open for immigrants but whose proclaimed *raison d’être* is to serve as destination for *aliyah*, the ingathering of exiles from around the world. Some have even suggested that the newcomer rather than the veteran or native-born Israeli represents the core identity of this community. Yet, compared to the early stages of other nation-building projects, and in spite of the avowedly Jewish character of the state, there

²⁵ Juteau et al. (1998)

²⁶ Carens (1995)

²⁷ Taylor (1993)

²⁸ Kymlicka (1995)

seems to be remarkably little effort to create a homogeneous public culture and identity. Israel is therefore, secondly, also a deeply diverse society split along religious and ethnic lines between secular and orthodox Jews and between Ashkenazi and Mizrahi Jews.³⁰ The religious divide is not merely derived from the diversity of immigrant origins but is linked to a regime of established religious group rights the roots of which extend back via the British mandate to the Ottoman Empire. Thirdly, Israel is also a *multinational* society if one considers its Arab citizens as a group whose particular identity is not so much shaped by its Muslim or Christian religion, but much more so by the history of conflict between the Israeli and Palestinian national projects. As the local majority population before 1948, they obviously perceive Jewish immigration as an instrument for further marginalizing them in their own country. In Michael Walzer's words Israel combines thus three different 'regimes of toleration',³¹ which frequently generate intolerance when they come into conflict with each other. In addition to all this there is the overriding concern and unresolved question of external borders and of peaceful co-existence with its Arab neighbours and with a future Palestinian state. This context has shaped a peculiar immigration regime, but that regime has also been transformed in quite unexpected ways by immigration so that over time Israel has in certain aspects become less exceptional. Let me mention three phenomena that illustrate this interaction:

The first observation is that, while immigration is of course still strictly selective, the mode of integration has thoroughly changed. The original Zionist vision of a melting pot in which the various Jewish identities would be transformed into an Israeli one has given way to a more limited insistence on Hebrew as the common language and much wider scope for the toleration or even recognition of persistent diversity among Jews. This transformation from an assimilationist to a multicultural regime of integration, which parallels developments in the US or Canada, is not merely a result of the increasing diversity of origins that have shifted from European to Middle Eastern and finally Russian. It has also been greatly accelerated by the immigrants' political empowerment in a state that grants them citizenship not at the end of a process of integration but already at its very beginning.

²⁹ For the US see Schlesinger (1992), Lind (1995); for Canada see Bissoondath (1994), Gwyn (1995)

³⁰ Ben-Rafael (1998)

³¹ Walzer (1997:40-43)

My second observation is how the goal of nation-building through immigration has come into conflict with a religiously grounded definition of membership. For deciding who is a Jew the Law of Return uses the traditional definition of matrilineal descent and includes converts, but a 1970 amendment broadened this substantially by imparting an independent right of access to all spouses, children and grandchildren of a Jew and their children's or grandchildren's spouses making thus a lot of room for non-Jewish immigrants. Recently, the status of Jewish converts has become a bone of contention, with some denying the validity of conversions unless a tribunal of orthodox Rabbis has accepted them. Current policies with regard to non-Jewish relatives and converts have given rise to concerns about abuse by purely economically motivated immigrants. This sounds very familiar to observers from Europe where the institution of asylum, which once served to define a western political identity during the Cold War, has been tightly restricted under the pretext of preventing similar abuse. Of course, *aliyah* is much more central to the Israeli national project than political asylum ever was for any European state, but the debate about the Law of Return signals another aspect in which the dynamic of immigration undermines exceptionalism.

My third example relates immigration to the external conflict about the status of the occupied territories in Gaza and the West Bank. In reaction to the first *intifadah* and to terrorist attacks in Israel itself a previously well-established system of commuter migration of Palestinian workers was not only temporarily suspended, but to a large extent replaced by recruiting guestworkers from abroad. Israel embarked thus for the first time on the course of temporary migration and has since made the same experience as so many other countries before – that nothing is so permanent as temporary labour.³² Ultimately, Israel will have to face the task of integrating a great part of this non-Jewish population socially, culturally and politically. This will create a whole set of new dilemmas in a nation whose public culture and institutions have been shaped to provide a homeland for Jews.

