7 • "Etre Français, Cela se Mérite"

Immigration and the Politics of Citizenship in France in the 1980s

For a century France has defined second-generation immigrants as citizens.[1] Although anomalous in Continental Europe,[2] this practice was uncontested until recently. In the mid-1980s, however, *jus soli* came under sharp attack from the far right. "Etre Français, cela se mérite" (to be French, you have to deserve it), proclaimed Jean-Marie Le Pen's National Front.[3] Under pressure from the National Front, the center-right parties took up the theme during the 1986 legislative campaign, proposing in their joint platform to suppress "automatic" acquisitions of French citizenship. Second-generation immigrants would no longer become French *jure soli;* they would have to demand French nationality expressly, and that demand would have to be accepted by the state. Once in office, the new government of Jacques Chirac backed away from the radical proposal to abolish *jus soli,* but it did propose to limit it in order to restore "will," "value," and "dignity" to the acquisition of French citizenship.[4] Yet the proposal provoked strong opposition, and eventually it was withdrawn from the legislative agenda. A commission appointed to study the issues, while favoring the voluntary acquisition over the automatic attribution of citizenship, at the same time recommended enlarging rather than restricting access to French citizenship.[5]

The challenge to *jus soli* arose in the context of a number of converging developments: the emergence of a large population of second-generation North African immigrants, many possessing dual citizenship; increasing concern about the emergence of Islam as the second religion of France; a Socialist government perceived as "soft" on immigration; the emergence on the left of a "differentialist," cultural-pluralist discourse on immigration; the rise of the National Front; and the approaching legislative elections of 1986. These converging developments created a political opening for a nationalist critique of *jus soli.* But while that critique

was politically profitable as an opposition strategy, it was politically costly as a government program. Voluntarism was a winning theme, but the exclusion of second-generation immigrants from citizenship on nationalist grounds was not. The government tried to frame its proposed reform of citizenship law in voluntarist terms, but critics adroitly focused on the question of exclusion, repeatedly invoking the incompatibility between the prevailing understanding of nationhood and the civic exclusion of second-generation immigrants. The government was obliged to retreat from its initial proposal, to affirm its commitment to an inclusive citizenship law, even, in the end, to affirm its commitment to *jus soli.*

Second-Generation Algerian Immigrants: Citizens against Their Will?

The French debate on citizenship has centered on North African, especially Algerian, immigrants.[6] Curiously, it was not the xenophobic right, or even the center-right, that first questioned *jus soli.* The issue was raised by proimmigrant voices on the left, articulating and relaying the grievances of certain second-generation Algerian immigrants, their families, and the Algerian government.[7] The roots of Algerian immigration extend deep into the colonial period.[8] Before the First World War a few thousand Algerians worked in France. During the war as many as 160,000 served in the army and another 80,000 worked in the civilian economy in France, some as volunteers, others as conscripts.[9] Almost all returned to Algeria immediately after the war, but immigration began again in the 1920s, and by 1930 there were 120,000 Algerians in France, although with the Depression the number declined. In the 1950s women and children began to join male workers in France, and the Algerian community there assumed a more settled character. By 1961 there were 80,000 Algerian children out of a total Algerian community of 350,000.[10] At the moment of independence, the Algerians in France, like the native population of Algeria, had to opt for French or Algerian citizenship. Apart from those who had fought on the French side during the Algerian war, almost all chose the citizenship of the new nation-state.[11] Yet the French-born children of these expatriate Algerians (roughly 400,000 in the quarter-century following independence) continued to be defined as French—not conditionally, on attaining legal majority, according to the century-old French way of transforming second-generation immigrants into citizens, but unconditionally, at birth, in the manner reserved in

France for *third*-generation immigrants. Second-generation Algerian immigrants, in other words, have been incorporated as citizens as if they were third-generation immigrants.

French citizenship law contains two provisions embodying the principle of *jus soli:* Article 23, attributing citizenship at birth to third-generation immigrants, and Article 44, attributing citizenship at age 18 to second-generation immigrants who were born in France and have resided there since age 13—provided that they have not opted out of French citizenship during the preceding year and that they have not been convicted of certain crimes. Since most *second*-generation immigrants are already transformed into citizens by Article 44, Article 23's provision transforming *third*-generation immigrants into citizens is largely redundant. For Algerians, however, Article 23 comes into play for *second*-generation immigrants. This is not by virtue of any special provision in French citizenship law for citizens of Algeria or other ex-colonial countries. The language of Article 23 is entirely general.[12] But the timing of Algerian immigration in relation to decolonization gave that legal provision an unintended and anomalous application to second-generation immigrants. Article 23 attributes French citizenship at birth to persons born in France when at least one parent was also born in France. But "France" has changed in extent. Since Algeria was an integral part of France until 1962, persons born in Algeria before its independence count, for the purpose of citizenship law, as having been born "in France." And when such persons emigrated to France, as they did in large numbers during the war of independence and the decade following independence, their French-born children have had French citizenship attributed to them at birth by virtue of Article 23.[13]

Even without Article 23, most French-born children of Algerians would have become French automatically on attaining legal majority by virtue of Article 44. Why then the fuss about Article 23? The answer lies in a legal technicality that became politically charged in the historical and political context of Algerian immigration to France. The attribution of French citizenship to second-generation immigrants according to Article 44 is conditional on the tacit consent of those concerned. In the year preceding the age of majority, one can decline French citizenship by simple declaration.[14] But the attribution of citizenship by virtue of Article 23, in most cases, is unconditional. If only one parent was born in France (or French Algeria), one can decline French citizenship by declaration. But when both parents were born in French Algeria—the normal case for the children of Algerian parents that were born in France

in the 1960s and 1970s—the attribution of French citizenship is definitive and unconditional.

In the postcolonial context of Algerian immigration to France, the unconditional attribution of French citizenship to second-generation immigrants was resented by some Algerians.[15] The French state appeared again as the colonial power, unilaterally claiming as its own the citizens of the new Algerian nation-state. As Stanislas Mangin put it, "The father is stupefied to discover today that, because he came to work in France and because his children were born there, France takes them back from him. He experiences this as a vengeance, a punishment; above all, he sees in the acquisition of French nationality the prospect of a rupture with the home country, of an essential breach in family relations, of mixed marriage, of the acquisition of European manners."[16] The issue arose only in 1979, when the first group of children born in France of Algerian parents after Algerian independence reached the age of 16. Upon applying for residence permits—obligatory from age 16 on for all resident foreigners—they were astonished to learn that they possessed French nationality. Previously they had considered themselves Algerians and had reported their nationality as Algerian to schools, census workers, and other officials.[17] They were jolted again at age 18 when they were obliged to register for military service—in France and in Algeria. In 1984 France and Algeria negotiated an agreement providing that Franco-Algerian dual nationals be permitted to perform their military service in either France or Algeria, regardless of their place of residence.[18] Until then, however, the young Franco-Algerians were subject, in principle, to the claims of both states. Some immigrants welcomed their dual nationality, noting that French nationality protected them against expulsion. Yet others "experienced the attribution of French nationality as a violation of their personality, their familial attachments, and their membership of a newly emancipated nation—a violation all the greater in that nobody had warned their parents . . . about this French identity that would be imposed on them by the accident of the date and place of their birth."[19] Many formally requested to be "released from the bonds of allegiance" to the French state. But while this request is routinely granted for persons settled abroad, it is routinely denied for persons domiciled in France.[20] The demand for release from French citizenship peaked in 1984, when nearly 2949 requests were made, 2506 of them refused—with young Franco-Algerians who wanted to continue residing in France accounting for almost all of the refusals.[21]

