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EUROPEAN UNION INSTITUTE

EU POLITICS AND INTERNATIONAL RELATIONS

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Master of Arts Thesis

BURCU ÖKE

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Advisor: ASSIST. PROF. DR. NEDİME ASLI ŞİRİN

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AVRUPA BİRLİĞİ ENSTİTÜSÜ

ONAY SAYFASI

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ABSTRACT

Current developments in the world such as globalisation of markets, ever raising interconnectedness caused by improvements in technology and circulation of people, internationalisation of problems and raising role of supranational institutions in world affairs led to new definitions of citizenship such as post-national citizenship. In Europe, political integration is also another important factor that generates a discussion about citizenship, nationality and the role of nation-state. As political integration of Europe moves along, the concept of 'European Union citizenship' has also emerged. The objective of this thesis is to analyze the socio-political aspects of the concept of 'European Union citizenship' -a form of post-national citizenship- in the context of migrant inclusion. The thesis is composed of three parts: The first part contains a general evaluation of the theories of nationalism and examines the current status of nationalism in Europe discussing the future of possibilities; the second part discusses the idea of post-nationalism in relation to the Jürgen Habermas' idea of 'constitutional patriotism' and Yasemin Soysal's concept of 'post-national membership'. This part aims to find out the answers to the questions of whether a post-national European Union Citizenship is viable; whether it is a comprehensive citizenship that covers all the peoples of Europe and meets the demands of transnational communities in contemporary Europe. In the last part of the thesis, the Turkish immigrants in Germany are examined as a case study to observe the effects and possible benefits of post-nationalism on migrant communities in Europe.

ÖZ

Pazarın küreselleşmesi, teknolojideki ilerlemeler, insanların sürekli hareketinden kaynaklanan artan bağlantılar, sorunların uluslararasılaşması ve dünya meselelerinde uluslarüstü örgütlerin artan rolü ve benzeri gelişmeler 'ulus-sonrası vatandaşlık' gibi yeni vatandaşlık tanımlamalarına yön vermektedir. Avrupa'daki siyasi bütünleşme de vatandaşlık, milliyet ve ulus-devletin rolü üzerinde tartışmalara yol açan önemli bir faktördür. Siyasi bütünleşme devam ederken, 'Avrupa Birliği Vatandaşlığı' kavramı da ortaya çıkmıştır. Bu tezin amacı göçmenlerin topluma dahil edilmesi bağlamında ulus-sonrası vatandaşlığın bir türü olan Avrupa Birliği Vatandaşlığı kavramının sosyo-politik yönlerinin analiz etmektir. Tez üç bölümden oluşmaktadır: İlk bölümde milliyetçilik teorilerinin ve milliyetçiliğin Avrupa'daki güncel konumunun genel değerlendirmesi yapılmaktadır. İkinci bölümde, ulus-sonrası vatandaşlık kavramı Jürgen Habermas'ın 'Anayasal Yurtseverlik' ve Yasemin Soysal'ın 'Ulus-sonrası Üyelik' kavramlarıyla ilişkili şekilde tartışılmaktadır. Bu bölüm ulus-sonrası Avrupa Birliği Vatandaşlığı'nın mümkün olup olmadığı ve bu vatandaşlığın günümüz Avrupasında, Avrupa halklarının ve ulusaşırı toplulukların taleplerini karşılayabilecek kapsamlı bir vatandaşlık olup olmadığı sorularına cevap bulmayı amaçlamaktadır. Son bölümde ulus-sonrası vatandaşlığın Avrupa'daki göçmen toplulukları üzerindeki etkileri ve muhtemel faydalarını gözlemleyebilmek için Almanya'daki Türkiye kökenli göçmenler vaka çalışması olarak incelenmektedir. Bu bölüm göçmenlerin Alman Vatandaşlığı ve Avrupa Birliği Vatandaşlığı'na yaklaşımlarını sunmakta ve onların vatandaşlık deneyimleri ve algılamalarını yorumlamaktadır.

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INTRODUCTION

We are living in a global age where we increasingly tend to question everything around us. We are exposed to a far greater range of influences and provided with sources of information than ever before. Previously, not many people have had the inclination to be such sceptical. At least in the political sense; questioning the role of the state, its functions and what it means to be a citizen of that particular state were regarded as needless. 'Being a citizen of a nation-state' was a fairly normal thing and rights and obligations were taken for granted. Today, however; we are increasingly questioning the 'normality' of this situation. We feel the urgent need to challenge the 'realities' around us. The new social, economic and cultural conditions also make it possible for us to form new perceptions and definitions. The bonds we highly regarded are ever weaker now and they are not necessarily unequivocally imbedded. Universalism and individuality are on the rise taking the place of nation-state and the institution of national citizenship. Moreover, major social problems related to migrants, refugees and diasporic groups etc. trigger these changes to a greater extent. Regarding this, Arjun Appadurai, an ardent supporter of post-nationalism, notes;

> Refugees, global labourers, scientists, technicians, soldiers, entrepreneurs and many other social categories of persons constitute large blocks of meaningful association that do not depend of the isomorphism of citizenship with cultural identity, of work with kinship, of territory with soil, or of residence with national identification. It is these delinkages which might best capture what is distinctive about *this* era of globalization. (2000:141)

That we are in such a global age is beyond dispute; yet one might also say that we are in the age of 'posts'; post-industrialism, post-communism, post-colonialism, post-structuralism, post-modernism, and what is discussed in this study, namely post-nationalism. It is this era of globalisation that paves the way for a post-national world order. It opens up the possibility of supranational formations and offers a new practice of citizenship which is referred in this study 'post-national citizenship'. Today, Europe is moving towards such a post-national direction or suspectedly so. The European Union with its introduction of 'European Citizenship' has led the way to a post-national

citizenship. This study examines whether a new kind of citizenship is really emerging in the European case and evaluates the effects of this process on migrant inclusion in Europe and equally importantly, the study discusses whether a post-national European citizenship is sufficient to meet the needs of contemporary migrant communities, one of which is Turkish immigrants in Germany. The study presents that although post-national citizenship seems unreal at present, it still remains as the most probable answer to overcome the exclusionary understanding of national citizenships and solve the inclusion problems of transnational communities.

In the first chapter of the study, theories of nationalism are evaluated briefly. The theories are discussed under the titles of primordialism, modernism and ethno-symbolism. The future of nation-state is discussed while a review of the current situation of nationalism in Europe is presented. The first chapter is the general framework of nationalism which lays the theoretical ground for further analyses. The different approaches presented in the chapter may give us some clues about post-nationalism and its plausibility.

In the second chapter, citizenship notion is analysed in the first place. Then Jürgen Habermas' conceptualization of 'Constitutional Patriotism' and Yasemin Soysal's proposal of post-nationalism are discussed in line with each other. In framework of these ideas, European citizenship is analysed as a form of post-national citizenship. The questions of the chapter also includes whether European citizenship could be a citizenship embracing all levels of society one of which is large population of migrants in Europe. In this chapter, migrant inclusion in Europe is discussed in parallel to the idea of post-national citizenship.

The last chapter is focused specifically on immigrants from Turkey in Germany and their citizenship status. Initially, German citizenship regime is examined in relation to the questions of migrant inclusion. Later in the chapter, the approaches of immigrants to the German and European citizenship and the meanings they attach to the concepts are analysed depending on the in-depth interviews made.

Methodology

The study is composed of 2 parts: a) literature on nationalism, post-nationalism and citizenship, b) qualitative research. First theoretical discussions about nationalism and post-nationalism and citizenship are made. Literature related to the fields is reviewed initially. Literature review is also provided to support the qualitative part of the thesis which includes in-depth interviews with the Turkish immigrants in Berlin. This part of this research is more concerned with the perceptions and everyday life experiences. The evaluation of the interviews is made in the light of the theoretical parts. The findings are based on qualitative research. The ultimate focus of the thesis is to explore the challenges the national citizenship create. Interviews are focused on immigrants since they are greatly affected by the consequences of national citizenship and also have influence on national citizenship practices. They have been selected using the method of purposeful sampling. In the last part, by interpreting the perceptions of immigrants, the concepts of national and post-national citizenship are reconsidered. The data is generated by conducting in-depth interviews with the Turkish immigrants in Berlin, Germany. The research has a qualitative orientation. The results presented in the study are based on 15 interviews. The interviews were conducted in Turkish. The interviewees were chosen randomly. There are both first and second generation migrants. All interviewees are above 18 years old. The age distribution ranges from 20 to 64. Six of the respondents were born in Germany; one of them was born in Belgium and later migrated to Germany and the rest of the respondents migrated to Germany for different reasons such as family unification, educational purposes or as a migrant worker. Second generation interviewees are all students whose ages range from 20 to 24. 5 of the respondents are primary school and high school graduates and they later attended some vocational courses in Germany. 3 of the first generation respondents are university graduates. Out of 15 respondents, 5 of them are Turkish citizens, 4 have double citizenship and 3 of them are German citizens and 2 of them were on the process of application to German citizenship. As for the employment status of the respondents, 10 are employed, 5 are either unemployed or students.

1. PRELIMINARY CONSIDERATIONS: NATIONS, NATIONALISM AND BEYOND

In this chapter, the theories of nationalism are evaluated briefly. However, it is essential to define what 'state' is and what 'nation-state' is before moving to a general evaluation of nationalism theories and perspectives. Yet, making definitions of such concepts is a tremendous task, for definitions are always incomplete, unsteady and partial. Yet, for the sake of simplicity and communication, here an attempt at defining the concepts is made.

To begin with, a state can be defined as a political entity that has sovereignty over a territory, has inhabitants of that territory which are called 'citizens', has executive, legislative and judicial powers. A state collects taxes, operates military and police service. It has the control over resources and their distribution.[1] It can be easily observed that the European Union already has some of these qualities.

A nation-state; on the other hand, is a cultural entity besides being a political one. The term 'nation' has been debated fervently by many scholars. In defining the nation, scholars such as Clifford Geertz, Edward Shils have attributed to objective elements such as language, race, religion, territory; while other scholars such as Ernst Gellner, Eric Hobsbawn and Benedict Anderson referred to more 'abstract' and subjective ones such as solidarity, common suffering, the desire to be together, invented traditions, common imagination etc. None of the definitions of nation is sufficient by itself. In this study, no clear-cut definition of the nation is given. Instead, it is treated as a recently constructed, flexible and modern phenomenon. Whether it is possible to go beyond the concept is the central issue of discussion.

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[1] Max Weber defines the state as such: "A compulsory political organization with continuous operations will be called a 'state' insofar as its administrative staff upholds the claims to the monopoly of the legitimate use of physical force in the enforcement of its order. [The modern state] possesses an administrative and legal order subject to change by legislation. [...] This system of orders claims binding authority over...citizens...and to all action taking place in the area of jurisdiction. It is thus a compulsory organization with a territorial basis." Weber, M. (1978) *Economy and Society*. Berkeley: University of California Press.

In this chapter, to understand nation-states and nationalism, the theories of nationalism are discussed under the titles of Primordialism, Modernism and Ethno-symbolism. A brief evaluation is made about the future of nation-state basing the arguments on perspectives of the scholars discussed. A review of the current situation of nationalism in Europe is presented and a comparison between old nationalism and new nationalism is made. Later in the chapter, assumptions for the future are given discussing the relation between nationalism and globalization.

1.1 THEORIES OF NATIONALISM: A BRIEF DISCUSSION

The debate on nationalism is probably one of the most controversial debates that has ever occurred in social sciences. Many scholars of politics, sociology and history have tried to produce theories or a grand theory of nationalism. The theoretical debate on nationalism started in the 1960s and speeded up in the 1980s. Debates on nationalism have revolved around these two questions: What is the relation between the ethnic communities of the past and today's modern nations? Are nations invented, imagined or reconstructed? The answers given to these questions determine the perspective of the scholars who are studying nationalism.

The scholars working on nationalism are generally divided into three groups; the primordialists, the modernists and the ethnosymbolists. Making a reference to the importance of history at explaining nationalism, Umut Özkırımlı (2005:35) summarizes the perspectives of these three groups as such; "For the primordialists, *the past determines the present*... For the ethnosymbolists, *the past constrains the present*... and for the modernists, *the past is exploited by the present*." (italics in the original).

1.1.1 Primordialism

Primordialism is the claim which contends that nations are ancient, natural phenomena. The most important representatives of primordialism is Clifford Geertz. Although primordialists are not a monolithic bloc, what they all suggest is that "nationality is a 'natural' part of human beings, as natural as speech, sight or smell, and that nations have existed since time immemorial" (Özkırımlı, 2000:64). According to

the primordialists, nation is enduring, ancient and organic. For them, nationalistic ties are *ineffable* and unanalysable. They are *given* and taken for granted. Clifford Geertz defines primordial ties as such;

> By primordial attachment is meant one that stems from the 'givens' of existence or more precisely, as culture is inevitably involved in such matters, the assumed givens of social existence; immediate contiguity and live connection mainly, but beyond them the givenness that stems from being born into a particular religious community, speaking a particular language, or even a dialect of a language, and following particular social practices. These continuities of blood, speech, custom and so on are seen to have an ineffable, and at times overpowering coerciveness in and of themselves. (1963: 109)

Primordialists mystify the nation and make the nation static and persistent to change. The primordialist claims do not match with the realities we currently live in. Today, primordialism has lost its notability in the literature on nationalism. Modernism has come as a response to the primordialist approach.

1.1.2 Modernism

For modernists, nation is a modern phenomenon. It is not natural or rooted in history. According to Smith (1995), it is the consequence of various conditions and processes such as capitalism, industrialism, the emergence of bureaucratic state, urbanization and secularism. For modernists, nation is not permanent and stable. It is rather constructed and subjected to change. The perspectives of modernist scholars depend on how they explain the formation of the nation and nationalism. Some scholars focus on social and economic aspects, while others emphasize the role of politics. In this study, Özkırımlı's method of classification is used to analyse the different approaches of modernist scholars.

1.1.2.1 Economic Transformation

The scholars who explain the existence of nations and nationalism with economic factors are generally neo-Marxists. Nationalism has always been important in the Marxist thinking since it is related to the fight against imperialism, neo-imperialism and anti-colonialism. The Scottish scholar Tom Nairn is one of the representatives of

this branch. He constructs his theoretical model on economic dynamics and relates nationalism with capitalism. Nairn (2003) claims that the roots of nationalism lie in the late eighteenth century. Nationalism is the reflection of the 'uneven development' of the history that has been taking place since the eighteenth century. This uneven development created a huge gap between core and periphery countries. The elites of the backward countries of the periphery used nationalism as a tool for the mobilisation of masses. Nairn (*ibid*: 336) explains the *raison d'etre* of nationalism as such;

> It is through nationalism that societies try to propel themselves forward to certain kinds of goal (industrialisation, prosperity, equality with other peoples, etc.) *by a certain sort of regression-* (emphasis in the original) by looking inwards, drawing more deeply upon their indigenous resources, resurrecting past folk heroes and myths about themselves and so on. These idealistic, romantic well-springs adhere to every form of nationalism.

