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## Negotiations beyond Borders: States and Immigrants in Postcolonial Europe

Since the 1990s, studies of immigration in Europe have focused extensively on comparative state policy with regard to integration and citizenship, as initiated by Rogers Brubaker in *Citizenship and Nationhood in France and Germany* (Cambridge, Mass., 1992). Lately, debates about the politics of recognition as a principle of democratic incorporation have raised the question of multiculturalism and identity politics in different democratic states. Just as the principle of citizenship, public recognition, and representation of differences challenged democratic states' approach to diversity and equal citizenship, these new developments countered the dichotomist view opposing assimilation (and/or integration) and multiculturalism. They have led to convergent policies founded on negotiations of identities between states and immigrants as a new path to a new "historical compromise," as formulated by Taylor. Negotiations as a result of intensive interactions between states and their immigrants enabled individuals and groups to claim recognition as citizens, through which the attachment and loyalty to both national community and ethnic community were expressed. For states, negotiations implied new ways to incorporate immigrants into the political community and national institutions.<sup>1</sup>

Throughout these developments, the issues of immigration and integration remained within the exclusive power of the state. States defined policies of entry by establishing quotas or by targeting the country through bilateral agreements, as most of the European countries did after 1960. The oil crisis of 1973 prompted European countries to restrict entries while ensuring family reunification for legal migrants. This new step has been perceived as a transition from immigration policy to integration policy. States

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1 Kastoryano, *Negotiating Identities: States and Immigrants in France and Germany* (Princeton, 2002); Charles Taylor, *Multiculturalism and the Politics of Recognition* (Princeton, 1992).

defined policies of integration for children and parents with respect to education and housing. States established laws of citizenship and the rules of political participation for immigrants. Their objective, however, has largely switched to maintaining national integrity and protecting social harmony. The nature of a state, as well as the relationship between sending and receiving countries, played an important role in the decisions that immigrants made about their ultimate destinations.

But states faced new developments and dynamics that affected their relationship with immigrants inside and outside their boundaries. In Europe, more specifically in the European Union (EU) as defined by the Single European Act of 1986—a “space without internal frontiers in which the free movement of goods, of property and capital is safeguarded”—the Schengen agreement that led to the Treaty of Amsterdam introduced “visas, asylum, immigration and other policies related to free movement of persons.” The Treaty of Lisbon reformulated the Schengen agreement and initiated “policies on border checks, asylum and immigration.” Thus, states coordinated their policy of immigration and cooperated to protect a common border from flows of immigration. From this perspective, issues like, on the one hand, the incorporation of immigrants into a state and, on the other hand, the political construction of the EU, have urged new reflection upon the limits of states in their treatment of immigrants. These two phenomena independently raised questions about the relevance of the nation–state and the relationship between citizenship, identity, and territoriality.<sup>2</sup>

Parallel to these changes, immigrants with the status of permanent residents or legal citizens of one state increasingly fostered solidarity networks across national borders on the grounds of one or several identities, linking the home country to the country of residence and, in the case of the EU, to a broader European space. Such transnational organizations sought recognition from supranational institutions as loci of collective identity. The emergence of transnational associations underscored the development of multiple transspatial interactions between national societies (both home and host), between national and supranational institutions, and between member states of the EU. Such transnational organizations

2 Didier Bigo, *Police en réseaux* (Paris, 1995).

created opportunities for political participation that went beyond national territories; multi-level interactions created social, cultural, economic, and political bonds among immigrants. Political participation in more than one political community, which brought to light multiple memberships and, to some extent, multiple loyalties founded on dual citizenship, became a way for immigrants to maintain an identity rooted in a home country. Citizenship became an entitlement within the country of residence. Home states were thus able to maintain a link with citizens “abroad” and extend power beyond their territories.<sup>3</sup>

These transformations reshaped the nature and the scope of negotiations between states and immigrants. The extension of solidarities beyond national boundaries of both home country and immigration country, and its expression on a transnational plateau, challenged states’ singular authority on matters of immigration and incorporation. This article shows that in this new configuration, negotiations between states and immigrants exceeded customary borders, permitting states to maintain the “power” of incorporation and citizenship while they expanded their influence beyond their territories and competed with transnational communities in the process of economic and cultural globalization.

