

CITIZENSHIP

The Rise and Fall of a Modern Concept

Andreas Fahrmeir

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CHAPTER 7

CITIZENSHIP, INDIVIDUALISM AND GLOBALIZATION (1970s–2000s)

In 1985, Peter H. Schuck and Rogers M. Smith, scholars teaching at Yale University, published a book on a crisis of American citizenship. They argued that American policies towards immigrants threatened what they identified as the core of United States experience and United States achievement. Post-revolutionary Americans were 'citizens of a new state constituted solely by the aggregation of their individual consents'. The idea of citizenship based on consent was implemented only imperfectly, because of unjustifiable exclusion and excessive inclusion. Americans had been reluctant to include Native Americans and blacks in the citizenry, but relied on 'ascriptive' citizenship when conferring citizenship at birth without allowing United States-born individuals to opt out of the polity until 1907, and then only if they moved abroad.¹

Schuck and Smith argued that ascriptive citizenship threatened the American polity because of the uncontrolled increase in illegal immigration. Undocumented aliens' presence was not based on citizens' consent. Indeed, attributing citizenship to children accidentally born on United States soil rewarded parents for breaking the law, allowed them to 'piggy-back benefits from the existence in their household of birthright citizen children'² and contributed to the dilution of the value of a citizenship already deprived of much concrete meaning. The abolition of conscription dissolved the link between military duties and political rights, in which citizens – almost half of whom ignored elections – no longer participated with enthusiasm. Judicial rulings and political decisions limited the ability of officials and legislators to privilege citizens over aliens in allocating jobs or benefits.³ The authors proposed basing citizenship more firmly on consent, not the accidental place of birth. United States-born children of United States citizens, foreign-born children of United States citizens, and United States-born children of legal residents should become provisional citizens at birth, free to reject or confirm

their United States citizenship at majority. United States-born children of illegal immigrants should not acquire United States citizenship. While Schuck and Smith contended that the XIVth amendment admitted this, they conceded it would represent a significant change in practice and require judicial reinterpretation.⁴

The view that the boundaries separating communities of social, economic, political and formal citizens appeared to dissolve or move in different directions was widely shared, though some observers approved of the process. Yasemin Nuhoglu Soysal, for example, celebrated the dissolution of national citizenship in an increasingly unified Europe as a step on the way to a world in which human rights combined with multiple identities.⁵

Political debates concerned similar topics. In the 1970s, the broad cross-party consensus on economic and social policies which had marked the 1950s and 1960s and been exemplified in long-term careers in the field, and in the perception of welfare states as national, rather than party-political, institutions⁶ came under increasing strain.

On the right, a number of groups demanded an end to immigration and more generous benefits for citizens. One of the most successful was France's Front National, founded in 1972, which entered parliament in 1986. In the first round of France's 2002 presidential elections, the party's founder even came second (though in the second round, incumbent Jacques Chirac won decisively). In Britain and West Germany, extreme right-wing parties gained local or regional support in the 1980s and 1990s. In the United States, a majority of voters opposed immigration by the early 1990s.⁷

Ecological activists, libertarian democrats and pacifists made opposite demands for greater openness, as they considered nation states obsolete in the face of global challenges and embraced 'multiculturalism' as a defence against 'fascism' and hypernationalism. In West Germany, 'green lists' running for political office from the 1970s formed into a 'Green Party' which entered regional parliaments in 1979, a state government in 1985 and the national government between 1998 and 2005. In Britain and France, anti-racism gained considerable public support. In the United States, third-party candidates on the left and right never achieved a decisive breakthrough, though they affected political debates and electoral outcomes.⁸

In contrast to preceding chapters, which could draw on widely accepted scholarly conclusions, this one concerns topics of ongoing controversy. Nevertheless, it seems generally agreed that a discussion of citizenship from the 1970s to the present has to consider the following developments.

From the 1980s, the mechanisms for the automatic and discretionary attribution of citizenship came under increased scrutiny. Existing arrangements

appeared to reduce governments' freedom of action too much in some countries, and make immigrants' access to formal citizenship too difficult in others. Overall, the result has been a convergence of regulations in the countries studied here; very recently, the main tendency has been towards greater restriction.

From the 1970s, all the countries discussed experienced debates on the state of democracy. Post-1968 and post-Watergate governments initially pledged to bring decision-making closer to the people, and to increase popular or press scrutiny of government action. Paradoxically, the results included a declining interest in the exercise of political citizenship and concerns about a departure from political citizenship rights.

During the late 1960s and early 1970s, all the countries under study in this book – the German Democratic Republic partially excepted until German unification in 1990 – began to suffer from high unemployment. Politicians everywhere reacted by announcing stricter limits on immigration and measures to increase citizens' access to jobs. Nevertheless, the proportion of non-citizens in the population continued to grow, and the economic preference given to citizens decreased due to the free trade in labour inside the European Union, and the increasing mobility of jobs in an age of 'globalization'.

All the countries under review here produce more wealth per capita at present than they did in the 1970s. Near constant budget deficits are largely caused by social transfer payments, which amounted to 27 per cent of gross domestic product in Germany, 26 per cent in France, 22 per cent in the United Kingdom and 15 per cent in the United States in 2001, compared to at most 6 per cent spent on law, order and defence.⁹ Nevertheless, wealth inequality has increased in combination with attacks on social citizenship rights, which have been considered too expansive to allow states to function as efficient units of wealth production.

Change and Continuity in Formal Citizenship

In 2005, the Munich publisher C. H. Beck published the most recent version of its respected 'brief' commentary on German citizenship law. It was over 1,500 pages long. A 1998 legal text on British nationality law was only marginally shorter at around 1,300 pages, though the subject is generally acknowledged to be more complex.¹⁰ Clearly, the details of nationality law remain accessible only to experts, and this brief account will have to pass over many differentiations.

Four years before the publication of *Citizenship without Consent*, Britain enacted one of the principles proposed by Schuck and Smith. The 1981 British

Nationality Act, which entered into force in 1983, completed the emancipation of formal citizenship in the United Kingdom from citizenship in British colonies and the British Commonwealth. It abolished the terminological distinctions between British subjects not citizens of the United Kingdom and colonies, and aliens. British subjects in the United Kingdom could no longer acquire citizenship by 'registration', but had to apply for naturalization. The most important change was that citizenship was no longer automatically acquired by birth in British territory; this was now true only for children of British citizens or permanent residents, or parents who acquired either status before their children reached the age of majority. Children born and resident in Britain until the age of 10 could, however, acquire British citizenship by registration.

The aim of the 1981 act was not to turn Britain from an *ius soli* to an *ius sanguinis* country (citizenship could now be passed on abroad for one generation only), but to restrict the attribution of British citizenship to individuals with a substantive tie to the country, mainly in response to an increase in illegal immigration. The regulation which emerged was rather similar to that of France's double *ius soli*.

