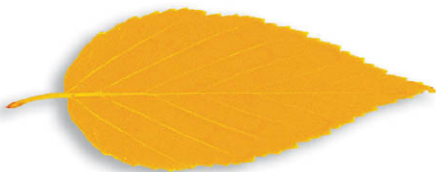# MANAGING DIVERSITY

Practices of Citizenship

EDITED BY NICHOLAS BROWN AND LINDA CARDINAL

MANAGING DIVERSITY

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MANAGING DIVERSITY

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Edited by
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TABLE OF CONTENTS

INTRODUCTION

Nicholas Brown and Linda Cardinal

In 1996 Seyla Benhabib introduced a collection of essays on the theme of "democracy and difference" with the following proposition (Benhabib 1996, 4–5):

> the institutions and culture of liberal democracies are sufficiently complex, supple and decentred so as to allow the expression of difference without fracturing the identity of the body politic or subverting existing forms of political sovereignty.

Benhabib was writing in the context of a "post-Communist world," with reference to debates characterizing the broadly conceived, seemingly sufficiently unified and substantially uncontested model of "western democracies." Within a few years, however, the forces of globalization were creating a different world, one in which the unprecedented mobility of people, trade, and money was fostering what Benhabib in 2003 termed a "disaggregated" citizenship. The European Union (EU), in this context, provided the most germane model for adjudicating the alternative prospects of "permanent alienage" or "cosmopolitan citizenship" within a bloc of simplified currency, migration, and trade relations. Through such a model new forms of citizenship were in sight, encompassing "multiple allegiances across nation-state borders." Yet how might such an outcome be guaranteed, now that we are so concerned with securing those same borders? What would it mean in practice?

   This collection of essays is placed exactly on the unfolding and unsteady trajectory of this synthesis of citizenship, the nation state,

and economic and political change. As suggested by Helen Irving in this book, debates on citizenship abound, yet these debates are so important to our understanding of the body politic and its capacity to manage diversity that there is always room for renewed discussions on issues of belonging, rights, and self-government. It might even be subversive to talk about citizenship coming from societies that are so caught up with consumerism, individualism. While we might praise the liberal democratic project in its current European forms, it is crucial, as Pocock argues in his most recent collection of essays (2005), that European models do not lose a sense of continuity with the past. In contrast to the cosmopolitan ideal, he advocates the need to maintain autonomous political structures in order to better equip individuals and societies with the tools that are necessary for addressing diversity.

PRACTICES OF CITIZENSHIP

All the contributors to this book seek to address this ongoing tension between autonomy and plurality, as well as the national and the postnational, in discussing pressing issues of diversity as they are defined and managed by governmental and non-governmental actors in contemporary multicultural, multiethnic, and multinational societies. They tackle these questions from the perspective of three specific societies rather than by reference to general models or projects—three societies that have distinct points of purchase on questions of political possibility and innovation. Australia, Canada, and the Republic of Ireland are each in distinct ways exposed to the dynamics associated with the politics of difference and the forces of globalization. Each country has its own particular matrix of elements representing such change: migration, social diversity, customary patterns of policy and political legitimacy, varying geopolitical and geo-economic possibilities. Each society, then, brings its own opportunities, vulnerabilities, and resistances to meet these challenges. All three, through their similarities and differences, suggest matters worthy of consideration when considering the processes of adaptation to the "democratic moment" of the late 1980s, the evolution of regionalized supranational communities (Europe, the Asia-Pacific, North America) and agreements through the 1990s, and the testing of models of "liberal democracy" more generally. If there is the possibility of choosing between the divergent paths of "alienage" or "cosmopolitanism," how is that choice being signalled

and debated in these societies, each generating demands for the recognition and accommodation of ethnic, cultural, and religious diversity, and facing injunctions to forgo accustomed national borders in the name of economic integration and cultural openness?

These issues set the themes for a symposium on practices of citizenship and the management of diversity held at University College Dublin in April 2004. All the speakers were directed to consider such issues with reference to questions of applied policy. This book consists of eight essays arising from that symposium, dealing with topics ranging from minority language policy, immigration reform, and the welfare rights of subnational groups to urban planning and the framing of political discourse in specific national contexts. In dealing with these topics these essays also encompass general factors—including population mobility, multinational and "globalized" economies, the recourse to international agendas and norms, technological transformation, electoral populism, and challenges to representation and constitutional reform—that contribute to the current importance of these issues. And further, as Paul Gillespie's concluding chapter notes, these essays of necessity engage with many of the central, pressing conceptual questions in contemporary social analysis. Moving beyond a perspective in which diversity is celebrated for its rich addition to the social fabric of such societies as Australia, Canada, and Ireland, the book instead emphasizes the need to discuss in depth how these societies engage in more practical terms with this new context.

In convening this symposium our perception was that discussions of diversity, when framed in terms of identity politics and the recognition of difference, often do not fully address the extent to which identity and difference are themselves implicated in policy processes, and even, as Wendy Brown (1995) argues, created by such processes. Alain-G. Gagnon and Raffaele Iacovino contend in their chapter in this book that "the question of diversity itself must be disaggregated to reflect … distinct political and social projects." Similarly, Helen Irving insists that concepts of citizenship, as they have flourished in recent critical theory, are too often assumed to bestow inherent qualities, attributes, and entitlements, whereas in practice the rights attached to citizenship are more contingent than inevitable. How, then, might we account for such processes and for their contingencies?

MANAGING DIVERSITY

As suggested here by Caroline Andrew, the expression "managing diversity" might not be the most elegant phrase to convey our concern for a better understanding of the ways in which our three societies organize plurality and address the demands of their many groups or nations. Nevertheless, we use it explicitly because of its implication of a governance perspective. To talk about the management of diversity is to do more than use a new buzzword in the vocabulary of the social sciences. It means that we need to focus on those mechanisms put in place to coordinate the development of policies in themselves responding to the demands for recognition and seeking to expand the boundaries of the political. These mechanisms range from referendums, consultations, processes of decentralization, federalism, and power-sharing to more mainstream state-oriented policies of recognition. In all these cases what is at stake is not only the symbolic recognition of group or individual identities but, to use the terminology of Gilles Paquet (1999), the equally important process of distribution of power, resources, and information.

Managing diversity also implies a process of social learning in order to improve these mechanisms of coordination. We thus move beyond narrow processes of policy-making in which the central state is the hegemonic actor. It also means noting the ways in which, as Andrew cautions, not "all actors—social, economic and political— have equal amounts of power, resources and/or information; this is a question to be empirically verified in particular contexts."

Using the expression "managing diversity" also serves to remind us that citizenship might have become too rights-centred and not sufficiently concerned with self-government and the sharing of power in both national and postnational contexts. Thus, any reference to a "governance perspective" should not serve to abolish the need for politics. On the contrary, the more groups are involved in the management of diversity, the more they can use their experiences and redefine their political roles in broader terms. Those who condemn groups for being too much engaged in lobbying activities or for having narrow interests should revise their perspective in order to take a better look at the way in which the management of diversity requires their ongoing participation and input in the process of policy-making.

COMPARING AND CONTRASTING

Using Australian, Canadian, and Irish examples, we have sought to highlight these issues and, with the advantage of sometimes contrasting, sometimes intersecting accounts, to promote comparative and interdisciplinary dialogue on the ways in which diversity is comprehended in practice. In drawing these papers together for publication we have encouraged the authors to reflect further on their common or contrasting concerns, to explore overarching themes such as citizenship, diversity, nationalism, and postnationalism, and to question the extent to which such themes are creative, or at least exploitable, elements within the political processes, rather than just external drivers or tools of analysis and critique. Such reflection has also enabled each author to place his or her work in a wider context of debate. These three national variations on "western democracy" interrogate as well as illustrate the concerns of scholars such as Benhabib with "contesting the boundaries of the political." As Jean L. Cohen (1999, 256) encourages those seeking to understand the nature of current challenges to the democratic state, we need to attend to factors of "ethical-political and collective identity" that are often specific to societies and cannot be subsumed within abstracted or universalized principles and models. History, political cultures, and institutions matter in trying to understand practices of citizenship and the management of diversity. Even though we are dealing with three similar societies, the particular makeup of each of them informs the debate on diversity and makes each unique in responding to it. This does not mean that we cannot generalize from these particular cases. We are, after all, discussing three western democracies with similar understandings of citizenship, diversity, and nationalism or postnationalism. Nevertheless, we argue, it is important to provide the reader with a deeper sense of how each of these societies deals with its ongoing tensions between autonomy and plurality.

Why Australia, Canada, and Ireland? We first provide a short answer, then a more detailed explanation. Each is a divided society, dealing with colonial legacies; recent experiences shaped by large-scale population mobility; associated tensions over assimilation or multiculturalism/multinationalism; the challenges of regional integration arising from shifting economic agendas; practices of reconciliation reflecting political responses to minority groups' access to images of identity and injury; varying perspectives on self-

consciously modern nation-building projects; and the capacity to articulate a role or place in the domain of international citizenship and "functional affinity" (in the language of Australia's White Paper on Foreign Affairs and Trade, 2003), which has gained increasing prominence over the past ten years. Consider the Republic of Ireland, implementing the Good Friday Agreement or riding the "Celtic Tiger"; Canada, with recurring threats of secession and the negotiations over the North American Free Trade Agreement; Australia, with its ambivalent engagement with the Asia–Pacific region and the anger and disillusionment of an "anxious middle" constituency squeezed by decades of "reform." The pressures that lie behind these features in the political and social landscape of each society are far from unique, but as they are worked through in their specific contexts, they are thrown into sharp relief in ways that repay comparative discussion.

NATIONAL AND POSTNATIONAL CONTEXTS: THE REPUBLIC OF IRELAND

As Richard Kearney has argued in many academic and political forums, "postnationalism" is not merely a descrip-tion of the political, cultural, and economic trends facing the Republic of Ireland. Given the combined pressures and opportunities of European integration and the concerted recent moves to end the "Irish problem" for the sake of the "Irish people," postnationalism is also, and perhaps more powerfully, an imaginative resource. The concept offers a way of posing questions about what might be sought through "rethinking … inherited models of sovereignty, nation state and nationalism" and acknowledging a "totality of relations" extending both into the past and into the future (Kearney 1997, 11). Postnationalism offers an alternative to the mutually "unworkable" prospects for either a united Ireland or a United Kingdom, given the challenge of reconciling national legitimacy with national identity on the one hand, and, on the other, the evolution of a "European configuration," which might favour "modes of self-determination … that are more effective and accommodating than the purely 'national'" (Kearney 1997, 11).

Ireland has always brought a particular complexity and poignancy to ways of conceptualizing the nation: is the nation essentially a state, a territory, an ethnicity, or a culture, even if that culture is

defined as a diaspora? As Kearney suggests, Ireland might now have the power to confirm the prospects of a "federal 'Europe of regions' characterized by a progressive transfer of power down to regions from the 'nation state' as much by a transfer of power upwards through economic and monetary, and political union" (Kearney 1997, 77). Clearly, Ireland provides a powerful example of the contemporary management of diversity. The republic's sudden affluence and "international vocation," stimulated in large part by the EU, has brought with it the cultural diversity that characterizes contemporary Dublin streets (at least in some districts), but also widespread social strain, even a perceived challenge to national integrity. In 1996 the Irish government asserted, "We see ourselves increasingly as Europeans," yet by 2004, as Iseult Honohan's chapter discusses, the nation contested a referendum over whether to restrict the conditions under which citizenship was available in a society quickly transformed from one of emigration to one of immigration. The Twenty-seventh Amendment to the Constitution, ending citizenship as an automatic entitlement of any child born in the Republic, was endorsed by nearly 80 percent of those voting. It was not so much a challenge to the "cosmopolitan citizenship" of the EU as a move in conformity with the desire of most "old" members of the EU to maintain some control over migration and claims to national citizenship.

Equally, the role of the Irish state in preserving or promoting an almost defiantly monocultural national identity has encompassed an often dialectical engagement with the agents of diversity. Luke Gibbons, for example, has argued that "it is often the integration of Ireland into the new international order," especially as represented in the changing forms and media of communication, "which has activated some of the most conservative forces in Irish society" (Gibbons 1996, 4). The coming of television, for example, gave power to campaigns against divorce and abortion reform through the imported modes of religious evangelism. Conversely, it has been the homegrown programmes on Irish television, drawing on self-consciously traditionalized rural settings or a celebrated oral culture, that, while adopting forms such as the talk show or the serial, have proved capable of posing the greatest challenge to areas of taboo in Irish society. Niamh Hourigan's chapter, dealing with the agendas, tactics, and internal politics of minority-language broadcasting,

deals directly with such dialectics, contrasting Irish, Welsh, and Scots Gaelic examples. Such services, inevitably evoking the defence of an identity defined by a national or even pre-national heritage, also search for constituencies in themselves shaped by diversity in lifestyle choice, even an alternative perspective on social issues. As Hourigan notes, this programming choice has been actively pursued by the commissioners of the Irish language channel TG4. If, as Gibbons argues, "Irish culture experienced modernity before its time," given that disintegration and fragmentation were already so deeply parts of its colonial history, then there might be a more "porous and open-ended" dimension to its engagement with the forces of globalization and postnationalism: a creative postcolonial meshing of the local and the international (Gibbons 1996, 6). This, too, might be part of Ireland's relevance to the management of diversity.

NATIONAL AND POSTNATIONAL CONTEXTS: CANADA

While diversity in Canada, in contrast, is an established and explicit national symbol, in practice it remains an issue polarized between those who approach diversity within the framework of individual rights and those who promote them from a collective point of view. For almost twenty years Canadian political theorists and philosophers, such as Joseph Carens, Will Kymlicka, Michel Seymour, Charles Taylor, and James Tully, have been internationally recognized as leading contributors to the public debate on citizenship and diversity. A wealth of books on diversity and citizenship has developed around them, reflecting a depth of intellectual engagement with this aspect of the "national" project and with formulating ways in which it might be refined and extended. Kymlicka, for example, has written that Canada is best described as a "multination state," in which three distinct groups—the indigenous, the Francophone, and the Anglophone—can each claim an essentially national identity defined by historical continuity, a complete regime of institutional representation, and a distinct language or languages (Kymlicka 1996, 153–55). However, Kenneth McRoberts (2001) has warned political theorists that Canadian politicians do not view the country as a multinational society but, much more, as a multicultural one. We could also add that they see demands for recognition of Quebec's distinctiveness in linguistic terms and not in national terms. Furthermore, McRoberts argues, it is federalism that has made it

possible to accommodate Quebec's rights to self-determination, not its recognition as a nation within another nation. While one might reply that Canada does recognize the existence of First Nations, it does so in symbolic rather than in concrete terms. As Andrée Lajoie (2004) shows, so far neither the Canadian federal state nor the courts have responded positively to any demands from First Nations that question national sovereignty. Canada's multicultural makeup may lead to the conclusion that it is, after all, a postnational state, but in their chapter in this book Gagnon and Iacovino argue, with particular reference to Quebec, that the more areas of difference are articulated within strictly civic or liberal terms, the more they risk being removed from the "sociocultural roots" that give them their meaning. When confronted with their relationship with the United States, Canadians seem to understand this situation a bit better, but most of them remain wary of any specific recognition of Quebec as a "distinct society" for fear of breaking up the country.

Equally, as Caroline Andrew argues, the increasing ethnic diversity of Canadian society, encompassing especially immigrant minorities, often with marked urban concentrations in settlement, makes claims that fall outside the historic identities of the established national groups. This new, and often very visible, dimension of the "Canadian political experiment" goes beyond Canada's professed multiculturalism or multinationalism. In the re- or despatializing/ territorializing forces that are an integral part of globalization, the city becomes the most meaningful space for the experience of identity, the search for inclusion, and the expression of citizenship. It is this space that Andrew surveys in Toronto, Vancouver, and Montreal. These, however, are now the emblematic cities of cosmopolitanism, presenting an urban theatre so characterized by disruption, diaspora, hybridity, and fluidity as to defy the meaningful imprint of a national culture. Yet, with specific reference to the provision of social services, Andrew notes in her case studies the "moment of rupture" when city governments, responding to the challenge of representing their own diverse communities and accommodating "scales of identity" that best correspond to the impact of globalization, must clearly differentiate themselves from other levels of government. Underneath the self-conscious diversity of the Canadian national project, then, there are issues that are perhaps becoming less resolved as debate embraces postnational modes.

NATIONAL AND POSTNATIONAL CONTEXTS: AUSTRALIA

As David Headon notes in his chapter in this book, the Australian perspective on managing diversity can be sharply symbolized in a recent shift in ruling political rhetoric. Over the past ten years Australian leaders have effectively played upon a polarization between "mainstream" and "cosmopolitan" agendas, particularly in relation to topics such as indigenous welfare, engagement with the Asia–Pacific region and "political correctness" in general. This is not simply an expression of party-political fortunes. During the general election campaign in 2004, Mark Latham, then leader of the Australian Labor Party, contrasted the "tourists," with their abstract lifestyles and politics, to a true Australian constituency among "residents," who recoiled from "big picture" issues of social reform, favouring instead sober aspiration and family values. The ground has been effectively captured since 1996 by the Liberal prime minister, John Howard, whose commitment to defending "the national interest," even to the extent of contemplating unilateral military intervention against suspected terrorist cells within nations in Southeast Asia, or systematically turning back ships of "asylum-seekers," has effectively captured a constituency portrayed as overexposed to threats spanning from the labour market deregulation demanded by multinational corporations to unwonted United Nations scrutiny of human rights breaches among the Aboriginal population and in refugee detention centres. Headon surveys the ways in which this new political rhetoric of "values" has shaped a "culture war," which is being fought across a wide range of issues and which leaves few speaking positions untouched. What lies behind such a concerted Australian reaction to diversity and all it represents?

The Australian social model of the "social laboratory" attributed to innovative policy in the late nineteenth and early twentieth centuries has always been premised on the containment of diversity, whether in protecting living standards against the threat of "cheap labour" or administering assimilationist policies in relation to both Aboriginal Australians and non-British immigrants, especially as these policies were formalized in the 1950s. The embrace of multiculturalism in the 1970s, the move away from economic protection in the 1980s, and increasing attention to reconciliation with Aboriginal peoples in the early 1990s pressed at these boundaries of tolerance but eventually

met a striking lack of elasticity. Recent work by Ghassan Hage (1998) and Allaine Cerwonka (2004) offers a provocative perspective on these issues.

Cerwonka notes Australia's peculiar exposure to the "internationalizing of nations" that has occurred over recent decades, and particularly the imperative to integrate with the economic transformation of East Asia. These pressures were not unique to Australia, but whereas Ireland and Canada might have been able to reconceptualize their positions in the international landscape (from being in "the West" to being part of a regional community) without having to challenge basic hierarchies underpinning underlying schemes and images of nation, Australia has had no equivalent access (Cerwonka 2004, 229). To be "part of Asia" as a sphere of inevitably expanding western or "modern" cultural and strategic hegemony from the 1950s to the 1970s was one thing, but to be subsumed in Asia as a sphere of economic ascendancy from the 1980s is another. When the populist political leader Pauline Hanson briefly captured a sense of national insecurity, during the late 1990s, it was by promising to radically review the rate and composition of immigration, to abolish the multiculturalism introduced in the 1970s, to control the "industries" that proliferated around the provision of welfare and services to minority groups, especially Aboriginal Australians, and to end Australia's exposure to external threats.

Hage has identified similar pressures in the dominance in Australia of what he terms "white multiculturalism," the denial that the increasing incorporation of ethnic and Indigenous diversity within the "national space" must inevitably challenge the centrality of an essential white, European, English-speaking culture. Extending Kymlicka's reservations about the ambiguities inherent in multiculturalism as a social or policy objective in Canada, Hage sees the concept as actively attempting to suppress the real recognition of diversity in Australia. As a result "those white people who experience the loss" of a sense of cultural centrality are left "with no mainstream political language with which to express it" beyond the kind of "pathological political language" that Hanson deployed, or the "tolerance" that she provoked many to espouse in condemning her extremism while still remaining locked within the structures that produced it. As Hage argues, "There is a need for rethinking a new cultural politics capable of recognizing and dealing realistically with

this cultural sense of loss," and of accepting diversity, not as a feature
of the national culture, but as a force that must recast it in significant
ways (Hage 1998, 22 and 26). In his reflective, suggestive chapter
in this book, Alastair Davidson reminds us that while some of the
drivers of this diversity are not new, their pace is accelerating, their
agents are crossing customary categories in sociological analysis,
and the moral imagination needed to grasp their significance is
still in need of cultivation. Australia might now be one of the most
ethnically diverse societies on the globe, but it is one whose national
project remains deeply founded on assimilationist precepts. Where
lies the path ahead for such a society?

QUO VADIS?

Neither this summary of the issues relevant to the contemporary
status of diversity nor the focus of each chapter is intended to be a
comprehensive or complete account. The chapters do not necessarily
represent the most pressing faces of diversity in their respective
nations, but they do each identify a distinct sphere in which the
challenges are posed, defined, and met in ways that reflect on the
political resources of that society and its place in the larger dynamics
of contemporary social change. Diversity is not a cause or an end
in itself. It is both an input into policy and a product of policy. It is
not a self-sufficient concept but one that exists at the intersection of
major determinants of social change. It is an idea, as Gillespie insists,
that challenges us to imagine its possibilities rather than to measure
its achievement. Each chapter here identifies such determinants
and charts their impact while also imagining other options and
potentialities. Some, such as Headon or Hourigan, offer specific
case studies. Others, such as Honohan or Irving, develop more
theoretically informed analyses of issues of democratic legitimacy
or the contexts and meanings of citizenship. Taken together, these
chapters present a broad but intersecting survey of the experience
of diversity. In them all, implicitly but sometimes very explicitly,
as in Irving's chapter, there is a direct challenge to contemporary
modes of analysis. As with Irving's close reading of the relationships
between the status of citizenship and the possession of rights, the
evidence might come from a particular national example, but the
argument engages critically, as, for example, in Davidson's chapter,
or in complementary ways, as with Gagnon and Iacovino, with other
perspectives in this collection. We are not offering, then, a resolved

manifesto, but an open exploration of an increasingly complex topic in need of more empirical discussion, which could also help to renew ongoing normative and theoretical discussions.

In the order of the chapters, Alastair Davidson introduces us, in a reflective mode, to the range of global, cultural, economic, and moral factors that shape one of the main factors underpinning contemporary diversity: the simple fact of an unprecedented mobility of people, for whatever reason, whether fate or fortune, displacement or opportunity. While this reality might prompt the advocacy of universal citizenship, Helen Irving argues that to have any power and to be more than symbolism, citizenship must reflect the commitment of states to enact and defend rights, and thus prompts reflection on what kinds of provisions are appropriate to comprehend diversity, using Australian and other examples. Iseult Honohan then explores such provisions in applied contexts, with particular interest in the recent debate over the form of Irish citizenship. The Canadian perspective is then presented by Alain Gagnon and Raffaele Iacovino, and by Caroline Andrew, who examine the regulation and identification of diversity within multinational and city-based policy processes. Returning to Ireland, Niamh Hourigan focuses on attempts to recognize diversity within the provision of a particular service: broadcasting. If the tenor of each of these chapters has been to note the increasing pressure to recognize diversity, David Headon reflects from an Australian perspective on the force of political reaction that has equally sought to contain it. By way of conclusion, Paul Gillespie reflects on the themes emerging in each chapter, offering a synthesis that is germane not only to each nation but also to the more pervasive condition of needing to form a fresh vocabulary to comprehend the world in which we are already living.

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CHAPTER 1

NATIONAL IDENTITY AND GLOBAL MIGRATION: LISTENING TO THE "PARIAHS"

Alastair Davidson

Returning to Dublin in 2004 after fifty years away, I expected that when I walked past Bewley's Oriental Café the smell of coffee would evoke an almost Proustian recollection in me. As a child I lived for a time just near the Bagot Street Bridge. My Irish mother had brought her two sons "home." "Spud" Murphy, who taught us "the Irish" at school, used to greet me with "*A hogan dhu an gael?*" ("Do you speak Gaelic?") and then, since he knew I came from Fiji, would add, half in jest, "You eejit, Fiji, don't they even teach you the Gaelic down there?" As a child brought up on the myths and legends of Cúchulainn, Róisín Dubh, John Mitchel, and the evil Black and Tans, I resolved to avoid such mortification by learning Irish quickly. Snippets of the poems still come to me: "*Do eirig me a madhan …*" ("I get up in the morning …").

This struggle to assimilate, to belong, was soon thwarted. It was not that identifying by speaking "the Irish" was a partial, nostalgic, and romantic choice of a way to belong but that, like millions of others before us, my brother, my mother, and I soon left again "across the water" in search of a better life. Since then we have lived in many countries, new versions of the wanderers in Greek, Jewish, and other ancient literatures. My late brother became culturally an Englishman, I moved on to Australia, and my mother wandered the world, to come to rest at ninety-eight years of age in the hills outside Melbourne.

In 1952 we were still among the millions of forced migrants of the nineteenth and twentieth centuries who left the "old country" for

new peripheries. Like the myriad Irish men and women who had preceded us, when we left it was time for lament, above all for my mother, who still has a Paul Henry on her wall and who reminds us that John Mitchel, the leader of Young Ireland who was transported to Tasmania in 1849, was our ancestor. Now his face stares out from the mantelpiece of my home in the Morvan, deep in *la France profonde*. The millions who migrated in earlier centuries and from other far distant places also lamented. When I left Fiji they sang "*Isa Lei*" ("Isa, you are my only treasure"). When I left New Zealand they sang "*Po kare kare ana*" ("*E hine e, Hoki Mai ra*," "My girl, return to me"). In the nineteenth century, when they left for the Australian colonies, they sang about "leaving old England forever." The voyage that they and we made after leaving was long: five weeks from Dún Laoghaire even in 1952. All that was home was being left for destinations that must sometimes have seemed like the gates of hell. I was reminded of this when I visited William Smith O'Brien's cottage at Port Arthur in Tasmania and gazed at the pictures on the walls and the names of the men who had stayed there or been transported for political crimes, including Canadians who had joined in the rising of 1837.

Long after they arrived in their new "homes" these migrants kept their languages and their customs, and they were torn between "Home" and home. This was a theme of Australian literature well into the twentieth century. It has also been captured beautifully in Alistair McLeod's haunting stories of Scots in the freezing fishing villages of Canada's east coast. The stories of migrants are myriad. Some decided to make the best of it, others to go Home, perhaps never to find it again, for Home has a way of disappearing into memory as customs and places change with time. I have seen a woman's letters that gradually changed from Gaelic into English over twenty years as her own Australian world changed. Her feelings are re-evoked in a recent collection by Denise Burns, who is trying to unite her two affinities, Australia and Ireland: "I realize I am working on it when I have dreams of North Queensland green frogs playing the bodhran" (Havenhand and McGregor 2003, 61).

In 1952, when my mother, my brother, and I left Ireland, we lamented as our forebears had for centuries. We knew that we had lost worlds in space and time. Those worlds would remain as no more than memories and deceits. Yet by 1982 the same was not true for migrants. After the 1980s their experience has been radically

changed by globalization, the process of creating a truly global market in capital, goods, and labour through the use of new digital technologies. Before it became obvious in the 1990s that the nation state had more capacity to survive than many had expected, the thrust of the process was summed up in the titles of two best-sellers by Kenichi Ohmae: *The Borderless World: Power and Strategy in the Interlinking Economy* and *The End of the Nation-State and the Rise of Regional Economies*. Despite the survival of nation states in a new form, globalized digital technologies have created a world as truly new as it became when Columbus first sighted the Americas. Globalization has completely changed the sense of time and space that tore us from our past and our roots in earlier times. No longer is the primary point of reference for our economics and social development, for capital and goods, the nation state. The destinies of the latter are decided by the flows of global capital and goods, and woe betide a state that ignores those imperatives. Labour follows those flows and is regulated by their requirements, being invited in or expelled as required by political actors, including the power brokers of nation states (see, for example, Human Rights Watch 2002). The best writers who used to argue that the nation state played a primary role in the global world of migration, such as Christian Joppke, cannot gainsay what everyday practice reveals today: global migration as a driver towards universalization (see Joppke 1999 and 2005). This reality is summed up in the words of Australia's leading scholar of such movement (Hugo 2002, 79):

> It is important to realize that in the early postwar era almost all Australians operated within labour markets bounded by a state so that they could see the capital city of the state as the centre of gravity of that labour market. Increasingly, those labour markets were extended to encompass the nation with the centre being in Sydney and, to a lesser extent, Melbourne. However, in the globalizing world of the last decade the boundaries of labour markets have extended further so that many look to global cities such as London and New York as the centre of gravity of their labour market.

My four children are now in Australia, but a couple of years ago two were working in New Zealand, another was in East Timor, and

another was checking out prospects in New York, and plans are again being made to work overseas. They are good evidence for Professor Hugo's assertion.

Scholars of globalization—of the lightning-fast movement of labour around the world and the emergence everywhere of multiethnic and multicultural societies as a result—have rightly noted that never before in recorded history has there been so much migration. It is important to indicate the dimensions of that migration. First, let us admit that most human beings still stay at home. They grow up there and they feel that they "belong." They are Irish or Australian or Canadian. Even if, as individuals, they migrate, it is in the expectation that they will either return home or simply change allegiance to a new home. They will either assimilate or create a new syncretic culture.

Statistics give us only half the picture of what is happening. They are ever changing and gain meaning only as a long series. They also depend for their usefulness on definitions, on answers to questions on departure cards such as, are you departing "permanently" or "long term" (meaning, in the Australian case, for longer than twelve months)? They require interpretation to help us to understand our problem. For example, most of the people who made the one billion overseas trips recorded in 2001 by travel agencies would fall into the group of those who "belong." If these trips were made on the basis of one to each person, that would mean that one fifth of the world's population went overseas, but probably most are multiple trips made by much smaller numbers of businesspeople. Australia had a population of 20 million in 2001. Three and a half millions made overseas trips that year. Clearly most came home, or the country would be even more sparsely populated than it is. This is much less true, however, of the 150 million or more people who migrate every year inside huge territorial states such as China and Indonesia, or the further 100 million who leave legally for permanent destinations overseas every year, or the 22 million refugees and similar individuals who have no place to go. These figures still leave out an incalculable number of illegal migrants (see UNRISD, and Castles and Miller 1993).

In the nineteenth century people were transported from Europe and then from South Asia, Vietnam, or China to serve as labourers in vast diasporas. Nothing has really changed in that regard. Human

beings are still forced to migrate by globalizing pressures, although today we separate definitionally, and with little justification, economic migrants from refugees and other categories (see Laferrière 1996). As Sami Nair (1997, 73) notes,

> We have entered a period of a huge displacement of population. I use the word "displacement" deliberately, for when the populations of entire regions leave this is not because they want to leave, but because they are obliged to by the situation. In fact, what is called globalization, the extending of the economy to the globe, goes together with uprooting of entire peoples, abandoned by the flight of productive structures, left to the blind forces of the world market. Even rich countries undergo these changes fully.

Nair also notes that now the migration is from peripheries to centres, if those terms have any more meaning; that the flow is much more rapid; and that the sort of labour to which migrants are put is quite different. Once destined to be agricultural labourers or factory fodder, today most go to take service jobs or highly skilled employment, both of which have been created by the global digital revolution (see Sassen 1998). Recently, even more unusual developments can be observed around the world, and particularly in Australia and Canada. We might wonder whether these developments are working in reverse for the Republic of Ireland, which was once characterized by net emigration but is now host to thousands of immigrants. It is striking that in the past ten years or so one million Australians have left to find work overseas, an increase of 146 percent between 1992 and 2002, turning Australia from a destination for migrants to a transit station with as many emigrants as immigrants. You may wonder how many "still call Australia home." While they are still on their second way station they probably do, and then they think of it, as Italians and Chinese of an earlier generation did, as the place they want to be buried in. The jury, however, is still out for the real wanderers who have lived in three or more countries. One third of those who have left say that they are not sure whether they will return to Australia and 20 percent of males say that they will not (Hugo 2002, 79, 88). Unwittingly supporting the notion of the transit station is a Victorian survey that showed that more than 80 percent

of such emigrants intended to return to Australia, and one-quarter said that they would do so within two years (Williams 2003).

These migrating masses, including the Australians, certainly head to *El Norte* or *l'Amérique*, as their forebears did, to get a job in the global markets as opportunities are destroyed at home. However, they also increasingly expect to move on to new places of employment or return to base much more rapidly and frequently than they did (see Ong 1999, and Hewison and Young 2006). Families live in different states and commute by plane, as, for example, Hong Kong's "astronauts" shuttle each weekend to and from Australia and the United States. They are polyglot and multiethnic, and frequently hold two or more passports. Their children change from idiom to idiom depending which branch of the family they are visiting. A "semi-English," the lingua franca of a new global workforce, is now spoken, David Crystal (1996) tells us, by one-fifth of the world's population. The overall result is the "ethnoscape" described by Appadurai (1990, 297) and exemplified by O'Connell Street in Dublin. This makes global migration qualitatively different in character from earlier migrations. People who live in this way belong in many places and in one at the same time. They may experience striking generational clashes, as exemplified in Clara Law's film about the Chinese diaspora, *Floating Life* (1996), but their world is small when compared to the world separated by vast distances in space and time that I grew up in. The notion of a global neighbourhood is no mere metaphor for them.

The global migrant of today is often described in the literature as being "in between" or "in transition" (Blanc, Basch, and Schiller 1995). I use the image of the airport transit lounge, a place of quick and superficial familiarity, where most travellers are going to or from home, but 10 percent are just going. If they are refugees, they often do not know whence or whither, as the immense forces of globalization hurl them forward in a quest for survival. This travelling mass cannot have their common identity defined by their origins, or, like some latter-day Pilgrim Fathers, or Zionists, or the "builders of Britain in the southern seas," by their projects. They are related to the others only by their present condition as members of a mobile workforce, with many places of abode or none. The common humanity seen in the quick smile and nod in that transit lounge

comes from their common fluid situation of being, their anonymity or lack of discernible status or identity. Hannah Arendt, herself a refugee without a destination, saw them as "*Heimatlos*" and drew our attention to the idea that we should learn our modern morality and ethics from the pariahs of the world, as they are the symptomatic group of the modern age. She added, "I am more than ever of the opinion that a decent human existence is possible today only on the fringes of society, where one then runs the risk of starving or being stoned to death" (Arendt 1992, 29). She wrote mostly of Jews and other displaced persons in the aftermath of the Second World War, but today the *Heimatlos* are between two and five times as numerous, and of all races, ethnicities, and religions.

What globalization has produced is a new world, which has been added on to an old majority world of nation states that undeniably still exists and continues to try to plug up increasingly porous borders. It is certainly still a smaller world, but it is a world in which millions live. The French call it their *vécu*. It is by reference to this world of "ethnoscapes" that its denizens establish how they see themselves and their hierarchies of values. I wish to focus for a moment on the reality of a totally new world, as it is so important to the themes of this book. It has brought a changed sense of time and space for millions of migrants, many more than in the whole of previous history. It is this that marks off the experience of the migrant today from those in past eras. In 2004 a plane brought me from Melbourne to Dublin in twenty-four hours, for one-fifth of what it cost fifty years ago. I remain in constant telephone contact with all those who are dear and not so dear to me. Above all there is the miracle of the Internet, which means that for work purposes I am there and here at the same time. If in 1952 my family was perhaps a little unusual as we had already lived in five countries, today, when I have lived in ten, I am no longer unusual. Push me hard and I would not be able to say where "Home" really is, and I certainly did not think of singing a lament when I left Melbourne: I can be back there in no time. I carry two passports, an Australian one and an Irish one.

The migrant of today may and can live in many places almost at once. Not enough is being written about the effect of these changed rhythms, or the way they create a new world emotionally. One Anglo-Bangladeshi young woman said, "They say that home is where the

heart is, but I do not know where my heart is" (Eade 1997, 159). I do not know either. Nor, I will suggest, do millions of others.

I suggest that this new worldview "from below," or "of the sparrows," is almost totally ignored by those "who belong." I believe that it is inattention to their lived world and its feelings that will doom to failure the policies being adopted by "host" communities around the globe in what has been called the "new nationalism." Empowerment for human beings based exclusively on having a single national identity is no longer appropriate to the world. Dual nationality is allowed by increasing numbers of states. There are just too many people for whom the notion of a single national identity lacks validity or for whom categorization as exceptions appears increasingly nonsensical. Our task is to make that clear to people who do not agree.

Since Aristotle proclaimed that a person without citizenship was like Homer's madman, without hearth or home and rightly excluded, the *Heimatlos* have been seen as deeply threatening to those who "belong" to a community united by its common past and values. In the world of the city state, the *polis*, a person was defined and found identity in where he or she came from, through a "heritage." Thucydides (1968, 116) puts into the mouth of Pericles a speech that set the tone for what was expected:

> I shall begin by speaking about our ancestors, since it is only right and proper … to pay them the honour of recalling what they did. In this land of ours there have always been the same people living from generation to generation up till now, and they, by their courage and their virtues, have handed it on to us, a free country.

Newcomers could be allowed to join, to belong, only by leaving behind their past and adopting the heritage of their place of destination, which became their new home. In the world of nation states that emerged from the sixteenth century onwards the demand was that an outsider, the Other, who wanted some rights—that is, an identity—had to join the national family by naturalizing, or by repudiating the heritage of his or her parentage. Even Australia, a country desperate for immigrants that made it ever easier between

1967 and 1994 for migrants to obtain nationality and citizenship, still demands knowledge of English, albeit rudimentary, a short period of continuous residence, and an oath of allegiance implying readiness to fight for Australia in a war. In each demand we see the underlying claim to loyalty to a putative national culture, to the Australian heritage, the Anzac tradition (see Davidson 2003).

In a world of Homes, where everyone was identified by what national family they belonged to, or where they came from, it was not surprising that when a person left one Home for another, that person had to give up or transfer some of the loyalties she had to her forebears in order to be assimilated and to be acceptable. While this was a hard and sometimes cruel choice, it was manageable while the numbers of new arrivals were few. Again not surprisingly, new countries such as Canada or Australia, whose populations were built on immigration, were the first to face the reality that having too many newcomers makes a rapid and radical transfer of loyalties impractical.

I will again use Australia to illustrate this assertion. It is obvious that even by the end of the nineteenth century the sense of a heritage or patrimony that demanded loyalty was weak in Australia. This was true when compared with the great open republics of France and the United States, or oppressed nations even in the mid-twentieth century. Nevertheless, in breeding that curious hybrid the Anglo-Celt, so aptly discussed by Michael Hogan (1987), there was at least some sense that the "crimson thread" that united us all was loyalty to Britain and British traditions. There was also a fierce commitment to defence of the national borders from the supposed hordes of peoples of other races who might immigrate and threaten that British heritage. There are cannons designed to repel the Russian menace from the south coast of Australia rusting just before my window as I write this.

Australian subjects of Her Majesty defined themselves by their whiteness until 1967. This meant that even Russians really played less of a role in the national imagination than Asians did. Yet Australia was built on immigration, and from 1945 the government made it easier and easier to immigrate and to obtain citizenship. By 1990 Chinese and Vietnamese were only just behind Britons and New Zealanders among new arrivals and citizens. Australia demanded

no more than that one half of a married couple speak rudimentary English and that they had resided for two years before they were invited, indeed at times practically begged, to swear the oath of allegiance.