EUROPE AND ITS IMMIGRANTS Studies show that despite differences in history with regard to immigration, ideology, and the assimilation of immigrants, all of the European countries face issues related to immigration and integration; some of them have done so since the mid-nineteenth century. Immigration to France, for example, always occurred primarily as a response to a demographic problem combined with a need to expand the labor market. By the end of the nineteenth century, foreigners represented 3 percent of France’s total population, reaching 6 percent twenty-five years later. Other European countries, such as Germany, Great Britain, and the Netherlands, have a long reputation as origins of emigration; individuals from these countries migrated to the new World in the nineteenth and twentieth centuries in search of new economic opportunities. After World War II and, more

3 Kastoryano, “Transnational Networks and Political Participation: The Place of Immigrants in the European Union,” in Mable Berezin and Martin Schain (eds.), *Europe Without Borders: Remapping Territory, Citizenship and Identity in a Transnational Age* (Baltimore, 2003), 64–89.

specifically, during the 1950s and the 1960s, European countries competed for cheap labor to rebuild their economy and their society after years of destruction.<sup>4</sup>

Colonial opportunity and economic need shaped the trajectories of immigrants in France, Great Britain, Belgium, and the Netherlands. The migration of North Africans to France followed the massive arrival of Italians between the two wars and an influx from the Iberian Peninsula starting in the 1950s. Great Britain received migrants from former colonies of the British Empire—India, Bangladesh, Pakistan, the Caribbean, South Africa, Kenya, and Hong Kong. Many people have migrated to the Netherlands, in particular from Indonesia, Surinam, and the Netherlands Antilles, after decolonization in the 1970s. Immigration in Germany, however, was mainly the result of an employment policy. Despite scholarship emphasizing demographic reasons, studies mainly show that immigration filled lacunas in the labor market. After World War II, foreign manpower was essential for economic reconstruction in the eastern Mediterranean, Greece, the former Yugoslavia, and Turkey.<sup>5</sup>

But colonial ties are no longer a determining factor in Europe. Increasing mobility, standardized social relations, convergent politics of immigration, and globalized markets now generate a form of geographical and historical indifference: Algerians do not just go to France; nor do Indians and Pakistanis go solely to Great Britain. Constructed networks driven by market and social opportunities in different countries have replaced the colonial ties that once led immigrants in their choice of trajectory. Refugees have come in droves to Great Britain under the United Nations Refugee Convention of 1951. After 2004, immigrants from member

4 For France, see Yves Lequin (ed.), *La Mosaïque France: Histoire des Étrangers et de l'Immigration* (Paris, 1988); Gerard Noirel, *Le creuset française: Histoire d'immigration, XIXe et Xxe siècle* (Paris, 1988); Michèle Tribalat (ed.), *Cent ans d'immigration: Étrangers d'hier, Français d'aujourd'hui* (Paris, 1991). For Germany, the best-known historical works are by Klaus J. Bade—for example, *Population, Labour and Migration in 19th and 20th Century Germany* (Oxford, 1987). See also Ulrich Herbert, *Geschichte der Ausländerpolitik in Deutschland: Saisonarbeiter, Zwangsarbeiter, Gastarbeiter, Flüchtlinge* (Gebundene Ausgabe) (Berlin, 1986).

5 The recruitment of laborers began as early as 1955 after the first agreement between the Italian and West German governments. Similar agreements followed with Greece and Spain (1960), Turkey (1961), Morocco (1963), Portugal (1964), Tunisia (1965), and Yugoslavia (1968). For different phases in the immigration of ethnic Germans to Germany, see Rainer Münz and Ralf Ulrich, "Germany and Its Immigrants: A Socio-Demographic Analysis," *Journal of Ethnic and Migration Studies*, XXIV (1998), 25–56.

states of the EU—mainly Central and Eastern Europe, consequent to the EU's enlargement—have also predominantly chosen Great Britain. Italians are the most numerous of the foreigners legally residing in Belgium; the Moroccans are the second-largest group, followed by the Turks, and Spanish.<sup>6</sup>