In the United States, an intense debate concerning the effects of absolute *ius soli* in the 1980s did not lead to a change in citizenship law in spite of its dramatic economic repercussions. In 1981, the number of children born to undocumented alien parents in the United States was estimated at 75,000 annually; by 1992, the figure was 250,000 in Los Angeles County alone.¹¹ However, attributing citizenship solely by the place of birth had practical advantages, because it made citizenship easy to prove.¹² Citizenship law was also more difficult to change than in the United Kingdom, where only a majority in both Houses of Parliament was required. In the United States, the Constitution would have had to be amended, and this required the assent of states which were mostly not affected by illegal immigration, which was of pressing concern only in six out of 50 states.¹³

What did change in 1986 were the rules for the attribution of United States citizenship by descent. Henceforth, only children of two United States citizen parents born outside the United States acquired American citizenship automatically, provided one parent had spent any time in the country. Children of mixed-nationality couples born abroad could only acquire citizenship by descent if their American parent had lived in the United States for five years, two of them after age 14. They could also apply for expedited naturalization before reaching age 18 if they had a grandparent who met the residence requirement and if they were eligible for an immigrant visa.¹⁴

In France, the attribution of citizenship by the place of birth also came under fire, with the descendants of parents born in French colonies before

independence the key issue. According to French law, these children were French citizens under the double *ius soli* rule. According to Algeria, this was not necessarily true, because French-born children of Algerian-born Algerian citizens could opt against French citizenship at majority. This turned from a theoretical into a practical problem in the early 1980s, when the first generation of children born after Algerian independence had to report for military service – in France, in Algeria, or in both countries.

As French parliamentarians refused to agree to a solution which implied that French rule in Algeria was illegitimate, and some of those affected objected to solutions which would have cut their legal ties to Algeria, the only viable solution was a compromise which sidestepped the key question by allowing French/Algerian dual nationals to choose where to serve from 1982.¹⁵

Opposition to the automatic attribution of French citizenship by the place of birth also increased on the political right, where definitions of French citizenship by descent from ethnic French parents remained current. At the very least, it was argued, people of non-French descent should face the same hurdles that immigrants applying for naturalization did, so that individuals unable to support themselves, unable to speak French or convicted of crimes before reaching the age of majority should not become French citizens. The most extensive proposal would have required children of aliens born and resident in France to opt for French citizenship between the ages of 16 and 21, with the administration authorized to reject applicants who had been sentenced to more than six months in prison. Opposition to the proposal on the political left (which included the socialist president, student demonstrators and a broad coalition of pro-immigrant groups) prevented its enactment. In 1993, French legislators agreed to a more modest change by requiring children of aliens born and resident in France to opt for, rather than against, French citizenship between the ages of 16 and 21. Those who missed the deadline would have to seek naturalization. The practical problem was the proof of residence during the five years before the request was formulated. Anyone who had left school and had remained unemployed since found supplying proof difficult. Even though the overall rejection rate of applications was only around 2.5 per cent, regional imbalances reflected various residence tests imposed by the courts charged with accepting the declarations.

Moreover, children of families living at the margins of society, as well as women, were more likely to miss the deadline than children from wealthier backgrounds or men. A shift in the parliamentary majority from right to left created the opportunity for another modification of the law in 1998 which sought to avoid these problems. Henceforth, having attended school until 16 was proof of residence; moreover, French-born children of aliens again

had to explicitly reject French citizenship, and could demand admission from age 13.¹⁶

The distinction between citizenship acquired by naturalization and that acquired at birth became less significant. Restrictions on the rights of naturalized citizens in France disappeared between 1978 and 1983, though dual nationals who had acquired their French citizenship by naturalization could still be expatriated for disloyalty or serious crimes punished by at least five years' imprisonment. This takes place on average in one case per year.¹⁷

In the United States, the inability of naturalized citizens to become president was widely noted after the election of Arnold Schwarzenegger as governor of California. American citizenship acquired by naturalization can also be lost if the applications for permanent residence or naturalization involved fraud (sometimes there are certain deadlines for action), by accepting high civilian or military offices in another country, and for a number of more technical reasons. In the 1990s, the United States recorded between 100 and 200 naturalization offences per year; in general, well over 70 per cent of those concerned false representation as a United States citizen.¹⁸

State control over access to citizenship by naturalization increased as private naturalization by marriage practically ended in view of concerns over sham marriages whose sole purpose was the acquisition of citizenship or residence status. Marriage to a citizen still reduced conditions for naturalization (mainly the duration of residence), but naturalization now usually required residence inside the country. Automatic access to citizenship through marriage survived only in France until 2003. Since 2003, citizens' spouses resident in France can seek French citizenship after two years and those resident outside France can do so after three years by making a declaration. The government retains a right of veto, exercised in around 9 per cent of cases, usually because the marriage is considered invalid. Only 99 objections out of around 30,000 cases related to 'indignity' or the absence of assimilation.¹⁹

Access to naturalization became more predictable as judicial oversight limited administrative discretion. In France, for example, court decisions forced the administration to naturalize students working part time and barred the administration from requiring families to apply for naturalization together. From the 1990s, concerns about crime and disloyalty led to more intensive background checks, which were more likely to result in hits as governments invested in larger databases of offenders and radicals. In the United States, less than 2 per cent of petitions for naturalization filed between 1971 and 1990 were rejected; the proportion rose to 19 per cent of petitions filed between 1991 and 2000, and 23 per cent of those filed between 2001 and 2004. This was still below the French average of around 30 per cent, even though this has recently

declined to 20 per cent. At 8 per cent of applications, Britain has an exceptionally low rate of refusals.²⁰

Naturalization was granted frequently in these three countries: almost 12 million individuals were naturalized in the United States between 1971 and 2004, around 100,000 per year in the 1990s and 2000s in France, and around 45,000 per year in mid-1990s Britain, rising to a peak of 150,000 persons in 2003.²¹ The British procedure was most generous, demanding extended residence, personal probity, and modest language skills, but not medical checks or evidence of cultural integration. The United States naturalization system included more comprehensive examinations of character, language skills and political knowledge as well as a public oath of allegiance. In Britain, France and, incidentally, Germany, naturalization was an administrative affair, communicated to applicants by mail.

In the United States, France and Britain, therefore, the initiative was left to alien residents who had been admitted legally or subsequently obtained residence permits, and reduced the government's role to verifying documents. As naturalized citizens could retain their original nationality, no change of allegiance was necessary.

Naturalization was not attractive to all permanently resident aliens. Patrick Weil estimated that two in three did not seek naturalization in France; in the United States, the demand for naturalization declined for much of the 1970s and 1980s from around two in three in the 1960s to around one in three, before increasing in the 1990s due to changes in welfare legislation and recognition of dual citizenship by Mexico.²² In the United Kingdom, the Home Office estimates that 60 per cent of permanently resident non-citizens seek naturalization. Interest in naturalization depends on immigrants' countries of origin, and is particularly low among those whose country of citizenship is located in western Europe or North America, and particularly high among emigrants from dictatorships, unstable states and countries suffering from economic deprivation in Africa, the Middle East, Asia and South America. What the figures suggest, therefore, is that political citizenship not associated with social and economic rights is not an important factor in individuals' decisions.