The Algerian government too objected to the unilateral imposition of

citizenship on "its" emigrants.[22] That "two hundred fifty thousand of its children were reclaimed by the French government after the years of murderous conflict aimed precisely at giving them their own nationality" was regarded as a neocolonial affront to Algerian sovereignty.[23] Particularly sensitive, as a new nation-state, to symbols of sovereignty, it demanded that France release from its citizenship all young Algerians born in France. Ideally, from the Algerian point of view, such a measure would be "collective and mechanical, that is, it would not take account of the opinion of the persons concerned and would not wait for them individually to request such release."[24] Proimmigrant groups in France, while not necessarily endorsing so sweeping a measure, echoed the Algerian criticism of Article 23.[25] And the Socialist government that came to power in 1981 seemed receptive to the idea of modifying Article 23.[26] On a visit to Algeria in autumn 1981, Interior Minister Gaston Defferre discussed the issue with his Algerian counterpart. He said to reporters afterward: "It will be necessary for us to find a solution . . . The Algerians who come to France do not intend to establish themselves definitively and melt [*se fondre*] into French society. They are migrant workers and not immigrants. French law could be modified to take account of this situation. I will make some proposals in this direction to the government. If they are realized, young people born in France of Algerian parents would no longer automatically have French nationality. They would have to ask for it to obtain it."[27] Talks between the French and Algerian governments on this issue did not lead to an agreement on nationality. They did, however, lead to an agreement on military service for dual nationals.[28] And once the question of military service for Franco-Algerian dual nationals was resolved, proimmigrant groups, the parties of the left, and the Socialist government lost interest in the citizenship status of second-generation immigrants.[29]

The Rise of a Nationalist Politics of Citizenship

Between 1983 and 1986, under the approaching horizon of legislative elections, and in the context of a broader debate about immigration and national identity,[30] policy intellectuals, clubs, and parties of the far right and mainstream right developed a threefold critique of French citizenship law. From a *voluntarist* perspective, citizenship law was criticized for transforming second-generation immigrants into French citizens without their knowledge and, in some cases, against their will. From a

statist perspective, it was criticized for permitting certain foreigners to circumvent restrictions on immigration. From a *nationalist* perspective, it was criticized for turning foreigners into Frenchmen on paper without making sure that they were "French at heart" *(Français de coeur)*.

The first two points had been raised by the Socialists, the first publicly, the second within the Ministry of Social Affairs. The right now took over these arguments and extended them. The nationalist critique of French citizenship law and naturalization practice, however, was new in postwar France. And the nationalist attack on *jus soli*—on the transformation of second-generation immigrants into citizens—was unprecedented even in longer-term historical perspective. In the interwar period nationalists had criticized rising naturalization rates and stigmatized the newly naturalized as *"français de papier,"* but they had not challenged the attribution of citizenship *jure soli* to second-generation immigrants. Not even under the Vichy regime, which rescinded 15,000 naturalizations, was the French system of *jus soli* challenged.[31] Moreover, a 1973 reform of citizenship law, prepared and enacted by a center-right government, confirmed *jus soli* at a moment when immigration had reached unprecedented levels and when large numbers of children were being born in France to foreign parents.[32] This reform was uncontroversial, and the parliamentary rhetoric remained assimilationist.[33] Yet a decade later *jus soli* came under sharp attack, not only from a voluntarist but also from a nationalist point of view. Why did the century-long consensus on *jus soli* break down in the mid-1980s? And why did the nationalist challenge to *jus soli* fail?

The nationalist attack on *jus soli* is best understood as a reassertion of fundamental norms of nation-statehood, perceived as threatened or undermined by immigration, especially of North African Moslems.[34] A nationalist response to immigration can be found in all European and North American countries of immigration. Faced with what they perceive as the devaluation, desacralization, denationalization, and pluralization of citizenship, nationalists defend the traditional model of the nation-state, reasserting the value and dignity of national citizenship and stressing the idea that state-membership presupposes nation-membership. They demand of immigrants either naturalization, stringently conditioned upon assimilation, or departure.[35] But conditions for a nationalist response were particularly ripe in France in the mid-1980s. The expansiveness of French citizenship law, in conjunction with the weakening of the ideology and practice of assimilation, gave French nation-

alists a particularly inviting target. It had transformed large numbers of second-generation immigrants—particularly North Africans—into French citizens, but citizens indifferent, sometimes antagonistic, to that citizenship. In Germany, by contrast, where very few immigrants, even of the second generation, had acquired German citizenship, there was no corresponding opening for a politically profitable nationalist response.

Dual Citizenship

The nationalist politics of citizenship focused on three related issues: dual citizenship, the desacralization and devaluation of French citizenship, and the putative unassimilability of North African immigrants. Dual citizenship comes about in three main ways. First, now that citizenship law throughout Europe has become gender-neutral, permitting transmission of citizenship by maternal as well as paternal filiation, most children of mixed-nationality marriages inherit both the father's and the mother's citizenship. Second, almost all second-generation immigrants to whom citizenship is attributed *jure soli* also inherit their parents' citizenship *jure sanguinis*. Finally, many immigrants who acquire citizenship by naturalization retain their original citizenship. There are no reliable statistics on the incidence of dual citizenship, but three sources of variation in that incidence may be noted, corresponding to the three ways in which dual citizenship arises. First, the incidence of dual citizenship varies with the rate of mixed-nationality marriages. Second, dual citizenship is more frequent in countries whose citizenship law is based at least in part on *jus soli*. Third, dual citizenship is more frequent where naturalization is not contingent on the renunciation of previous citizenship. Intermarriage rates are similar in France and Germany.[36] But the French system of *jus soli*, together with the fact that France permits foreigners to naturalize without giving up their original citizenship, while Germany does not, engenders a higher incidence of dual nationality in France than in Germany.

