

higher in Canada.<sup>37</sup> Yet even in countries of immigration, naturalization remains closed in an important sense. Naturalization may be open to, and expected of, all persons meeting certain conditions, but the opportunity to satisfy these conditions is itself closed. Naturalization may be limited, as in the United States, to persons who have been formally accepted as immigrants; it is almost always limited to persons who have resided legally in the territory for a certain length of time. By restricting immigration, states indirectly restrict access to naturalization.

Citizenship is both an instrument and an object of closure. Closure against noncitizens occurs in two stages. Free access to the territory and to certain benefits and activities within it is reserved to citizens; and access to citizenship is reserved to persons meeting certain qualifying conditions. Since the qualifying conditions usually include residence in the territory, there is a circular quality to closure based on citizenship. Only citizens enjoy free access to the territory, yet only residents have access to citizenship. This circularity permits nation-states to remain, albeit in considerably differing degrees, relatively closed and self-perpetuating communities, reproducing their membership in a largely endogenous fashion, open only at the margins to the exogenous recruitment of new members.<sup>38</sup>

## 2 ♦ The French Revolution and the Invention of National Citizenship

Modern national citizenship was an invention of the French Revolution.<sup>1</sup> The formal delimitation of the citizenry; the establishment of civil equality, entailing shared rights and shared obligations; the institutionalization of political rights; the legal rationalization and ideological accentuation of the distinction between citizens and foreigners; the articulation of the doctrine of national sovereignty and of the link between citizenship and nationhood; the substitution of immediate, direct relations between the citizen and the state for the mediated, indirect relations characteristic of the ancien régime—the Revolution brought all these developments together on a national level for the first time. This model of national citizenship, as Marx said of English industrial development, showed the rest of the world “the image of its own future.”<sup>2</sup>

The Revolution, in short, invented both the nation-state and the modern institution and ideology of national citizenship. Neither, of course, was invented *ex nihilo*. Just as the invention of the nation-state presupposed centuries of state-building and the slow growth of national consciousness within the frame of the developing territorial state, so the invention of the modern institution of national citizenship built on the theory and practice of state-membership in the ancien régime.

### State-Membership in the Ancien Régime

Ancien-régime society, in France as elsewhere on the Continent, was essentially inegalitarian. It was a society honeycombed with privilege, with “distinctions, whether useful or honorific . . . enjoyed by certain [persons] and denied to others.”<sup>3</sup> Legal inequality, not simply factual inequality, was the basis of the social order. The privileged included, naturally, members of the two privileged orders or estates, the nobility

and clergy. The French nobility, unlike the British aristocracy, was a legal category rather than a social class. Noblemen monopolized the officer corps of the army and the highest posts in church and government; they alone had the honorific right to carry a sword; and they were exempted from the *taille*, the principal direct tax.<sup>4</sup>

Sieyès' famous 1789 broadside, "What is the Third Estate?" although regarded as an attack on privilege as such, in fact attacked only the privileged orders, ignoring the many other bases of privilege. These were above all territorial and functional: there were privileged villages, towns, and provinces; there were privileged guilds, companies, associations, and corporations of every kind. And there were other bases of privilege as well. Catholics were privileged vis-à-vis Protestants and Jews. Men were privileged vis-à-vis women. Seigneurs (not all noblemen, although the possession of a *seigneurie* was a basis for ennoblement) retained vestiges of ancient claims, powers, and immunities. All who purchased offices from the crown received some kind of immunity or exemption along with the office. Members of the Third Estate participated abundantly in many of these privileges. Sieyès' pamphlet looked only to the privileged orders; reform-minded statesmen such as Turgot and Calonne saw in the "prodigious multitude" of special provisions a much more pervasive impediment to sound finance and administrative efficiency.<sup>5</sup>