Today, foreign-born people constitute an average of 8 percent of the total population of these European countries. The French National Institute of Statistics (INSEE) estimated in 2006 that 4.9 million foreign-born immigrants lived in France. In 2004, 8.3 percent of the population of Great Britain were born abroad, although the census gives no indication of their immigration status or intended length of stay. Germany had 7.3 million foreigners (*Ausländer*), approximately 8.9 percent of the population, at the end of 2002. Countries known for emigration—like Italy, Spain, and Greece—until the 1970s and even 1980s are now experiencing immigration and settlement from Africa and Asia or, in the case of Spain, Latin America.<sup>7</sup>

The 1980s constituted a turning point in the relationship between states and immigrants. By then, public authorities, policymakers, and public opinion had begun to view immigrants who were once considered provisory as “here to stay.” These settlers were accompanied by new narratives on the nature of the state, the nation, society, and rights. The term *multiculturalism* marked in this context the shift from temporary economic immigration to the permanent settlement of immigrant populations and their political participation. Policies followed narratives—implying, from the state perspective, the extension of the welfare state to the realm of immigration and identity, with the establishment of social policies to guarantee integration in the larger society.

The city of Frankfurt, Germany, created a sector of “Multicultural Affairs,” the head of which, Daniel Cohn-Bendit, also the deputy mayor, advocated a “multicultural democracy” inspired by Jean-Jacques Rousseau’s social contract. During the same period, the French media, as a political class, described French society as “multiracial,” “multicultural,” “plural,” and “pluri-cultural.” This

6 See Marco Martiniello and Andrea Rea, “Belgium’s Immigration Policy Brings Renewal and Challenges,” report, Migration Policy Institute, October 2003.

7 According to the latest statistics of INSEE, 8% of the country’s population were immigrants according to their country of birth in 1999 and 2004/5. Statistics Online, October 24, 2006, at <http://www.insee.fr/en/>.

terminology found legitimacy in a political discourse that privileged “the right to difference” established in 1981. As early as 1976, Great Britain’s Commission for Racial Equality promulgated the Race Relations Act, the main objectives of which were to fight racism, eliminate discrimination, and assure equality of opportunity to establish good relations among different racial groups. The Netherlands sought to elaborate a minority policy with the participation of the immigrants involved, first, with a “Draft Minorities Report” (1981) and, later, with a “Minorities Report” (1983). The intent was to promote “multiculturalism and the emancipation of ethnic communities.”<sup>8</sup>

Since the 1980s, the governments of many European countries have started to subsidize immigrants’ voluntary associations, so long as their activities came within the framework of “integration policies.” In France, the liberalization of the law in October 1981 allowed foreigners to create their own organizations. Thus did spontaneous gathering based on interpersonal relations in concentrated areas find an institutional and formal structure. At the same time, Turkish associations appeared on the public stage in Germany as a result of synchronized imitation or political contagion. Associations in Germany are regulated by a 1964 law stipulating that “any group, even of foreigners, can associate legally on condition of not disturbing the public order or the economic interests of the Federal Republic.”

Within these associations, individuals of the same national, regional, ethnic, or religious origin formed a collective identity, distinguished boundaries, created new bonds of solidarity, and learned the political “rules of the game” that positioned them before the state. As discourse alternated with action, these community-oriented organizations increasingly became a refuge, even a sanctuary, where interpretations of culture, religion, nation, and ethnicity were solidified, ultimately to be negotiated with public authorities. Such a re-definition of identities found legitimacy in public debates, reinforced by local and/or national policies. This simple raising of consciousness about cultural differences quickly transformed into political action when accompanied by demands from the state that such differences be recognized.

8 Jan Rath, *Cahiers d'études sur la Méditerranée orientale et le monde turco-iranien (CEMOTI)*, I (1985), at <http://www.ceri-sciencespo.com/publica/cemoti/textes1/rath.pdf> (November 30, 2009).

The dual objective was to develop a collective awareness and integrate immigrant populations into state structures.

**CITIZENSHIP** The politics of integration and the mobilization of immigrants brought the question of citizenship to the forefront of immigration studies. The concept of citizenship is mainly defined by membership in a political community, which takes shape through rights (social, political, and cultural) and duties. Its implementation by law implies the integration or the incorporation of “foreigners” into a national community theoretically sharing the same moral and political values. Moreover, these foreigners are supposed to adopt, or even “appropriate,” historical references as a proof of belonging and of loyalty to a nation’s founding principles.