The newcomers rapidly took on a multiethnic complexion after 1945 and today there are members of at least 150 ethnicities living in Australia. Faced with this plurality of voices, the Anglo-Celt majority conceded the right of the first generation to assimilate at their own pace, for that was what the vaunted multicultural policy amounted to. Their children, having been brought up in Australia, necessarily shared in its patrimony. Eventually, there were so many ethnics using their own idioms that even school curriculums were changed in the 1980s, as education for cross-cultural communication became an object. Again, this can be seen as a compromise by the majority. While learning foreign languages in order to understand other cultures is really futile when there are 150 of them, it did make clear that it was not disloyal to speak another language. Australians today are light years away from the 1950s, when Italians were told on buses to speak English and the inhospitable attitudes of the Anglo-Celts seemed "un-Christian" to the hapless *cafone* (see Bosi 1973). Today, because the children of parents from non-English-speaking backgrounds (known as "NESB" in Australia) speak English as well as their mother tongues, Australia can rightly boast that it is one of the most polyglot countries in the world.

Despite these compromises with a world of great numbers of migrants by a majority with little heritage of its own, the federal state, and most older Australians, still assumed that the process was one of shifting loyalties from an old Home to a new Home. This was revealed in the adamant refusal, expressly stated in the first National Agenda on Multiculturalism of 1989, to negotiate about the patrimony of British legal and political traditions. Australians learned to eat souvlaki, but not to trade in the Magna Carta for Aristotle.

The policy that newcomers are switching homes and allegiances, and that this is fair and just, basically worked until the migration of globalization started and a new world of millions of *Heimatlos*, people for whom a single place of belonging meant little or nothing, became a reality. This has brought Australia and most other nation

states face to face with the real problem of the beginning of the twenty-first century: that there are two different contexts within which individuals live today, and each establishes quite different worlds of meaning and hierarchies of value for those who live within them. Where there is more than one such world there can be only mutual incomprehension and a dialogue of the deaf. Long before Lyotard reminded us of this in his work on *le différend*, Bartolomé de Las Casas had been obliged to recognize the incommensurability of languages when considering the peoples living in the New World of the Americas. He argued that, just as Europeans esteemed these peoples of the Indies barbarous, so they considered Europeans barbarous because they could not understand them (Las Casas 1992). This realization that there could be no communication between people from different worlds about what is important and valuable, since only some practices and ethics have meaning for them in their context, was, however, made poignant by what Lyotard added. Where two such worlds meet and cannot understand each other, much less agree, it is the one that controls the contextual language that imposes its rules and its discourse, adjudicating when there is no rule of judgement applicable to both arguments: "A case of *différend* between two parties takes place when the 'regulation' of the conflict that opposes them is done in the idiom of one of the parties while the wrong suffered by the other is not signified in that idiom" (Lyotard 1983, 9).

   The two worlds, that of those who belong and that of the pariah, breed different understandings, not only about what matters and what we should be loyal to but also about what loyalty is. Writing about France, Sophie Duchesne (1997) has characterized these with regard to strangers and "non-citizens" as the "heritage" and the "scruples" approach. The first is broadly that adopted by the majority of people who grow up within one nation state. For them the highest value is loyalty to one's forefathers and to the patrimony, no matter how flawed, that they have passed on. For them outsiders, such as the millions of newcomers who form the labour force of globalization, cannot feel the same about that past, since it was not their forefathers who made that world. Those who "belong" see the immigrants as guests, obliged to abide by the loyalties of the "host" country. This is reiterated *ad nauseam* in the literature and epitomized

in the German word *Gastarbeiter* (literally, "guest worker").

The demand that new migrants commit themselves to a new exclusive history has no meaning for those whose loyalties are not to any past, and certainly not to a singular one.

Against the "Periclean" view of what makes humans loyal, Duchesne has perceived an alternative emerging , the "scruples" view, which defines loyalty not in terms of where people have come from but in terms of who they are making their future with. In pop language: "It ain't where you're from; it's where you're at." This view privileges space, and the relative indeterminacy and difference of people, over time and history. Those with "scruples" do not develop ethics of loyalty to others in the same predicament in terms of a common patrimony or where they come from. Arendt writes that the symptomatic pariah groups of our time develop a warmth of human relationships and can breed a kindliness and goodness, of which human beings are otherwise scarcely capable, because the worlds of belonging that kept them apart have literally disappeared (Arendt 1968). The loyalty to their heritage of those who "belong" is experienced by the pariahs as injustice and cruelty. Precisely what makes them *Heimatlos* also means that they cannot quickly find another Home. Pushed out by economic and political pressures, the suffering millions cannot queue in orderly fashion to get into safe havens, and they cannot fit in with the national priorities of these places. They come, and will come, legally or illegally. Often they have no precise place in mind but keep moving forward until they can stop. Today they know from bitter experience that they can expect little charity from the places in which they seek refuge. They are witnesses to the lack of charity of nationals attached to histories other than theirs. Tragic confirmation that this experience of the "wandering Jew" is now general for pariahs comes from the letters of so-called illegal aliens incarcerated in camps in remote places in Australia. A not untypical letter (quoted in Burnside 2003, 137) runs,

> You have written that you came from England to Australia. How did you leave such a good country and live in this country whose president is the enemy of humanity? Sorry you love it too much. But I can never forget what Australia did with me and rest of Tampa.

Like Kafka's K, they do not want charity from the Castle. They want rights and, since they belong nowhere, they want rights before they pledge loyalty to someone else's incomprehensible and emotionally meaningless history (see Davidson 1996)

Here we come to the dialogue of the deaf. It would be wrong simply to accuse the defenders of a heritage of being "out of date," or cruelly unaware of the changes imposed by globalization, or hypocritically willing to enjoy the benefits of globalization without assuming its burdens. A generation that has grown up as "nationals" can argue, rightly, that the highest virtue is loyalty to those who struggled to create a particular patrimony worthy of defence against change, and believe that newcomers must agree before being empowered. Coming from the pariahs, I cannot like nationalist views, but I would be foolish to think that my views make any sense to those living in their world, and vice versa. It is no consolation if in an academic conceit I tell myself that all nations are myths, built, as Ernest Renan told us, on forced amnesia about repressed minorities, and that both sides of politics have deliberately fostered a new nationalism during the past twenty years in Australia. It is futile to note that in schools in New South Wales the curriculum makes computer studies, civics, and Anzac history compulsory, in an unholy union of global technology and Periclean attitudes against the outsider, or that the federal civics programme is a total distortion of national history, in claiming that Australia is simply the best, fairest, freest, and most democratic of states, and therefore all young Australians should learn to defend it. Even if Home, as one single, exclusive place, is a completely irrelevant value for millions of migrants, it is not for the majority of Australians, Canadians, and Irish. The polls show overwhelming popular support for government policies of exclusion of global migrants except on national terms, even where there are blatant breaches of international law, as has been the case with Australian federal policy since the early 1990s.

The forced migrant knows that national majorities support the policies of their governments about who and what is a threat and should be excluded (Burnside 2003, 137). Another letter from a migrant detention centre reveals that they know that within a Home the scruples approach also exists: "I was thinking that all Australians are heartless. But I am now realizing that there are people outside

who really care and think about me" (Burnside 2003, 140). Among the young and those who have travelled or themselves are torn between Home and Home, the primary value is not loyalty to an exclusive set of forefathers or history but loyalty to all human beings. The polls show that they are a decided minority in most advanced countries, but as the global job market drives young people overseas their numbers can be expected to increase. Meanwhile, their readiness to endorse the clamour of the pariahs for universal rights makes it easy for the heritage group to depict them as disloyal to the nation.

We hear the clamour for rights from the *Heimatlos* and their supporters. Since rights are agonistic and legalistic, and arise from conflict, they generate winners and losers. They must threaten what the community putatively wants and weaken national identities. As the new nationalists refuse their international obligation to concede the priority of universal rights over those of any community, groups that demand their observance appear disloyal to the national heritage. Indeed, since universal rights by definition imply a critique of the claims of any community over individuals, the "scruples" group is necessarily critical of the priority given to the nation and national identity. Today, however, following the logic of *le différend*, the insistence that the highest values privilege individual rights is trumped practically everywhere by appeals to loyalty to a national patrimony. The reasons why the excluded want rights, and why they criticize charity, or, in Australia, the vaunted national "fair go," go unheard.

Even the views of the richest and most powerful of the new migrants go unheard or unheeded by the dominant national group who dispose such things according to the priorities of their world. The following lines come from the woman who set up the Southern Cross Association to represent the 860,000 Australian expatriates and led a successful campaign to defend them against loss of citizenship rights under section 17 of the Australian Nationality and Citizenship Act of 1948 (Havenhand 2003, 19–20).

> Expats are also punished … by the failure of Australian governments to properly consider the impact of laws and policies, or, in some cases, the lack thereof, on Australians living abroad. Some of this may simply be because our voices have never been heard in any organized fashion before.

We need to listen to such unheard voices as they express values for conviviality that arise from their powerlessness in a world where only those who belong nationally have any rights. As Alain Brossat (1994, 30) wrote, the lived question for pariahs is this:

> How does one keep civilization as a home, justice as one's horizon, communication as a vital everyday ambition in the very whirlwind that keeps you from *Zuhause*, from your elementary rights, your language and your community? How does one remain a civilized human being at heart through such brutalities and radical discontinuities?

If we wish to bridge the gap between the two worlds, we should listen attentively to the answers of the pariahs and their supporters about what is important for a virtuous human being in a globalized world.

The excluded pariah, buffeted by the misfortunes of his world, has known since Sophocles wrote about Oedipus that, as the outsider, he is doomed to be the object of the aggressive defensiveness of the warrior citizen. Constantine Cavafy, the child of a multiethnic society, wrote a poignant poem about the misplaced fear of the barbarians at the gate who are not there at all, yet that fear is what those who defend a patrimony feed on even today. Witness this letter: "Your government is always introducing us to your people that we are criminal or terrorist or something else" (Burnside 2003, 139). In relation to the nation state the pariahs want universal rights, but from those who "belong" they yearn for "care and thought." This could be misunderstood (and sometimes is) as a call to learn about them and why they come. It is this, but it is more. The surplus is to care without being able to understand them, who they "really" are, without first attributing an identity and a status to them. The view "from below" of the sparrows is far from that of the Olympian eagle concerned with *raison d'état*. Las Casas first saw the need for unreserved acceptance precisely because it was impossible to understand the world of the Indians, with whom there was no common language (see Davidson 2003 and Warner 1999).

Globalization's pariahs also know the virtues of rejecting Aristotle. They want others to live according to the value of mildness. Where

the Periclean view, which is still the highest virtue of the nation state, was masculine in its cult of the warrior citizen who will die for his heritage, mildness has been described as a "feminine" virtue (Bobbio 1995, 36–37). I have summed it up elsewhere as "holding to our belief about the good in the face of rival and disputing views, and yet not imposing our own view when we have the desire, the anger or the power to do so. It is thus an ethical attitude, not a legal right with a corollary duty" (Davidson 1997, 2).

The plea of the pariah in the face of *le différend* is for us all to suspend judgement, to live together and to convert by example. The virtues of trust, tolerance, and love move to the top of their hierarchies. It is therefore a demand for a return to something like religious ethics, not so far from the claim to universal rights, a claim asserting a recognition of the human being —Emmanuel Levinas (1969) would call it "the face before us" —shorn of any attribute. What are universal human rights but an insistence on respect for individual dignity shorn of social distinction, a respect that is never to be subordinated to any claimed common good? If the "common good" is given pre-eminence, it can quickly turn into oppression by the majority.

The pariahs' claim for rights and the privileging of these virtues is really circular. The ideas of Las Casas were quickly transformed by the fathers of international law, Francisco Suárez and Francisco de Vitoria, into a defence of free movement around the globe and intimations of a theory of world citizenship.

The lesson is for all humane beings is this. If we live in a world of the absolute Other, peopled by individuals whose histories have not been ours but with whom we must live in peace and harmony, we will have to accept each other much more at face value, without any attempt to explain things by reference to a history or culture behind the face we see. The sparrows have a very short historical memory.

I end with a reminder for those who still wish to see the world only from the point of view of those who belong. It comes from yet another wise "wandering Jew" writing about citizenship: "Man is not a tree and humanity is not a forest" (Levinas 1969).

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CHAPTER 2

CITIZENSHIP, STATEHOOD, AND ALLEGIANCE

Helen Irving

The concept of citizenship has undergone a phenomenal transformation in the past twenty years. Notwithstanding T. H. Marshall's (1950) postwar analysis of the social and economic inequalities resulting from capitalism and obstructing full citizenship, the term was predominantly employed in defence of conservative and conformist values until the 1980s. For complex reasons beyond the scope of this chapter, citizenship took off in the 1980s as the concept of the left (see Kymlicka and Norman 1994, 104). As Bryan Turner (1990, 190) writes, "In the crisis of the 1980s critical theorists … returned to the questions of distributive justice, individual rights and notions of equality as the basis for social reconstruction and social reform." The language of citizenship served as a vehicle for this project. Over the decades that followed the concept of citizenship expanded, lending itself to an extraordinarily diverse, almost promiscuous variety of uses, supporting virtually every claim for progressive or alternative policies. The language of citizenship was used predominantly in a normative rather than a formal sense. Marshall was "rediscovered" and his definition of citizenship as requiring substantive social equality, rather than "mere" formal rights, assisted a further development of the normative approach. Adjectival or taxonomic citizenships appeared: "industrial," "feminist," "urban," "ecological," "corporate," "biological," and many more. There must be few, if any, western political theorists who have not at some stage discussed the concept and even fewer who have declined to find value in it.

While it would be impossible to identify a simple "family resemblance" among all uses of the concept there is a common or core claim uniting them: that citizenship inheres in persons and is a quality or attribute that generates relational attributes and specific forms of behaviour. It describes something valuable and valued, something almost transcendent, not merely about the individual but about the relationship of individuals to each other. It indicates a set of attachments or commitments to others, whether political or moral or both. Rights or entitlements, it is assumed, frame such attachments or commitments and are, indeed, inherent to the quality of being a citizen.

Given the currency of the term and its high standing, not to mention the mountains of literature, dedicated journals, and entire research centres on the subject, it may seem foolhardy even to contemplate a challenge to these assumptions. This, nevertheless, is the purpose of this chapter. I want to go even further, indeed, and challenge the language of citizenship, even the very use of the term "citizen," in much of the literature.

I begin with a simple proposition. Citizenship is simply a legal category, a matter of law. It does not, in and of itself, carry any particular individual qualities or attributes, or, with one arguable exception, give rise to any particular entitlements. The argument for this proposition progresses through several steps. First, I shall attempt to demonstrate, both empirically and normatively, that there is no intrinsic relationship between citizenship and rights, and that the attachment of rights to citizenship is neither inevitable nor necessary, but contingent. Second, for similar reasons there is no inevitable relationship between citizenship and duties. Furthermore, the consequences of attempting to create or insist upon such a relationship, in respect of both rights and duties, are undesirable. Among the core reasons for detaching citizenship from such claims, I argue, is the fact that the language of citizenship is a language of exclusion. Rights and duties should have a wider application than their attachment to, or discursive association with, citizenship suggests. We should talk about rights and duties without inviting the conclusion that these are a matter for citizens alone. I move on to argue, thirdly, and notwithstanding this conclusion, that citizenship as a legal status still has value, both practical and normative. Its value does not lie, however, in an alternative "global" scheme, as some

theorists critical of the exclusive character of citizenship regulated or conceived in national terms want to suggest. Its value, indeed, must be understood against the reality that citizenship is a matter for the law of nation states.

None of this, however, is to say that the qualities attributed to citizenship or the benefits attached to claims for citizenship in the existing literature are in themselves undesirable. Rights, duties, responsibilities, membership of communities and the concerns of justice are among the many claims or virtues that have been included in the discourse of citizenship, and are all worth pursuing. However, an alternative framework is needed for considering such claims, one that both acknowledges the fact of citizenship as a form of law and avoids the problems of attempting to conceptualize it as more than a matter of law. The final part of the chapter considers what this alternative might be, with a focus in particular on the institutions of civil society. It concludes with something that might seem paradoxical: a defence of citizenship. This conclusion explores the often-elided concepts of identity, belonging, loyalty, and allegiance, and it argues that, in respect of citizenship, these must be understood separately. Citizenship is a form of "negative" allegiance, not an identity or affective state of belonging. Its value lies in its contribution to the stability and functioning of the nation state, not primarily to the life or relations of the individual.

CITIZENSHIP AND THE LAW

Advocates of "citizenship" rarely discuss the legal dimensions of the concept, and some fail even to acknowledge that there is an area of public law in which the term is defined, with legal consequences. Lawyers, of course, think of the concept in legal terms and speak of the realm of "citizenship law," but they rarely take part in discussions about citizenship beyond its legal meaning. As Linda Bosniak (2000, 965) notes,

Something of a division of labour in the normative citizenship literature has developed, according to which threshold questions regarding both access to, and the significance of, formal national citizenship status are treated as distinct from questions about the nature and quality of citizenship as practised within the political community.

Elsewhere, Bosniak (2002, 1299) describes a "professional divide that now separates scholars of rights citizenship and status citizenship." I would add a further subdivision of "status citizenship," between those seeking or identifying citizenship in terms of constitutional status and those whose focus is primarily on statutory or technical definitions of citizenship. The former is broader and reaches into questions about membership of the constitutional community and its relationship to the state.

There may be multiple reasons for the failure of citizenship theorists to consider the law. Many, perhaps most, theorists are not lawyers. Many may regard the law as a subset of, or a consequence of, the wider social discourse of citizenship and therefore caught up indirectly in the primary discourse. Alternatively, some may think that the law is of little or no relevance to other ways of talking about citizenship. For example, in introducing a research project on "Community, Immigration and the Construction of Citizenship," Caroline Nagel writes,

> Central to many of the negotiations over citizenship are questions of who can be a citizen and under what conditions an individual should be granted citizenship. These questions may involve legal matters such as those involved in naturalization procedures, but they often speak to more ideological and emotional questions of integration, incorporation and membership in a political community. In short, citizenship rests not simply on a set of legal institutions, but also on a sense of membership rooted in notions of shared identity and common purpose that are recognized individually and collectively.

If it were the case that theorists were merely using the term "citizenship" by analogy or as a manner of speaking, this prioritizing of the non-legal—indeed, this tendentious definition of citizenship as essentially non- or extra-legal—might not matter much, but the problem is that most of the literature on citizenship envisages some sort of real-world consequences or practical outcomes for the models they promote. Claims for citizenship rights, or demands for the performance of citizenship duties, invite, indeed require, public intervention, enforcement, and sanctions if they are to have any purchase. Once such consequences follow, the world of law cannot be avoided. As soon as we talk, in particular, about the rights attached

to citizenship we invariably conjure up questions about causes of action, access to courts, legal standing, and enforceability.

In order to appreciate that this is problematic, or at best unsatisfactory, let us imagine, by analogy, a whole realm of theory in which the concepts of crime or criminals were central to the analysis, but which took no account of the fact that crime is defined by law. It might well be possible to develop an essentially moral theory of crime, asserting, for example, that it is a "crime" for the rich not to donate a proportion of their wealth to help the poor, but this peculiar use of the term would need to be made clear at the outset, and its separation from legal discourse would have to be acknowledged. The fact that the term was being used as an analogy, to make a point about a particular type of otherwise legal conduct, would need to be declared. Any writings on the "rights of criminals," or on "urban crime," "industrial crime," "corporate crime," or other such topics, that failed to mention the legal definition or the legal processing and treatment of criminals would seem thin, lacking in substance and application. Imagine, alternatively, a body of theory on the subject of Christianity or Christians that failed to consider the religious doctrine with the same name. Some people might well say that a certain type of behaviour was "un-Christian," in the sense that it was uncharitable or intolerant, but to develop a theory of un-Christian behaviour without acknowledging the religious doctrine from which this claim is derived would be to miss something essential. Furthermore, any claims for the "rights of Christians," or for "global Christianity" or the like, would have considerable difficulty, to say the least, in maintaining a universal or non-discriminatory and doctrinally neutral character.

These examples, I argue, are similar to the discourse of citizenship without law.

However else one might use the term, the reality is that there are laws of citizenship and legal definitions of "citizen." Citizenship, furthermore, is defined by the law of individual states. It is a category that describes a legal relationship between an individual and a state.

Our first step in challenging the characterisation of citizenship as a non-legal concept is to consider the relationship between citizenship and rights. The purpose here is to explore whether such a thing as a "citizen's right" or a right of citizenship exists.

CITIZENSHIP AND RIGHTS

It is possible to speak about rights and believe in rights without mentioning the law, but whenever we go further than this and imagine asserting or enforcing such rights, at least in the public sphere, we run up against a concrete reality. Whatever their source or origin, rights are allocated by law. It is all very well to claim a right, but such a claim will not go far unless there are legal mechanisms to support it, and the law recognizes only certain sorts of claims and thus certain sorts of rights. Many people are surprised to learn that, although rights are often granted to persons who are legal citizens, the grant of rights does not automatically follow from the fact of citizenship. Historically, few useful examples exist where membership of a political community is indistinguishable from both the title of "citizen" and the possession of legal rights. The relationship between citizenship and rights is normally contingent and probably has never been absolute.

The fact that the law "covers the field" of citizenship is a relatively recent development. Theories of citizenship frequently refer back to, or draw inspiration from, eras when its legal character was less fixed or less significant than in the early twenty-first century. Well into the twentieth century, at least in some countries, to talk of a "citizen" was to refer to something more than, or other than, a person with the legal status of citizen. In the British empire the term was used either normatively, to describe exemplary members of the community, or to refer to the legal status of persons in republics such as the United States, or sometimes merely to refer to persons who were not politicians (see Irving 1999, chapter 9). Individuals in the empire were "subjects," as a matter of common law, until 1914, and their subject status was inalienable and unwaivable. However, from the advent of the First World War onwards, citizenship law began to solidify in the international community. For those who did not travel outside the country of their birth, or who were not entitled to or did not take part in the political process, what followed from legal citizenship or subject status was probably rarely an issue. Bit by bit as the twentieth century advanced, however, the restrictive nature and legal consequences of being a citizen or a subject increased.

Although we might use the term normatively, or descriptively, or to convey something other than legal status, we cannot escape the fact that citizenship is now defined by law.

THE RIGHTS RECORD

For those unfamiliar with the historical record, the association between rights and citizenship might seem obvious or even natural. A large amount of the literature on citizenship assumes such an association and seeks to extend it or deepen it. Yet history does not reveal an inseparable association between being a citizen and enjoying rights.

In the ancient world, perhaps, to be a citizen, as a consequence of having the character and attributes that defined a citizen, was to enjoy certain rights and to owe certain duties. Yet the law of persons under which citizenship fell also included the legal frameworks for slaves, for women, and for children within a defined territory, and these were subdivided into further categories—freed slaves, married women, illegitimate children, and so on—as well as types and categories of citizen themselves. Rights and entitlements varied accordingly. The attributes that defined the citizen attracted the rights, rather than citizenship itself. One might find other examples where being the bearer of certain rights, as a consequence of having certain other qualities—being free, being a man, being fit for military service, and so on—was what allowed one to be called a citizen, but that is a different matter from saying that rights were derived from, or should be derived from, the particular state of personhood known as citizenship.

In the modern world we find that a range of "rights" that one might assume to come with citizenship have been, and in many cases still are, available in practice only to particular classes of citizens. That is to say, rights are not available automatically and without other qualification to all persons who are legal citizens. The conferral of citizenship and the enjoyment of rights are almost always set down in different legal instruments. Even what might be imagined as the most obvious of citizenship "rights" are not acquired automatically but rather acquired, or retained, subject to further qualifications.

Let us consider what those rights might be. As we consider each case, we need to ask several questions. Would it be possible to say that all citizens, without disqualification, should be entitled to exercise such "rights"? If not, why not? Secondly, are there no cases where disqualification or deprivation of a particular right is reasonable and non-arbitrary? If the answer is yes—that is, if we believe that all citizens, without further qualification, should be entitled to exercise

certain rights, for example to vote or to seek election to the national legislature—we need then to consider some further questions. Should legal citizens alone be entitled to exercise these rights? Are there no cases where it would be appropriate for non-citizens to do these things as well?

In addressing these issues I draw many of my examples, though not all of them, from Australia, but there is no reason to believe that its citizenship history is unusual. Indeed, Australia's political history records the early adoption of democratic laws and institutions, with a reputation, alongside New Zealand, as one of the world's social and political "laboratories." Rather than lagging behind in the conferral of rights on citizens, it is likely, on historical grounds, to be in the vanguard.

When Australia's Constitution was being drafted, in the 1890s, the framers, popularly elected members of a federal convention whose primary concern was policy-making rather than legal drafting, attempted to agree upon a definition of "citizenship" for inclusion in the Constitution. They spent several weeks on and off, beginning, as we probably would today, with the idea that citizenship should be defined by rights. The first to be nominated was the obvious one: the right to vote. This, some of the framers thought, might perhaps be the single identifiable attribute of citizenship. However, it was quickly pointed out that there were many individuals whom they would want to count as "citizens" but who could not vote. To define a citizen as a person who could vote was to disqualify many who were both legal "citizens" (or British subjects) and possibly also "good" citizens. The founders had in mind women in particular, whom it would have been unthinkable to define as "non-citizens," even though at that time women could neither vote nor seek election in any of the Australian colonies apart from South Australia. Similarly, women could not vote in federal elections in the United States until 1920, despite their constitutional guarantee of citizenship by birth following the ratification of the Fourteenth Amendment in 1868. Despite a proud historical record of "popular" democracy in Switzerland, Swiss women had to wait until 1971 before acquiring the right to vote.

Other arbitrary disqualifications have been enforced in democratic countries. Australia and Canada, among other such countries, disallowed indigenous or "coloured" citizens from voting well

after they had extended the vote to women. Disenfranchisement for political reasons also occurred, for example, in Australia, where, during the First World War and for a period afterwards, the right to vote was denied to members of any "unlawful association," defined under the Crimes Act 1914 as "any body of persons … which encourages the overthrow of the Constitution of the Commonwealth by revolution or sabotage, overthrow by force of violence of the government of Australia or of any other civilized country, or the destruction or injury of Commonwealth property."

It might seem that all this is now past history, but in the twenty-first century, even in the most advanced democracies, the right to vote is routinely denied to large classes of citizens. All contemporary democracies exclude minors, being those who have not reached the legal age of adulthood, and also those who are, to use the expression found in the Australian Electoral Act, mentally "incapable of understanding the significance" of voting. Some countries permit citizens who live overseas to continue to, while others disqualify them either as soon as they leave or after a certain period of residence abroad. Prisoners and those convicted of treason are disbarred from voting in many countries, sometimes for life.

It is notable that both Linda Bosniak and Alexander Aleinikoff, who are among the few theorists who recognize the historical disjunction between rights and legal citizenship, are both lawyers. Aleinikoff (2002, 172) has noted that although political rights such as voting are now seen as central to citizenship, "[n]othing necessarily makes possession of the franchise a test of [national] membership." To define a citizen as someone who has the right to vote, or to assert that this is a right of citizenship, is to ignore this history and to leave out substantial classes of otherwise legal citizens from the definition. It is also to overlook the fact that in some countries non-citizens are entitled to vote. The right to vote is, thus, far from being a citizens' right as such.

What of the right to seek political office? This right is often available only to legal citizens, but it is also commonly attached to the right to vote, and in such cases it is therefore unavailable to disenfranchised citizen. In addition, in some countries, perhaps many, citizens with dual nationality are ineligible for most, if not all, public offices. In Australia persons who are employed in an "office of profit under the Crown" (that is, public or civil servants) and undischarged

bankrupts are also constitutionally ineligible. Seeking election is thus not an intrinsic right of citizenship. It is, in many cases, a "right" only of sane, adult, non-incarcerated citizens, and sometimes only of privately employed or unemployed, solvent citizens who do not have dual nationality.

What of jury duty, in those countries where it exists? In Australia, as in many other countries, only citizens are entitled or required to serve on juries. Yet many citizens are disqualified from serving, or are not required to serve, for a range of reasons. Historically, women and "coloured" persons could not sit on juries until the twentieth century. These days other disqualifications apply. For example, in New South Wales citizens are ineligible to perform jury duty if, among other things, they are qualified as legal practitioners, whether or not they are actually practising. Under the Juries Act of South Australia, among others, the spouses of judges, of justices of the peace, and of members of the police force are ineligible. These are merely a few of the many disqualifications in democratic rule-of-law jurisdictions around the world.

Contrary to what may commonly be believed, the holding of a passport is not a "right." Its issue is a matter of executive discretion in many democratic countries, and perhaps in all, and consequently a matter for legal dispute. In the United States, for example, political grounds for denying a passport have been the subject of constitutional challenge on more than one occasion. In Kent v Dulles 357 U.S. 116 (1958) the Supreme Court ruled that the State Department's denial of a passport to members of the Communist Party, on the ground that their travel was contrary to the national interest, was unlawful. Although the grounds for finding in favour of the plaintiff were non-constitutional, the Court recognized the right to travel as a liberty protected by the Fifth Amendment. In subsequent cases the Supreme Court has affirmed this decision but held that the right to travel is not absolute and that restrictions can be legitimate. Executive discretion to withhold a passport in order to restrict travel is, nevertheless, more constitutionally limited in the United States than in comparable countries.

Withholding passports from convicted criminals or suspects, in order to stop them fleeing the jurisdiction, is a common practice. In addition, in Australia, as elsewhere, the denial of passports for both political and "moral" reasons has also been authorized. For

example, under the Australian Passports Act passports could be denied to single girls wanting to travel overseas to marry against their parents' wishes or intending to accompany a man abroad, to persons wishing to travel without a spouse's consent, and to persons of "weak mentality." Under the current version of the act the minister for immigration may (and does) refuse to issue a passport where the applicant is thought likely to engage in "conduct prejudicial to the security of Australia or of a foreign country."

It might be objected that the deprivation or denial of such "rights" is not arbitrary and that rational or at least coherent policies lie behind these exceptions. The general rule, it might be pointed out, still holds: under normal circumstances citizens can enjoy certain rights as an automatic entitlement of citizenship, unless there are reasonable grounds for the contrary. In response we may acknowledge that some disqualifications can readily be defended. Children, for example, cannot be expected to exercise the level of responsibility appropriate to voting for political representatives, although, apparently, persons aged between eighteen and twenty-one were unable to choose in a responsible manner for the better part of the twentieth century, or longer, but overnight became able to do so when the age of political maturity was adjusted around the 1970s, in many countries. However, other disentitlements are less obviously rational or non-arbitrary.

It might be expected that citizens have the right to protection or diplomatic representation from their country of citizenship when overseas. However, as was recently demonstrated in the United Kingdom in the case of R. (Abassi) v Secretary of State for Foreign and Commonwealth Affairs, 2003, 3, AC 297, with regard to persons held at Guantánamo Bay, citizens, at least in some countries, have no legal "right" to require their government to make diplomatic representations on their behalf. For example, as far as the United Kingdom is concerned, the courts have cited the Australian case of Minister for Immigration and Ethnic Affairs v Teoh, (1995) 183 CLR 273, among other cases, to rule that citizens have merely a "legitimate expectation" that the relevant decision-maker will give consideration to a request for representation.

In the past certain countries have stripped their own citizens of citizenship for taking out a second nationality, and some may do so still. Until 2002 the Australian Citizenship Act stated that any

Australian citizen who "by some voluntary and formal act, other than marriage, acquires the nationality or citizenship of a country other than Australia, shall thereupon cease to be an Australian citizen." Well into the twentieth century, the law of the United States and other countries required that women lost their birth citizenship upon marriage to an alien, even if this rendered them stateless. As Linda K. Kerber (2005, 735) has pointed out, the majority of cases of individual statelessness in the United States between the two world wars "involved women and arose from marriage": even the daughter of Ulysses S. Grant lost her U.S. citizenship upon marriage to an Englishman and "it took a special Act of Congress to reinstate her citizenship when she was widowed" (see also Volpp 2005 for a powerful discussion of the intersection of race and gender in the loss of citizenship by marriage).

Apart from the injury to personal selfhood, such citizens lost what might be considered the most fundamental right of citizenship: the right to live in one's country. This is not merely a matter of the perverse policies of individual countries. In international law, to hold citizenship does not in itself generate a right of residence. As was held in the leading judgement of the International Court of Justice, the Nottebohm Case (Liechtenstein v Guatemala [1955] ICJ Reports 4), a meaningful or genuine connection between a country and a legal citizen is required for citizenship to be the source of the "right" of residence. This idea of a meaningful or "true" relationship between a person and the country of which they claim citizenship as a foundation of citizenship law can also be seen in the "important governmental objectives" recognized by the Supreme Court of the United States, and held to be served by a provision in the Immigration and Naturalization Act at issue in Nguyen v INS 533 U.S. 53 (2001). U.S. law automatically grants citizenship to the ex-nuptial foreign-born children of U.S. citizen mothers, but imposes certain requirements, including a time "guillotine," on the registration of ex-nuptial foreign-born children of U.S. citizen fathers.

Even where there has been a clear and genuine connection, there are many cases where, for no reasons to do with character, behaviour, or other personal attributes, people have simply lost their former citizenship because of political changes and international realignments. Millions of individuals born in parts of the British empire lost their status as British subjects, and with it their "right" to

live and work in Britain, effectively overnight, with the coming into force of legislation in Britain's former dominions reducing their dual citizenship status (being simultaneously a British subject and a citizen of another country) to a single citizenship. Furthermore, those living in Australia and born before 1949, when Australian citizenship law, and dual citizenship/subject status, came into operation, lost their original or primary status of British subject, not merely their second or acquired citizenship. There are numerous similar examples in history. Nor is this something of relevance only to countries where citizenship is granted by statute rather than by a provision of an entrenched constitution. A constitutional guarantee of *acquisition* of citizenship by birth should not be mistaken for a guarantee of the *retention* of citizenship by birth. Note, for example, Article (18): 3rd (a) of the world's newest constitution—the Iraqi Constitution of 2005: "It shall be forbidden to withdraw the Iraqi citizenship from an Iraqi by birth for any reason." Assuming that this constitution continues in operation, it will be interesting to see how this will work in practice. The Iraqi Constitution also bases citizenship on the "nationality" of either the mother or the father, so that not all persons born in Iraq are entitled to citizenship by birth.

Despite this, the right to live in the country of one's primary nationality and, with it, the right to be protected against deportation probably come closest to being historically non-contingent citizen's "rights." In some countries it is constitutionally guaranteed, as, for example, in section 6(1) of the Canadian Charter of Rights and Freedoms (part of the Canada Act 1982). These rights are, of course, also shared by aliens who hold permanent residency visas, but for legal citizens they remain more recognizably fundamental, less qualified, and less reasonably or non-arbitrarily reducible than any other purported "rights." Normatively, a very strong case can be made that these rights, and perhaps these alone, should be treated as inalienable. For reasons explored below, it is also in the interest of the state itself that a right of residence should be automatically conferred upon all legal citizens.

The examples above probably exhaust the types of substantive rights that might be thought to come with citizenship. However, perhaps when we speak of "citizens' rights" we also mean, or mean instead, rights associated with the legal process, such as *habeas corpus*, the right to remain silent, the presumption of innocence,

and the like. Yet it cannot possibly be intended, at least by those who promote rights, that due process and the rule of law should extend only to citizens. To the extent that these rights are described as "citizens' rights," this is loose talk. Every person who is charged with an offence and processed by the law is surely entitled to such rights. Indeed, I can find no example of a democratic state where these basic procedural "rights" are in practice guaranteed only to citizens and denied to aliens, even where, in practice, different considerations apply to aliens held in detention who are applying for judicial review of executive decisions about their legal status or right of abode.

In sum, if we were constructing a definition of "citizenship," we would not progress very much further in attempting to build it around rights than the Australian Constitution's framers did in the 1890s. If we said that "a citizen is a person who has the right to vote or to hold a passport," for example, we would have to qualify this definition by adding, "unless, that is, he or she is otherwise disqualified or excluded from exercising such a right." Then we would have a definition that did not, in fact, fit all those to whom the term being defined might be attached. We might simply say, "A citizen is a person who holds citizenship under the law and who is, unless otherwise disqualified, entitled to exercise the rights and privileges available under law to citizens." This, while accurate, is a circular definition and does not in itself assist our understanding of the "character" of citizenship or the ways in which rights are, or should be, protected, or their distribution justified.

Citizenship has, in many cases, been required before a legal entitlement has been available, but it is safe to say that it has rarely, perhaps never, been treated as the source of entitlement in itself. In the often-cited examples from the ancient world the entitlement arose from the attributes that qualified a man to be a citizen in the first place. It may have been necessary, but it has not been sufficient. If a "right" is something to which one is legally entitled, without having to fulfil extra requirements or demonstrate additional qualifications or qualities in addition to the primary qualification, then one would be hard pressed to find any example of a "citizen's right," that is, to find any right that derives directly, without intermediary steps, from being a citizen.

Those who maintain that citizenship and rights should be inextricably or at least closely connected, or that citizenship should

be defined by rights, need to consider each of the rights discussed above. With the exception, perhaps, of the right to live in one's country, should every citizen be entitled to enjoy them all? Should citizens alone be entitled to enjoy them? Should governments have no discretion to grant or withhold any of them? Are there no circumstances in which it is reasonable to deny a "right" to a legal citizen?

THE NORMATIVE RESPONSE

We might respond that, regardless of what the historical record reveals, it is simply unacceptable for some citizens not to enjoy the rights we mean when we talk about "citizenship rights," in the same way that it was unacceptable for female citizens or coloured citizens to be denied rights in the past. Perhaps all citizens should enjoy all the rights of citizenship, and perhaps this is what theorists intend in asserting that there are citizenship rights.

However, in responding normatively along such lines we run into a problem. Even if we identified rights in respect of which no reasonable argument could be made for their denial to any citizen or class of citizens, we would need to ask a further question: are there any rights that should be available to every citizen, without exception, that should *not* be available to any other person who is within the same jurisdiction but is not a legal citizen? Are there any rights that should be inalienable from all citizens but available only to citizens?

My point, so far, is this: in using the language of citizenship we are using the language of law, whether we like it or not. In talking of citizens' rights we are making, essentially, two claims. One is that there are certain rights that are essential to, even inalienable from, citizenship. This is empirically inaccurate, but it is also normatively problematic. There are, I shall argue, no cases where a right that should never be denied to a citizen should also never be available to a non-citizen within the same jurisdiction. How we determine who should enjoy rights is, in other words, not to be settled by asking the question: who is a citizen?

If we do not intend to confine rights to legal citizens, but are employing the term "citizen" in a different sense, to capture or describe an existential state or a sense of belonging to a particular community, we need to consider what we regard the borders of the

community to be. As soon as we begin to make claims that the sense of belonging brings with it some sort of rights or duties, then we are once again faced with needing to answer the question: how should those rights be protected or enforced? Is the term "citizen," which has a legal, and exclusive, meaning in practice, and which crosses subnational borders, appropriate?

In using the language of citizenship rights, even if we think we are merely speaking normatively and not legally, are we prepared effectively to rule aliens and stateless persons out of our class of rights-holders? Do we really accept that the disentitlement of non-citizens or aliens from rights is non-arbitrary, in the same way that disentitlement of certain citizens or classes of citizen from some rights (children and voting, for example) is non-arbitrary?

Most probably it is not the intention on the part of the advocates of citizens' rights to suggest that aliens should not enjoy rights, but this is, I argue, one commonly overlooked effect of linking citizenship and rights.