The legal structure of ancien-régime society was fundamentally egalitarian. In R. R. Palmer's summary appraisal, "what a later generation would call inequality was built into the fabric of society . . . All persons in principle had rights recognized by law or custom, but their rights . . . depended on the social category to which one belonged."<sup>6</sup> State-membership in this society had only a highly attenuated significance. The decisive units of membership or belonging were on the substate level. What mattered, as a determinant of one's rights and obligations, was not, in the first instance, that one was French or foreign: it was that one "belonged" to a *seigneurie*, or that one was an inhabitant of a *pays d'état*, or a bourgeois in a *ville franche*; or that one was a noble or a clergyman; or that one was a Protestant or a Jew; or that one was a member of a guild, university, religious foundation, or *parlement*.<sup>7</sup>

Being French did matter in one respect. The foreigner (*aubain*) could neither bequeath nor inherit property on the same terms as a Frenchman. When an *aubain* died without leaving direct French heirs, his property, in theory, reverted to the king by the traditional *droit d'aubaine*. In practice, however, the *droit d'aubaine* waned steadily in significance

during the last three centuries of the monarchy. On the one hand, the jurisprudence of the *parlements* construed the *qualité de français* in a steadily more inclusive fashion between the sixteenth and the eighteenth century, so that many persons who formerly would have been considered *aubains* were now considered *français*.<sup>8</sup> On the other hand, the mercantilist monarchy, in order to encourage the immigration and settlement of skilled foreign workers, often exempted them from the *droit d'aubaine*, or even granted them *lettres de naturalité* completely assimilating them to Frenchmen. By the middle of the eighteenth century the *droit d'aubaine* found few defenders. Montesquieu called it "senseless" (*insensé*).<sup>9</sup> Necker, who argued that the impediments to economic development occasioned by the *droit d'aubaine* far outweighed the fiscal gain to the crown, proposed to abolish it. After 1750 France concluded treaties with most European states, each state reciprocally exempting citizens of the other from the *droit d'aubaine*. By the late eighteenth century only a small minority of foreigners remained subject to the *droit d'aubaine*.<sup>10</sup>

Although French law did not systematically discriminate against foreigners on the eve of the Revolution, the correlative statuses of French citizen and foreigner did exist in embryonic form. They had been created by the centralizing monarchy. In the feudal period the foreigner or *aubain* was defined with reference to the *seigneurie*, not with respect to the kingdom: he was the person born outside the *seigneurie*. And the *droit d'aubaine* belonged to the *seigneur*, not the king. Between the late thirteenth and fifteenth centuries, however, the kings succeeded in redefining the *aubain* as the person born outside the kingdom and in usurping the seigniorial *droit d'aubaine*.<sup>11</sup> During the same period the king effectively monopolized the right of naturalizing foreigners.<sup>12</sup> This created for the first time a kingdomwide status of foreigner and, correlatively, an embryonic legal status of French citizen or national. The legal distinction between French citizen and foreigner thus originated in the late medieval consolidation of royal authority at the expense of seigniorial rights.

Yet these statuses were not clearly defined. Today every state claiming sovereignty has its own nationality law and divides the world accordingly into citizens and foreigners. This formal legislative delimitation of the citizenry was unknown in the territorial states of medieval and early modern Europe. Citizenship remained inchoate. This is not to say that there were no rules determining who was and was not a "citizen"—who possessed the *qualité de français*—in early modern France. Although there were no codified, enacted rules, there were customary rules, supple-



mented by a growing body of jurisprudence. Since foreigners' rights to bequeath or inherit property were limited, the *qualité de français* mattered. When this was contested in the course of an inheritance-related dispute, the *parlements* (which were not legislative but rather the supreme judicial bodies) were called upon to settle the issue. In doing so, they did not define the criteria of citizenship in general terms, but determined citizenship status in particular cases. Legal commentators and scholars have extracted general rules from an analysis of these particular cases.<sup>13</sup> These rules, however, would be more accurately characterized as tendencies, for the decisions of different *parlements*, even those of the same *parlement*, were not always consistent.

Between the sixteenth and the eighteenth centuries the *parlements* moved toward a more expansive definition of the *qualité de français*.<sup>14</sup> In the sixteenth century one had to be born in France, have at least one French parent, and be domiciled in France to be considered French for purposes of inheritance. By the eighteenth century domicile was still necessary; but in addition to domicile, either of the first two criteria established one's status as French: it was enough to have been born in France, or to have been born of French parents.