Debates about citizenship and nationhood reveal precisely such expectations. They refer to the formation of the nation-state, its political traditions, and its identity. From this perspective, the understanding of citizenship in France and Germany—republics with different histories and different political traditions—are in opposition. France views itself as the ideal nation-state, evincing egalitarian principals based on a “national assimilation,” unlike Germany, which has an “exclusivist” orientation. Although French public discourse has always emphasized the elective and political conception of the nation, Germany’s understanding of citizenship inclines more toward a cultural and ethnic unity based on common descent. Such representations are reflected in each country’s laws regarding access to citizenship, privileging *jus solis* (law of soil, or birthright citizenship) in France and *jus sanguinis* (law of blood) in Germany, in reality a combination of both in all countries.<sup>9</sup>

The issues surrounding immigration, settlement, and equality have changed the understanding and the laws of citizenship in both France and Germany by balancing ancestry with birth, and blood with soil. Indeed, according to recent citizenship laws in France, children born from foreign parents can become French at the age of sixteen, whereas in Germany, children born in Germany, as of January 2000, automatically become German if one of their parents was born in Germany or has resided therein continuously for the last eight years.<sup>10</sup>

9 See Brubaker, *Citizenship and Nationhood*; Louis Dumont, *L'idéologie allemande: France-Allemagne et retour* (Paris, 1991).

10 Patrick Weil, *How to Be French* (Durham, 2009; orig. pub. Paris, 2002, as *Qu'est-ce qu'un*

Citizenship and naturalization laws affect the political participation of immigrants both individually and collectively. Immigrants to France and Germany, for example, have employed different political tools and strategies. In France, where access to citizenship follows an easy process of naturalization, *jus solis* permits young immigrants to act directly as an electoral force, whereas in Germany, the restricted citizenship laws in place before 2000 and the ongoing interdiction of dual citizenship (despite the demands of Turkish immigrants) forced activists to develop such “compensatory” techniques as mobilization within voluntary associations to affect public opinion and exert pressure on political decisions. The strategies developed by militants do not exclude integration. On the contrary, they lead to a search for indirect methods to achieve it, often starting at the local level. Debates about foreigners’ right to vote in local elections (in Germany and France), the presence of spokesmen to represent minority positions, and the demand for equal rights in almost every European country demonstrated the importance of political participation for immigrants.<sup>11</sup>

Citizenship has become an identity developed through direct or indirect participation, in the name of shared interests, for the common good. In every case, political participation emerged from community action. It placed the very concept of citizenship at the antipodes of exclusion, highlighting its social aspects while maintaining its political and legal import. In the nineteenth century, however, citizenship was extended to such different domains as education, health, and welfare. Immediately after World War II, Marshall reconsidered citizenship in terms of social class, adding to its political and legal content. According to Marshall, the social rights of citizenship normally follow the granting of political rights. As far as immigrant populations in Europe are concerned, however, social rights precede political rights. Immigrants acquire

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*Français? Histoire e la nationalité française depuis la Révolution*). Under transitional arrangements in the reforms that went into effect on January 1, 2000, children born in Germany in 1990 or later who would have been German had the change in the law been in force at the time were entitled to be naturalized as German citizens. Applicants for German citizenship could not be older than twenty-three and could hold no other citizenship at that time. Dual citizenship is still illegal.

11 In 1999 and 2000, 103,900 and 82,861 Turks, respectively, were naturalized in Germany, the highest rate ever.



“social citizenship” on arrival, at the same time as their integration into the labor market, receiving the protection of equal social and human rights from each state.<sup>12</sup>

Thus, the practice of citizenship has gone beyond its legal definition. It stems from the political engagement of individuals, and applies to different domains, expressed in the language of participation appropriate to the public spaces of particular cultural, ethnic, or religious communities, as well as within national communities. Such multiple identifications and allegiances that result from political participation raise the question of loyalty to a nation of residence, as evident in discourse about citizenship and nationhood, especially from parties of the extreme right. Since the 1980s, in fact, apprehensions about the depreciation and “desacralization” of citizenship, as manifested by the attachment of immigrants or foreigners to their places of origin and their “primordial ties” with a transposed cultural community at the expense of their country of residence, have escalated.