The price of formal citizenship presumably plays some role. In the 1990s, rising interest in naturalization in the United States has been linked to a 1993 increase in the cost of permanent residence permits which made naturalization (then costing 95 dollars) cheaper than permanent residence (which cost 75 dollars for a 10-year permit).²³ At the time of writing, the cost of naturalization has tended to increase. In addition to the administrative fee (currently 420 dollars in the United States, set to rise to over 710 dollars,²⁴ 450 euros in France, and 655 pounds in Britain),²⁵ applicants had to pay for officially

certified and translated documents, language and knowledge tests, medical exams and police reports, as well as, possibly, legal advice. Naturalization also took considerable time. In France, the procedure required well over two years.²⁶

Britain was exceptional in apologizing for delays of several months, while United States naturalization cases theoretically had to be decided within 120 days of the official interview. In fact, particularly for applicants from Arab countries, procedures take well over three years, and no regulation prevents officials from delaying interviews.²⁷

Demands for evidence of integration have also increased. Britain introduced public citizenship oaths in 2004. The introduction of language and knowledge tests in Britain and France from 2005 led to a substantial decline in applications in Britain. The tests' content and effects remain controversial; it certainly remains possible to know a culture well, and to reject its values completely.²⁸

Nevertheless, the laws in place continue to provide for the automatic integration of individuals born and resident in the country into the community of formal citizens all but automatically regardless of their ethnic heritage, and continue to make formal citizenship available to self-supporting permanently resident immigrants who have not committed major offences and make a reasonable effort to function in society.

In the relatively centralized United States and United Kingdom naturalization systems, regional divergences are probably modest. In France, the accessibility of administrations taking charge of the application appears to play a role, and a brief search of administrations' internet sites will reveal massive divergences.

In both German states, there were no provisions for the automatic integration of immigrants' descendants into the citizenry, and naturalization was granted reluctantly throughout the post-war period. This increasingly set the Federal Republic of Germany apart from other western European countries. In the Federal Republic, fewer than 30,000 individuals were naturalized every year until the early 1990s, when the figure began to rise gradually, reaching 100,000 by 1998. The low rates of naturalization followed from exacting requirements: in addition to at least 10 years' residence, German naturalization guidelines demanded advanced language skills, cultural integration, assured income, a record of employment, good health and proof of living space. In international comparison, the expense of the procedure was almost extortionate: it cost three net monthly incomes up to 5,000 Deutsche Marks in fees alone. Moreover, both German states differed from the other countries considered here in that they required German citizens by naturalization to renounce their former citizenship. This presented citizens of Turkey with a particular difficulty, because expatriation meant a loss of inheritance rights and was difficult

to obtain; until 1999, the prime minister had to approve each application personally.²⁹

What made West Germany's citizenship regime particularly vulnerable to charges of racism was the combination of the denial of admission to citizenship to immigrants who had never lived outside the country and the extension of citizenship rights and dual citizenship to ethnic Germans resident in central and eastern Europe.³⁰ From the 1970s, as Poland and Romania eased exit restrictions in exchange for financial support from the Federal Republic, the pace of 'return' picked up. Some 1.6 million ethnic German emigrants from eastern Europe (*Aussiedler*) entered West Germany between 1951 and 1988, the majority from Poland (68 per cent), followed by Romania (15 per cent); relatively few (a mere 8 per cent) obtained permission to leave the Soviet Union. The demise of the Soviet Union caused the number of ethnic German immigrants to surge: 378,000 arrived in 1989, and 400,000 did so in 1990. German support for Germans' immigration rights declined, as *Aussiedler*, particularly dependants, lacked current language skills, found jobs only with difficulty, and based their claim to entry on documents of morally dubious provenance: National Socialist or Stalinist classification was rumoured to be easily purchased.³¹ By the late 1980s and early 1990s, a number of books traced Germany's long history of immigration, detailed the oddities of current policies and set out proposals for reform, with the 'manifesto of the 60', a document signed by 60 scholars calling for the formulation and implementation of a conscious immigration policy along liberal lines, and Rogers Brubaker's book juxtaposing a French history of republican openness with a German history of ethnic restriction particularly influential.³²

But reforms took time. Prior to 1990, changes to citizenship legislation in West Germany were prevented by the division of Germany; a unilateral West German reform of citizenship legislation could have been interpreted as a final endorsement of partition. Rising electoral support for right-wing groups and party political calculations also played a role; *Aussiedler* were likely to be conservative voters, while Turkish immigrants were considered left wing because of high rates of union membership.

The existence of a single German citizenship did prove crucial in accelerating German unification in 1989 to 1990, because it assured all German Democratic Republic citizens of the right to move to the west, and mass emigration threatened to destabilize an independent, reformed and liberal German Democratic Republic.³³

German unification made changes to citizenship law legitimate, all the more so as the European Community responded with accelerating integration, began to debate pan-European rules for migration and asylum, and created the

status of 'European Union citizen' (exclusively acquired and lost in the member states) in the 1997 Maastricht treaty.³⁴ When European initiatives stalled, Germany's inability to distance itself from an ethnic definition of citizenship appeared more sinister as racist riots and arson attacks on aliens increased dramatically.³⁵

The reforms reduced ethnic Germans' access to citizenship and sought to facilitate naturalization for 'well-integrated' long-term residents by introducing a conditional *ius soli* rule. From 1993, *Aussiedler*, now renamed *Spätaussiedler*, had to pass language and skills tests, prove personal experience of persecution if they did not come from the Soviet Union, and acquire one of 225,000 and later (from 1999) 100,000 annual quota numbers.³⁶

From 1991, naturalization was granted 'as a rule' to applicants who had lived in Germany for 15 years or more, or were aged between 16 and 23, had spent six years in a German school and lived in Germany for more than eight years, with fees cut drastically to 100 Deutsche Marks. The ban on dual citizenship was not enforced strictly: between one and two fifths of applicants were allowed to retain their original nationality in the 1990s.³⁷

The 2000 reform of German citizenship law introduced a right to German citizenship for children born and permanently resident in Germany, provided they claimed German nationality at the age of majority and rejected other nationalities before they reached the age of 23. If they failed to do so, their German citizenship automatically ceased. Though the normal naturalization procedure was simplified somewhat, fees increased five-fold to 255 euros.