The nationalist politics of citizenship has drawn freely on traditional legal and political arguments against dual citizenship, especially on the classical political argument that citizenship presupposes allegiance; that allegiance is by definition unconditional and absolute; and that dual allegiance and dual citizenship are therefore impossible.[37] Yet the core concern is not dual citizenship as such but the way in which it has been a vehicle for the desacralization and devaluation of French citizenship.[38]

The Desacralization of Citizenship

The desacralization of citizenship is a general aspect of modern Western politics, rooted in the emotional remoteness of the bureaucratic welfare state and in the obsolescence of the citizen army. Yet mass Franco-Algerian dual nationality has raised the issue of desacralization in a conspicuous and pointed manner.[39] Traditionally the sacralization of citizenship has found its central and most poignant expression in the obligation to perform military service for the state, to fight for the state and die for it if need be.[40] Dual citizenship relativizes this obligation. No man can serve two states if they happen to be fighting at the same time or, worse, fighting each other. Moreover, the obligation to fight and die for more than one state, even if the states are not at war, devalues the commitment implied to each of them. The problem may not be acute in peacetime for persons holding the citizenship of two allied states and performing military service in their state of residence. But Franco-Algerian dual nationals are a special case. The French-Algerian accord on military service for dual nationals leaves dual nationals free to choose where to perform military service.[41] And although Algeria requires two years of service and France only one, a substantial fraction of young Franco-Algerians residing in France has opted for service in Algeria.[42] That Algerian immigrants to France should possess French citizenship yet perform military service for the Algerian state has outraged French nationalists, who stress the "indissoluble bond between the acquisition of nationality . . . and armed service."[43]

Nationalist indignation has been further provoked by the rhetorical desacralization of French citizenship on the part of certain young dual nationals. Asked about the meaning of French citizenship, most immigrants have stressed its purely instrumental significance. Remarks such as the following are characteristic: "one has French papers for convenience."[44] "I got my blue [French] papers because I needed them to go on vacation in Spain."[45] "To have peace with the cops, it's worth having a French identity card."[46] "Being French is a practical decision: it makes things easier for controls [police controls of identity], for the job, for the bureaucracy . . . Having French nationality doesn't take away the right to Algerian nationality. So you don't lose anything by taking it [French nationality]. If it was an alternative [i.e. if one had to choose French or Algerian nationality], I wouldn't have made this choice [becoming French]."[47]

This instrumentalist way of talking about French citizenship is by no

means restricted to Algerians. Yet for historical reasons it is more pronounced in the Algerian case. The current generation of Franco-Algerian dual nationals are the children of Algerians who fought against France for Algerian independence—and for the right to have Algerian rather than French nationality. Nationality is therefore a highly charged subject for the parents. Algerian nationality is highly sacralized, as befits the nationality of a state whose independence was attained within living memory through a long and bloody war. This accounts for the consternation of Algerian families when they learned that French nationality had been imposed on their children because they happened to be born in France. Yet the very fact that French nationality was imposed, rather than chosen, provided a means of coming to terms with it. To choose French nationality would be to betray one's family;[48] but to be French through no fault of one's own insulated one from reproach. As one twenty-five-year-old Franco-Algerian put it, "these kids [to whom French nationality was attributed at birth] are lucky because one obliged them [to be French], so you can't condemn them [for being French], you can't say they betrayed anyone."[49] The imposition of French nationality on many second-generation Algerian immigrants, it has been suggested, might help legitimize even the voluntary acquisition of French nationality on the part of Algerian immigrants. "[If] a son, 'French' by necessity, solely by virtue of being born in France, remains, in the eyes of his parents, . . . just as 'good' a son . . . , just as 'good' an Algerian, and just as 'good' a Moslem, ... how could one consider his brother a 'bad' son, 'bad' Algerian, and 'bad' Moslem just because he acquired voluntarily the French nationality that his brother . . . received automatically?"[50] The experience of living involuntarily as dual nationals, Sayad suggests, might lead to a general desacralization, "laicization," and "banalization" of nationality, by showing in practice that religion and nationality were distinct, by divesting nationality of its "syncretistic connotations of a religious and communitarian nature" and engendering a more "strictly political and administrative" understanding of nationality.[51]

The discourse of young Franco-Maghrebin dual nationals reveals a desacralized, instrumental attitude toward French nationality (although not toward the nationality of their parents). They characterize their French nationality in instrumental terms as a contingent administrative fact that facilitates everyday life in France, and their Algerian, Moroccan, or Tunisian nationality in more expressive, emotional terms as an unalterable condition, an undifferentiated amalgam of religious, ethnocultural, national, and familial affiliations that provides the basis for their "identity."[52] In terms of Talcott Parsons' "pattern variables," they experience their French nationality as functionally specific, affectively neutral, and self-oriented, and their North African nationality as diffuse, affectively charged, and collectivity-oriented.[53]

Nationalists seized on evidence of this instrumental relation to French citizenship to deplore the fact that certain second-generation immigrants have French citizenship, while remaining indifferent or even hostile to French culture and the French state. "On the pretext of humanism . . . France has received and conferred its nationality on families whose sole bond of attachment to the national community consists in pecuniary advantages. What is more, the persons concerned preserve their original allegiance and often take French nationality as one takes the Carte Orange [the subway and bus pass used by Parisian commuters]."[54] To grant citizenship to such persons, they argued, devalues and desacralizes French citizenship: "To be French means something. It is not only a paper, a formality, but a value. The current legislation cheapens that value . . . Today, we feel the need to revalorize belonging to France . . . One cannot acquire French nationality out of simple convenience. It is necessary to recognize the value of being French, to become French for other reasons than for the social and economic advantages it entails."[55] Dual nationals were stigmatized as "false citizens, citizens of nowhere. When it suits them, they say they are French. When it doesn't, they say they are Algerians, or something else . . . It's detestable. Many sons of Algerians found themselves French without having asked for it: one made them citizens by force. These people don't necessarily share our values. If they don't feel French, well, we don't want them either! Before admitting someone to a club, one verifies that he is capable of exercising his rights and fulfilling his duties. One will accord French nationality in 98 percent of the cases. But we will reject those who denigrate us. I say this in the name of all those who died for the country."[56] In nationalist perspective, citizenship should possess dignity and command respect. It should not be sought for convenience or personal advantage. It should possess intrinsic, not merely instrumental value. It should be sacred, not profane. For one attribute of sacred objects, on Durkheim's account, is the respect they command—a respect that "excludes all idea of deliberation or calculation."[57] The nationalist argument is that citizenship should induce respect for what it is rather than calculation about what it entails.

The nationalist campaign against the desacralization and devaluation

of French citizenship had an especially tempting target. Not only did those North African immigrants who possessed French citizenship emphasize its strictly instrumental meaning. At the same time, proimmigrant voices on the French left called for a further desacralization and devaluation of citizenship. This was particularly true in the early days of the Socialist government. Two ideas were current on the left. First, substantive citizenship rights should be divorced from formal citizenship—for example, by permitting immigrants without French nationality to vote, first in local elections, eventually in national elections. This would objectively devalue formal citizenship by making less depend on it. Second, persons wanting to naturalize should be able to do so with a minimum of social and psychological friction. Citizenship and naturalization should be desacralized, deformalized, deritualized.[58] This sort of discourse on the left, as much as attitudes toward citizenship of immigrants themselves, gave nationalists an opportunity to score political points by reemphasizing the value, dignity, and sacredness of citizenship.