RECOGNITION Whatever the discourse or the practice, and whatever the definition of minority or citizenship, European countries have gradually converged in a sort of “applied multiculturalism,” linking the matter of citizenship to that of recognition. Whether political, judicial, social, or economic, citizenship in all of its complexity boils down to a sense of loyalty directed toward a group, a community, a civil society, and a state. The demand for recognition allows groups that claim a specific identity to emerge from the political sidelines and fully integrate within state structures. In France, Germany, and Great Britain, recognition of the Islamic community as a collective force is a particularly uncomfortable prospect.<sup>13</sup>

In France, the treatment of North African immigrants by local and national authorities since the 1990s has been guided by a “fear of Islam.” At the same time, the widespread belief that the French notion of secular “republican citizenship” (*laïcité*, the

12 For citizenship as a subjective feeling of membership and citizenship as political engagement, see Jean Leca, “Individualisme et citoyenneté,” in Pierre Birnbaum et *idem* (eds.), *Sur l'individualisme* (Paris, 1986), 159–213. Thomas Humphrey Marshall, *Class, Citizenship and Social Development* (Chicago, 1964). Yasemin Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago, 1994), notices a reverse in the order of immigrants' social and political rights in Western Europe.

13 See Taylor, *Multiculturalism and the Politics of Recognition*.

vaunted pillar of French social cohesion) is incompatible with an attachment to religious and ethnic identity has made Islam a serious point of contention in France, especially after students of North African origin began wearing Islamic scarves to school (first in 1989 and then in 1994). Associations of North African immigrants increasingly brought Islam into the discourse of action or reaction. Even the putatively secular ones conspicuously celebrated such Islamic holidays as Ramadan and performed animal sacrifice. Although the state did not officially support religious organizations, state funding for public-service and community groups that incorporated Islamic culture into their activities conferred a kind of public acceptance on religious organizations, at least in the eyes of the Muslim population. At first comprising only one component of a largely nonreligious culture, Islam eventually came to signify an entire culture in its own right, another way of “reappropriating” identity.

In Germany, ethnic minorities claiming Turkish national identity and Muslim religious identity, two elements considered “foreign” to German collective identity, are demanding recognition. The national minority defines itself by its legal status as foreign, while the religious minority defines itself by the marginalization of Islam compared with other religions that benefit from official status. The demands by Turks for dual citizenship introduced clear distinctions between nationality, citizenship, and identity. Not coincidentally, in 1998, when the laws concerning access to German nationality came under discussion, the case of a naturalized German teacher of Afghan origin who wore a headscarf at work in Baden-Württemberg upset German public authorities just as much as the wearing of headscarves by students had in France.<sup>14</sup>

Since then, Germany has witnessed numerous public debates about the function of civil servants and the wearing of headscarves, mainly by teachers. Court decisions on the matter varied from one region to another. In some cases, arguments focused on the competence and skill of the teachers and in other cases on public education and the diffusion of Western education and norms. In any

14 “Scarf affairs” have been adjudicated in various countries according to the “guarantee of religious freedom” and the freedom of religious practice (Article 4 of the Basic Law for the Federal Republic of Germany [Grundgesetz], promulgated in 1949), which includes the freedom to bear the external signs of religiosity. See Christian Joppke, *Veil: Mirror of Identity* (Cambridge, 2009).

event, this particular controversy is related to the problem of how to incorporate “foreign minorities” into a political community and a civil society. Hence, the eventual recognition of a “Muslim community” by public authorities was not lost on those seeking the full integration of Turkish immigrants into German society.

Debates and arguments about religion in Europe center on the relationship between church and state in order to interpret and acknowledge diversity with regard to Muslim immigration. The demand for Islamic representation within national institutions and societies tests the acceptance of multiculturalism as a secular principle throughout Europe. Islam has thus become a touchstone for vaunted claims of social, cultural, and racial equality.