The reform coincided with an increase in access to German citizenship. The number of naturalizations rose from 107,000 in 1998 and 143,000 in 1999 (the year Turkey simplified expatriation) to 187,000 in 2000. By 2002, numbers had declined to 155,000. The reform also introduced new problems. German citizens by virtue of *ius soli* remain provisional citizens until they reach the age of 23, and German citizens by naturalization from countries outside the European Union now lose their citizenship automatically if they accept identity documents from another country. This loss of citizenship can occur within the country, and does not require notice of expatriation. As pamphlets in German registry offices announce, individuals who lost their German citizenship in this way were only guaranteed residence permits until summer 2005. The case was apparently frequent, as Turkish consulates liberally issued former Turkish citizens with passports. Turkish government figures reported by the West German Broadcasting Corporation on 12 April 2005 in the context of a state election campaign indicated that 50,000 Turkish citizens naturalized as Germans had subsequently obtained Turkish identity documents.³⁸

Resistance to dual nationality created another potential problem in Germany. Fraudulent applications for citizenship were more difficult to deal with than in countries where applicants preserved their original citizenship. In Germany, proof of expatriation was required before naturalization, and expatriation could be genuine even if other documents presented in support of naturalization applications were not. German officials revoked the grant of German citizenship in 84 cases between 2001 and 2005, and the Constitutional Court – evenly split on the matter – agreed that expatriation due to fraud does not contradict the Basic Law's ban on expatriation leading to statelessness.³⁹

State policies have traditionally played an important role in naturalization in the Federal Republic, with prospects of naturalization roughly three times higher in Berlin than in Bavaria, for example.⁴⁰ Differences of opinion have also emerged on ways of assuring loyalty and assimilation. In 2006, two states with conservative governments proposed the introduction of knowledge and language tests and political opinion questionnaires. In summer 2006, all states agreed that naturalization applicants would have to 'successfully complete' 600 hours of German language courses and 30 hours on German politics and culture; they agreed to disagree on how 'success' was evaluated and documented. Surprisingly, interior ministers decided to reduce the minimum period of residence to six years for applicants whose integration had been 'particularly successful'. Public naturalization ceremonies, however, occur only in the Berlin district of Neukölln.⁴¹

Certainly, the modalities regulating access to formal citizenship appeared to be converging, with absolute *ius soli* and absolute *ius sanguinis* increasingly challenged, and cultural testing increasingly important in naturalization. Patrick Weil has suggested that this mainly reflects changing migration patterns which force states to react in similar ways,⁴² most recently in ways which increase state discretion in the attribution of citizenship. While this made it more difficult to adapt formal citizenship to the place of residence – particularly for a growing group of short-term migrants – increasing opportunities to acquire dual citizenship by naturalization, marriage or descent from mixed-nationality couples made formal nationality a more fluid concept. This has not only, however, increased individuals' option of legal self-definition outside one of their countries of citizenship; it has also granted other states more choice in privileging one citizenship over another. United States authorities, for example, decided to treat Maher Arar, a Canadian-Syrian dual national, as Syrian rather than Canadian when 'rendering' him to Syria after his arrest in New York in 2002, even though Canada would have been the obvious (and more humane) destination.⁴³

The decline in conscription has made it less necessary to settle questions of dual citizenship unambiguously. Conscription was effectively suspended indefinitely in the United States in 1973. France replaced conscription with a weekend citizenship course in 2002, and while Germany continues to operate it, it is uncertain how long the system will remain in place as less than 50 per cent of men are actually called up, due mainly to cost concerns, which raises serious questions of equitability.⁴⁴

At present, the development of a European Union citizenship appears largely stalled, mainly because the rights it confers (freedom of movement within the European Union for financially independent, respectable citizens, and economic citizenship across the European Union, but not political or immediate social citizenship) remain far behind those of citizenship in the individual states. Moreover, European Union citizenship continues to follow from national citizenship, with little prospect of change. Likewise, the expectation that the North American Free Trade Agreement might evolve in the direction of a single citizenship community, formulated occasionally during the 1990s,⁴⁵ appears quite remote today.

Political Citizenship in Decline?

Table 7.1: Voters in national elections as proportion of residents, by percentage (eligible voters in brackets)

National/presidential election closest to	1980	1990	2000	2005
US	49 (79)	49 (70)	37 (55)	41 (73)
France	55 (68)	55 (67)	50 (70)	58 (69) ⁴⁶
UK	55 (73)	59 (75)	45 (75)	24 (74)
Federal Republic of Germany	62 (70)	59 (76)	59 (75)	58 (75)
German Democratic Republic ⁴⁷	71 (76)	71 (76)	–	–

In 2000, the United States experienced a remarkable presidential election. If every vote cast had carried equal weight, the Democratic candidate, Al Gore, would have clearly won. That George W. Bush was elected by the Electoral College was due to the fact that the United States electoral system assigns greater weight to voters resident in less populous states. The total votes a candidate attracts are not the decisive measure of success, though few candidates who came second have won the presidency.

More remarkable was the fact that the choice of the voters in one state, Florida, was apparently disregarded. In Florida, manipulated registers kept qualified voters from the polls; this primarily applied to black voters in

Democratic districts. The official results stated that George W. Bush obtained a majority of 537 votes. This disregarded the fact that counting machines had rejected an unusually high number of ballots in some districts.

Attempts to count votes by hand were cut off by the Supreme Court in a much criticized verdict. Recounts organized by the media found that Al Gore would have almost certainly carried Florida had the election been fairly prepared, and that a majority of Florida's voters cast their votes for him. While the election results were challenged by African-American members of the House of Representatives, who alleged systematic racial discrimination, and though the United States Human Rights Commission concurred, the absence of support from even a single Senator prevented a Congressional challenge to the election.⁴⁸

The coincidence of a United States presidential election decided by judges in defiance of voters occurring at about the same time as the 2002 election in France, with its bizarre first round result and near unanimous endorsement of Jacques Chirac in the second round caused political scientist Emmanuel Todd to wonder whether a general departure from democracy was taking place.⁴⁹ Even if this was overstated, both elections were typical in that they showed declining voter participation rates. In the United Kingdom's 2005 election, barely a quarter of the population voted.

The 2000 elections highlighted divergences in the modalities of attributing political citizenship in the United States and the European countries under study. European countries updated their electoral registers continually or at regular intervals in processes overseen by neutral officials according to national guidelines. In the United States electoral registers were drawn up according to state rules, supervised by political partisans charged with enforcing numerous exclusions. Estimates of the number of American citizens disenfranchised as a result of criminal convictions range up to more than 4 million, with a disproportionate share of blacks affected: 14 per cent are excluded nationwide, and 33 per cent in Florida and Alabama. By contrast, the European Court of Human Rights ruled recently that disenfranchisement may not follow automatically from a criminal conviction.⁵⁰ The unproblematic conduct of the 2004 presidential election, in which participation increased and which was clearly won by the incumbent also cut short debate on a reform of the Electoral College.