For Nairn, nationalism is the socio-historical result of the rapid development of capitalism and the inevitable answer of the periphery to capitalism.

Michael Hechter is another Marxist scholar who explains nationalism with economic factors. Hechter (1975) introduced the concept of 'internal colonialism' to the literature on nationalism. Briefly, Hechter's internal colonialism is the economic exploitation of the periphery by the core within the same country. In his model, advanced groups regulate the allocation of social roles in the society. Hechter calls this 'cultural division of labour'. This division consequently leads to the formation of group identities and peripheral collectivity and thus to the appearance of nationalism. This peripheral collectivity "may reactively assert the equal or superior value of their culture, claim the separateness of their nation, and seek independence" (Hechter, 1975: 10).

1.1.2.2 Political Transformation

This school of modernism explains the existence of nationalism with political factors. John Breuilly, one of the significant scholars of nationalism studies, makes use of a massive historical analysis to explain nationalism and offers explanations. Breuilly (1993) relates nationalism, above all, to politics and politics to power. For him, power is about taking control of the state and the existence of state can be justified by nationalist

power politics. The second point Breuilly makes is the close relation between nationalism and modernisation. He suggests that modernisation creates a division of labour. In a modern nation-state, public powers are given to the state while private powers are given to non-political institutions. This creates the division between 'public' as a state and 'private' as civil society. The main issue is how to re-establish the state-society connection. At this point, nationalism comes into the scene. Nation appears as the society of individuals, wholly as 'a body of citizens' (*ibid:* 55). This body of citizens is the source of legitimacy of state action. The 'general will' of the society gives this legitimacy to the state. Moreover, nation gives a collective identity and provides standardization, both of which are promoted and manipulated by political elites to generate support for their political movements (Özkırımlı, 2000).

The distinguished Marxist scholar Eric Hobsbawn (1983) also explains nationalism with political factors. For Hobsbawn, nations and nationalism are constructed social entities. They are the products of invented traditions and social engineering. In order to understand nations and nationalism, these 'invented traditions' should be analysed. Hobsbawn defines invented traditions as follows:

> 'Invented tradition' is taken to mean a set of practices, normally governed by overtly or tacitly accepted rules and of a ritual or symbolic nature, which seek to inculcate certain values and norms of behaviour by repetition, which automatically implies continuity with the past. In fact, where possible, they normally attempt to establish continuity with a suitable historic past. (Hobsbawn, 1983:1)

For Hobsbawn, nationalism is the most common example of these invented traditions. He considers nationalism as an alternative 'civic religion' constructed after the late nineteenth century revolutions to provide social cohesion. New traditions are invented in order to maintain obedience, loyalty and cooperation from the subjects of the nation. (*ibid*.: 264-65). Not surprisingly, Hobsbawn rejects the assumption that nations are natural or rooted in history. There are merely proto-national bonds, which include language, ethnicity, religion, sacred icons, and feelings of collective belonging, that are activated by nationalism. Hobsbawn argues that thinking "nations as a natural, God-given way of classifying men, as an inherent through long-delayed political

destiny, are a myth; nationalism, which sometimes takes pre-existing cultures and turns them into nations, sometimes invents them, and often obliterates pre-existing cultures: that is a reality" (*ibid.*:48). In short, "nations do not make states and nationalisms but the other way round" (Hobsbawn, 1990:10).

Hobsbawn also emphasizes the effects of technology and social transformation on nationalism. He claims that nations came into being at a certain junction of technological development and social transformation. For example, national languages evidently emerged after the invention of printing press and spread of literacy through mass schooling. Concisely, Hobsbawn asserts that nations should be analysed in terms of political, social and economic conditions. Lastly, he points out that nation is a top-down formation, yet it cannot be properly understood unless "the assumptions, hopes, longings and interests of ordinary people" are analysed (*ibid.*)

1.1.2.3 Social/Cultural Transformation

The scholars, who explain nationalism with social and cultural factors, are Ernest Gellner and Benedict Anderson. Ernest Gellner's theoretical framework is better understood within the context of sociological tradition that starts with Durkheim and Weber. Gellner uses the basic principle of this tradition which is the distinction between traditional and modern societies. Gellner (1998) treats nationalism as a sociological necessity of human history. In his book, *Nations and Nationalism*, Gellner makes a list of 'false theories of nationalism'. For Gellner, nationalism is not natural, self-evident or self-generating; it is not accidental, either. Moreover, "it is not an ideological invention, or a political device at the service of other interests; nor is it the expression of dark, blind, atavistic forces" (*ibid.*: 30). Nationalism is simply the consequence of certain social conditions of the latest stage of human history, which is the industrial stage.

Gellner analyses human history in three stages: the hunter-gatherer, agro-literate and the industrial. During the first stage, nationalism could not exist simply because state did not exist. In the second phase, the society was organised hierarchically and there was the ruling class composed of warriors, priests, clerics, administrators and

burghers and agricultural workers. This society was based on ranks. Possession of a status was quite important and cultural homogeneity was not needed. Instead, cultural differentiation was more functional (1997: 20-21). "Since there is no cultural homogenization in agro-literate societies, there can be no nations" (Özkırımlı, 2000:13). In modern societies; however, the situation is different. Work becomes technical, society is growth-oriented and there is a need for homogenization, cultural standardization and anonymity which are all provided by a common education. Only a central state can handle such a task. This way, state and culture are brought together. In the industrial age, *High Culture* dominates and defines the society and this allows a context-free communication increasing the cultural standardization and homogeneity. Nationalism appears in this context as the mere solution to govern the entire heterogeneous population. These processes altogether inevitably produce nations and nationalism.

Benedict Anderson (1991) makes a contribution to the nationalism literature with his concept of 'imagined communities'. He proposes the following definition of the nation: "It is an imagined community- and imagined as both inherently limited and sovereign." It is *imagined* because the members of the community will never know or meet their fellow members or even hear of them. And it is *limited* because "each nation has finite boundaries". It is sovereign because "it is born in the age of Enlightenment and Revolution, where the legitimacy of divinely-ordained, hierarchical dynastic realm was rapidly waning." And lastly, it is *imagined as a community* because, despite inequalities and exploitation, it is perceived as "a deep, horizontal comradeship" which makes it possible for people to die for their nation. (Anderson, 1991:6-7)

Anderson examines the reasons why such imagined communities came into being. He links the rise of these communities with the decline of religious community and the dynastic realm. Anderson claims that print-capitalism also raised the national consciousness of the people. For him, only such social and cultural factors that facilitate the growth of nations can be helpful to the attempts to understand nationalism.

1.1.3 Ethno-Symbolism

In explaining nations and nationalism, ethno-symbolist scholars such as John Armstrong, Anthony D. Smith and John Hutchinson propose a third position in between the modernists and the primordialists. These scholars try to uncover the antecedents of today's nations. They stress on the ethnic forebears of today's nations. Anthony D. Smith suggests;

> Rather than viewing nations and nationalism as obsolete survivals of an earlier, more insular era, or as inevitable products of global modernization and late capitalism, or as perennial and natural features of human history and society, we must trace them back to their underlying ethnic and territorial contexts; we must set them in a wider historical intersection between cultural ties and political communities, as these were influenced by, and influenced, the processes of administrative centralization, economic transformation, mass communication and the disintegration of traditions which we associated with modernity. (1995:5)

Smith points out that the *ethnies*[2] and nations have some common features. They share the myths, memories and historical symbols. Although *ethnies* are not perennial, they are durable. The new perceptions are 'reconstructed' upon this continuity. Thus, the formation of nation-states can only be better analysed in long and detailed studies of the past and today together.

To sum up, primordialists argue that nations do not come out of nowhere and modern age is not a *tabula rasa* and the distinction between modern and traditional societies is artificial. The ethnicity is significant in understanding today's nations since the pre-modern ethnic ties form the basis for the formation of nation-state. Unlike generally assumed, these ties continue to exist with slow and slight changes. The contemporary nations need the legacy of the past, mythology and symbolism of culture and history in order to survive in the modern world. The emotive power of these myth and memories generates support for the continuity of nationalism.

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[2] Smith defines *ethnies* as "a named human population with myths of common ancestry, shared historical memories, one or more elements of common culture, a link with a homeland, and a sense of solidarity among at least some of its members". (Hutchinson and Smith, 1996: 6)

Concluding from the theoretical approaches of the scholars presented above, what can be inferred about the future of the nation-state and nationalism? If an evaluation is made out of the interpretations of these scholars, it can be inferred that nation-state will continue to survive either because of its rootedness or because of its functionality. For primordialists, the nation-state will obviously continue to survive because it is natural, ancient and enduring. Primordialists make no room for the discussion of the future of nationalism and nation-state. For modernist, the situation is quite tangled. Modernists think of nation-state as a 'tool'. Once this tool no longer functions or serves an interest, then nation-state will wither away and supranational or post-national forces will gain ground. They enable the possibilities for post-nationalism. As for ethno-symbolist, it is hard for an entity so deeply rooted in history like the nation-state to cease to exist. For them, nationalism is not transitory. It has its roots and it appeals to human emotions and it has no rivalry in that sense. For ethno-symbolists, even if the function of the nation-state changes, it will endure -perhaps in different forms-, yet it is irreplaceable in any way.

1.2 NATIONALISM IN TODAY'S EUROPE

Today, from the rise of right wing and extreme right wing parties to minor renationalization trends to moderate cultural nationalism, there are various signs of rise of a new nationalism in Europe. However, the most obvious indicator of this new nationalism is the hostility and extreme xenophobic racist actions towards migrants. The victims of new nationalism are migrants who comprise a significant part of the European states.

The new nationalism on rise is quite different from the old nationalism. "The old nationalism was based on an ideology of inclusion and was part of nation-state building" (Delanty, 2002:96). Today, however, nation-state building age is over. Today's nationalism is a nationalism of exclusion unlike that in the past. It no longer tries to create a homogenized society and it excludes its internal others, who are currently migrants. Contemporary nations of Europe define their identity by reference to migrants. As Delanty (1996:47) stresses "today nationalism is more likely to be a

product of the breakdown on social communication than a function of state-building."
This lack of communication is what causes migrants to be the internal others.

Today's nationalism is also a "materialistic nationalism" (Delanty, 2002:105). It
is about the sharing of diminishing material resources. That is the reason why the right
wing parties' election campaigns are heavily based on the issue of immigration in
Europe and are surprisingly successful. The political propagandas and the media
promoting economic insecurity trigger the perception of immigrants as a threat. This
new nationalism is a populist movement. It is on the rise because of the failure of
modern state to provide democracy for its citizens equally and fairly.

As a matter of the fact, the current situation in Europe is quite complex and
multifaceted. On the one hand, this new nationalism is on the rise and on the other hand,
Europe is becoming increasingly multi-ethnic and multicultural. These ethnic minorities
demand political representation and recognition of their identities, and democracies of
Europe fail to answer their demands. The immigrants, unlike their image in media, are
increasingly having more important roles in European societies. They are important
parts of the society and they contribute to its improvement. Yet, their demands and
problems are generally disregarded or superficially handled. Policies and formations
designed to eliminate their discontent are urgently needed in Europe. Formation of a
post-national European citizenship can create a multicultural space and a European
cultural identity that can be an antidote to this new nationalism. A solution offered at
European level can be more effective and egalitarian.

1.2.1 Future: Beyond the Nation-State?

> We need to think ourselves beyond the nation. This is not to suggest that
> thought alone will carry us beyond the nation or that the nation is largely a
> thought or imagined thing. Rather, it is to suggest that the role of
> intellectual practices is to identify the current crisis of the nation and, in
> identifying it, to provide part of the apparatus of recognition for
> postnational forms (Appadurai, 1993:411).

Appadurai's call for a post-national order is in fact not new. Starting from Kant
and Rousseau to Marx and Lenin, scholars and thinkers have been inspired by the idea
of formations beyond nation-state. Today, looking at the current situation, these

aspirations seem naive and unrealistic. Yet, the very same situation also leads us to think beyond the box and be critical about it. It is still hard to imagine a post-national future. It is as well difficult to imagine in what form and way a post-national order can be established. Yet, there are various factors that may lead Europe and the world to a post-national future, one of which is the highly controversial issue of globalization.

Globalization debates have accelerated the discussion of a future beyond nation-state and led us to think about post-nationalism. Transnationalisation of markets, communication technologies, mobility of people, global organised crimes and ecological crises are among the factors that trigger the debate. Different scholars have suggested different perspectives of globalisation which includes the following definitions of globalisation; "deterritorialisation of space, displacement and diffusion of culture, diversity and fragmentation, and interdependence" (Delanty, 2002:81-85). Robertson (1992) suggests that globalisation triggers the relativisation of societies and of national identities and interactively, the expansion of individual identities. He also goes on to suggest that these interactive processes lead to relativisation of citizenship as well. The present study deals with this 'relativisation' of citizenship and how this relativisation affects our perception of citizenship concept in the European context and whether it paves the way for a post-national citizenship in Europe.

Oddly enough, there is also a present trend that challenges both the nation-state and, at the same time, globalization: re-ethnicisation. We witness a re-ethnicisation of culture at the subnational level as a resistance to both nationalisation and globalisation (Castles and Davidson, 2000). While the authority of nation-state is being eroded from outside by globalization, it is also being undermined by the particularistic claims of groups from inside (Koopmans and Statham, 2000). Subnational groupings, social movements and diaspora challenge particular claims to national identity. These localisation and re-ethnicisation trends also disturb our perceptions of nation-state citizenship and raise questions about what kind of a citizenship we should expect in a post-national future.

To sum up, the discussion of post-nationalism has many layers. Where to start and in what way a post-national order could be acceptable and feasible remains blurry. Nevertheless; the notion of "constitutional patriotism" which was populated by Jürgen Habermas (1999) can be a good start to the discussion of post-nationalism. Habermas refers to the democratic constitution as the centre of political attachment and allegiance. In parallel with the idea of constitutional patriotism, it can be assumed that a post-national European constitution and citizenship can be a new opening in the European case. A shared political culture under the framework of European Union can be an accessible and inclusive space for dealing with both the problems of migrant communities and global problems as well. In the next chapter, the plausibility of a post-national European Citizenship is discussed after giving a general framework of citizenship notion.

2. POST-NATIONAL CITIZENSHIP IN EUROPE

Citizenship is a status that defines the relationship between political community and the individual. It carries with it the rights to enjoy and the duties to assume. It also determines the social relationship between the community and the individual and gives a political role to the citizens by letting them participate in political life. And subtly yet importantly, citizenship offers an identity, a sense of belonging and a feeling of fellowship. It assigns a place for individuals in a particular group and excludes the foreigners. It is internally inclusive and externally exclusive (Brubaker, 1992:21). It has clear boundaries and this bounded citizenry is generally perceived as national citizenship. There are however, certain new types of citizenship such as neo-republican citizenship, cultural citizenship, global citizenship, ecological citizenship and the European citizenship (Van Steenbergen, 1994:3). In the next section, citizenship is discussed in historical and conceptual terms.