SUBSIDIARITY OF RIGHTS

None of this is to suggest that claims for "rights" are worthless. There are certain rights and freedoms, such as equality under the law, due process, freedom from arbitrary authority or arbitrary detention, dignity, freedom of conscience, freedom from servitude, and the like, that one would find it impossible to consider as anything other than inalienable. In such cases there can be no non-arbitrary reason for their denial to any person. These, however, are universal or human rights, and are not, or should not be, confined to a particular category or class of persons or enjoyed only by citizens. If we take relevant international rights instruments, such as the Universal Declaration of Human Rights, seriously, then we may agree that there is a range of rights inhering in, and arising from, a human being's personhood. Yet this is to conceptualize rights along other lines, that is, it is to think of rights without an association with citizenship, indeed, to make a claim for rights that deliberately transcends claims based on citizenship.

Although international law does make distinctions between the rights enjoyed by nationals and those enjoyed by non-nationals (Rubinstein 2002, 179), fundamental rights as set out in the International Covenant on Civil and Political Rights, and the

International Covenant on Economic, Social and Cultural Rights, are meant to apply to non-citizens as well as legal citizens in any country. The UN Declaration on the Rights of Individuals who are Not Nationals of the Country in which They Live (1985) is framed around the notion of the equality of aliens and citizens in regard to legal and civil rights. As this instrument recognizes, non-citizens need these protections just as much as citizens do. Indeed, in some respects the helpless, the stateless, the exiled, and the alien need the protection of rights and freedoms even more than legal citizens, who have access, at least in principle if not by right, to representatives, both political and diplomatic.

Who, then, should enjoy rights? How should these be allocated? Universal rights are, of course, universal. In the case of non-universal rights, I want to argue, rather than tying rights to citizenship particular rights should be allocated on a non-arbitrary basis. People who are members of a political community, who pay taxes, and who are directly affected in their lives and livelihoods by the policies of a government should have the right to take part in choosing the government, or in seeking office, whether or not they have formal citizenship status. Aleinikoff suggests the term "denizens" for such people. All persons subject to the law should be protected by the rule of law, including, pre-eminently, the principle of equality before the law. Basic social rights, such as access to health services, should be available to all who need health care. Education should be available to all children, even, as the U.S. Supreme Court held in the landmark judgement Plyler v Doe, 457 U.S. 202 (1982), "undocumented" children, that is, children who are unable to demonstrate that they are either legal citizens or legal non-citizen residents.

I have given the term "subsidiarity" of rights to this principle of allocating rights according to the appropriate and non-arbitrary relationship between the particular right and the particular need. The term is borrowed from the political idea (an extension of the federal principle) that governance and government responsibility should be organized at the best and most appropriate level, according to the particular issue or responsibility at hand. For example, the maintenance of footpaths and gutters is best done at the level of a local or community authority rather than a central government, while it is normally inappropriate to provide for national defence at the level of the local.

How then should rights be allocated? The answer to the question is: they should be allocated according to a non-arbitrary and appropriate scale of needs. Human rights should be available to all humans, political participation should be available to all adults who live within a jurisdiction, and so on. Iris Marion Young (2002, 236) is correct to claim that "[e]specially under contemporary conditions of global interdependence, obligations of justice extend globally" and to reject a nationalist argument against the extension of obligations beyond national borders, but she derails her own argument by employing the language of citizenship. Instead of a discourse of citizenship rights, we should turn our attention to the questions of who needs rights, and which particular rights are appropriate at which level, in other words, how to bring about a non-arbitrary allocation or subsidiarity of rights. In none of this should we forget that both citizenship and rights are matters of law.

There are, additionally, good public policy reasons for allowing non-citizens, or aliens, to enjoy rights, in addition to the principle of non-arbitrariness. It is highly likely that the right to participate in the political community discourages alienation and disenchantment, and thus contributes to the reduction of the destructive consequences that may otherwise follow. The right to participate facilitates the existence of a robust and healthy civil society. In fact, to anticipate, it seems that many people who use the language of "citizenship" in relation to rights and duties are in reality speaking about the desirability of a strong civil society and responsive government rather than, specifically, about individual conduct or entitlements. (I return to this below, in a discussion of civility.)

CITIZENSHIP AND DUTIES

At this point advocates of a non-legal understanding of citizenship might want to change direction. They might argue that the question of whether rights derived from law come under the definition of "citizenship rights" is misdirected. Citizenship might be best associated with duties and responsibilities. Citizenship might be a form of behaviour rather than a ground upon which to demand rights or entitlements. It might, that is, be more a matter of giving than receiving. This perspective is frequently found in the literature on citizenship. In Australia after the Second World War it was also adopted at the level of government. There is a long history of

official measures for enhancing "good citizenship": citizenship "conventions" for immigrants in the 1950s and 1960s, compulsory civics education in schools in the past and in recent years, and the development and redevelopment of citizenship oaths and ceremonies for persons acquiring citizenship by naturalization.

What sort of duties do theorists have in mind when they argue for a reinvigoration or rediscovery of the tradition of "civic republicanism"? What might be expected of a good or exemplary citizen? As with the example of rights above, before reaching a conclusion let us consider the range of potential candidates for inclusion in a definition of citizenship as duties.

Obedience to the law is often routinely cited as an attribute of citizenship, but it is relatively easy to show that this is misplaced. All persons in a country, regardless of their nationality or legal status, and however briefly they are there, are required to obey the local law, and the one apparent exception of those protected by diplomatic immunity does not essentially alter this argument. There is nothing exceptional or particularly virtuous in obeying the law. On the other hand, particular legal duties, such as voting or performing jury duty, might be limited to citizens and obedience might be desirable, but, as we have seen, the law does not in fact require or permit all citizens to perform these duties and, indeed it expressly prohibits some citizens from doing so.

Other legal duties or responsibilities, such as paying taxes, might be required of citizens, but paying taxes is required of all residents who earn taxable income, and even in some cases, such as taxes on consumer goods, of mere visitors. Paying tax has nothing to do with citizenship. Performing military service during war might be considered a citizen's duty, but it is not, at least in some countries, exclusive to citizens. For example, under sections 59 and 60 of the Australian Defence Act 1903, resident aliens, as well as citizens, must perform military service when ordered to do so. Some citizens or classes of citizen—the medically unfit and those whose origins or political allegiances are suspect, for example—are disentitled from performing military service. Thus, if we began by saying that "good citizens" must obey the law, or defend their country when required by law, we would not be saying very much.

If, however, citizenship were tied to particular legal duties and vice versa, how would these duties be enforced? For example, might

a person not be permitted to vote if he or she did not pay taxes? This would mean that citizens would be subject to a double regime of penalties, whereas those who were not citizens but earned taxable income (since paying tax is not exclusive to legal citizens) would be subject only to the usual penalties for not paying taxes. Would citizen conscientious objectors be punished for refusing to perform military service, while able-bodied resident aliens were left in peace?

Perhaps this is to place too much emphasis on legal duties. Might not "citizenship" depend less upon law and more upon the performance of certain desirable duties? What other duties or responsibilities might one want to attach to citizenship that are not already required by law? What about the "civic duties" or elements of "civic virtue" that are so often associated with a normative or aspirational definition of the citizen? Should all citizens, for example, be required to attend public meetings, join political parties or community organizations, or perform volunteer service? What if they failed to do so? There are many citizens whose contribution to or membership of community organizations, for example, would not, as a matter of course, be fruitful or desirable. The participation of some might, indeed, be unproductive, even destructive. Many others have limited capacities, or lives that are already overburdened; others find simply getting through the normal routine of each day to be an ordeal, for one reason or another. These people, already short on time or resources, would be doubly deprived if we chose to identify citizenship closely with the performance of civic duties.

Would the withholding of rights or entitlements be a consequence of the failure to perform what we might broadly call community service? In many cases it would be counterproductive to attach sanctions to such actions. Rewards may perhaps be productive—and there are systems (albeit imperfect) of special rewards for community service in many countries, such as the New Year or Queen's Birthday honours in Australia and Britain—but a withdrawal or denial of rights would surely not be productive. It would simply entrench the very reasons for, or sources of, disadvantage that may well have made the performance of approved duties difficult in the first place.

Aristotle's model of the citizen, described in the *Politics*, is of a man with the leisure and the capacity to understand political issues. Those who were employed in manual work were, like women, unsuited to the Agora and could not, therefore, be "citizens." Similarly, among the historical arguments levied until quite recently against the

female franchise, we find the claim that voting was a privilege, of its essence, suited only to men. Voting, it was said, was based upon certain duties, pre-eminently the military defence of one's nation, something from which women were excluded. Since women did not have the capacity to defend the country, they should not have the right to vote, either because voting was a reward for service or because women were not entitled to take part in making decisions about the defence of their country in the absence of the capacity to carry these out in person.

We need not embrace any of these particular conclusions to see that the association between citizenship and duty or service is problematic. If we are to define citizens as "good citizens," we must, as Aristotle did, invariably exclude from citizenship those who, for whatever reason, do not have the qualifications to meet the standards for being "good." In any case, the compulsion to perform good works actually undermines the concept of the "good citizen," turning him or her into the "compliant" citizen. Community service may legitimately be required, for example in cases of persons convicted of offences as an alternative to a prison sentence, but to require it of persons merely because it is considered desirable is fundamentally to alter the relationship between the individual and the state, at least in liberal-democratic societies.

Those who advocate a correlation between citizenship and good behaviour also overlook the role of non-citizens or aliens. If we want people who live in our community to be "good," we do not want only those who are legal citizens to be good. Also, those who advocate a correlation between rights and duties fail to account for what should follow, other than the sanction of the law where a legal duty is shirked, from the refusal of some citizens, and indeed some non-citizens, to be "good citizens."

Perhaps all this is too literal-minded. Perhaps all that advocates of "virtuous citizenship" have in mind is duty in the sense of acting responsibly, being cooperative, and treating others with courtesy and consideration. This type of behaviour, without a doubt, is laudable and commendable, and there should be more of it, but why talk about it in terms of "citizenship"? One wants all persons, whether citizens, aliens, residents or temporary visitors, to pick up their own litter after a picnic in the park, or to stand up for infirm persons on public transport, for example.

It might be objected, next, that using the language of citizenship hardly matters. If the goal is responsible and thoughtful public behaviour, why not describe it as "citizenly" or attribute it to "citizens"? It might not be accurate legally, but it may accurately convey something in a non-legal sense that most people understand and appreciate. It matters, I argue, for several reasons. First, as soon as there are consequences, such as fines for not cleaning up, or public education campaigns designed to encourage "good" behaviour, then the target of these sanctions or campaigns needs to be described accurately. Second, it matters symbolically in the same way that talking about "men" or "mankind" matters when what is really or ideally intended is all persons, male and female. One might well use the word believing or claiming that it is innocent and that it embraces women as well as men, but the reality is that it masks a normative code and a historical message of exclusion. The language of "citizenship" too is a language of exclusion.

GLOBAL CITIZENSHIP?

If the state does not guarantee any rights to an individual by virtue of his or her citizenship, and if the demand that it should do so is problematic, perhaps the problem lies in the attachment of citizenship to the state. Perhaps we should detach it from the state, so that it becomes a form of membership of the global community to which all persons can equally belong. Might we then be able to speak about "citizenship" meaningfully or inclusively, making the term work in support of claims for equality, for equitable shares in resources and equal life-chances? Such claims are made by advocates of "global citizenship" and are supported by globalization theorists, who hold that power no longer resides within the nation state. For David Held (2002, 97), for example, "the locus of effective power can no longer be assumed to be national governments." For Iris Marion Young (2002) the demands of justice require a global distribution of rights and thus a transnational notion of citizenship.

Advocates of global citizenship point out that the majority of the world's resources, goods, and rights are presently locked up in the more favoured parts of the world. Because the borders of nation states and of transnational unions are policed, only the already-favoured "citizens" are entitled to live in them and enjoy their benefits. People from the poorer parts of the world are denied access to such benefits

because citizenship is currently defined by the laws of the state. Such rights and benefits would, or so these advocates suggest, redistribute themselves, in the manner of water finding its own level if released from what currently keeps it "dammed up" for exclusive territorial use. People would be free to "flow across" borders, to work and to settle, and to exercise rights and entitlements equally throughout the world. Once this was achieved, the world's populations would level out, spreading rationally in proportion to the equal availability of rights and goods, divided by territorial capacity.

There are as many problems associated with this alternative form of citizenship as with claims based on national or state citizenship. Those who advocate global citizenship through articulating a concept of citizenship that revolves around "rights and obligations" are seeking to extend a legal category (national citizenship) into a new, extra-legal form (global citizenship) without acknowledging that rights and even obligations were never invariably attached to the old. Given the historically contingent nature of rights, there is no guarantee that all global citizens would enjoy equal rights to begin with. The absence of any transnational institutions or authorities that could enforce the allocation of rights makes such enjoyment doubly uncertain. It is also assumed that if borders were made entirely porous, resources, infrastructure, and space would adapt quickly and appropriately, expanding and contracting as needed, to meet an open-ended level of population. In reality, at least in the short term (a short term that would prove significant), the risk would be that governments would find it very difficult, perhaps in some cases impossible, to guarantee the very rights and benefits that "global citizens" seek.

It is true that the claim that greater numbers of people coming to live in a country would deplete the resources that made the country attractive in the first place is often made by those who simply oppose immigration and want to keep others away from the sometimes abundant natural and economic benefits they enjoy. This is certainly the character of much of the opposition to increased immigration in Australia. Yet even advocates of an "open door" immigration policy must accept that planning would be necessary to meet the demands of new arrivals and expanded populations. Services would need to be provided and infrastructure created if rights were to be meaningful, and these would require a "tally," at the very least, of persons and

of their characteristics (age, sex, language, and other skills). How could this be done without some designation of persons, without some system of sorting between those already inside and those at the point of entry, and without some control over the numbers who come in?

Although not all persons who live within a state are citizens, the legal status of citizenship is the frame within which the classification of persons is organized within a territory. Legal citizenship is the "norm," representing the core or the bulk of the population. Alien residents are defined, or identified, by contrast with legal citizens. Citizenship is the means by which, both internally and in relation to the international community, a state keeps track of its population. Even where transnational rights or entitlements are available to citizens of another country, usually based on a reciprocal accord or treaty as within the European Union, a person's original citizenship is determined by the law of his or her state. This, as with all citizenship laws, is tightly controlled. Even in the European Union a citizen does not exist without a state. A person without a state is not a citizen of the world but a stateless person. The parameters of the state may be up for discussion, but global citizenship, which would be citizenship without a state, is incoherent.

Legal citizenship is a means of maintaining cohesion among, and coordination of, populations in otherwise diverse and stratified political communities. Regulated by law within state borders, it helps to facilitate and maintain the organization of political life and stability over a manageable territorial community. It also has the virtue of creating a common membership among diverse persons within a state, either by giving stability to a person's status above and beyond membership of ethnic, religious, and other cultural subgroups, or by offering the goal of such stability. It both allows a state to organize its members and, in return, allows those members to identify, in a legal sense, both with each other and with the state. It permits and tolerates other forms of identity and community without allowing these to erode the identities and "rights" of others. It does not directly or automatically generate rights, but it gives the citizen the presumption of having a stake in the state and of some sort of claim on its recognition, an *a priori* claim at least to be counted among those "inside" rather than outside.

CITIZENSHIP AND ALLEGIANCE

Although citizenship is defined by law, and is at the heart of ordering and managing otherwise diverse communities, its value is not merely administrative. It has what one can describe as a "solidarizing" character, not, as some would postulate, in generating nationalism or patriotism, but in another direction. To make sense of this we first need to draw a distinction between several terms that are often confused or employed indiscriminately in the discourse of citizenship: "identity," "belonging," "loyalty," and "allegiance."

If we think of citizenship in terms of "identity," we are either imagining a homogeneous national character or set of attributes or making a claim for a subnational form of identity that we believe to be worthy of recognition under the name of "citizenship." Either is problematic. Nationalism, or national patriotism, imagines a single common identity among citizens formed by and expressed through common membership of a nation state. This is both undesirable and unachievable. No values or aspirations can ever be embraced, no characteristics or attributes ever displayed, by all the citizens, let alone the entire population of a nation or state, and any attempt to create the conditions for this would be coercive or manipulative. At the "light" end of the scale such attempts are associated with jingoism and official kitsch, and, at the extreme end, with oppression and measures to wipe out behaviour that is, for example, considered "un-Australian," "un-British," or "un-American."

However, subnational claims for "citizenship" based on recognition of a separate ethnic, linguistic, or cultural identity overlook the problem of attaching a term that is shared by persons without such an identity to the claims for the recognition of a subset of such persons. The argument that groups with such "identities" need to be fully recognized as members of the political community is a political argument, not an argument about what follows from having an "identity." What makes sense of a claim for "citizenship" as membership of the political community is a claim about what is shared, or held in common with others, not what is different. To argue for particular subnational forms of "citizenship," especially those built around fixed identities and non-porous membership, is to lose the very point of citizenship, as a title designating membership of a national or state community that transcends the otherwise diverse communities within any state. On the other hand, since there

is no way that what can be held in common with all members of the political community is a single "identity," the claim fails from both sides.

"Belonging" is another term frequently attached to claims about citizenship. It is often assumed to be both self-evidently desirable and psychologically necessary for human beings to experience a sense of belonging to a cultural community. Yet Jeremy Waldron (1992, 782) is right to question "the assumption that the social world divides up neatly into particular distinct cultures, one to every community, and secondly, the assumption that what everyone needs is one of those entities—a single, coherent culture—to give shape and meaning to his [*sic*] life." (see also Sen 2006). However, even if it were demonstrably true that all persons need to "belong," a sense of belonging has no single source, either territorial, communal, or cultural. Citizenship may be defined as membership of, or belonging to, a political-legal community, but belonging, which may or may not correspond to a sense of identity, may lie at many levels. Forms of community may be necessary and desirable for a sense of belonging, but "belonging" in an existential sense should not be the goal or test of citizenship. Many people who make valuable and worthy contributions to life, including the life of their nation, do not feel that they belong either in, or to, their country of citizenship. Others within a nation may feel that they belong only to a subnational group, or an ethnic or sexual minority, or a geographical or ideological community, among others, and may have no particular belonging-attachment to their nation or state. Historically, a sense of alienation from one's nation, or a "cosmopolitan" consciousness, has been the source of much creativity, as well generating significant and lasting reforms through active challenges to dominant practices or social values. Heterogeneity is often a source of political vitality, a check upon or challenge to minority disadvantage. Such disadvantage may be tolerated, indeed may go unnoticed, in a culture of single "belonging."

"Loyalty" is another matter. We need first to ask: what is at stake in any claim for loyalty or its absence? In the final analysis it is whether a person will choose to side with or against the enemy or the opposing side during a conflict. Loyalty to one's nation is at issue only when there is war or conflict with another country, or when internal subversion threatens. A state can and should embrace

many different levels or types of identity and/or belonging, but it cannot tolerate disloyalty in this stark sense. One of the big modern dilemmas, a dilemma that probably drives many of the attempts to regulate or promote "citizenship," arises from the fear that groups within a state holding different identities or attachments may become subversive or disloyal. Their attachment to minority values or practices may override their loyalty to the country as a whole, particularly if they also identify with, or hold the citizenship of, another, hostile, country. Such a test of citizenship as loyalty is, in effect, the test that was applied during the world wars, when assumptions were made about propensities for disloyalty based on external criteria, primarily ancestry, and regardless of any attempt to "test" loyalty as an attitude. Persons were categorized according to their status as "enemy aliens" or their descent from enemy "stock." (Significantly, U.S. citizens of Japanese origin interned during the Second World War were designated "non-aliens" rather than citizens, in part to avoid an obligation to accord certain citizenship rights to them, but also, it appears, as a type of discursive strategy, stripping the moral value of the term "citizen" from them and thus making them appear both less deserving and more suspect than "true" citizens.) The assumption was made that persons of "enemy" origin were likely, because of their "identity," to support the other side. To make this the test assumes that disloyalty automatically arises from, or is likely to be found in, groups with identities that lie at a subnational level. The consequences of such an assumption, whether in war or time of peace, may be disastrous. At the very least they are likely to engender or reinforce the very alienation that goes hand in hand with a disposition to disloyalty. A concept of citizenship that is adequate to peacetime cannot be built upon such a test.

Social or political disorder or disintegration may, of course, arise without war, and similar fears drive many claims for and about citizenship. The concern is that subnational groups with strong identities may come to dominate or erode the institutions that allowed them to enjoy and practice their own "identity politics" in the first place. It is the spectre of, for example, religious fundamentalists gaining power and subsequently banning alternative religions or engaging in oppressive practices, using legal means to create a state with a single party, a single culture, or a single religion. Yet we do not want to throw the baby out with the bath water. In order to

avoid a takeover by political or religious fundamentalists aiming at the creation of a monocultural state we should avoid creating our own monocultural state built upon a single concept of citizenship as identity.

"Allegiance" is a better alternative. It is possible to expect, and encourage, allegiance towards one's state, and towards the institutions of democracy, tolerance, and liberalism, without demanding that the members adopt a single identity or pass an associated test of loyalty. The appropriate allegiance is not emotional or affective. To adapt Isaiah Berlin's celebrated distinction, "negative" (in contrast to "positive") allegiance would mean having respect for democratic institutions and practices without either seeking to destroy them or necessarily choosing actively to uphold them. It would go hand in hand with having a stake in one's country, with abiding by the "rules" and allowing others to do so. The concept of "constitutional patriotism" suggested by Jürgen Habermas (1994) is not perfect since the language of "patriotism," especially since 2001, is problematic, and the conditions Habermas attaches to it seem to be too demanding, but it captures the type of allegiance proposed here. It is an allegiance of respect and compliance, of "playing by the rules" as others must do, even if at the same time one promotes alternative ways of playing.

This sort of allegiance is not exclusive to citizens, but it is structurally and ethically related to citizenship. As Habermas points out, "constitutional patriotism" involves attachment, or allegiance, to a concrete community. The body of fellow citizens is, I suggest, the single national or state category in which imaginary and concrete community can coincide. When I think of my "fellow Australians" I can imagine a body of real people, those with a common national "name." It is in no way a homogeneous group and I do not necessarily feel any particular emotional bond with its members. What I do feel is a reciprocal entitlement to engage with them, under a shared set of rules that come with the "name," in the name of a common allegiance, and on the assumption of a shared stake in its stability and workability. It is difficult to foster such an allegiance in a country where the population cannot be regulated, in the sense described above, that is, where services, employment, education, infrastructure, and order cannot be planned and provided for. It is incompatible with a "laissez-faire" immigration policy and with a loose and ill-fitting concept of citizenship.

Allegiance, or "constitutional patriotism" in its useful sense, is and must be embedded in a set of institutions and practices. Commitment to democracy involves, at the least, recognizing and accepting democratic principles in practice. Both citizens and non-citizen residents need to share such a commitment. In order for this to be generalized, it is essential that non-citizens do not feel excluded from the democratic constitutional community. A discourse of "citizenship," where what is intended is active involvement in the institutions of politics, risks the alienation of non-citizens from this critical process. Imagine the state of mind of a resident alien confronted with the claim that each "citizen" should take part in civic life, or should know her or his rights. Is the alien intended to believe that these claims apply to her or him? Should aliens be expected automatically to know when "citizenship" is being used to designate persons who actually have the legal status of a citizen, as opposed to when it is being used merely metaphorically?

It is here that we can see more clearly that what many advocates of active or dutiful citizenship really have in mind is a vigorous civil society. The sort of behaviour that is readily attributed to the "citizen" is, to use the term in an archaic sense, that of the civilian, of the individual acting civilly and representing civic virtue, rather than specifically "citizenly" virtue. In civil society, in the domain between the state and the individual, the legal character of the members is secondary. All persons who live in the same country should have the opportunity to be civilians, to participate in and be part of civil society.

CONCLUSION

Hand in hand with a planned immigration programme, the purpose of citizenship law is, ultimately, to distinguish between insiders and outsiders, between those who are entitled to have or to get a stake in the country and those who are not. This, to be sure, creates inequities and imbalances across the world's population, but these would not be solved by an "open door" policy, or a presumption that rights and duties were automatically available to or required of all "global citizens." A "subsidiarity" of rights permits a reasonable and reasoned distribution across local, regional, national, and international populations, without generating the problems of either

a homogenized citizenship or an unregulated national population. Obligations built on concepts of justice, rather than reciprocity, can be fulfilled.

In order for these things to be achieved the language of citizenship needs to be reconsidered, and the identification of rights-bearers and obligations-bearers as "citizens" needs to be discarded. The term "citizen" needs to be put back in its appropriate place, as a morally neutral status conferred and regulated by state law. It is a status that the majority of the state's population should either have or seek to acquire.

Why would they wish to hold it or acquire it, if no rights (necessarily) came with it, or if, according to my scheme above, rights were shared with non-citizens? The best reason is that, in a world where citizenship is the norm and statelessness is undesirable, to be a citizen of the country in which one lives is, for most, the closest they can come to having a guarantee of the "right" to remain in that country and to require its institutions to speak on their behalf. It is a valuable precondition for stability and workability, a means of living with others in diverse populations, and a way in which heterogeneous groups of people can be "named" and attached to a territorial subdivision in a chaotic world.

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CHAPTER 3

BOUNDED CITIZENSHIP

AND THE MEANING OF CITIZENSHIP LAWS:

IRELAND'S CITIZENSHIP REFERENDUM

Iseult Honohan

— What is your nation if I may ask? says the citizen.
— Ireland, says Bloom. I was born here. Ireland. (Joyce 1922, 373)

On June 11, 2004, during the week in which Dublin celebrated the centenary of James Joyce's Bloomsday, a large majority voting in a referendum in the Republic of Ireland approved the Twenty-seventh Amendment to the Constitution, which qualified the right to citizenship according to *ius soli*, birth on the island of Ireland. This right had itself been established as a constitutional provision only five years earlier, although it had been effectively available under legislation since 1935 and, before that, under the union with Great Britain. The amendment restricted the right to citizenship by *ius soli* to those with "at least one parent who is an Irish citizen or entitled to be an Irish citizen." This was represented by the government as a minor adjustment necessary to remove a perverse incentive to come to Ireland to give birth, a practice described as "citizenship tourism," but critics of the amendment claimed that *ius soli* citizenship expressed a constitutionally guaranteed form of equality and condemned the "racist referendum" as radically changing the philosophical basis of Irish citizenship.

The passage of this amendment raises a number of important issues. To what extent do different citizenship laws reflect different conceptions of political community? Should we see pure *ius soli* as the fairest basis for the ascription of citizenship? To what extent is

its restriction to be construed as a minor adjustment or as a measure that significantly alters the notion of membership implicit in the Irish Constitution and citizenship law?

Debates on citizenship are often bound up with debates on immigration, and indeed the two are not wholly separable. However, access to citizenship, the membership of a specific state, raises certain issues distinct from those concerning the right to travel to, live in, or work in other countries. While the exercise of discretion in regulating immigration is contested in normative theory and somewhat constrained by international measures in practice, states, even member states of the European Union (EU) such as the Republic of Ireland, are recognized as having the right to determine their own conditions of membership. It might be thought that this means that membership will always tend to be strictly exclusive or conditional. Thus it has been argued that "in all cases the nationality law expresses and consecrates the conception of the nation, and reinforces the homogeneity of national populations" (Schnapper 1994, 107). Yet, while citizenship laws may express a conception of the nation or political community, such membership may be conceived of in ways that are more or less inclusive and open to diversity. While citizenship laws are by definition necessarily exclusive, since they regulate particular membership, criteria for inclusion and exclusion may be more or less justifiable. The significance of these issues extends beyond the Irish case at a time when, on the one hand, the justification for any kind of bounded citizenship has been challenged, and, on the other, more stringent conditions of integration for membership have been proposed as necessary to sustain political and social solidarity in a number of western states.

In what follows I examine to what extent *ius soli* expresses a distinct conception of political community and can be seen as a more justifiable criterion for awarding citizenship than others. I first address a number of objections to identifying citizenship laws with conceptions of membership. I then show how, notwithstanding these objections, different conceptions of political membership may favour certain constellations of citizenship laws. I outline a civic conception that, while still particular, entails criteria that are less exclusive and less demanding of homogeneity than other conceptions of membership. Finally I analyze the implications of changes in Irish citizenship laws in the light of these conceptions.

CITIZENSHIP LAWS: HISTORICAL PATCHWORK, CONVERGENT OR OBSOLESCENT?

Normative distinctions between different kinds of citizenship laws have recently been subject to considerable criticism. It has been argued, first, that they do not reflect conceptions of citizenship at all; second, that in practice they show signs of convergence towards common norms; and, third, that specific citizenship is politically irrelevant or normatively undesirable in a globalizing world.

The first objection goes as follows. Although the grant of citizenship through *ius sanguinis* (based on descent) and its grant through *ius soli* (based on place of birth) have often been identified with, respectively, "ethnic" and "civic" conceptions of citizenship, there are no good grounds for this. Thus, for example, the reason that the Republic of Ireland, Canada, and Australia all implemented *ius soli* was that they inherited it from British law, where it represented the claim of the monarch to sovereignty over all born in the territory under the monarch's jurisdiction rather than any egalitarian intent. *Ius sanguinis* was introduced in revolutionary France to represent the right of citizens to pass citizenship on to their children, while *ius soli*, often identified as quintessentially republican, was a late nineteenth-century introduction designed to incorporate the children of France's large immigrant population. Existing citizenship laws, rather than constituting systematic programmes, tend to consist of a patchwork of historical accretions influenced by different legal traditions, local social and political circumstances, levels of immigration pressure, and international conventions. So, as Joppke (2003) argues,

> rather than reflecting particular visions of "nationhood," *ius soli* and *ius sanguinis* are flexible legal-technical mechanisms that allow multiple interpretations and combinations, and states (or rather the dominant political forces in them) have generally not hesitated to modify these rules if they saw a concrete need or interest for it.

On this view, then, it is not surprising either that Ireland has restricted *ius soli* or that Australia, for example, did so too, in 1986.

It may be true historically that the genesis of existing citizenship regimes cannot be explained entirely in terms of consciously intended and systematically realized conceptions of citizenship,

and that the same provision may function differently in different circumstances. Nevertheless, public institutional provisions do carry meaning and, as with texts and works of art, this depends on their public interpretation as much as on their creators' intentions. This is particularly true of constitutional provisions, which have special symbolic value. Moreover, citizenship laws constitute a legal norm that shapes the reality of citizenship. Thus *ius soli* came over time to represent the openness and accessibility of citizenship, both in the French republic and in immigration countries such as the United States or Canada, and gave rise to a citizen body that was diverse in origin, whatever other pressures to conform may have existed.

A more radical argument suggests that all attributions of citizenship at birth are arbitrary, *ius soli* no less than *ius sanguinis*, since both are based on the accident of birth, whether of place or of parentage. This awards an unearned privilege to those who happen to be born in one situation rather than another (Shachar 2002). This is a crucial privilege, since most people continue to hold the citizenship they acquire at birth: only 2 percent of all the people in the world are naturalized citizens (although, as one might expect, in immigration countries, such as Canada or Australia, foreign-born residents account for nearer to 15 and 25 percent of the population). Even place of birth always depends in some sense on parentage. It may be going too far to say that "a state qua membership is fundamentally an ethnic institution, because membership is usually ascribed at birth" (Joppke 2003, p. 6), for the justice of citizenship regimes overall depends not only on laws of access to citizenship but also on immigration laws, the treatment of asylum claimants, and the rights awarded to non-citizens, both residents and applicants. Thus we should not exaggerate the egalitarian credentials of *ius soli*.

Yet even if *ius soli* and *ius sanguinis* cannot be directly mapped onto particular conceptions of citizenship, different ensembles of policies dealing with citizenship at birth, provisions for naturalization, and dual citizenship may accord with different conceptions of membership. I shall argue that, construed as a reasonable predictor of a common future life, *ius soli*, in conjunction with fair immigration policies and possibilities of naturalization, may constitute a distinct and less arbitrary basis for citizenship than extended *ius sanguinis*.

A second objection to identifying citizenship laws with different conceptions of citizenship notes an observable tendency towards

convergence among nationality laws today. Most regimes now include elements of *ius sanguinis* and *ius soli* in different combinations. Thus systems formerly based predominantly on *ius sanguinis* have, as Germany did in 2000, introduced elements of *ius soli*, granting citizenship to children born to permanent residents (either at birth or on maturity). Conversely, under immigration pressures, countries formerly adopting simple *ius soli* have almost all restricted its application in some way, as the United Kingdom did in 1981 and Australia in 1986 (Weil 2001, 17–35). On this view the retention of pure *ius soli* in a country such as the United States is an exception to be explained largely by its constitutional position in the Fourteenth Amendment, and its symbolic and historic role in establishing the equal rights of black people to citizenship. In another convergent process naturalization has been made easier in most countries, with shorter residence and more limited cultural requirements. Likewise dual citizenship is now more widely tolerated than previously. It has, for example, been accepted by the Republic of Ireland since 1956, by Canada since 1977, and by Australia since 2002. Where states retain a greater emphasis on *ius sanguinis*, this reflects particular problems of territorial integrity or unstable borders, which leave significant populations of potential citizens outside the current territory (Weil 2001, 25–26).

However, we should neither exaggerate the extent of this convergence nor see it as an inevitable or one-way process of evolution. Individual states remain sovereign in determining citizenship laws. In the context of increasing immigration, cultural tensions, and political conflict, there have been proposals for more stringent requirements of cultural assimilation as a condition of naturalization in many countries, including the United Kingdom and the Netherlands, hitherto noted for their multicultural accommodations. Likewise, while roughly half the countries of the world now allow dual citizenship, it has also recently been the object of renewed distrust and debate in the light of post- 9/11 concerns about terrorism and divided loyalties among immigrants (Caldwell 2004; see also, for example, Citizenship and Immigration Canada 2004).

Finally, it has been argued that particular citizenship is increasingly irrelevant or undesirable. As the gap between the rights of citizens and those of non-citizen "denizens" has been diminishing, some

authors have identified and extolled a trend towards "postnational" membership rooted in human rights discourse, where political rights are envisaged as a more or less transferable dimension of human rights held by individual persons: "In a world in which rights and identities as rights derive their legitimacy from discourses of universalistic personhood, the limits of nationness or of national citizenship become inventively irrelevant" (Soysal 1994, 162). Yet citizenship still plays a significant role in determining a person's life chances, and its value depends on the state of which she or he is a citizen. In the absence of any immediate prospect of an effective international guarantor of rights, state membership remains a powerful determinant of who does or does not enjoy rights. It determines not only individuals' political powers but also where they can live and work. In most countries only citizens are guaranteed rights to vote and seek office at the level of national politics, and they have greater security with respect to rights and benefits of other kinds. Thus, for example, the U.S. Welfare Act 1996 restricted benefits available to non-citizen immigrants, and, within the EU, the citizens of the new member states in central and eastern Europe, being also citizens of the EU itself, are allowed to enter and to work in the United Kingdom and the Republic of Ireland, but initially they cannot claim welfare benefits. Finally, citizenship is a symbol of full membership (Carens 2005, 35).

It may be argued that this state of affairs is normatively undesirable, but, in response to such criticisms of specific citizenship as unjustifiably particularist, there are good normative arguments for the persistence of bounded polities. Apart from a principled fear of the potential tyranny of a single world government, at any time the locus of possibility of realizing any degree of freedom and self-government is determined by the interconnections arising from factors such as geographical proximity, historical interdependencies, and common environmental and developmental issues. Citizenship is bounded because this is the only way in which politically guaranteed freedom can be constructed. As Seyla Benhabib (2004, 220) puts it, "The logic of democratic representation … requires closure for the sake of maintaining democratic legitimacy." Even if certain rights arguably can and should be guaranteed without reference to a specific population, that of collective self-government cannot, and world citizenship in this sense is not yet available to us.

Moreover, bounded states may be seen as facilitating experiments in collective living, adopting alternative approaches to, for example, welfare, education, or health care provision that may suit specific circumstances or be generalizable approaches from which others can learn.

It should be stressed that this argument for specific units of self-government does not entail further arguments that the nation is the necessary basis of the bounded state, that no development towards larger-scale or multilevel government is justified or required, or that all responsibilities of justice are delimited by state boundaries. While a distinction between citizens and non-citizens may be legitimate, the way in which non-citizens are treated is subject to considerations of justice and to human rights standards, and certain ways of allocating particular citizenship may be more justified than others.

Thus the citizenship of particular states, apart from any bundle of political rights, is neither practically irrelevant nor normatively insignificant.

MODELS OF POLITICAL COMMUNITY AND ACCESS TO CITIZENSHIP

Existing states' citizenship laws may not consistently exemplify alternative models of political community. However, we can distinguish theoretically among different conceptions of political membership and consider the kinds of citizenship laws that in principle flow from, or accord with, each of these. Coming at the question from this direction, we may develop some critical standards by which to assess the ways in which citizenship laws in practice manage diversity.

While the dichotomous contrast between "ethnic" and "civic" nationality has been subject to extensive critique (see, for example, Yack 1996 or Brubaker 1999), recent analyses of nationality allow us to make more nuanced distinctions between conceptions of political membership. (It should be noted that employing these distinctions does not entail any position on the possibility of distinct forms of patriotic attachment, an issue that is not addressed here. The acceptability of forms of attachment may depend not only on their object but also on the intensity and exclusivity with which they are held and the actions they are held to justify.)

Here I distinguish five models of political community: ethnic nationality, community of shared values, liberal nationality, civic voluntarism, and civic republican community. These may help to clarify what is entailed in different conceptions of separate membership. They are all ideal types to which no country corresponds exactly. They represent broad alternatives, however, towards which countries may incline, while often tending to combine elements of more than one.

On the first model, ethnic nationality, the political community of which citizens are members is an ethnic nation. Citizenship is specifically defined and bounded in ethnic terms. Thus to the extent that a state is based on ethnic nationality it will limit or give preference in admission to citizenship to co-nationals, ethnically defined. This underpins laws through which citizenship is acquired principally on the basis of descent (*ius sanguinis*). Naturalization is relatively difficult and may be granted, if at all, only after long periods of residence, on meeting stringent requirements of cultural integration and loyalty, and subject to discretion. Dual citizenship is not consistent with this model. On this view it is justified to discriminate among applicants on ethnic or racial lines. Examples include the "White Australia" policy that prevailed in the mid-twentieth century and the German citizenship policies, prevalent up to 2000, that granted citizenship to those of German descent even without cultural connections. In Germany up to 1992, for example, naturalization required ten years' residence, was subject to demanding conditions of cultural integration, and was also subject to extensive official discretion. Other countries with a leaning towards *ius sanguinis* include Israel and Japan (Weil 2001). Such citizenship laws have the effect of including or excluding people from membership solely on the basis of descent, and, in the context of immigration, lead to large numbers of people living in a country without being members of the political community, even if they were born there. The obverse of this is that these laws include as members descendants of emigrants who may have a minimal stake in or commitment to the political community.

