

munity known as 'kinship'. That is why, *as soon as* national ideology enunciates the proposition that the individuals belonging to the same people are interrelated (or, in the prescriptive mode, that they should constitute a circle of extended kinship), we are in the presence of this second mode of ethnicization.

The objection will no doubt be raised here that such a representation characterizes societies and communities which have nothing national about them. But, it is precisely on this point that the particular innovation hinges by which the nation form is articulated to the modern idea of race. This idea is correlative with the tendency for 'private' genealogies, as (still) codified by traditional systems of preferential marriage and lineage, to disappear. The idea of a racial community makes its appearance when the frontiers of kinship dissolve at the level of the clan, the neighbourhood community and, theoretically at least, the social class, to be imaginarily transferred to the threshold of nationality: that is to say, when nothing prevents marriage with any of one's 'fellow citizens' whatever, and when, on the contrary, such a marriage seems the only one that is 'normal' or 'natural'. The racial community has a tendency to represent itself as one big family or as the common envelope of family relations (the community of 'French', 'American' or 'Algerian' families).<sup>5</sup> From that point onward, each individual has his/her family, whatever his/her social condition, but the family—like property—becomes a contingent relation between individuals. In order to consider this question further, we ought therefore to turn to a discussion of the history of the family, an institution which here plays a role every bit as central as that played by the school in the discussion above, and one that is ubiquitous in the discourse of race.

['The nation form', in É. Balibar and I. Wallerstein, *Race, Nation, Class* (London: Verso, 1991), 96–100.]

ROGERS BRUBAKER

28

### Civic and Ethnic Nations in France and Germany

For two centuries, locked together in a fateful position at the center of state- and nation-building in Europe, France and Germany have been constructing, elaborating, and furnishing to other states distinctive, even antagonistic models of nationhood and national self-understanding. In the French tradition, the nation has been conceived in relation to the institutional and territorial frame of the state. Revolutionary and Republican definitions of nationhood and citizenship—unitarist, universalist, and secular—reinforced what was already in the ancien régime an essentially political understanding of nationhood. Yet while French nationhood is constituted by political unity,

it is centrally expressed in the striving for cultural unity. Political inclusion has entailed cultural assimilation, for regional cultural minorities and immigrants alike.

If the French understanding of nationhood has been state-centered and assimilationist, the German understanding has been *Volk*-centered and differentialist. Since national feeling developed before the nation-state, the German idea of the nation was not originally political, nor was it linked to the abstract idea of citizenship. This prepolitical German nation, this nation in search of a state, was conceived not as the bearer of universal political values, but as an organic cultural, linguistic, or racial community—as an irreducibly particular *Volksgemeinschaft*. On this understanding, nationhood is an ethnocultural, not a political fact. [ . . . ]

The politics of citizenship *vis-à-vis* immigrants is similar in form in France and Germany but sharply different in content. In both cases it pivots on national self-understanding, not on state or group interests. But the prevailing elite self-understandings are very different.<sup>1</sup> The French understand their nation as the creation of their state, the Germans their nation as the basis of their state. There is a strong assimilationist strand in the prevailing French self-understanding that is lacking in the prevailing German self-understanding. France is not a classical country of immigration, but it is a classical country, perhaps the classical country, of assimilation.<sup>2</sup> And schemes of self-understanding referring originally to the assimilation of the French periphery by the Parisian center have been easily and in a sense automatically and unconsciously transferred to the assimilation of immigrants.<sup>3</sup> In the last two decades both the desirability and the possibility of assimilating immigrants have been contested, as has the legitimacy of the Jacobin-Republican model of internal assimilation. Yet the prevailing elite understanding of nationhood, while contested, remains more assimilationist in France than in Germany. As a result, the idea of North African immigrants being or becoming French remains much more plausible and natural than the idea of Turkish immigrants being or becoming German.

Despite similar immigrant populations and immigration policies, French and German citizenship policies *vis-à-vis* immigrants remain sharply opposed. In part, this reflects the absence of compelling state or group interests in altering definitions of the citizenry. But it also reflects the fact that existing definitions of the citizenry—expansively combining *jus soli* and *jus sanguinis* in France, restrictively reflecting pure *jus sanguinis* in Germany—embody and express deeply rooted national self-understandings, more state-centered and assimilationist in France, more ethnocultural in Germany. This affinity between definitions of citizenship and conceptions of nationhood makes it difficult to change the former in fundamental ways. In France, the center-right government headed by Jacques Chirac was unable, in 1986–87, to adopt even a mildly restrictive reform of citizenship law, in part because its

opponents were able to mobilize effectively by appealing to the prevailing elite national self-understanding. In Germany, naturalization policies were liberalized in 1990. But there is no chance that the French system of *jus soli* will be adopted; the automatic transformation of immigrants into citizens remains unthinkable in Germany. And liberalized naturalization rules alone will do little to further the civic incorporation of immigrants. Immigrants as well as Germans continue to associate the legal fact of naturalization with the social and cultural fact of assimilation, yet neither German political culture in general nor the specific social, political, and cultural context of the postwar immigration is favorable to assimilation. Add to this the fact that dual citizenship is permitted only in exceptional cases, and it seems likely that naturalization rates will remain quite low, and that the citizenship status and chances of immigrants in France and Germany will continue to diverge.