2.1 HISTORICAL EVOLUTION OF THE CONCEPT OF 'CITIZENSHIP'

The concept of citizenship emerged in the ancient civilizations of the Mediterranean, particularly in Athens and Rome. The word 'citizen' comes from the Latin word *civis* or *civitas* which means a member of a city-state. *Civitas* is essentially a Latin rendering of the Greek word *polites,* a member of a Greek polis. In Ancient Greece, politics was aimed at *virtue* and citizens were defined as the ones who possessed a moral virtue. In Book III of *Politics*, Aristotle defines *polites* as "one who is able and chooses to be governed and to govern with a view to the life of excellence" (Everson, 1996:81). That is, Greek citizenship meant self-governance. It gave right to the *virtuous* citizens to participate in the assembly. Nevertheless, Greek citizenship excluded children, women, slaves and *barbarians*. Roman citizenship, however, was more of a legal status. It was merely about rights and obligations. It provided legal protection in exchange for allegiance to Rome (Smith, 2002). After the collapse of the Roman Empire, 'citizenship' was overshadowed by the feudal and religious statuses of the medieval Christian world. In a strictly hierarchical society, citizenship was only

granted to aristocrats and clergyman. Peasants were excluded as they were only 'subjects'.

After the anti-monarchical revolutions of the seventeenth and eighteenth centuries, the first modern republics emerged and this had a great impact on the concept of citizenship. Again, to be a citizen began to be understood as being someone who has a say in the political self-governance. This time, the difference was that this self-governance occurred within 'nations'. The development of the idea of 'popular sovereignty' during this period turned the 'subjects' into citizens in an egalitarian form. Citizenship was no longer about rights and obligations only. Now, citizenship turned into a political and social tie that bound the individual to the nation-state. Citizens became integrated parts of the society. Collective identification became significant and the terms 'nationality' and 'citizenship' began to be mentioned as if they were identical terms.

T.H. Marshall's seminal essay 'Citizenship and Social Class' (1949) is one of the classical texts that provides us an historical analysis of the evolution of citizenship. He analysed the development of citizenship as a development of civil, then political, then social rights. In his essay, Marshall puts forward three types of citizenship: civil citizenship, political citizenship and social citizenship. In the eighteenth century, civil citizenship, based on individual freedoms such as rights to property, freedom of speech, thought and faith, and right to justice, was established. Political citizenship was built mainly in the nineteenth century. This citizenship includes the right to participate in the exercise of political power. The third type, social citizenship emerged in the twentieth century in the modern welfare states of Europe. This third type stresses economic welfare and social security of individuals. Marshall considers the third type as the ultimate stage of the development of citizenship.

Today, social citizenship is not accepted as the final stage of the history of citizenship. Marshall's model has been criticized as cultural pluralism continues to rise. Gerard Delanty (2002:18-20) criticizes Marshall's theory of citizenship on five grounds. As mentioned above, Marshall proposes a model of social rights as the last stage of

citizenship. Yet, today there is also the challenge of cultural rights. There are also issues related to race and gender. The recognition of difference in these respects is an important issue that is closely pertinent to citizenship. The second point Delanty notes is about globalization and multiple identities. Protection of cultural heritage, linguistic rights, and issues related to media and information cannot be integrated into Marshall's model of citizenship. The third challenge is about the significance of active participation in citizenship. Marshall proposed a more passive and privatistic citizenship where the citizens accept the state-given rights and minimal duties. However, citizenship is a product of a historical struggle to win rights. It necessitates an active endeavour. The fourth issue is about the relation between nationality and citizenship. Marshall did not question the tie of nation and state, i.e. the state's role as a provider and guarantor of rights, and the nation's role as the locus of identity. The global age questions all these roles. Today, there are subnational units and transnational entities such as the European Union that challenge the state's role. The state is not the sole actor any longer meaning that the tie between citizenship and nationality is broken. The last point Delanty emphasizes is the separation of private and public realms in Marshall's theory. These are not strictly separated as Marshall suggests they are. In Marshall's theory, the private realm consists of the members of the social classes and the public realm consists of the state. In reality, the situation is more entwined and complex. The public realm also consists of informal networks of organization and mobilization. (Delanty, 2002: 18-20)

Today's citizenship has its roots in the revolutions of the seventeenth and eighteenth centuries. Both notions of republican and liberal citizenship appeared during these periods. 'Liberal' understanding of citizenship can be traced back to the English and later American revolutions of the seventeenth century which were greatly influenced by Thomas Hobbes', John Locke's and Adam Smith's ideas. 'Republican' ideas go back to the eighteenth century writings of Jean Jacques Rousseau and are even traceable to the works of Aristotle, Cicero, Tacitus and Machiavelli. The key principles of republican citizenship are civic self-rule and political participation. Liberal citizenship is generally related to protecting individual freedoms, personal interests,

economic fulfillment and basic legal protections. While republican citizenship is more concerned about the public realm, liberal citizenship gives primacy to the private realm.

In the post-war era, both republican and liberal citizenship models have been subject to criticisms. New social movements of the 1970s and 1980s such as feminism, the peace movement and environmental movements have introduced more radical forms of citizenship. Participatory democracy, pluralism, multiculturalism and justice have become pressing issues. Today, there is a more recent debate going on about the plausibility of a citizenship that is beyond the nation-state. In the next part, the concept of post-national citizenship is discussed within the context of this debate.

2.2 ALTERNATIVE CONSIDERATIONS: POST-NATIONAL CITIZENSHIP

Post-nationalism is a process that describes the decline of the nation-state in the face of certain economic, political, and cultural factors. The increasing number of immigrants on the territories of nation-states, especially in Europe, has also accelerated the discussion of post-nationalism in different areas of social sciences. Yasemin Soysal is among the scholars whose works are prominent in the study of post-nationalism. Jürgen Habermas' works also provide a theoretical background for the discussions on post-nationalism. A detailed analysis of his conceptualization of constitutional patriotism is needed in order to move forward to the idea of post-nationalism. Later in this section, the ideas of Yasemin Soysal on post-nationalism are discussed as well. Since Habermas and Soysal have similar points of departure, their ideas constitute a base for the idea of post-nationalism; therefore, in this study, the focus is particularly on these ideas. Parallel to these ideas, migrant inclusion in Europe is also discussed in the following pages.

2.2.1 Habermas' Constitutional Patriotism

Habermas (1999) proposes a form of discursive democracy which he considers the base for a cosmopolitan citizenship and a post-national identity. His idea of cosmopolitan citizenship is based on a constitutional order. Habermas emphasizes the

legal dimension of communication in establishing a post-national identity. It is the citizens' passionate identification with the constitution 'constitutional patriotism' that composes the core of a post-national identity. As he asserts, "peoples emerge only with the constitution of their states. Democracy itself is a legally mediated form of political integration. It is a form that depends, to be sure, on a political culture shared by all citizens" (Habermas, 2003: 97-98). This shared political culture is achieved by the adoption of the principles of constitutional democracy and this constitutional democracy is based on the principles of inclusive collective self-determination and human rights. The post-national identity is essentially an identity that is exempt from cultural attachments and is instead based on the normative principles of a universal constitutional framework (Habermas, 1998).

Habermas believes that it is the "ethnic membership (*die geborene Nation der Volskgenossen*) that secures social integration" (1999:115). Yet, the homogenous ethnic nation shaped by a common history and language, is today challenged by "the explosive potential of multiculturalism and the pressure of globalization" and there is, however, a 'functional equivalent' for the inclusion and fusion of the nation of the citizens with the ethnic nation (*ibid*:117). This functional equivalent is his conceptualization of 'constitutional patriotism'. Constitutional patriotism allows the different elements of society to coexist and interact on equal terms within the *same* political community (*ibid*:118). Is the establishment of a shared political culture enough to entail the inclusion of different elements of the society? Would it indeed encourage the idea of belonging and solidarity? These questions remain unanswered.

Habermas makes a reference to John Rawls' idea of 'overlapping consensus' and maintains that constitutional patriotism can provide the basis for an 'overlapping consensus' which can encompass the overwhelming majority of citizens. Habermas' concept offers ways of consensus and coexistence for different cultural, ethnic and religious forms. He depends on the 'rational consensus' idea and contends that it is this rational consensus that makes "a reasonable political understanding possible, even among strangers" (2001: 73). On what basis this rational consensus could be achieved again remains uncertain. Habermas contends that a rational compromise between the

collective 'good of the majority' as well as the good of the different subgroups is possible within the general political culture. Emphasizing the liberal conception of the good of society, he also contends that "the coexistence with equal rights with different ethnic communities, language groups, religious faiths and forms of life should not be purchased at the cost of the fragmentation of society" (Habermas, 1999: 146).

Habermas falls into reductivism by expecting a genuine commitment to the liberal political culture and universal norms of human rights in every single society and ignores the *sui generis* character of migrant groups and the hardships they face mobilizing and political claim making. As Delanty (2002:47) also suggests; "the more groups that are involved in decision-making and the more heterogeneous citizenship becomes, the more dissent will creep into civil society." It can no longer be taken for granted that citizenship can appeal to an underlying consensus such as a common conception of the good, as in liberalism, or community, as in communitarian theories. Habermas asserts that general will and *modus vivendi* can be achieved with the bargains and compromise of the divergent wills. Rousseau, however, claims that "the general will is the *sum* of the different wills" (1762: 146). It can be assumed that this bargaining for good can easily lead to the oppression of the majority over immigrants and Habermas' theory can be considered exclusionist in this respect.

Habermas' Constitutional Patriotism is also criticized for its taking no account of cultural identity in the formation of citizenship. Habermas locates culture within the confines of the constitutional state, emphasizing mostly the legal dimension of citizenship. The questions of culture and identity are neglected. However, without a cultural identity, there can be no political community (Delanty, 2002). Habermas (1999) relies on the example of the United States as a proof of the success of a shared political culture. Nevertheless, American national identity is not necessarily culturally neutral. American national identity has its own idealization and boundaries too. It is not cut off from historical continuity and cultural inheritances. American political culture also depends on pre-political elements and communalities. As Jan Werner Miller notes, ' "non- ethnic, constitutively open, and liberal universalist America" is no longer "Jefferson's Empire of Liberty" or "Emerson's Asylum of all Nations" '(2007: 7).

To conclude, as much as Habermas' conceptualization of constitutional patriotism provides optimism for the inclusion of different elements of society, his rationalist modernist ideas do not always solve the problem of providing a genuine solidarity. Since contemporary societies are now complex, differentiated and multilayered, merely legal and procedural solutions are not enough to solve the problems. In that sense, Habermas' conceptualization remains abstract and elusive.

2.2.2 Postnational Membership

Yasemin Soysal is a well-known representative of the idea of post-nationalism. Like Habermas, Soysal also bases her ideas of post-nationalism upon human rights and universal legal frameworks. In her book *Limits of Citizenship* (1994), she analyzes the challenges to the nation-state citizenship with respect to migrant inclusion in Europe. Soysal proposes a post-national regime, which she calls 'postnational membership', where migrants make universal claims that surpass the national citizenship regime. Her model is based on human rights as the rights of 'persons as individuals' not 'as citizens of nation states'. Thus, rights are not formed on the basis of nationality but on 'universal personhood'. In her model, "the individual transcends the citizen" (1994:142). This is the principal difference between national and post-national models.

Soysal (1994, 2001) argues that the postnational membership is a trans-territorial model which has emerged with the intensification of global discourse and instruments. It is a trans-territorial model because in a post-national model, the boundaries of membership are fluid and porous. Membership is not territorially restricted. As she emphasizes (1994, 2001), a Turkish guestworker can participate in Berlin community and enjoy rights and privileges while retaining his/her citizenship in a different state (1994:141, 2001:69). Soysal also offers dual nationality acquisitions as a similar example of this trans-territorial model.

Soysal examines the denizenship models as well. She accepts the basic premises of denizenship models while emphasizing the need to go beyond them. It was Tomas

Hammar who first used the term *denizen*[3] to describe the status of the migrant workers who came to Western and Northern Europe in the 1960s and 1970s for temporary employment or in order to find protection but who, ten or twenty years later, were still resident in their country of immigration (Groenendijk, 2006:3). Hammar (1990, in Soysal 1994) introduced the concept the notion of denizenship which argues that the civic and social rights of the long term European foreign resident should be extended because their long term residence and their involvement in the society. Heisler and Heisler (1990, in Soysal 1994) also claimed that emergence of the denizenship status is the result of a 'mature' welfare state. They suggest that the elaborate redistribution machinery and the 'ethos of equality' of the welfare state have led to the widening of the scope of citizenship in European societies (Soysal, 1994: 138). Soysal argues that denizenship models examine the changes in the scope of citizenship on a territorial basis. The allocation of rights no longer depends on nationality but on residency. "Denizens acquire certain membership rights by virtue of living and working in host countries" (*ibid.:*139). Therefore, denizenship status is an irregularity and the states should go beyond it. Yet, the confines of nation-state are too restrictive construing the changes in denizenship. Soysal proposes the expansion of denizenship status as a justification for overcoming national citizenship models and for her proposal of post-national membership.

Soysal intentionally avoids using the term 'post-national citizenship' and instead opts for 'membership' since she expresses that although the legitimacy for individual rights now lies in a transnational order, it is still the national citizenship that primarily organizes the rights and privileges of individuals (1994: 157). As she notes, "incongruously, inasmuch as the ascription and codification of rights move beyond

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[3] The term *denizen* was in fact already used in early eighteenth century legislation in England to describe a status approximately halfway between a citizen and a non-citizen, a status that could be obtained by a foreigner on the basis of his residence in the country.

'The Legal Integration Of Potential Citizens: Denizens In The EU In The Final Years Before The Implementation Of The 2003 Directive On Long-Term Resident Third Country Nationals', Available at: http://www.law.ed.ac.uk/citmodes/files/chapter10denizenship.pdf [Accessed on 20/05/2011]

national frames of reference, postnational rights remain organized at the national level" (*ibid:* 143). This contradictory nature reveals itself in daily politics, too. Soysal presents the example of the defensive stance of the Western states in Europe faced with the growing influx of asylum seekers in the 1990s while, at the same time, they sign universal documents that broaden the definition and the scope of refugees (*ibid:*158).

It is indeed this contradictory nature which eventually makes the nation state "inventively irrelevant" (*ibid:* 162). Soysal gives the example of European Court of Human Rights as a significant step towards the constrained role of nation-state in legal fields. The European Court of Human Rights is a unique system, in which the individuals living in European Council countries can appeal directly to the Court, whose decisions are binding on the Members. European Court of Justice (ECJ), which is an institution of the European Union also has a similar system. Although individuals cannot directly appeal to the Court, they can apply to their national courts to invoke the EU Law. These two examples suggest the diminishing and restricted role of the nation-state in legal fields.