On a second model, community of shared values, citizens are members of a community of shared, "pre-political," cultural values or ways of life, rather than ethnicity. Citizenship is bounded because "the distinctiveness of groups depends upon closure, and without it, cannot be conceived as a stable feature of human life" (Walzer 1985,

39). Citizenship laws are a matter for the community to determine, but we can hazard the generalization that the balance of *ius soli* and *ius sanguinis* depends on assumptions about whether membership of a such a community is transmitted through socialization in the wider community, favouring *ius soli*, or through the family, favouring *ius sanguinis*. While it is a matter of choice by the community whom to accept and whom to reject, those who have been admitted and have become long-term residents should be granted citizenship through naturalization, though certain conditions may be required, emphasizing either linguistic and cultural assimilation or allegiance to community values. Naturalization tends to require relinquishing previous citizenship, and dual citizenship is regarded as incompatible with being a member of a closed and distinctive group. The limits on dual citizenship in the United States and Germany today, in Canada up to 1977, and in Australia up to 2002, and the current requirement of the oath of loyalty to Australia and its people could be interpreted as reflecting this conception. These provisions, even if they are not as exclusive as the citizenship laws flowing from ethnic nationality, imply a strong degree of cultural assimilation, and in any case impose heavy requirements of belonging to a single community that may well fail to accommodate the plural identities and commitments that members may legitimately bear.

On a third model, liberal nationality, what citizens share is a public culture, history, or institutional practices rather than pre-political culture or values. Citizenship is bounded because of the inherently limited possibilities of extending such a binding political identity (Miller 1995, 188; Miller 2000, 88–89). This allows for greater diversity of culture and values among citizens than either of the two previous models. Here citizenship can be awarded by *ius soli* as long as there is a guarantee that citizens will be socialized into the public culture. Thus French law makes children born of immigrant parents in French territory citizens automatically at the age of eighteen if they have lived continuously in France for five years. Naturalization is also available by choice at the age of thirteen. (This is in addition to the rule of "double *ius soli*," whereby children born in France to French-born foreign parents become citizens at birth.) *Ius sanguinis* citizenship, by contrast, is quite limited, since those who live abroad are likely to lose their connections with developments in the public culture and politics more quickly than those they have with the wider

culture. Such a liberal nationality does not discriminate on ethnic or cultural lines among candidates for citizenship by naturalization, but it does require commitment to the state and competence in the public culture. The conditions for adult naturalization may include language and a grasp of history, if only as evidence of participation in the public culture. On this view also, citizenship may be understood as essentially singular membership of a sovereign body, but dual citizenship is more easily accommodated than with the two previous views. Elements of such a view can be found in the oath of loyalty to the country's democratic beliefs and laws in the current procedures for naturalization in Australia, or in the affirmation of intention to observe the laws and fulfil the duties of a citizen in Canada.

While more open to diversity than either of the preceding conceptions, and susceptible to more or less demanding interpretations and implementations, the way that this view grants weight to the existing public culture may not be fully consistent with the equal treatment of all citizens. Apart from the criticism that it is hard to separate the "public" elements from the wider culture, it tends, like ethnic nationality and value community, to emphasize retrospective features of citizenship, rooted in the grounds of common past connections and experiences. Hence, for example, the famous anomaly of repeated references to "*nos ancêtres*" ("our ancestors") in the texts prescribed for use in schools by French governments, even though substantial proportions of children have immigrant ancestry (in France itself) or otherwise non-European ancestry (in its overseas territories).

This raises the question whether it is possible to envisage an alternative "civic" conception of citizenship founded on a more prospective basis. This more contested conception requires more detailed discussion than those that have just been discussed.

One articulation of such a civic view, which I term "civic voluntarism," claims that citizenship can or should be based primarily on choice, voluntary consent or forward-looking commitment to shared principles or constitutional structures. The idea that citizens may be united by adherence to common principles may be taken to support both membership of specific political communities and the possibility of cosmopolitan citizenship. In either case, it implies that the necessary and perhaps sufficient condition of civic citizenship is consent, or adherence to liberal democratic principles.

It is then inappropriate to ascribe citizenship involuntarily either at birth, through *ius soli*, or automatically at majority. In contrast, naturalization may be extremely easy, once one has chosen to live in the country even after a short period, and dual nationality is not particularly problematic. This would be consistent with making *ius soli* and *ius sanguinis* take second place to naturalization on the basis of open conditions of choice and residence, perhaps even shorter than the two years currently required, for example, in Australia.

However, adherence to certain principles is not what distinguishes citizens of different states. This reinforces the fact that political membership is not and cannot be a matter simply of rational commitment. Critics have been able to point to the way in which apparently civic arguments implicitly rely on a form of more or less liberal nationality (see Yack 1996 and Canovan 2001). Nor is it like membership of a club that people can opt into, or out of, at will. Citizenship is inherently rooted in the fact of subjection to a particular common authority. While this cannot be identified with a common past or even with proximity alone, it cannot be based primarily on choice either, but derives from the involuntary sharing of this common predicament, in which interdependent citizens also share at least the possibility of calling government to account and establishing some degree of self-determination of their common future. (I use the term "future" rather than "fate," as the latter tends to convey a more deterministic trajectory equivalent to a destiny laid down in the past.)

Thus a better formulation of a civic approach, which I term "civic republican community," sees citizens as at most semi-voluntary members of a political community. In contrast to value community and liberal nationality, on this view membership is defined in terms neither of pre-political nor of public culture. Of course culture cannot be excluded, but existing culture and values can be awarded less unassailable priority over those that emerge in exchanges among citizens. Common cultural values emerge as outcomes of political interaction, provisionally embodied and open to change. In contrast to the case under civic voluntarism, commitment is specific to a particular community rooted in a common predicament.

Like civic voluntarism, civic republican community has a distinctly prospective dimension. Thus *ius soli* ascription is justified in so far as it represents the current predicament of political interdependence

and participation in a common future life. Birth in the territory of a state may be taken as a reasonable predictor of a shared future in the political community, but it is not infallible. Thus, if granting citizenship at birth by *ius soli* is seen as arbitrary in certain cases where other connections with the state are absent, it may be reasonable to confirm the citizenship of those who continue to live in the state as adults at some point. While, for example, the United Kingdom and Australia have modified *ius soli*, they do grant citizenship to a child born in the country who continues to live there for ten years. Conversely, any element of *ius sanguinis*, reflecting the fact that citizens may leave without losing all contact, tends to be limited in duration and to depend on continued interdependence and connection. This accords with the suggestion by Shachar (2002, 29) of the relevance of a "*ius connexio*," but it grants a greater weight to the fact of birth in the state in attributing citizenship than she endorses.

This civic republican account of citizenship favours relatively generous conditions of naturalization. Long-term residents become citizens on a virtually automatic basis, just as natives do, taking residence in the state as a shorthand for interdependence and the sharing of a common future, in virtue of living, working, paying taxes, and sending children to school, for example. This would be neither purely a matter of choice nor subject to discretion. As the nuances of politics are often one of the last aspects of a country's life to be fully grasped by a newcomer, a period of prior residence somewhat longer than a consent-based view might suggest may be appropriate. Any exact period is necessarily arbitrary, but three to five years, as in France, Canada, or the United States, would be more appropriate than either a short period such as two years or a long one such as ten years. Other conditions may be very limited. A knowledge of language, history, or institutions could be required, as indicating the capacity for political interaction rather than cultural assimilation, but more important may be the forward-looking intention to live in the country, rather than acquiring citizenship either as a badge of identity or as a flag of convenience. It is not clear that an oath of allegiance should be required that is not required of citizens by birth, since it is sharing a common authority with others rather than loyalty to it that defines citizenship.

On this view dual citizenship is not particularly problematic. Indeed, the extension of citizenship to long-term residents tends

to give rise to dual nationality. There can be real interdependencies with countries both of origin and of current residence, especially for someone who holds out hope of returning, or who supports relatives there. However, dual citizenship of this kind would characteristically apply to individuals moving between countries, rather than being inherited by children over generations.

A civic republican conception of political membership, based on the possibility of self-government by interdependent citizens facing a common future, results in citizenship laws that grant citizenship predominantly by *ius soli*, and on a more restricted basis by *ius sanguinis*, and allow relatively easy naturalization and holding of dual nationality. Though bounded, such a conception is less exclusive and less demanding of homogeneity than ethnicity, shared values, or liberal nationality. Because the citizenship laws that flow from it do not depend on a shared past or require cultural adjustment as a condition of membership, they are intrinsically more open to diversity.

In practice liberal nationality tends to be in the ascendant. While citizenship laws in a number of countries today display certain elements common to liberal nationality and civic republicanism, they tend to place more weight on retrospective than on prospective grounds for citizenship.

IRELAND'S CHANGING CITIZENSHIP LAWS

Irish citizenship laws have evolved under the influences of the British legal inheritance, republican ideas of political membership expressed in the state's founding documents, the territorial claim over Northern Ireland, and the fact of emigration. The first three influences contributed to the centrality of *ius soli*, the last to the place of *ius sanguinis* in these laws.

Although everyone resident on the island of Ireland at the foundation of the state was deemed a citizen, Irish citizenship was only gradually determined by legislation, mainly in 1935 and 1956 (Daly 2001). The Constitution of 1937 originally provided for citizenship to be determined by law. In the system that emerged citizenship was granted on the basis of *ius soli* to those born anywhere on the island of Ireland, and on the basis of *ius sanguinis* to the children and grandchildren of such "natural born" citizens. The current conditions allow those with an Irish-born grandparent to claim Irish

citizenship, while those born abroad to Irish citizens born abroad may become citizens on registration. Thus, alongside a conception inclusive of the resident population, the children of emigrants were granted citizenship on a medium-term basis. Nonetheless, compared with the hundreds of thousands of citizens who emigrated after 1922, those claiming citizenship on *ius sanguinis* grounds alone between 1936 and 1986 numbered only 16,500. After 1986 the conditions for *ius sanguinis* citizenship were tightened somewhat, to apply to descendants only from the time of registration (Daly 2001, 403).

What was remarkable in this case was the way in which an unstable border was reflected in an emphasis, not only on *ius sanguinis* but on a singular version of *ius soli* that applied to a territory extending beyond the recognized jurisdiction of the state. The foundation of *ius soli* laid the basis for a relatively open conception of citizenship, albeit one that sat uneasily with the more firmly bounded and exclusive ethnocultural conception of the nation that prevailed in the public consciousness and influenced many areas of policy. Indeed, there has been a continuous tension between loosely ethnic and civic conceptions of membership, encapsulated in the debate in James Joyce's *Ulysses* between "the citizen" —who defines the nation in ethnocultural terms, speaks of "our greater Ireland beyond the sea," and says "we want no more strangers in our house" —and the Jewish Leopold Bloom, who defines himself as Irish because he was born in Ireland, and the nation as "the same people living in the same place" (Joyce 1922, 371, 364, 373, 372).

Other avenues to citizenship were initially derived from and similar to British legal practice. In principle, naturalization was relatively easily acquired by adults with legal residence in five of the previous eight years and the intention to live in the country. There were no ethnic or liberal-national criteria of language ability or cultural assimilation. Against this, a person seeking naturalization was subject to conditions implying a "community of shared values": having to be deemed to be "of good character," swearing an oath of fidelity to the nation and loyalty to the state, and being subject to a high level of ministerial discretion, including the power to dispense with conditions on the basis of Irish descent or associations. In practice, until recent years the numbers applying were also rather limited: applications rose from about 300 in 1995 to 3,500 in 2002, though slow processing meant that only 500 were granted between

1999 and 2000, and 1,529 in 2002. (We do not have figures on the almost certainly greater numbers of citizens born to foreign parents throughout the existence of the state.)

A significant proportion of non-citizen residents were British and already enjoyed, on a reciprocal basis with the Irish in the United Kingdom, what has been called "de facto" citizenship (Hammar 1990), including rights to live, to work, and to vote in national elections. Dual citizenship was recognized from 1956 onwards, under the Citizenship and Nationality Act of that year.

Thus these laws embodied quite an open conception of membership, with the combination of *ius soli*, relatively limited *ius sanguinis*, and naturalization available mainly on grounds of past and future residence. The notion of a shared future influenced perceptions of Irish citizenship. This was well expressed by Mosajee Bhamjee, the first Muslim to become a member of the lower house of the Irish Parliament and himself a naturalized citizen, when he said in an interview (with Carrie Crowley on RTÉ Radio) in 2002, "I am an Irish citizen—of course in one way I will never be Irish, but I will die in Ireland."

It is undeniable that these relatively generous provisions owed their origin and continued existence to the imperial legal inheritance, the Republic of Ireland's dependence on the United Kingdom and the need to retain access to the United Kingdom for Irish emigrants, administrative underdevelopment, the absence of immigration pressures before the 1990s, and some degree of lip-service to republican ideals of equality. For many years, however, these provisions were accompanied by considerable official resistance to admitting immigrants, notably in the case of Jews seeking refuge from Nazi-occupied Europe (see Keogh 1998, O'Halpin 1999, and Fanning 2002, chapter 4). In addition, the single travel area between the two islands of Ireland and Great Britain gave the Irish government responsibility for admissions to the British Isles (Meehan 2000, chapter 3).

It may be argued that, above all, it was the territorial claim to the six counties of Northern Ireland that maintained the central position of *ius soli*. Nonetheless, whatever the intent, or lack of it, that brought this constellation into being, the citizenship laws of the Republic of Ireland up to 2004 can be seen as striking a balance that inclined towards a civic republican conception of political membership, in

the prospective sense outlined above, and as giving expression to a conception of membership of the Irish polity that persisted over more than seventy-five years. The question was whether they could survive the challenge of increasing immigration.

CONSTITUTIONAL AMENDMENTS ON ACCESS TO CITIZENSHIP

From the late 1990s a number of proposed changes made access to citizenship in Ireland the subject of public debate and, for the first time, a constitutional issue.

The first change arose in the context of developments in the Northern Ireland peace process and, in particular, the dimension of North–South reconciliation in this process. As part of the Good Friday (or Belfast) Agreement the original text of Article 2 of the Constitution of 1937, asserting that "the national territory consists of the whole island of Ireland, its islands and the territorial seas," was replaced by the following wording, approved, with the rest of the constitutional changes required under the Good Friday Agreement, by a majority in a referendum on May 22, 1998:

> It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified by law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

This amendment was intended to establish constitutionally what had previously existed on a statutory basis. It granted the right to Irish citizenship to those born in Northern Ireland independently of the claim to territorial sovereignty over Northern Ireland. At the same time it made a gesture towards the claims of Irish descendants that fell short of any explicit constitutional right to citizenship. It may be noted that this measure ran directly counter to the observed trend for countries with pure *ius soli* to restrict it, and it actually gave *ius soli* citizenship additional symbolic recognition by raising it from a statutory to a constitutional right. It should also be noted, however,

that it is membership of the nation, not of the state, that is specified. On this basis it has been argued that this does not constitute a guarantee of citizenship (for example, by MacEochaidh 2004), but this is not the prevailing view, nor is it the interpretation of the Irish government's legal advisers, who took this to constitute a guarantee of citizenship that required restriction through the Twenty-seventh Amendment in 2004.

In fact, a separate train of events led to that amendment, which was introduced in the context of increasing numbers of immigrants and, more particularly, of asylum-seekers. While returning emigrants had at first dominated net inward migration from 1990, numbers of foreigners then increased, raising their proportion in the population from around 2 percent in 1990 to 10 percent in 2006. The number of asylum-seekers rose to more than 11,000 in 2002, which at that time was equivalent to the third highest rate per capita in the EU.

Following the tightening up of procedures in the late 1990s, asylum claims decreased to 4,766 by 2004, but increasing numbers of applications by non-citizens for residence rights based on parenthood of an Irish-born citizen were received. The numbers of requests to remain on the basis of having citizen children were 3,153 in 2001 and 4,027 in 2002, and 11,000 outstanding applications remained after January 2003. (In early 2005 the minister for justice announced that applications to remain would be considered with respect to children born before January 1, 2005.)

When, on January 23, 2003, the Supreme Court ruled, in the case of Lobe v. Minister for Justice, Equality and Law Reform, that parentage of an Irish citizen gave no automatic right to remain, the government suspended the application process as previously administered. However, some continued to express concern about the number of late maternal arrivals and the proportion of pregnant female asylum-seekers. Although parentage of an Irish citizen no longer guaranteed residence in Ireland, it remained a potential ground for a residence claim in other member states of the EU. Forecast before the referendum, this was later confirmed by the ruling of the European Court of Justice in Zhu and Chen v Secretary of State for the Home Department (Case C-200/02), granting the right of residence to a Chinese woman living in Cardiff who had given birth to a child in Belfast. This effectively gave a right to reside in EU member states other than the Republic of Ireland, and under conditions of economic independence.

Thus the Irish government introduced the proposal to restrict *ius soli* as a technical change necessary to remove a perverse incentive to give birth in Ireland. The restriction was defended on a number of grounds, which included preserving the integrity of Irish citizenship, coming into line with other EU member states, reducing pressure on maternity hospitals, and protecting the health of babies and their mothers induced to travel in late pregnancy.

Rather than removing or amending the recently introduced Article 2, the proposal inserted a new section 2 in Article 9 (on citizenship), as follows:

> 1. Notwithstanding any other provision of this Constitution, a person born on the island of Ireland, which includes its islands and seas, who does not have, at the time of the birth of that person, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless provided for by law.
> 2. This section shall not apply to persons born before the date of the enactment of this section.

This returned the allocation of citizenship on the basis of *ius soli* to being a legislative matter, but constitutionally it retained an element of effective *ius sanguinis* in making constitutional *ius soli* citizenship dependent on the citizenship of a parent. The legislation subsequently introduced, the Irish Citizenship and Nationality Act 2005, grants *ius soli* citizenship only to a child whose parent has been legally resident for three of the previous four years, focusing thus on the parent's status and length of prior residence. (While those on student visas are specifically excluded, those on short-term work permits of yearly duration are merely less likely to qualify.)

Both these features strengthen the retrospective dimension of the attribution of citizenship. Not just a technical adjustment, this change effectively tilted the conception of citizenship embodied in the Constitution towards *ius sanguinis*.

In the short period of public debate that preceded the referendum the opposition campaign focused preponderantly on denying that any change was necessary or desirable. Rather than proposing alternative terms or provisions, it tended to criticize a lack of consultation and inadequate statistical evidence, to claim that birthright (that is, *ius*

soli) citizenship was implied by constitutional equality, and to cast doubt on claims of pressure from other EU member states. Moreover, despite reference to EU norms, there was limited public discussion of the debates on proposed changes to *ius soli* citizenship that had taken place in the United States and France in the 1990s, debates that featured some parallel arguments and suggested a number of possible alternative courses of action.

In addition to retaining unconditional *ius soli*, alternative constitutional possibilities included introducing a different amendment, or removing all provisions about citizenship. Alternative legislative possibilities included setting a less restrictive, if still retrospective, period of parental residence or including a prospective dimension in *ius soli* citizenship.

ALTERNATIVE CONSTITUTIONAL MEASURES

The first possibility was to retain the status quo granting simple *ius soli*, as is the position in the United States (and Canada), where similar issues of perverse incentives and "citizenship tourism" have arisen. In the United States, too, it has been determined, following Perdido v. Immigration and Naturalization Service, 420 F. 2d 1179 (5th Cir. U.S. App 1969), that the state can deport the parents of citizen children. However, proposals to limit *ius soli* citizenship, repeatedly advocated and introduced in Congress in the 1990s, have been unsuccessful. They have been opposed on various grounds, including the assertion that equality is central to the values that the United States stands for, the view that children should not be penalized for the actions of their parents, and the claim that the United States has always been a country open to incomers (see, for example, Hsieh 1998). The contrast between the Irish and U.S. positions is noteworthy given the considerable numbers of Irish people with U.S. citizenship derived from their birth to parents living there as students or temporary workers. Nonetheless, it may be argued, there are significant differences between the two countries. The Republic of Ireland does not describe itself as a country based on immigration, and other comparable countries have already modified *ius soli*. Furthermore, the constitutional entrenchment of *ius soli* has a uniquely symbolic meaning in the United States that makes any change particularly difficult. (Among other self-described immigration countries, Canada has retained pure *ius soli* citizenship,

but Australia has qualified it.) Moreover, Ireland's geographic position and its membership of the EU make it disproportionately vulnerable to people seeking citizenship as a means of access to the EU.

Thus it can reasonably plausibly be argued that some modification of *ius soli* citizenship was permissible on practical grounds. As Carens (2005, 38) has written,

> From a normative perspective a *ius soli* rule that grants citizenship to everyone born on the territory is considerably broader than justice requires, and the reforms by other common law jurisdictions, such as the United Kingdom, Ireland, and Australia, to limit *ius soli* to the children of citizens and permanent residents is morally permissible in my view. I would add two provisos to this, however. First, if children are raised in a society, they should automatically acquire citizenship regardless of the legal status of their parents … (British law recognises this.) Second, it would be morally wrong for the United States to modify its *ius soli* provisions for historical and symbolic reasons that are contextually specific, and it would be a bad practice for Canada to do so in large part because this practice has become so firmly associated in Canadian public discourse with a welcoming stance towards immigrants.

Nonetheless, once any provision has been embedded in a constitution, it gains a heightened symbolic importance. Introducing and then removing that constitutional provision has a significance that creates a situation quite different from changing the provision by law in the case where it had not been established in the first place.

Alternative forms of constitutional change could have been considered, forms more consistent with the role that constitutions often play in expressing the highest aspirations of the political community. Compare the following hypothetical formulation of Article 9 with the current position (with emphases added to facilitate comparison):

> Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and its seas, *or who has*, at the time of his or her birth, a parent

who is an Irish citizen or entitled to be an Irish citizen, *is* entitled to Irish citizenship or nationality, *only if* provided for by law.

Though this makes no concrete provision, it preserves the symbolic commitment to grant citizenship to those born anywhere in the island of Ireland, as required by the Good Friday Agreement, while putting the two paths to citizenship, through place of birth and through citizen parentage, on an equal footing, and leaving the detailed specification of conditions to legislation.

If it is accepted that some change was necessary, another approach would have been to remove all reference to citizenship from the Constitution and return the matter entirely to the sphere of legislation. Citizenship was not the subject of constitutional provision up to 1998 and it does not have to be now. This too would have avoided giving an element of *ius sanguinis* citizenship a privileged symbolic position. While such a change, it may be argued, would involve a unwarranted unilateral departure from the delicate structure of the multinational, multiparty Good Friday Agreement, similar doubts were expressed about the change that was actually introduced. (The Irish government consulted the British government, and they issued a joint statement agreeing the terms, but the other parties to the agreement were not consulted. In any case, Article 9, section 2, as introduced, has the effect of overriding the provision of Article 2, if this is understood as a guarantee of citizenship.)

ALTERNATIVE LEGISLATIVE MEASURES

If either of the latter two options was taken up, and the constitutional position established in 1998 was altered, legislative follow-up on the substance of the question would still be required. Here, too, alternatives to the current legislation present themselves.

The three-year period of parental residence necessary for the citizenship of a child is less demanding than the eight years laid down in, for example, current German nationality law, where, as in Ireland, the grant of citizenship at birth to children of non-citizens is determined by the retrospective consideration of parental residence (although in Germany the child must opt for one citizenship at the age of twenty-three). However, there are arguments for a still shorter period. First, if the crux of the problem was the incentive to travel in late pregnancy, the period of required parental residence could have

been nearer to nine months than three years. This would remove one of the most urgent aspects of the perverse incentive, travel in late stages of pregnancy, without discriminating so much in practice between permanent residents and, for example, holders of shorter-term work permits or other recent arrivals.

If the central issue was the incentive to establish a child's citizenship in order to gain residence in the rest of the EU, any residence period would increase the costs and thereby potentially reduce the numbers of those attempting to translate the birth of an Irish citizen child into EU residence rights. It would not, however, rule out the use of Irish citizenship in this way. In any case, parental residence requirements grant *ius soli* citizenship on retrospective terms.

This bias towards a retrospective criterion for citizenship could have been avoided by a provision granting *ius soli* citizenship to the children of non-citizens, or of those with temporary resident status, in a prospective manner, on the basis of the child's continuing residence at, say, ten years old, as in the United Kingdom or Australia. (Irish law now includes a provision making possible the naturalization of minors, which was not previously available, but it does not provide for any easier access to citizenship for those born in the state.) This proposal addresses the primary problem of "citizenship tourism," since it gives no basis for claiming residence directly in other EU member states. It is also compatible with a "civic republican" conception of citizenship as sharing a common predicament and future.

The justification for granting citizenship automatically to the children of immigrants was extensively discussed in France in the mid-1990s in the debates over the automatic grant of citizenship at majority to children born to immigrants in France. Parties of the right argued that citizenship should be a matter of explicit choice, rather than an involuntary imposition, and should not be awarded to those whose loyalty was not guaranteed. Thus in 1993 citizenship at majority was made conditional on application and an oath of loyalty. Opponents argued that automatic *ius soli* citizenship was fundamental to the republican values of universality and equality, and in 1997 a Socialist government reversed the position to more or less the previous attribution of citizenship. These debates, it must be acknowledged, took place in the specific French context of concern about the integration of the children of immigrants, in which the grant of citizenship at majority reflects a principle of

liberal nationality, the guarantee of prior socialization into the public culture. In the hypothetical proposal outlined here, by contrast, the grant of citizenship confirms as citizens those who share a common future with others in the polity, whatever their origin or culture.

The contrast between current German and French provisions for *ius soli* citizenship, retrospective and prospective respectively, shows that there are still choices open to states in setting their citizenship laws and that these may reflect alternative conceptions of citizenship.

CONCLUSION

Different conceptions of political community favour different constellations of citizenship laws. Although most states in practice combine elements of these, they may also incline towards one or the other. *Ius soli* is not in itself the only just or fairest way of allocating citizenship, but it forms a fundamental part of the ensemble of citizenship laws favoured by a civic conception of citizenship, in which citizens are seen as sharing a common present and future rather than a common origin. Such a civic conception favours citizenship laws inclined towards *ius soli*, granting relatively easy naturalization and accommodating dual citizenship.

By the end of the twentieth century Irish citizenship laws embodied significant elements of such a conception of citizenship, more open than the ethnocultural conception of the nation that still prevailed in other areas of political and social practice. This offered an opening to a latent more civic view of what it is to be Irish, a view towards which there appeared to be some movement in recent years. The change introduced with the Twenty-seventh Amendment in 2004, while not explicitly or necessarily racist, was more than a technical change, and significantly shifted the symbolic balance of citizenship away from this.

Even if some measures needed to be taken to remove perverse incentives for people to give birth in Ireland, the balance of citizenship need not have been so unreflectively tilted towards *ius sanguinis* and away from *ius soli*. A better solution to the issues that had arisen would have left the constitutional positions of the two principles at least more evenly balanced, rather than privileging an element of *ius sanguinis*. Legislation could have required a shorter period of prior parental residence, or, more importantly, granted *ius soli* citizenship to children of immigrants on a prospective basis.

In practice, it may be claimed that there is not so great a difference between the alternatives outlined here and the current legal provisions for access to citizenship. However, the constitutional reversal and the current constitutional provision have clear symbolic significance, which, it may be argued, may well make a concrete difference to the integration of the increasing number of immigrants who are coming to live in Ireland. In the case of young people, where having foreign parents, a different language, accent, skin-colour, or dress previously implied nothing about their citizenship, these now give a reasonable basis for assuming that they are not members of the political community, one important way at least in which they could claim to be Irish.

The real concern in Ireland, it may be argued, was not the integration of immigrants, which has yet to arise as a political issue, nor most centrally the number of late maternal arrivals, nor even the alleged abuse of Irish citizenship to claim residence in other EU member states, but the fact of unregulated immigration, at this point through claiming parentage of an Irish citizen. It should be noted that this was at a time when the economy was performing strongly, and there were significant labour shortages both in high-skilled and less skilled areas. Yet, while seeking to remain open to migrants from other EU member states, the state sought to contain other migrant labour within a system of short-term work permits and work visas. It has not acknowledged that Ireland is becoming an immigration country. Thus it may be that, as has been said of France in the 1990s (Favell 2001, 41), a debate that was really about immigration was framed in terms of citizenship. Indeed, opinion polls conducted at the time of the referendum suggested that many voters interpreted immigration as the issue at stake and cited the numbers of immigrants as a reason for voting in favour of the amendment. Changing citizenship laws hardly begins to address the issues of managing diversity that increasing immigration will raise for the Republic of Ireland, as it has for the rest of the EU and the wider world.

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FEDERALISM AND THE POLITICS OF

DIVERSITY:

THE CANADIAN EXPERIENCE

Alain-G. Gagnon and Raffaele Iacovino

The challenges associated with the management of diversity in Canada touch a variety of intellectual traditions and disciplines. The notion that pluralism has come to challenge the privileged place of national identity as the legitimate order of contemporary liberal-democratic political communities is a subject of debate within and between fields as diverse as political science, legal theory, sociology, history, social anthropology, and international relations, to name a few. (We have contributed to this debate in Gagnon and Iacovino 2007, and this chapter develops and expands an argument we presented there.) Moreover, the idea of diversity itself engenders a multitude of avenues of thought, ranging from cognitive self-understanding vis-à-vis others (identity) to the place of collective projects in interstate relations, and in internationalized commercial and social transactions. Indeed, diversity has become somewhat of a rallying cry for those opposed to homogenizing forces, which, they argue, are having effects on two fronts.

First, cultures are increasingly converging, interacting, and interconnecting with one another due to phenomena generally associated with globalization. Many scholars thus propose a revaluation of the particularistic "national" markers of identity within political communities, or at least argue for a retention of the tools to govern and intervene on behalf of these collective goods. Some even envision an international convention that would recognize "culture" as a collective good, for the sake of which states can legitimately intervene in the face of globalizing pressures. The enshrinement of

cultural diversity as a fundamental right for political communities has been debated at UNESCO for several years.

Second, and related to transnational developments, we are witnessing increasing legitimacy attached to "thin" conceptions of liberal citizenship, or of postnational citizenship within liberal democracies, that value civic membership above particular "pre-political" ethnic markers of belonging, and individual rights-based polities over collective social projects based on comprehensive liberal doctrines. According to Christian Joppke and Ewa Morawska (2003), there seems to be a convergence among liberal democracies towards sociological multiculturalism as fact, and efforts at political integration based on the twin pillars of a common public language and individual rights as responses by state actors. Diversity in this sense has come to be associated with models of citizenship that acknowledge cultural pluralism within states, allowing for citizenship to be defined through particular cultural attachments as opposed to top-down definitions of citizenship that reflect homogeneous majority cultures as a precondition for belonging.

SELF-UNDERSTANDING, REPRESENTATION, AND SOVEREIGNTY

The Canadian case lies at the crossroads of these two developments. Canada faces diversity on both fronts. In many ways Canada must navigate through questions surrounding a plurality of nation-based forms of representation and sovereignty, while simultaneously addressing issues related to self-understanding, belonging, and more generally, citizenship, in a setting characterized by diverse social and cultural identities. Since Canada is a multinational democracy, debate surrounding diversity tends to stop short at sorting out the various layers of diversity—national, ethnocultural, social—without actually taking a step further to find solutions for the management of diversity. Will Kymlicka (1995 and 1998) has done pioneering work in this area, looking at the challenges that diversity poses for liberal citizenship. He contends that the "bundle of rights" for ethnocultural communities cannot be the same as those considered for national minorities. The former seek inclusion within a larger political community, or equalized conditions for integration, while the latter seek self-government rights that, in many respects, constitute a rejection of citizenship as defined at the level of the "multination."

In Canada the distinct layers of diversity are often pitted against one another, and political projects or solutions made in their names are employed to undermine other legitimate expressions of diversity. On the one hand, Canada must manage the question of "national" diversity, a challenge that several liberal nation-states, such as Australia, Germany, and the Republic of Ireland, do not have to grapple with to the same extent. On the other hand, Canada is also involved in crafting the boundaries of citizenship and must address questions related to the integration of immigrants, cultural pluralism, and ethnocultural diversity while respecting its federal constitution. This is the fundamental challenge confronting the country today, and any attempt to sort through the issue of diversity must account for this entanglement.

Conceptually, the question of diversity itself must be disaggregated to reflect distinct political and social projects. Methodologically, a multinational democracy such as Canada is precisely the case with which to evaluate such projects, since the term diversity means different things to different social and political interlocutors.

Postnationalists argue that the nation no longer defines the political subject as constitutive of a collective project. Even assuming that that is the case, what defines the boundaries of the political community, territorial conceptions of sovereignty and representation if not, at the very least, remnants of the nation form? In a sense postnationalists have become proponents of political stability more than advocates of justice (see Helen Irving's chapter in this volume), whereas several well-grounded political philosophers argue that justice is a guarantor of political stability. Regardless of the extent to which national identity is decoupled from citizenship, it still structures our cognitive understanding of politics, particularly in relation to territorial modes of representation, deliberation, and policy outcomes. This is the crux of the dilemma for most liberal-democratic nation states. The overwhelming response has been to recreate the nation away from exclusive pre-political markers towards inclusive rights-based conceptions that recognize few collective attributes of membership other than instrumental ones, such as a common language or respect for the basic laws of the state.

In more recent years nationalism has also gained legitimacy as a complement to liberalism, with some observers highlighting its capacity to provide the solidarity and cohesion necessary for liberal

values to take hold in any society. For example, Jeffrey Spinner (1994) notes that liberalism enhances the importance of language as a marker of identity. The liberal ideal of equal opportunity could not be realized in Quebec, for example, unless language was institutionalized. By reducing the salience of ascriptive "ethnic" markers of identity, liberalism may increase the likelihood that people attach themselves to national identities. For Spinner (1994, 157) nationalism is compatible with liberalism if two conditions are met: first, the nationalist movement should mobilize around a speech community that is large enough to support the institutions of an industrial society; and, second, the movement should be willing to construct a liberal, pluralistic public space.

Conclusions commonly referring to postnational developments may be pointing to developments in liberal thought and practice that do not undermine the existence of the nation altogether but, rather, reinforce its relevance. Indeed, though diversity involves the acknowledgement of difference as a defining aspect of a particular political community, according to Yael Tamir (1993), all liberal nations are nevertheless "entitled to a public sphere in which they constitute a majority." The very logic of liberalism, by softening the edges of "thick" nationalism, is thus deemed by some to reflect a "new" phenomenon of postnationalism.

It may be argued, then, that substantive culture as the essence of the nation has largely been replaced by the procedural culture of liberalism itself. In the end advanced democratic states are simply reverting to liberal solutions, throwing rights at the issue of diversity and widening the private sphere. Even Jürgen Habermas, the recognized champion of postnational thought, has conceded that his preferred notion of "constitutional patriotism" is not devoid of certain collective attributes that precede process and form. In Habermas's view, public spaces demarcated by rational social communication and devoid of "thick" sociocultural markers of citizenship nevertheless require a common language and some consensus with regard to the parameters of the common political culture. In essence, the term "postnational" itself causes some confusion, to the extent that it implies a state of affairs that has moved beyond monistic conceptions of belonging, even though Habermas himself, in refashioning belonging based on a procedural patriotism, assumes that there is a political community in which such consensus and

deliberation takes place. For Habermas the exercise of sovereignty defines the parameters of citizenship, as opposed to stemming from "pre-political" ethnic identities. This does not imply, however, that political communities can be constructed anywhere and at any time so long as a procedural constitution is in place. Habermas's main contribution to redefinitions of the nation is indeed the very notion that citizens converge around a constitution, which is deemed as somewhat of a victory, in the sense that there is widespread consensus as to the legitimacy of the basic laws governing a political community. For Habermas it is the process of "citizenization" itself that leads to such ends (see Dufour 2001, 157–210).

In the Canadian case this consensus is absent and the process of deliberation is stunted, due to central nation-building efforts that undermine the flourishing of one political community in order to construct a larger procedural basis for citizenship. The present Constitution of 1982 is simply instrumental and a large proportion of Quebecers appear to consider it a nuisance. Debates on the merits of diversity in Quebec have proceeded in conjunction with those in the rest of Canada, but the model of social and political integration itself must, by definition, recognize the primacy of a national centre for convergence.

Quebec is a postnational province to the extent that its version of national belonging allows room, in principle, for a plurality of identities and individual rights (see Gagnon and Iacovino 2004). However, it does not have the luxury of adhering to a radically postnational model that disregards all collective initiatives and a modest conception of comprehensive liberalism, because its *raison d'être*, as a distinct political community within the Canadian federal arrangement, stems, as in other cases where the demarcations of national identity are being reformulated, from "pre-political" sociocultural markers, such as language, memory, history, and shared institutions. Quebec national identity is recognized as a collective good by most of the people living in the province (see table 4.1) and as such, may well constitute an object of policy for as long as Quebec does not have its own fully developed constitution, and for as long as a Canadian constitution that has received Quebec's endorsement is not formalized and entrenched. In this sense what is also absent from Habermas's contribution is a sensitivity to social and political forces that provide the context for particular constitutional trajectories,

Table 4.1: The Dual Identity Question in Quebec: Responses to a Survey by CROP and the Montreal *Gazette*, March 27 to April 1, 1998 (%)

	Francophones	Anglophones	Allophones	Total
Canadian only	3	9	15	5
Canadian first, but also Quebecer	13	38	24	17
Equally Canadian and Quebecer	31	40	38	32
Quebecer first, but also Canadian	37	2	13	31
Quebecer only	14	8	-	12
Do not know	3	3	9	3

Source: Wells (1998).

which vary from one state to another in distinct historical settings. Notions of consent, mutual recognition, and, to a lesser extent, continuity, which form the bases of just constitutionalism, are largely ignored (see Tully 1995).

Moreover, in a multinational context universal approaches that dilute sociocultural attachments in the management of diversity actually work against minority nations and, paradoxically, undermine diversity, to the extent that national diversity is not acknowledged as constitutive of the country and, more specifically, as constitutive of citizenship status. They cannot be considered separate issues, as the actions aimed at one set of problems invariably touch the other. If postnationalism can be equated with the logic of universal liberalism itself, in which citizenship is defined by fundamental rights based on a universal conception of personhood, then this serves, it may be argued, the political purposes of the central Canadian state, since it tends to obfuscate the perception of a plurality of distinct

host societies or societal cultures (a term attributed to Kymlicka). For those who view cultural diversity as a Canada-wide area of management, Quebec's appeal for "national" recognition is antithetical. A model of cultural pluralism, such as Canada's policy of multiculturalism within a bilingual framework, does not specifically recognize national belonging as a basis for citizenship, at least in its sociocultural expressions. Nonetheless, "universal" models of membership in a multinational context often exhibit strong majority nationalist pressures on the definition of the larger political community, in the sense that the will of the majority is reflected in public policy outcomes (see Gagnon 2003). For many Quebecers, on the other hand, certain aspects of "pre-political" nationalism cannot be divorced from their sociopolitical project because of the particular status of the province as a minority nation or societal culture within Canada.

WHAT IS THE PLACE MADE FOR QUEBEC DIVERSITY IN THE DEBATE OVER IDENTITY IN CANADA?

With regard to cultural pluralism, Canada has entrenched official multiculturalism in its Charter of Rights and Freedoms. This approach has endured over many years, and in order to trace back the debates around which this vision was adopted it is necessary to review the impact of former Prime Minister Pierre Elliott Trudeau, acknowledged by many to be the principal architect of this approach to diversity in Canada.

Trudeau rejected the nation-state model, although he defended Canadian sovereignty against any U.S. encroachments, valuing the foundations of the modern state as based on universalizing and individualist liberalism. He thus contrasted the "sociological nation," which he associated with reactionary and emotive politics, to the "juridical nation," which he linked with universalism and reason. For Trudeau national identity was an outdated form of loyalty, driven by narrow interests and impeding the progress of civilization. Quebec's neonationalism was thus deemed to constitute a threat to progressive politics, being, in his view, certain to lead to a cycle of never-ending conflicts that would hinder reconciliation and unity. For Trudeau a federal state was most conducive to the development of the juridical nation and the exercise of reason in politics (see Karmis 2004). These pillars of Trudeau's thought culminated, in

the end, in the formal construction of a pan-Canadian nationalism based on multiculturalism, institutional bilingualism at the federal level, and, above all, the primacy of individual rights and freedoms. Although culture is recognized, through the formal entrenchment of multiculturalism, as fundamental to each individual's autonomy and equality, and constitutive of his or her rights and freedoms, the vision sought by Trudeau and his colleagues did not encourage any particular collective status based on historical, cultural, or territorial claims as defining political markers of attachment to Canada.