An Unassimilable Immigration?

The final target of the nationalist politics of citizenship was the alleged unassimilability of today's immigrants—North African Moslems in particular.[59] Nationalists made three points. First, unlike earlier waves of immigrants, today's immigrants do not want to assimilate. Second, the traditional French institutions of assimilation no longer function the way they used to. Third, today's immigrants, being more "culturally distant" from the French than earlier immigrants, are objectively less assimilable.

In support of the first claim—that immigrants do not want to assimilate—nationalists pointed to the wide currency of differentialist rhetoric. There was, indeed, much talk of the *droit à la différence*—the "right to be different"—in the early 1980s. Most of this talk came from the French, not from immigrants,[60] and reflected less a refusal of assimilation on the part of immigrants than the rejection of the traditional Republican formula of assimilationist civic incorporation on the part of the French left.[61] But this did not prevent nationalists from seizing on differentialist rhetoric to indicate the impossibility of assimilation.[62]

The second argument—that French institutions have lost much of their former assimilatory power—is by no means restricted to nationalists. The diminishing efficacy of schools, army, church, trade unions, and political parties as instances of socialization, integration, and assimilation for French and foreigners alike has been widely remarked.[63] In place of these "universalist national institutions," as Dominique Schnapper has called them, custodial and remedial institutions—social workers, the medical establishment, the criminal justice system—increasingly are charged with the social management of marginal populations.[64] The school, in particular, is no longer thought to have its former socializing and assimilating power.[65] Particularly galling in nationalist perspective is the instruction given immigrants' children in their "language and culture of origin" in French primary school classes, with instructors chosen and paid by governments of countries of origin.[66]

The third and most important nationalist argument is that Moslem immigrants are unassimilable—or, less categorically, that today's Moslem immigrants are less easily assimilable than earlier Catholic and Jewish immigrants.[67] Nationalists assert a basic incompatibility between the political and legal culture of Islam and that of "the West." Islam, they argue, cannot be reduced to the sphere of the merely private. It inevitably generates public and political demands, and these conflict irreconcilably with what is held to be a simultaneously Christian and Republican tradition of the rights of man.[68] Like other antiassimilationist arguments, this one is advanced not only by nationalists but also, in more nuanced form, by almost all parties to the debate on immigration. Thus, Gaston Defferre, former Socialist Interior Minister: "When Poles, Italians, Spanish, and Portuguese live in France and decide to naturalize, it matters little whether they are Catholics, Protestants, Jews, or atheists . . . But the rules of Islam are not simply religious rules. They are rules of living that concern . . . marriage, divorce, the care of children, the behavior of men, the behavior of women . . . These rules are contrary to all the rules of French law on the custody of children in case of divorce, and they are contrary to [French rules on] the rights of women with respect to their husbands. What is more, in France we don't have the same habits of living."[69] All parties agree that Islam—at least some forms of Islam—poses special difficulties for assimilation. What distinguishes the nationalist position is its undifferentiated, essentialist characterization of Islam. Ignoring the varieties of Islam in France,[70] the nationalists characterize Moslem immigrants as if all were Islamic fundamentalists, although evidence suggests that fundamentalism holds only marginal appeal for Moslems in France.

Jus soli was not the only target of this nationalist critique of French citizenship law. Nationalists objected also to the ease with which citizenship could be acquired by spouses of French citizens and to insuffi-

ciently strict control over naturalizations. But *jus soli* seemed particularly objectionable. In conjunction with the citizenship law of North African states, which attributed citizenship *jure sanguinis* and held to the doctrine of perpetual allegiance, French *jus soli* automatically engendered dual citizenship. From the nationalist point of view, *jus soli* furthered the desacralization of citizenship by attributing it to persons who remained loyal to and identified emotionally and culturally with other states. It devalued citizenship by bestowing it automatically on persons, irrespective of their will, even of their knowledge. Finally, it denationalized citizenship by automatically conferring it on persons who were not assimilated, and, on some arguments, could not assimilate, to French culture.

The nationalist attack on *jus soli* was not confined to the radical right. It figured in a number of programmatic statements produced by groups and parties of the mainstream right as the legislative elections of March 1986 approached. Thus, for example, the Club '89, closely affiliated with the Gaullist *Rassemblement pour la République* party (RPR), argued in its 1985 program, "A strategy for government," that naturalization must not be

> considered a convenient legal means of obtaining social advantages and the right to remain in France. This is why the Code of Nationality must be amended in order that the acquisition of French nationality be truly the result of a personal choice, based on the will to integrate and to adopt . . . the system of values of the host country. Becoming a French citizen must be considered . . . a solemn pact based on mutual recognition and the will to live together . . . To this end, automatic attributions of French nationality by virtue of birth in France to foreign parents will be suppressed . . . French nationality will be accorded to any foreigner (including those born in France) who can satisfy a certain number of requirements (mastery of the French language, civil or military service, francization of surnames, virgin judicial dossier [no trouble with the law], sponsorship by nationals, and so on).[71]

And a 1985 report on immigration in the name of the Union for French Democracy (UDF), besides the RPR, the other major parliamentary group of the mainstream right, also adopted the nationalist critique of *jus soli:*

> The automaticity [associated with *jus soli*] appears very contestable in the sense that a large number of children of foreigners acquire French nationality without their knowledge and sometimes against their will, without the slightest control on their effective integration . . . Henceforth, the acquisition of French nationality by children born in France of foreign parents should be the object of a demand at the age of majority and should presuppose . . . the acceptance of the consequences linked to citizenship, notably those concerning national service.[72]

The common platform of the RPR and UDF limited itself to a shorter and more general statement, though one tending in the same direction. Nationality "must be requested [by the individual] and accepted [by the state]; its acquisition should not result from purely automatic mechanisms."[73]

There was, then, a broad consensus on the right concerning the need to rid French citizenship law of *jus soli.* In legislative elections of March 1986, the right was returned to power. On assuming office as Prime Minister, Jacques Chirac declared that he would submit to the legislature "a modification of the nationality code tending to make the acquisition of French nationality depend on a prior act of will."[74] Yet the promised reform remained unrealized. Chirac did introduce legislation to modify French citizenship law, although it was much more modest than what the right had proposed while in opposition. But even this relatively modest proposal unleashed a torrent of criticism, and it was eventually withdrawn from the legislative agenda.