Failure to recognize Islamic communities often seems to confound the equal inclusion of differences. In order to resolve the conflicts that Islam brought to the secularist public spaces and political communities, leading liberal-democratic societies in Europe have responded to pressures either by reshaping their institutions to allow for a general recognition of Islam or, as Parekh observes, by extending these institutions to include Islam outright in society. In this regard, Islam derives its legitimacy from the equal representation of religions in liberal-democratic societies within a common civic culture granting all citizens adequate identification.<sup>15</sup>

In France, the separation of church and state grants judicial statutes to the Catholic clergy, to the Protestants of the National Federation of Protestant Churches of France, and to Jews (according to the Central Consistory of the Jews of France created by Napoleon). Such “recognition” is founded on freedom of religion and the neutrality of the secular state. The recognition of Islam led to a repositioning of the different religions in public space. On April 16, 2003, Interior Minister Nicolas Sarkozy succeeded in creating a French Council of the Muslim Faith (*Conseil Français du Culte Musulman*), which elected its first national representative.<sup>16</sup>

Germany faces the same questions about the place of Islam in

15 Biku Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Cambridge, Mass., 2000).

16 According to Danièle Lochak, “Les minorités dans le droit public français: du refus des différences à la gestion des différences,” in Alain Fenet and Gérard Soulier (eds.), *Les minorités et leur droits depuis 1789* (Paris, 1989), 111–184, “The state’s ignoring of differences is confined to religion.” Although France rejects the notion of “minority,” the term appears in legal texts in reference to “religious minority.”

public instruction as it did regarding the Christian faiths. The Islamic Federation of Berlin, hoping to gather all Muslim associations in the *Land* of Berlin, asked for recognition as *Religionsgemeinschaft* in 1980 and received this status in 2000. After twenty years of fighting for representation, the federation obtained authorization for Islamic instruction in 2001.<sup>17</sup>

Great Britain's targeted discrimination has led sociologists to call for the inclusion of religion—specifically, Islam—in ethnic and racial policy and for the formal protection of religion through anti-discrimination laws. The Race Relations Act (1976) established color (Black and White) as the locus of race and racism and of racial and ethnic categorization. The *fatwa* of Ayatollah Ruhollah Khomeini calling for the death of Salmon Rushdie had an effect in Britain similar to that of the scarf affair in France (by coincidence, the first scarf affair in France occurred in November 1989, right after the Rushdie affair in Britain), locating Islam at the core of the collective identity of Asian migrants. According to Modood, in the eyes of Britain's anti-discrimination law, Muslims do not comprise an ethnic group per se, despite the significance of religion to British Asian ethnicity. Hence, the political indifference to Muslims, or rather their exclusion from ethnic and racial policy, “disproportionably disadvantages them and has marginalized them from the public debate.”<sup>18</sup>

Institutional recognition maintains the state as both the legitimate source of power and the legal and democratic guarantor of equal representation and citizenship. This approach therefore emphasizes historical continuity and the importance of context in ei-

17 Since the 1990s, three *Länder* have attempted to integrate Islam into the public schools. Since religious instruction in Berlin is largely associated with the churches, instruction of the Koran has been placed under the supervision of the Turkish state through the intermediary of the *Diyanet*, its official organ. Dependent on the prime minister of Turkey, the *Diyanet*, the state secretary in charge of religious affairs, is represented in Europe by an organization called the Türkisch-Islamische Union der Anstalt für Religion eV (DITIB), which recruits and distributes imams to the public schools of large European cities. The presence of these imams, along with that of Turkish secular teachers, is included in the bilateral agreements that initially governed the provision of Turkish language classes and, since 1984, religion classes, both of which are outside the standard curriculum. In Hamburg, a Social Democratic (SPD) *Land*, language teachers, even of Turkish nationality, are civil servants. Instruction in Islam takes place under the auspices of the nondenominational *Religionspädagogik* program. In northern Westphalia, teachers of theology, scientists, and Christian pedagogues are responsible for implementing a curriculum of Islam. *Süddeutsche Zeitung*, 26 Oct. 2001.

