SANDRO CATTACIN

MIGRATION AND DIFFERENTIATED CITIZENSHIP: ON THE (POST-)AMERICANIZATION OF EUROPE

Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 1/06

MALMÖ UNIVERSITY

**Willy Brandt Series of Working Papers
in International Migration and Ethnic Relations
1/06**

Sandro Cattacin

MIGRATION AND DIFFERENTIATED CITIZENSHIP: ON THE (POST-)AMERICANIZATION OF EUROPE

The pluralization of our society goes on, regardless of the French desire to restore the republican roots through the debate concerning the Islamic veil in the schools, regardless of Germany's attempts to impose a *Leitkultur*, regardless of the researchers' reflections around the political issue of what "integration" really means. This pluralization, which is unquestionably not only related to the phenomenon of migration, challenges the European national societies in three different ways. Firstly, by the constant ambivalence between the national identity discourse and the supranational construction of a European State. Secondly, by the internal differentiation of the civil society, which still only recognizes itself as a unity in the (accepted) difference. Thirdly, through the nation-state differentiations of belongings, which partially get disconnected from the territory and honoured through interlaced judicial claims, as shown by the topic of undocumented immigrants' access to health care. These dynamics of differentiation and of pluralization will here be pointed as "Americanization" of Europe, which is imposing itself "from below", while awaiting regulation "from above".

Keywords: migration policies, European unification, European identity, citizenship, undocumented migrants

Introduction[1]

Europe was since the era of industrialization a centre of migration processes. At first, these processes concerned the migration from the countryside to the cities, but also international migrations. After World War II, the dynamic was characterized by migration flows from the south to the north, and from colonial territories to colonial states (Bade 2002). Concerning Eastern Europe, there were also punctually escape-migrations related to political crises (Hungary 1956 or

Czechoslovakia 1968), but they remained limited in number until the 1980s compared to the work migration coming from the South.

A new tendency emerged with the process of the European unification. The coming together of Europe not only diminished disparities and simplified the migration movements inside Europe. It also initiated a process of economical reorganization of the European territory, which grows together following the principles of the selective advantages of a territorial defined division of labour. The new European open space of migration has, through this creation of a unified economical territory, organized by division of labour, spread of wealth, and diminished internal migration searching settlement solutions out of their home countries (Buzelay and Hannequart 1994). The potential migrants - a motivational elite - now find work in their own respective countries.

But this process of economic integration in Europe has not as a consequence that migration completely stops. The international reorganization of migration flows leads to divisions between migrants differentiated following criteria of knowledge and working skills, origins and legal status (OECD 2005). This augmenting complexity in the composition of the migrant population leads to views in politics and in the public administrations searching for a new orientation to integrate these differences into concrete policies. Indeed, we find today in laws and discussions the term of "migration"[2] replacing words with limited content like foreigner or guest worker and introducing a potentially neutral view on migrant flows.

This search for new orientations in the migration policy concerns all European states. Discussions around some new migration laws started with enormous polemics, for instance in Germany, France, Italy or Switzerland. It is a sort of European "migration crisis", like Weiner (Weiner 1995) calls it, indicating difficulties in finding viable solutions for new migration regimes. But which solutions are actually adequate to the complex changes caused by migration? To this question, many local, regional, national and, since the beginning of 2004, international[3] commissions are searching for answers.

What is surprising in these discussions is the multidimensional view on migration that can no more be seen as an isolated phenomenon, but has to be inserted in a societal dynamic of differentiation of lifeworlds and in the context of the difficulties of the nation state as an element creating unitary identities on a territory. While France tries through the debate around the veil in schools to revitalize its universal and republican roots, Germany searches for an operational definition of the *Leitkultur* (the basic cultural values of Germans) and researches debate to answer to the political question, what does "integration" mean. Meanwhile, European societies continue their processes of pluralization. This pluralization, which only partially relates to migration, challenges the European national societies in three ways.