The Retreat from Exclusion

Why did the attack on *jus soli* fail just when it seemed to be on the verge of success? In the first place, the reform encountered an unforeseen legal obstacle. *Jus soli,* we have seen, was embodied in two provisions of the nationality code: Article 23, attributing French citizenship at birth to third-generation immigrants, and Article 44, attributing it at majority to most second-generation immigrants. The clubs and parties of the right objected to both. Once the new government began to draft an alternative citizenship law, however, it discovered that abolishing Article 23 would also abolish the most convenient and straightforward way of proving one's nationality—not only for second- and third-generation immigrants, but also for persons of French descent. To establish one's nationality using Article 23, it sufficed to provide two birth certificates, showing that the person concerned and at least one parent were born in France. To prove that one was French by virtue of descent from French parents, however, involved an infinite regress. Unless an ancestor had

some other title to French nationality—a certificate of naturalization, for example—it was impossible to establish definitively that one was French.

There were political costs too to abolishing *jus soli* for third-generation immigrants. The underlying rationale for Article 23 was that birth (and presumed residence) in France over two successive generations reliably indicated an enduring attachment to France. The critique of *jus soli* did not challenge this underlying rationale. A few voices on the far right refused *jus soli* in principle and insisted on a system of pure *jus sanguinis*, but they were marginal.[75] The main thrust of the critique of *jus soli* did not concern the principle of Article 23—that the presumptive integration of third-generation immigrants warranted the attribution of French nationality to them—but rather its anomalous application to *second*-generation Algerian immigrants.

If it was difficult to argue against Article 23 in general terms, it was equally difficult to make a special case against its applicability to second-generation Algerian immigrants. The language of Article 23 was perfectly general: it attributed French nationality to a person "born in France, at least one of whose parents was also born there." To exclude second-generation Algerian immigrants would have required legislators to specify that "France" meant France in its present boundaries, so that the parents of the second-generation immigrants, themselves born in preindependence Algeria, would not count as having been born "in France." But this would have amounted to a denial of the French colonial past, in particular the long-standing claim that Algeria was an integral part of France.

Special legal and political difficulties, then, stood in the way of the abolition of Article 23. As a result, the government reluctantly refrained from proposing to alter it. On the other hand, it did propose to alter Article 44.[76] Second-generation immigrants would no longer automatically become French on attaining legal majority. Instead, those wishing to become French would have to make a formal declaration between the ages of 16 and 20.[77] This was the voluntarist aspect of the proposal. But there was also a restrictionist aspect, which stood in tension with the voluntarist aspect.

The declaration that would be required of second-generation immigrants wishing to become French would not itself suffice to establish French nationality—the rhetoric of choice and self-determination notwithstanding. The granting of nationality would be conditional. This in itself would not have changed existing law. The automatic attribution

of French nationality to second-generation immigrants at majority was already conditional, excluding persons not meeting the residence requirement as well as persons having been convicted for certain offenses. The proposed reform, however, made these conditions more stringent in three respects: it considerably enlarged the list of offenses barring acquisition of citizenship; it added a formal condition of assimilation; and it required an oath of allegiance.[78]

The proposal satisfied no one. The failure to touch Article 23 disturbed the entire economy of the project. Both the voluntarist and the nationalist critique of *jus soli* had centered on Article 23. From a voluntarist point of view, Article 23, which transformed third-generation immigrants (and second-generation Algerian immigrants) into French citizens irrespective of their will, was more objectionable than Article 44, which allowed for choice, permitting second-generation immigrants to decline French nationality by declaration during the year preceding their legal majority. From a nationalist point of view too Article 23 was the chief offender, for it was the legal vehicle through which about 400,000 French-born children of Algerian immigrants had been transformed into French citizens of doubtful loyalty and assimilability. Thus the decision to leave Article 23 in place provoked criticism from the right. Both the National Front and Chirac's own party, the RPR, had already submitted reform proposals of their own to the National Assembly; both included provisions abolishing Article 23. When the government's own proposal was published, the National Front asserted that the reform had been "largely emptied of its content."[79]

But while the far right criticized the government's project for not going far enough, other voices, more numerous and more clamorous, criticized it for going too far, for seeking to restrict access to French citizenship. The restrictive tendencies of the proposal, actual or asserted, unleashed a storm of criticism. The Council of State, in its consultative opinion, which was leaked to the press, rejected the central elements of the proposal.[80] Parties and political groups of the left, trade unions, churches, human rights associations, organizations concerned with immigration, and immigrants' own associations attacked the reform with unusual vehemence. Even centrists within the parties of government expressed reservations.

In response to the initial round of criticism, the government dropped the oath of allegiance, lengthened the span of time within which second-generation immigrants could declare their intention of acquiring citizenship, and retreated from its proposal to require spouses of French

citizens—previously eligible to acquire citizenship by declaration—to apply for naturalization. Yet the criticism did not abate. When, in November 1986, the proposal was formally adopted by the Council of Ministers and submitted to the National Assembly, President Mitterand declared through a spokesman that it was "inspired by a philosophy that he did not share."[81] The League of the Rights of Man initiated a campaign against the reform, enlisting the support of two hundred organizations. And SOS-Racism launched its own campaign against the project.

At the same time, high school and university students were beginning to mobilize against another legislative project: a reform of higher education that was perceived by students as restricting access to the university. A wave of strikes, occupations, and demonstrations swept Parisian and provincial *lycées* and universities. In early December a huge march in Paris ended with violent confrontations between protesters and police, which left several students injured, some seriously. The following evening there were further violent clashes, and one student died after being beaten by the police. That he was of Algerian origin, as were many of the protesting students, provided a dramatic symbolic link between the debate on education reform and that on citizenship law. Even before the violence, SOS-Racism, with a strong organizational presence in high schools and universities, had linked the two issues in an attempt to bring some of the political energies mobilized by students to bear against the reform of nationality law. Initially it had limited success, for the students insisted on the "nonpolitical" character of their mobilization and resisted efforts to broaden its agenda. But after the violent clashes with police, student protests took on an increasingly radical, antigovernment edge. Faced with the prospect of further violence, and confronting increasing dissent within the parties of government, Chirac withdrew both the education and the citizenship bills from the legislative agenda.

There were striking similarities between the two controversies. In both cases the proposed reform was moderate, a compromise between proponents of a more radical reform and opponents of any change. In both cases the controversy occurred on a largely symbolic battleground, with opposition focusing less on the specific provisions of the proposed reform than on its ideological penumbra. In both cases the project was presented by its opponents as a vehicle of selection and exclusion; in both cases it was presented as offending against symbols, values, and principles central to French political culture. In both cases the government was surprised by the magnitude of the opposition to an apparently

so innocuous reform, and in both cases it initially refused to take the opposition very seriously. Yet in both cases in the end the government yielded to the symbolically resonant opposition.