18 Tariq Modood, *Multicultural Politics: Racism, Ethnicity and Muslims in Britain* (Minneapolis, 2005).

ther a descriptive or normative analysis of identities. Asking for recognition as a minority allows a group that declares a specific identity to emerge from political marginality to express a struggle for liberation. A national identification or an “institutional assimilation” through representation and political recognition can help to “liberate” Muslim populations in Europe from external political forces of the home country, as well as from transnational networks, and to push them to participate fully in a political community.<sup>19</sup>

**TRANSNATIONAL INTEGRATION** Gans analyzed the international dimension of ethnoreligious identification as a component of “symbolic ethnicity,” defined as an ethnicity of last resort. In politics, such ethnic identification is expressed through international preoccupation, especially with a country of origin. Since the 1990s, studies of the international preoccupation of postcolonial immigration have noted the emergence of transnational communities—that is, individual, commercial, institutional (political, cultural, and social) relations that immigrants entertain in two countries—which gave rise to new practices and symbols. In most cases, transnational communities were built on common geographical, cultural, and political references—hence, their relative homogeneity, the intensity of their intra-communal relations, and the efficiency of their actions.<sup>20</sup>

The emergence of transnational communities has become a “global phenomenon.” Groups and/or institutions create networks based on economic interests, cultural exchanges, social rela-

19 Kastoryano, “Religion and Incorporation: Islam in France and Germany,” *International Migration Review*, XXXVIII (2004), 1234–1256.

20 Herbert Gans, “Symbolic Ethnicity: The Future of Ethnic Groups and Cultures in America,” *Ethnic and Racial Studies*, II (1976), 1–21. See Linda Basch, Nina Schiller, and Cristina Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments and Deterritorialized Nation-States* (London, 1997; orig. pub. 1993); Robin Cohen, *Global Diasporas: An Introduction* (Seattle, 1997); Akhil Gupta and James Ferguson (eds.), *Culture, Power, Place: Explorations in Critical Anthropology* (Durham, 1997); Ulf Hannertz, *Transnational Connections: Culture, People, Places* (London, 1996); Alejandro Portes, “Transnational Communities: Their Emergence and Significance in the Contemporary World System,” in Roberto P. Korzeniewicz and William C. Smith (eds.), *Latin America in the World Economy* (Westport, Conn., 1996); Peggy Levitt, “Local-Level Global Religion: The Case of U.S.–Dominican Migration,” *Journal for the Scientific Study of Religion*, XXXVII (1998), 74–89; *idem*, “Transnationalizing Community Development: The Case of Migration Between Boston and the Dominican Republic,” *Nonprofit and Voluntary Sector Quarterly*, XXVI (1997), 509–526.

tions, and political mobilizations, facilitated by increasing mobility and the development of communications. The institutionalization of a transnational community requires a coordination of activities connected via common references, both objective and subjective; common interests among members; and shared resources, information, and sites of social power across national borders for political, cultural, economic, technological, and social purposes.<sup>21</sup>

In the EU, transnational communities—whether based on local initiatives, emanating from countries of origin, or encouraged by supranational institutions—transcend the boundaries of the member states, relating a vast European space to the country of origin. In 1986, the European Parliament mobilized resources to help immigrants to coordinate their voluntary associations by establishing a European transnational organization called The Forum of Migrants. Before it dissolved in 2001, the Forum initiated a European federation of immigrant associations to create “a place where immigrants from non-European countries can express their claims, but also a place through which they can share their demands and circulate information from European authorities.” According to the president of the Forum (related to the Commission in Brussels), “the objective was to obtain for non-Europeans third countries’ nationals settled in member states, the same rights and opportunities as the ‘autochthone’ citizens of the Union, and compensate a democratic deficit.” The explicit goal was to fight against racism within a single jurisdiction comprising different European countries.

Guided by the logic of regulation and of political and juridical harmonization that they imposed on nation-states, European supranational institutions have encouraged a global structure and defined a common platform for their network. They have also intervened in the definition of criteria on which this larger community should rely, and helped those involved to find a common denominator to deal with problems at a European level, beyond their relations with particular nation-states. Thus have they played an important role in the diffusion of social, cultural, political, and even juridical norms in both European host countries and countries of origin. Initiatives on all levels sustained activists in their development of political strategies and activities across states.

21 David Held et al., *Global Transformations: Politics, Economics and Culture* (Stanford, 1999).

The elaboration of such transnational organization clearly revealed multiple references and allegiances—to host countries, to home countries, to the transnational community under construction, and to Europe as a whole. Whether immigrants are citizens of a host country or not, their loyalty to it derives from sharing its values and contributing to its social and political institutions. The home country, despite its cultural and ethnic heterogeneity, provides emotional support and identity resources. A transnational community combining ties to both host countries and home countries represents a new reference of involvement, giving rise to a transnational identity as an inspiration for political action and as an instrument for cultural and religious purposes beyond national borders.