Firstly, because of the continuous ambivalence between the national discourse on identity and the creation of a European state. Secondly, through the internal differentiation of the civil society, recognizing itself as a unity only if its differences are (formally) recognized. Thirdly, European States are challenged by the differentiations of social rights affiliations, which are partially de-linked from a specific territory and which are claimed through multiple interlocking relations to local, national and international rights as the discussion on health services for illegal workers exemplifies (Chimienti and Cattacin 2004). In this text, I try to describe this dynamic of pluralization as a process of "Americanization" of Europe, which seems to be imposed by bottom-up changes at local and regional levels, and which is awaiting regulation from national and supranational government bodies.

National Identity and European Unification

Since the end of Fordism, the growing complexity of the migration dynamics is expressed by the increase of a very selective request for specific competences on the international market of potential migrants. If nurses, construction workers, IT or finance specialists are needed, they are localized and engaged as such. Generally, the legislation concerning migration allows such a specifically oriented immigration or at least foresees that opportunity for restricted periods of time (Green Card in Germany or special quotas in Switzerland).

Such a functional vision of migration actually already existed during the Fordist massive migration waves, although it concerned lower and less determined qualifications. Yet, meanwhile, the society's perception of the migrant moved from that of the fuel to the Fordist production system to that of a motor and guarantee of innovation. Migration, in particular within the European process of unification, becomes the innovating mobility[4] and thus gains a new signification. Migration waves should, from this perspective, be simplified and enable the promotion of specific regional developments, economic exchanges and innovative initiatives[5].

The appearance of an economic space inside Europe, and the establishment of social and economic networks going alongside with it, is changing the face of national societies. They face a limited national sovereignty and a rediscovered regionalism of a pre-nation-state type. Europe is becoming imaginable as an economic space, but also as a new pole of belonging beyond the regional and presumed national ones. Europe as an economic project leads to a Europe of societal reality, which brings together all the conditions of a "successful process of communitarization" (Senghaas 1996) and no occasion gets lost for this new Europe to celebrate its plurality.

This Europe of open borders also substitutes the security based on national corporatist agreements. Instead, Europe as region in the global concurrence

replaces national economic regulations. Since the end of the 1970s, the restructuring of the European economies led toward a flexibility-oriented economy. The 1980s neo-conservative governments' dissolution of the pacts of solidarity[6] had destabilizing social effects (Crouch and Streeck 1996, Gallino 2000, Cattacin 1996). It led to the increased number of mechanisms of exclusion as well as to the fact that individual careers tend to differ from the classical structures and are experienced as a constant factor of insecurity.

Politically speaking, this modernization of the European economy leads to increasing protests from a destabilized population, which either belongs to the side of the losers of this procedure, or appears to see its ambitions to climb toward a middle-class-stability seriously challenged. Here, populism comes into the picture, looking for clearly identified scapegoats, aiming at restoring national values, using migration and national unity in a conservative display (Kaldor 2004). The European Union is then in the worst case considered as a dangerous bureaucracy, in the best case as the new protective shield against the new migration[7].

With the European integration on the move, the borders of exclusion within the European Union are also moving. The traditional nation-state is partially replaced by a new space of security, the social and judicial EU representing the new exclusion border of migrants. The essential lines of conduct concerning migration are defined for all the states within the EU, in particular through the treaties of Schengen and Dublin. Thus, the Europe of unification also becomes the "Fortress Europe" (Sassen 1997). The process of exclusion of the non-citizens, which took place during the integration of the national social state, also seems to take place with the new Europe (Wimmer 2002).

Thus, a new society is dawning, still making a distinction between Europeans and "extraeuropei"[8], but pluralistic within and conscious of this pluralism. The relation to Europe cannot really be "ethnicised" in terms of nation-state, and forces the new European society to define its common points through official procedures. In spite of the unexpected support from Jürgen Habermas[9], even the reference to a Judeo-Christian tradition in Europe in the introduction of the new European Constitution could not gather a majority. So Europe creates a cultural space of integration, which sees the difference (of opinions, religions, philosophies) as a constitutive element of its society, although it is characterized by a liberal vision of society, which certainly is not neutral.