European Union: supranational governance and multinational federation

³² Estimates for 1998 by the Israeli Central Bureau of Statistics calculated 153.000 foreign workers, more than half of whom were in irregular status (Fefferman 2000)

The European Union is of course not a state, nor should it be understood as a nation-building project. It is a union of states with very different traditions and conceptions of nationhood. However, it is more than an international alliance or confederation where decisions at the federal level are exclusively taken by representatives of national governments and have to be translated into domestic law before becoming effective. The European Commission is removed from the control of national governments, the European Parliament formally does not represent national electorates but a European citizenry and the European Court of Justice's sweeping powers in interpreting the Treaties resemble those of a Supreme Court. Decisions in the Council of Ministers have direct effect in national systems of law and are in some areas now taken by majority vote. All these are indicators for an emerging supranational polity with a 'pooling' of national sovereignties. But is this federated polity as democratic as its separate parts? Concerns about the 'democratic deficit' have led to the formal introduction of a citizenship of the European Union in the Maastricht Treaty of 1992. This citizenship is still extremely thin with regard to the rights and obligations it confers upon its holders. And it is entirely derivative of member state nationality. The current fifteen members are the gatekeepers of access to European citizenship.

Although the European Union is not a state it has developed a distinct migration regime. Among the Union's basic principles is the free movement of persons between member states. This had led to the abolition of internal borders between the countries participating in the Schengen Agreement and to the harmonization of external border controls, asylum and visa policies. While the criteria for admitting legal immigrants and integration policies towards them still remain within the domain of domestic legislation of the member states, the Treaty of Amsterdam has cleared the path towards harmonization of policies. At the Tampere summit in October 1999 the EU Council of Ministers for the first time accepted a principle that third country nationals ought to enjoy rights comparable with those of EU citizens. Since then the EU Commission has taken a number of initiatives, most importantly with regard to family reunification, that would interfere with current immigration policies of several member states.

One policy area that has so far remained fully excluded from this trend towards a European regime is naturalization and the acquisition of nationality at birth. There is something strange about this. How can there be a common citizenship of the Union that is acquired in fifteen different ways? And why would a federation deprive its members of their sovereign power to

control admissions to their territory but leave them with the prerogative to determine who will become a member of the federal polity? The United States, for example, established a uniform naturalization regime soon after adopting the Constitution and almost hundred years before immigration policies became a federal matter. There appears to be a simple explanation for the European federation's different course and this is its multinational character. The Amsterdam Treaty affirms that "the Union shall respect the national identities of its Member States".³³ Whereas governments share a common interest in uniform rules for access to a space of free internal movement, the rules for admission to citizenship do indeed reflect various conceptions of national identity.

Yet it seems to me that a multinational federation can respect the national identities of its constituent parts and still have uniform standards for admission to federal citizenship. In the case of the European Union, it is not only the common federal citizenship but also domestic considerations that provide arguments for harmonizing nationality laws and the legal status of the *extracommunitari*. All the member states have become countries of immigration and their own norms of democratic inclusion should require them to set their immigrants, to quote once more Michael Walzer, "on the road to citizenship".³⁴ Consider the case of Muhlis Ari, called 'Mehmet', a boy of 14 born in Germany who had inherited his parents' Turkish citizenship but had never lived in that country. On November 14, 1998, after having committed a series of criminal offences, he was deported to this 'home country'. What is at stake here is not only the question whether this kind of banishment is an unreasonably harsh penalty, but also whether Mehmet should not have been entitled to German citizenship, as he would have been after the reform of German nationality in 1999.³⁵ A 'decent society' must not humiliate persons within its jurisdiction by a "withholding of citizenship from someone entitled to it."³⁶ Even less should it use this exclusion as a pretext for expelling such persons into another state's jurisdiction.

