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Transformations of citizenship: politics of membership in Britain

Marked by two world wars which changed the world dramatically, the 20th century brought about new hopes, great expectations and dreams of peace and plenty. One could even say that we've reached a fairer world, with achievements in education, health or political emancipation that went beyond initial expectations. The twentieth century is also the century in which human rights began to be taken on a serious ground. The League of Nations, created after the 1<sup>st</sup> world war, and the United Nations, formed since the 2<sup>nd</sup> world war, intended, therefore, to solve some of the world's deepest problems, such as war, ethnic conflicts and human disaffections.

The world has indeed changed, backed up by political and cultural reforms and using science to eliminate want and misery from the world. The last fifty years have seen a massive increase in the production and consumption of several commodities. In addition, mass communications allowed a wholesale transfer of western goods throughout the world as trans-national companies tried to expand outside the west, seeking for cheap labour and fresh consumer markets. Mass consumerism went global resulting, as far as nations and national cultures are concerned, according to Anthony Smith, in a decrease of power and relevance of national boundaries and national governments regulations. Smith blames the cultural imperialism of mass consumerism for the dilution of the differences in national cultures:

“The ‘cultural imperialism’ of mass consumerism dilutes the differences in national cultures, reducing them to the packaging and folklore, just as it undermines the capacity to create an autonomous culture and society by creaming off the ablest men and women through emigration and the co-operation of elites into transnational capitalist economy” (SMITH 2006, 132).

However, the accomplishments brought about by technological advances and globalisation didn't expand worldwide and seem far too compromised when we witness catastrophic failures, such as wars, genocides, disaffections, terrorism, social inequality, political murder, ecological disasters that still

menace our world. As a consequence of this social and economic state of affairs, to a greater extent we observe massive population movements, new waves of migratory movements in which refugees, asylum seekers, aliens, illegal immigrants, economic migrants, or just simply wanderers take the leading role.

Migrations have been part of human history from the earliest times, but it was only since 1945 that international migration has grown in number and in significance. According to Stephen Castles: "It is one of the most important factors in global change" (CASTLES 2003, 4).

Therefore, one can state that migrant movements have thus contributed for the change of the nation state and for the alteration of concepts that were initially taken for granted, such as national identity, nationalism, and even the concept of citizenship. That is, the process of nation-building is based on a continuous process of reinvention of national fabrications and mythical creation. These imagined communities shared common values and symbols<sup>1</sup>. Moreover, the recent arrival of ethnic minorities, ex-colonials, refugees to these 'untouched' western nations changed that perception of chastity and homogeneous national identity, challenging the narratives of the past and national ideologies. These people, facing either integration or exclusion, had to deal with questions of place, set of manners and codes, or of birth and blood which have been included in the project of nation-making. Robert Winder calls this project an 'identity parade':

"But it is immigration, above all, which exposes the traditional sense of national identity as a mirage. It leaves us with so few credible national archetypes, no single banner beneath which all the varieties of Briton can rally. In its place, in the absence of a common flagpole on which we can hoist our colours, we have an identity parade" (WINDER 2005, 464).

Due to this cultural pluralism, many western countries, in A.D. Smith's opinion, have to include multiculturalism<sup>2</sup> in the never-ending process of reinvention of national identities:

"(...) many western countries have to come to operate with a more civic and territorial version of nationalism, through which immigrants and refugees may find a legitimate place in the host nation as citizens. On occasion, they may be invited to join in the cultural work of reinterpreting the nation and its political identity, so as to include their cultures and outlooks as constituent elements of a new overall national identity" (SMITH 2006, 128).

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<sup>1</sup> for further information see Benedict Anderson (1999), Balakrishnan (1996), Homi Babha (1990) and Gellner (2001).

<sup>2</sup> Instead of multiculturalism, Winder uses a new word, polycultural,. "In these days, the buzzword is polycultural, which suggests a richer and less hermetic relationship between different peoples", the author argues (WINDER 2005, 467.)