In the 1970s, when the shift of political activism from the ballot box to other forums became obvious, it created considerable soul-searching among political elites and political scientists about reasons for discontent.⁵¹ One diagnosis was that professional politicians' agendas were out of touch with majority sentiments. West Germany's Greens, for example, attempted to depersonalize

politics by doing without leadership figures or representatives serving a full parliamentary term. West Germany's alternative left also pondered the legitimacy of elections in which long-term residents without German citizenship could not participate. By 1970, aliens accounted for almost 5 per cent of the general population, and by the late 1980s, almost 8 per cent. In 1989, Hamburg and Schleswig-Holstein reacted by allowing some non-citizens to vote. In Schleswig-Holstein, the right was granted to residents who had been in Germany for five years or more and were citizens of Sweden, Denmark, the Netherlands, Ireland, Switzerland or Norway; Hamburg gave the vote to all non-citizens with eight years' residence. This attack on the restrictive naturalization policies of the Kohl government was legally justified by arguing that localities were political entities similar to universities or unions, where members could vote regardless of citizenship. In 1990, the Constitutional Court rejected this argument, and demanded a change to the constitution before aliens could be allowed to vote.⁵²

This constitutional amendment soon followed as the European Economic Community embraced more intense integration. While political decision-making in the European Community remained firmly in the hands of councils of (national) ministers and a European commission appointed by the member states, the direct election of a European parliament from 1979 was to increase individuals' sense of belonging. By 1993, this alone seemed insufficient; the next step was to allow citizens of member-states to vote in local and European elections at the place of residence. This implied a partial reversal of the process which had created a single political citizenship for all levels of government; local and national electorates ceased to be identical in the European Union. To date, alien voting has not returned to the United States.

The admission of expatriates to the vote proved less controversial. France allowed expatriates to vote from 1945. In the United States, Britain and Germany, expatriates who had lived in their country of citizenship were admitted to the polls in 1975,⁵³ 1986 and 1987 respectively by assigning them to the constituency in which they had last been resident. In the United Kingdom and Germany, expatriates had to have left no more than 15 or 25 years ago – the German condition does not apply to Council of Europe countries. Formal citizenship remained a condition for the right to vote and to be elected in national elections, except in Britain (where British subjects and Irish citizens retained the right to vote and to be elected).

Such debates on the boundaries of the political citizenry contrasted with declining interest of political citizens in exercising their votes. Whether this matters was controversial, as the reasons for political abstention were contested. What international research appeared to agree on was that political

participation rose with age and education and declined with lower incomes, that there was a general (though reversible) trend to non-participation, and that one explanation for it was voters' alienation from the political system.⁵⁴ The question which results from this is not so much whether a different party would win if everybody voted, but whether parties' and governments' agendas would change if participation patterns reflected the composition of the citizenry more completely.⁵⁵

Another question was whether elections' functions changed from making political decisions of principle to endorsing rather similar political networks that made full use of experts in voter manipulation and political spin, who relied on the results of opinion polls to tailor a political message to likely voters' demands. Certainly, major parties in the countries under study here usually had prominent members endorsing different positions on controversial topics, and the formation of successful new parties has remained difficult.

In all the countries under study, the courts have remained important political actors. France, Germany and Britain in particular, are part of a complex European system of political negotiation. Recently, constitutional courts have occasionally criticized a decline of governmental respect for parliamentary rights, which would seem to endorse concern of a transfer of power away from elected parliaments, possibly to a 'dictatorship of the bureaucrats'.⁵⁶

Another interpretation argues that power has decisively shifted to corporations and their representatives, who influence political decision-making by financial means which include threats of adverse economic decisions (for instance regarding the locations of factories) as well as outright corruption. This has been described as post-democracy.⁵⁷ A recent reform of a local franchise could support this view. In 2004, the Corporation of London granted companies a right to vote in local elections. Votes would no longer be equal, because company votes would be linked to company size. Admittedly, the Corporation of London is a curious political institution, which governs a territory approximately one square mile in size where few people live but many important companies reside. Its franchise traditionally includes voting rights for members of local guilds and burghers. The departure from the principle of one person, one vote in this context is therefore less remarkable than the *Financial Times's* apparently unironic endorsement of the reform as a 'democratic development'.⁵⁸

Overall, the hypothesis that political citizenship had become less attractive to citizens seems tenable, though the recent realignment of the German left may herald a shift. Though frequently discussed and universally regretted, the decline in active political participation did not appear to be perceived as a fundamental challenge to political legitimacy. The goal of increasing

participation which influenced registration drives in the United States in the 1990s gave way to more exotic ideas, such as turning elections into lotteries, which would provide a financial incentive to vote.⁵⁹

Even if all those eligible to vote participated, around 25 per cent of the population would continue to be excluded, due to a combination of age restrictions, character tests for felons in the United States, and alien status. A proposal to lower the voting age to 16 to decrease youth alienation received prominent backing in the United Kingdom, including from Tony Blair's political heir, Gordon Brown. Initiatives to lower the voting age have also appeared in the United States, usually arguing that people under 18 are already considered adults in other contexts (military recruitment, taxation, driving licences, marriage).⁶⁰ The argument that the exclusion of children from the vote should be addressed has less support; its proponents argue that the absence of political power for children contributes to child poverty and could be addressed by granting parents proxy votes for children.⁶¹

Tracking Immigrants and Managing Employment: Markets versus Planning

Table 7.2: Aliens as percentage of the population

Year	1970	1980	1990	2000
US	1.7	3.1	4.7	6.6
France	5.1	6.7	6.3	5.2
UK	3.6	3.8	3.3	3.9
Federal Republic of Germany	4.9	7.2	8.4	8.9
German Democratic Republic	<1	<1	1.1	—

In the 1970s, all the Western countries under study faced terrorist threats from groups which combined left-wing ideology, anti-colonialism and violent opposition to the systems of governance in place. In the context of seeking to control the *Rote Armee Fraktion*, Palestinian Liberation Organisation, Irish Republican Army, or Weather Underground, governments contemplated increased security measures. In the Federal Republic of Germany, these included fingerprinting all citizens. At the time, the plan was quickly dropped as politically unacceptable. This has, obviously, changed. With reference to a new type of terrorist threat, the United States government has pressed for the inclusion of biometric data in identity documents, and enforced its demands by restricting travel to the United States for citizens of countries which do not

issue documents to United States standards. Virtually all non-citizen entrants to the United States from outside Canada and Mexico now submit fingerprints and digital photographs, which are checked against databases of suspects. Plans to assemble biometric information on non-citizens in the United States and on all residents in the United Kingdom and Germany are under discussion or in the process of implementation, while European Union countries have agreed to include biometric data in passports and national identity documents.⁶²

Now, as in the 1970s, ambitious plans for data gathering contrast with ineffective migration controls. In June 2006, the British Home Office had to admit that it supplied National Insurance numbers to 3,000 illegal immigrants in the first half of the year, and had failed to deport over 1,000 aliens released from prison. France's hard-line interior minister Nicolas Sarkozy had to abandon plans to deport illegal immigrants with children in French schools during the summer holidays of 2006, and the United States Congress remained deeply divided on whether illegal immigration should become a felony or remain a potential route to citizenship.⁶³

The contradiction between the production of high-tech passports and identity cards and the generous approach towards immigration which bypasses passport controls reflects a more general contradiction in immigration policies which emerged in the 1970s. When unemployment increased drastically after the first 'oil shock', the European countries under study here pledged to end the recruitment of workers abroad. The United States followed, a decade later, with the 1986 Immigration Control Act, which was motivated in part by the 1980s recession.⁶⁴ Yet, except in France, the proportion of aliens among the population has held steady or increased in spite of generous naturalization policies outside Germany, although official figures do not include all illegal immigrants, whose numbers were now estimated at over 11 million in the United States, around 500,000 in the United Kingdom, up to 400,000 in France and up to 250,000 in Germany.⁶⁵

This was the case in spite of constant technical upgrades to immigration control tools. Documents could be compared automatically with lists of arrest warrants or visas when machine-readable and supposedly forgery-proof passports appeared in the United States in 1981, in the United Kingdom in 1984 and in other countries in the following years.