Constitutional developments, up to and including the Clarity Act of June 2000, show how this vision of Canada has endured. Since 1982 this vision has left a mark on Canada's self-understanding which makes it extremely difficult to allow for other "formal" approaches to the management of diversity, particularly with regard to some form of constitutional formula that might disaggregate the countervailing ten-dencies of acknowledging sociocultural diversity simultaneously with national diversity. Also, the Canadian approach to the management of diversity, although pluralist and postnational in rhetoric, paradoxically undermines the substantive aspirations of distinct societal cultures by interpreting (in our view, misinterpreting) the meaning of "equal status" to link it with homogeneous and universal legal provisions.

Through the central institution of citizenship Canada has carved out the national boundaries of the country from coast to coast, based on a rights regime that has not undergone the process of acceptance and consensus that even a proceduralist such as Habermas deems necessary for any legitimate political community. This situation has contributed to undermining the context of choice for Aboriginal nations and Quebecers within current federal arrangements. In other words, federalism as a political tool for the management of diversity in a multinational democracy must, we would argue, account for qualitative differences in citizenship, leading to an asymmetrical federalism as an acknowledgment that constituted political communities that assent to the federation may vary in the nature of their relationship with the central state or to the wider political community.

Diversity, however, can mean many things to many interpreters. The fundamental question when it comes to the management of diversity in Canada is not "What is Canada's position on pluralism?"

Rather, a commitment to diversity that accounts for its multilayered character would lead to something like the question "How does Canada accommodate demands by distinct national groupings that constitute the country to determine the boundaries of diversity within their respective polities?" In other words, the use of the institution of citizenship by the central state would not be aimed at creating pan-Canadian sentiments of belonging among citizens - in a universal sense. Rather, it would exhibit a stronger commitment and effort to manage the challenges associated with diverse modes of membership to the polity, in effect acknowledging its limits as an arbiter of citizenship status formally, through constitutional adjustments, and not by way of ad hoc arrangements. This implies an asymmetrical federal configuration that would account for the complexity of the notion of equality in a multinational context as a basis for citizenship. Short of such measures, diversity in the Canadian context, defined by multiculturalism in a bilingual framework, the formal equality of the provinces, and the Charter of Rights and Freedoms, is not postnational, but it fills in a national void in the "pre-political" sociocultural sense of the term.

A genuine commitment to postnational identity in Canada, which as a multinational state might seem a likely candidate, would lead to resistance to the top-down nation-building temptations of traditional nation states and allow for diverse political communities to work out the delicate balance between collective goods and individual rights themselves. In most liberal-democratic nation states, where citizenship has been traditionally congruent with the boundaries of national belonging, states have accepted pluralism as a sociological reality and have adapted by thinning out the requirements of membership. (This is an empirical development whose roots cannot be explored at length here.) In Canada, however, the institution of citizenship itself has recently been employed with the aim of making a single nation, a process whose peak in industrializing Europe was reached by states even before the development of Marshallian political, civil and social rights, when a vertical relationship between citizen and state was the norm and states simply set out to assimilate diverse identities into an elite-driven conception of nationality. This legacy does not bode well for a politics committed to diversity, regardless of what the rhetoric of multiculturalism and federalism suggest.

A POSTNATIONAL NATIONALISM IN QUEBEC?: NEW AVENUES TO EXPLORE

The parameters of national identity in Quebec must be assessed in the context of its minority status within Canada. As noted above, Quebec's status as a "nation" is not recognized formally in the Canadian Constitution. Quebec is considered to be a province, equal in status to the others, and individuals in Quebec are to enjoy fundamental rights and freedoms with those enjoyed by all other Canadians. Debates in Quebec concerning the defining characteristics of national identity have thus taken place in a setting in which it has to compete with a larger political community that delivers formal citizenship. National identity in Quebec faces the added burden of accounting for institutional and symbolic barriers that are externally imposed.

Moreover, the very legitimacy of the claim that Quebec is a "nation" is questioned by a significant proportion of its population, due to the ambiguous nature of belonging in a hybrid political community. Debates surrounding the sociocultural versus "civic" or liberal character of national identity are easily dismissed by some, due to the fact that the national movement itself is articulated mostly from within one sociocultural grouping, the Francophone Quebecers. Quebec's national project is at times dismissed as reactionary, retrograde, and "ethnic." For example, Christian Joppke and Ewa Morawska (2003, 9), discussing the tendency of contemporary liberal states to converge in their discourse about, and treatment of, the integration of immigrants, assume that Quebec is paying "lip service" to cultural pluralism while its nation-building efforts are necessarily monocultural:

> Consider the case of Quebec, the secessionist French-speaking province of Canada, which shows that in a world of liberal states even an extreme nation-building project must bow to the dominant rhetoric of cultural pluralism. Because of its nation-building (and thus monocultural) ambition, Quebec has always rejected the official multiculturalism practiced since the early 1970s by the Canadian government.

Historically, nations and states have been coterminous, so it has been assumed that the larger "state" must be a reflection of some

"nation" that finds its clearest expression at the level of the central government, which in the final analysis represents the institution that determines citizenship laws. Kenneth McRoberts (2003, iv) reminds us of this essential distinction between nation-states and "internal nations": "With the nation of the nation state, the citizenship laws of the state provide clear answers as to who is a member of the nation and who is not. The internal nation may not have a central institution to perform this task."

Others view Quebec's efforts at defining the contours of citizenship as but another reflection of attempts to broaden the discourse's normative impact given the widespread growth of identity claims and not as a competing centre for determining the very boundaries of citizenship. From this perspective Quebec's demands are interpreted as merely another set of claims on citizenship, similar to those of social movements more generally. The key assumption here is that the "challenge" posed by Quebec nationalism rests among other developments that "unsettle" nation-state citizenship, leaving little room for the conclusion that Quebec itself is involved in its very own debates about how to craft "nation-state" contours of membership. For example, in pointing out new developments in citizenship studies in Canada, Daiva Stasiulis (2002, 367) implicitly subsumes Quebec's societal project under the broad heading of an emerging "multiplicity of citizenships" in referring to "the creativity and culture-setting agendas of contemporary social movements (Aboriginal, Québécois, diasporic, queer, children)."

The very discourse of managing diversity in Canada through the institution of citizenship, from a Quebec nationalist perspective, is persistently coloured by the fact that the central institution of citizenship remains the preserve of the Canadian political community, and that Quebec identity is but an object to be managed in the larger canvas of diversity. This is the backdrop against which debates about managing diversity within Quebec, and reconciling it with Quebecers' conception of themselves as forming a nation, take place. Those debating the contours of Quebec's national identity, in contrast, seek to define the political subject in the specific context of Quebec's political community. It is to this debate that we shall turn our attention.

As is common for most claims about nations, absolute consensus with regard to the substance of shared identity in Quebec does not

exist. The main problem with regard to the boundaries of Quebec's national identity relates to justification of the idea that it has or can achieve nation-state status, or, more broadly stated, achieve some arrangement that recognizes a claim to Quebec sovereignty. The paradox is that the more "civic" or liberal the movement becomes, and the more it moves away from its "thick" sociocultural roots towards the trend of postnationalism, the more its justifications for sovereign status appear to be weakened (see Beauchemin 2002). On the other hand, several authors have argued that it is precisely the move towards a sociopolitical conception of the nation, demarcated by the territory of Quebec, that demonstrates the political community's commitment to liberal democracy and its credentials as a societal culture without "internal restrictions." (Nonetheless, Kymlicka (1995), for example, has a concern for liberalism that has led him to discount any societal culture that places illiberal internal restrictions on its citizens as illegitimate, and for him the Quebec model is very much in line with most liberal democracies in its commitment to liberal citizenship. Joseph Carens (2000, 107–39) agrees with this conclusion.

In the period since the "Quiet Revolution" of the 1960s interpretations and debates around Quebec's national identity have essentially developed in line with those of most societies in a period of late modernity. As shown in the excellent overview offered by Maclure (2004), during the era of Quebec state-building that coincided with the "Quiet Revolution," and was marked by an economic and cultural awakening of Francophone Quebecers, ideas and debates about Quebec's self-interpretation ranged from "melancholic nationalism" to anti-nationalist discourses, and each had its implications for political sovereignty. More recently, however, the foundations of collective consciousness have come to be debated in terms of their reconciliation with an increasingly pluralistic society. It is these latter debates that are addressed here. The main concern has been with the burgeoning plurality of constituted identities and their impact on the project for political sovereignty. Indeed, national identity as the basis for political sovereignty and autonomy in Quebec was based on an ethnic conception of the nation in the years before the "Quiet Revolution," based on a particularistic definition of belonging that was incompatible with openness to cultural pluralism. Since that era, however, the defining features of the

Quebec nation have evolved to incoporate more civic and secular bases of what it means to be a Quebecker. Nationalism in Quebec has thus faced the task of being reconceptualized to accommodate the multiplicity of collective projects that compete, if indirectly, with particular conceptions of belonging based on the sociocultural nation. This is a familiar debate that in many respects has prompted scholars to point to the phenomenon of postnationalism as a marker of late modernity. In Quebec, however, the debate is rendered more complex because of the project for political sovereignty.

Some authors contend that there is an urgent need to move beyond sociocultural representations of the nation that requires openness to liberal and pluralist conceptions of collective consciousness. One such author, the political philosopher Michel Seymour (1999), attempting to move the debate past its "civic versus ethnic" paradigm, proposes a sociopolitical conception of the national that demarcates it from absolute universal markers, while maintaining a commitment to late modern developments in Quebec society, accepting that no national imaginary can be legitimate if it excludes any portion of the population. For Seymour a nation that is purely civic can only be a nation that is already recognized as sovereign. The identity aspects of the national movement, while not necessarily resting on objective sociocultural markers, are, however, conceptualized as a project in the context of the quest to achieve sovereign status. This is the key marker, and debates cannot simply rest on an ethnic/civic continuum. If the nation is identified as ethnic, then it excludes a good portion of society from membership, delegitimizing the movement altogether. If it is conceived as a civic collectivity, then what is the fundamental justification for distinct sovereign status? It is a key component of Seymour's argument that forming a distinct political community that is shared with minority groups does not rule out the cultural, moral, and historical foundations of the majority linguistic grouping, yet at the same time it recognizes, through open political and social processes, the contributions of minority groups to shaping and reshaping, over time, the identity narratives of the project in progress.

Although reconciling the national with the postnational foundations of any society is a difficult theoretical task, the balance lies in recognizing that the sociopolitical aspects of the nationalist movement in Quebec must be interpreted in the context of its

predicament as a societal culture that remains a work "in progress," and whose defining characteristics cannot be separated from its condition as minority nation that is free to achieve the status of a nation state. Debates about the postnationalist character of Quebec nationalism cannot fundamentally be grasped without reference to this paradox of self-interpretation.

The question of "belonging" in most liberal-democratic nation states is addressed through the central institution of citizenship. Debates surrounding the postnational markers of identity in such states, in an era of social pluralism and cultural diversity, do not have to contend with national diversity. Too conveniently perhaps, that they seek to accommodate diversity by stripping citizenship of its particular "national" bases and define it along with universal entitlements that transcend national identity. In the Quebec case, by contrast, the nationalist movement itself, as a process of definition and redefinition, rests upon interpretations of belonging that attempt to delineate it from a plurality of collective identities that are defined by a central institution of citizenship whose boundaries are set by the central Canadian state. In this sense managing internal diversity in Quebec can only be reconciled with the project for sovereign status if it assumes that the Quebec political community constitutes a "centre for convergence." Any conceptualization of a national model in Quebec cannot accept the universal premises of postnationalism, whether this takes the form of individual rights based on "personhood" or a cultural pluralist model that does not recognize the primacy of any majority sociocultural markers of identity, such as Canadian multiculturalism, without conceding that its project is no different from that of any grouping that seeks differentiated recognition from the larger institution of citizenship.

The official position in Quebec with regard to markers of belonging to the political community has been given form in two key government documents on the topic of Quebec citizenship (Conseil des relations interculturelles 1997 and Ministère des Relations avec les citoyens et de l'Immigration 2000). Without delving too deeply into the details of such policies, it suffices to say that Quebec's position on the construction of citizenship and, broadly speaking, on the contours of membership, differentiates itself from Canada's approach to diversity by stressing a "common public culture" and a pole for cultural convergence that is absent from official Canadian

multiculturalism. There is an emphasis on language, which is viewed as a bearer of culture but also as a common good that must be viewed as a rallying point for all residents of Quebec, delimiting the public space for democratic participation and debate. However, according to Danielle Juteau (2002, 441), the very adoption of the language of citizenship signifies a shift from a pluralist conception of the community to a conception of belonging that merges with nationality:

> In spite of a shift from a cultural to a territorially based definition of the community, I argue that the citizenship presently developed is anchored in a homogenized notion of cultural belonging, as the Quebec state is attempting to define a "universal" national identity that would subordinate all others. The national model of citizenship is preferred over the postnational, the republican over the pluralist, the undifferentiated over the differentiated, at least when it comes to cultural identity.

Juteau contends that, while Quebec flirted with a more unmitigated commitment to cultural pluralism in the early 1990s, the discourse under the Parti Québécois government that was in power from 1994 to 2003 was centred on citizenship, representing a shift to a more homogenous conception of the nation, which is contrary to international trends that are pushing liberal-democratic nation states towards multicultural rights and differentiated postnational identities.

Dimitrios Karmis (2004) adds to our understanding of identity in Quebec in the contemporary period, noting that there is a persistent strain within the "civic" strand of national identity that alternates between Jacobin-style republicanism and integrationist nationalism. For Karmis the notion that the construction of the nation in Quebec is based on ethnic definitions, along the lines of Trudeau's depiction of "old" Quebec, is a debate that has seen its last days. At present, in his view, the real tension lies within the "civic" camp. The past fifteen years have seen alternating conceptions that lie somewhere in the middle between integrationism and republicanism. For integrative nationalists Jacobinism represents a defensive approach to identity. In its place Francophone Quebec is interpreted as a strong linguistic

and cultural space, open to pluralist liberal-democratic citizenship as a shared good across the political community, which is open to the contribution of all cultures. Moreover, this model recognizes certain collective rights of national minorities, notably the Anglophone community and the Aboriginal peoples. The French language is valued as a bearer of a cultural heritage, but also for its public function of facilitating solidarity and deliberation, and as a point of convergence for various ethnocultural communities. The official model of "interculturalism" emerged in the 1990s along these lines, as a model resting on the interchange of cultures rather than one based on their pillarization.

We concur with Juteau and Karmis that recent turns have moved the model closer to republicanism, particularly in the consultation document presented by the Parti Québécois government at the Forum national sur la citoyenneté et l'intégration (Ministère des Relations avec les citoyens et de l'Immigration 2000). This approach places relatively more emphasis on unity, consensus, and cohesion in its treatment of pluralism. We also contend that this distinction is of minimal consequence and represents a minor shift in emphasis as opposed to a wholesale redefinition of belonging, as Juteau suggests. As highlighted above, Quebec nationalism's construction of boundaries must always account for a centre of convergence due to its status as a movement, in the process of definition within a larger citizenship regime.

One can argue that the move towards more republican conceptions of the Quebec model has been overstated. Quebec's attempt to balance unity and diversity nevertheless maintains a commitment to cultural pluralism within limits, and it cannot be lumped in with French or even American republicanism. In any case, both integrationist nationalism and more republican conceptions cannot, by their very logic of constituting a counter-movement, adopt unmitigated postnational markers of belonging. In the end Quebec does not simply face the question of diversity but must also *address* this question while justifying its very existence as a nation in a larger sociopolitical setting that does not formally recognize this fact. Postnational belonging comes after national belonging is taken for granted, and Quebec cannot simply skip this step. Quebec has demonstrated its commitment to the values of democracy, liberal justice, and cultural and national pluralism. It has abandoned

exclusive ethnic markers of belonging both in official national models and intellectual discourses. It cannot, however, undermine its claims by promoting the end of the nation form in the structuring of political sovereignty. That trend is reserved for nation states whose existence is not in question.

CONCLUSION

Diverse identities are indeed characteristic of modern liberal societies, and this has forced social scientists and political theorists to reconceptualize the institution of citizenship. However, reducing the Quebec national question to one among many other identities that make claims on the institution represents a political strategy by the Canadian state that does little to offer promise for the future. Canada must be postnational, in our view, not by way of universal and homogenous rights but by acknowledging the existence of several citizenship centres that are national in form to the extent that they are given the capacity to determine citizenship laws usually associated with central nation states. For us, Canada as a multinational federation is a worthwhile political project.

Quebec remains mired in debates about the character of its national sentiments. The proposal to offer a radically postnational basis of belonging is not a workable option. Given its present situation, even in the face of glaring obstacles, Quebec has demonstrated its commitment to cultural pluralism in a liberal-democratic setting. Short of a multinational federation, the ambiguous nature of belonging and self-understanding in Quebec, and the constant confusion with regard to its place in Canada, will persist, to the detriment of Quebec citizens vis-à-vis those of other political communities. In the end, even in a postnational age it is the nation form that lends legitimacy to liberal citizenship. Short of this equation, citizenship comes to be impoverished. It is through the recognition of a "nation" that social cohesion can be furthered, accountability can be strengthened, and the empowerment of citizens can be achieved.

The trend of postnationalism does not signal the end of sentiments of attachment to political communities on a more substantive level. There remains an element of national identification in legitimate liberal-democratic conceptions of citizenship. The top-down "forging" of homogeneity through disassociated rights, however, can no longer take hold in a vacuum, as national minorities in the

contemporary period simply will not allow this to take place. The process of generating a satisfactory model that accommodates diversity in a multinational democracy can only achieve the stature of a "procedural" basis of belonging or patriotism if the process itself has been adhered to by all parties. Moreover, the final constitutional "product" that defines the basic laws of the country, maps the configuration of political relations, acknowledges and recognizes national groupings, reforms the system of representation in order to accommodate asymmetrical relationships to the central state, and enshrines the right to self-definition for its constituent political communities will begin to achieve justice and stability that at once untangles the many complexities of diversity and provides the bases for unity.

The sociocultural foundations of this or that nation competing within a single territory is an old debate. The Quebec project is about allowing all cultures to participate in its construction for future generations. The culture is not a fixture; it is in construction. The distinction in Quebec is that there is a strong will that this common public culture, its development, should not be hindered by the arbiters of central citizenship who give citizens of Quebec a "way out" of the project to strengthen pluralism and democracy in order to advance their own political agenda. Such an escape would be a shortcut, favouring ungenerous relations with Aboriginals, Anglo-Quebecers, and members of diverse recent immigrant communities that have made Quebec what it is today, a diverse nation committed to liberal democracy.

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CITY STATES AND CITYSCAPES IN CANADA: THE POLITICS AND CULTURE OF CANADIAN URBAN DIVERSITY

Caroline Andrew

This chapter develops an argument based on the link between Canada's growing urban diversity and the movement for increased municipal autonomy on the part of the largest Canadian cities. Urban politics and urban culture are intimately connected, and, along with the obvious and visible economic dimension to the call for increased autonomy for Canada's largest cities, there is a relationship between the urban distinctiveness forged through diversity, the potential impact of a developing urban citizenship, the dynamics of globalization, along with the resulting politics of rescaling, and the calls for greater power for Canadian governments within the federal system. Postnationalist politics in Canada will see a greater role for cities and one of the driving forces for change is the argument that only a greater role for cities can ensure the successful management of diversity. Without this argument the call for a better allocation of fiscal resources could probably be relatively easily contained within conventional Canadian intergovernmental relations, but the combination of growing urban distinctiveness and lack of resources could fuel a more powerful political movement. It remains to be seen whether this greater role for cities will be given formal political recognition, but even without formal recognition the Canadian political landscape could be transformed. In order to make this argument, three points need to be developed: the urbanness of diversity in Canada; the Canadian record in the management of diversity; and the drive for greater municipal autonomy for the largest cities, fuelled by the recognition of difference, and by the development of an urban citizenship and a sense of urban identity.

In arguing about the increasing diversity of the Canadian population it is important to recognize both that, at 18.4 percent as of 2001, the proportion of foreign-born individuals within the population of Canada is second only to Australia, at 22 percent, and that Canada's diversity seems to be concentrated in the largest cities. Toronto's population was 44 percent foreign-born in 2001, while Sydney's was 31 percent foreign-born (Justus 2004, 43). In 2001, 13.4 percent of the Canadian population were members of one or other visible minority, up from 4.7 percent twenty years earlier (CRIC 2004a, 2). The central point to be made here is how concentrated the immigrant population is and, particularly, the most recently arrived: almost 75 percent of those arriving between 1991 and 2001 settled in Toronto, Vancouver, or Montreal (Justus 2004, 43). It is also important to recognize that the concentration of immigrant locational choice is similar to the trends of the overall pattern of urban growth in Canada. Indeed, Canada overall is marked by decline in the population of many areas outside the largest cities and increasing concentration of employment within the larger cities (see Bourne 2004).

The other significant change, and a relatively recent phenomenon in Canada, is the non-white character of immigration. With the obvious exception of the Aboriginal peoples, Canada is a country of immigrants, but what is new is the fact that immigration is now mainly non-white and from the economic South, creating what Canada officially calls "visible minorities." During the period 1991–96, for example, the five leading countries of origin of immigrants to Toronto and to Vancouver were all countries with mainly non-white populations, while among the five leading countries of origin of immigrants to Montreal only two (France and Romania, in third and fifth place respectively) had mainly white populations. The highly metropolitan nature of recent immigration and the clearly visible nature of this immigration are recreating the largest Canadian cities both as increasingly diverse and as increasingly different from the rest of the Canada. The category of the largest cities here includes Ottawa–Gatineau, not only because of my own local chauvinism, but because Ottawa is diversifying very rapidly and is now third after Toronto and Vancouver in terms of very recent immigration. However, whether the category of "largest cities" includes three cities or four, the conclusion is similar: these are cities marked by rapidly growing distinctiveness. It is perhaps important to add that there

have been numerous government programmes, both federal and provincial, aimed at regionalizing immigration and/or encouraging settlement in smaller communities, but overall these programmes have been relatively unsuccessful (see Frideres 2006).

Having established the urbanness of diversity, it is important to reflect on how one evaluates the Canadian experience in the management of diversity. Indeed, before directly looking at the Canadian experience, some discussion of vocabulary is necessary. "Management of diversity" is an awkward term at best. I use it here in the context of a governance perspective, defining "governance" as those mechanisms of coordination that exist or develop in situations where power, resources, and information are widely distributed (see Paquet 1999). This approach does not imply that all social, economic, and political actors have equal amounts of power, resources, and/ or information, since that is a question to be empirically verified in particular contexts. Results can vary across time, across sectors, across societies, and across organizations within the same society. Governance certainly does imply that the state is not the only actor and indeed that the state cannot unilaterally impose its strategies, but it does not imply that the state is without power, resources, or information. Again, empirical research on specific cases can determine what is, or was, the role and influence of the various state bodies.

Nevertheless, "management of diversity" does convey the sense both of conscious strategies of social control and also of a technical or administrative "problem" to be "solved" by organizing the diverse. However, no other term seems appropriate. "Celebration of diversity," for example, certainly suggests that this is not a problem, but an asset of considerable value, yet "celebration" is simply not an adequate description of the overall ways in which societies act and react in relation to social diversity. "Cultural competence" can be a desirable attribute of individuals and of organizations, but it loses its focus if it is applied to large and internally heterogeneous entities, such as communities or societies. Policy definitions by content area, such as "immigrant settlement," "multiculturalism" or "anti-racism," are simply too narrow and too state-centred to be useful definitions for what I want to examine here. This leaves "management of diversity," which I hope will be understood in the sense of all the mechanisms of coordination involving state, market,

and civil-society actors in Canada as they act and react in relation to the two characteristics just described: the increasingly metropolitan nature of recent immigration and the non-white nature of this recent immigration.

Have immigrants to Canada been able to integrate into Canadian society? What are the conditions of social inclusion and social exclusion, of racism and discrimination, of polarization of incomes, of the concentration of residential locations? In part the answers to these questions depend on the criteria for judgement. Is the comparison to be between Canada and other countries, between Canada twenty years ago and Canada now, between conditions of genuine social equality and existing conditions, or between attitudes and behaviour?

The recent management of diversity in Canada is marked by the much older experience of the cohabitation of Francophones and Anglophones as the defining relationship in difference. Not enough work has been done to elaborate how the cohabitation of Anglophones and Francophones has shaped the way in which difference is seen by members of both communities, but, despite needing a great deal more reflection, it is very clear that this is a fundamental element in the way Canadians think, and act, on diversity. It has meant that the Canadian political experiment has had the recognition of difference as a major defining characteristic, which, certainly over the last hundred years, has overall been viewed as something to be built upon, not eliminated.

The relationship of the Aboriginal and non-Aboriginal populations could, and should, also be a fundamental defining relationship of difference, but this has not been true for the non-Aboriginal population over most of the twentieth century. This relationship was more important in the earlier period of contact and it is becoming more important again at the present time. This is particularly true for the western provinces and for the larger cities in the West (see Jantzen 2004 and Eisler 2006). Saskatoon, Regina, and Winnipeg have the highest proportions of their populations reporting either Aboriginal identity or origin(s) and, perhaps most significant politically, it is in Regina that, in addition to having an important Aboriginal-identity population, there is the greatest difference in median age between the youthful Aboriginal-identity population and the total population (Jantzen 2004, 84). Even more generally, across Canada the urban

Aboriginal population is growing (see Peters 2002) and therefore the question of how to define this relationship of difference is emerging, albeit slowly.

The third defining relationship of the recognition of difference in Canadian society has been the societal experience of managing relations between women and men. This is clearly a huge area of research (see, among others, Trofimenkoff and Prentice 1977, and Cook, McLean, and O'Rourke 2001) and not something that can be discussed at length in this chapter. However, it is important to note certain characteristics of this experience. Canada, for example, has been one of the leading countries in recognizing the issue of violence against women, relatively poor in securing equal pay for work of equal value, and depressingly inadequate in addressing the intersections of gender, Aboriginality, ethnocultural diversity, and class. As I have argued elsewhere (Andrew 2004b, 105), in Canada women became citizens as mothers, as part of the vision of maternal feminism that their participation in public life was needed because they represented different values from men, values of caring, nurturing, and concern for the social conditions of poor women and poor children. Canadian society continues to favour interventions that see women as different and in greater need of protection because of a vulnerability that relates to their maternal role.

There is a growing polarization of incomes in Canada, and recent immigrants are not integrating as rapidly as earlier generations of immigrants in terms of employment and income (see Preston and Wong 2002, and Heisz and McLeod 2004). In addition, there have been many recent studies showing an increasing spatial concentration of poverty in Canadian cities, and a link between poverty and ethnicity (see Andrew 2003a). Other studies, including Abu-Laban (2000–01) and Smith (2003), underscore the limits to equality, the racism and discrimination that were part of the creation of Canada as a white settler colony and that continue to exist in Canada today.

Leonie Sandercock has analyzed the ways in which the fear of difference has built a culture of fear in large cities, including those in Canada. She writes (Sandercock 2003, 108),

> It is important to look harder at the nature of fear in contemporary cities in order to arrive at more effective and

less discriminatory policies for managing our coexistence in the shared spaces of streets and neighbourhoods, spaces that are increasingly characterized by a social heterogeneity. The costs of fear [of outsiders] in a democracy are several and serious. They may include the suspension of civil rights because people fear terrorists; the building of literal as well as metaphorical walls around "our" spaces to keep out those who are "not like us," thus exacerbating social polarization; and a dramatic decline in the quality of the urban public realm as people retreat to their privatized and fortified spaces. Fears have consequences.

As she describes, in the post-9/11 world there is an even greater need to break down the culture of fear: "One of the tasks of planners and urban intellectuals is to describe these discourses, and to provide counterdiscourses" (Sandercock 2003, 124). We have to recognize not only that Canada is not immune to worldwide trends but also that we have our own indigenous experiences of inequality and discrimination.

Both the Ethnic Diversity Survey (Derouin 2004) and work by the Centre for Research and Information on Canada (CRIC 2003) have provided information about public attitudes to diversity, discrimination, and racism. Among visible minority respondents to the Ethnic Diversity Survey, 36 percent reported experiences of discrimination within the past five years, with somewhat higher levels for blacks (50 percent) and those of Japanese origin (43 percent) and somewhat lower levels for those of South Asian origin (33 percent) and Chinese origin (33 percent). The figures were somewhat lower for those living in Montreal, compared to residents of Toronto and Vancouver (Derouin 2004, 61–62). The CRIC's study of attitudes to multiculturalism and diversity concluded that multiculturalism had become a source of pride for the majority of Canadians but that differences of opinion remained about the extent to which Canada was an inclusive society. For example, when asked whether they agreed or disagreed with the statement that some people have a harder time due to prejudice relating to their ethnic background, 32 percent of all respondents agreed, but for those identifying as visible minorities the proportion was 42 percent.

When these results are broken down by ethnic origin and gender, 38 percent of women, 38 percent of visible-minority men, and 48 percent of visible-minority women said they felt that some people have a harder time due to prejudice relating to their ethnic background. There are indications that this gender gap relates to different understandings of social justice issues in general, as questions about gender fairness in hiring decisions in the workplace also reveal important gender differences (CRIC 2003, 9). It could be inferred from these results that women are more conscious of structural inequality, whether it is based on ethnic origin, or gender, or both. This is an important finding for the management of diversity, and something to come back to in the discussion of urban public services and urban citizenship.

More recently Soroka, Johnston, and Banting (2005, 14) have looked at social cohesion and diversity in Canada. Their findings highlight the complexities of Canadian society. They examine two definitions of social cohesion, one based on a common identity and shared values, the other on dimensions of engagement in the social and political life of the country. On the first definition the results are definitely mixed: it is primarily "Quebec Francophones and Aboriginal peoples who remain ambivalent about the country, for reasons deeply embedded in Canadian history," but when it comes to a sense of belonging, "they are joined by racially distinct newcomers, who are also less sure of their place here." The second definition gives rise to a more optimistic view: "Our measures of engagement in the social and political life of the country find virtually no significant differences across social communities." This finding is highly relevant to my argument here, as it is in the largest cities that the engagement of visible minorities and recently arrived immigrants take place. It is therefore in these urban settings that the conditions for inclusion are the most crucial.

There are indications from survey research that Canadians, while favourable to immigration, often hold views that imply that immigrants should assimilate into Canadian society and that immigrants, rather than Canadian society, should change. One indication of this is that many people feel that no special services or adaptations of existing services are necessary (see Abu-Ayyash and Brochu 2006).

However, alongside these ambiguous views about the value of immigration is also the reality that ethnocultural diversity has changed the lives of Canadians, particularly Canadians living in the largest cities. In this way the integration of "new Canadians" has not been entirely one-sided, although clearly Canadian society has required and wanted new Canadians to change more than it has changed. At the same time not only Canada but also individual Canadians, particularly urban Canadians, have changed because of recent immigration. Certainly, at a very general level there is very wide acceptance across Canada of the value of multiculturalism. Within the large cities there has certainly been an impact of what can be considered the "easy" parts or the "thin" aspects of tolerance, the impact on food and on celebration. The choice of restaurants in the large cities of Canada has been enormously diversified over the past twenty years, and globalization and diversity have transformed the variety of foods easily available in large Canadian cities. The greater choice of restaurants is clearly linked to immigration, in that it represents employment niches for immigrants from countries whose cuisines are internationally valued or can be internationally marketed. Vietnamese restaurants, now widely available across urban Canada, are one such example; so too are Ethiopian restaurants. Urban Canadians now have the chance to become more sophisticated in their understanding of the varieties of cuisines from India and China, and this too is a result of recent immigrants entering the Canadian labour market via the restaurant industry.

Another food-linked story relates to collective kitchens in the Lower Town neighbourhood in the centre of Ottawa. A traditionally poor and Francophone neighbourhood, the Lower Town is now also an immigrant-receiving neighbourhood. One collective kitchen has among its participants a single poor Francophone man and a Lebanese immigrant woman. When they exchanged recipes for traditional dishes the Lebanese woman was delighted to learn recipes for her son's school lunches, as he wanted to eat "Canadian," while the Francophone man felt that his life had been expanded by access to Lebanese food, and, through it, to a new culture and enhanced international experience. For him this clearly raised his status and decreased his marginalization in mainstream Canadian society, in that being "global" is part of the accepted norm. We do not know enough about the impact of these forms of diversity on people's sense

of identity in urban Canada. Clearly this is an easier acceptance of diversity than other dimensions, but it is not irrelevant. It does imply an opening to difference, a willingness to try new things and to expand one's horizons, associated with tolerance and the acceptance of diversity.

Celebrations can also be seen as relatively easy ways to participate in diversity, but here again there is an impact. The analysis of ethnocultural festivals by Paul Bramadat (2004, 91) makes this point nicely. By providing a context in which people can challenge stereotypes, engage in dialogical identity formation, reappropriate popular culture for their own use, and explore foreign yet nearby culture and physical terrains, these events continue to serve a useful role in the Canadian urban conversation. From municipal celebrations of diversity, focusing often on the food and drink characteristic of the different ethnocultural communities, to the ways in which important holidays or festivals are being recognized by, and incorporated into, Canadian society, the link between participation and social inclusion needs to be better understood. The official calendar in Canada is still marked by Christianity—Christmas and Easter vacations are marked as public holidays—but there is a growing recognition of Yom Kippur, Ramadan, Diwali, Hanukkah, Chinese New Year, and Passover as markers of the year. What is most significant about this recognition is that the idea of participation in these festivities by those of other origins is fully accepted and that they are simply being added to the Canadian civic culture. Chinese New Year and Diwali are the two that have been most integrated into general celebrations, perhaps because they are the most secular of the important holidays.

One story, which may or may not be more generally indicative, concerns a class in a primary school in Toronto. All the parents of the children in the class received an e-mail in the fall from a group of Chinese-Canadian parents, saying that they had hired a person to teach the dragon dance to their children in preparation for the Chinese New Year celebrations and that these classes would be open to all the children in the class. The vast majority of the children, all origins combined, participated in the classes and joined in the dragon dance, apparently without feeling that this was not a normal and natural part of life in Toronto. This kind of successful experience of inclusion is also part of the management of diversity.

These celebrations move us from areas of "easy tolerance" to more difficult questions, for example that of religion, which is much more sensitive and less easily discussed in Canada. A recent example that illustrates the complexity of the questions raised by religious issues was the controversy over Sharia law in Ontario. This issue emerged in Ontario when, following the election of the Liberal government in 2003, the government commissioned a report on the use of religious arbitration in questions of family law. Religious arbitration had become possible in Ontario after an earlier amendment to the Arbitration Act and was being practised by the Jewish community. Increasing Moslem immigration to Ontario led to the possibility of Sharia law becoming practice in Ontario. A huge political controversy followed the publication of the report and this led to the premier of Ontario stating that Sharia law would not be allowed in Ontario. Following this declaration legislation amending the Arbitration Act was adopted, stating that Ontario family law governs all families in Ontario. At the present time the Ontario Women's Directorate is working with a coalition of groups headed up by the YWCA to develop public education for vulnerable women on their rights in cases of family law dispute. Without discussing the details of the issue, one can say that it raised huge debates involving, among other issues, the impact of fundamentalism on gender equality, feelings for and against Islam, the role of religious institutions in the resolution of family disputes, and public policy in relation to questions of religion. While religious pluralism is largely recognized in Canada, since 9/11 there have also reportedly been more incidents of racial and religious intolerance, particularly towards Moslems but also towards Jews. The urban context for these issues is crucial, both because of the juxtaposition of different populations and because of the way in which some of the important institutions of urban life have integrated pluralism.

The services provided by child care centres offer a particularly interesting perspective on these issues, not because of their explicit goals of working towards the integration of diversity, but because the nature of their work means that figuring out ways to have an extremely varied group of small children and staff coexisting harmoniously is a practical necessity. As their workers tend to be more diverse than in more formal educational institutions,

because employment in them requires less formal education and is lower paid, and as the children are highly diverse because people with fewer family ties in their place of residence tend to use such services—in addition, of course, to family units whose workforce participation reflects a wide range of economic opportunity, from single parents to fully professionalized couples—day care facilities in large cities tend to take all possible opportunities to celebrate the variety of religions and beliefs of the families of their children. Such practices highlight the importance of exploring less formalized, more innovative models of service delivery, sensitive to diversity. Indeed, examining the spaces of living and the provision of urban services in terms of the intersections of ethnocultural diversity, gender, class, and disability (see Andrew 2003d and 2005) is one way of identifying the creation of the "domain of human freedom" celebrated by Warren Magnusson (2000, 103).

Various attempts have been made in the largest Canadian cities to integrate this understanding of the intersections of diversity into the planning process and service delivery models. As Frances Frisken and Marcia Wallace (2003, 175) report, "Municipal governments and their agencies do have options when it comes to deciding how to address the challenges of ethnoracial diversity within their own communities, even within a national setting that makes them clearly subordinate to the provinces." The first two issues of *Our Diverse Cities*, published by the Metropolis project (Andrew 2004a and Frideres 2006) give numerous examples of municipalities taking different policy initiatives in regard to the growing diversity of their populations. Research is beginning to emerge that identifies the conditions explaining the variability of the policy response (see Good 2004). In turn, the ways in which municipalities address these challenges influence the ways in which the diversity expresses itself and, therefore, the relations between diversity and social inclusion.

In arguing that there is a possibility of local initiatives at the municipal level, Marcia Wallace and Frances Frisken (2003, 150–51) describe the day-to-day elements of successful municipal action: overcoming barriers to communication, developing a multicultural workforce, securing support from the elected members of the council, securing leadership, and, finally, building partnership with community-based organizations. The importance of community

involvement in municipal innovation has been documented not only in Canada (see Sandercock 2003, and Klodawsky and Andrew 2006) but in a variety of other settings, including early twentieth-century Germany (see Zimmerman 2003). The proximity of municipal institutions to rapidly changing conditions of urban reality is crucial to the potential for inclusionary services. As Sandercock (2003, 154–55) writes eloquently,

> There are also beacons of innovation. The City of Vancouver for instance, has developed a series of policy responses to its diverse population, including the hiring of multicultural planners within the City Planning Department and the establishment of a multicultural outreach programme. Vancouver funds several remarkable local institutions: the Roundtable Community Centre, the Collingwood Neighbourhood House, and the Little Mountain Neighbourhood House. If you visit any of these centres, you will witness an incredible diversity of people joining together in everyday activities related to family and childcare services, sports and recreational programmes, and cultural and arts programmes.