From Exclusion to Inclusion

The initial defeat of the citizenship law reform owed much to the conjunctural accident that bound its fate to that of the university reform. But the citizenship reform was by no means dead; it had simply been withdrawn provisionally from the legislative agenda. Under pressure from some of its own hard line supporters, and from Le Pen, whose presidential bid threatened to undermine Chirac's own campaign, the government repeatedly reaffirmed its commitment to the reform of citizenship law. It might have reintroduced its original proposal, perhaps in slightly modified form, after passions had cooled and students had demobilized. Instead, it took a conciliatory route. Justice Minister Chalandon, responsible for preparing the initial proposal, announced in January 1987 that the proposed reform would be "remodeled" after a "vast national consultation" with all of the movements and associations concerned by the matter, as well as with the "religious and moral authorities" of the country.[82] Chalandon even indicated that the reform might actually *liberalize* access to French citizenship. Existing nationality law was "severe, ambiguous, and dangerous" and "did not offer sufficient guarantees to young foreigners destined to become French."[83] A reform might improve their position. Young foreigners born in France might be protected against expulsion until they had the chance to acquire citizenship, and they might be able to become French despite minor trouble with the law. And naturalization procedures might be accelerated.[84]

Chirac endorsed Chalandon's decision, adding that it was necessary to correct "misunderstandings" raised by the proposed reform. There had never been any intention to exclude: on the contrary, "it is a joy for France to receive supplementary children [that is, naturalized citizens]." But since it is "an honor to become French," "the manner in which one can become French is very important."[85] The reform, he implied, was essentially concerned with the *manner* of becoming French, not with the *fact* of becoming French. The government did not want to restrict access to French nationality, only to make access to nationality voluntary rather than automatic.

This marked a sharp change in orientation. As an oppositional strat-

egy, the nationalist attack on citizenship law, mixing voluntarist, statist, and nationalist motifs, was politically profitable. As a governmental program, however, a reform of citizenship law inspired by the nationalist critique proved a political liability. Voluntarism was a winning theme; but exclusion on statist or nationalist grounds was not. While the government tried to frame its project in voluntarist terms, critics focused on the issue of exclusion. In so doing they decisively altered the terms of debate.

The reform proposed by the government was an awkward halfway measure.[86] Originating in the radical nationalist critique of citizenship law that had been elaborated by the right while it enjoyed the freedom and irresponsibility of opposition, the proposal that was finally submitted to parliament was modest and limited, reflecting the moderation and circumspection imposed by the responsibilities of government. Yet while this moderation disappointed the far right, it did not reconcile the left or even the center. For if the governmental proposal was moderate, measured against nationalist demands, this was a difference in degree, not in kind. The governmental proposal was simply a diluted version of the nationalist project, without an expressly nationalist rationale, yet lacking a distinctive rationale of its own. In the eyes of its opponents, the project was irrevocably tainted by its nationalist origin.

The government had attempted to seize the moral and political high ground by emphasizing the voluntarist aspect and minimizing the statist and nationalist aspect. The basic question, it insisted, was the *manner* in which one became French. Persons becoming French should do so deliberately, by virtue of their own free and conscious choice, and not by virtue of an ascriptive act of state. The statist and nationalist arguments—that France must prevent fraudulent and purely instrumental uses of nationality law, prevent delinquent immigrants from becoming French, and guarantee the assimilation of new citizens—were soft-pedaled. Nationalist arguments were retained only insofar as they could be interpreted in voluntarist terms, as in the claim that the substitution of voluntary for automatic acquisition of French nationality would enhance the sense of nationhood and give greater meaning and dignity to the acquisition and possession of French nationality.

The broad public opposition to the project was crucial in altering the terms of the debate. The government had addressed its Janus-faced reform to two audiences: to its own right-wing supporters and possible Le Pen voters, and to the public at large. By emphasizing the voluntarist aspect of the reform, the government had hoped to let the statist and

nationalist restrictions on access to citizenship—included to satisfy its own hard-line supporters and to undercut the appeal of Le Pen—pass more or less unnoticed by the public at large. The surprisingly strong opposition to the project among those with access to the media upset this dual-track strategy and forced the government to define its project more consistently, to choose, in effect, between voluntarism and restrictionism. It was no longer possible to mask a restrictionist project with voluntarist rhetoric. The government would have to alter the project to fit the voluntarist rhetoric or alter the rhetoric to fit the project. The former was the strategy of consensus, the latter of confrontation. The government chose the former.

The choice was not made once and for all at any particular moment. The matter continued to be debated within the government—and among the parties and groups of the center and right—for the next several months. Some still advocated pushing the original reform, or something like it, through the legislature before the presidential election as a means of drawing support away from Le Pen. But at every crucial juncture, Chirac opted for the consensual route. This was evident in his decision to withdraw the project from the legislative agenda in December; in his approval of Chalandon's announcement of a "vast national consultation" in January; in his announcement in March that he would appoint a nonpartisan Commission, "representing all tendencies of opinion," to study the issue;[87] in his instructions to the Commission when it was actually appointed in June;[88] in his announcement, in September, that the reform would not be taken up before the presidential election of April 1988 unless a "general consensus" were achieved;[89] and in the fact that the issue played virtually no part in his presidential campaign.[90]

The retreat from the confrontational nationalist politics of citizenship was particularly striking insofar as it concerned *jus soli*, which had been the central target of nationalist ire. The parties of the mainstream right, as we have seen, took up this nationalist critique of *jus soli* in the legislative campaign of 1986, proposing in their joint platform to abolish "automatic" acquisitions of nationality. Technical and political considerations had already forced an initial retreat from this aim and kept the government from proposing to modify Article 23 of the Nationality Code, conferring citizenship at birth on third-generation immigrants (and second-generation Algerian immigrants). But now the government dropped its attack on *jus soli* altogether. Accused by opponents of calling the French tradition of *jus soli* into question, members of the government and of mainstream right parties denied this and even emphasized their

commitment to maintaining *jus soli*.[91] They continued to argue that the acquisition of citizenship by second-generation immigrants should be voluntary. But they backed away from the argument of the common electoral platform of the center-right parties—that nationality must be "demanded *and accepted*," that candidates wishing to become French must be screened for their suitability as citizens. Under pressure from centrists in its own ranks as well as from members of the opposition and from organized opponents of the reform, who kept harping on the theme of exclusion, the government now suggested that the voluntary act it wished to introduce for second-generation immigrants would be sufficient to make them citizens; it would not be an application for citizenship that the government could refuse. Only in a few precisely delineated extreme cases—severe criminality, for example—would second-generation immigrants be barred from becoming French. In other cases they would have the right to become French by simple declaration—which might even make their citizenship status and chances more rather than less secure.[92]