As Soysal (1999) suggests, the human rights discourse which is no longer confined to national parameters is very influential in the creation of a post-national model. It is the national discourse and citizenship that confine people within the same distinctive categories, 'shared' values, language, and identity. In contrast, post-nationalism creates a universal identity comprising multicultural characteristics. The increasing tendencies for particularization in the European states also undermine the nation's legitimate position. These claims for particularization can also be answered within a post-national discourse. Whether an EU wide post-national citizenship can tackle this hurdle is discussed in the following pages.

2.3 EUROPEAN CITIZENSHIP

European citizenship was formally introduced with the Maastricht Treaty (the Treaty on European Union) in 1992. With its introduction, a discussion on the nature of the citizenship began. Can the EU citizenship be considered a post-national citizenship or does it have a complementary character? These are some of the questions that

preoccupy the minds of the political and academic circles in EU member states. In this section, the focus is on the nature of European citizenship and its effects on the inclusion of migrants in Europe.

As is the European Union, the European citizenship project is a continuous and unfinished project. If we look briefly into the history of the European citizenship, we can observe the evolving nature of the project. Before proceeding with the historical development of the concept, it is useful to look into the basic rights -also included in EU citizenship-, which were introduced before the formal establishment of the concept.

The right to move and reside freely within the territory of Community[4] was introduced in Articles 48 and 52 within the framework of the Treaty of Rome. Yet, this right covered only the movement of workers. The right was interpreted as a part of a market based understanding that was prevailing at that time. The Schengen Agreement signed in 1985 was also influential shaping the latter policies and practices of citizenship. The main objective of the agreement was creating a borderless Schengen area and adopting common visa and asylum policies. The agreement provided the legal base of the free movement right. The agreement was later incorporated into the EU institutional framework in 1997 Amsterdam Treaty. This agreement also plays a great part in the evolution of the EU citizenship.

The idea of European citizenship can, in fact, be traced back to the 1970s when the idea was triggered by the emergence of the concept of the 'Citizens' Europe'. In the 1974 Paris Summit, the citizens of the Community were defined as a part of the European integration process, not only as consumers. This was the first divergence from the market based principle. In the Summit, the first attempts to introduce 'special rights' to the citizens of the Community were made. These rights include a general right of residence, the right to vote and stand for election (at the local level), the right of access

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[4] Free movement and residence for EU citizens throughout the European Union. Available at: http://ec.europa.eu/justice/policies/citizenship/movement/policies_citizenship_movement_en.htm [Accessed on 20/09/2010]

to public offices, and the Passport Union. The Tindemans Report of 1975[5] added a number of further provisions such as the extension of the individual personal rights and the extension of freedom of movement. With these rights introduced, further moves were made to include the citizens into the integration process and provide them with a feeling of belonging to a broader entity other than a mere common market. In the 1984 Fontainebleu Summit, the free movement right was extended to include workers' families and students as well, which means that worker-citizen understanding was surpassed (Wiener 1997: 15). The following year, Adonnino Committee submitted the Report on a People's Europe[6]. The report emphasises the importance of creating a People's Europe. The report's purpose is to encourage Europeans to develop a common identity through common citizenship and the adoption of European symbols such as an EU flag, anthem, passport, car registration plates, symphony orchestra, sports events, and etc.

The Adonnino Committee, established in 1984, set out the following agenda: removal of frontier formalities; mutual recognition of diplomas and examination certificates; general right of residence, irrespective of whether or not the person concerned is engaged in gainful employment; the granting of the right to vote in local elections to citizens of other Member States; standard voting provisions in respect of elections to the European Parliament; the establishment of an EP ombudsman and the right to petition the EP and complain to the ombudsman; more cultural exchanges and exchanges involving young people and sport.[7]

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[5] Opinion of the Committee of the Regions on 'EU Citizenship' Official Journal C 156, 06/06/2000 P. 0012 – 0017. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:51999IR0226:EN:NOT [Accessed on 20/09/2010]

[6] The "Adonnino Report" - Report to the European Council by the ad hoc committee "On a People's Europe", A 10.04 COM 85, SN/2536/3/85. Available at: http://www.ombudsman.europa.eu/en/resources/historicaldocument.faces/en/4659/html.bookmark

http://aei.pitt.edu/992/ [Accessed on 21/09/2010]

[7] Opinion of the Committee of the Regions on "EU Citizenship" (2000/C 156/03) Available at: http://eur-

The social and political rights offered extended the limited character of European citizenship and was clearly a shift from market oriented approached that had been fostered. All these developments later paved the way for the introduction of European Citizenship in the Treaty on European Union (TEU), also known as the Maastricht Treaty. Many of the provisions mentioned above were incorporated into the European law by the Treaty of Maastricht.

Delanty (2002) analyses the process that results in the singing of the Treaty of Maastricht in three phases. At the first stage of European integration, economical ties were more important. It was the end of the Second World War and the desire was to make peace between France and Germany and contain USSR. As war memories faded and the tensions of the Cold War normalized, the political task of peace-making receded. In the 1980s, the second phase of integration began. In this period, the European Economic Community (EEC) became the European Community (EC) and the economic objective was pushed to the background. Instead, legal and administrative integration accelerated. By the early 1990s, the third phase emerged with the name change to European Union. The main objective of this phase was social integration. European integration was no longer only a matter of economic and political steering but has penetrated into the social itself with a legal concept of European citizenship. Wiener (1997) also assesses this period marked by a sudden shift from a balanced continuity of market making towards the management of political turbulence caused by the fall of the Berlin Wall and the loss of the stabilizing effect of the Cold War. Defining the Community's 'political purpose' in the light of these international transformations became a must. Therefore, the Treaty on European Union was signed and along with the Treaty, the 'European Union Citizenship' was introduced. Article 8 of Treaty stated that every person holding the nationality of a Member State shall be a citizen of the Union. The Treaty includes all the previous documents on citizenship and collects them under

the title of 'European Union Citizenship'. A specific set of rights is attached in the Treaty to the European citizenship[8], namely:

- the right to move and reside freely within the EU (article 18 of the TEC[9]) – subject to certain limitations introduced by community law;
- the right to vote for and stand as a candidate at municipal and European Parliament elections in whichever Member State an EU citizen resides (article 19 of the TEC);
- access to the diplomatic and consular protection of another Member State outside the EU (article 20 of the TEC) if his/her Member State is not represented there;
- the right to petition the European Parliament and to complain to the European Ombudsman (article 21 of the TEC).

The right to move and reside freely within the EU extended the limited scope of the right of free movement and residence introduced in the Treaty of Rome. As mentioned above, the economic aspect of the free movement right was overcome by including all categories of citizens with the adoption of several directives. Yet, these categories still do not include the long term residents of Europe, namely Third Country Nationals (TCNs). This is discussed more in detail in the following pages.

The right to vote for and stand as a candidate at municipal and European Parliament elections in whichever Member State an EU citizen resides concerns the extended scope of political rights introduced to European citizens. Yet, the enjoyment of these rights has not been fulfilled enough since the European elections have lost

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[8] European Union citizenship, a wide set of rights and obligations.

Available at: http://ec.europa.eu/justice/policies/citizenship/policies_citizenship_intro_en.htm [Accessed on 20/09/10]

[9] The Treaty of Rome, establishing the European Economic Community (EEC), signed in Rome on 25 March 1957, and entered into force on 1 January 1958.

Available at: http://eur-lex.europa.eu/en/treaties/index.htm#founding [Accessed on 20/09/10]

popularity among the European public. For instance, the turnout at the European elections decreased since 1979 from %61.99 to %43 in 2009.[10]

The right to access to the diplomatic and consular protection of another Member State outside the EU is about European Union citizens who are travelling or living in a non-EU country. This right gives the EU citizen who is in a country outside the EU where there is no embassy or consulate of his/her own Member State the right to request the consular protection of any other EU Member State under the same conditions as the nationals of that State. Measures are taken for the better practice of consular protection for EU citizens yet public awareness and simplification of procedures are needed concerning this right.

Lastly, the right to petition and complaints to the European Ombudsman is important in making the EU institutions more open and democratic and close to public. This right is also available to all the legal residents of Europe. All the petitions and complaints should fall within the area of activity of the European Union to be regarded as admissible. The European Ombudsman cannot deal with complaints related to national or local authorities. This narrows down the scope of the right. Moreover, the fact that the European citizens are not well informed about the scope of the activities of European Union can create some confusion concerning this right.

The 1997 Treaty of Amsterdam extends the rights of EU citizenship including the following rights:

- the right to contact and receive a response from any EU institution in one of the EU official languages
- the right to access European Parliament, European Commission, and Council documents under certain conditions and the right of equal access to the EU Civil Service

These rights are introduced in order to increase the transparency of the EU institutions and to ease the access to EU activity. The right to equally access European

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[10]Turnout at the European elections (1979-2009). Available at: http://www.europarl.europa.eu/parliament/archive/elections2009/en/turnout_en.html [Accessed on 19/10/2010]

Parliament, European Commission, and Council documents also guarantees the equality of all citizens to access to the civil service in the institutions of the European Union. In Article 17 of the Treaty of Amsterdam it was also emphasized that the citizenship of the Union complements and does not replace national citizenship.

Another important achievement of the Treaty of Amsterdam is the requirement of abolishing border controls to Third Country Nationals (TCN) stated by Article 73j of the Treaty: (1) measures with a view to ensuring, in compliance with Article 7a, the absence of any controls on persons, be they citizens of the Union or nationals of third countries, when crossing internal borders;[11] There were also other articles in the Treaty of Amsterdam which are related to the discrimination against TCNs. Article 13 of the Treaty empowers the EU "to combat all discrimination based on sex, racial or ethnic origin, religion, disability, age and sexual orientation".[12] The Treaty of Amsterdam finally gave third-country nationals a place in EU law. As the right mentioned above also proves, the Treaty of Amsterdam allows the acquisition of rights on the basis of residence rather than nationality. This could be regarded as a step towards a post-national understanding in the EU. Later in 2000, the Council of Ministers adopted another Directive to combat with the discrimination against TCNs. Wording of the Directive proves that Third Country Nationals are covered while measures are taken against discrimination of any kind:

> Any direct or indirect discrimination based on racial or ethnic origin as regards the areas covered by this Directive should be prohibited throughout the Community. This prohibition of discrimination should also apply to nationals of third countries, but does not cover differences of treatment based on nationality and is without prejudice to provisions

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[11] The Treaty Of Amsterdam, Available at: http://www.eurotreaties.com/amsterdamtreaty.pdf [Accessed on 18/05/2011]

[12] The Treaty Of Amsterdam,Available at: http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf [Accessed on 20/05/2011]

governing the entry and residence of third-country nationals and their access to employment and to occupation.[13]

The Charter of Fundamental Rights of the European Union which was proclaimed at the Nice Summit in 2000 is one of the important steps in the creation of the multicultural Europe. The Charter was considered "a major milestone for Europe as a political force, which is evolving into an integrated area of freedom, security and justice, simply as a consequence of citizenship".[14] The Charter brought certain political, social, and economic rights for European Union citizens and residents. The Charter contains some 54 articles divided into seven titles. The first six titles concerns: dignity, freedoms, equality, solidarity, citizens' rights and justice, while the last title deals with the interpretation and application of the Charter. In Title V of the Charter, the citizens' rights are listed as right to vote and to stand as a candidate at elections to the European Parliament, right to good administration, right of access to documents, European Ombudsman, right to petition, diplomatic and consular protection, freedom of movement and of residence.[15] The Charter of Fundamental Rights is a significant development however it did not go beyond being a political declaration. It was not legally binding.

In the Draft Treaty establishing a Constitution for Europe which was agreed in 2004 yet never put into effect, the content and limits of citizenship was determined. The

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[13] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Official Journal L 180, 19/07/2000 P. 0022 – 0026. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML [Accessed on 22/05/2011]

[14] Commission communication on the Charter of fundamental rights of the European Union. COM/2000/0559. Available at:

http://eurlex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=52000DC0559&lg=en [Accessed on 25/05/2011]

[15] The Charter of Fundamental Rights of the European Union. Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf [Accessed on 25/05/2011]

draft Constitution once again stated that "every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship".[16] With the signing of the Treaty of Lisbon, which has been the substitute of the Constitutional Treaty, the Charter of Fundamental Rights of the European Union became a binding document. The Treaty also introduced a new form of public participation: European Citizens' Initiative. The 'European citizens' initiative (ECI)' has been a significant development which provides a new stimulus for the realization of the European citizenship concept. The ECI will allow 1 million citizens from at least one quarter of the EU Member States to invite the European Commission to bring forward proposals for legal acts in areas where the Commission has the power to do so.[17] The first ECI will be launched on1 April 2012.

By its ambiguous nature, the EU citizenship has a conditional and complementary character. Yet, the fact that any national possessing the nationality of any EU Member State automatically holds the nationality of the other states can be considered as a reference to Soysal's trans-territorial citizenship concept. That the European Union citizenship blurs the link between territoriality and citizenship leads to a new concept of citizenship. Elizabeth Meehan describes this situation as follows: "a new kind of citizenship is emerging that is neither national nor cosmopolitan but which is multiple in enabling the various identities that we all possess to be expressed, and our rights to be exercised, through an increasingly complex configuration of common institutions, states, national and transnational interest groups and voluntary associations, local or provincial authorities, regions and alliances of regions" (Meehan, 1993:1). Soysal (1994) also mentions the plurality of membership forms and changing of the basis of legitimization to a supranational level. European citizenship taking its basis of

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[16] Draft Treaty establishing a Constitution for Europe. Available at: http://european-convention.eu.int/docs/treaty/cv00850.en03.pdf [Accessed on 25/05/2011]

[17] The European Citizens' Initiative. Available at:
http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/index_en.htm [Accessed on 21/09/10]

legitimization from the EU legislation and human rights documents is actually a citizenship both Habermas and Soysal envision. In that respect, it can be considered a citizenship set on the road to constitutional patriotism.

As John M. Cormick (2007: 216) notes "even if a European society is not fully developed, European law almost certainly is". Habermas (1999: 161) believes that it is "through the legal institutionalization of citizen's communication", a democratic will formation is possible. That is, political institutions created by the EU constitution will help establish a democratic political space in Europe. Through interaction and policy-making, a European civil society under the framework of European Citizenship will be formed and function. A politically communicative context will be laid down with the help of a European constitution.