I should emphasize that I am not trying to account for the fine details of particular policy outcomes. Clearly these depend on a host of factors unrelated to patterns of national self-understanding. The policymaking process is highly contingent. Yet if elite understandings of nationhood have little bearing on the timing or detailed content of legislative change, they do help explain the otherwise puzzling persistence of broadly different ways of defining the citizenry. They limit the universe of debate and make a fundamental restructuring of citizenship improbable.

It might be objected that the appeal to elite understandings of nationhood is unnecessary. In the absence of pressing interests in citizenship law reform, on this argument, differences would persist out of mere inertia. This ignores the fact that there are pressures for convergence, although these do not arise in the first instance from state or group interests. In Germany, the anomaly of settlement without citizenship has generated widespread demands, endorsed even by the present center-right government, for easier access to citizenship. In France, the automatic attribution of citizenship to immigrants who, nativists argued, were neither assimilated nor assimilable, generated a strong campaign on the right for a more restrictive citizenship law. Mere inertia explains nothing.

But suppose the argument from inertia were reformulated. French and German definitions of the citizenry, it might be argued, are resistant to fundamental modification not because they are consonant with political and cultural traditions, but simply because they are *legal* traditions. The expansive French combination of *jus sanguinis* and *jus soli* was established a century ago; its roots extend back to the Revolution and even to the *ancien régime*. And German states—Prussia and other states before unification, Imperial Germany, the Weimar Republic, the Third Reich, and both German states after 1949—have relied exclusively on *jus sanguinis* ever since citizenship law was first codified in the early nineteenth century. The citizenship law of both countries has been modified in detail on numerous occasions over the years.

But the broad patterns—the mix of *jus soli* and *jus sanguinis* in France, the system of pure *jus sanguinis* in Germany—have long been fixed. They have taken on the inertial weight and normative dignity of tradition. This inertial force is only increased by the gravity and symbolic centrality of citizenship. States do not tinker with the basic principles of citizenship law as they might with the fine print of the tax code. The appeal to self-understanding, on this argument, is unnecessary. France and Germany continue to define their citizenries in fundamentally different ways because they have been doing so for more than a century.

This is more satisfactory than the crude argument from inertia. But tradition can not be equated with duration. The longevity of a practice alone does not establish its 'traditional' quality. Tradition is a constructed, not a purely objective property.<sup>4</sup> The appeal to tradition is an elementary form of political rhetoric. To present a policy or practice as traditional can contribute to its preservation by investing it with normative dignity and thereby raising the political cost of challenging it. Tradition is therefore a contested category. Policies and practices are the objects of representational struggles that seek to deem them 'traditional' or to deny them this dignity—instances of the general and perpetual struggle over the representation and characterization of the social world.<sup>5</sup> The appeal to tradition that was central to the French mobilization against the attempt to curb *jus soli* was not an appeal to endurance as such. It was an appeal to legitimate endurance, to the endurance of something deserving to endure, to an enduring consonance between a legal formula and a political-cultural self-understanding. Thus opponents of citizenship law reform characterized *jus soli* as a specifically *Republican* tradition, while proponents of the reform contested this characterization, arguing that *jus soli* reflected not Republican principles but the military and demographic needs of the state. In Germany too appeals to tradition invoked not simply the endurance of a legal form but rather the enduring congruence between a legal form (*jus sanguinis*) and a principle of political-cultural self-understanding (that Germany is not a country of immigration).

Endurance matters, but it is not alone decisive. Long-standing practices do have normative force, but only when the practices have some material or symbolic value or meaning that cannot be reduced to, although it may be strengthened by, their perdurance. The long-standing French and German definitions of the citizenry have indeed assumed the inertial weight and normative dignity of tradition. But this does not mean that self-understandings are irrelevant. If *jus soli* in France and *jus sanguinis* in Germany are construed and defended as traditions, this is not simply because of their endurance, but also because they embody and express deeply rooted habits of national self-understanding. They are understood and defended as legal traditions because of their consonance with political and cultural traditions. It is this consonance that gives their long endurance its normative force.