Migration controls focused on remote control of travellers from poorer countries, at consulates in their country of origin, who were thought likely to want to stay while easing restrictions for others. In 1979, 19,000 individuals arriving at British ports were refused leave to enter; in 1985, Britain began requiring visas from citizens of Sri Lanka, India, Bangladesh, Ghana, Nigeria and Pakistan. Turkey joined the list in 1989, as did Uganda,

in 1991.⁶⁶ The United States allowed citizens of countries in western Europe, plus Australia, New Zealand, Japan, Singapore and Brunei to take short-term trips to the United States without obtaining a visa in advance under some conditions from 1986. Increasingly, airlines were involved in document controls. Britain introduced fines for airlines transporting persons without proper travel documents and entry visas in 1987, and fines of 4.8 million pounds in 1987 and 24 million pounds in 1990 soon ensured that airlines' inspections became more meticulous than official ones.⁶⁷

Because restrictions conflicted with a desire for openness to cultural exchange and tourism, increasingly differentiated procedures for various sub-categories of visitors emerged. In the United States, which had the most subtle system, there had been eight categories of visitors in 1952; by 2005, 13 new ones had been added, each with between two and five sub-categories.⁶⁸

Complex controls at frontiers contrasted with relaxed internal boundaries. Individuals without proper entry permits could acquire insurance numbers and pay taxes in the United States, Britain and France, though this was more difficult in Germany.⁶⁹ In the European Community/European Union, the number of checkpoints decreased. With the implementation of the so-called Schengen agreement from 1995, some European Union countries (at the time of writing, they were Austria, Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Scandinavia) created a single entry visa and dispensed with routine controls at internal frontiers. This required a common list of visa-free countries, a common database of individuals banned from entry, and common criteria for admission.

The Schengen block's key problem lay in regulating migration from Eastern Europe. Somehow, the immigration of large numbers of individuals (estimates at the time ranged from 4 to 48 million) without prospects of papers had to be balanced against the desire to keep the former Iron Curtain permeable.⁷⁰ Even though net immigration in the European Union of 15 states area peaked at 1.9 million in 2003, the so-called German 'visa scandal' highlighted the problem in 2004. Schengen visas had been issued to individuals on the basis of commercial insurance certificates, and this had led to the immigration of would-be workers to Germany and other European Union countries. Even more indicative of gaps in high-tech paper walls were the travels of a citizen of the (non-existent) country British Honduras around Europe with proper visas in 1998, using his genuine-looking, but self-made, passport.⁷¹

The key attraction of biometric identification was presumably a vision of identifying individuals' status everywhere, with minimal effort. In the British scheme, a fingerprint would identify an individual in a central database, and confirm (or deny) individuals' eligibility for residence, social services or

employment better than the identity card. Evidence on effectiveness remained ambivalent. Mobile fingerprint readers linked to databases proved effective at the southern United States border, whereas the experience at airports proved less convincing. By early 2006, around 1 billion dollars had been spent on US VISIT, a data-processing system designed to track the movement of non-citizen entrants in the United States, which was ultimately expected to cost 10 billion dollars. It led to the apprehension of 970 mostly minor criminals, which amounted to a 'reward' of just over one million dollars per apprehension.⁷² The cost of the British identity card scheme has been estimated at between 10 and 19 billion pounds.⁷³ Part of the cost of establishing biometric information systems has been passed on to applicants for identity cards and passports.

What remained particularly uncertain was whether the population would tolerate even relatively non-intrusive controls, which rely on huge databases (so far, the United States holds records on 115 million individuals, 70 million of them citizens) of uncertain short- and long-term accuracy. Data in the British identity card scheme will derive primarily from applicants. United States passports can, in certain circumstances, be procured on the basis of evidence from another person with identification documents.⁷⁴ Passport photograph guidelines indicate that systems processing digital photographs are likely to be confused by facial expressions and backgrounds. In the 1980s, resistance to effective migration controls was not least due to citizens' and permanent residents' desire to be spared routine police controls, particularly controls based on racial profiling.

Frontier control has undergone some changes. In addition to technology, class is becoming more important at airports as airlines seek to minimize delays for 'premium' customers through (shorter) VIP queues. Racial profiling may also be returning in the face of a terrorist threat apparently emerging primarily from young men and women from predominantly Muslim countries. In the United States, the place of birth is also becoming as relevant as formal citizenship in assessing individuals' risk status. Finally, medical controls, particularly for long-term immigrants, are also experiencing a revival in the face of viral diseases that are expensive, or impossible, to treat.⁷⁵

In spite of all announcements of a crack down on undocumented immigration, undocumented entries remained at high levels. Just over 1.6 million deportable aliens had been located in the United States between 1961 and 1970. The number rose to 8.3 million between 1971 and 1980, 11.9 million between 1981 and 1990, 14.7 million between 1991 and 2000, and 4.7 million between 2001 and 2004 (the equivalent of 11.8 million per decade). There is also an enforcement gap. In the United States, the discrepancy between undocumented aliens located and those expelled was 1.7 million between

1981 and 1990, 1.1 million between 1991 and 2000, and 600,000 between 2001 and 2004. Indeed, contradictions between local and national definitions of legal residence appeared in the United States, as some United States cities accepted Mexican consular identification for interaction with authorities, even though it indicated illegal residence.⁷⁶ Countries of emigration aided citizens in crossing borders illegally. Mexico, for example, provided would-be clandestine migrants with maps detailing water supplies in the desert north of the border.⁷⁷ Very recently, migration controls have begun to rely on physical barriers, such as walls along the southern United States border and European Union territories' borders in northern Africa.⁷⁸

The need to keep would-be immigrants out reflected governments' inability or unwillingness to come to grips with undocumented migrants inside the country for much of the 1980s and 1990s, as even illegal aliens' relationship to the state was defined less in terms of privileges and increasingly in terms of rights.