Yet, in this way, Hollifield's liberal paradox of the nation-state's exclusion of difference conditioned by migration, is transmitted to Europe (Hollifield 1992). Liberalism promotes and demands the societal (and economical) development through migration and thus constantly undermines the paradigm of exclusion of the judicial and welfare security systems.

4

In contrast to this European development of a pluralistic self-perception, we have the populist movements, which include the defence of national interests in their programs, also against the phenomenon of migration. The ambivalence that has appeared is politically seized through a symbolic discourse and leads to a distorted perception of the problematic of migration in European countries (Prins and Slijper 2002). The attempt by the commission led by Rita Süssmuth in Germany, to build up a new coherent discourse related to the societal changes of the last few years, did not reach its goal, but had at least the advantage of showing that the EU finds itself at a crossroad. Europe has introduced the rules of a society based upon migration, but still lacks the self-reliance to speak openly about it.

Difference as Unity

The pluralized European society did not yet free itself from its nationalistic ghosts, but it is on its way toward a post-national society characterized by the fact that all national references, such as religion or common origins, are weakening (Putnam 2002) and that the society constantly renews itself and, albeit in disorderly and anarchical manners, "communitarizes" around a pluralistic pattern. This new Europe has no hegemonic system of cultural references and its citizens pick up the pieces of their identitary resources through individual patchworks of belongings that can grow with flexibility, but that cannot easily be reduced.

In this society, which considers itself as pluralistic, undertaking a sort of "self-ethnicization" only by the refusal of the Other (Bauböck 1992), the question of the "inclusion of others" is defined in a fundamentally new way (Habermas 1996). While the Fordist societies constituted around a nation could imagine a "you" along with the permanent reassurance of the "we" as the ground for their national engagements and solidarity (which also oriented the acculturation process of migrants), the modern pluralized societies are unable to define meaningful criteria of belonging. The time is over when Schweizermacher[10] would examine the candidates for a Swiss passport throughout a list of criteria concerning their compatibility with the Swiss culture and mentality. In Germany, where for a long time there was a passionate debate about the *Leitkultur*[11] which candidates for a naturalization were to adopt, the fruitful conclusion finally was that this "culture" was summed up within the Constitutional patriotism and in the respect of the fundamental rights, which after all are elements of the leading culture of any democratic state.

For the pluralistic societies, it is a crucial question to know whether the creation of unity is achieved through the acceptance of the differences (the fundamental rights), or through the procedures of democratic coordination of the same fundamental differences. Nations become patchworks of communities without a unity or a common project able to federate globally the society. In such societies,

the acculturation implies adopting the perspective of an apolitical consideration of the other (Cantarano 2003). The liberal societies' fundamental acceptance of the global necessity to respect immeasurable differences and, above all, differences that marked the 20th century - the racial difference, the ethnic origin and the gender question - thereby becomes the starting point of successful acculturation. The respect of these differences has imposed itself through the battle for their recognition and has been legally institutionalized[12]. We thereby underline that, in pluralistic societies, different communities of interests necessarily claim an "own truth". It is therefore self-evident that the society cannot relate to any specific core value, but must procure itself the mechanisms allowing for the stabilization of the communities of interest.

The field of action on which pluralistic societies and their actors can measure themselves are thereby already defined: the consensual and procedural background of cooperation within plurality. On that basis, we can consider that these contexts of action of our modern societies, defined at least in a first estimation as communities of interest, will sustain and tolerate plurality exactly to the same extent as the rules of cooperation can include diversity. In this way, a substantial value may also be transmitted, although it is not necessary. Such rules can for example also generate convinced agreement in a society and not only mere acceptance, thus gaining a value in itself. The keyword in this regard is "Constitutional patriotism" (see Habermas 1990: 147ff).

