CITIZENSHIP IN THE TWENTY-FIRST CENTURY: THE FRENCH CASE

ABSTRACT

The globalization of migration that occurred at the end of the 20th century led to the evolution of the concept of citizenship in France. Citizenship was formerly confined to the nation-state, linking the citizen to exclusive rights and duties towards the state to which he or she belonged. With increasing mobility and dual affiliations of settled migrants, new forms of citizenship are appearing.

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The new citizenship includes plural allegiances and policies in both receiving and sending countries, which build links with their members. Discourses and policies on integration have led second generation immigrants to rebuild their identities, with some disjointedness between nationality and citizenship. This article examines the French case, which is based on the difference between nationality and citizenship and the impact of the European Union. Three aspects of citizenship – legal status, civic identity and civic practice – will be explored in the context of this main distinction.

A socio-historical background

The distinction between citizenship and nationality appeared during the French Revolution. Citizenship preceded nationality, which was not a big concern during this period because most people did not move and there was no feeling of belonging to a nation. The revolutionary citizen of 1789 was a person who shared the ideals of the Revolution (freedom, equality of rights, right to property, and someone who participates in assemblies and political clubs). The notion also referred to Greek democracy and to the Roman republic: a citizen was a person entirely dedicated to public values, a hero of wisdom and probity (Saint-Just). Citizenship referred to ideas of the Enlightenment: social contract (Rousseau), freedom of conscience (Voltaire), separation of public powers between the executive, legislative and judiciary spheres (Montesquieu). It had a philosophical content, and was defined in the Declaration of Human Rights of 1789 (*Déclaration des droits de l'homme et du citoyen*).

Citizens but not nationals

During this revolutionary period, it was not necessary to be a national to become a citizen: participation was more important than nationality. Foreigners such as Anarcharsis Clootz and Thomas Paine were active members in the assemblies and were granted the title of citizens. The Constitution of 1793 even recognized citizenship granted for civic services rendered to the state(e.g. feeding and taking care of a child, helping an old person, etc.). This emphasis placed on civic values was reintroduced in 1871 during the "Commune of Paris," when foreigners were granted citizenship. One could therefore be a citizen without being a national – the argument that was again used for granting local political rights to foreigners during the campaigns of the 1880s.

Nationals but not citizens

Inversely, and historically, there have been many cases where nationals were not considered citizens: women until 1944, young people (the age was lowered from 21 to 18 years in 1974), members of the military who were deprived of voting rights during the Third Republic, persons with mental disabilities and those whose civic rights were revoked by juridical decisions (*déchéance des droits civiques*). We also need to add colonial status: indigenous people did not have access to citizenship and there was a hierarchy of forms of citizenship according to the status of the territory of birth and the level of education. In Algeria, a French colony, full access to citizenship was only granted in 1947 while Algerian Jews (mostly of Spanish origin) obtained French citizenship at the end of the 19th century (the *Crémieux Law*).

Immigration and the European Union have changed the terms of the debate. As regards immigration, distinctions have been introduced between legal status (especially for second generation immigrants who are nationals and citizens but not always considered as such), civic identity (the

relation to the public sphere; from political alienation to political allegiances), and civic practice (participation with or without being a national). With the creation of the European Union, hierarchical statuses among Europeans and non-Europeans have led to various forms of membership (from illegal residents to denizens). The internationalization of citizenship has introduced the concept of transnational citizenship, which goes beyond state citizenship and which allows for diasporic forms of political belonging in both sending and receiving countries, political rights of foreigners and access to dual citizenship. In France, the naturalization procedure increasingly requires an earlier and speedier integration than in the past, when integration was viewed as a consequence and not as a condition for naturalization.

Finally, citizenship has paradoxically emerged as a recent theme in France, in spite of its revolutionary roots. Nobody referred to citizenship during the "past glorious years" of 1945 -1975 ("Les Trente Glorieuses") because the social class structure was considered a more accurate way of explaining French political life. The emergence of the National Front, the strengthening of identity around French values with a populist accent, along with the creation of the European Union and globalization have led to a comeback of citizenship and its relationship with nationality.

Legal status

Legal status refers to nationality as defined by the law, while citizenship is a philosophical concept defined in the Declaration of Human Rights of 1789.

A compromise between *jus sanguinis* and *jus soli*

The French definition of a national is a compromise between *jus sanguinis* (right of blood) and *jus soli* (right of the soil). In ancient times, in France and other European countries, the nationality right was based on *jus soli*: the subject was attached to the earth of the lord and derived nationality from this territorial belonging. Napoleon I decided to shift from *jus soli* to *jus sanguinis* in the civil code of 1804 and made the same reforms in other European countries conquered by the Empire. Only the United Kingdom, which was not invaded, preserved its ancient *jus soli* tradition and later introduced it in its colonies (United States, Canada and Australia). But nationality was not a real concern. It was difficult to leave one's country but easy to enter another. Passports did not exist before the 19th century and identity cards were introduced in France in 1917 but are no longer compulsory. The first time that nationals were differentiated from foreigners in the French Census was in 1851: prior to this, most of the known foreigners were activists of the revolutions of 1830 and 1848 and were registered by the police.