The European Citizenship was a significant step in the European integration process. The fact that the word 'citizenship' was expressed aloud has a symbolic importance. The legal framework of European citizenship is promising for further developments. Yet, European Citizenship -at its current stage- comes with its flaws. First of all, EU citizenship cannot exist where national citizenships do not. It has a complementary character. Only the individuals who possess the nationality of a Member State are considered a citizen of the Union. Since it is the nation states which have the single authority to decide who their citizens are, the EU citizens only exist within the scope of national politics. Secondly, although there are some political rights introduced with the EU citizenship framework, these only cover the local level elections. It does not include the right to vote in the national elections. This limited enjoyment of political rights again puts emphasis on the sovereignty of Member States in the context of EU citizenship.

As mentioned above, the EU citizenship is reserved only for the nationals of EU Member States. It does not cover all the residents of European territories, namely the Third Country Nationals (TCN) are excluded. In this respect, European citizenship fails to improve the rights of non-naturalized migrants. This problem was put on the agenda in the 1999 Tampere European Council under the heading of 'Fair Treatment of Third

Country Nationals' and later in the European ESC (Economic and Social Committee) conference on the integration of immigrants[18] which calls for increased political rights for migrants. A 'European civic citizenship' for all residents of the Union was proposed. Later in 2003, Long Term Residents Directive 2003/109/EC[19] concerning the status of third-country nationals was adopted. The Directive specifies how a TCN residing legally in the territory of a Member State can acquire long term resident status. Yet, many groups such as students, asylum-seekers, refugees and temporary workers were excluded from the directive. Secondly, even the status of the most privileged immigrant group, long term legal labour migrants, remains subject to the logic of 'market citizenship' (Everson 1995, quoted in Joppke 2010:170). For obtaining the long-term residence permit, the Directive requires a five-year legal and continuous residence, stable resources and health insurance. These are not expected from EU citizens. Article 5(2) of the Directive states: "Member States may require third-country nationals to comply with integration conditions, in accordance with national law". This means that civic integration policies such as integration agreements, language exams are increasingly applied in more and more European countries. As can be observed, despite the efforts, the situation of TCNs is still an issue of concern. An EU citizenship model that is based on residence covering all EU 'citizens' including the Third Country Nationals and constructed with a rights based approach could be a genuine improvement.

Evaluating the Union Citizenship is about how one identifies the perspectives and interests of those who address the concept. On the one hand, one can stress its limitations compared to national citizenship holding a more minimalist approach, on the other hand, one can assess it as an incomplete concept that develops over time holding a

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[18] European ESC conference on the integration of immigrants calls for increased political rights for migrants CES/02/64 Date: 11/09/2002. Available at: http://europa.eu/rapid/pressReleasesAction.do?reference=CES/02/64&format=HTML&aged=1&language=EN&guiLanguage=en [Accessed on 20/09/10]

[19] Long Term Residents Directive 2003/109/EC. Available at: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l23034_en.htm [Accessed on 20/09/10]

dynamic approach that allows for new ways of rethinking citizenship. After all, this seems ultimately inevitable. People becoming more mobile, boundaries becoming blurry and rights becoming more flexible, it has become increasingly difficult to define the national citizenship practices as well as the European citizenship. Meehan summarizes this changing nature of European citizenship as such:

> a new kind of citizenship is emerging that is neither national nor cosmopolitan but that is multiple in the sense that identities, rights and obligations associated…with citizenship, are expressed through an increasingly complex configuration of common community institutions, national and trans-national associations, regions and alliances of regions. (1993:1)

In conclusion, some questions remain to be further explored about European Citizenship. This chapter examines whether European citizenship is successful enough to include all parts of society and to meet their demands. Apparently, in the current status quo, it remains limited in this respect. Despite its bona fide intentions, the EU citizenship seems to be inadequate both in legal form and in social spheres. Even if we adopt the dynamic approach, mentioned above, in a sanguine light, we can conclude that the Union Citizenship is at an elementary stage in its development.

Jürgen Habermas' proposal of a legal framework which assumes that universal values should overcome the peculiar characters of the communities also remains elusive and optimistic. Habermas does not offer a concrete way of how these peculiarities will actually be overcome or whether a shared political culture will be adequate to construct a genuine solidarity in a society. The idea of constitutional patriotism is contingent on post-nationalism. In a similar fashion to Habermas, Yasemin Soysal offers a postnational membership based on a universal personhood. Soysal draws a good picture of a globalizing trans-territorial membership. Referring to the universal human rights discourse, she emphasizes the importance of universal legal frameworks and their influence on nation-state's power. However, she is also aware that the nation-state still remains as a strong actor in the application of the universal human rights discourse.

The constitutionalisation of Europe within the framework of universal values is a promising development. Union citizenship is one aspect of this development challenging the conventional understandings of citizenship. However, the establishment of a legal framework in Europe is not sufficient to provide the migrant inclusion and the protection of migrants' rights. A lot has to be done in this respect. Even if legal frameworks were developed, implementation and internalization of them is also equally important. In this aspect, the nation-state still enjoys a discretionary power. When the universal discourse and national interests conflict, the nation-state largely takes control. The post-national theory can succeed only if/as the nation-state loses its supremacy. And last but not least, people's identification and attachment with European Union and a European Constitution is what is indeed missing. In the current stage, due to the reasons mentioned here, post-national ideas do not seem to be very realistic. Nevertheless, this should not hinder us from thinking over better alternatives. We should not fall captive to the present. Thinking of post-nationalism as an alternative is not political naïveté. On the contrary, it is these models and thought experiments that create a potential for the realization of new visions.

3. GERMAN CITIZENSHIP AND THE CASE OF TURKISH IMMIGRANTS IN GERMANY

This chapter deals specifically with Turkish immigrants/Immigrants from Turkey[20] in Germany and their citizenship status. In this chapter, German citizenship regime is examined in relation to the questions of migrant inclusion. Later in the chapter, a brief history of Turkish immigrants in Turkey is given and the approaches of immigrants to the German citizenship and European citizenship and the meanings they attach to the concepts are analysed based on the in-depth interviews conducted in Berlin/Germany.

3.1 GERMAN CITIZENSHIP REGIME AND IMMIGRANTS

There has been a long tradition of *jus sanguinis* (descent based) citizenship in Germany. Citizenship regime of the Imperial Germany, Weimar Republic, the Third Reich and both of the German states after the Second World War all represented the examples of the *jus sanguinis* based national citizenship. Germany has always perceived citizenship as a thick concept that is transferred by descent, based on genealogical rather than territorial characteristics (Joppke, 1999). Until the 1990 reform, citizenship was granted only through birth from a German parent and naturalization process was purely at the discretion of the German authorities (Brubaker 1992; Joppke 1999). Section 2.3 of the Federal Naturalization Guidelines of 1977 stated this ideology on naturalization in the 1970s and 1980s as:

> The Federal Republic of Germany is not a country of immigration; it does not strive to increase the number of German citizens by way of naturalization… The granting of German citizenship can only be considered if a public interest in the naturalization exists;… the personal desires and economic interests of the applicant cannot be decisive. (Hailbronner and Renner 1998: 865f , quoted in Koopmans, 1999)

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[20] In this study, the phrase 'Turkish immigrants' is used interchangably with the phrase 'Immigrants from Turkey' both referring to all the different ethnic groups that migrated to Germany from Turkey.

On the contrary to this view, Germany has been a country of immigrations for a long time. Brandt (2000:200) analyses immigration to German in five different categories: The immigration of 12 million ethnic Germans (*Vertriebene* and *Flüchtlinge*) which was completed by 1960. The second cycle is the immigration of guestworkers during the economic boom of 1960s until the 1973 economic crisis. The third cycle is the asylum seekers in 1980s. The fourth cycle is the immigration of ethnic Germans (*Aussiedler* and *Übersiedler*) who have been living in Eastern Europe and returned to Germany once granted the right to return and claimed German citizenship. The fifth cycle is the short-term contract workers and also the undocumented workers mainly from the countries of the former Eastern Bloc. And the sixth cycle is happening now since German government decided to recruit highly qualified immigrants in certain sectors.

The official denial of Germany's being a country of immigration and thus the absence of an immigration policy was the result of the ethnocultural view of citizenship of descent (*jus sanguinis)*. The official stance of Germany towards immigration has been gradually changing. Yet, the origins of this view go back to the past. The German definition of the citizenry as a community of descent in fact appeared in the 1913 Imperial and State Citizenship Law (*Reichs- und. Staatsangehörigkeitsgesetz*). This law was inclusive toward emigrants and exclusive toward immigrants (Brubaker, 1992: 114). On the one hand, it allowed Germans living outside the Reich to gain citizenship and transmit it to their descendants, while the naturalization of people who were born and resided in Germany was rejected. One of the explicit intentions of the law was to keep ethnically undesired eastern Jews and Poles out of the citizenry (Joppke, 2003: 6). This law marked the ethnicization of German citizenship. Germany's entrenched understanding of ethnic nation goes back to this law.

The citizenship legislation of Nazi Germany has its roots in the Imperial Germany. However; the focus now is not on the ethnocultural aspects of the Wilhelmine Germany citizenship law but the radical ethnoracist restructuring of citizenship under the Nazis (Brubaker, *ibid:*166). *Reichsbürgergesetz* of 1935 gave the right of full citizenship only to persons of German blood. After 1945, the previous law of Imperial

Germany was maintained as the Basic Law for the Federal Republic of Germany (*Grundgesetz*). German Basic Law recognizes two categories of rights: General rights and reserved rights. General rights apply to all individuals living in Federal Republic of Germany (FRG), whereas reserved rights are restricted to German citizens. General rights include freedom of expression, liberty of person and freedom of conscience. Reserved rights are the right to peaceable assembly, freedom of movement, freedom of association, and freedom of occupation. Article 116 of the Basic Law that defines who a 'German' is and that puts the conditions for the restoration of German citizenship reads as follows:

> (1) Unless otherwise provided by a law, a German within the meaning of this Basic Law is a person who possesses German citizenship or who has been admitted to the territory of the German Reich within the boundaries of December 31, 1937 as a refugee or expellee of German ethnic origin or as the spouse or descendant of such person.
>
> (2) Former German citizens who between January 30, 1933 and May 8, 1945 were deprived of their citizenship on political, racial, or religious grounds, and their descendants, shall on application have their citizenship restored. They shall be deemed never to have been deprived of their citizenship if they have established their domicile in Germany after May 8, 1945 and have not expressed a contrary intention.[21]

By 1950, twelve million German people had fled or been deported mostly to the Polish territory. Therefore, the new citizenship law was constructed in such a way that it allowed ethnic German people living in outside territories to return and become German citizens. This meant the *jus sanguinis* principle of Wilhelmine citizenship law remained in force. The second reason was the reluctance of FRG to acknowledge the division of

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[21] Basic Law for the Federal Republic of Germany (*Grundgesetz*).

Available at: http://www.iuscomp.org/gla/statutes/GG.htm#116 http://europa.eu/rapid/pressReleasesAction.do?reference=CES/02/64&format=HTML&aged=1&language=EN&guiLanguage=en [Accessed on 14/05/11]

Germany. *Jus sanguinis* principle considered all the residents of German Democratic Republic (GDR) as German citizens. This way FRG would also grant citizenship to the people who fled through the Berlin Wall to West Germany. For the reason mentioned, German citizenship became inclusive towards ethnic Germans. The exclusiveness of German citizenship law towards non-German immigrants was not deeply pronounced yet.

It was with the influx of non-German migrant workers from Italy, Greece, Spain, Portugal and Turkey that the discussion began. These people were perceived as guestworkers (*gastarbeiter)*, not as settlers. Yet by the early 1970s, there were already signs of settlement (Brubaker, 1992:172) and by the 1980s it became obvious that they were not returning (Koopmans & Statham, 1999:6). The strictness of German citizenship law caused anomalous consequences. While immigrants have been living in Germany for long years and second and third generations were born and have been living and educated in the country, they could not acquire citizenship status, the ethnic Germans, primarily Poles and Russians who had lived for long years abroad and can prove German ancestry, on the other hand, were granted citizenship automatically. This created a paradox of native foreigners, children born in Germany to foreign parents and foreign 'Germans' who 'came back' after generations (Koopmans, 1999:630).

In 1990, a new Foreigner Law (*Ausländergesetz*) was introduced to liberalize the naturalization provisions. This restricted the discretionary power of officials to deny naturalization. According to this law, 'foreigners' who were between the ages of 16 and 23 and can fulfil the requirements of living in Germany at least eight years, attending to a German school for at least six years, expressing loyalty to the German Constitution, being able to support oneself and one's family without social security or unemployment benefit, having no criminal convictions and an adequate command of German language would be granted citizenship if they renounce their previous citizenship (Hagedorn, 2001: 246). And the 'migrants' who has been residents of Germany for at least 15 years, has not been convicted of a criminal offence and is able to provide for him- or herself and his or her family without claiming unemployment benefit or income support also have the right to naturalize. In 1993, 6,948 persons were naturalized on the basis of the

paragraph 85, and 22,160 on the basis of paragraph 86 (Brandt 2002:226). These rates were low since this law was not tolerant to dual citizenship; however, in practice, dual citizenship was accepted depending on the state. Yet, even in that case, it was a burdensome bureaucratic process for the immigrants to hold their original citizenship.

After 16 years of the Christian liberal coalition of Helmut Kohl, the Social Democrats together with the Greens won the elections of 1998. In 1999, they introduced a new citizenship law that partially introduces *jus soli* principle. According to the law, individuals, who are born in Germany to foreign parents, are entitled to German citizenship if their parents have resided in Germany for at least eight years. They will hold their parents' nationality besides the German one and have to opt for only one of their nationalities before their twenty-third birthday.

The 1999 reform was a new opening in the *jus sanguinis* tradition of German citizenship. Partial introduction of the *jus soli* principle shows that Germany has departed from the definition of Germanness in the framework of ethnic descent. Brubaker argued in 1992 that the system of pure *jus sanguinis* has long been fixated in German legal tradition. Yet, even though the endurance matters, it is not alone decisive. In the long run, post-national vision may come to fruition (1992: 187). The legal chances in German citizenship law may be considered as first signs of a Habermasian post-national society.

The convergence of EU immigration and citizenship policies are also forcing citizenship regimes to be more comprehensive and inclusive, while, some inclusive citizenship regimes of Europe are restricted by the efforts of right wing extremist and conservative groups. Construction of an inclusive citizenship is a sign of a sane democracy. A democratic EU Citizenship policy is especially important for the integration of long-term resident third country nationals. Even though, these people currently enjoy denizenship status rights, they are excluded from the political process. It is highly important that they are fully included in to the European public and have their voices heard.