Why did the government retreat from contestation here, disavowing the restrictive implications of its own proposal and proclaiming its commitment to an inclusive citizenship law? The question can be answered on various levels. The initial withdrawal of the project from the legislative agenda owed much to an accident of timing. The student mobilization having made clear the potential costs of a confrontational strategy, the government opted for consensus. But the subsequent conciliatory posture of the government owed more to deep divisions within the parties of government. Centrists, on whose votes the government depended, turned increasingly against the exclusionary aspects of the proposal and against a partisan, confrontational reform. Initially they had been cautiously favorable to the proposal, which they rightly perceived as moderate by comparison with campaign proposals or by comparison with the proposals submitted to the legislature by the National Front and the RPR deputies.[93] They were strong supporters of the principle of voluntary choice. As opponents of the reform increasingly focused attention on exclusion, however, and as the magnitude of the opposition became clear, the reticence of centrists increased. A UDF deputy close to Raymond Barre, Jacques Chirac's chief presidential rival on the mainstream right, characterized the government's reform as "dangerous, for it called into question *jus soli* . . . One can establish an act of confirmation, but without conditions. On this point, we will not cede. *Jus soli* must be maintained."[94] And Jacques Barrot, president of the Center of Social Democrats (CDS), now insisted that "one does not

solve so delicate a problem as that of citizenship in a confrontational climate."[95] Clearly the centrists were not going to let the government ram a heatedly contested reform through parliament in the setting of an approaching presidential election.

But this simply pushes the problem one step back. Why did the reform divide the parties of the majority? Why were centrists among the parties of the majority so concerned about inclusion? Why did even hard-liners in the majority feel compelled to adopt the rhetoric of inclusion?[96] Why was the government apparently willing to *liberalize* access to French citizenship—on the condition that second-generation immigrants be required to declare their desire to become French?

Political Conjuncture and Political Culture

There are both situational and political-cultural reasons for the retreat from exclusion, arising from the configuration of the French political field and from enduring characteristics of French political culture. The key situational feature was the strong presence of Jean-Marie Le Pen. The debate on nationality law was decisively shaped by the emergence of Le Pen and his party as a major force in the French political field. The National Front did not initiate the nationalist critique of citizenship law. That critique was first developed in a 1984 book by UDF deputy and *Figaro* magazine columnist Alain Griotteray.[97] But it was taken up and elaborated in a 1985 book by Jean-Yves Le Gallou and the Club de l'Horloge, a political club on the extreme right with close links to the National Front;[98] and it was adopted by the National Front in the legislative campaign in the spring of 1986. It was only later, however, in the face of the government's stepwise retreat from a radical modification of citizenship law, that the National Front made the issue a salient one. The increasingly conciliatory posture adopted by the government and mainstream right parties induced Le Pen to give increasing play to the issue. It offered him the chance to contrast the distinctiveness and consistency of his own position with the government's waffling retreat toward a position only marginally different from that of the Socialists. In the spring of 1987 Le Pen made nationality the centerpiece of the early phase of his presidential campaign, successfully mobilizing huge crowds around this issue in Paris and Marseilles. Polls showed him to be a major threat to the right in the presidential campaign. In these circumstances, it was impossible to take a position on citizenship law without taking a position on Le Pen.

The government's moves toward a conciliatory posture were self-re-

inforcing. For as the government moved in this direction, the issue became more salient in the rhetoric of the National Front, the idea of restricting access to citizenship became more closely identified with the National Front and more clearly marked as "extremist," and the government and parties of the mainstream right had to distance themselves further from a restrictive stance. As the proposal's positional coordinates changed—as it drifted toward the right and toward the extreme regions of French political space—so too did the way the mainstream right parties and the government positioned themselves on the issue.

The government and the center-right parties were in a difficult position. Charged by the Socialists with flirting with Le Pen, and by the National Front with retreating to a position indistinguishable from that of the Socialists, they had to mark and maintain two distances simultaneously, clearly differentiating their position from that of the National Front and from that of the Socialists. To this end, it was expedient to differentiate sharply between the voluntarist and the restrictionist aspects of a possible citizenship law reform, or, more abstractly, between the *manner of access* to French citizenship and the *degree of openness* of French citizenship. To mark their distance from the Socialists, the government and conservative parties could proceed with their voluntaristic critique of the automatic attribution of citizenship to second-generation immigrants and emphasize the need to transform the *manner* of becoming French. By making the acquisition of French citizenship depend on a voluntary act, the government could claim to be restoring "value" and "dignity" to the acquisition and possession of French citizenship. At the same time, to mark its distance from the National Front, the government could emphasize its commitment to an open and inclusive citizenship law. In the domain of citizenship law, as in other domains, it could argue, according to the standard formula, that the National Front provided "bad answers to good questions."

There were of course differences within the government and center-right parties on just how this delicate task of positioning should be accomplished. Some put more weight on competing with Le Pen for potential voters, others on unambiguously repudiating his message. But all agreed on the need to mark and maintain a double distance in French political space, to define their own position through a sort of political triangulation vis-à-vis the positions of the Socialists and the National Front. The "multidimensionality" of the question of citizenship, the fact that there were two independent axes of variation—manner of access and degree of openness—facilitated this political triangulation. The

structure of French political space after the rise of Le Pen, in short, favored the increasingly sharp distinction, on the part of the government and its supporters, between the voluntarist and the exclusionist aspects of the reform.

A purely situational analysis, however, would miss the underlying political-cultural reasons for the retreat from exclusion. The unitary nation, in the prevailing French elite self-understanding, is a product and project of the state rather than (as in the German tradition) its preexisting, independently defined, and autonomously valuable substrate. In this statist and assimilationist tradition, the civic incorporation of immigrants, particularly second- and third-generation immigrants, is a matter of course. It is the civic exclusion of immigrants, not their civic incorporation, that demands special justification.

The nationalist discourse on immigration, citizenship, and national identity supplied such a justification. Conceding the tradition of assimilation in France, it argued against this tradition, asserting the unassimilability of today's North African Moslem immigrants, and deducing from this the need to restrict access to citizenship. In so doing it drew on other aspects of the French tradition. It appealed to the principle of *laicité*, to the sacralization of national citizenship, and, most powerfully, to the sense of a consolidated, relatively homogeneous national culture. Yet these appeals—with the exception of the second, the least powerful and most anachronistic of the three—had more bearing on immigration than on citizenship policy. All parties agreed that France ought to limit further immigration, but it did not follow from this that France ought to restrict access to citizenship on the part of second-generation immigrants, the large majority of whom, it was widely agreed, would remain in France.

In the specific domain of citizenship law, then, restrictionists were arguing against a distinctive and deeply rooted national tradition. As a result, it was they who bore the burden of persuasion. The rhetorical playing field, as it were, was not a level one. Opponents of a restrictive reform could and did mobilize the rich symbolic and rhetorical resources associated with the French assimilationist tradition. Their arguments were saturated with references to "French tradition," "Republican tradition," "the tradition of French law," and so on.[99] Proponents of a restrictive reform, on the other hand, could not appeal so directly to tradition.