The crystallization of *jus soli* in France and of pure *jus sanguinis* in Germany occurred at the high noon of the European nation-state, in the decades before the First World War. Today, many observers have argued, Western Europe is moving decisively beyond the nation-state. Thus even if French and German definitions of citizenship remain sharply opposed, national citizenship may wane in significance, along with the nation-state itself. Just as the nation-state is being eroded from above and from below,<sup>6</sup> ceding some functions and capacities to supranational and others to subnational institutions, so too national citizenship may be eroded by the development of forms of supranational and subnational citizenship. In the postnational Europe of the future, the decisive instances of belonging, the decisive sites of citizenship, might be Europe as a whole on the one hand and individual regions and municipalities on the other.<sup>7</sup>

In the long run this postnational vision may come to fruition.<sup>8</sup> For the foreseeable future, however, the nation-state and national citizenship will remain very much—perhaps too much—with us. It is not only that, as Western Europe moves fitfully *beyond* the nation-state, multinational Yugoslavia and the Soviet Union have disintegrated *into* nation-states. It is not only that a powerful German nation-state has been recreated in the heart of Europe. It is also that throughout Western Europe nationhood has been revived as a political theme, and nativism as a political program, in response to the unprecedented immigration of the last thirty years.

Despite restrictive immigration policies in place in most Western European states for nearly two decades, the populations of immigrant origin have become larger and more diverse. This trend shows no sign of abating. For demographic reasons alone—to say nothing of economic, political, or ecological reasons—south-north migratory pressure is bound to increase. And at this writing, the countries of Western and Central Europe are bracing for a large influx of migrants from economically distressed and politically unstable regions of Eastern Europe and the former Soviet Union.

To some observers the ethnic heterogeneity that has been introduced, or reinforced, by immigration, together with the encroachments on sovereignty that are entailed by membership of the European Community, show that Western European countries can no longer be considered nation-states. But this is to mistake the nature of the nation-state. The nation-state is not only, or primarily, an ethnodemographic phenomenon, or a set of institutional arrangements. It is also, crucially, a way of thinking about and appraising political and social membership.<sup>9</sup> Because this way of thinking remains widely influential, debates about the citizenship status of immigrants remain in large part debates about nationhood—about what it means, and what it ought to mean, to belong to a nation-state.

We have followed these debates as they have unfolded in France and Germany, where distinctive and deeply rooted understandings of nationhood

have found enduring expression in sharply opposed definitions of citizenship. But one could well follow them elsewhere. At this writing, for example, the incipient successor states to the Soviet Union are establishing their own citizenships. These are intended to serve as instruments of closure against unwanted immigrants, as means of strengthening the 'stateness' of these new nation-states, and as symbolic expressions of sovereignty. The politics of citizenship, in this setting, is a politics of identity, as in France and Germany; but it is also, to a greater extent than in Western Europe, a politics of interest. In the context of proportionally much larger minority populations, high ethnic tension, and potential violence, much more is at stake. For Latvians and Estonians, for example, who comprise only a small majority of the population of their respective states, it matters a great deal how citizenship is defined; as it does, reciprocally, for the large Russian immigrant minority in these states. Some radical nationalists have urged that citizenship be restricted to descendants of citizens of interwar Latvia and Estonia; others have argued that citizenship must be open to all residents.<sup>10</sup> Similar debates have been occurring in other breakaway polities.

Emigration from the Soviet Union and its successor states has engendered another set of problems concerning definitions of citizenship and understandings of nationhood. The emigration, at this writing, is primarily one of ethnic affinity, comprised of persons leaving the former Soviet Union for an external homeland to which they belong in ethno-cultural terms. This is the case, above all, of Jews and ethnic Germans, who have automatic citizenship rights in Israel and Germany, based on ethno-religious and ethnocultural understandings of nationhood. But there are many other ex-Soviet nationalities with external ethnic 'homelands.' These include over a million Poles, 437,000 Koreans, 379,000 Bulgarians, 358,000 Greeks, and 172,000 Hungarians. How will the receiving states respond to these potential immigrants? Will they institute ethnocultural 'laws of return' like those of Israel and Germany, granting automatic citizenship to immigrants? Or will they decline to acknowledge these potential immigrants as members of their nation, or—even if they are acknowledged as members of the nation—decline to grant them privileged access to membership of their state?<sup>11</sup>

Citizenship and nationhood are intensely contested issues in European politics, east and west. They are likely to remain so for the foreseeable future. Those who herald the emerging postnational age are too hasty in condemning the nation-state to the dustbin of history. They underestimate the resilience, as well as the richness and complexity, of an institutional and normative tradition that, for better or worse, appears to have life in it yet.

[*Citizenship and Nationhood* (Cambridge, Mass.: Harvard University Press, 1992), 1, 184–9, 243–4.]