3.2 HISTORY OF TURKISH IMMIGRANTS IN GERMANY

The history of Turkish migration to Germany does not stretch too far back in history. It was in fact after 1960 that a large scale Turkish migration happened. In her book *Bitmeyen Göç: Konuk İşçilikten Ulus-Ötesi Yurttaşlığa*, Nermin Abadan Unat (2002) gives a comprehensive overview of the history of Turkish migrants in Europe. Unat examines the Turkish migration in different stages. She (1976) considers late 1950s and early 1960s as the experimental, initial phase. This phase is characterised by the attempt of semi-official institutions trying to organise an exchange of trainees (praktikanten), while in reality this already constituted at the time a temporary form of industrial manpower recruitment (*ibid:* 13). At this stage, Turkish migrants were relatively skilled and educated in comparison to the average working population in Turkey, and from the economically more-developed regions of the country (Abadan-Unat, 1976, Abadan-Unat & Kemiksiz, 1986 and Martin, 1991, quoted in Kaya, 2005:221). The second phase that starts in 1963 is marked by a change in the size and structure of migration[22]. What causes this is the signing of a bilateral agreement with Federal Germany (1961) which allowed the recruitment of thousands of foreign workers. This time, the migration was from rural parts of the country, mainly from eastern provinces and economically less developed parts of the country. This was also the time when the consequences of the building of the Berlin Wall, which brought an end to the flow of labour force from Democratic German Republic, were felt. During the same time, Turkey initiated the First Five Year Development Plan which envisages 'the export of excessive manpower' while presenting projections about population growth and recommendations about Turkey's industrialisation. During this phase, constant demands of West Germany for additional labour force led to the rapid increase of Turkish migration flow into Germany. The so-called term 'gastarbeiter' came into use. The bilateral agreement mentioned above was based on 'rotation' principle. A guestworker was expected to return to his country at the end of the first year while

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[22] The Turkish population in the FRG rose from 6,700 in 1961 to 605,000 in 1973 (Kaya, 2005: 220). See also Appendix 1, Table 1. 'Turkish Citizens in Germany' p.64.

another one would take his place. In reality, this did not happen. Majority of the workers did not return home. The third phase starts in the 1970s. This phase represents both for Turkey and the major European host countries the achievements of gaining 'consciousness' in regard of the manifold problems of foreign workers (Unat, 1976: 18). This phase is also marked by the realisation of the host European countries of the fact that guestworkers are no longer 'guests'. Social problems of the workers were brought to the attention and some improvements were made in that respect. However; the 1973 oil crisis and economic depression changed all the ongoing trends. Immigration mobility was brought to a halt and the capacity of the labour market began to be discussed. Radical precautions were taken as a result of discussions. Germany put an end to the non-European migratory flow in 1973. This led to the problem of illegal immigrants. In the second half of 1970s, migration still continued as illegal immigration and through family reunification and political asylum. Family reunifications were formerly completed by the 1980s. The 1980s were the years when the social problems of Turkish immigrants manifested themselves more explicitly. Schools, public authorities as well as health service facilities were not well-equipped to tackle with the needs of the immigrants. Especially the education of immigrants' children has been a significant problem. In the 1990s, there was a raise in the number of political asylum requests. These were especially coming from Yugoslavia due to the Bosnian War. During these years, German authorities tightened the entry restrictions and also tried to encourage the immigrants to return to their native countries. These attempts were usually unsuccessful.

Turkish immigration can be summarized in five major phases (Faist 2000:82-3):

- 1961-63: Early stages of immigration. Turkish migrants were mainly men between the ages of 20 and 39. These workers usually left their families at home.

- 1963-65: Some family reunifications occurred. The immigration rate increased.

- 1966-73: The immigration of women workers increased. Since textile and electronics sector demanded more female labor.

- 1973-81: The recruitment stopped in 1973. Family unifications continued.

- 1980s and onwards: Asylum seekers migrated in larger numbers. Immigration continues in small numbers as marriage migration. Apart from that, Turkish population in Germany continues to increase by births.

Despite all the years that passed since the first Turkish immigrants arrived in Germany, Turkish immigrants today are still fighting for their complete legal status and political rights. There are over 4 million people of Turkish descent living in Germany which makes them the largest Turkish community in Western Europe. Today, they are a dynamic part of the society contributing economically, socially, culturally and gradually politically as well, yet the problems of Turkish immigrants are not resolved yet. As Cem Özdemir, the co-chairman of the Greens, also expressed: "For many Turks, I am their voice in the Bundestag, and, except for left- and right-wing extremists, many have been encouraged to express their needs and their desire to contribute constructively as a part of German society. They want to be subjects of their lives, not objects of a paternalistic minority policy"[23]. The Turkish immigrants in Germany can no longer be assessed within the stereotypes of 'gastarbeiter' or 'ausländer'[24]. Their attitudes towards German citizenship are also changing. Recent citizenship status of Turkish immigrants in Germany and their attitudes towards German citizenship are discussed more in detail in the following pages.

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[23] Interview with a Turkish member of the Bundestag. Immigration and Politics in Germany by Barbara Weber. Available at:
http://www.ciel.usj.edu.lb/observatoire/docs_actus/ImmigrationandPoliticsinGermany.pdf
http://europa.eu/rapid/pressReleasesAction.do?reference=CES/02/64&format=HTML&aged=1&language=EN&guiLanguage=en [Accessed on 14/05/11]

[24] foreigner.

3.3 GERMAN CITIZENSHIP AND TURKISH IMMIGRANTS

Despite the 1999 reform, there was not a big increase in naturalization rates of the Immigrants from Turkey in Germany.[25] Ayhan Kaya (2005) summarizes the possible reasons for this. One of the reasons may be that German-Turks are already content with their 'denizenship' status, which provides them with civil, social and cultural rights but no political rights. The second reason may be the German-Turks' expectations of a more democratic citizenship law, which does not put limitations to dual citizenship. The third reason might be that the discouraging bureaucratic process of acquiring citizenship caused them to diminish their expectations. As a fourth reason Kaya proposes that the decline in the voting habits of German-Turks after long years without any political rights might have caused them to ignore the new nationality law.

Kaya (*ibid*.) explains the last reason as follows: Modern diasporic identities transcend the exclusionary conditions imposed upon them. The transnational ties and networks help them overcome the limitations of country of settlement and thus traditional understanding of national citizenship loses its importance in the eyes of the diasporic communities. Therefore; this understanding should be replaced with new forms of citizenship such as double citizenship, multiple citizenship, post-national citizenship, transnational citizenship, or diasporic citizenship.

3.3.1 Turkish Immigrants' Perception of German and European Citizenships

In this section, the approaches of Turkish immigrants to the German and European citizenship and the meanings they attach to the concepts are analysed according to the data generated by the in-depth interviews conducted in Berlin, Germany. The fieldwork carried out for this thesis study was aimed at finding out the perceptions of Turkish immigrants about German citizenship, European Union

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[25] See Appendix 2, Table 2 'Naturalisation of Turkish Citizens in Germany' p.65.

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Citizenship and equally importantly to find out where Turkish migrants place themselves in the German society.

In the first part of the interview, the migrants were asked: How do they refer to themselves?, How do they place themselves in German society?: Would they call themselves migrants, citizens, residents or foreigners?, Do they feel belonging to Germany? How are their ties with their homeland?. It was mostly obvious that they identify themselves as a 'Turk' in the first place. Even among second generation this definition is widespread. Yet, the second generation is a bit confused about whether to call themselves 'German' but they state openly that they feel that they belong to Germany than to Turkey. Almost all of the interviewees call themselves 'migrant' as well; in just a couple of cases, they call themselves 'foreign'. There is a pretty observable local identity they embrace. They all love the city they live in, especially the multicultural character of the city and consider the city 'Berlin' different from the rest of Germany. They state that Berlin has become very 'multi-kulti'. The specific regions of Berlin such as Kreuzberg which they refer to as 'little İstanbul' are more preferable for them. Germany as a whole is not mentioned as a place of belonging, rather the city where migrants lead their daily lives is important for them. Perhaps, the motto produced by Berlin Foreigner's Office is also a sign of this adopted local identity: *Wir sind Berlin*[26]. "Being a part of Berlin" goes beyond national fixities and allows shifting categories and fluid confines. (Soysal, 1994)

> I[27]: *I love Berlin because it's just like Turkey. Many Turks live here. For example, there is Kreuzberg, people call it 'little İstanbul'. Berlin is a beautiful city. People here are more tolerant to the foreigners. I don't like other cities of Germany because people are harsh towards foreigners.*

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[26] "We are Berlin"

[27] Interviewees who chose to remain anonymous will simply be referred to as 'I'.

Ayşe K.: *I love Berlin so much. I would never want to live in another city in Germany.*

Cem G.: *Berlin has a very different structure. I've seen other cities of Germany. Here there is a more liberal environment. There are many Africans, Asians, Turks etc.. Nobody shows any discontent. It's not like this in other cities. When a foreigner goes to Köln, people throw glances at him/her because there aren't many foreigners there. You can see reactions like "Where did they come from?, Why are they here?"*

Most of the interviewees also express their belonging to Turkey. The frequent visits, ongoing contacts make it easy for them to preserve their ties with their homeland. Most of them follow what is going on in Turkey and spend their summers there. The eases the technology provides also help them to still feel at home in their homeland. They have opportunities to call Turkey cheaply, to watch Turkish TV channels and also connect to internet easily. Yet, this does not mean that they still feel at home in their home country. Turkish migrants in Germany also find themselves away from some aspects of daily life in Turkey. Most of the interviewees claim that they adapted to 'German ways' praising the work ethic and general order of German daily life. They express that it is difficult for them to adapt to Turkish daily life after living in Germany for a long time. And some also claim that they are being alienated in Turkey, labelled as 'Alamancı', 'foreign', 'in-between', 'degenerated', 'conservative'.

In the second part, the interviewees were inquired about their opinions about the EU citizenship and German citizenship. Their opinions about multiculturalism and cosmopolitanism were also asked. Most of the interviewees find the EU distant and irrelevant to their lives. University graduates and students are more interested in the EU affairs. They find the EU laws more advanced, modern and humane. Yet, they think that the definitions of European identity and citizenship are unclear. The rising nationalism trend in Europe and the formation of the EU identity is found contradictory. One of the interviewees express it this way:

Cem G.: *The EU countries also need to abide by EU laws. When you look at them, these laws are more modern and humane. Yet there is a paradox there. On the one hand, there is a liberal European citizenship that works for the people, on the other hand there is a nationalism rising in Europe. Now they say we are opening the borders. This means different ethnic groups will be together. Isn't all this a paradox? You say a European citizenship that is free from the ethnic origins; on the other hand you say I am Bask etc.*

Another interviewee emphasizes the nationalistic tendencies of the countries:

Serap Ü.: *European Union Citizenship... I don't know, this doesn't look like a correct term to me. Ultimately, all of the member countries of the European Union try to preserve their identities, characteristics and culture. They care about this. For some circles, this is even more important. I don't believe that a European identity is forming. All say, for instance, if s/he is English, "I am English", or if s/he is German, "I am German". I don't think they embrace the European identity just because they are a member of the European Union.*

Interviewees also voice some concerns about the practice of the EU citizenship. They make an emphasis on the difficulty of enacting the EU laws, and current trends towards more restrictive immigration and naturalization policies. They highlight the exclusivity of the EU citizenship: immigrants migrate to national states, and they become European only by virtue of being a citizen of a national state. This means that EU citizenship only affects their lives indirectly and, in most cases, slightly. For some of the interviewees, the EU citizenship is a hopeful yet an infeasible project. At present, being a German citizen or a citizen of European Union does not make much difference for them. They voice their opinions as follows:

Safter Ç.: *Now, things such as immigration, migrant inclusion and equal rights, these issues are determined at the EU level. From family unification to laws against exclusion, and political asylum, different directives cover all these issues. However, when putting these laws into practice, Member States make their own laws and this can easily create a difference. If all these were handled*

at European level, this would be better. Yet, there is also this problem: Since European Parliament now doesn't have the authority like a real parliament; this would create a lack of democratic control, if these laws were to be made at European level. If all is left to the Commission and Ministers, it's not good. If European Parliament becomes a real parliament, then it would be better if all these issues are handled at European level.

Serdar B.: Right now, it (the European citizenship) doesn't have much effect. Only in Turkey, I can go to a German or an English consulate because I am a German citizen. Since Germany is in the European Union, this brings that advantage. But I think, it (the European citizenship) will make a difference in the future. You know they say European society is civilized. I don't know if it really is though...

The interviewees do not see European citizenship as an overarching concept and believe that a transnational or supranational formation of a citizenship is possible. Among the interviewees, self localization as a world citizen or beliefs in cosmopolitanism is also rare. National identities are considered as very important and belonging to the group of 'Turks' is also considered highly important and necessary. However, what they refer to as 'Turks' or whether they have a space reference in their mind when they are referring to "Turks" is unclear. As far as I am concerned, the reference to Turks in their mind does not include the Turks in Turkey but the social group they formed in Berlin is what they call as the 'Turks'. The alienation they encounter in Turkey prevents them to form such a group identity, thus they tend to form a separate identity different from the Turks living in Turkey. There is also the fact that the country of origin changes over time, while at the same time, migrants themselves change too. This ongoing process of change makes it difficult for them to form bonds with the Turks living in Turkey.

The immigrants are mostly reluctant to give up their 'Turkish' identities. The general attitude of the Turkish immigrants to German citizenship is negative and defensive. This is less pronounced among young people. Yet, even the immigrants, who

have already acquired German citizenship, emphasize the need for more democratic laws that allow double citizenship. One interesting point is that the immigrants have positive feelings about their children having 'German' citizenship by birth. They stress that their children were born and have been raised in Germany; they go through German education system. They see a future for their children in Germany.

Although almost all of the interviewees praise multiculturalism, they do not themselves prefer to set up close connections with other migrant groups or with Germans. Some say that there is a distance between the cultures of immigrant groups, and it is only possible to establish contact with them up to a certain extent. Still, they emphasise the importance of respect towards each other and tolerance of difference. Yet, they mostly prefer to live in their closed communities societies. The situation is different among school children and university students. They live in a more multicultural and cosmopolitan environment.