This evolution was not driven by a changing conception of nationhood or citizenship. Whether or not one was French was incidental in this jurisprudence; the real issue was the question of inheritance.<sup>15</sup> The move toward more inclusive criteria of citizenship seems to have resulted from a concern that persons domiciled in France not be arbitrarily deprived of an inheritance because they had been born abroad, or born to foreign parents. Equity required that persons with a substantial connection to France be able to inherit. Since the *parlements* were not legislatures, they could not change the law of inheritance, which discriminated against foreigners. They could, and did, however, construe the *qualité de français* in a more expansive manner.<sup>16</sup>

Citizenship was not an independent branch of the law in the ancien régime. It was not defined independently of the rights that, in theory, were contingent upon it. Instead of inheritance rights (or other rights) depending on an independently defined citizenship, the definition of citizenship depended on beliefs about who ought to be able to inherit.<sup>17</sup> Thus, for example, a person claiming an inheritance from his parents had a better chance of being considered a citizen than a person claiming an inheritance from a more distant relative, even when the two were identically situated with respect to birthplace, parental citizenship, and domicile.<sup>18</sup>

To sum up. The pervasiveness of privilege in ancien-régime society left no room for the common rights and obligations that make up the substance of modern citizenship. The distinction between citizens and foreigners had neither ideological nor practical significance. Foreigners suffered few disabilities, and the most significant of these, in the domain of inheritance, had been largely removed by the late eighteenth century. Citizenship was not consistently defined or systematically codified; it was determined in an ad hoc manner in particular cases to make it accord with legal judgments about inheritance rights. The Revolution was to change all this.

### The French Revolution: Four Perspectives on the Invention of Citizenship

Citizenship was central to the theory and practice of the French Revolution. This can be seen by considering the Revolution successively as a bourgeois revolution; a democratic revolution; a national revolution; and a bureaucratic, state-strengthening revolution. These perspectives are neither exhaustive nor mutually exclusive, but they bring into focus the multiple significance of the French Revolution for the development of the modern institution of national citizenship.

#### The Bourgeois Revolution

The "bourgeois revolution" perspective, which long dominated French Revolutionary historiography, has fallen from favor in recent decades. But what has become an exhausted, stale perspective for specialists remains valuable for other purposes. In this perspective, the revolution created the social and legal framework for the emergence of "bourgeois society." Above all, this meant the establishment of equality before the law and the consolidation of the legal right of private property. While the latter lies beyond the scope of this book, the former is central. By sweeping away the tangled skein of privilege—regional liberties and immunities, corporate monopolies, fiscal exemptions, vestigial seigneurial rights, and so on—the Revolution created a class of persons enjoying common rights, bound by common obligations, formally equal before the law. It substituted a common law for privilege (etymologically: private law), *citoyens* for *privilegiés*.

In this way the Revolution realized Sieyès' conception of citizenship as unmediated, undifferentiated, individual membership of the state: "I

picture the law as being in the centre of a huge globe; all citizens, without exception, stand equidistant from it on the surface and occupy equal positions there; all are equally dependent on the law, all present it with their liberty and their property to be protected; and this is what I call the *common rights* [*droits communs*] of citizens, the rights in respect of which they are all alike."<sup>19</sup> Civil equality, for Sieyès, is conceptually essential to citizenship and civic virtue. He emphasizes "*la qualité commune de citoyen*" and "*l'égalité du civisme*"; he argues that members of the privileged orders, by virtue of their privilege, are "*hors du civisme*."<sup>20</sup> In view of the extent to which civil equality was in fact realized by the Revolution, there is some justification in calling *What is the Third Estate?* "the most successful pamphlet of all time."<sup>21</sup>

### The Democratic Revolution

To view the French Revolution as a democratic revolution is to focus on political rights rather than civil equality.<sup>22</sup> The distinction is artificial in one sense, for the Third Estate demanded both civil equality and political representation, and it demanded both in the name of citizenship and the attack on privilege. "Like civil rights," Sieyès says explicitly, "political rights derive from a person's quality as a citizen."<sup>23</sup> Yet, in another sense, the distinction is analytically indispensable. Civil equality and political participation, though brought together by the French Revolution, are distinct components of modern citizenship, with ideological and institutional roots in different sociohistorical contexts.