Such normative arguments for convergence apply to each European state taken separately. And one can indeed observe a 'parallel path development' towards a liberalization of nationality

³³ Article 1(8)

³⁴ Walzer (1983:60)

³⁵ Since 1 January 2000 children born to at least one parent legally resident in Germany for eight or more years acquire German nationality at birth, with the child deciding whether to retain German or the parents' citizenship by age 23.

law.³⁷ But there are also reasons for harmonizing nationality law that emerge from political integration within the Union. European citizenship includes the right of access to employment and social welfare benefits in other member states. European governments must therefore be interested in the other states' naturalization policies. Some readers may object that a harmonization of nationality law in the European Union is impossible because this touches the very core of member state sovereignty. However, much the same could have been said in the past about national currencies, national borders and foreign policy. Because nationality law is so strongly charged as a symbolic remnant of national sovereignty it might be particularly important to turn it into a symbol of European political identity.

For the time being this identity is not that of a federal state where federal citizenship determines that of the provinces. The institutions of the European Union have created a powerful *supranational* structure of governance, but they still lack an adequate project for the political community they are about to build. I want to suggest that this community should indeed be a *multinational* federation that affirms the different identities of its constituent members. Keeping Union citizenship derivative of member state nationality properly highlights this multinational character of the Union. At the same time the membership regime should reflect the fact that Europe as a whole has become a continent of large scale and permanent immigration. And that requires common standards for the integration of immigrants, including their access to citizenship.

4. The virtue of ambiguity: integration as inclusion, cohesion and federation

My brief *tour d'horizon* through the four integration regimes has emphasized their different starting points as well as internal complexities that make them difficult to classify.

From the perspective of immigrants the differences between nation-building projects appear less relevant: What newcomers seek is after all very much the same in various countries: economic opportunities, security of residence, and cultural freedom to use their languages or to practice their religions and to pass them on to their children. By and large, these expectations are

³⁶ Margalit (1996:152)

³⁷ Hansen and Weil (2001)

underwritten by liberal democratic principles that western receiving countries embrace in their constitutional traditions. The basic norm is that all those who are permanently subjected to a political authority must enjoy the liberties that this authority is mandated to protect and must be represented in the legislative process. This is a powerful argument for providing immigrants with previously often denied civil rights such as free choice of employment and freedom of speech and association, a right to family reunification, a consolidation of residence permits, inclusion in welfare benefits and access to citizenship by naturalization or birth in the territory. An extension of rights along these lines has been achieved in many countries after World War II. Some have taken more significant steps towards a transnational conception of citizenship by introducing local voting rights for foreign residents³⁸ or by recognizing dual citizenship.³⁹ This semi-secular trend was of course not brought about by the sheer force of moral persuasion, but it converged for a significant time with an enlightened self-interest in receiving countries that wanted to attract immigrants.

In the 1990s concerns about external sovereignty and a rise of anti-immigrant sentiment in domestic politics have limited and to some extent even reversed the extension of rights. Diffuse fears about the effects of globalization on national sovereignty and more manifest fears about the decline of welfare states have been projected upon immigrants. They personify the threats of globalization both as its agents and its victims. In contrast to the anonymous forces of financial markets immigrants are visible not only as competitors for jobs, but also as a ‘third world’ within the first, showing to native populations a frightening image of a possible future they might face: hard work and precarious jobs, poor housing and the need to rely on solidarity within family and ethnic networks rather than within the wider political community.

Resisting these trends towards nativism and xenophobia requires a new emphasis on integration that appeals to the universalistic norms of liberal democracy but pays equal attention to the

³⁸ The Maastricht Treaty has introduced the local franchise for Union citizens residing in other member states. Sweden, Norway, Denmark, Finland, Ireland and the Netherlands grant a residence-based local franchise to all foreign nationals. In Britain, Portugal and Spain certain foreign nationals can vote in various elections. In the Swiss cantons Neuchâtel and Jura foreign residents can vote, but cannot be elected in local elections. France and Italy have recently passed legislation to introduce the local franchise for third country nationals but constitutional and political obstacles have so far blocked these moves.