Aliens' key potential right was refugee status. The number of applications for asylum rose rapidly during the 1970s, due to the political crises in South America and Asia and the failure of many post-colonial states. It peaked in the early 1980s in Germany and the United States, and in the mid-1980s in Britain, before soaring after 1990 as a result of the war in Yugoslavia and more open frontiers in eastern Europe and Asia. Claiming asylum ensured temporary residence, usually with a work permit. In West Germany, the appeals process could take up to eight years. Though the prospect of success was slim, so was the prospect of complete rejection. In Britain, usually considered relatively tough in the 1980s, the rate of complete refusals remained under 20 per cent of applications in every year except 1987.⁷⁹

Advocates of refugee rights argued that governments were dodging legal commitments by focusing on narrow definitions of refugees, and were misleading the public by focusing on recognized refugees, not those entitled to some other residence status, like (West) Germany's legal limbo of 'toleration' without the right to work. Much scholarship endorsed the pro-refugee line. Opponents of asylum practice argued that a substantial proportion of asylum seekers merely sought a right to work, like Turks who demanded asylum in West Germany after access to work permits ended. The consequence of refugee debates was that governments tried to avoid bruising domestic confrontations by keeping would-be refugees out of the country through visa requirements, supplemented by measures designed to make asylum requests less attractive. These included reduced refugee rights, a ban on multiple applications within the European Union and a network of 'safe' countries around the European Union where refugees' claims would be processed. Clandestine

migrants responded by using more perilous ways of reaching their destination, and by attempting to destroy all evidence of identity and itinerary to prevent removal and secure release.⁸⁰

The second important right was family unification. Even in West Germany, long-term residents' legal status improved. In 1978, the Constitutional Court ruled that serial renewals of residence permits created a legitimate expectation of permanent settlement. The countries under study thus faced the dilemma of choosing between controlling the volume of migration or respecting their residents' right to choose marriage partners. As a rule, the right to family life triumphed, though administrative practice was often grudging. The United States quota system also increasingly focused on individuals with relatives in the United States.⁸¹

The final point was an increasing recognition that long-term factual presence created a moral claim to remain. France has regularized the status of some 272,000 '*sans papiers*' to date, and did so for around 6,000 in 2006. The United States legalized three million clandestine immigrants in 1986. Conditions usually included evidence of lengthy residence, work, tax payment and the absence of a criminal record. Though combined with the announcement that frontiers would remain closed in future, legalization encouraged future clandestine migration by creating the expectation of future legalization. In the United States, legal applicants even moved to the back of the queue. When the number of residents without immigration status in the United States had again reached 3 to 4 million in the early 1990s, Congress responded by almost doubling the number of entry permits, without slowing the pace of illegal immigration.⁸² Indeed, the legalization of illegal immigrants can be seen as a – provisional or permanent – return to the nineteenth-century mechanisms of migration control by trial and error.

Assessments of the results of policies diverge widely. Migrants' advocates have pointed to the benefits of diversity, which even became an official policy goal in the United States.⁸³ Clandestine migrants appeared to be successful at finding jobs and thus contributed to economic growth. Opponents have pointed to evidence of culture clashes and the competition between citizens and migrants for jobs, housing and benefits. Recent United States studies have argued that (illegal) immigrants do depress citizens' wages and cost more in benefits than they contribute in taxes.⁸⁴ Similar assessments have driven Britain and France to restrict family unification and to focus on skills in selecting immigrants in future, something Germany also hoped to do.⁸⁵

In France and Germany, the focus on attracting 'high potential' immigrants has represented a sea change in the conception of economic citizenship. Rather than reserving the most prestigious positions for citizens, who appeared best

qualified, citizens now appear as at best equal, and possibly inferior, to industrious experts from abroad. The gradual shift of economic citizenship from the nation state to a greatly expanded and economically more unequal European Union represents a major departure from (national) citizens' preference.

There was some similarity between the evolution of migration policies and general economic policies. Governments' loss of interest in controlling migration in detail corresponded to a loss of faith in government economic intervention and professional (managerial) ethics. Both followed from the failure of planning to prevent runaway inflation and economic crisis in the 1970s and 1980s. Beginning in the United States and United Kingdom and spreading to western Europe, a common response was to privatize state services, to introduce 'internal markets' in the public sector, to unleash the profit motive, to open the economy to foreign investment and to regard states as entities competing for global investment by offering the most advantageous terms. While novels and films generally painted a highly negative image of the cultural impact of Thatcherism or neo-liberalism,⁸⁶ scientific assessments remain divided. Optimists can point to continued growth and increased productivity (of those still employed), consumer choice and the contribution of international economic integration to peace in much of Europe and in North America. Sceptics can highlight greater economic insecurity, stagnant or declining real wages for a significant part of the population, deficits in the regulation of monopolies or quasi-monopolies, increasing economic inequality, deteriorating working conditions, declining benefits and increased political tensions between countries benefiting and suffering from globalization.⁸⁷

The Demise of Social Citizenship?

In 2002, Dr Peter Hartz was appointed chairman of a German government commission on the reform of unemployment insurance and labour exchanges. Unemployment was not only stubbornly high – 8.2 per cent of the civilian labour force, according to the Organization for European Economic Cooperation's figures – but the Federal Office for Labour had come under fire for monumental inefficiency. The commission chaired by Hartz consisted of 15 representatives of industry, unions, politics and academia, though not the unemployed. Unemployment law reforms enacted between 2003 and 2005 remain known as Hartz I–IV.

The reforms focused on curbing benefits by abolishing the distinction between long-term employment benefit, hitherto tied to pre-unemployment earnings, and welfare, which was subject to a household means test. In

addition, private 'job service centres' were to improve employment prospects. Finally, a number of programmes were to aid economic independence and to jump-start a low-wage sector by offering 'mini' and 'midi' jobs with reduced social insurance contributions (but no benefit claims).⁸⁸

At the time of writing, the Hartz reforms had turned into a monumental failure. The target was a reduction in unemployment by 50 per cent, but according to the Organization for European Economic Co-operation's figures, unemployment in Germany increased by 16 per cent post-Hartz. Costs spun out of control for various reasons, including inadequate estimates of eligibility for welfare, pervasive software failure, project cost overruns, and graft in the labour bureaucracy.⁸⁹

In 2005, Dr Peter Hartz hit the headlines again. From 1993, he had acted as head of personnel at Volkswagen, a company partly controlled by the government of Lower Saxony, where Gerhard Schröder, German chancellor in 2002, had been premier prior to his election. Hartz had implemented innovative management ideas at Volkswagen, including a four-day week to prevent mass layoffs. In 2005, it emerged that he had also been involved in schemes granting employee representatives access to illicit free trips, the company of prostitutes and expense accounts without supervision, in order to purchase their approval. In early 2007, Dr Hartz was sentenced to two years' imprisonment (this part of the sentence was suspended) and fined 576,000 euros for embezzling 2.6 million euros from Volkswagen accounts for this purpose.⁹⁰