Yet to show the bearing of the distinctively French tradition of nationhood on the contemporary politics of citizenship, it is not enough to point to the centrality and frequency of appeals to tradition on the part

of opponents of a restrictive reform of citizenship law. In the first place, there is no way to gauge the persuasiveness of those appeals. More fundamentally, politics cannot be reduced to persuasion. Even if one could show that the currency of an expansive, assimilationist idiom of nationhood made it more difficult in France than, say, in Germany to justify restricting access to citizenship, this would not explain the failure of a restrictive reform in France. Policy outcomes, obviously, are not determined primarily by the strength or persuasiveness of competing arguments.

Chirac retreated from an exclusionary reform as its political costs became more apparent and as he realized that it might even fail to muster a legislative majority. The reform provoked broad and vocal opposition within the political class, not only from partisan sources but also from official bodies such as the Council of State, the High Council on Population and the Family, and the Human Rights Commission, from civic groups such as the League of the Rights of Man and SOS-Racism, and from "moral authorities" such as a number of prominent Catholic bishops. More important—and partly because of this surprisingly broad and vocal opposition—the reform threatened to divide the government and the center-right parties and damage Chirac's presidential bid. Faced with the actual, probable, and possible political costs of exclusion—or even the appearance of exclusion—the government backed away from a restrictive reform.

This outcome was not inevitable. Had the student mobilization not occurred—perhaps even after that mobilization, had hard-liners prevailed—the government might have pushed through the original proposal. My argument is probabilistic. The prevailing idiom of nationhood disposed a substantial fraction of the French political and cultural elite—including, crucially, those who were members or supporters of the government or at least not actively hostile to it—to conceive and articulate reservations about and opposition to the exclusionary aspects of the proposed reform. This opposition, in turn, raised the political cost of the reform to the government, and thereby made the government less likely to push it through.

By "idiom of nationhood" I mean a manner of thinking and talking about cultural and political belonging at the level of the nation-state. It is an instance of a larger class of idioms of collective identification—ways of thinking and talking about (and thereby in large part constituting)[100] "identities" of various kinds—class, gender, national, ethnic, religious, or generational. These in turn are instances of a still more general class of "cultural idioms," to use the expression of Theda Skocpol. As distinguished from ideologies ("idea systems deployed as self-conscious political arguments by identifiable political actors"), cultural idioms "have a longer-term, more anonymous, and less partisan existence."[101] Cultural idioms, as I argued in the Introduction, are not neutral vehicles for the expression of preexisting "interests": they *constitute* interests as much as they express them. Unlike "objective" or "material" interests, these culturally mediated and thereby culturally constituted interests do not exist prior to, or independently of, the cultural idiom in which they are expressed.[102]

The idiom of nationhood that concerns us here is that of the French political and cultural elite, the literate and articulate public with dominant positions in institutions and access to (as well as habits of using) the media of public expression. It is important to stress this, for popular idioms of nationhood may differ considerably from elite idioms,[103] and the gulf between the two appears particularly pronounced in the French case.[104] Moreover, the statist, assimilationist idiom of nationhood is not the only available one, even among the elite. This "prevailing" idiom of nationhood has been contestatory and contested; it has "prevailed" only though a series of fateful political struggles. There has long been a counteridiom, originating in the conservative-organicist response to the French Revolution and decisively formed in response to the militantly secular Republicanism of the late nineteenth century.[105] The counteridiom stresses cultural homogeneity and refers, implicitly or explicitly, to the myriad respects in which French culture has been fashioned by Catholicism. Le Pen and the National Front have revived this discourse, yet it remains a counterdiscourse, and its very presence on the French political scene has called forth a reaffirmation of the prevailing self-understanding.

Idioms of nationhood, like "languages of class," as Gareth Stedman Jones has shown, may succeed one another over time.[106] Yet despite renewed contestation, the prevailing French idiom of nationhood, the prevailing self-understanding, remains political rather than ethnocultural, assimilationist rather than differentialist. Indeed the idea of assimilation, and to a certain extent the word itself, shunned by the left in the 1970s and early 1980s, were revived in the late eighties in response to the rise of Le Pen and the right's assertions of the unassimilability of immigrants. To compare the discourse about immigration in the early years of the Mitterand presidency with that prevailing in his second

term is to be struck by the eclipse of differentialism and the return of an integrationist, even an assimilationist discourse on the left.[107]

The prevailing state-centered, assimilationist understanding of nationhood is not politically neutral. It engenders an interest—an ideal interest, in Weberian terms—in an inclusive, assimilationist citizenship law, just as the more organic counteridiom engenders an interest in a restrictive citizenship law. The French political and cultural elite have a stake, a collective investment, in an open, inclusive definition of citizenship. To redefine the citizenry as a community of descent, as the radical nationalists proposed, would require a reorientation in ways of thinking and talking about nationhood. Over the long term major shifts in self-understanding, in idioms of collective identity, are possible. No such shift, however, had taken place by the late 1980s. As a result, even the very moderately restrictive reform proposed by Chirac entailed high political and cultural costs; and these contributed to its eventual abandonment.

At this writing, certain voices on the right, in opposition, again have begun to criticize the expansiveness of French citizenship law, as part of a broader discourse on the problems engendered by immigration.[108] As in the mid-1980s, the nationalist critique of *jus soli* may again prove politically profitable as an opposition strategy. Should a future government of the right again attempt to enact a restrictive reform of citizenship law, however, it would again encounter vigorous opposition—and not only from the ranks of the opposition. In the French context, the political cost of restricting access to citizenship would be bound to be high. This is not an absolute bar to such a reform; but it does make a fundamental restructuring of citizenship less likely.

8 • Continuities in the German Politics of Citizenship

Remarkably, German citizenship today remains governed by a law of the Wilhelmine period. As a result of this continuity across two World Wars, three regime changes, and the division and reunification of the country, the marked restrictiveness of citizenship law toward non-German immigrants was carried over from Wilhelmine Germany into the Federal Republic and, in 1990, into the new German nation-state. The 1913 system of pure *jus sanguinis*, with no trace of *jus soli*, continues to determine the citizenship status of immigrants and their descendants today. In recent years, as a substantial second-generation immigrant population—and now the beginnings of a third generation—has developed, the system of pure *jus sanguinis* has become increasingly anomalous. The anomaly has been heightened by the great influx of ethnic German immigrants since 1988. For while the great majority of non-German immigrants, even of the second and third generation, remain outside the community of citizens, ethnic Germans from Eastern Europe and the Soviet Union are immediately accorded all the rights of citizenship. The marked openness toward ethnic Germans has made the continued civic exclusion of non-German immigrants at once more visible and more problematic.

The Citizenry as *Volksgemeinschaft:* The Nazi Era

Continuity arguments in recent German historiography have tended to focus on the antecedents of the Nazi dictatorship.[1] We are concerned here, however, with continuity around the Third Reich, not continuity leading up to it. To be sure, the racist citizenship legislation of the Nazi era had its antecedents. The notions on which it was based—the nation