Religious associations use European resources in the same way that cultural and social associations do, notwithstanding their lack of support from either secular national or supranational institutions. Even though the political identities of Muslim immigrants primarily belong to their host states, the international agenda for Muslims finds expression in transnational networks throughout Europe and elsewhere that encompass numerous nationalities of origin, regional allegiances, and even religious denominations. The transnational agenda can call for a collective identification with Muslims in Europe and/or with Muslims in the world in general. Representatives of such associations work in connection with home countries and/or with the help of international organizations.

Home countries try to rally their nationals to mobilize emotions in order to maintain their ties with them. Thus, they reactivate loyalties through religion and nationality and contribute to the creation of a “transnational community.” The international organizations interested in Islam throughout Europe mobilize resources to allow Islam to reach beyond the various countries of the EU to create a single religious identification and a transnational solidarity based on it. From this perspective, Islam has provided a basis for trans-state and transnational organization through the common experience of being Muslim in Europe. For postcolonial immigrants, fragmented by various home and host national identities and denominations, Islam represents a unifying force that transcends the troublesome boundaries of individual member states. This transnational community also benefits from the norms and

values diffused by European human-rights activists, whose work tends further to legitimate diversity on the international stage.

The ultimate strategy of these national and ethnic identities is to achieve the kind of recognition that social and cultural associations enjoy. Despite the political influence of their home countries and of international organizations on their behalf, their claims are adapted primarily to their respective European contexts. But they also raise a question that pertains to umbrella European institutions, especially since the European Convention of Human Rights recognizes freedom of religion. As Article 9 of the European Court of Human Rights states, “Every person has the right to freedom of thought, conscience, and religion. This right implies the freedom to have or adopt a religion or conviction of one’s choice, as well as the freedom to demonstrate one’s religion or conviction, individually or collectively, in public or in private, through worship and instruction, including the practice and performance of rituals.”<sup>22</sup>

Transnational networks have introduced a new mode of political participation that reaches beyond the nation-state to different levels and areas of rights and identifications. Transnational networks appear more and more as crucial structures representing identities and interests inside and outside state boundaries. The paradox of transnationality is that it generally aims to influence what happens within a state via solidarities that are external to it. These transnational networks and “external communities” are ultimately at the mercy of states and national public authorities, which determine the limits of their legitimacy as structures for the negotiation of collective identities and interests. Clearly, the objective of transnational networks is to reinforce their representation at the European level, but their practical goal is recognition at the national level. Arguably, Islamic activists, even the most active ones at the European level, ultimately see states as “adversaries.” Voluntary associations face tremendous obstacles enacting their own initiatives without the intervention of supranational institutions.

The rights and interests of non-European residents and citizens—for housing, employment, family re-unification, mobili-

22 For Article 9 of the European Court of Human Rights, see <http://www.echr.coe.int/library/colentravauxprep.html>.



zation against expulsion, and other government programs and policies related to identity—lie at the state level. But all claims at the national level imply a parallel pressure at the European level and, conversely, all claims on the European level aim to have an impact on decisions taken at the national level within each of the member states. For the Muslim populations in Europe, a transnational organization of interests, based on shared identification, striving for recognition at the European level may reflect political action on a European scale, but it does not involve a set of demands on a European scale. Demands remain linked to individual states, which are the only solid framework of reference for mobilization and negotiation.

A transnational organization allows immigrant populations to escape national policies. But transnational networks linking the country of origin to the country of residence and promoting participation in both locations also challenge the single allegiance required by membership in a nation's political community. Transnationalism has led to an institutional expression of multiple belonging, in which a country of origin becomes a source of identity; a country of residence, a source of right; and the transnational space, a site of political action. This multiplicity often finds institutional expression in dual citizenship. By retaining dual citizenship or introducing it in their civil law because of the increasing number of their citizens abroad, most states can exercise their sovereignty, and sometimes extend political power, beyond their territorial settings. But dual citizenship also suggests that the states involved have to negotiate the means of including transnational strategies in their own national-political agendas in order to maintain a connection with their citizenry abroad.