Consider two ways of thinking about citizenship.<sup>24</sup> On the first view, citizenship is a *general* membership status. The citizenry coincides roughly with the permanent resident population of a state. Noncitizens are aliens or foreigners—generally, persons with no permanent connection to state or society. The definition of citizenship is abstract and formal, not concrete and substantive. By this I mean that citizenship is a status constituted by common rights and obligations, whatever their content, not by particular rights or obligations.

On the second view, citizenship is a *special* membership status. The citizenry is a privileged subgroup of the population. The distinction between citizens and aliens is not exhaustive. There are, besides aliens, other categories of noncitizens. These are persons who belong to the *ville* but not to the *cité*,<sup>25</sup> who belong to the state as a territorial administrative unit, but not to the state as a ruling organization. The definition of citizenship is substantive, not formal. Citizenship is constituted by the

possession and exercise of political rights, by participation in the business of rule, not by common rights and obligations.

The conception of citizenship as a general membership status was a product of the struggle of centralizing, rationalizing territorial monarchies against the liberties, immunities, and privileges of feudal lords and corporate bodies. Through their efforts to regulate matters uniformly throughout their territory and, more generally, to monopolize the instruments and powers of rule, absolutist monarchs transformed the meaning of law. Poggi has characterized this transformation in a passage that merits quotation at length:

In the Ständestaat, "the law" was essentially the distinctive packages of rights and privileges traditionally claimed by the estates and their component bodies as well as by the ruler; it existed in the form of differentiated legal entitlements, generally of ancient origin . . . [I]n principle it could not be modified at the will of any one party, since it was not seen as the product of unilateral will in the first place . . . Against this background, the idea that the ruler could, by an act of his sovereign will, produce new law and have it enforced by his own increasingly pervasive and effective system of courts was wholly revolutionary. It transformed law from a *framework* of into an *instrument* for rule . . . Through such new law, the ruler addressed himself ever more clearly and compellingly to the whole population of the territory. He disciplined relations in increasingly general and abstract terms, applicable "wherever and whenever" . . . The ruler now possesses in the law a flexible, indefinitely extensible and modifiable instrument for articulating and sanctioning his will. As a result, his power ceases to be conceived as a collection of discrete rights and prerogatives . . . and becomes instead more unitary and abstract, more *potential*, as it were.<sup>26</sup>

The correlate of this new understanding of law and of rule was a new conception of the relationship between ruler and ruled. Just as law and power were generalized, made "more unitary and abstract," so too the condition of being a subject came to be conceived in more general, unitary, and abstract terms. And the word "citizen" (*citoyen*, *Bürger*, *Staatsbürger*) came to be used to denote the subject in general, irrespective of his corporate attachments.<sup>27</sup> Thus Bodin described the citizen as "no other in proper terms than a free [nonslave] subject holding of the sovereignty of another man."<sup>28</sup>

In the absolutist period, to be sure, the emergence of a general status of citizen was slow and halting. Privilege remained pervasive up to the eve of the Revolution in France, and into the nineteenth century elsewhere in Continental Europe. Yet the tendency toward civil equality,



toward the development of citizenship understood as a general, abstract status, has its ideological and institutional roots in the program and practice of absolutism.

The social matrix of citizenship as a special, distinctively political status was the autonomous city, especially the city-state.<sup>29</sup> And while the understanding of citizenship as a general, abstract status was "progressive," reflecting the struggle of the territorial ruler against archaic liberties, immunities, and privileges, the understanding of citizenship as a special political status was profoundly conservative. Urban citizenship was in fact one of the archaic privilege-based institutions that territorial rulers aimed to undermine or marginalize in their efforts to construct a general state citizenship. The modern state and state citizenship were constructed *against* urban autonomy and urban citizenship.