The links between the conditions of diversity and the policies and services that form parts of the management of diversity create the basis for expressions of urban citizenship. James Holston (2001, 326) argues that one can think of urban citizenship when three conditions exist: "when the city is the primary political community, when urban residence is the criterion of membership and the basis of political mobilization, and when rights claims addressing urban experience and related civic performances are the substance of citizenship." These conditions apply to certain parts of the urban population in Canada, notably in the largest cities, where there is a strong identification with the city, where political mobilization is in terms of the rights of certain groups to maintain or enhance their access to the urban spaces of freedom, and where good-quality urban public services and inclusive public space are important areas of political debate and organization. The earlier examples of local initiatives for diversity-sensitive and inclusionary policies make clear that there are links between the degree and forms of diversity, the politics of

city regions in Canada, and the development of urban citizenship. Sandercock (2003, 157) underlines the importance of new definitions of citizenship, both urban and multicultural, that are more responsive to newcomers' claims on rights to the city, and more encouraging of their political participation at the local level. Articulating a vision of urban citizenship is, in itself, a step towards a more inclusionary city.

How is this linked to the movement for greater urban autonomy? At one level it is clear that economic and fiscal considerations are fundamental to the push by the big cities for greater recognition of their crucial role in Canada's economic and social development, and of their need for greater autonomous revenue sources, as well as for a place in intergovernmental discussions. However, at the same time it is also necessary that there be a popular base of support for the push for greater autonomy, and this is linked to the sense of urban citizenship.

A popular base of support is necessary to convince provincial and federal governments of the need to change the intergovernmental system. Certainly, the loss of power by Canadian municipal governments over the course of the twentieth century was coupled to relatively low levels of public support for local initiative (see Andrew 2003b). However, recent events have changed some of the fundamental elements of municipal–provincial relationships and triggered pressures towards demands for increased autonomy for the cities. Significant moments of rupture can be detected in which city governments and urban populations gain a clear perception that their interests are not the same as provincial interests, and that the provincial government does not understand the city and therefore will not, or cannot, act in ways that are useful to the city's interests. These feelings can be temporary, even momentary, but they may also signal the beginning of a fundamental shift in Canadian politics, encompassing an emphasis on citizen participation in planning and in decision-making, on democratic government at the local level, and on governance involving the direct participation of civil society in decision-making in the city.

In Toronto, for example, a moment of rupture came in 1995 with the victory of the Conservative Party, under Mike Harris, in elections to the Legislative Assembly of Ontario, on a clearly anti-Toronto

and anti-diversity platform. In April 1997, Harris's government adopted legislation for the amalgamation of Toronto with five neighbouring boroughs, despite negative results in referendums on this issue in all the municipalities and accompanying mobilization against the amalgamation. Paradoxically, however, the province's creation of a single municipal government covering the former territory of metropolitan Toronto as of January 1, 1998, has created a government with even greater political weight in negotiations with the provincial government. The creation of the new city fuelled the Charter movement in Toronto, whose proponents argue that the city needs substantially greater powers in a wide variety of areas, such as health, social services, immigration, culture, training, and economic development, and it has also led to the creation of the Toronto City Summit Alliance by business interests, following the Toronto Summit in 2002, an alliance concerned to create a broad consensus platform, including important issues related to immigrant settlement as well as those relating to the cultural vitality of Toronto.

Indeed, the Toronto experience has been very much that of governance, of linking the city government to the major groups both of the market and of civil society. That this drive for greater autonomy has a popular base is illustrated by a survey conducted in 2003 (see table 5.1).

Table 5.1: Revenues of different levels of government: Opinion survey results for three Canadian cities, 2003 (%)

	Toronto	*Montreal*	*Vancouver*
Municipal government has too little revenue	62	51	40
Provincial government has too little revenue	46	46	49
Federal government has too little revenue	24	16	27

Source: CRIC 2004b, 13.

In Montreal, too, there has been a moment of rupture, also around issues of municipal amalgamation. The moment of rupture is more complex as it relates both to the provincial decision to amalgamate Montreal with neighbouring municipalities, and then to the victory of the Liberal Party in 2003 on a "demerger platform," followed by the indecision of the provincial government on the conditions of demerger. The issue became even more complicated because of the division between linguistic groups: in mid-October 2003 a survey indicated that 61 percent of Anglophones felt that demerger would have a positive effect on the economy, compared to only 30 percent of Francophones (see Andrew 2003c). Montreal had suffered a period of economic stagnation from the 1970s to the 1990s and, because of the resulting concern about economic vulnerability, there was a variety of reactions to the threat of demerger, including moves to decentralize responsibilities to the *arrondissements* (the boroughs or wards within the city), in the hopes of preventing demerger, as well as the convening of the Montreal Summit, and the creation of a Montreal Charter of Rights and Responsibilities, to reinforce local participative democratic government. Now that demerger has been successful in most of the western parts of Montreal, it is not clear what will emerge as the policy of the new City of Montreal, or in relation to the distribution of power between the City of Montreal, the newly formed Agglomeration Council (which brings together the demerged cities with the City of Montreal) the Montreal Metropolitan Community (the city region), and the *arrondissements* with their directly elected mayors. In this context state-centered urban management policies will likely dominate. The impact of this trend on public support for greater municipal anatomy is unclear at the present time.

There are, however, increasing signs of a recognition that municipal governments in the large urban centres are, and should be, playing important roles in response to major policy challenges, but are neither adequately equipped nor suitably situated in the Canadian political system to adequately fulfill these roles. As Neil Bradford (2005, 14) writes,

> The contributions of capacious and creative municipal governments are potentially many in local governance:

convening the partners and coordinating their efforts; tapping local knowledge to help ensure the balance between the targeted and aspatial policies of the different levels of government; monitoring and reporting on changing social-economic indicators in local places; planning the physical layout of cities, and the scope and location of services in socially sustainable ways; providing access points for citizen impact and reaching out to marginalized or subculture groups; and developing accountability frameworks responsive to unique local conditions.

In underlining the gap between the municipal potential and the existing Canadian situation, Bradford continues:

To make any or all of these contributions, however, local authorities require appropriate recognition and institutional capacity. At present, in Canada, municipalities are on the front lines in responding to national problems, but still on the sidelines when it comes to intergovernmental policy debates and fiscal negotiations. This disjuncture is not helping to reposition Canadian urban centres as global leaders in place quality.

As there have been other shifts in intergovernmental relations in Canada, why should we see the current shifts as transformative? They may indeed be temporary shifts, and the call for greater power and autonomy for the largest Canadian cities may disappear. Yet this seems unlikely. The success of this movement depends on the existence within the urban centres of Canada of broad-based feelings of urban belonging and clear expressions of urban citizenship. It is in the large cities that the intersections of diversity work themselves out in order to claim greater resources for the improvement of services and for the creation of public spaces of debate around issues of equitable access to urban space. The management of diversity in the Canadian context is both a major concern of the municipal governments in the largest urban regions and something that is being realized at the municipal level, particularly with the recent efforts by the largest cities to enhance citizens' participation and democratic

governance. For these reasons postnationalist politics in Canada will be, to an important degree, the politics of large municipalities, of urban citizenship, and of feelings of belonging that develop through the experiences of managing diversity.

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MEDIATING DIVERSITY:

IDENTITY, LANGUAGE, AND PROTEST

IN IRELAND, SCOTLAND, AND WALES

Niamh Hourigan

European national broadcasters have historically operated in political and cultural contexts where constructions of national identity and the related symbolic significance of national languages are heavily embedded in the structure and output of national services, such as the British Broadcasting Corporation (BBC) in the United Kingdom or Radio Telefís Éireann (RTÉ) in the Republic of Ireland. Successful campaigns for indigenous minority-language television services have involved forcing or persuading national governments to recognize that national broadcasting institutions are not meeting the cultural or linguistic needs of ethno-linguistic minority language groups, such as speakers of Irish, Welsh, or Scots Gaelic. However, once this gap in existing services has been publicly acknowledged, the process of developing new television services that cater to the needs of minority-language speakers begins.

The process of policy negotiation that underpins the establishment of a minority-language television service involves combining the expertise of broadcasting professionals from national and regional networks, politicians, civil servants, and language activists. While minority-language activists often publicly dominate the latter stages of television campaigns, they are very rarely in control of the process of policy negotiation that occurs after the official decision to establish the service has been taken. In many cases the structure and output of the minority-language television service that emerges out of this process of deliberation is very different from the television channel originally envisioned by language campaigners.

In Canada and Australia the need to cater to diverse language communities has also posed many challenges for language activists and broadcasting policy-makers. The Australian public-service broadcaster, the Australian Broadcasting Commission, has created a binary model. Its main service, known simply as ABC, serves the "national" community and its output is shaped by prevailing definitions of national identity. According to Gay Hawkins (1999, 177),

> In the history of ABC, duty to the Australian people or the nation has been a central component of the institution's political rationality. This assumption of the people as a given, continuous and fixed in time, has been invoked not only to justify and explain the necessity and object of the broadcasting service (the people are the immanent subjects of national broadcasting policy), but also as a central rhetorical strategy in various narratives of nation emanating from ABC.

ABC's sister service, the Special Broadcasting Service (SBS), is a channel dedicated to all other diverse linguistic and cultural groups in Australia, including Aboriginal and migrant minority-language communities, and thus represents a national alternative broadcasting space. SBS also, as Gay Hawkins comments, broadcasts

> shows that are experimental, intellectual and esoteric, that have restricted appeal—that in television terms, constitute diversity and quality. In this way, SBS speaks not just to those named as "other" but also to those desiring better or intelligent TV, to those who could be identified as a taste community rather than a community of difference.

The attempt by SBS to blend its responses to the needs of diverse groups has generated some controversy, with representatives of minority-language groups arguing that minority-language programming is losing out to programming with a cosmopolitan orientation.

The Canadian Broadcasting Corporation (CBC) has adopted an approach similar to that of European broadcasters by establishing specific services dedicated to individual language groups, such as

Radio-Canada Télévision for Francophones (although this has been less successful than the private French-language alternative TVA), as well as supporting community broadcasting initiatives, resulting in the establishment of new local services such as the Aboriginal Peoples Television Network (APTN). Partly because Canada is officially bilingual (English and French), rather than multilingual, indigenous and immigrant communities have had to fight much harder to establish minority-language television services oriented towards their needs.

Despite a range of policy initiatives to protect linguistic diversity in both countries, however, each of these solutions to the demand for minority-language television has generated controversial policy conflicts at regional and national level. A number of contributors to this volume have explored the more abstract questions relating to contemporary cultural diversity. This chapter focuses principally on the applied cultural conflicts that can arise from the challenges of reconciling the needs of indigenous ethnolinguistic communities within Britain and Ireland with the dominant English-language culture. The emergence of campaigns for television in the Welsh, Scots Gaelic, and Irish languages is examined in detail here, in the light of continuing attempts to challenge prevailing definitions of national identity in these countries. The broadcasting services resulting from these campaigns are reviewed in order to ascertain how they correspond to the original demands of activists. The construction of identity within the output of the resulting television services, S4C, TG4, and CCG, is then scrutinized in order to discover how these cultural initiatives have affected discourses of collective identity within each indigenous minority-language community. Finally, attempts to acknowledge indigenous linguistic diversity in Britain and Ireland are contrasted with broadcasting initiatives in Canada and Australia that aim to highlight the commonality of experience between indigenous and immigrant linguistic minorities.

IDENTITY AND MINORITY-LANGUAGE TELEVISION IN IRELAND, SCOTLAND, AND WALES

The concept of identity has become a central theme in analysis of conflict and change in advanced industrial societies. Stuart Hall (1990) has argued that identity should be viewed not as a fixed state

but as a process of becoming: "Perhaps instead of viewing identity as an already accomplished fact, with the new cultural practices it represents, we should instead think of identity as production which is never complete, always in process and always constituted within, not outside, representations." National identities represent a specific form of collective identity. Anthony Smith (1991) argues that any attempt to forge a national identity is a political act with political consequences. The construction of national identities in Europe has often historically involved the elevation of one language, one religion, and one set of traditions. By elevating one culture and language, national elites frequently neglected or stigmatized minority languages and cultures. This stigmatization operated as an effective instrument of oppression. Donatella Della Porta and Mario Diani (1999) comment:

> The ability to impose negative and stigmatised definitions of the identity of other groups constitutes, effectively, a fundamental mechanism of social domination. If a group is perceived by the rest of society to be the bearer of values and experiences which, if not deviant, are certainly backward, dysfunctional, and potentially harmful to the common good, and if its members are not able to spread alternative representations successfully, then members' capacity for collective action will be extremely limited.

Identity questions are linked to language concerns at a number of levels. Language can create a key boundary between communities within a nation state. European national governments have traditionally sought to extinguish any such boundaries within their own borders. Minority and regional language groups have often been ignored or oppressed because they represent a challenge to the notion that a single national language represents the linguistic reality of the population and thus provides a coherent basis for a unifying national identity.

In successive editions of his book *Imagined Communities* Benedict Anderson (1991) has developed the link between language and national identity to include an analysis of how media, and newspapers in particular, have contributed to the "vernacularization of national languages." In tracing the construction of imagined communities, Anderson comments,

> Print capitalism created languages of power of a kind different from the older administrative vernaculars. Certain dialects were closer to each print language and dominated their final forms. Their disadvantaged cousins, still as assimilable to the emerging print-language, lost caste, above all because they were unsuccessful (or only relatively successful) in insisting on their own print-form.

The elevation of these single national languages was intensified by the arrival of the new media of radio and television. The American media theorist Monroe Price (1995) comments, "If print made people aware, however dimly, that there were millions of others sharing the same experience and reading the same material, television had an intensified impact." For most of the twentieth century, television in Europe was controlled by national broadcasters appointed by national governments that were quite open about their aspirations to support national identities. According to David Cardiff and Paddy Scannell (1987), the BBC, for instance, was directed to "forge a link between the disparate listeners and the symbolic heartland of national life." This complex relationship between national broadcasters and governments had two major effects on indigenous minority-language communities. First, these communities and their cultures were marginalized, ignored, or, worse, stigmatized within the output of national broadcasting services. In this way national broadcasting services became part of the effective "tools of domination" used against minority groups within nation states. Second, the creation of associated national broadcasting elites had an adverse effect on political leaders and elites within indigenous minority-language communities, who were often among the dissidents ritually screened out by national broadcasting professionals.

Demand for television broadcasting services in indigenous minority languages did not become prevalent in Europe until the 1970s. While concern about the absence of minority languages from radio was voiced during the 1920s and 1930s, the advent of television effectively increased the invisibility of indigenous minority languages on the broadcasting spectrum. A number of national European broadcasting services made token gestures to the broadcasting needs of these communities by providing short programmes, usually at weekends, generally focusing on religious

issues or traditional customs. However, minority-language activists gradually began to perceive the broadcast media as both a huge potential threat and an important tool. The use of pirate radio by protest groups in the 1960s, particularly the student movement in the United States and Europe, highlighted the liberating and empowering qualities inherent in radio and television. Ironically, the recession of the 1970s improved the relative economic position of European indigenous linguistic minorities, as it hit many urban, traditionally industrialized areas while the rural areas, where many indigenous minority-language communities were concentrated, were left relatively untouched. The narrowing of the economic gap gave these language movements more confidence in asserting their demands for broadcast media within European nation states.

The late 1960s and 1970s proved to be a time of turbulence for the larger minority-language groups, such as the Welsh language community. During the late 1980s and the early 1990s smaller language groups, such as Scots Gaelic speakers, became increasingly radical in campaigning for a television service. A number of external factors contributed to the growing success of campaigns during this period. The growth in satellite communications technology and the increasing popularity of the community broadcasting movement meant that national broadcasting institutions had themselves become subject to increasing fragmentation and regionalization. The lack of central cohesion in a number of nation states and the presence of the European Union (EU), which actively supported regionalism, allowed indigenous European linguistic minorities to assert their demands more confidently.

There are a number of significant reasons that prompt language groups to campaign for television services. Ned Thomas (1971) has argued that, unlike a stable rural community, the modern language community is so diverse that it requires broadcast media in order to remain cogent and cohesive. Television can also provide a language community with an open channel for discussion, allowing conflicts to be resolved and a sense of identity as an "imagined community" to be forged. W. R. Howell (1992) has focused on the element of prestige that media can confer on minority languages. This is particularly important in the linguistic development of children, as they tend to attach a high degree of credibility and legitimacy to what is broadcast on television. Television services often generate an

associated young elite who by their presence increase the likelihood of the language being perceived as fashionable. Commenting on the Welsh experience, John Davies (1994) states,

> Never before had there been a numerous group of people, fairly young, employed in a well-paid, glamorous profession and working through the medium of Welsh. The Cuppies (Welsh-speaking Yuppies) came into existence almost exclusively because of media expansion and their lifestyle was the subject of envy.

In a review of minority-language media in western Europe, Mike Cormack (1998) highlighted a number of historical and structural factors that have had a direct influence on the success of these campaigns. The demand for television services appears to be particularly effective when the community involved constitutes an ethnic as well as a linguistic minority within the state. The political status of the linguistic group within the broader nation state is also a key factor. During their media campaigns neither the Welsh nor Scots Gaelic groups could appeal to a devolved regional political administration for support. Activists were regarded as indigenous minority-language speakers within a broader nation state, the United Kingdom, although they obviously constituted a much larger group, in relative terms, in the stateless nations of Scotland and Wales. In contrast, the Irish language is designated as the first national language of the state in the Irish Constitution, so the government was officially dedicated to the protection and support of the language during the course of the campaign. However, as only a small minority of Irish citizens use the language on a daily basis, Irish speakers do not enjoy many of the privileges usually associated with national languages.

Finally, the symbolic status of the language can affect the success of these campaigns. Languages such as Welsh and Irish have been directly linked to political nationalism, whereas the relationship between the Scots Gaelic language and Scottish nationalism is more problematic. Scotland's second minority language, Lowland Scots, has closer links to the Scottish nationalist movement. One Scottish television executive, Rhoda MacDonald (1993, 13), has stated that "you couldn't possibly support Plaid Cymru [the principal

nationalist political party] in Wales and not speak Welsh. We all know the political connections with the language in Ireland. Gaelic is not like that. The Scottish nationalists don't insist that Gaelic is their everyday language."

In reviewing the Welsh, Irish, and Scots Gaelic campaigns for minority-language television it is essential to examine the operation and outcome of each protest movement, as well as the broader engagement of activists with the processes of identity at a regional and national level. These campaigns represented a targeted challenge to the policies of national governments around the management of diversity within the broadcast media. Each campaign had a profound impact on the cultural policies of the British and Irish governments in relation to the management of the needs of culturally and linguistically distinct groups.

CAMPAIGNS FOR TELEVISION SERVICES IN WALES, SCOTLAND, AND IRELAND

Welsh is by far the most strongly placed of the Celtic languages, as there are approximately 500,000 speakers of the language within the borders of Wales. Welsh speakers were among the first European linguistic minorities to become aware of the potential effects of broadcast media on their language. As early as 1927 the Welsh Board of Education stated that "we regard the present policy of the British Broadcasting Corporation as the most serious menace to the life the Welsh language" (quoted in Davies 1994). The roots of the campaign for the Welsh-language television service Sianel Pedwar Cymru (S4C) can be traced to a lecture given in 1962 by the writer Saunders Lewis, who prophesied the demise of the Welsh language. This resulted in the formation of the Welsh Language Society, which began to campaign for a Welsh-language television service in 1966. It was primarily a student movement, but it enjoyed the support of many groups within Welsh society, including religious and nationalist organizations.

Activists used a variety of confrontational tactics during the campaign, such as occupations of television studios and the destruction of broadcasting masts. These tactics were characterized as "symbolic acts of damage." There were also violent protests about the investiture of the Prince of Wales in 1969. During the early 1970s activists began to systematically refuse to pay their television licences,

and by 1973 a number of activists had been imprisoned for failing to pay the fines imposed for refusing to pay their licences. Before the general election in 1979 both the Labour and Conservatives parties promised that legislation for the establishment of a Welsh-language television service would be put before Parliament in the following year. However, after Conservative Prime Minister Margaret Thatcher took office she reneged on the commitment, prompting the leader of Plaid Cymru to threaten to go on hunger strike. The threat proved to be the catalyst for a wave of renewed protest throughout Wales. Under this pressure the Conservatives capitulated and S4C was established in 1982.

Scots Gaelic has never enjoyed the numerical weight in Scotland that characterizes the Welsh language in Wales. Speakers of the language are found primarily in the peripheral regions of the Highlands and Islands. During the late 1970s the activities of the Scots Gaelic language movement were rather subdued in comparison to the confrontational tactics that characterized language activism in Ireland and Wales. However, this changed dramatically in the early 1980s. J. MacLeod (1993) comments,

> A decade ago, weary of unsuccessful pestering for a more aggressive approach to arresting the Gaelic decline, there came schism. Younger, hard-headed individuals broke away to form Commun nan Gaelic (CNAG) under the direction of a formidable Lewisman, John Angus MacKay, [and] it began campaigning for Gaelic to enjoy the same status wrought for Welsh in Wales.

This new organization spearheaded the campaign for the provision of Gaelic-language television programmes. With a much smaller base of speakers (65,000), the Scots decided not to campaign for a separate channel. Activists felt that such a campaign would not enjoy popular support. Gaelic-language activists instead proposed that a fund be established to finance the production of programmes in Scots Gaelic to be broadcast on Scotland's three existing terrestrial channels. Scots Gaelic campaigners adopted a conciliatory approach to the Conservative government, stressing the economic benefits of the project for Highland development. An economist was employed to quantify these benefits and activists also argued that provision

of funding might improve the performance of the Conservatives in Scotland at the next election. This conciliatory approach won over the British Government, which established the Gaelic Television Fund (CTG, later renamed CCG) in 1990.

Despite the constitutionally guaranteed position of the Irish language in the Republic of Ireland, its speakers remain a minority within Irish society, and language policy is rarely defined separately for English-speaking and Irish-speaking (Gaeltacht) regions. There is some dispute about the official numbers of Irish-language speakers in the Republic of Ireland. According to figures from the Central Statistics Office, in 2004 1.6 million people, in a population of 4.1 million, could speak Irish, but only 350,000 used the language on a daily basis, while 155,000 used it once a week. Gaeltacht districts have been regarded as language centres for learners from the cities rather than as districts in need of special cultural safeguards. Irish-language activists have found themselves in the unusual position of being "trapped on a pedestal" within a state that is formally committed to upholding their linguistic identity but does not, in their view, recognize their linguistic distinctiveness and needs in practice.

The campaign for Irish-language television lasted for twenty years, from 1975 to 1995, and involved a wide variety of groups. There were substantial divisions between these movements concerning the type of television service being sought. Some activists favoured a completely separate minority-language service similar to S4C. Gaeltacht activists sought a local-access service for Gaeltacht districts. Other groups believed that the task of broadcasting in the first national language should remain within the remit of the national broadcaster, RTÉ.

The Irish language television campaign was established initially by the media committee of the state's pre-eminent Irish-language organization, Conradh na Gaeilge. Activists were heavily influenced by the experiences of Welsh-language media activists and adopted their own campaign of studio invasions and licence fee defaults. However, in 1986 the Irish government closed the legislative loophole that had provided some justification for the licence default campaign and the use of this form of protest decreased. In 1987 Gaeltacht groups took up the cause of Irish-language television and established a pirate television service in Connemara. The success of this "pirate

television" tactic prompted Taoiseach (Prime Minister) Charles Haughey to allocate 500,000 *punt* (Irish pounds) to investigating the feasibility of creating a new Irish-language television service. However, Irish-language activists were quick to indicate that they would never accept the model of local-access television being put forward by Gaeltacht campaigners. The funds remained unspent for the next two years as government officials became aware of the extent of the conflict between Gaeltacht and Irish-language campaigners over the television issue.

In 1990 an umbrella organisation, FNT, was established in order to unite the two factions of the campaign. It proposed a compromise model of Irish-language television combining elements of the Gaeltacht access model with dimensions of the nationally oriented service favoured by Conradh na Gaeilge. FNT received considerable support from the Labour politician Michael D. Higgins, who, in 1993, became minister for arts, culture and the Gaeltacht. He quickly created two committees, which included campaign activists, to investigate the viability of establishing an Irish-language television service. On the basis of the findings of these two committees he formulated a memorandum, which was approved in 1993. Teilifís na Gaeilge, or TG4 as it subsequently became known, was established in 1996.

S4C, CTG, AND TG4: MINORITY-LANGUAGE IDENTITIES IN PROCESS

The campaigns for minority-language television services in Ireland, Scotland, and Wales can be viewed as among the purest forms of cultural politics in relation to debates about the management of diversity within European societies. Members of these communities sought to create their own electronic spaces where they could control definitions of reality and shape explorations of cultural identity. Having examined the emergence and operation of the Welsh, Scots Gaelic, and Irish campaigns, it is necessary to trace how the subsequent establishment of minority-language television services corresponded to the original demands of campaigners.

Welsh-language activists had been specific in demanding a service completely separate from the national British channels operated by the BBC, Independent Television (ITV), and Channel Four. The new Welsh service would be oriented to the needs of the Welsh-speaking

population rather than operating as a "shop window" for Welsh culture aimed at the greater British population. As a result of this mandate S4C was established to operate as a Welsh opt-out from Channel Four. As S4C's main audience is bilingual in English and Welsh, it made little sense to broadcast dubbed or subtitled versions of major U.S. or British productions that could be viewed in English on other channels. As François Grin and François Vaillancourt (1999, 32) comment, this decision "forced S4C to engage early on in the commissioning of new programmes, giving it a distinct identity that other television services, even in major European languages, do not necessarily provide."

Many activists involved in the campaign for Welsh-language television had envisioned the establishment of an independent Welsh news service as an essential mechanism whereby the distinctiveness of Welsh ethnolinguistic identity could be developed. However, when S4C began operating it became clear that this enthusiasm for independent news was not shared by S4C's management. It was agreed that BBC Wales would provide the channel's daily news bulletins. During the first year of S4C's operation a debate raged among former campaigners and broadcasting officials about the legitimacy of this service. David Bevan (1984) comments,

> Among some reviewers, however, considerable reservation has been expressed about the effectiveness of certain programmes as vehicles for the transmission of cultural identity. Much of this has focused on the main evening news programme, *Newyddion Saith*, which has come under severe attack from some Welsh speakers. In the review and correspondence columns of the Welsh-language press there have been frequent complaints about the programme, which was designed to play a pivotal role in developing the Welsh identity of S4C. It has provided largely a recycling of the main British and international news stories carried by the network channels of the BBC on their early evening news programmes, which many viewers have already seen.

The tension between traditional and modern images of the Welsh-language community on S4C also caused controversy. During the campaign some activists had emphasized the importance of

minority-language television as a forum where traditional elements of Welsh-language culture, such as music and folklore, could be celebrated. However, when S4C was established greater emphasis was placed by management on the creation of a modern image of the Welsh-speaking community. This attempt to modernize Welsh-language identity received substantial policy support from Welsh cultural agencies. Grin and Vaillancourt (1999, 29–30) noted that television is a tool particularly suited to modernizing a minority language culture: "It has powerful symbolic implications, in that it contains potential for establishing the legitimacy of a minority language in the sphere of modernity—a key strategic area, since the revitalisation efforts are typically bogged down by the association between a minority language and the 'traditional sphere'."

Audiences within the Welsh-language community did not automatically accept this modernized reconfiguration of Welsh language identity. Programme-makers at S4C encountered problems in getting younger and older groups to accept youth-oriented images of Welsh-language culture conveyed through soap opera, game shows, and young people's programmes. Commentators identified programming for teenage audiences as one of the weakest areas of S4C's output. In a study of young Welsh speakers, H. Gruffudd (1996) found that only 10 percent of young people could name a Welsh-language programme providing rock music, and only 5 percent a programme of Welsh light entertainment, and, significantly, some respondents derided these programmes as "pale and unconvincing imitations of Anglo-American pop." At the same time older language activists insisted that the youthful orientation of S4C resulted in extensive lexical borrowings from the English language and a dilution of the "purity" of the Welsh language. For instance, the current affairs programme *Heno*, which used more "street Welsh," was criticized by traditionalists, who condemned S4C for, in their view, lowering its language standards.

However, assessments of the achievements of S4C on a broader cultural level were more positive. Kevin Williams (1997) comments,

> The importance of S4C's contribution to the cultural regeneration of Wales cannot be overestimated. Sitting in the middle of Wales's media landscape, it has helped to galvanize other areas of Welsh cultural life. It has provided confidence

to Welsh-speaking endeavours, either by television events or giving outlets to artists to express themselves. The channel has directly and indirectly, through financial and non-financial means, enabled the laying down of a platform to support cultural production in Wales.

However, as regards identity politics Geoff Jones (2002) has argued that the establishment of S4C has removed much of the energy from Welsh nationalism, which has traditionally been embraced most enthusiastically by the middle classes. Jones notes that "the nationalist movement which developed between the two world wars was a petit-bourgeois movement, more concerned with preserving and developing Welsh culture, a culture specifically defined by the Welsh language." He notes that nowadays "fluent Welsh is a passport to the cushy jobs in the media and cultural industries." The creation of these "cushy elites" appears to have diffused the intensity of demands for Welsh political independence. In contrast to the confrontational dynamic of the television campaign during the 1970s, commentators noted the mild and gentle nature of Welsh nationalism during the debate about political devolution in 1997. Jonathan Freedland, a columnist on the London newspaper *The Guardian*, noted,

There is no Welsh equivalent of the *Braveheart*ism on show north of the border, little of Scotland's defiant urge to cast off the yoke of English rule … because they have a national tongue, effectively lacking in Scotland, people are relaxed about the other trappings of nationhood. Mind you, it's also true that the language campaigners have got most of what they want, from simultaneous translation in Welsh council chambers to S4C, the all-Welsh TV channel. Once a boiling issue, the heat has now all but gone.

Thus the establishment of S4C has served to underline the distinctiveness of Welsh ethnolinguistic identity within British broadcasting culture. Middle-class activists who campaigned for the television service have achieved, by and large, the recognition of separateness that they desired during the 1970s. Paradoxically, this success has diminished the intensity of demands for greater political

autonomy among Wales's middle classes. Following the radical revision of the Labour Party's policies under Neil Kinnock, John Smith, and Tony Blair during the 1990s, the working classes in South Wales have begun to vote in greater numbers for the nationalist party Plaid Cymru. Significantly, this increasing popularity in working-class areas has prompted the party's leadership to move away from the language issues traditionally associated with its middle-class supporters. Indeed, Plaid Cymru began to pull away from language issues during the devolution debate in 1997, while, as Geoff Jones (2002) comments,

> over the last century the question of the Welsh language has been the touchstone of nationalist thinking. But it is clear that in the foreseeable future not more than a quarter of Welsh people will be fluent in Welsh. Plaid Cymru acknowledged that fact, and the need to widen their appeal in South Wales, by changing their name in 1998 to the bilingual form Plaid Cymru/The Party of Wales.

However, while the service has not had a galvanizing political impact on the Welsh-language community, its managers have developed a controversial mission to modernize the image and cultural identity of the Welsh-speaking community in Wales.

The Gaelic Television Fund (CTG/CCG) was established to finance the production of Scots Gaelic television programmes for the schedules of Scotland's three main terrestrial television services. Because of this structure CCG programmes were designed to serve as a "shop window" for Scots Gaelic culture, aimed at the broader Scottish population as well as Scots Gaelic speakers. In justifying this majority-oriented approach to Scots Gaelic broadcasting, Rhoda MacDonald (1993) commented,

> Yes, it may sound trite, but I want Gaelic to become trendy. I want the trendy West Endies in Glasgow to start clamouring for a Gaelic playgroup. It's already happening. I know that may be a dangerous path because trends pass, they become fads. But there are many people who are now embarrassed that they don't speak Gaelic.

Making Scots Gaelic fashionable was part of the latent ambition among Scots Gaelic speakers to encourage a greater number of Scots people to embrace the language as a central tenet of Scottish national identity. Mike Cormack (1994) characterized the mission of the CCG thus:

> It represents an attempt by a relatively small and cohesive group of Gaelic-language activists to do two things: to alter the Gaelic community's self-perception and to alter the broader Scottish public's view of Gaelic. To put it another way, they are attempting to reconstruct the collective identity of the Gaelic community and, at the same time, alter the position of the language within popular definitions of Scottish identity. Indeed, the generally negative reactions to the whole enterprise evident in the Scottish tabloid press are best read as a refusal to accept this broader redefinition of Scottish identity.

The "shop window" dimension of Scots Gaelic broadcasting had a direct impact on the news service. Those CCG-funded news and current affairs programmes that received high audience ratings exhibited a tendency to focus on the more positive elements of Gaelic culture. Cormack notes,

> In the daily Gaelic news programme a reverse of the more usual news values appears, with only good news about Gaelic being reported. This is not as one-sided as it may seem, since the bad news about Gaelic emerges only slowly in long-term trends, whereas the good news appears in the form of specific events and initiatives … To say that there is an unduly optimistic view of the language being promulgated in these programmes is not to imply that a conspiracy is taking place, since it is simply the consequence of the fact that programmes are planned, commissioned, made and watched for the most part by people who want the language to survive, and are optimistic about the chances of this happening. However, this does mean that a rather inaccurate view of the current situation is given.

This rose-tinted view in Scots Gaelic news programmes appeared to be shaped by a self-conscious need to portray a positive image of Scots Gaelic culture to the English-speaking majority.

CCG programmes mirrored the Welsh strategy in attempting to create a more modernized image of Scots Gaelic speakers. The CCG committee encouraged the inclusion of young people as presenters and panellists on entertainment and current affairs programmes. There were also attempts to portray Scots Gaelic as a living language in urban settings where it was not spoken. The learners' series *Speaking Our Language* even featured scenes taking place in Glasgow. As Cormack (1994, 119) notes, "The series showed rather surreal images of Glasgow shop assistants, waiters, estate agents, and passers-by all speaking Gaelic as if it was the only language spoken in the city." Critics have argued that the more traditional elements of Highland life were in fact systematically screened out of CCG's portrayal of the Scots Gaelic community and some viewers were dissatisfied with the lack of attention to the more traditional aspects of Scots Gaelic life. As J. McLelland, writing in *The Scotsman* in 1993, lamented, "So much for television's representation of Gaelic culture … What a showcase this is, what a waste of time and money! Where are the songs, poetry and stories of Gaeldom?"

Initially, the overall audience response was very positive. In 1993 the huge audience ratings initially achieved by CCG-funded programmes prompted some commentators to argue that the Scots Gaelic model represented a more efficient mechanism for minority-language broadcasting than the Welsh model of a separate channel. Rhoda MacDonald (1993, 13) claimed that, "S4C, the Welsh language channel has very low viewing figures compared to us. Its highest-rated programme has 120,000 viewers. Our Gaelic programmes regularly attract up to half a million viewers in our transmission area alone." However, as audience ratings declined dramatically during the late 1990s two problems with the structure of the CCG became evident. First, funding administered through the Treasury was vulnerable to government budget cuts: programming was reduced substantially in 1998 due to financial constraints. Second, because of the CCG's position as a finance-provider rather than commissioner, members of the committee had little control over the time slots in which programmes were broadcast. After initial enthusiasm the BBC and ITV both relegated Scots Gaelic programmes to less prestigious late-night and weekend slots. In 2001 the Education, Culture and Sport Committee of the Scottish Parliament found that,

viewing figures for some of these early programmes were high
and there was evidence that they were attractive to non-Gaelic
speakers. However, the reduction in peak-time transmission,
particularly on [the ITV channels] STV and Grampian,
has eroded this positive effect. The use of very late-night
transmission (which was, before the advent of CTG, the norm
for Gaelic programmes) adds to the ghettoization of Gaelic
programming.

The ghettoization that Scots Gaelic broadcasters feared and that
had initially prompted them to seek slots on mainstream channels
occurred anyway.

The overall impact of CCG-funded programmes in Scotland
has been less profound than the impact of S4C on Welsh-language
culture. The structure of the CCG fund, which emphasized the
spread of Scots Gaelic programmes throughout the schedules of
mainstream channels, has not created the appropriate conditions for
a Scots Gaelic electronic discursive space. Attempts to reconfigure
the position of Scots Gaelic language in relation to Scottish national
identity have been largely resisted, particularly by the working classes
in the Lowlands of Scotland. This identity project seems to have
been based on a desire to extend the parameters of the Scots Gaelic
community and, in doing so, increase the power of Scots Gaelic-
speaking elites. However, the Scots Gaelic language is an unsuitable
source for this cultural project, as regional and sectarian cleavages
remain pervasive in shaping collective identities in Scotland.

Despite the failure of the CCG project Scottish political nationalism
was on the rise throughout the 1990s, but Scottish nationalists look to
Lowland Scots culture rather than Scots Gaelic culture as a source of
collective identity. Hollywood films such as *Braveheart* and elements
of Scotch culture such as the Highland Games or the poems of Robert
Burns have played a greater role in the Scottish nationalist revival
than Scots Gaelic culture. Therefore, while CCG programmes may
have contributed to a greater awareness of Scottish identity, the Scots
Gaelic language has not been recognized as a central tenet within
this dynamic form of Scottish nationalism.

Unlike the Welsh or Scots Gaelic communities, the Irish-language
community does not have a specific regional or class base. Irish-
speaking regions are spread throughout Ireland's western coastal

areas, and an increasingly large proportion of the Irish-speaking community is based in Ireland's burgeoning cities and towns. Given the widespread comprehension of the Irish language within the Irish population, TG4 is the only one of the three services under review here that potentially had the capacity to operate as an alternative national television service. TG4 management decided to take advantage of this opportunity and market the Irish-language television service as a national channel using the slogan *Súil Eile*, meaning "another eye" or "another perspective" in English. Management viewed Irish-language broadcasting as offering another perspective on national identity, rather than providing a resource for a minority language culture. This perspective is at odds with the ideological position of Gaeltacht activists involved in the campaign for TG4, who characterized their protests as a part of a campaign for minority rights.

The aspiration to provide an alternative service to the national community was reflected in the content of TG4's programme output. Commissioners developed programmes focusing on elements of Irish social and cultural experience that had not been explored by the national broadcaster, RTÉ. For instance, the TG4 soap *Ros na Rún* was the first drama on Irish television to feature an open homosexual relationship. Programmes also dealt with "New Age" spirituality, vegetarianism, and the dance music scene in Ireland, and featured urban themes such as drug use, fashion, and architecture. TG4's management developed a number of highly successful music programmes, which combined English-language pop music with Irish-language presentation. These programmes could be characterized as an extension of the modernization strategy adopted by S4C and CCG, but Irish-language broadcasters took this process to a more advanced level, attempting to modernize both the image of the Irish-language community and the entire sphere of broadcasting in Ireland. Cathal Goan, the first director of TG4 and now director general of RTÉ, along with Pádraic Ó Ciardha, played an enormous role in shaping the structure and output of the new service. He told the author in an interview in Dublin (April 22, 2002), "From my perspective, how we set about engaging with the particular language circumstances and attitudes to language in Ireland would have to be secondary to a commitment to a kind of broadcast culture which wasn't absolutely about the language."

TG4's programme content has thus tended to prioritize lifestyle issues and alternative cultural perspectives over more conventional forms of political and cultural debate. It is possible to argue that the programme output of the service has represented the first attempt to explore and reflect the experiences of the "new middle class" in Irish society, a group relatively ignored within the output of RTÉ. The rise of a new middle class in Europe has been linked to changes in the postwar period when young people, assured of the satisfaction of material needs, developed non-material needs such as self-actualization and participation. This has been coupled with an erosion of more conventional values relating to work and career, and the decline of the traditional work ethic. Members of the new middle class often work in the new knowledge-based occupations and have less loyalty to traditional middle-class institutions. Lifestyle is often a means of political and cultural expression for members of this class.