The demographic decline which began in France at the end of the 18th century caused some concern during the subsequent period of economic development, in the second part of the 19th century: France needed a labour force and soldiers. After years of debate on "denationalization or depopulation," the law of 1889 introduced an important reform of the nationality code, by introducing *jus soli* in the Napoleon I civil code. It was the beginning of a long compromise which led to an early equilibrium between the two sources of nationality. The nationality code was then reformed in 1927, 1945, 1973, increasingly facilitating access by *jus soli*, but with few political debates in the public sphere. It was only in the 1990s that the question returned to the forefront, when the National Front and the Club de l'Horloge produced books titled *We Should Deserve to be French*, and *They are French Only on Paper, In Spite of Themselves.* The right wing favoured more *jus sanguinis*, while the left favoured more *jus soli*, stressing the acquisition of a feeling of citizenship by participation in local life and socialization in the territory. With the right's return to power in 1993, the first reform of the nationality code (the *Pasqua-Méhaignerie Law*) was introduced, making access to nationality more difficult for the children born in France to foreign parents. The law suppressed automatic access to nationality for them at the age of 18 and ensured that convicted persons could never become French citizens if their imprisonment exceeded six months. Access to nationality for children of West Africans who were themselves French was also denied. Only Algerians may ask for the reinstatement of their French nationality, and they can only do so if their parents or grand-parents acquired full citizenship. The left, as well as human rights associations, strongly fought against this law. In 1998, when the left returned to power, a new law that hearkened back to that of 1973 (the *Guigou Law*) – was adopted, granting automatic access to French nationality, at the age of 18, to those who were born in France and lived there during the preceding five years. The equilibrium between *jus sanguinis* and *jus soli* was established anew. No new debates on nationality have since arisen.

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However, some distinctions have been made in terms of access to civic rights and marriage. The first laws on nationality introduced a period during which new nationals were not allowed to vote or be elected (five and ten years): there were active and passive citizens, suppressed in the law of 1973. For marriage, the length of time required for access to nationality has been

extended, during recent years, in an effort to control so-called "marriages of convenience."

Citizenship and local political rights

Nationality and citizenship have not always been linked to integration. Assimilation, an individual process which prevailed in France from the end of the 19th century to the middle of the 20th, has been progressively replaced by integration, a less demanding allegiance. Assimilation and integration policies have never included local political rights as a way of incorporating foreign citizens. Even if citizenship of residence is a slogan adopted by many support associations, it is nonetheless difficult in France to be a citizen without being a national. But the principle of dissociating nationality from citizenship has been introduced in political and constitutional debates. It is only under pressure from the European Union that the French Constitution was reformed in order to take into account the Maastricht Treaty of 1992, which incorporates European citizenship in, and grants local political rights to, all Europeans of the EU under the rule of reciprocal rights. Many proposals have been introduced to grant local political rights to non-Europeans but thus far, none have been successful, largely because of a lack a of political will. The latest proposal, crafted in 2000 by the Green, Communist and Socialist parties, also failed. Most proposals in favour of social cohesion (urban policies, equality of chances programs and anti-discrimination policies) are not centered on extending citizens' rights to foreign residents.

Civic identity and civic practice

Membership

The concept of civic identity refers to political integration with the nation. It springs from the Revolution: the definition of a collective identity, which is built on a political project and on shared values, has no link with ethnic belonging in France. The nation was said to be born in Valmy when the troops of General Dumouriez and Kellermann shouted "Vive la nation" in 1792. The nation, a political invention that replaced the relationship between subject and king, was then reinforced by the Empire, through wars against new enemies. But a collective "us" was the object of much theorization at the end of the 19th century. On the eve of the Third Republic in 1871, the writer Ernest Renan, replying to a letter from the German philosopher Fichte who explained his notion of "German people" in ethnic and cultural terms, replied: "What is a nation? A nation is a soul, a collective will to live together and partake in a common, and very rich, heritage." Progressively, this Republican, Jacobinist view of the nation that anchors civic identity in France came to be threatened by nationalism, which largely operates against the Nation. Rightist theoreticians like Maurras and Barrès rooted the nation in a territory, cultural traditions ("values") and even references to a common blood. But the evolving content of the nation remained elusive because it both served to legitimize colonialism under the Third Republic (in the name of shared values of progress) and to develop racist classifications of people – thereby excluding Jews and other groups from belonging to the nation, especially between the two World Wars. During the Vichy period, in 1940, a number of naturalized French individuals of Jewish heritage were deprived of their French nationality and prohibited from applying for civil service positions.