Urban citizenship, then, was an institution on the defensive in the early modern era. With Rousseau, however, the city-state and its active, intimate, participatory, specifically political citizenship was revived as a cardinal point of reference for political theory. Rousseau lamented the eclipse of the classical, participatory definition of citizenship. Modern French authors, he complained—singling out Bodin—have "denatured" citizenship; they have "no true idea of its meaning."<sup>30</sup> His own participatory definition of citizenship echoed Aristotle's. For Aristotle, participation "in the administration of justice and in the holding of office" defined the citizen; for Rousseau, it was participation in the exercise of sovereignty.<sup>31</sup>

Paradoxically, the model of citizenship celebrated by Rousseau—"the great revolutionary of a revolutionary age"<sup>32</sup>—was not only an anachronism, the independent city-state being fated to disappear in a political landscape increasingly dominated by powerful territorial states. It was also essentially inegalitarian. This was notoriously the case in the classical polis. But Rousseau's native Geneva is also a case in point. As Rousseau noted in *The Social Contract*, there were four distinct orders of inhabitants in Geneva (five, including foreigners), but "only two compose[d] the Republic," that is, belonged, as citizens, to the *res publica*, the *cit *, the civic body. Nor did Rousseau consider this improper. Emphatically rejecting a territorial definition of citizenship, he pointed out that "houses make the town [*ville*] but . . . citizens make the civic body [*cit *]."<sup>33</sup> Citizenship was a special, not a general status; and Rousseau was proud of his own hereditary status as a citizen of Geneva.<sup>34</sup>

Territorial state-membership and municipal citizenship are, in some respects, polar opposites. The theory and practice of citizenship as a

general, abstract status, characterized by equality of citizens before the law, was a product of the centralizing, rationalizing policies of absolutist territorial rulers. The theory and practice of citizenship as a privileged status, defined by participation in the business of rule, was a product of the defensive exclusiveness with which the politically privileged administered the affairs of the more or less autonomous classical, medieval, and early modern city. Yet the two traditions were joined in the French Revolution.

As a bourgeois revolution, the French Revolution established civil equality, realizing in a few weeks what the absolutist monarchs had struggled for over centuries. As a democratic revolution, the French Revolution institutionalized political rights as citizenship rights, transposing them from the plane of the city-state to that of the nation-state, and transforming them from a privilege to a general right. The Revolution, to be sure, did not in practice fully institutionalize political rights as general citizenship rights. Women were excluded, as were the *citoyens passifs*. Nonetheless, the Revolution was decisive for the development of the modern institution of national citizenship. As a democratic revolution, it joined the substantive and formal definitions of citizenship, the classical Republican and modern conceptions. Attaching the content of the classical definition—participation in the business of rule—to the generalizing, inclusive form of the modern definition, it made political participation a general rather than a special right. It followed the program of absolutism in making citizenship a general rather than a special status. But it also followed the classical tradition in making participation in the business of rule, if not constitutive of citizenship, at least essential to citizenship.

### The National Revolution

To characterize the French Revolution as a national revolution is to suggest a dual transformation: the creation of a *nation une et indivisible*, composed of legally equal individuals standing in a direct relationship to the state, out of a patchwork of overlapping corporate jurisdictions and pervasive corporate privilege; and the substitution of a militant, mobilized nationalism for the cosmopolitanism, the prevailing indifference to nationality and citizenship, of the old regime. The Revolution thus created both the nation-state (by abolishing jurisdictional boundaries and corporate distinctions within the nation) and nationalism (by



constructing new boundaries and sharpening antagonisms between nations).