The late 1990s was a remarkably opportune period to embark on this cultural project. The renewed prosperity of the Irish economy, coupled with religious scandals and immigration from Africa and eastern Europe, contributed to the rapid transformation of Irish society. The impact of these profound social and cultural changes on identity processes in Ireland had not been explored to any great extent within the programme content of RTÉ. Programming on the national broadcaster during the late 1990s reflected the ageing profile of its workforce, as well as severe budgetary constraints. Indigenously produced programming was remarkable for the paucity of ideas and originality in content or structure. The national broadcaster relied heavily on material imported from Britain and the United States, and home-produced programmes were often weak, low-budget imitations of Anglo-American programme concepts. TG4 broadcasters took advantage of this weakness to challenge RTÉ within the national electronic discursive space. They sought to provide programming that reflected newly prevalent dimensions of Irish cultural experience. An innovative schedule of original home-produced programmes was marketed to the majority-language audience through a series of poster, television, and radio campaigns on English-language media outlets. Yet, to the disappointment of many Irish language speakers, TG4's aspirations to create an alternative national service did not extend as far as the news service, which, like its CCG and S4C counterparts, became fully integrated

into the national broadcaster's news service. Many campaigners were deeply disturbed by this structure, arguing that independence from RTÉ was essential to the creation of an Irish-language public sphere. However, as management regarded Irish speakers as a national group rather than a linguistic minority, the creation of an independent news service was not prioritized within TG4's broadcasting policy.

TG4's launch in 1996 was successful and the service received high audience ratings. However, reception problems and a slump in audience figures during the first six months of transmission caused some critics to predict that the new television service would fail. After the first year of broadcasting TG4's audience had stabilised at 1 percent of the national audience. It became clear to management that the Irish-language service would not be able to sustain its claim to government funding if audience ratings did not improve. A number of key alterations were made to improve the performance of the service: these included the change of name from Teilifís na Gaeilge (TnaG) to TG4. This name change identified the service as Ireland's fourth national television channel and forced cable companies to place it in a more prominent position among their services. In 2002 TG4's audience share stabilized at 4.5 percent, an audience level that allowed management to sustain their claim to funding (although it has since fallen to around 3 percent).

Cathal Goan, in the interview already cited, described the service as the most successful language revitalization initiative undertaken since the foundation of the Irish state, and added, "That doesn't mean that it guarantees the Irish language's future, but it gives it a position of acceptance as a modern contemporary tool of communication and expression." However, Gaeltacht campaigners argue that the establishment of an alternative national service should not have been the priority of TG4's programme-makers, but, rather, they should have focused on providing an accurate reflection of the daily experience of the farmers and fishermen who inhabit the Gaeltacht regions. From the perspective of these campaigners, the aspiration of management to provide a national rather than a minority-oriented service represented a continuing denial at state level of the distinctiveness of the Gaeltacht experience. Donnacha Ó Ealaithe, one of the Gaeltacht campaigners for the service, commented in an interview with the author in Galway (June 12, 1996), "In case of misunderstanding, I want to explain to people that, although we are

not against RTE 3 [his term for TG4], that is not what we are seeking. We want local television for the people of the Gaeltacht, as we got Raidió na Gaeltachta."

It is clear that TG4's eclectic mix of drama and lifestyle programmes does not appeal strongly to the ageing rural population of the Gaeltacht. Goan admitted when interviewed, "Some people have said to me that there have been casualties along the way, that we have ruthlessly abandoned tradition in order to pursue a modern audience." However, he argues that this nationally oriented approach was necessary in order for the service to create a sufficient audience to survive and sustain claims to government funds. Goan concluded, "This wasn't a service which would be judged on its own terms, it would be judged in a media market mostly by people who were not either conversant with what we wanted to do or the language in which we wanted to do it." It appears, therefore, that TG4's management succeeded in creating an alternative national service within the Irish mediascape where new voices and alternative views are being heard, but that this discursive space does not necessarily provide an accurate reflection of the daily experience of many Irish speakers, particularly members of Gaeltacht communities.

AUSTRALIA AND CANADA: CONTRASTING FRAMEWORKS

Although there are continuing controversies about the structure and output of the three Celtic-language television services, the positive outcome of these campaigns indicates the degree to which indigenous linguistic minorities were privileged within Ireland, Scotland, and Wales, and indeed the EU more generally. In countries such as Canada and Australia, broadcasting initiatives that involve recognition of linguistic diversity have often begun with a focus on the needs of immigrant language communities, such as those speaking Italian, Greek, Hindi, Punjabi, or Chinese, as part of an embrace of multiculturalism. In contrast, within the EU there remains a significant difference in status between indigenous and immigrant languages. The latter are, for example, explicitly excluded from the European Charter for Regional and Minority Languages (1992). Immigrant language groups are also prevented from applying for funding under the EU's extensive minority language initiatives, administered through the European Bureau for Lesser Used Languages and the

associated Mercator group of organizations, which focus on the media, education, and legislative initiatives. Immigrant language policy is generally the preserve of national governments within the EU, where the emphasis is generally on assimilation rather than minority language rights. Apart from community broadcasting initiatives, immigrant television in Europe is dominated by attempts to access television services from countries of origin through cable or satellite services, with very little representation of immigrant languages by public-service broadcasters (see Ogan 2001).

As countries of settlement, Canada and Australia have adopted more inclusive approaches to the management of linguistic diversity on television, avoiding any general privileging of indigenous over immigrant communities. SBS, Australia's publicly owned "diversity" channel, began television broadcasting in 1985 under the slogan "Bringing the world back home." It has statutory obligations to address primarily the needs of immigrant communities and also at a lesser level, the needs of indigenous Aboriginal language groups. It provides an important supplementary service to community broadcasting initiatives that offer dedicated minority-language services. SBS represents an acknowledgement that there is some commonality of experience between immigrant and indigenous linguistic minorities, while acknowledging the specific challenges of providing a service that represents the diverse interests and experience of indigenous peoples.

Within the Canadian television industry there have also been several initiatives aimed at combining the resources, broadcasting expertise, and policy skills of indigenous and immigrant minority-language broadcasters in order to create a "diversity" sector. In 2004 an Agreement of Cultural Alliance was formalized between OMNI Television, the Rogers Corporation network serving migrant communities, and the Aboriginal Peoples Television Network. Jean LaRose of APTN noted, "Aboriginal peoples in Canada and ethnocultural Canadians have a lot in common and frequently face the same barriers in the broadcasting industry," while Leslie Sole of OMNI added that "although markedly different in history, these audiences have a real need for positive reflection, access to television, and inclusion into the Canadian media landscape" (see APTN 2004, 2). A "Diversity in Broadcasting" website, which features contributions from immigrant, indigenous, and French-language services, has also been established (at www.cab-acr.ca).

Given the potential of these projects to provide shared financial resources and collective policy expertise, it is significant that initiatives focusing on "diversity" broadcasting have not appealed to indigenous minority-language groups in Ireland, Scotland, or Wales. There is no evidence of any significant political or cultural collaboration between immigrant and indigenous language groups in these countries, although several policy-makers have argued that these communities have much to learn from each other's experiences. The report of the Linguistic Minorities Project (1985, 12) noted a research gap which currently remains, observing, "The Project has been struck by how little contact there still is between researchers and practitioners working in bilingual areas and school systems, even between England and Wales. Many of the newer minorities in England could benefit from the Welsh experience and expertise."

A clue to this lack of collaboration lies in the language hierarchies of Canadian society, which provide a clear example of why minority-language projects framed in terms of "diversity" can be problematic. While immigrant and Aboriginal languages are central to the construction of the "diversity" sector in Canada, it is clear that these languages do not enjoy the political, cultural, or economic status of French. Although the French-speaking community is technically a linguistic minority in Canadian society, French has official equal status with English under the federal policy of bilingualism, which has resulted in the establishment of a comprehensive range of services and a high level of political recognition and legal protection. Thus, the status of official language clearly generates much more of what Pierre Bourdieu describes as "linguistic capital" than for a language that is categorized as part of a group of (indigenous or immigrant) languages benefiting from general diversity initiatives. Bourdieu's concept of "linguistic capital" helps to clarify how the social status of a language has a direct impact on the livelihoods and opportunities available to speakers of the language. As he argues (Bourdieu 1991, 18–19),

> The more linguistic capital speakers possess, the more they are able to exploit the system of differences to their advantage and thereby secure a profit or distinction … the speaker's assessment of the market conditions and the anticipation of the likely reception of his or her language products operate as internalized constraints on the very process of production.

Given the intensity of the protests that characterized the campaigns in Ireland and Wales, in particular, it is clear that language activists were seeking to improve the cultural, political, and economic status of their respective languages as much as possible. Activists wished to challenge, expand, and reframe prevailing definitions of national identity to include them at official levels, rather than accept initiatives framed in terms of a generalized openness towards diversity. Therefore, by allying themselves with immigrants, who are already marginalized within the EU, indigenous minority-language activists in Ireland, Scotland, and Wales would have been risking a downgrading of status by creating a binary opposition between those framed as part of the "national" and all other diverse groups. Instead these communities were seeking to rework the construction of the "national" in order to include their linguistic and cultural identities, and thus dramatically improve the status of their languages.

CONCLUSION

Activists involved in campaigns for minority-language television services in Ireland, Scotland, and Wales regarded the creation of such services as mechanisms whereby a number of key processes could be achieved. They argued that the political, cultural, and symbolic status of their respective minority languages could be improved, and that new discursive spaces could be created where the distinctiveness of their minority-language identities could be explored. However, an examination of the structure and output of these services indicates that the outcomes of the campaigns have been much more complex than activists originally envisaged.

First, the input of civil servants and broadcasting professionals dramatically altered the structure of these services, moving them away from the broadcasting models put forward by activists during media campaigns. A key lesson emerging from the Celtic-language television campaigns is that language activists must remain engaged in the process of policy negotiation after the initial official decision to establish a service has been taken, in order to ensure that the resulting institutional structure reflects their original demands. For instance, the creation of independent news services, which activists characterized as a high priority during the campaigns for S4C, CCG, and TG4, took second place to the emphasis placed by broadcasting professionals on the creation of more modernized images of minority-language communities.

Second, differing constructions of the relationship between minority-language identities and national identities had an enormous impact on the structure and output of these services. The Welsh-language service S4C was structured very clearly around the needs of a group who viewed themselves and were viewed by others as a minority-language group within British society. Scots Gaelic speakers also viewed themselves as a linguistic minority, but the aspiration among activists to extend the boundaries of their collective identity in relation to Scottish national identity led to a number of problems regarding the legitimacy and realism of the Scots Gaelic language world as constructed within CCG project. The Irish language is already claimed as the first national language of the Irish state, although it is spoken by a minority of Irish citizens. It can be argued that the difficulties faced by TG4 management in portraying the cultural world of the more disadvantaged sectors of the Gaeltacht community also led to problems regarding the legitimacy and realism of some programming, although the service has proved relatively successful in appealing to parts of the broader Irish population.

Analysis of minority-language politics often suggests that protest groups representing emerging linguistic minorities are hostile to national identities and to the national cultural groups that draw on these discourses. However, a review of the experiences and problems faced by activists and policy-makers engaged in debates about minority-language television indicate that this presumption cannot be sustained. It is clear that once Welsh speakers felt that the cultural boundaries of their language community were being respected and acknowledged by the broader national community, the intensity of their hostility towards British national identity and national institutions diminished. Scots Gaelic broadcasters were seeking to reconfigure their position within definitions of Scottish national identity rather than to undermine its status or legitimacy. The activities and output of TG4 serve to underline the position of Irish as the first national language rather than allow the language to be claimed as a cultural badge by any one minority group. Minority-language activists are thus not necessarily hostile to national identities. Rather, they are seeking to renegotiate their own position in relation to national identities, in order to explore and highlight the significance and distinctiveness of their cultural experiences.

Finally, the experience of Canadian and Australian minority-language television projects presents evidence of a contrasting approach, where there has been a greater recognition of the commonality of experience between immigrant and indigenous linguistic minorities. However, the contrast also highlights the difference in status or "linguistic capital" between language communities served by "diversity" initiatives and language communities, such as the Francophone community in Canada, which seek to obtain greater official and institutional status for their language.

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CHAPTER 7

HOWARD'S WAY OR DEANE'S WAY: CULTURE WARS IN CONTEMPORARY AUSTRALIA

David Headon

Over the past ten years at least, a period largely defined by the prime ministership of John Howard, but arguably extending back through twenty years of pronounced economic change and social uncertainty, Australia has experienced sustained and often bitter debates over that most slippery of terms, "national identity." Sustained "culture wars" have been engaged over questions of tolerance and inclusiveness, and the management, or mismanagement, of the diversity that has developed since the 1960s, associated with multiculturalism, the recognition of minorities, and the prospect of reconciliation with indigenous peoples. The rhetoric of "values" has been central to these conflicts, as politicians have sought an essentially moral legitimacy by appealing to anxieties about identity in place of older loyalties (McKnight 2005, 136). Such rhetoric is not peculiar to Australia, of course. As a response to the "big angst" diagnosed by social researchers in the 1990s and the loss of cohesion detected by sociologists more recently, such conviction politics has been widespread, pitting the concept of an embattled "ordinary," "decent," or "family-centred" citizenry against a global market, a profligate welfare system, cosmopolitan elites, or special interest groups (see, for example, Mackay 1993 or Pusey 2003). In Australia, however, this rhetoric has had distinctive registers, reflecting conflicting interpretations of the nation's history as one source of such legitimacy. Both this rhetoric and its context relate directly to the themes of this collection. The focus of this chapter is principally on the ways in which the management of diversity has, for leaders

such as John Howard, been supplanted by the reclaiming of "values" in a powerful political discourse.

The period 2003–04 was one of especially intense skirmishing, and it saw the combatant sides become even more strident and personal in their conduct. I first survey the significant moments and characteristics of these clashes, and, second, in order to understand these events I cast back to the early 1980s, when a controversial Australian history professor, Geoffrey Blainey, injected the issue of Asian migration into the debate over the limits within which social diversity could be accommodated. I then analyze the early 1990s, the seminal years leading up to John Howard's first election victory, in March 1996, when, in a series of cunning public speeches, the leader in waiting began to articulate the fundamental difference in approaches to Australian history and culture between him and his arch-rival, the then Labor prime minister Paul Keating. Fourth, I discuss Howard's growing confidence as, by the end of 2006, he had become Australia's second longest-serving prime minister, in the process becoming more intent on pursuing an aggressive and internally-divisive social and cultural agenda.

Much of this chapter is concerned with the capture and control of this agenda, and with exploring why the rhetoric of "values" has become so dominant in Australian politics, forcing aside themes of distribution, access, and entitlement. Yet it is, obviously, not uncontested ground. I want to indicate something of the admittedly limited expressions of alternative perspectives in recent years. Between 1996 and 2001 it seemed that the only voice of any consequence heard in continuous opposition to Howard's ascendancy was that of the Labor-appointed and popular governor general, the former High Court judge Sir William Deane. The sharp contrast between Howard's cultural philosophy and Deane's provides insight into the deterioration in the conduct of Australian cultural debate in recent years, while also indicating the terms in which fresh perspectives might be presented.

The battle lines, as a host of historians, journalists, and cultural commentators keep insisting, have been clearly drawn. Reminiscent of the highly charged era under Prime Minister William (Billy) Hughes during the First World War and its aftermath, Australia today is a country divided. Adversarial cultural agendas, none of them constructive, are the order of the day. How might this be

explained? Something of the flavour of Australia's culture wars can be gained from John Howard's closing address to the Liberal Party National Convention, held in Adelaide, South Australia, in June 2003. Reflecting with evident satisfaction on his (then) seven and a quarter years in office, he listed as one of several "massive achievements" the fact that Australians had changed the way they saw themselves. Those seven and a quarter years had been, he said (Howard 2003),

> a period that has given our nation a greater degree of self-confidence. We have ended that long, seemingly perpetual symposium on our self-identity that seemed to occupy the ten years between the middle of the 1980s and the defeat of the Keating Government in 1996. We no longer navel-gaze about what an Australian is. We no longer are mesmerized by the self-appointed cultural dieticians who tell us that in some way they know better what an Australian ought to be than all of us who know what an Australian has always been and always will be.

A phase of doubt—in which Australians had been taunted by Howard's predecessor that they must somehow recast themselves or risk descent into being (in a memorable Keating jibe) citizens of a "banana republic,"—was over. Those who had perpetrated this assault on "ordinary" Australians' expectations and entitlements, primarily the minority elites based in the universities, had been defeated.

Many convention attendees departed the hall convinced by their leader's boast of apparent triumph and, in some ways, their confidence was justified. A little over a year later, on October 9, 2004, Howard's Liberal–National coalition government was elected for a third term, gaining majorities in both the House of Representatives and the Senate, and thus securing a rare and powerful mandate to pursue the policies it had taken to the electorate, principally centring on border security, further deregulation of the labour market, and a commitment to stand with the United States in the "war on terror." Yet the "dieticians" were far from silenced.

By the end of 2003 a parallel and in some ways primary area of the cultural wars, a more specific series of "history wars," had reached new extremes of caustic commentary. This was a confrontation

between the so-called "black armband" historians, who portrayed a nineteenth-century frontier of violence inflicted on indigenous Australians in the course of their dispossession, and those who opposed such an interpretation, insisting instead on an "heroic" narrative of the spread and success of colonial settlement, laying the foundations for a nation of, in Howard's words, "fair play, generosity of spirit, and independence." This, clearly, was not simply a dispute over the nineteenth-century historical record. It touched on the terms in which the boundaries to late twentieth-century social diversity might be drawn and policed.

One indication of the extremity associated with the history wars was that in mid-December 2003 the weekend supplement to the national newspaper *The Australian* invited four well-known historians and journalists to respond to "the bitter debate" on such issues, especially as it escalated after the publication of the first volume of *The Fabrication of Aboriginal History* by Keith Windschuttle (2002). Windschuttle's vitriolic assault on the veracity of the sources cited by two "other side of the frontier" historians, Henry Reynolds and Lyndell Ryan, reached back to a series of articles in *Quadrant*, a leading right-wing Australian journal, and his book *The Killing of History* (1994). In 2003, however, the debate attained a peak of public interest. Windschuttle's method was to expose inaccuracies in his opponents' research. They had got their facts or footnotes wrong, or, worse, had distorted them, and therefore their arguments about the extent of frontier violence collapsed. For Windschuttle an Aboriginal death had to be precisely documented to be "authentic." The four commentators in the *Weekend Australian* variously referred to the prevailing debate as a "battleground," to "crusaders," a "thoroughly nasty" debate, "pitiless" commentary, and Windschuttle's "scalp-hunting." Debra Jopson (2003), a respected journalist on the *Sydney Morning Herald*, quoted one "veteran indigenous activist," who did not wish to be named, as saying that "Aborigines decided not to engage in the 'vicious, internecine academic debate'." White Australians were seen by some to be fighting among themselves.

The debate was not confined to the press. Other contributions to this scholarly free-for-all included essays collected from prominent academics by Robert Manne, a former *Quadrant* editor turned confirmed adversary of John Howard, and published in *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History* (2003). A

similar intervention, titled *The History Wars*, came from the historian Stuart Macintyre, with a foreword by a former High Court chief justice, Sir Anthony Mason (2003, vii–viii), who urged Australians to form a view on the "competing visions" of "high-profile historians … in terms of an Australian heritage and Australian culture." This familiarity, wrote Mason, was essential to an understanding of "the battleground of the History Wars," a battleground that was scarred by "invective and verbal violence" and supplied "competing visions" of Australian history to be readily "appropriated by the Labor Party and the Coalition parties … as persuasive means of articulating their political and electoral goals."

Fulfilling Mason's observation, Paul Keating officially launched *The History Wars* in a combative mode. As treasurer in Bob Hawke's Labor government (1983–91) Keating had been integral to the often dramatic implementing of a series of economic and financial policies intended to open Australia to the promises (and threats) of globalization, including, famously, engineering "the recession we had to have" as a means of competitively integrating Australia into world markets. After wresting the prime ministership from Hawke in 1991, however, Keating had largely eschewed unpopular economic issues, and his own public image in association with them, in favour of his sense of the "big picture," encompassing the push for a republic and a new national flag, the embrace of Australia's position in the Asia–Pacific region, the recalibration of Australia's connection to the United Kingdom, and, perhaps most importantly, reconciliation and Aboriginal land rights. In placing *The History Wars* in context, then, Keating was, like his audience, keenly aware of Howard's stonewall response to these and other cultural issues. Keating opened with broad generalizations, but he soon resorted to the sort of intense personal attacks for which his performances in Parliament had been renowned. Why, he asked, were Howard and his followers "so resistant to novelty and to progress"? He continued,

> They are more than conservatives. They're reactionaries … They absolutely insist on their view and the lessons they see in our history. Yet in their insistence, their "proprietorialness," their "derivativeness," and their rancour, they reduce the flame and energy within the nation to a smouldering incandescence. What they effectively do is crimp and cripple our destiny.

> It's like suffering from some sort of anaemia, robbing the
> political blood of its energy … Their failure is not simply one
> of crabbiness or rancour, it's a failure of imagination … Their
> timidity not only diminishes their own horizon, it is a drag on
> the rest of us … The undertaking is simply too big for them…
> . at the heart of their wrong-headed campaign is an attempt to
> contain and censor the human spirit, to muffle, muzzle, and
> vitiate it.

This was vintage Keating. Yet all his virtuosity could not hide the fact
of Howard's three election victories since 1996, or the fact that there
was a constituency that appeared to subscribe to Howard's "babble"
rather than to "the big end of town" interests and cosmopolitanism
so often associated with Keating.

The debate was entrenched. On the day *The History Wars* was
launched Phillip Adams of the Australian Broadcasting Commission
(ABC) interviewed five historians, including Keith Windschuttle
and Stuart Macintyre, on his influential discussion programme *Late
Night Live*. The program produced the usual suspects, and the usual
responses. However, one comment bears repeating. It came from
John Carroll, a reader in sociology at La Trobe University who had
been nominated by Howard's government to chair a controversial
review of the content of exhibitions and programmes at the National
Museum of Australia. Carroll, clearly a sympathizer with Howard's
version of Australian culture, noted (as quoted in Gordon 2003, 6)
that "the 'ding-dong' battle over colonial violence is just one aspect
of a broader uneasiness about national identity." He recounted that
the main message in submissions to the review he was chairing had
been "that people wanted a museum that told the Australian story,"
even if, as he conceded, they "were not sure what the story was."
Addressing this uncertainty, the review report (NMA 2003) took it
upon itself to declare that there was "more consensus than plurality
at the core of the national collective conscience" and recommended
that the museum find more effective ways to convey, in an inclusive
national narrative, the inherent Australian "character traits of
inclusiveness, a 'fair go' ethos, a distrust of extremism, and civic
common sense."

This was the required default: diversity is unsettling, and
Australians now want to be reminded of the consensus at the core of

their society and of their values. It was becoming ubiquitous. Such a relentless campaign had to have deep roots. When Sir Anthony Mason referred to the "competing visions" of Australian historians, he named two in particular, Manning Clark and Geoffrey Blainey, and thus underscored the fact the history wars had been threatening since the early 1980s. By 2003 a good deal of ammunition had been stockpiled on both sides.

Shortly after Hawke's Labor Government was first elected, in 1983, Manning Clark's *A History of Australia*, ultimately published in six volumes between 1962 and 1987, had assumed a new significance. Always controversial because of his style and his interpretation, which took on epic and prophetic proportions, Clark had come to be seen as Labor's "in house" scholar, a status owing much to his well-publicized outrage at the dismissal of Gough Whitlam's government by the governor general, Sir John Kerr, in November 1975. Clark's suspicion of the British class system and his rejection of life's "straighteners" had strong support within Hawke's cabinet. A culturally impressionable treasurer, Paul Keating, on a number of occasions made the two-kilometre walk from Parliament to Clark's home, working on his cultural consciousness, Jay Gatsby-style.

While Clark soon caught on in the Labor Party, as a scholar who was sympathetic to the liberal left and had shaped an historical account that gave legitimacy to an appropriate vision of national failings and destiny, Geoffrey Blainey was equally quickly embraced by the conservative right. Blainey was a former student of Clark's at the University of Melbourne, and had also become an original and influential historian. A powerful, accessible writer, he had contributed to several major themes in Australian historiography; his concept of the "tyranny of distance" had been particularly formative from the 1960s onwards. Where Clark's heroes were ultimately tragic, victims of the restraints imposed by the "old dead tree" of British influence, Blainey's were successful entrepreneurs of "the rush that never ended." Already a considerable public figure, then, in November 1983 Blainey made a pointed intervention in a simmering debate on Asian immigration to Australia that arguably ended the populism-driven honeymoon period Hawke's government had enjoyed. Blainey concluded a speech at the National Press Club in Canberra with a statement that, by his own later admission, was "almost too emphatic" (Blainey 1984, 24): "We should continue to welcome a

variety of Asian immigrants," he allowed, "but they should come on our terms, through our choosing." These comments made the news, as indeed do almost any such remarks on the always unsettled question of the limits to Australia's embrace of multiculturalism. Yet it was not until after his St. Patrick's Day speech at Warrnambool, Victoria, in March 1984 that Blainey's views were disseminated widely in papers across the country.

Speaking in an old picture theatre to an audience of about a thousand rural Victorians, Blainey (1984, 25) stated categorically that the "pace of Asian immigration is now far ahead of public opinion." His concern, as he explained, was not so much with the numbers of Asian migrants arriving in Australia as with the strain he believed they were placing on the basic sense of Australian identity. If such strain was not addressed, he warned, the effect would be to "weaken or explode" the tolerance of Australians for such a challenge of diversity. This was not just a challenge to those who administered immigration policy, he argued: they seemed to be out of touch already, captured by the powerful sectional interests that had generated around and benefited through multiculturalism since the 1970s. It should instead be "public opinion that decides" the balance of Australia's racial and ethic composition.

In a book brought out later in 1984, *All for Australia*, Blainey noted that his entry into the immigration debate was a "chance" happening. The headlines generated by Blainey's interventions in the first month of the immigration debate in 1984 paint a rather different picture (cited in Markus 2001, 63):

> Asian entry threatens tolerance: Blainey
> Cut Asian intake, warns Blainey
> Asianization of Australia is not "inevitable," by Geoffrey
>   Blainey
> Immigration: time for sensible debate
> Blainey stirs a sleeping issue
> Blainey's spark lights racial fire
> The Asian Debate
> My critics advocate a surrender-Australia policy, says Blainey
> Australia for the Asians, by Geoffrey Blainey

While professing naïveté about the political process, Blainey was in fact an artful propagandist and, as always, a master of the

memorable phase, though now for political purposes. Professor Graeme Davison, in his book *The Use and Abuse of History* (2000, 17), suggests that Blainey's "homely" metaphors—the pendulum, the balance sheet, the loaded dice—are as telling as his arguments: "They place him in the middle ground when, in fact, there is hardly a historian of any substance to the right of him." To "the tyranny of distance" could now be added, according to Davison (2000, 66), the "surrender Australia policy" as a way of characterizing levels of immigration that undermined national cohesion, the "multicultural industry" as a description of the pressure groups that had captured government policy-making on this issue, and the "nation of tribes" as the destiny bequeathed by "exploded" tolerance.

Exactly when Geoffrey Blainey's social attitudes made an impact upon John Howard's we cannot be sure, but the historian Mark McKenna (1997) has observed that "Blainey's views on multiculturalism, immigration, and history, enunciated in the early 1980s, bore a striking resemblance to Howard's 1988 initiative *Future Directions*." The latter was a Liberal Party policy document that featured a widely ridiculed cover depicting a "Father Knows Best" two-child family standing in front of the family home, complete with a white picket fence. It was an oddly crude and unconvincing document, but Howard was learning. What is more, the cultural tide in many countries in the western world countries was starting to turn his way. In 1991 *The Australian* published the first syndicated articles critical of "PC" ("political correctness"). In 1993 Robert Manne, still editor of *Quadrant*, applied the phrase to the Australian setting and, most importantly, in the same year, only a few months after Manne published his piece about "PC," Blainey followed up with an article said by some Australian social commentators to be a race-inspired shot heard round the country. The article, "Drawing Up a Balance Sheet of Our History," is generally credited with being the real start of the Australian culture wars. In the article Blainey coined another of his indelible phrases, the "black armband" view of history, and in the process carefully crafted an undermining of Clark and those who followed him. Blainey stated (1993, 15),

> Anyone who tries to range over the last 200 years of Australia's history, surveying the successes and failures, and trying to understand the obstacles that stood in the way, cannot

easily accept the gloomier summaries of that history. Some episodes in the past were regrettable, there were many flaws and failures, and yet on the whole it stands out as one of the world's success stories. It is ironical that many of the political and intellectual leaders of the last decade, one of the most complacent and disappointing decades in our history, are so eager to denounce earlier generations and discount their hard-won successes. Most young Australians, irrespective of their background, are quietly proud to be Australian. We deprive them of their inheritance if we claim that they have inherited little to be proud of.

With this article, published well into the years of Paul Keating's prime ministership, Blainey vigorously stirred a cultural pot that John Howard had already set to simmer. In January 1993 Howard, then a shadow minister restless under the Liberal Party leadership of Dr. John Hewson and seeking ground beyond Hewson's agenda of economic liberalization, had gone public with a clear sense of mission (as quoted in Markus 2001, 93):

The broader debate about Australian society involves a clash between what can only be called the optimists and the apologists. The optimists essentially take the view that Australian nationhood has been a success and that, despite many flaws and imperfections, there have emerged distinctive Australian characteristics of humanity, fairness, egalitarianism, and individual risk-taking. By contrast, the apologists take a basically negative view of Australian history and light upon every great national occasion, not to celebrate Australian achievements, but to attempt the coercion of all of us into a collective act of contrition for the past.

Returning to this theme in a speech later that year, now armed by Blainey, and with his confidence and the race barometer rising, Howard directly engaged the prime minister (as quoted in Markus 2001, 93):

Paul Keating's convoluted and usually erroneous excursions into Australia's past exhibit many of the features of what

Geoffrey Blainey has so aptly called the "black armband" view of Australian history. Many republicans seek a rewriting of Australian history which demonizes the British connection and marginalizes the Liberal conservative contribution to our institutions and political thought.

Howard was positioning himself astutely. A successful second challenge for the Liberal Party leadership in January 1995 provided the impetus for a series of telling speeches in later 1995 and in 1996. In four "Headland" speeches, delivered between June and December 1995, Howard spelled out not policies (he was accused at this time of being a "policy-free zone") but a cultural stance defined through opposition. In the first of these speeches, Howard (1995a, 3–4) made a concerted pitch to what would later be termed "Howard's Battlers" in blue-collar, urban Australia:

There is a frustrated mainstream in Australia today which sees government decisions increasingly driven by the noisy, self-interested clamour of powerful vested interests with scant regard for the national interest. The power of the mainstream has been diminished by this government's reactions to the force of a few interest groups. Many Australians in the mainstream feel utterly powerless to compete with such groups, who seem to have the ear completely of the government on major issues … These trends reflect a style of government which will change profoundly under the Liberal and National parties. Under us, the views of all particular interests will be assessed against the national interest and the sentiments of mainstream Australia.

Later in the speech, Howard (1995a, 2) even ventured into an extended echo of Martin Luther King's "I Have a Dream" oration: "I have in mind our great commitment …"; "I have in mind that all Australians should …"; "I have in mind a united community"; "I have in mind a nation renewed"; "I have in mind restoring a sense of progress …" In these terms, however ironically borrowed from King's vision of a nation premised on diversity, Howard offered an ideal of a united Australia, immune, as he put it in another of the "Headland" speeches (Howard 1995b, 2), to the "negative, simplistic rewriting of history" offered by Keating's "attempted heist of

Australian nationalism" with its three component parts: "a sneering attempt to paint the Coalition and its supporters as more British than the British"; the presentation of republicanism as a higher form of Australian nationalism; and the depiction of "the Australian Labor Party as the only true party of Australian nationalism." In place of these assertions, and in his own remastering of the historical narrative, Howard (1995b, 3) proclaimed instead that,

> national identity is, and must remain, in a realm above the partisan fray because it enshrines the virtues which unite us and give us cohesion. By the rest of the world's standards ours is a remarkably cohesive society. And yet we are all aware of the rents and tears in the social fabric. The task for the times is repair, practical reform, and nation-building. We can't afford the politics of division and should not tolerate them.

Behind these rhetorical manoeuvrings Howard was crafting an appeal to a new constituency, one whose subscription to Keating's "big picture," with its inherent challenges to the ethnic, racial, and cultural orthodoxies of national identity to that point, was fragile, and that felt exposed to the dynamics of economic and social change in the 1980s and early 1990s. In particular, Howard was after blue-collar Australia, the voters in the burgeoning lower-middle-class seats around the country, especially in Sydney and Melbourne. To woo such a group he wanted them to feel, in his words (quoted in Brett 2003, 202), "relaxed and comfortable." He needed bait on the hook, however, and found it in what Australian literary and cultural historians know as the "Australian Legend." As Judith Brett (2002, 203) bluntly puts it, Howard "raided the Australian Legend for the Liberal Party." He plundered, with purpose and for his own ends, a radical nationalist tradition, once associated with Labor's heartland and built on the egalitarian solidarity of nineteenth-century workers and Great War soldiers. Through 1995 and 1996 his speeches referred to "the Australian way," "Australian values," "Australian identity," and "Australian character" as the new Liberal touchstones (Brett 2002, 204). Again, Brett (2002, 206) is sharply to the point:

> Howard's opponents have often been misled by his own description of himself as a social conservative and so missed

his takeover of the symbolic repertoire of Australia's radical
nationalist past to reconnect Australian Liberalism with
ordinary Australian experience.

Howard took what Brett (2002, 211) calls "vernacular nationalism"
into the election in 1996 and won in a landslide. The solidarity of the
old nationalism, shaped by the collectivism of organized labour, now
accommodated new elements. A prominent theme was the insistence
(Howard 1995b, 3) that "we can't afford the politics of division and
should not tolerate them." For example, Howard accused some
school curriculum coordinators of teaching "a racist, bigoted past,"
even to the extent of regarding as inappropriate the use of words
such as "invasion" to characterize the European settlement and
dispossession of indigenous Australians.

In this context the reputation of Manning Clark, whose public
utterances throughout the 1970s and 1980s had haunted Liberal Party
strategy meetings, was not to be left unscathed. Three months after
the election the new coalition minister for foreign affairs, Alexander
Downer, who was in Washington, DC, to present Georgetown
University Library with Clark's six-volume *History of Australia*,
instead chose a biography of General Sir John Monash, commander
of Australian forces in the First World War. Five months after the
election the Brisbane newspaper the *Courier Mail* commenced an
attack on Clark, suggesting that he had been a Communist, had
received the Order of Lenin, and had served the Soviet Union. Asked
to comment on these charges, which eventually collapsed for want
of any credible evidence, Howard (as quoted in McQueen 1997,
3) referred to "an interesting debate—it's all part of the process …
When you think of the way in which some on the Right have been
retrospectively demonised over the years, it's not unprecedented."
Clearly, there was revenge in mind.

Over the next few years Howard constantly reinforced his message,
though he was never clearer than in the Sir Thomas Playford
Memorial Lecture given at the Adelaide Town Hall in July 1996.
After two slim sentences of introduction he launched his assault:

One of the more insidious developments in Australian political
life over the past decade or so has been the attempt to rewrite
Australian history in the service of a partisan political cause.

> No one should be in any doubt that this process has been a systematic and deliberate one. My predecessor as Prime Minister regarded the partisan reinterpretation of Australia's past as central to much of the agenda for the future that he sought to implement. It distorted the debate over a range of policy issues, including our constitutional form of government, and the relevance of our traditional associations with particular countries and regions. I say that this process of officially attempting to rewrite Australian history was an insidious one because it was an abuse of the true purpose of history. It read history backwards, imposing on the past a pattern designed to serve contemporary political needs. It portrayed a partial and selective view of our past as the officially endorsed version of our history. And it sought to stifle voices of dissent from that view with abuse and vitriol, rather than reasoned debate.

Howard once said of himself (as quoted in Marr 1999, 49), "I am the bloke who ultimately wins the last battle." Whether it be due to the extent of his determination, the swiftness and audacity of his cultural interventions, or broader shifts in political culture, he has largely maintained control over his agenda. In March 1997 the University of Melbourne held a seminar on "black armband" history as a handful of university-based commentators went into print in the broadsheets to voice their concerns, but such interventions were dismissed as the jeering of "elites," almost by definition antagonistic to "ordinary values." The phrase "history wars" was becoming standard in characterizing exchanges on a wide range of related questions, with all its implications of a polarization of positions rather than the holding of a genuine debate.

Amid this polarization perhaps the only sustained challenge to Howard came from a quarter that was surprising but also significant, given the narrowing of the space for party-political debate amid the high symbolism of "values"-based politics. Sir William Deane, a judge of the High Court since 1982, had been appointed governor general of Australia in 1995. As "constitutional sovereign," the representative of the British monarch as Australia's independent head of state, Deane ostensibly represented traditions close to Howard's interests. Yet the position of governor general has an ambivalent status in Australian political culture, since, depending on personality and context, its

holder can be viewed as an unrepresentative, unelected figurehead or seen as having a vantage point from which to exercise a distinctive form of leadership and influence. At the time of his appointment it seemed clear that Deane would tend towards fulfilling the latter role. In 1992, in his decision with Justice Mary Gauldron on the Mabo case, he had described the dispossession of indigenous Australians as "the darkest aspect of the history of this nation," adding that "the nation as a whole must remain diminished unless and until there is acknowledgement of, and retreat from, those past injustices." Multiculturalism and reconciliation became prominent themes in his early speeches as governor general. However, if these interests had fitted comfortably with Paul Keating in his last years as prime minister, they were hardly congruent with the agenda of his successor.

   In his foreword to the first collection of Deane's speeches Sir Gerard Brennan (2002, 9), a former chief justice of the High Court, wrote of Deane's determination in office to express and represent "the values of our society." Deane himself (2002, 79), speaking at the launch of an Indigenous Welfare Report in Darwin in 1997, clarified his own attitude to his office, recalling that,

> A predecessor of mine, Sir Zelman Cowen, once commented that perhaps the most important task of a Governor General is to interpret the Australian nation to itself. That is something which, in the period of more than thirteen months since I became Governor General, I have earnestly endeavoured to do in a non-political way. In particular, I have sought to hold up a mirror in which the people of our country can see the extent of the two most important problems confronting our nation, namely, unemployment, particularly youth unemployment, and the plight of the Aboriginal and Torres Strait Islander peoples.

Both Deane and Brennan stressed the need to provide such an example in an appropriately apolitical way, but, given Deane's range of social and cultural concerns, the collective Australia he sought to interpret was not necessarily a resolved and single public, and inevitably the "values" he expressed were not always matters presupposing consensus. In opening an exhibition, "Belonging: A

Century Celebrated," at the State Library of New South Wales at the beginning of 2001, Deane (2002, 13) presented what he called the "three strands of our Australian identity":

> The first is the national ethos of mutual acceptance and respect which binds us Australians together notwithstanding our diverse origins—that multicultural inclusiveness sustains our nation. The second of these strands is what I think of as "the spirit of ANZAC" … courage and endurance, and duty, and love of country, and mateship, and good humour, and the survival of a sense of self-worth and decency in the face of dreadful odds. It also means mutual dependence … The third strand is the generosity and the sense of fair play that are so common among Australians.