But where are the borders of this plurality? If we can consider that modernity has yielded plurality through its imposition of the principle of freedom, then the next question would concern the limits of this plurality in our society and exactly of what it is made. As for the question of its limits, our societies have already survived the most pessimistic forecasts. As such, pluralism appears to have no destructive consequences for a society, whether it is internal or induced by migration. For any society, pluralism is dynamic and migration is constitutive; over and over, we can observe the creation of communities and the building of barriers, as well as their softening, dissolution and rebuilding. As a matter of fact, the individual always looks for a community, but in the modern society it is easier than ever to find one's way into a community or even to renew it from within. The picture of the multicultural society corresponds only partially to this situation and requires reconsidering the society as a permanently changing multiplicity of elements of belonging, which are changing every day according to uncontrollable geometries. The fact that the past is not only disconnected (as for instance Amselle criticizes his own former concept of métissage; see Amselle 1990, Amselle 2000), but rather that identities grow wider (in the sense used in Walzer 1985) speaks in any case for a vision of the civilization process as an increase of empathy for the Other[13], rather than as a multicultural mixture.

On the other hand, questioning the substance of this pluralization is more important. New forms of nationalism and of fundamentalism are emerging and it is questionable whether they threaten the procedures elaborated as societal normality, from the moment when, for example, they are not accepted anymore. Rawls answers this question with the concept of reasonable pluralism, which he separates from that of fact of pluralism. His argumentation starts with the consideration that, within the sum of plural, ever-changing conceptions, the ones accepting the procedures of coordination for the well-being of society as a community of interest are parts of the reasonable pluralism. They contribute to the stabilization of the plural society and recognize the coordination procedures as useful (Rawls 1993: 36f). The others, outside of this reasonability, can be legitimately excluded from the process of societal construction or oppressed.

Rawls thereby succeeds in describing a democratic society established between an association (the community of interest of the natural law argumentation) and a community (with linking values). The notion of "democratic society" relies on both the rationality of the association (the agreement concerning the well-being of its members, or, in terms of natural law, fighting internal and external foes), and the value-establishing "overlapping" consensus (expressed through the normative engagement towards the supposed rules of a life in common[14]). Rawls at least succeeds in describing the kernel of the plurality guaranteeing society's continuity. The perpetuation of society is only in danger if this core is weakening or threatened otherwise (Rawls 1993: 142f). This is how Rawls politically answers this question, while formulating the conditions for the reproduction of the core society.

In my opinion, he could have taken another step further. Rawls argues that the core of society also tolerates other conceptions. Thus, it is not necessary for all conceptions to be reasonable and it is simply unimaginable to consider living in a world totally devoid of negative attitudes toward any other human being. But it is nevertheless possible to tolerate such "unreasonable" conceptions, besides the rational ones, which only contribute to the societal process of the interest-oriented society as long as the law can prevail over them. Although Rawls does not systematize it, the field of action can also be substantially delimited. In the pluralistic world of philosophical, moral and religious conceptions, there are on one side those who, through their techno-rational vision, undermine the world as a punctual community and, on the other side, those who call into question the process of socialization, while they put the primacy of the collectivity, and more specifically of their own community, before all other values and integrative practices. This way one can distinguish the pretentious technocratic reformers, supposed to improve the world, from the fundamentalist world dominators, both of them undermining the reasonable pluralism. For Rawls, both ends would simply be occupied by archaic conceptions. I am closer to approve of

Helmut Dubiel's view (Dubiel 1994: 208ff) underlining that both visions exist only because modernity has succeeded to impose itself, because they both fundamentally relate to it. While the technocratic perspective shamelessly tries to delimit the normative foundations of modernity anchored in the principle of popular sovereignty, by reducing them to a variant of mere modernization, the fundamentalist critique of modernity seems to be demanding an impossible nostalgic return to an original order. In a perverted way, modernity is found again as the point of reference of the fundamentalist critique, because it is both used as the framework and the landmark. So this fundamentalist critique becomes, quoting Dubiel, the "dramatis personae", to whom has been "attributed the role of the loser" (Dubiel 1994 : 219f).