³⁹ Weil (2001), Aleinikoff and Klusmeyer (2001)

historic particularities of ‘receiving societies’ and to the perspectives of the migrants themselves.⁴⁰

But is integration not a dubious concept? Does it not often merely serve as a less offensive substitute for assimilation that still conveys the same old message of unilateral adaptation into a supposedly homogeneous national culture? And is it not inevitably linked to a ‘receiving country perspective’ which ignores the stakes of sending societies as well as the ethnic diasporas and transnational networks of migrants? There is some truth in these charges. Still, I want to defend the use of the concept in a modest way, not as general paradigm, but because it seems to me sufficiently flexible to be combined with other perspectives.

Different terms such as ‘inclusion’, ‘incorporation’ or ‘settlement’ have been suggested to replace the discredited concept of ‘integration’. While these may serve to describe certain aspects of the process how immigrants become a part of the societies they have entered, the advantage of ‘integration’ is that it is not only more readily accepted by a larger public but is also more complex.

Integration can be understood in three different ways: as inclusion of outsiders or newcomers into an already established society, but also as cohesion, as the internal integration of that society itself that makes it a stable and bounded social entity. Finally, as in ‘European integration’, the concept can refer to a process of federation, the forming of a larger union from various societies. I want to suggest that this ambiguity of the concept is a virtue.⁴¹ It allows us to understand how an integration regime for immigrants is shaped by a dominant understanding of a society’s own integration and by projects of integration into larger regional federations and global institutions. This may help to explain why integration is in some countries or for some groups equated with assimilation but is in other contexts compatible with a high degree of social and cultural segregation. In liberal democracies we can link the three interpretations by demanding that the norms of integration for immigrants should be derived from those that are meant to secure internal cohesion or to facilitate larger federations. Societies that are themselves divided into many different interests and identities but are politically integrated through the rule of law, equal

⁴⁰ Bauböck (1998)

⁴¹ Bauböck (2001)

citizenship and democratic representation must not only integrate immigrants as equal citizens but must also accept that immigration will contribute to their group-differentiated internal diversity.

Obviously, this interpretation of integration still focuses on receiving societies. There is a tension with two other views of migration: with a larger systemic one, which sees it as an aspect of globalization that undermines the very idea of separate societies bounded by nation-states, and with the micro-perspective of the migrants' biographies, family networks and communities that transcend national spaces and projects. Let me conclude by suggesting that the challenge for migration studies is how to reconcile these three views.

My own preferred term for describing such an integrated perspective is *transnational* rather than *postnational*.⁴² The national outlook sees communities whose membership is internally homogeneous and does not externally overlap with that of other nations. Its spatial image looks like the political map of the world with each country painted in one single colour and separated from others by a black borderline. At the same time, these communities are imagined as unbounded in time, as an unbroken chain of generations reaching back into a mythical past and forward into a distant future. The postnational literature imagines deterritorialized communities that mark their differences by invoking ethnic or religious origins and seem to live in time rather than space while the spatial aggregates we use to call societies exist merely in the present tense of market exchange.⁴³ A transnational perspective emphasizes instead that societies and cultures increasingly overlap both in space and time and it challenges the assumption that this makes it impossible to integrate them into larger and multilevel polities that share a political authority, a bounded territory and a historical horizon. This is not meant to deny that there are powerful nationalist as well as postnational forces which reshape our world by pulling it into opposite directions. I only want to suggest that a transnational view of this world provides the most convincing starting point for dealing with the dilemmas arising from the clashes between these two contrary developments.

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⁴² Bauböck (1994). These two perspectives are rarely distinguished. See for example Basch et al (1990), Soysal (1994). For a sympathetic overview of this literature see Bosniak (2000)

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⁴³ see, for example, Appadurai (1996)

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