The development of international at the expense of intranational boundaries during the Revolution is suggestively outlined by Lucien Febvre:

The Revolution makes a group of subjects, vassals, and members of restricted communities into the body of citizens of one and the same state. It abolishes internal barriers between them and welds them into one powerful group which forms a coherent mass within clearly defined borders. Previously people had walked straight across the boundary; aristocrats, men of letters and merchants crossed it quite naturally. The *frontière* existed only for soldiers and princes, and only then in time of war. On the morrow of the Revolution not only did the demarcation line between France and the neighboring countries appear quite clearly, for better or for worse . . . , but the line of the national boundaries became a sort of ditch between nationalities that were quite distinct from one another, and it was backed up by a second, moral frontier. It was soon to equip itself with all the hates, bitterness and fear aroused in France and in other countries by the French Revolution.<sup>35</sup>

Febvre was referring to jurisdictional and territorial boundaries, but one could make a similar argument about personal boundaries defined by the law. The development of national citizenship represents a displacement of personal boundaries—that is, boundaries between personal statuses—from within to between nations. As membership of subnational units was abolished or rendered inconsequential, membership of the nation-state became more important.

This coupling of nationhood and nationalism was neither intended nor foreseen by the revolutionaries of 1789. The nation was exalted at the expense of privileged orders, corporations, guilds, provinces, and other subnational groupings, not at the expense of other nations (or their citizens). In its early stages the Revolution was ostentatiously cosmopolitan. It took over the undemonstrative, laissez-faire cosmopolitanism of the ancien régime, recast it in ideological terms, invested it with missionary fervor. Foreign enthusiasts of Revolutionary developments—*pèlerins de la liberté*—were welcomed in France.<sup>36</sup> Liberty, Equality, Fraternity were to be France's gifts to the world: "It is not for ourselves alone, it is not for that part of the globe than one calls France, that we have conquered Liberty."<sup>37</sup> National boundaries as well as internal boundaries were to be transcended: "The national assembly, considering that the *droit d'aubaine* is contrary to the principles of fraternity that

ought to unite all men, whatever their country or government . . . ; and that France, now free, ought to open its bosom to all the peoples of the earth, by inviting them to enjoy, under a free government, the sacred and inviolable rights of humanity, has decreed: The *droit d'aubaine* . . . [is] forever abolished."<sup>38</sup> The cosmopolitanism animating this decree of August 1790 was reaffirmed and consecrated in the Constitution of 1791, which devoted one of its seven sections to "the relations of the French nation with foreign nations": "The French nation renounces the aim of undertaking any war of conquest, and will never employ its forces against the liberty of any people.—The Constitution forbids the *droit d'aubaine*.—Foreigners in France, established or not, can succeed from their parents, whether these are foreigners or French.—They can make contracts, acquire and receive goods located in France, and dispose of them, in the same way as any French citizen can, by all means authorized by law.—Foreigners who find themselves in France are subjected to the same criminal and police laws as are French citizens . . . ; their person, their goods, their industry, their cult are equally protected by law."<sup>39</sup> The preamble to this Constitution proclaimed that there would be "no privilege, no exception to the common law of all Frenchmen." Yet outside the domain of political rights, the "common law of all Frenchmen" applied equally to foreigners. The Rights of Citizens seemed to be dissolved into the Rights of Man. The Constitution of 1793 even extended political rights to most foreigners.<sup>40</sup>

In ideological intent, then, the Revolution was conspicuously cosmopolitan, at least in its early phase. In practice, the status of the foreigner did not change much, for the ancien régime was also quite cosmopolitan, in theory and in practice. There was not only a "uniform, cosmopolitan culture among the upper classes of most of Europe," but a prevailing indifference to nationality in public life.<sup>41</sup> Skilled foreign workers were sometimes granted privileges not enjoyed by their French counterparts, without any sense of anomaly; the personal guard of the king was composed of foreigners; some high officials (notably Mazarin and Necker) were foreigners. And as has been noted, the main disability to which foreigners were subject—the *droit d'aubaine*—had been hollowed out by so many exemptions and treaties that its formal abolition during the Revolution had little effect. In its cosmopolitanism, as in other respects, the Revolution took up where the ancien régime left off.<sup>42</sup> It was in the xenophobic nationalism of its radical phase, not in the cosmopolitanism of its liberal phase, that the Revolution was genuinely revolutionary.<sup>43</sup>