> Ayşe K.: *Generally everybody lives in their own community. For instance, I had some Arabic friends when I was at school. She finished the university; works in a good place now. Not everybody is the same. I met many Arabic people at the schools I went. Yet not all of them are the same. Still there is a cultural discrepancy. There are differences which can't be overcome. All live in their own culture. There is this difference in Turkey as well. Among Germans, too. A German coming from Bavaria is not similar to a German coming from East Germany. The good side of Germans is they accept people as they are, people can live as they wish.*

> Ayşegül K.: *In general, people live in their own society. I live in Neuköln, there are more Araps there than Turks. Of course, Arabs also shop at Turkish markets etc but if you ask a Turkish shopkeeper, he would say things like "stay away from Arabs". Yet if we take incidents like the one on previous day, when İsrail attacked Turkish ships that goes to Palestine, then there is an air of unity.*

The immigrants consider German citizenship as a label which does not reflect in their daily lives. They claim that the inclusion of migrants is not possible by giving them the same rights but this is more of a social and cultural issue rather than a legal one. The interviewees hold the opinion that unless the understanding of people changes, the legal practices will not be fully implemented and the results will not be observable and satisfying:

I: *Although I have lived here for 40 years, the problems have never ended, we are seen as foreigners. We got used to here, we regard this place as our home but we are considered foreigners. This is my opinion. Where there is a blond head and a black head, black head is considered weird; they make things difficult for him/her. If we didn't speak German, things would be even more difficult. I still feel I am considered 'foreign'.*

Cem G: *As much German you become -I am a German citizen at the same time-, you will still face problems because of your black head or because your name is not 'correct'. I am paying special attention while writing the name of a German of Polish origin for instance, and I am here for 30 years but they can't even write my name properly. It's not even a difficult name. They write it with 'J' from English. This usually happens at my workplace. I don't open the letter; I just cross out the name and send the envelope back. They call me to apologize later. They write the correct name and send it again...anyway what I tell you is this is an 'understanding': not accepting you as you are.*

I: *We applied for German citizenship, we became German citizens. Yet this never brought advantages for us because if you are a foreigner, you are always considered foreigner. For instance, when we look for a job with this German ID, they still prefer their own citizens. We are having such problems.*

Interviewees also mention political obstacles concerning the citizenship issues:

Cem G.: *Even if the migrants hold a German citizenship -I am one of them-, We still feel the difficulty to feel as a part of this country because politics prevent*

this. Politics always gives a message of alienation and non-inclusion in different areas. If this goes on, neither the majority society nor the minority society will come to the point you mention. The politics doesn't allow this. I wish it happened..

The interviewees do not believe that holding a German identity helps them in their daily lives. They think that things stay only on paper, they do not reflect in their daily lives. Job applications and the problems they face while looking for an apartment are the examples of the inequality they face in their daily lives:

Yasemin K.: *A few months ago, the institute made a statistic. 1000 CV were sent. 500 of them were in foreign names and 500 of them in German names. Everything is the same, the photo and all the references, the grades.. And Germans were called back, while foreigners weren't. According to the statistic, a foreigner had to apply 8 times more. What more can I say?*

Cem G.: *A person who speaks very well German applies to a job on telephone. He tells his name, it's foreign but his qualifications are very well, he is a university graduate. They tell her that they are sorry but they can't take him, because they already hired another person. Similarly, when he is looking at a house ad, he calls and says he is interested. They tell him we are so sorry but the house has already been rented. If the same person applies by the name Hans or Micheal, they welcome him. This happens a lot.*

Aydan Y.: *I've experienced something like this before: I applied for a job. My grades were similar to the other candidate; we were at the same level. They said to me "Sorry, we won't be able to work with you, don't get us wrong, we don't want to be racist or anything but we chose the German candidate." At that moment, I asked the reason why: "Did I do something wrong? Or my education is not enough?". They said to me they chose him because he is German. Actually this really hurt me a lot and I found it weird too. Things like this happen. It happened to me at least.*

In short, the interviewees claim that the inequalities continue even if they hold a German citizenship status. Most of them mention the right to vote as an asset of German citizenship and consider it highly important. In addition of having a right to vote, students also mention the ease of travelling in Europe without visa procedures as a positive aspect of the citizenship. Also not having to deal with Alien Police and Office and being able to hold a civil service position are also pronounced as the reasons of applying for German citizenship. It can be observed that, besides political aspects, people are also interested in pragmatic aspects of German citizenship. However, all in all, people find it hard to identify themselves neither with German citizenship nor with the EU citizenship. They express that acquiring German citizenship does not make them 'equal' members of society.

It is highly important that the Turkish immigrants in Germany enjoy more rights than they already have as denizen. Many of them still do not have the political rights to complete their legal status and turn out to be full members of the political community. If assessed from a human rights perspective, suffrage is not only a participatory right, but an essential aspect of human personhood (Soysal, 1994). Turks in Germany take part in economic life, in social life, in cultural spheres and gradually in politics as well. To acquire German citizenship means that they move beyond their second-class citizenship positions and gain at least a 'formal' equality by acquiring the right to vote and hold public offices. In other words, in this way they have a complete legal status that allows them to hold a better position in society. As Koopmans and Statham (2000: 197) also suggests "the resources of access to the political community -not least of which are voting rights- may indeed make a significant difference in the potential of migrant actors to mobilize and press their claims for social and political change". Yet, as the migrants have already emphasized, the main issue is the social inequalities deriving from exclusion or discrimination they face. It can be concluded from the findings that merely legal orders are not sufficient; and that the states should include people into a system which penetrates into lives and embraces cultural and social differences. As Habermas also suggests the citizenship should be considered as a "valuable status" in the eyes of people: "If it is to remain a source of solidarity, citizenship has to be seen as

a valuable status, associated not only with civil and political rights, but also with the fulfilment of fundamental social and cultural rights." (Habermas 1998:118-119). If the rights are fulfilling and if their application is guaranteed and monitored, then it is possible to see their reflections in people's lives. Unless German citizenship or the EU citizenship penetrates into the lives of people and provides them with tangible benefits in their lives, they will merely remain as a distant status for people.

Recent enactment of more open citizenship laws are signs of the change of attitude in German society too. Yet, this still remains limited. The citizen/noncitizen dichotomy still prevails, yet there is the realization that national citizenship is no longer adequate to answer the demands of the contemporary society. As modernists suggests, once nation-state no longer functions, then it will wither away and supranational or post-national forces will gain ground. What makes migrants rightful members of the society and their claims legitimate is not common blood, lineage or some other imagined attachment from time immemorial, neither their membership founded on a loyalty to a state or their commitment to a common national interest or ideal, it is rather based on a shared social public space and principles of human rights (Soysal, 1994). Current definitions and theoretical vistas are outdated and exclusionary. New forms of citizenship which have already been discussed in this study are necessary in order to overcome the exclusionary understanding of national citizenships. These new forms whether they are named multicultural, transnational, post-national or cosmopolitan are becoming increasingly inevitable to implement in today's changing Europe.

CONCLUSION

The present study is an attempt to provide an insight to the questions of possibility of post-nationality in the case study of European Union Citizenship and where the European Citizenship stands and how it is perceived in the multicultural Europe. For this purpose, the post-nationality is analysed in three different dimensions. Firstly, for preliminary purposes, nationalism theories are analysed and contemporary debates on nationalism in Europe are presented in order to figure out where current Europe stands in the debate of post-nationalism. Secondly, the concept of citizenship is analyzed briefly moving to a more recent concept in the history of citizenship: Post-nationalism. In order to understand post-nationalism, the ideas of two different scholars are examined.

Concerning the debate, Jürgen Habermas (1999) asserts that political relevance of the nation-states is increasingly imperiled by globalization and migration. He suggests that European states can only regulate the effects of globalization and migration; and keep their political legitimacy by providing the social welfare rights to every individual in the society. He believes that this can only be provided by a shared political culture and this political culture is achieved by the adoption of the principles of a constitutional democracy based on the principles of inclusive collective self-determination and human rights. Namely, Habermas proposes a post-national political identity centred on values of democracy and fundamental human rights. His idea of a European identity is based on European people incorporating into a supranational identity and uniting under a constitution and defending this constitution 'patriotically'. He believes that such an identity is appearing in Europe around the idea of European Citizenship.

Yasemin Soysal (1994) also argues that a new model of citizenship is emerging in Europe as a result of immigration. The emerging postnational membership model is based on a universal notion of individual rights. Soysal proposes a postnational membership model where migrants make universal claims that surpass the national citizenship regime. Her model is based on human rights as the rights of 'persons as individuals' not 'as citizens of nation states'. The rights are legitimated at transnational

or supranational level. Soysal emphasizes that although national citizenship still prevails, it is not any longer an important determinant for rights and identities. Both Habermas and Soysal underline the fact that traditional notion of nation-state citizenship model is eroding for various reasons such as globalisation, trans-territorialization and thanks to universal human rights discourse. Therefore, we need a new citizenship that conceptualizes at the level of individual citizen and thus meets the demands of all individuals equally. The study finds out that although the ideas of post-nationalism provide guidance for future projects, they converge poorly with the current political and social reality in Europe.

In the last chapter, the present study aims to further analyse national and post-national citizenships at first hand by focusing on the perceptions and everyday life practices of individuals. For this purpose, German and European citizenships are examined in the context of immigration. Looking at the issues through the eyes of immigrants provided us with the similar findings of the previous chapter. Although Turkish immigrants who have become German citizens enjoy the political rights that come along with German citizenship and appreciate the formal equality this provides, they mainly complain about the inequalities resulting from exclusion or discrimination in social life. They do not believe that the impacts of being a German citizen are reflected in their lives. Their perception of the German citizenship is shaped by their daily experiences and these experiences make it difficult for them to feel a sense of attachment to the German society. Other Turkish immigrants who do not hold German citizenship also composes a large population of foreign citizens 'denizens' who pay taxes, benefit from the social services, participate in trade unions and associations etc, but excluded from political sphere. This is an irregularity and deficiency for a healthy democracy. This thesis discusses whether a post-national European Citizenship could be a solution for the problems of both Turkish immigrants who have acquired German citizenship and the denizens. Yet, currently Turkish immigrants find the EU citizenship as a distant concept to their life. For immigrants who are already German citizens, the European citizenship does not offer anything beyond German citizenship. As for the denizens, they do not believe that the EU citizenship has a transformative potential

since it only provides limited rights for third country nationals and the enactment of the rights still depend on the national authorities. In the current form, Turkish immigrants do not attribute a substantial meaning to 'being an EU citizen'.

It may be argued that European citizenship creates citizenship rights free from national boundaries and transforms citizenship status to 'a post-national one'. However, this post-national status is criticized because of the conditional characteristic of European Citizenship. The European citizenship is conditioned on being a citizen of a member state. It fails to include the Union residents that are non-nationals of Member States. Despite various attempts made over the years to broaden the scope of rights of the migrants and third country nationals, the measures still remain limited. The difficulty of enacting the supranational laws at national level, the trend towards more restrictive immigration and naturalization policies also prevents the EU citizenship to be realized. Moreover, the readiness of European public to accept immigrants is in question. While the continent has already turned into a continent of immigration, significant part of European public do not embrace the immigrants and are opposed to further immigration since there are still worries over the 'integration' of immigrants from previous generations.

Today, migrants tend to define their identities locally and individualistically, while they also need to form an identity defined more universally. National identities are increasingly losing their importance. European Citizenship formed based on universal human rights and reformed with a post-national understanding has a promising potential. As this study presents, the Union Citizenship at its current stage remains limited as a form of post-national citizenship. The exclusionary characteristics of European identity are being reproduced by European citizenship. In order to prevent the marginalization of migrants and to fight against the problems of racism, xenophobia and right wing extremism, the EU citizenship should be developed upon human rights and constitutional patriotism. The constitutionalisation of Europe within the framework of universal values challenges the conventional understanding of national citizenship. However, it is obvious that, legal arrangements would not be enough, yet they will provide the necessary initiative and encourage European societies to change. Today's

Europe is experiencing serious problems related to immigration and heading for long-term economic problems with its population aging. The continent is in need of further immigration and the impacts of immigration will necessitate further discussions. A multicultural, multi-religious and multiethnic Europe desperately needs post-nationalism. For the reasons mentioned above, I fully support the project of post-nationalism. The issue of inclusion of immigrants in the political community as full members, revival of ethnic cultures at the sub-national level, universal human rights discourse and globalization are inevitably forcing the national citizenships to be more comprehensive and open-ended. Post-nationalism is indeed present in today's Europe and it will further grow in significance in the future.

BIBLIOGRAPHY

Abadan-Unat, N. (1976) *Turkish workers in Europe 1960-1975: A Socio-Economic Reappraisal.* Leiden : EJ.Brill.

Anderson, B. (1991) [1983] Imagined Communities: Reflections on the Origin and Spread of Nationalism, Revised and extended edn. London: Verso.

Appadurai, A. (1993) 'Patriotism and its Futures', *Public Culture* 5.3, pp 411-429, available at: http://publicculture.dukejournals.org/cgi/pdf_extract/5/3/411 [24.12.2009]

Appadurai, A. (2000) 'The Grounds of the Nation-State. Identity, Violence and Territory', in K.Goldmann, U.Hannerz, C.Westin (eds.), *Nationalism and Internationalism in the Post-Cold War Era*, London: Routledge, 129-42.

Billig, M. (1995) *Banal Nationalism*, London; Thousand Oaks, Calif. : Sage.

Brandt, B. (2000) "Citizenship and International Migration: Discussions of the German Situation" in G.G. Özdoğan and G. Tokay (eds.) *Redefining the Nation State and Citizen*, İstanbul: Eren.

Breuilly, J. (1993) *Nationalism and the State*, 2nd edn. Manchester: Manchester University Press.

Brubaker, R. (1992) *Citizenship and Nationhood in France and Germany,* Cambridge, Mass.: Harvard University Press.

Castles, S. & D. Alastair (2000) *Citizenship and Migration: Globalization and the Politics Of Belonging*, New York : Routledge.

Delanty, G. (1996) 'Beyond the Nation-State: National Identity and Citizenship in a Multicultural Society - A Response to Rex', *Sociological Research Online*, vol. 1, no. 3, available at: http://www.socresonline.org.uk/socresonline/1/3/1.html [24.12.2009]

Delanty, G. (2002) *Citizenship in a global age: society, culture, politics*, Buckingham [England]; Philadelphia: Open University Press.

Everson, Stephen (trans., ed.) (1996) *Aristotle: The Politics and the Constitution of Athens.* University of Michigan, Ann Arbor.

Faist. T. (2000) *The Volume and Dynamics of International Migration and Transnational Social Spaces*, Oxford: Oxford University Press.

Geertz, C. (1963) *Old Societies and New States - The Quest for Modernity in Asia and Africa*, Glencoe Illinois: Free Press.

Gellner, E. (1997) *Nationalism*, London: Weidenfeld & Nicolson.

Gellner, E. (1998) *Nationalism* (Paperback), London: Phoenix.

Groenendijk, K. (2006) 'The legal integration of potential citizens: Denizens in the EU in the final years before the implementation of the 2003 Directive on long-term resident third country nationals', in: R. Bauböck, E. Ersbøll, K. Groenendijk en H. Waldrauch, *Acquisition and Loss of Nationality*, Vol. I: Comparative Analysis, Politics and Trends in 15 European Countries, Amsterdam 2006, Amsterdam: Amsterdam University Press, p. 385-410

Habermas, J. (1999) *The Inclusion of the Other*: *Studies in Political Theory,* Cambridge/MA: Blackwell Publishing.

Habermas, J. (2001) *The Postnational Constellation. Political Essays*, Polity Press, Cambridge, UK.

Habermas, J. (2003). Towards a Cosmopolitan Europe. *Journal of Democracy*, 14 (4), pp 86-100.