What makes the Hartz reforms exemplary for social citizenship in the early twenty-first century is the combination of reforms which amount to a reduction in social citizenship rights with allegations of corporate malfeasance and corruption. The return of a mass unemployment threat in capitalist countries in the 1970s, 1980s and 1990s, increased spending on health care and demographic changes which threatened to lead to skyrocketing social insurance contributions and/or taxes created divergent responses. One was an attempt to cut costs by reducing abuse such as cross-border migration to make use of social services. In the 1980s, the British National Health Service attempted to charge non-residents for treatment. In 1996, the United States restricted many welfare entitlements to formal citizens or aliens who had worked in the United States for 10 years or more. Many countries subsidized the return of aliens 'home', thus terminating or reducing access to social benefits. These offers were hardly taken up, and the financial benefits of charges remained well below expectations.⁹¹

One consequence of mass unemployment was a 'new poverty' which led to increasing reliance on welfare rather than on social insurance benefits. By 1990, almost 6 per cent of the German population were receiving welfare

payments; by 2003, the proportion had fallen to 3 per cent (though this now excluded the unemployed), but had risen to 7 per cent of children.⁹² For 2000, Eurostat reported that 'poverty' afflicted 6 per cent of the population of Germany, 9 per cent in France and 11 per cent in the United Kingdom. In the United States, poverty rates have remained well above 10 per cent since the 1950s; in 2004, the United States census bureau put them at almost 13 per cent. The key causes of poverty included age, illness, disability, children and unemployment in proportions which differed between countries.

Prescriptions for dealing with rising poverty varied, though they echoed previous debates. One argument focused on the fact that poverty was relative, and high guaranteed benefits could act as a disincentive to work and as a potential attraction for clandestine migrants. Moreover, extensive state provision reduced individual responsibility, control of property and freedom. Recent policy changes have concentrated on introducing an element of 'consumer choice' by charging at least a symbolic amount for most public services at the point of access. This has so far affected health services (through prescription charges everywhere and a share of medical bills in France and Germany, and many forms of insurance in the United States) and universities (which had always cost money in the United States). The imposition of access charges has turned users into customers and state agencies into service providers. This represents a departure from policies which considered expenditure on public health, education and other aspects of social citizenship as measures which contributed to equality of opportunity, redressed past discrimination by class or ethnicity, and gave individual countries an edge in global competition by creating a healthier, more content and more educated population. All three were initially seen as essential conditions to compensate for the departure of mass manufacturing to lower-wage countries in Asia or, more recently, eastern Europe, a development which has been noted from the 1960s.⁹³

Whereas France introduced a basic income for all citizens and permanent residents in the 1980s, provided they were willing to undertake useful work, offering benefits without controls has become more controversial, though wide regional variations persist. For example, some United States hospitals consider, and some ignore, patients' immigration status when determining eligibility for non-emergency treatment, even within the same state.⁹⁴

The inability of welfare restrictions to create higher employment levels at rising real wages has remained a key problem. In the 1980s, some segments of German industry and the French government sought to counteract the impact of mechanization on labour markets by distributing work differently, through a reduction in working times. Assessments of the experiment remain mixed

and it has not proved sustainable. More generally, employers argue that wages which make work attractive to citizens in the United States and western Europe often make competition with other locations impossible. The United States has sought to resolve the dilemma by redistributing wealth without creating a disincentive to work through a negative income tax; this was copied by Britain, with many problems, from 1999. In addition, the United States relied on an extensive prison system sometimes described as a functional equivalent to unemployment insurance.⁹⁵

In Germany and France, by contrast, governments and unions attempted to protect citizens against the loss of jobs and to increase access to work by making early retirement more attractive. As a result, pensions were claimed earlier (the proportion of those over 55 who are economically active is 38 per cent in France and 45 per cent in Germany, compared to 57 per cent in Britain),⁹⁶ and the balance between state transfers, personal contributions and interest gains became difficult to disentangle, giving social insurance the appearance of a black hole of increasing contributions in exchange for declining benefits. This phenomenon was particularly pronounced in Germany, where the cost of German unification to social insurance systems was immense. One general reaction to problems of sustaining social insurance systems at present rates of benefits and contributions has been advocacy of a return to individuals' private responsibility for risks (possibly with the aid of private insurance companies), and a shift of finance from contributions deducted from wages and (progressive) direct taxation to (regressive) indirect taxation. Campaigns to increase awareness of the declining real value of state pensions were supposed to encourage private provision.

The state of social citizenship at the outset of the twenty-first century thus confirmed some nineteenth-century sceptics' doubts. There is little evidence that the problem of risk in private investments or company pensions has been solved.⁹⁷ Instead of encouraging private savings, the reduction of state pensions may simply discourage contributions by recourse to notional self-employment or other means. Unilateral amendments of long-term insurance contracts by states demonstrate a changing conception of individual property rights, which can be interpreted as clandestine expropriation or long-overdue honesty about the mechanisms of social insurance systems. It seems likely that states where the link between social citizenship and political decisions was more pronounced, such as Britain or the United States, may find the crisis of social citizenship easier to deal with than systems which emphasized an insurance element. Indeed, entitlements in the United States have recently increased to some prescription drugs, contrasting with widespread cuts in provision elsewhere. Moreover, the degree of exclusion from health insurance – around 16

per cent in the early 2000s – may be tackled by states in the face of federal inaction.

This will not, however, do away with one key problem in evaluating the state of social citizenship: the lack of historical dynamics in projections which determine systems' viability or crisis. The focus on (relatively easily calculated) demographic change has led to a peculiar debate on the need for immigration to sustain social insurance, though the absence of young people in society tends to be less of a current problem than the absence of jobs with benefits for residents below retirement age. To my knowledge, no debate on the future of pensions systems has considered the 2015 dragon flu epidemic, the economic paradigm shift caused by labour-intensive putotechnology in 2010, and the rise of a new culture of charity among the most wealthy in the 2020s. Put less facetiously, projections on the future of social insurance systems and the long-term future of social citizenship are potentially as (un-)reliable as German actuarial calculations made in January 1914 which related to the state of contributions and benefits in 1943.

Changes to debates on social citizenship in the present have eerie ties to older debates. Instead of concern about ensuring the economic equality of citizens with equal political rights, which inspired programmes of affirmative action and *Chancengleichheit* in the 1970s, 1980s and 1990s, the focus of concern is now on finding ways of reducing expenditure on citizens to make states locations for economic production with lower overhead costs. Even though aims differ from debates on population quality in the 1920s and 1930s, similar issues are re-emerging. These include attempts to cut the cost of (avoidable) illness (largely due to smoking and extreme sports, with increasing discussion of hereditary illness and potential genetic screening on behalf of employers or insurers) and to reduce the expenses of health systems more generally, potentially by using mandatory identity cards to store (indeterminate amounts of) health information. Attempts to reduce teenage and beneficiaries' pregnancies coincide with incentives to make childbirth more attractive to women from 'educated' and wealthier households, particularly in Germany, though the political messages remained mixed or simply confused.

One important difference remains: debates in the 1920s and 1930s were conducted in biological terms; today, the focus has shifted to culture⁹⁸ – but questions of whether culture is an attribute individuals can modify, and whether all formal citizens (should) belong to one cultural community, remain controversial.