This xenophobic nationalism was a product of war and factional struggle, which engendered a climate of extreme suspicion of the internal enemies that might knowingly or unknowingly be in the service of external enemies. Foreigners were not the only victims of this generalized suspicion, which embraced émigrés, refractory priests, noblemen, rebels, and political opponents. But the Convention did direct a series of repressive measures specifically against foreigners, establishing a system of registration and surveillance, ordering expulsions, imposing special criminal penalties, requiring special proofs of *civisme*, excluding foreigners from all political functions, sequestering and confiscating goods, and forbidding residence in Paris, in fortified towns, or on the coast.<sup>44</sup> Anarchist Cloots, self-appointed "orator of the human race," was executed.<sup>45</sup> Thomas Paine was arrested. Both had been among the seventeen foreign thinkers and statesmen granted "the title of French citizen" on August 26, 1792, on the grounds that "these men who, by their writing and by their courage, have served the cause of liberty and prepared the liberation of peoples, can not be regarded as foreigners."<sup>46</sup>

Why this reversal, this abrupt shift from ostentatious cosmopolitanism to xenophobia and repression?<sup>47</sup> The pervasive fear of enemies within and enemies without, grounded in the experience of foreign war, civil insurrection, and factional struggle, but passing into paranoia, helps explain the multiplication of exclusions. But why specifically foreigners? Certain police measures directed against citizens of countries with whom France was at war are understandable. But some of the harshest measures were directed not at enemy nationals but at foreigners as such. Why were foreigners singled out?

The answer has to do with the logic of the nation-state. A nation-state is a nation's state, the state of and for a particular, bounded, sovereign nation, to which foreigners, by definition, do not belong. Legally homogeneous internally, it is by virtue of this very fact more sharply bounded externally than an internally heterogeneous state such as pre-Revolutionary France.<sup>48</sup> Sharp external boundedness does not dictate the terms on which resident foreigners are to be treated; but it does mark them clearly and axiomatically as outsiders—paradigmatic outsiders. By inventing the national citizen and the legally homogeneous national citizenry, the Revolution simultaneously invented the foreigner. Henceforth citizen and foreigner would be correlative, mutually exclusive, exhaustive categories. One would be either a citizen or a foreigner; there would be no third way. As a result of this stark simplification in the political geometry of membership, *l'étranger* could symbolize pure extraneity in

a manner that was not possible in the ancien régime, where the foreigner-citizen distinction was simply one axis of legal discrimination among many—a relatively insignificant one at that. The Revolutionary invention of the nation-state and national citizenship thus engendered the modern figure of the foreigner—not only as a legal category but as a political epithet, invested with a psychopolitical charge it formerly lacked, and condensing around itself pure outsiderhood.<sup>49</sup> It is just this definitional extraneity that, in the overheated political climate of 1793–94, encouraged factions to accuse one another of foreign connections, that enabled theories of a *conspiration de l'étranger* to flourish, and that provided a veneer of justification for harsh repressive measures against foreigners.

As a political epithet, to be sure, "*étranger*" could be used against nationals as well as legal foreigners. Throughout the Revolutionary period, political and legal definitions of *l'étranger* were not sharply distinguished. This fusion—or confusion—is epitomized by Tallien's remark: "the only foreigners in France are bad citizens." This could work to the benefit of legal foreigners. Even at the height of xenophobic nationalism, certain foreigners were exempted from the repressive anti-foreigner measures. As Thibaudeau put it, "the working man can be a foreigner in no country; he is naturalized by his work."<sup>50</sup> Conversely, certain "bad citizens" could be redefined as foreigners, as nonbelievers. "It is characteristic of a revolution," notes Vida Azimi, "to make things foreign to it, even 'nationals' [*de rendre étranger à elle, même des nationaux*]." <sup>51</sup> This logic of exclusion—what Pierre Nora calls "this heavy complex built around the notion of 'the foreigner'" —dates from 1789, from Sieyès' definitional exclusion of the privileged orders from the nation, not from 1793.<sup>52</sup> The invention of the nation-state and a national citizenry gave new weight to the political and to the legal concept of *étranger*. And precisely because the two were not consistently distinguished, *étrangers* in the legal sense could be lumped with *étrangers* in the political sense, foreigners with émigrés, refractory priests, rebels, aristocrats, and other political enemies.