In virtually all of his speeches in office Deane found his way back to one or all of these themes as they applied to reconciliation and multiculturalism, or, more generally, to the plight of Australians in need. In their generality there was not much to distinguish such "values" from the prime minister's own mantras, but in their specific applications there was a deep divide. Through these attempts to define a public quite distinct from Howard's a new dignity was given to public office in Australia and consolidated by the ways in which Deane found occasions to take the nation with him. Significantly these were not only occasions celebrating a national identity. They were also occasions of grief and mourning, at which Deane sought to articulate a shared humanity, to bestow dignity and honour in hardship, and to celebrate the individuality of lives lost—for example at a memorial service for the victims of the canyon tragedy involving a group of young Australian travellers at Interlaken, Switzerland, or for the victims of the Childers Palace Backpackers' Hostel fire in Queensland (see Stephens 2006, 237–41). Deane might, on such occasions, have still been part of a culture of "values" that defined commonality rather than diversity, but the responses he evoked were those of empathy and reflection on suffering, rather than an assertion of sameness against difference. The potential to explore or at least allude to disadvantage, prejudice, and isolation was so much the greater. In May 2003, accepting an honorary doctorate of laws from the University of Queensland, and no longer bound by the proprieties of office, Deane (2003, 12) spoke plainly:

> There is one challenge for the future leaders of our nation which I would particularly emphasise … It is the challenge of justice and truth. The challenge never to be indifferent in the face of injustice or falsehood. It encompasses the challenge to advance truth and human dignity rather than to seek advantage by inflaming ugly prejudice and intolerance. Who of us will easily forget the untruths about children overboard? Or the abuse of the basic rights of innocent children by incarceration behind Woomera's razor wire? Or the denial of the fundamental responsibility of a democratic government to seek to safeguard the human rights of all its citizens, including the unpopular and the alleged wrongdoer, in the case of the two Australians indefinitely caged, without legal charge or process, in a Guantánamo Bay jail? Some may think that these and other similar unpleasant things should be left unmentioned. But if our coming generation of leaders refuses to honestly confront the denial of truth or responsibility which they reflect, our nation will surely be in peril of losing its way in the years ahead.

For all Deane's calming and clarifying influence, there has been no real abatement in the culture wars and no equivalent successor.

Re-elected in October 2004, Howard is even more emphatic that consensus must replace diversity and even more adroit in seeing that his will prevails. In June 2004 he had joined Dr. Brendan Nelson, then minister for education, science and training, in outlining an "agenda for schools" that placed "values" as a "national priority" and required that "every school must … have a functioning flag-pole, fly the Australian flag, and display the values framework in a prominent place in the school, as a condition of funding" (Howard and Nelson 2004). In an address on the eve of Australia Day, January 26, 2006, Howard claimed success in the culture wars, or, as he put it (as quoted in Grattan 2006, 5), in "rebalancing national identity and ethnic diversity," and exhorted a "coalition of the willing" to continue to rally and save the nation's classrooms from a "divisive, phoney debate about national identity." In June 2006, in a direct affront to those whom he and other members of his government regularly dismiss as "noisy minorities," he appointed Keith Windschuttle to the board of the ABC, an institution that Windschuttle had attacked

as being full of "Marxists and radicals." In a renewed push to tighten up the nation's borders and its criteria for citizenship, in September 2006 Howard (2006, 1) affirmed that the embrace of Australian values was a prerequisite for citizenship, even if "there are small sections of some communities, including the Islamic community, that are resistant to integration."

Wearing the mantle of international statesman, Howard was welcomed to Canada in May 2006 by the newly elected Conservative government of Stephen Harper as a leader who had shown how to mobilize new constituencies. A rather more equivocal welcome awaited him when he travelled on the same tour to the Republic of Ireland, where "history wars" have perhaps wider and deeper resonances and the opportunities to explore issues of citizenship have been more recently created. Meeting students at University College Dublin, he was closely questioned on issues including the treatment of gay marriage in Australian law and policy surrounding indigenous peoples.

Howard's victory for "values" encapsulates a certain momentum in the "management of diversity" over the past ten years. Nonetheless, his claim of victory over pluralism might just prove premature given the range of pressures evident in each of the chapters in this collection.

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CHAPTER 8

CONCLUSION: MANAGING DIVERSITY IN A POST-NATIONALIST WORLD

Paul Gillespie

From multiculturalism to interculturalism; from multinationalism to plurinationalism; from diversity as an afterthought to making its management a core task of contemporary politics; from identity as the politics of difference and recognition to a process of civic integration determining political entitlements, access, and regulation; from homogeneous nations with singular belongings to heterogeneous ones having multiple affinities within and beyond the nation-state, and stretching to the cosmopolitan outer edge of humanity; from national to postnationalist or transnational constitutionalism and citizenship—such are the intellectual journeys suggested in this volume, devoted to the prospects for a postnationalist politics and the management of diversity in a selected group of contemporary societies. Such journeys are nothing if not ambitious, but that is necessary if we are to tackle satisfactorily the issues thrown up by a changing world.

Conceptual, political, and journalistic innovation must go together if we are to understand these changes. With an increasingly insistent drumbeat they bear out the warning delivered by Hedley Bull (1977, 256) a generation ago, that "our view of possible alternatives to the states system should take into account the limitation of our own imagination and our inability to transcend past experience." Writing more recently on a kindred subject, the political scientist Alberta Sbragia (2003, 2) makes the point that

> our very vocabulary is built on the centrality of the nation state. We study "international" politics, national and

subnational politics, the role of "multinational" corporations, "transnational" civil society, and so on. When we build datasets we collect national data. The national lies at the core of our questions, our assumptions, and our inquiry. The nation state is so central to the study of politics that it is nearly impossible to move beyond it.

This concluding chapter draws freely on each of my fellow contributors' ideas and suggests the ways in which they offer a coherent approach in a certain framework. Their points of comparison are strengthened by being drawn mainly from the Republic of Ireland, Canada, and Australia, which have several historical, political, and cultural features in common. Comparative research is bolstered by a judicious selection of case studies. This book suggests that there is much to learn from examining these particular states in relation to one another. In dealing with these subjects the particular and the universal, or the national and the global, are often falsely counterposed in the name of liberal cosmopolitanism. In contrast, I would argue, with Craig Calhoun (2003a, 540) that "it is not enough simply to contrast vernacular to cosmopolitan, the local tradition of small places to the larger traditions of broader spaces. It is crucial to see that these constitute each other. There is a dialectic between cosmopolitan and vernacular that creates them both."

DEFINITIONS

In such a debate it is important to work with common definitions of an evolving terminology, or at least to work towards them. This is all the more necessary in a multidisciplinary context that overlaps with public policy concerns and political debate. The various chapters here suggest converging approaches to concepts widely used by the authors, such as political identity, diversity, political space and time, geography and history, globalization, and postnationalist politics. How might we arrive at common definitions and fruitful formulations of these themes?

Political identity is formulated, by those writers who refer to it, in terms of belonging, affinity, attachment, loyalty, or allegiance. Alastair Davidson sets the scene in his treatment of national identity and global migration. He underlines the great increase in international migration and travel, involving an estimated one billion overseas

journeys in 2003, the majority of them on business, but also points out that most people, if given the chance, still stay at home. The experience of migration has been so disconcerting for many of the more immobile as to reinforce the traditional sense that home is one single, exclusive place of belonging. For the mobile such a definition makes less and less sense, since they can belong to many places at one and the same time. For them hybridity and "in between" identities are added on to the older singular ones. Davidson draws on Hannah Arendt and Sophie Duchesne to distinguish a heritage approach, in which the nation state crystallized an older sense of singular belonging and loyalty for those who have a common past, from an approach that emphasizes scruples, and a loyalty not to where you are from but to where you are going and who you make the future with. Heritage identities are exclusive, approaching dual or multiple nationalities in zero-sum fashion. Scruples accept that such identities can be compatible, complementary, and variously ranked, but not necessarily in ways that can be taken for granted. This is an important distinction, which comes up repeatedly in related ways among the different authors and subjects in this book.

Political identity has been defined by Jürgen Habermas (2001, 16) as "solidarity among strangers": in a circular process "democracy and the nation state stabilized each other. Both have jointly produced the striking innovation of a civic solidarity that provides the cement of national societies." Put differently, according to W. J. M. Mckenzie (1978, 12), political identity concerns the circumstances in which "I" should properly use the term "we" to create a political community. Thus political identity relates the self to a wider community of strange and different others. The common bonds that bind these selves are its subject matter, whether defined as belonging, affinity, attachment, loyalty, or allegiance. Each of these terms touches on a rather different conception of political identity, but it is fair to group them together for our purposes, since their meanings tend to co-vary in theoretical and political debates on these issues. Helen Irving deconstructs them usefully in her discussion of citizenship, arguing that "allegiance" is probably the best term to describe the bonds linking people within and outside national boundaries.

Diversity is another common theme. It denotes difference, not sameness, and is therefore closely related to identity. Yet if politics is indeed about living with people who are not like us, but with

whom we nevertheless have to reach agreement, it follows that its starting point should be diversity. For identity politics and, indeed, for classical Mazzinian nationalism too, diversity is an afterthought, to be regretted as a departure from the principle of affinity, not celebrated as an affirmation of the inherent heterogeneity of any political community. From this latter perspective managing diversity needs to be seen as one of the core tasks of modern politics.

Space and time recur as themes in these chapters. Davidson underlines how globalization has radically changed their definition for many millions of people. This has to do with physical travel, but also with the compression of space by instantaneous communication and with the simultaneity of capitalist economics on a global twenty-four-hour timetable. While it is true that mobility is at least as old as capitalism, such real-time simultaneity is new. It can be traced directly to the ways in which finance capital and computer technology combined from the 1980s to produce worldwide markets. It builds on a much older cultural feature of capitalism: the displacement of medieval "simultaneity along time"—identified by Walter Benjamin (1973, 264–66) as Messianic, merging past and future in an instantaneous present—by "homogeneous empty time," in which simultaneity is, "as it were, transverse, cross-time, marked not by prefiguring and fulfilment, but by temporal coincidence, and measured by clock and calendar." As Benedict Anderson (1991, 26) notes, the newspaper and the novel were crucial building blocs of national identity understood as an imagined community between strangers, since "the idea of a sociological organism moving calendrically through homogeneous empty time is a precise analogue of the idea of the nation, which also is conceived as a solid community moving steadily down (or up) history." Inevitably, new media, or even evolving claims on established media, as demonstrated here by Niamh Hourigan, reflect the changing dynamics of these relationships of nation and community.

Space and time are linked to geography and history, and through them to the notions of proximity and affinity as alternative justifications for political identity. Just as David Headon charts Australia's "history wars" during the 1990s, when intellectuals supporting Prime Minister John Howard challenged the ideas about national identity championed by the preceding Labor government, in part reflecting the alleged imperatives of economic liberalization and Asia–Pacific economic integration, so has geography served

as a justification for imperial or large-state legitimacy in European history. A Russian saying, that "history is only geography stretched out over time" (cited by Lee Blessing 1988), captures this reality very well. The proper geographical and historical limits of a united Europe have been a central aspect of the debate on its identity since the end of the Cold War (see Casanova 2006). The idea that insular territorial integrity should dictate national unity also remains a central battleground in Ireland's geography wars between nationalists and unionists (see O'Dowd 1998 and Cadogan Group 2003).

Globalization suffuses the discussion of postnationalist politics in these essays. It is neatly defined by Davidson as "extending the economy to the world." This catches the movement involved, attaching it to the technological changes already mentioned, and to the increased levels of mobility and simultaneity evident in societies such as Canada, Ireland, and Australia. It is the very scale of these changes that justifies the historically specific character of contemporary globalization (see Held et al. 1999).

A similarly compact definition of the postnational is provided by Alain-G. Gagnon and Raffaele Iacovino, who describe it as "a state of affairs that has moved beyond monistic conceptions of belonging." In theology monism, rooted etymologically in the Ancient Greek adjective *monos* ("single"), is the doctrine that only one supreme being exists, and that there is no duality between mind and matter. In philosophy monism claims, variously, that there is one true or rational way of understanding humanity and leading the good life; that human nature is essentially unchanging, and unaffected by culture and society; and that the good, like truth, is inherently singular or uniform in nature. Pluralism, in contrast, argues that human beings are culturally constituted, vary from culture to culture, and share in common only minimal species-derived properties, from which nothing of moral or political significance can be deduced (see Berlin 1969 and Parekh 2000). As it has been adopted in constitutional forms in the European Union (EU), but also in many multicultural and ex-colonial societies (see Petersen and Zahle 1995, and UNDP 2004), pluralism contests the assumption of legal monism that the sole centres or units of authority are states (Walker 2002, 337):

> Constitutional pluralism … recognizes that the European order
> inaugurated by the Treaty of Rome has developed beyond the

traditional confines of international law and now makes its own independent constitutional claims, and that these claims exist alongside the continuing claims of states. The relationship between the orders, that is to say, is now horizontal rather than vertical—heterarchical rather than hierarchical.

In further refinements, "plurinational" democracy involves the idea that there can be many interlinked and intercommunicating *demoi* in a polity, whether Catalan nationalists playing a role in Spanish politics, Scottish nationalists participating in British and European politics, Quebecers involved in Canadian politics, Northern Ireland nationalists and unionists involved simultaneously in British and Irish politics under the Belfast Agreement, or, indeed, in a EU gradually creating a transnational democracy to legitimate itself, a process dubbed "demoi-cracy" by Nicolaïdis (2003 and 2004). Such fusions are not anomalous or hypocritical, but contributions to political renewal and stability. In a globalized world multiple and complementary identities are increasingly common political conditions. As Gagnon and Iacovino insist, for example, "Quebec is a postnational state to the extent that its version of national belonging allows room for a plurality of identities and individual rights," rather than the homogeneity that, in their view, became a hallmark of Pierre Trudeau's constitutionalism.

There is room in this discussion and in a wider setting for a firm distinction between "postnationalist" and "postnational." Monist nationalism is more vulnerable to change than the national *demoi* that encapsulate citizenship and democracy as well as modern national belonging, making them sustainable and durable institutions even in a postnationalist setting (see Cederman 2001).

CANADA, AUSTRALIA, AND THE REPUBLIC OF IRELAND

In 2000 the Canadian Broadcasting Corporation asked for answers to the question "What is the Canadian equivalent of 'as American as apple pie'?" The winning answer was: "As Canadian as possible, in the circumstances." The cultural and political blanketing of smaller states by larger ones is an abiding theme of comparative politics. It is an experience shared in different ways by the three states that

are the main subject matter of this book. The relations between Canada and the United States, between the Republic of Ireland and the United Kingdom, and between Australia and the United Kingdom, the Asia–Pacific region, and the United States are worth comparing further in the light of these chapters. All three countries are predominantly Anglophone, share a varying history of settler colonialism that still affects relations with indigenous peoples, and have, in different degrees, experienced immigration, emigration, and diasporic identifications arising from their openness to the world.

From the point of view of the Republic of Ireland in recent times, the extent of these identifications has become even more pronounced, and realized more fully, as the country opened up to globalization in the 1980s and 1990s, and as negotiations over the future of Northern Ireland developed. The Belfast Agreement provides an ambitious constitutional experiment including majority consent in Northern Ireland to constitutional change, periodic referendums on unity between it and the Republic, and a devolved Assembly and complex power-sharing arrangements (see Cox, Guelke, and Stephen 2006). Equally, if contrarily, the conflict in Australia between, on the one hand, Paul Keating's espousal of reconciliation with indigenous Australians and vigorous republicanism—in part infused with an Irish ethnicity tracing its radicalism back to the early days of convict settlement—and, on the other hand, his successor John Howard's appropriation of an Anglocentric and monoethnic imagery in refusing to apologize for Australia's postcolonial, assimilationist past, or for harsh treatment of illegal immigrants and asylum-seekers, reflects a rather different assemblage of internal and external cultural referents. The issue of Quebec nationalism gives the Canadian case yet another inflection here, as Canada has, it may be argued, begun to move away from Trudeau's model of federalism to the notion of "several citizenship centres," outlined by Gagnon and Iacovino in their chapter.

Such conflicts over, and reformulated formulas for, diversity are the subject of a burgeoning comparative and policy-making literature dealing with multinational democracies (see, for example, Gagnon and Tully 2002) and the territorial management of ethnic conflict (see, for example, Coakley 2003). *The Human Development Report 2004* (UNDP 2004) made the protection of "cultural diversity in today's diverse world" its principal theme, putting asymmetric federalism,

multiple and complementary identities, and legal pluralism at the centre of its analysis and policy prescriptions for managing such conflicts. While the UNDP was principally addressing conflicts that demand more urgent attention than those in Ireland, Canada, or Australia, it is also the case that these modern affluent societies should at least be able to provide some clear guidance or example in exploring the feasibility of such models.

LEVELS OF GOVERNANCE

A common concern about the appropriate levels of governance and politics runs through this collection. If it is true that globalization has undermined the capacity of nation states to govern effectively, or at least forced them to reconfigure their cooperation with other states, how is this cooperation best achieved? Within the tensions resulting from this transformation subnational regions and cities have found new spaces for political action. As a result contemporary political theorizing and much political practice are preoccupied with these new levels of governance, and how connections should best be made, or re-established, between them. Within academic fields as diverse as political science, legal theory, sociology, history, social anthropology, and international relations debate has arisen around the idea that pluralism has come to challenge the privileged place of national identity as the legitimate order of contemporary liberal-democratic political communities. From this perspective, managing diversity or plurality should be recognized as a, or even the, core task of modern politics.

In their survey of the literature on multiple levels of governance, Liesbet Hooghe and Gary Marks (2003) give examples of the new vocabularies involved in several of these disciplines. In EU studies, for example, reference is made to "multitiered," "multilevel," or "network" governance; in international relations, to "multilateral cooperation," "global governance," and "fragmegration"; in federalist studies, to multiple jurisdictions, "multicentred" governance, and decentralization; in local government and public policy studies, to multiple local jurisdictions, "polycentric" governance, and (again) "network" governance. Hooghe and Marks (2003, 233) define governance as "binding decision-making in the public sphere," though it is usually taken to mean (Jachtenfuchs 2001, 246) "the intentional regulation of social relationships and

underlying conflicts by reliable and durable means and institutions, instead of the direct use of power and violence." Hooghe and Marks also distinguish between largely territorial "general purpose" jurisdictions and largely functional or "task specific" jurisdictions within multilevel governance, although they concede that these overlap and interpenetrate one another.

Such a political science perspective helps to make sense of the discussion of political levels throughout this book. Gagnon and Iacovino reject Quebec's definition as a province like any other in the unitary Canadian federation and argue that it is a distinct "nation" and that it must find its political identity in a reconfigured multinational democracy. Such recognition would still find it inserted in a complex, multilevelled Canadian polity and capable of dealing with its own internal heterogeneity, including its Aboriginal, immigrant, and Anglophone minorities. There are many interesting parallels here with Catalonia, the Basque Country, Scotland, Wales, Northern Ireland, and Belgium within the EU. Increasingly, multiple and complementary identities, and forms of "asymmetric federalism," are being used as mechanisms to secure recognition. Thus Caroline Andrew, elsewhere in this book, draws attention to the "urbanness of diversity" in Canada, which is second only to Australia in the proportion of its population that is foreign born, and to the fact that Canada's diversity is even more concentrated in the largest cities. She emphasizes the increasing demands for greater recognition of the role of big cities but says that this depends on the development of "broad-based feelings of urban belonging, of an urban citizenship."

In the Republic of Ireland the decentralization of 10,000 civil service jobs away from Dublin, which has become an overbearing colossus after absorbing more than one-third of the population, is arguably more accurately described as a relocation driven by populist electoral considerations than as a reconfiguration of power relations between centre and periphery. Local government, while long established, is fiscally and politically impoverished. Regional government is virtually non-existent, having been created merely to absorb "cohesion funds" from the EU and redistribute them. There is as much variation within patterns of local and regional governance in the EU as between them.

THE COSMOPOLITAN AND THE NATIONAL

The political challenge faced by many citizens as they navigate these changes is whether particularities can be replaced, as "ties that bind," by universal ideas (see Ingram 2000). Nationalism and the nation state created many opportunities to forge new ties, as is acknowledged by postnationalist theorists such as Habermas in developing their accounts of how "constitutional patriotism" could perform this function. The category of "people like us," which underlies nationalism, has commonly been legitimated by ties of blood, territory, religion, and/or tradition. Iseult Honohan's chapter in this book illustrates the complexities involved in these processes, including the ways in which the legal principle of *ius sanguinis* is often mixed historically and comparatively with that of *ius soli*. The alternative principle of "people around here" is better adapted to creating new transnational ties. That can be done by invoking universal values applicable to all human beings. The EU's constitutional treaty agreed at Brussels in June 2004 incorporates them for the first time. Its difficult process of ratification, by referendums in some member states and legislatures in others, has been a real test of whether this is a genuine constitutional moment for the EU, or, as Gráinne de Búrca (2004) discusses, "a moment of madness," based on the false assumption that a transnational *demos* is possible, creating multiple affinities and senses of political belonging. The EU's constitutional treaty has been renegotiated following its rejection in the French and Dutch referendums in 2005, in good part because often its "constitutional" element was intended to replace national structures with postnational ones, but external events, not least the changing pattern of trans-Atlantic relations, which might require a search for greater foreign policy coherence, will also bring other pressures and opportunities to bear on the treaty.

There are, then, various models or levels against which people "like us" or "around here" can be gauged. There is a commitment to humanity at large, as in the cosmopolitan standard put forward by Martha Nussbaum (2002), which, she argues, must form the framework for universal values. It takes the general loyalty of each person to the whole of humanity as fundamental, superior to ethnic and national attachments. Less demanding accounts are exemplified by the work of David Held (1995 and 2004), who stresses the importance of multiple and overlapping allegiances,

rooted in democratic rights and based on interdependence. A third type is captured by a French definition from 1738, cited by Richard Sennett (1977): "A cosmopolite … is a man who moves comfortably in diversity; he is comfortable in situations which have no links or parallels with what is familiar to him." A fourth type expresses essentially a creative *bricolage* linking the vernacular and the cosmopolitan, so that they constitute each other dialectically. Craig Calhoun (2003a) points out that the third and fourth types are more compatible with diversity than the first two are, although all four recognize that memberships of different communities are typically multiple and overlapping, and that nations and ethnic groups are themselves internally differentiated, not homogeneous.

Recognition of such inherent heterogeneity is a better starting point for an account of managing diversity than either a communitarian approach locked into a homogeneous definition of the national society, or a cosmopolitanism rooted solely in ethical universalism. Any project for a postnationalist politics needs to take such intellectual debates seriously. Otherwise there is a danger that the very term "post-national politics" will signify rejection of the particular and vernacular, the ties that have bound people together in webs of solidarity, democracy, and identity that make up the nation state. Liberal nationalism recognizes the continuing importance of anchoring universal values in the actual experience of people with national citizenship and state-building (see Auer 2004).

Politics may begin at home, but it has never ended there, as the varieties of internationalism, from liberal to socialist, have recognized (see Goldmann 2002 and Anderson 2002). Now that politics is being comprehensively reconfigured in the most developed parts of the world we need to create a vocabulary adequate to the varying experience of citizens, whether they have the "class consciousness of frequent travellers" typical of a certain kind of elite (Calhoun 2003b), or are among the growing numbers of people in Europe, Canada, and Australia who are happy with hybrid identities combining several different loyalties, or belong to any of the large minorities that remain rooted not only in the national but in the local and particular, some of whom fill out the ranks of those voting for John Howard and similar cultural warriors for singular identities in Canada, Ireland, and elsewhere. As Craig Calhoun (2003a, 544) writes, "All actually existing cosmopolitanisms … reflect influences of social location

and cultural tradition." So, not all universalists are cosmopolitans. Patrick Kavanagh put it like this in his poem "Epic" (Muldoon 1986, 76):

> I have lived in important places, times
> When great events were decided, who owned
> That half a rood of rock, a no man's land
> Surrounded by our pitchfork—armed claims.
> I heard the Duffys shouting "Damn your soul"
> And old McCabe stripped to the waist, see
> Step the plot defying blue cast-steel—
> "Here is the march along these iron stones."
> That was the year of the Munich bother. Which
> Was more important? I inclined
> To lose my faith in Ballyrush and Gortin
> Till Homer's ghost came whispering to my mind.
> He said: I made *The Iliad* from such
> A local row. Gods make their own importance.

A sharp perspective is given to these questions by Niamh Hourigan in her analysis of identity and the preservation or extension of Celtic languages in the broadcasting services of Ireland, Scotland, and Wales. The language movements she describes have welcomed the attention of new globalized or transnational institutions such as the EU, which have empowered them in their struggles against nation states that stigmatized or ignored these languages. This is not necessarily a rejection of the national but a reappropriation of it.

Helen Irving's argument that citizenship remains legally anchored to the state, however universal rights may be understood to be, involves a similar recognition that these various levels continue to define one another. She makes a convincing case for distinguishing carefully between legal citizenship and the rights and duties it involves. These linkages, she argues, are politically contingent rather than conceptually necessary.

THE CHANGING FACE OF MULTICULTURALISM

Multiculturalism has been one of the principal frames of reference in the debate on managing diversity over the past fifteen years. It has come up in various ways in the chapters of this book, reflecting the

extensive theoretical and political discussion on the issue. Canada, Australia, and the Republic of Ireland have had very different experiences of multiculturalism, largely because migration has affected them so differently. Millions of Irish people migrated to Canada and Australia, over more than 200 years, leaving their own distinctive imprints on these societies. It is only much more recently that the Republic of Ireland has begun to make the transition from being an emigrant society to being an immigrant society, creating an urgent need to understand comparative experience. In doing so Ireland is having to encounter the policy debates involved (see Ingram 2003, and NESC 2006a and 2006b).

Among the most important of these debates is the question of whether multiculturalism has in fact reached an intellectual "sell-by date," in that it no longer addresses issues of equality as well as recognition. This is the case made by, among others, Trevor Phillips, who was Chairman of the former Commission for Racial Equality in the United Kingdom when he launched a debate on this question (he is now chairman of the broader-based Commission for Equalities and Human Rights). In an interview with *The Times* (Baldwin 2004) he criticized dogmatic attitudes to racial integration, which, he argued, were rooted in the 1980s and did not take account of changes in British society since then. As he put it, among African-Caribbeans in Britain,

> for every person under 30 with two black parents there is also one with a white parent. Four fifths of us were born here. Other communities are catching up. Some 86 percent of people now say that you don't have to be white to be British. So parking Britons in boxes marked with ancestral labels is becoming more and more irrelevant.

Phillips emphasized that he supported positive measures to encourage integration, especially in view of the fact that "the language barrier is a real obstacle to work, friendship, and democratic participation;" but, as he wrote later in another newspaper, *The Guardian* (Phillips 2004), "Celebrating diversity, but ignoring inequality, inevitably leads to the nightmare of entrenched segregation."

This shift in focus surprised many observers and provoked a passionate debate on the real meaning of multiculturalism, and on

whether cultural diversity and the political solidarity needed to sustain the welfare state are reconcilable. The latter question had been posed by David Goodhart (2004), editor of the liberal magazine *Prospect*, a few months before Phillips began publicly questioning multiculturalism. Goodhart gave it a largely sceptical answer, since, in his view, too much diversity affects the trade-off with welfare, in what he described as a "progressive dilemma;" his argument was contested, or welcomed, in a later issue of his magazine by a number of writers, among them Will Kymlicka, Bernard Crick, Amitai Etzioni, Nathan Glazer, Nigel Harris, Bhikhu Parekh, and Saskia Sassen. Their responses indicate the depth of the theoretical and policy debate involved, notably on the centre left, but by no means confined to it (see also Banting and Kymlicka 2003).

There has been a marked turn in public policy in recent years, away from promoting multiculturalism and towards emphasizing civic integration for immigrant communities, not only in the United Kingdom, but also in the Netherlands, Germany, Denmark, Finland, Sweden, Portugal, Norway, Austria, and Belgium. Christian Joppke (2004) argues that this represents a "liberal distemper" over the failure of multicultural policies to achieve integration, rather than a new nationalist intolerance. It is better regarded as a repressive "liberalism" with more emphasis on obligation rather than rights (Joppke 2007). The actual content of the standards insisted upon includes a procedural commitment to universal liberal-democratic principles, notably respect for and toleration of religious diversity, rather than a new assimilationism. These principles were enshrined in the introduction to the EU's constitutional treaty, while insistence on learning the dominant language is a necessary part of expanded citizenship. Joppke argues that integration has to be a two-way process. This has a utilitarian function, to prepare host communities for more immigration in the future. It is economically necessary because of the EU's changing demography, however politically difficult it will be to have this reality accepted.

This echoes comparable changes elsewhere. In the United States, sociologist and theorist of social capital Robert Putnam has raised similar issues in considering a detailed survey of 30,000 individuals in forty-two separate communities, which found that trust and cooperation are highest in the most homogeneous neighbourhoods (see *Economist* 2004): bonding between "people like us" is markedly

stronger than bridging with "people around here," and the more diverse a society is, the more unequal it is. This is valuable, theoretically informed empirical social research that can make a difference in policy-formulation, but it needs careful interpretation.

In the Netherlands, for example, a left-liberal government changed the country's policies in 1998 to provide frameworks and resources for newcomers to receive 600 hours of language and civics lessons. This was in response to evidence that many second- and third-generation members of the Turkish and North African communities had still not learned Dutch, and were suffering widespread unemployment and economic marginalization. The entry of Pim Fortuyn's Populist Party into the Dutch legislature in 2002, on a platform of restricting immi-gration because, as Fortuyn put it, the country was "full" and could not absorb more people, sparked off a substantial rethinking of policy. The centre-right government elected in 2003 has tightly restricted immigration and insists that those who have settled in the country must have proficiency in the Dutch language as well as in their own.

Fortuyn came from Rotterdam, where 40 percent of the 600,000 residents were born outside the Netherlands, many in Turkey or North Africa, a proportion that is predicted to rise to 60 percent by 2020. Altogether there are some 160 nationalities in the city. The modern port was built up by workers from elsewhere in the country early in the twentieth century, and was rebuilt, largely by Turkish and Maghrebi immigrants, after the Second World War. According to Bert van Meggelen, an architect and consultant who was director of Rotterdam's "Cultural Capital of Europe" activities in 2001, the city's people badly need to search for a way to live together and not seek utopian populist solidarities based on false accounts of its history (see Gillespie 2004a). His plea echoes similar ones made in many other multicultural centres, and recalls Toronto's and Sydney's cosmopolitan diversity as exemplary world cities.

That this future may be embraced constructively is confidently argued by the UNDP (2004). Its *Human Development Report* identifies what it calls five "myths" about cultural diversity and its management, drawing on recent research and efforts to quantify it (see also Gillespie 2004b). People's ethnic identities, first of all, do not compete with their attachment to the state. This is because individuals can and do have multiple and complementary identities, including

ethnicity, gender, class, religion, and race as well as citizenship. People can and do choose their identities, and individual choice is growing along with human development. This cuts across the pattern of twentieth-century nation-building, when states aimed to build culturally homogeneous states with singular identities, often by extermination, repression, or assimilation, which left lasting scars, or by refusing recognition of differences and political participation by minorities. Recognizing cultural identities and including them can be shown to be a more effective way of dealing with the issue. In this perspective it is no longer anomalous to discover that individuals in multinational polities overwhelmingly say that they feel both (as the case may be) Flemish *and* Belgian, Catalan or Basque *and* Spanish, Canadian *and* Quebecer, Irish or Scottish *and* British, rather than choosing one singular identity. They do not see it as a zero-sum game.

Secondly, there is little real empirical evidence that ethnic groups are prone to violent conflict with one another, creating a trade-off between respecting diversity and sustaining peace. The UNDP comes out strongly against these "culturalist" explanations, drawing on research showing that other factors, such as economic inequality, cultural oppression, and struggles over land and power normally underlie such conflicts. Cultural identity can all too easily be mobilized in relation to them, but it can also be managed harmoniously, if the right approach is taken.

The argument that defending cultural identity necessarily involves defending traditional practices is the third myth addressed. Multiculturalism, in this perspective, is committed to defending traditional practices and leaderships, including those that violate human rights; but this assumes that culture is a frozen set of values, or a singular essence to be discovered, rather than being constantly created and adapted to new realities, including by way of intercultural dialogue or argument. It also assumes a relativism about universal human rights that is not necessary. It is quite possible to defend both.

Fourth, it is regularly but falsely argued that ethnically diverse countries are less able to develop. Malaysia, for example, with a population that is 62 percent Malay, 30 percent Chinese, and 8 percent Indian, contradicts this, as does Mauritius, which has an even more diverse population from African, Indian, Chinese, and

European backgrounds, as well as a complex mixture of religions (50 percent Hindu, 30 percent Christian, and 17 percent Muslim), and yet ranks sixty-fourth in the UNDP's Human Development Index—the highest ranking of any state in sub-Saharan Africa.

The final myth identified is one of the most enduring in everyday politics as well as in social science research: that some cultures are more likely than others to make development progress because they have inherently more beneficial values. There is little evidence for this, whether from historical studies or from statistical analysis, however attractive cultural determinism may be as an explanation for the "Protestant work ethic," "Islamic backwardness," or "Confucian traditionalism."

RECONCILING DIVERSITY AND UNIVERSALITY

Diversity is concerned with difference and variety, and it is counterposed to uniformity in debates on political identity. It has come to the foreground with the rise of "identity politics" and the increasingly critical reaction to such politics over the past ten years and more. A common theme of the debate, clearly reflected in this volume, is that, whereas traditional nationalism is predicated on singularity, self-sameness, and uniformity, a postnationalist politics should be based on multiplicity. This distinction between the one and the many is an ancient one in philosophy (see Madsen and Strong 2003). Given the irreducible diversity and multiplicity of contemporary cultures, it is clear that a major intellectual and political effort must be made to challenge assumptions of a radical incommensurability between national and international life.

Actually existing internationalization, regional integration, and cooperation have gone well beyond these assumptions, which nonetheless remain remarkably influential, because they are still reproduced at national level by the circularity between democracy and the nation state referred to by Habermas (2001, 16). His two questions, posed in the European setting, remain central to wider debates over coming years. First, why should a civic solidarity between strangers "be doomed to come to a final halt just at the borders of our classical nation-states?" Second, why should the artificial conditions that created that solidarity historically not be replicated by a process of identity formation beyond national boundaries, involving "the emergence of a European civil society;

the construction of a Europe-wide public sphere, and the shaping of a political culture that can be shared by all European citizens"? More conceptual, political, and comparative research is needed to establish how relevant this European setting may be to other world regions, and whether it is in fact exemplary, or merely historically contingent (Hurrell 2007). The Club of Rome (1993), for example, put diversity centre-stage in a pen-portrait that could be applied elsewhere:

> Far from having a single identity, Europe is made up of a coexistence of particular, varied identities. All of them are, during their lifespan, tucked into spaces of varying sizes and functions. Certain spaces are defined administrative territories limited by man-made borders. A great many individual, social or economic activities do, however, transgress these boundaries. Most people are "citizens" of various "territories," with differing rights and duties, and the image of Europe as a frame sheltering these differences is the profound wish of many.

Recent research on European integration shows that multiple and complementary identities are no longer problematic, either theoretically or in political practice. The more interesting question concerns how they are imagined and organized. Surveys show that "country first, but Europe too" is the dominant outlook in most EU member states, and people do not perceive this as contradictory. The real cleavage in mass opinion is between those who identify with their nation alone and those who share an attachment to it and to Europe, with the latter group growing faster than the former (see Citrin and Sides 2004). It follows that a European polity does not require a *demos* replacing that of the nation-state, but rather multiple *demoi* coexisting with and complementing one another. Multiple identities may be *nested* inside one another, *cross-cutting* transnationally between people sharing different politics or identities, or *entangled* in such a way that the various components of an individual's identity are not neatly separated but influence, blend, and mesh with one another. This third category is especially relevant for thinking about how to manage diversity (see Gillespie and Laffan 2006).

Realizing goals of transnational or postnationalist integration would require learning the lessons to be drawn from the intense debate on identity, diversity, and multiculturalism that has taken

place over the past fifteen to twenty years. Ayelet Shachar (2001) discerns three waves in the debate. In the early 1990s a first wave of theorists assessed the justice claims of minority groups, arguing for recognizing group-based cultural rights under a new multicultural citizenship scheme that would, it was claimed, respect both individual and group rights. A second wave of writers questioned whether these group-based rights could be reconciled with those of the broader community. A third wave is tackling, or ought to tackle, outstanding issues thrown up in the debate. Critical multiculturalism analyzes the shortcomings of the liberal assumptions made by many of these theorists, while reconstructivists go beyond the critique of existing normative and legal approaches to seek better ways of dealing with the challenges of accommodating differences and respecting rights.

Among the critical approaches are those claiming that "identity" and "culture" have been ill-defined or reified in these debates, rather than seen as resources and outcomes of political conflict or accommodations (see Brubaker and Cooper 2000). If that is so, then multiculturalism reproduces the older essentialisms or primordialisms that it was meant to transcend, contenting itself with the lesser task of providing a vocabulary allowing multiple yet discrete cultures to respect and recognize each other, as distinct from developing a pluricultural or intercultural alternative to them. Amartya Sen (2006), one of the principal authors of the UNDP's report, argues that most multiculturalisms should be dubbed "plural monoculturalisms" for this reason. In this perspective plurality is a stronger concept than diversity or multiplicity because it is more dynamic and less static. Plurality, according to Hannah Arendt (1958, 8), "is the condition of human action because we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives or will live."

Veteran social theorist Stuart Hall (2000) has suggested several fruitful new approaches to the subject. He questions ethnicity and culture as well as race, and criticizes liberal, communitarian, and cosmopolitan approaches to multiculturalism. It is not a single doctrine, does not characterize one political strategy, and does not represent one already achieved state of affairs. It is better thought of as an adjective than as a noun. As Hall puts it, "The double demand for equality and difference appears to outrun our existing political vocabularies." He suggests that recognizing the claims of the particular and the universal must involve some novel ways of

combining difference and identity, drawing together on the same terrain those formal incommensurables of political vocabularies, liberty, and equality, with difference, "the good," and "the right." Hall does not believe that philosophical solutions alone are possible, since the required recognition of particularity and universality is a practical political and social matter, opening up the "heterogeneous space of democracy" in which "vernacular modernities" are being established.

In 1945 Theodor Adorno, living in the United States after fleeing from Nazi Germany, wrote, "The familiar argument of tolerance that all people and all races are equal is a boomerang," and went on to say the argument "lays itself open to the simple refutation of the senses, and the most compelling anthropological proofs that the Jews are not a race will, in the event of a pogrom, scarcely alter the fact that the totalitarians know full well whom they do and whom they do not intend to murder." In contrast, an emancipated society "would not be a unitary state, but the realization of universality in the reconciliation of differences" (Adorno 1951, 102). His argument contains a profound truth, notwithstanding its pessimism. Equality as an abstraction was central to modernity, both for political liberalism and for commodity capitalism. It ushered in homogenization, standardization, democratization, and rights, all of which were revolutionary in the face of the particularities and status hierarchies of Europe and are still the most active principles of modern politics. Yet, interpreted literally, such a regime of rights and equality contradicts human experience of individual difference and is therefore, as Marx (1875, 24) put it, "a right of inequality, like every other right." Yet what human beings have in common is exactly their differences, their capacity to individuate themselves. The same applies to their cultures, insofar as they are also subject to a regime of rights. The chapters in this book suggest similar conclusions and point to ways in which rights should be pursued with the goal of managing autonomy, diversity, and plurality in an increasingly postnationalist world.

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INDEX

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