Furthermore, one can argue that the concept of citizenship has also in some way transformed itself in its basic core under contemporary conditions. Citizenship, seen as one of the most important structuring principle in the modern state-nation, represented by the French state after the French Revolution, corresponded to the civic right of belonging to a community (cf. GELLNER 2001). Being a citizen of a nation meant being a national. Nonetheless, this perception has somehow changed. Globalisation and migratory movements have transformed the concept of citizenship and have widened the gap between citizenship itself and nationality and questions of territoriality (cf. CASTLES 2007, 17-40). The atmosphere of fear and hatred caused by terrorism in the west has also contributed for the transformation of the politics of membership in European countries. More border control and migration rule are some measures that were enforced in order to keep terrorists out of the territory.

This paper's main purpose is thus to reflect on the transformations of citizenship and on the politics of membership adopted in a EU member state: Britain, in a specific period, the second half of the twentieth century and the beginning of the twenty first century. It is our intention to show how immigrants and ethnic minorities have achieved citizenship and how their inclusion as members of that state went on and it's still going on. Therefore, we will examine some of the major changes in laws on citizenship, nationality and immigration in Britain during the last decades.

Britain has always been a mongrel nation (cf. WINDER 2005, 2) and has created its own national identity which was constantly reshaped by different ethnic minorities coming to the country in search of better working and living conditions. However, in order to improve their lives on a social, civil and educational grounds and also because they no longer want to feel strangers in a new land, immigrants are willing to be members of the adopted nation.

Therefore, citizenship for immigrants means the achievement of a legal status formally equal to the other residents. Immigrants want to be entitled to the same civil and social rights as citizens (and, sometimes, even political). According to Stephen Castles (2003), access to citizenship has varied considerably in different countries, depending on the prevailing concept of the nation. Britain, for example, has followed the imperial model, until 1981, which defines a citizen as being subject of the same power or ruler. Germany, on its turn has defined the belonging to the nation, based on the folk or ethnic model. It gave relevance to the *ius sanguinis*. France has followed the republican model, dating back from the French and American revolutions. It defines the nation as a political community, based on a constitution, laws and citizenship, always willing to accept newcomers. The multicultural model, which

was followed by Australia, Canada and Sweden, was dominant in the 1970s and 1980s. This one is very similar to the republican model, with the difference that in this model, newcomers could maintain cultural difference and form ethnic communities. However, they were expected to adhere to the political rules (cf. CASTLES 2003, 44).

According to Christina Boswell "the UK experience with migration policy was somewhat different from that of its continental neighbours" (BOSWELL 2003, 12). In opposition to France or other continental countries, Britain, with limited schemes for recruiting labour, accepted overseas workers in the 40s, not because the Government recognised the need of foreign labour for economic reconstruction as the main reason, but primarily as a consequence of the end of the Empire and of the creation of the Commonwealth. Workers from the West Indies arrived in the 40s and in the 50s. They were considered as British subjects, being entitled to British passports under the 1948 British Nationality Act<sup>3</sup> (cf. BOSWELL 2003, 12). New waves of immigration took place in the 50s and 60s, mainly from India, Pakistan and Bangladesh, in an attempt to escape poverty and political instability.

The search for work and for better living conditions seems to be one of the main reasons why people immigrated to Britain. The fact that it was a rich, already cosmopolitan country, it was a rather tolerant, law-abiding place, there were established networks of almost every nationality and religion and it had a welfare state which would guarantee decent human living conditions, represent some of the conditions that attracted immigrants, and still do, to come to Britain, according to Robert Winder. (cf. WINDER 2005, 417-418).

As large numbers of immigrants came to Britain, there were greater concerns over the issue of immigration control. Immigration began to cause great impact on some critical social questions, such as unemployment, the welfare state, cultural identity and public order (cf. BOSWELL 2003, 9). For that matter, the Immigration Act 1971 intended to restrict access to the UK to those with a status of Citizens of the United Kingdom and Colonies (CUKC), a status formerly provided for by the 1948 British Nationality Act.

In 1971, there were three levels of nationality: full British citizenship, dependent territories citizenship (Hong Kong) and British overseas citizenship. But still the *ius sanguinis* prevailed over the *ius solis*. Only overseas people of 'British descent' were given full membership (cf. WINDER 2005, 402).