Islam also raises a new question: "Can one be French and Muslim?" Starting in 1989, the integration of second and third generation immigrants of North African origin led some elites of the "beur" movement to vote for, and run as, candidates in municipal elections. They have created a political movement supported by organizations like SOS Racisme and France Plus, which put forth their claims and suggest that they have become a political force.

Citizenship, an evolving concept

Citizenship has rapidly changed during the last fifty years. During the mid-1950s, no one in France was interested in the old notion of citizenship. The political and social analysis of France was based on a framework of class struggle between workers and owners, and the political parties more or less concurred with this view. The rediscovery of citizenship is quite new and can be set in the mid-1980s. The left does not wish to abandon citizenship and nation to the emerging extreme right. To the writings of the right-leaning Club de l'Horloge, the socialist Club 89 replied in 1985 with their own book on French identity, emphasizing republican values, titled *L'identité française*. Immigration began to shape the definition of citizenship, which came to include new values of socialization through local residence, cultural pluralism and anti-discrimination initiatives (such as the Marche des beurs in 1983). Islam also raises a new question: "Can one be French and Muslim?" As of 1989, the integration of second and third generation immigrants of North African origin led some elites of the *beur* movement to vote for, and run as, candidates in municipal elections. They have created a political movement supported by organizations like SOS Racisme and France Plus, which put forth their claims and suggest that they have become a political force, unlike Portuguese, Italians, Spanish and other European immigrants in France. Some of these leaders tend to reinforce their image of model French citizens, and show respect for the symbols of the Republic: public school, secularism, civic identity ("Plus républicain que moi, tu meurs"). But many French do not consider these new

French citizens (second and third generation immigrants) to be French. French citizens who hold this belief are mainly poor, unemployed and feel themselves to be in competition with immigrants. In response, some of the marginalized and "visible" young men of the inner cities define themselves as the true inhabitants of their territories, hinting that the "Gaulois" are not in their place. An ethnicization of French identity has appeared.

Another shift of civic identity lies in the development of dual nationality, leading to dual citizenship. As a result of second and third generation immigrants born in France and acquiring French citizenship through *jus soli*, France now allows for dual nationals because most of these new citizens also possess the nationality of their countries of origin or that of their parents, by virtue of *jus sanguinis* (in all Islamic countries). In some countries, such as Morocco, this original nationality can never be abandoned (*allégeance perpétuelle*). While France tries to attract the votes of this new constituency, even those countries of origin that are reluctant to recognize their nationals as new French citizens have now understood that they can further their political agenda in French affairs. So Algeria declared in the early 1990s: "You are also French. You might learn to use it," while Morocco, who was strongly opposed to local political rights for Moroccans in the Netherlands, is now very much in favour of the various forms of involvement of its nationals abroad (associative life, trade unionism, transnational professional networks). Thus, quasi-diasporas in immigration countries are now encouraged by the diasporic policies of their countries of origin, playing on the multiple allegiances of their compatriots.

But discrimination may alter this evolution. In France, the overwhelming majority of youth of foreign origin feel French and "play the game," as shown by all the polls and qualitative studies. But they also feel that most French are not convinced that they (youth of foreign origin) are French, thus highlighting a profound disconnect within the French nation, one that is in contradiction with non-ethnic republican values. "French like the others," concluded a recent study on youth of Arab origin. Speaking of his French colleagues at work, one such youth said: "They will have progressed when they will have understood that we are French." This may precipitate behaviours of rejection, including the invention of the Indigenous of the Republic, a movement built on post-colonial approaches to identity, or more aggressive reactions (delinquency, radical Islamism, political anomy). With respect to citizenship, the gap between Europeans and non-Europeans is widening and this includes not only differences of status but also failures in terms of inclusion. In 2007, a Ministry of "Immigration, Integration, National Identity and Development" was created, headed by a close friend of President Sarkozy, Brice Hortefeux. The creation of such a ministry generated widespread criticism regarding the relationship between immigration and national identity, hinting that national identity has to be governed and that immigration could threaten it.

Conclusion

The 20th century is challenged by mobility, which also questions citizenship. Many forms of transnational citizenship have appeared, with so many forms of dual presence, at the infra- and supra-national levels. It also changes the definition of belonging. The hierarchy of citizenship is also a concern, especially when new nationals begin to be considered as "others." Can we retain such strongly segmented categories of nationality – nationals, Europeans, long-term non-European residents, short-term non-European migrants, asylum seekers and illegal migrants – in a truly democratic space? Mobility also implies the need to define the rights of mobile citizens and to manage this, which weakens, although only slightly, the relationship between the citizen and the state.

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