Hagedorn, H. (2001) 'Republicanism and the Politics of Citizenship in Germany and France: Convergence or Divergence?'*, German Policy Studies/Politikfeldanalyse*, 1(3), pp. 243-272, available at: http://www.spaef.com/file.php?id=833 [04/12/2010]

Hechter, M. (1975) *Internal Colonialism: The Celtic Fringe in British National Development*, *1536-1966*, London: Routledge and Kegan Paul.

Hobsbawm, E. J. & T. Ranger (eds.) (1983) *The Invention of Tradition*, Cambridge: Cambridge University Press.

Hobsbawm, E. J. (1990) *Nations and Nationalism since 1780: Programme, Myth, Reality*, Cambridge: Cambridge University Press.

Hutchinson, J. & A. D. Smith (eds.) (1996) *Ethnicity,* Oxford: Oxford University Press.

Joppke, C. (1999) 'How immigration is changing citizenship: a comparative view', *Ethnic and Racial Studies*, Vol 22, Number 4, pp 629-652

Joppke, C. (2003) *Citizenship Between De- and Re-Ethnicization*, Working Paper # 204 Russell Sage Foundation, available at:
http://www.russellsage.org/sites/all/files/u4/Joppke_Citizenship%20Between%20De-%20and%20Re-Ethnicization.pdf [02/12/2010]

Joppke, C. (2010) *Citizenship and Immigration*, Cambridge: Polity Press.

Kaya, A. (2005) 'Citizenship and the hyphenated Germans: German-Turks', in F. Keyman and A. İçduygu (eds.), *Citizenship and Identity in a Globalizing World: European Questions and Turkish Experiences*, Routledge: London, pp.219-239

Koopmans, R. & Statham, P. (1999) 'Challenging the Liberal Nation-State? Postnationalism, Multiculturalism, and the Collective Claims-Making of Migrant and Ethnic Minorities in Britain and Germany', *American Journal of Sociology*, 105(3):652-96, available at: http://www.leeds.ac.uk/ics/euro/ps1999ajs.pdf [04/12/2010]

Koopmans, R. & Statham, P. (eds.) (2000) *Challenging Immigration and Ethnic Relations Politics: Comparative European Perspectives*, Oxford: Oxford University Press.

Koopmans, R. (1999) "Germany and Its Immigrants: An Ambivalent Relationship", *Journal of Ethnic and Migration Studies*, 25 (4): 627-647.

Marshall, T. H. 'Citizenship and Social Class', available at:
http://www.ucc.ie/social_policy/Marshall_Citizenship.htm [10/01/2010]

McCormick, J. P. (2007) *Weber, Habermas, and the Transformation of the European Nation State. Constitutional, Social, and Supra-National Democracy*, Cambridge and New York: Cambridge University Press.

Meehan, E. (1993). *Citizenship and the European Community*, London: Sage.

Müller, J-W. (2007) *Constitutional Patriotism,* Princeton and Oxford: Princeton University Press.

Nairn, T. (2003) [1977] *The Break-up of Britain: Crisis and Neo-Nationalism*, 3rd edn, Melbourne: Common Ground Publishing.

Özkırımlı, U. (2000) *Theories of nationalism: a critical introduction*, Houndmills: Macmillan Press.

Özkırımlı, U. (2005) *Contemporary debates on nationalism: a critical engagement,* Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan.

Robertson, R. (1992) *Globalization: Social Theory and Global Culture*, London: Sage.

Rousseau, J. J. (1762) *Du Contract Social (The Social Contract),* Vol. IV.

Smith, A. D. (1995) *Nations and Nationalism in a Global Era,* Cambridge: Polity Press.

Smith, R. M. 'Modern Citizenship', in Isin, E. F. and Turner, B. S. (eds.) (2002) *Handbook of Citizenship Studies,* London: Sage, 105-115.

Soysal, Y. (1994) *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago: Chicago University Press.

Soysal, Y. (2001) 'Changing citizenship in Europe: Remarks on post-national membership and the nation state', in Fink, J., Lewis, G.. & J. Clarke, (eds.) *Rethinking European Welfare: Transformations of Europe & Social Policy*, London: The Open University and Sage. pp. 65-75

Van Steenbergen, B. (ed.) (1994) *The Condition of Citizenship*, London: Sage Publications.

Wiener, A. (1997) 'Assessing the Constructive Potential of Union Citizenship - A Socio-Historical Perspective', *European Integration online Papers (EIoP)* Vol. 1, N° 017. Available at: http://eiop.or.at/eiop/texte/1997-017a.htm

Wiener, A. (2003) 'Citizenship' in Cini, M., (ed.) *European Union Politics,* Oxford: Oxford University Press. pp. 397-414

APPENDIX 1

TABLE 1

Turkish Citizens in Germany			
Year	Population	Year	Population
1961	7,116	1981	1,546,300
1962	15,300	1982	1,580,700
1963	27,100	1983	1,552,300
1964	85,200	1984	1,425,800
1965	132,800	1985	1,400,400
1966	161,000	1986	1,425,721
1967	172,400	1987	1,481,369
1968	205,400	1988	1,523,678
1969	322,400	1989	1,612,632
1970	469,200	1990	1,694,649
1971	652,800	1991	1,779,586
1972	712,300	1992	1,854,945
1973	910,500	1993	1,918,395
1974	910,500	1994	1,965,577
1975	1,077,100	1995	2,014,320
1976	1,079,300	1996	2,049,060
1977	1,118,000	1997	2,107,426
1978	1,165,100	1998	2,110,223
1979	1,268,300	1999	2,053,564
1980	1,462,400	2000	1,998,536

Source: *Statistisches Bundesamt Deutschland*

APPENDIX 2

TABLE 2

Naturalisation of Turkish Citizens in Germany			
Year	Population	Year	Population
1982	580	1996	46,294
1983	853	1997	42,420
1984	1,053	1998	59,664
1985	1,310	1999	103,900
1986	1,492	2000	82,861
1987	1,184	2001	76,573
1988	1,243	2002	64,631
1989	1,713	2003	56,244
1990	2,034	2004	44,465
1991	3,529	2005	32,661
1992	7,377	2006	33,388
1993	12,915	2007	28,861
1994	19,590	2008	25,230
1995	31,578	2009	24,647

Source: *Statistisches Bundesamt Deutschland*

APPENDIX 3

LIST OF INTERVIEWEES:

Name of Interviewee : Not given

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview: 02/05/2010

Duration of Interview: 12:01 min

Name of Interviewee : Nebahat Çelik

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview:02/05/2010

Duration of Interview: 8:27 min

Name of Interviewee : Not given

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview: 02/05/2010

Duration of Interview: 09:52 min

Name of Interviewee : Gökçen

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview: 02/05/2010

Duration of Interview: 08:49 min

Name of Interviewee : Çağla

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview: 02/05/2010

Duration of Interview: 09:28 min

Name of Interviewee : Serap Ünalan - Projektleiterin (Proje Yöneticisi)

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview: 02/05/2010

Duration of Interview: 15:20 min

Name of Interviewee : Ayşe Karaarslan

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Wedding

Date of Interview: 02/05/2010

Duration of Interview: 12:04 min

Name of Interviewee : Tuna Gündoğdu

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Kreuzberg

Date of Interview: 08/06/2010

Duration of Interview: 16:14 min

Name of Interviewee : Aydan Yatkın

Name of Interview Place: Turkisch-Deutsches Zentrum e. V. - Kreuzberg

Date of Interview: 08/06/2010

Duration of Interview: 15:34 min

Name of Interviewee : Esra Özcan

Name of Interview Place: Türkische Gemeinde zu Berlin e.V

Date of Interview: 06/06/2010

Duration of Interview: 7:10 min

Name of Interviewee : Yasemin Kıraçtı

Name of Interview Place: Freie Universität, Berlin

Date of Interview: 06/06/2010

Duration of Interview: 9:37 min

Name of Interviewee : Ayşegül Albayrak

Name of Interview Place: Freie Universität, Berlin

Date of Interview: 06/06/2010

Duration of Interview: 13:10 min

Name of Interviewee : Safter Çınar- Sprecher des Türkischen Bundes in Berlin/Brandenburg (TBB Sözcüzü)

Name of Interview Place: Türkischer Bund in Berlin-Brandenburg (TBB) (Berlin Brandenburg Türkiye Toplumu)

Date of Interview: 04/06/2010

Duration of Interview: 9:22 min

Name of Interviewee : Cem Gençtürk

Name of Interview Place: Türkischer Bund in Berlin-Brandenburg (TBB) (Berlin Brandenburg Türkiye Toplumu)

Date of Interview: 04/06/2010

Duration of Interview: 19:13 min

Name of Interviewee : Serdar Bulat

Name of Interview Place: Freie Universität, Berlin

Date of Interview: 20/07/2010

Duration of Interview: 11:47 min

APPENDIX 4.A

INTERVIEW QUESTIONS:

Permission and Explanation

Ms. Burcu Öke is a M.A. student in the EU Politics and International Relations program at the European Union Institute of Marmara University. She completed the must courses and is currently at the phase of writing her master thesis

The main reason of my presence here is to do the fieldwork for my M.A thesis. My thesis studies the perceptions of Turks in Germany about German Citizenship and European Union Citizenship. The data I collect during the interviews is crucially important and valuable for me. I request your permission to make the interview. Thank you for your contribution.

PART I

(Personal Information)

1. Your name and surname?
2. How old are you?
3. Where were you born?
4. What is your occupation?
5. What is your education level?
6. Are you married?
7. Do you have children? How old are they?

(General Information about the Agency s/he works for)

8. Name, Surname:
9. Age:
10. Name of the Agency:
11. Date of Foundation:
12. Activities of the Agency:
13. Current Position:

14. Duration of work (For how long has she/he been working in this agency?):

PART II

1. What are your reasons for coming to Germany?

2. How long have you been in Germany?

3. What jobs did you have and where are you working now?

4. Could you please tell me what kind of an experience is 'being /living as an immigrant'? How do you feel about it?

5. How would you evaluate the general approach of Germans to the Turks in Germany? Is there any difference through the years?

6. Do you feel belonging to Germany?

7. How would you evaluate your ties with Turkey? Do you visit the country often? Do you have relatives there?

8. In what status(es) do you see yourself in this country? Foreigner, Migrant, Citizen, Denizen? "Ausländer", "Migrant", "Bürger", "Bewohner(?)"

PART III

9. Are you a German citizen? What do you think about German citizenship?

10. Is it important for you to gain political rights? Right to vote, right to take part in political activities?

11. What do you think about double citizenship?

12. What do you think about European Union citizenship?

13. Do you think EU citizenship could be advantageous for you? Do you it could make changes about migrants' rights? Could it bring a different and more inclusive perspective to the citizenship issue?

14. Do you like living in Berlin? What do you think about the multiculturality of Berlin?

15. Do you think this multiculturality affects the people's perceptions of citizenship? Do you think a multicultural and more cosmopolitan citizenship is possible and viable?

16. What do you think about the future of European Union and the place of Germany in the EU?

17. What are you expectations about your future? Do you think you will return back to Turkey or continue living in Germany?

APPENDIX 4.B

GÖRÜŞME SORULARI

İzin ve açıklama

Burcu Öke Marmara Üniversitesi Avrupa Birliği Enstitüsü AB Siyaseti ve Uluslararası İlişkiler Ana Bilim Dalında yüksek lisansını yapmaktadır. Şu anda tez aşamasındadır.

Burada bir araştırma nedeniyle bulunmaktayım. Bu araştırma Almanya'daki Türklerin Alman Vatandaşlığına ve Avrupa Birliği Vatandaşlığına bakış açılarını inceleme amacı taşımaktadır. Sorularıma vereceğiniz yanıtlar araştırmam için büyük önem taşımaktadır. Araştırmada yer alan soruları sormak için izninizi rica ediyorum. Katkılarınız için teşekkür ederim.

Görüşmeci adı soyadı

Görüşülen adı soyadı (vermeyi kabul ederse)

Görüşme tarihi

Görüşme yeri

Görüşme süresi

BÖLÜM I

(Kişisel Bilgiler)

1.Adınız, soyadınız?

2. Kaç yaşındasınız?

3.Nerede doğdunuz?

4.Mesleğiniz?

5.Eğitiminiz?

6.Evli misiniz?

7.Çocuklarınız var mı? Kaç yaşındalar?

(Çalıştığı Dernek/ Kurumla İlgili Genel Bilgiler)

İsim, Soyad:

Yaş:

Dernek/Kurumun Adı:

Kuruluş Tarihi:

Dernek Faaliyetleri:

Şu An Bulunduğu Pozisyon:

Çalışma Süresi:

BÖLÜM II

1. Almanya'ya geliş neden(ler)iniz?

2. Ne kadar süredir Almanya'dasınız?

3. Hangi iş(ler)de çalıştınız? Şu an nerede çalışıyorsunuz?

4. Almanya'daki göçmen deneyiminizin genel değerlendirmesini yapabilir misiniz? Yıllar boyunca 'bir göçmen olarak' nasıl olaylarla karşılaştınız? Neler hissettiniz?

5. Almanya'daki Türklere karşı Almanların genel tutumu sizce nasıl? Yıllara göre bir değişiklik var mı?

6. Kendinizi Almanya'ya ait hissediyor musunuz?

7. Türkiye'yle bağınızı nasıl değerlendirirsiniz? Türkiye'ye gelip gidiyor musunuz? Akrabalarınız oradalar mı?

8. Bu ülkede kendinizi hangi statü(ler)de görüyorsunuz? "Ausländer" (yabancı), "Migrant"(göçmen), "Bürger" (vatandaş/yurttaş) , "Bewohner" (oturan, sakin, ikamet eden)

9. Alman vatandaşı mısınız? Alman vatandaşlığı konusunda ne düşünüyorsunuz?

10. Siyasi katılım hakkı elde etmek sizin için önemli mi?

11. Çifte vatandaşlık konusunda ne düşünüyorsunuz?

12. Avrupa Birliği vatandaşlığı konusunda ne düşünüyorsunuz? AB vatandaşı olmak sizce ne anlama geliyor?

13. Sizce bunun göçmenlerin hakları konusunda getirileri olabilir mi? Vatandaşlık konusuna farklı ve kapsayıcı bir boyut getirebilir mi?

15. Berlin'i seviyor musunuz? Berlin'in çok kültürlülüğü hakkında neler düşünüyorsunuz?

16. Bu çok kültürlülük insanların vatandaşlık algılayışlarını/anlayışlarını değiştiriyor mu sizce? Çok kültürlü ve kozmopolit bir vatandaşlık anlayışına doğru gidiyor muyuz?

15. Almanya'nın ve Avrupa Birliği içinde Almanya'nın yeri ve geleceği hakkındaki görüşleriniz neler?

16. Gelecekle ilgili beklentileriniz neler? Türkiye'ye kesin dönüşü düşünüyor musunuz? Yoksa hayatınızı Almanya'da mı devam ettirmek istiyorsunuz?