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<sup>3</sup> The British Nationality Act 1948 provided for a new status of 'Citizen of the United Kingdom and Colonies.' Each Commonwealth country established its own citizenship. This act also introduced the term 'Commonwealth Citizens'. (source: <http://www.uniset.ca/naty/BNA1948/revd.htm>)

Nonetheless, a major reform in the Nationality Law took place in 1981. The British Nationality Act 1981, “an act to make fresh provision about citizenship and nationality, and to amend the Immigration Act 1971 as regards the right of abode in the United Kingdom’ (cf. Home Office BNA1981), abolished the CUKC, and created three new statuses: British Citizenship, British Dependent Territories Citizenship and British Protected Person<sup>4</sup>.

There are now six different types of British nationality: British subject status, British citizenship, British Dependent Territories Citizenship, British Overseas Citizenship, British National Overseas and British Protected Person<sup>5</sup>. At present, people can obtain British Citizenship by *lex solis* (by birth), by *lex sanguinis* (by descent), by naturalisation and by registration. Non-British nationals holding ‘right of abode’ are eligible for British citizenship by registration after 5 years residence in the UK.

In the 90s, after the breakdown of the Iron Curtain, Britain hosted a new type of immigrants, the refugees from the Eastern countries. Among these there were victims of the war in the former Yugoslavia. This fact changed British political strategies a great deal and it caused an onset of protests based on nationalist assumptions. The Conservative Party created the Law of Asylum and Refugees in 1996, which intended to reduce the number of people asking for political asylum and to control illegal immigration. In an attempt to create multilateral and supranational regulation systems, the EU implemented the 1985 Schengen and the 1990 Dublin Agreements, which intended to make practices of granting asylum and refugee status throughout member state uniform, and also decided on common migration and asylum policies with the 1997 Amsterdam Treaty (cf. CASTLES 2004, 857).

Nonetheless, immigrants are still seen as the others, becoming undesirable in a country dealing with an integration crisis, especially after the bombings of Madrid in 2004 and in London in 2005. The awareness that the traditional philosophy of liberal tolerance yielded ground to perceptions of Islam as a threat to liberal norms and values’ is now shared by most EU countries (cf. BERTOSSI 2007, 3). Winder explains the difficulties and the constrictions immigrants have to deal with as follows:

“The legal constraints imposed on immigration legitimized the feeling that modern migrants were invaders who needed to be fended off, and breathed life into the old idea that these newcomers did not belong here. Men or women who in 1948 were unquestionably British found themselves recategorised, first as coloured immigrants and eventually, at the sad end of a sorry story, as ‘asylum cheats’”(WINDER 2005, 471-472).

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<sup>4</sup> Protected people are those with a connection with a former British Protectorate, Protected State, League of Nations Mandate or United Nations Trust Territory. They will lose this statute as soon as they acquire any other nationality or citizenship.

<sup>5</sup> (source: <http://www.opsi.gov.uk/acts2002/20020041.htm>)

Public hostility to immigrants and asylum seekers has increased, and they are seen as a threat to social cohesion and national identity (cf. CASTLES 2007). Immigrants might feel as members of society, with equal social and political rights, but some minorities will always feel excluded from the nation (cf. BERTOSI 2007, 4). The practice of citizenship is differentiated according the statuses of people. Castles claims the existence of a hierarchical citizenship within nation-states. From full citizens, denizens to undocumented migrants, asylum seekers and ethnic, religious and social minorities there will always be human rights discrimination and a subversion of the legal principle of equality of nation-states (cf. CASTLES 2007, 34-35).

The Nationality, Immigration and Asylum Act 2002 (NIA) embodied, therefore, an attempt to amend the 1981 Act on questions of human rights and human solidarity, on the one hand, but on the other it dealt with more restrictions on immigration and asylum policies. It has indeed introduced a number of measures. We'll just highlight a few on questions of nationality, such as: the requirement of applicants for British citizenship to pass an English language test<sup>6</sup>; a citizenship ceremony involving an oath of allegiance to the Queen and the right for children to be registered as British citizens.