The nation-state may, indeed must, discriminate between citizens and foreigners. It is in this sense inherently nationalistic. Its nationalism need not be the aggressive or xenophobic sort of 1792 and after. More often it has a routine, normal, taken-for-granted quality. Both sorts of nationalism—the normal "background" nationalism of the nation-state and the noisy, bellicose variety—descend to us from the French Revolution. The harsh Revolutionary measures against foreigners had the ad hoc char-



acter of all emergency legislation. But their underlying logic illustrates Febvre's point. The Revolution created a legal frontier and a "moral frontier" between members of different nation-states. Abolishing legal and moral boundaries within the nation-state, it crystallized legal and moral boundaries and divisions between nation-states. Thus it engendered both the modern nation-state and modern nationalism.

As a national revolution, the French Revolution shaped the institution of modern citizenship in several distinct ways. By leveling legal distinctions inside the nation, it gave a common substance to citizenship: civil equality. By valorizing the nation and the idea of national citizenship, it created the ideological basis for modern nationalism, in its domestic and international expressions. And by defining precisely who was French, it provided a technical basis for denying certain rights to or imposing certain obligations on foreigners.

#### *The Bureaucratic Revolution*

The Revolution, finally, can be seen as a state-building, bureaucratic revolution.<sup>53</sup> By abolishing the vestiges of the seigneurial system, the tangled skein of privilege, the crazy-quilt array of jurisdictions, and the welter of corporations, the Revolution swept away obstacles to effective state action. Thus Marx: "The centralised State power . . . originates from the days of absolute monarchy . . . Still, its development remained clogged by all manner of medieval rubbish, seigniorial rights, local privileges, municipal and guild monopolies and provincial constitutions. The gigantic broom of the French Revolution . . . swept away all these relics . . . , thus clearing simultaneously the social soil of its last hindrances to the superstructure of the modern state edifice."<sup>54</sup> And again: "with its task of breaking all separate, local, territorial, urban and provincial powers in order to create the civil unity of the nation, [the Revolution] was bound to develop what the absolute monarchy had begun: centralisation, but at the same time the extent, the attributes and the agents of governmental power."<sup>55</sup> The Revolution left the individual face to face with the state, unprotected by intermediary corporate bodies—the buffering institutions celebrated in the political theory informed by Montesquieu and Tocqueville.

The crucial point about citizenship, from this perspective, is that an immediate, direct form of state-membership replaced the mediated, indirect forms of membership characteristic of the ancien régime. From this transformation in the structure of membership, the state gained both

greater resources and greater control. The "immediatization" of membership permitted an expansion of direct taxation, replacing the old system of tax farming, based on contracts with largely autonomous corporations. It permitted the state to demand military service from every citizen, and directly to regulate foreigners.

The strengthening of the state through the "immediatization" of membership depended, however, on the legal rationalization and codification of membership. To demand services from its citizens or to exclude or regulate noncitizens, the state had to be able to determine unambiguously who was and was not a citizen. In this domain, too, the Revolution marked a decisive stage in the development of citizenship. The Constitution of 1791 contained the first formal, explicit delimitation of the citizenry carried out by a western territorial state.<sup>56</sup> The formalization and codification of membership marked an important stage in the development of what Michael Mann has called the "infrastructural" power of the state, by which he means the "power to co-ordinate civil society."<sup>57</sup>

The development of the modern institution of national citizenship is intimately bound up with the development of the modern nation-state. The French Revolution marked a crucial moment in both. There are several respects in which the Revolution shaped the modern institution of national citizenship. As a bourgeois revolution, it created a general membership status based on equality before the law. As a democratic revolution, it revived the classical conception of active political citizenship but transformed it from a special into what was, in principle if not yet in practice, a general status. As a national revolution, it sharpened boundaries—and antagonisms—between the members of different nation-states. And as a state-strengthening revolution, it "immediatized" and codified state-membership. National citizenship as we know it bears the stamp of all these developments.