Concerning asylum policies, the NIA Act implemented some changes. It introduced the Application Registration Card (ARC), as the identity card for asylum applicants in the UK, replacing the Standard Acknowledgement Letter. The NIA Act also pointed out the assembling of a network of induction centres<sup>7</sup>.

These changes over the issue of nationality and asylum policies intend to strengthen active participation in the democratic process and a stronger sense of belonging to the nation. However, this won't be effective until immigrants are really valued for their ethnicity, religion and class and are welcomed and given equal opportunities in a multicultural society. In Britain, black and minority groups are entitled to full civic rights, but racism and discrimination still exist. Pakistani and Bangladeshi are the two most discriminated minority groups. The Race Relations (Amendment) Act 2000 introduced race equality schemes to eliminate discrimination. Nonetheless, since the riots in some northern cities in 2002 involving youngsters of Asian origin, and since the terrorist attacks, concerns about social cohesion have led to the search for a closer link between citizenship and nationality. This could provide citizens with a

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<sup>6</sup> In order to learn and improve their English and to pass the Citizenship test, immigrants have access to books which can help them in their task. *Home Office. Life in the United Kingdom. A Journey to Citizenship*, 2007 is the latest publication. It focuses on culture, politics and society of the UK.

<sup>7</sup> (source: <http://www.refugeecouncil.org.uk/policy/briefings/2002/nia.htm>)

national sense of belonging. (cf. RUDIGER 207, 56-57 and CASTLES 2003, 230-231). The government created thus more restrictive asylum policies, exercising the right to exclude and include citizens in their own national territory.

As we have stated initially, the second half of the 20<sup>th</sup> century has given much importance to human rights. It is our strong belief that human rights associations, NGOs and immigrants associations have, somehow, forced the states to change their membership policies, at least in theory. 'The right to have rights', so proclaimed by Arendt (cf. ARENDT 1968, 296-297) means, according to Seyla Benhabib, the recognition of the universal status of personhood of each and every human being, independently of their national citizenship (cf. BENHABIB 2004, 68).

Benhabib argues that the basic human right to communicative freedom enables us either to justify the 'human right to membership' or to interdict 'loss of membership or denaturalisation' (cf. BENHABIB 2004, 36). She claims that the entitlement to all civic rights, and eventually to political rights, must itself be considered a human right (cf. BENHABIB 2004, 40). The denial to immigrants to become citizens at all would be objectionable from a moral point of view, and would violate the human right to membership (cf. BENHABIB 2004, 54).

In the UK, as well as in France or even in Germany, citizenship policies have to take into account the new social and economic setting. States have to deal with the so-called new cosmopolitans - refugees, minorities, deported aliens, stateless and displaced people – in a world of global movement, and will only cope with this new reality if they follow a postnational cosmopolitan solidarity (cf. BENHABIB 2004 and APPIAH 2006). In fact, postnational citizenship seems to be one possible solution for the protection of human rights. It confers upon every person the right and duty of participation in public life, regardless of their cultural and historical ties to the community (cf. SOYSAL 1994, 3).

The EU has also some projects for common membership policies in order to control human trafficking and smuggling. A common legislation and more border control to avoid 'asylum shopping' should be the answer, according to Franco Frattini, Vice-President of the European Commission.<sup>8</sup> In Rudiger's opinion: "a rights-based EU citizenship that seeks detachment from member state's nationality could help generate a new space for the exercise of rights" (RUDIGER 2007, 60). However, as already shown, the practice of citizenship varies in different EU countries at different levels. Despite tight entry

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<sup>8</sup> Interview given to the BBC on July 22 2007. Franco Frattini is responsible for Freedom, Security and Justice.

rules, asylum seekers and illegal immigrants continue to come to Britain, as well as to other European countries, such as France, Spain and Germany, for example.

To sum up, the integration strategies adopted in Britain for the Commonwealth guest workers, decades ago, have now to be reassessed within this new social and political framework challenged by globalisation and migration, as immigrants now long for equality rather than for a sense of belonging.

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