According to Dubiel, the very ground for fundamentalism is therefore precisely modernity, because without it the critique of modernity would not be possible and the truth of the fundamentalist position as opposite pole could not have been built up. It could be added that this modernity should of course be interpreted as a global one, in which everybody becomes a citizen of the world thanks to the globalization of the means of communication and the liberalization of the access to information. In this global arena, each attitude and act is submitted to critique and can potentially becomes a starting point for a process of collective learning (Beck 2002).

It is more complicated with the technocratic variant of the critique of modernity, which tries to compensate the population (in particular its suffering part) for the consequences of modernization through social technologies such as insurances or occupational programs. On this ground, neo-conservative political movements nowadays propose with a growing success merely technical solutions to social problems, without mobilizing the support of the communitarian framework of the pluralistic society. Characteristic in this regard are for instance the popular protests in Switzerland, against the expulsions of undocumented immigrants that went on for years. They advocate social solutions, sometimes only to keep up with the idea(l) that humanity is a part of their society.

It is precisely the technocratic attitude, incarnated for instance by Silvio Berlusconi, that considers as secondary any aspect of the solution that would not be a technical one. The public space as a place of discursive explanation is being replaced by the influence of mass media[15]. On this point, such a position shirks the reasonable pluralism, as it renounces to participate in the construction of the pluralistic society, because it is declared impossible. In this way, considering the democratic elaboration of solutions as impossible, the technocracy "throws the baby out with the bath water". As a consequence, it weakens the legitimacy of the democratic model tout court and frustrates those societal forces willing to get democratically involved in the state.

All this indicates that the field of action of the pluralistic society does not have any restrictions in terms of access, as long as the freedom to work out practices and solutions in common is maintained and includes a majority of the actors of the civil society. These actors have decided to respect each other as partners and to determine their future in common. Limits should not be established against fundamentalist trends or technocratic ideologies as long as they are not claiming a leading part in the society or calling into question the pluralism of reasoning actors in an authoritarian way[16]. Yet, from the point of view of the Western world, the attacks against modernity, particularly if considered as a pluralistic world of differences, contribute to the revitalization of the project of consensual integration through popular sovereignty. Such challenges, that question the conditions of integration, are an invitation to a renewal of discourses that reinforce the project of the modernity.

Such claims for renewal are exemplified by acts of civil disobedience, particularly well represented by the opposition of clerical associations and movements of solidarity against the compulsory expulsions of immigrants. Rawls used these considerations already in the paragraphs 55 to 59 of his Theory of Justice (Rawls 1971). He speaks about the societies of justice that are always almost righteous and therefore continuously produce striking injustices, something that under certain circumstances justify civil disobedience. Yet, as opposed to fundamentalist or technocratic solutions to problems, the civil disobedience is in line with the project of modernity. The field of action is precisely that positively charged field of plural lifeworlds and precisely that public domain, which through discourses can generate the collective processes of learning that characterize democratic societies (see Kleger 1993 in particular) [17].

We can therefore start from the idea of a civic field of action characterized by the pluralization of lifeworlds and turned fragile, in the sense that this field of action is exposed to radical protest as long as societal procedures of learning (and not involution and dedifferentiation) are being launched. In other words, the action of the civic engagement is always a participation in the project of the modernity, however critical the motives of the action may be. Civil disobedience belongs to the sources of regeneration of the project of modernity, just as much as the public discussion around the improvement of a solution or about the democratic forming of will (Hunyadi 1995). Meanwhile, the cooperation of different actors demands at least tolerance, at the best a common orientation toward a societal project.

The migrant population, itself plural, is included in this game of actors in search for a reasonable solution in the new Europe and is relevant in the sense that it is more and more perceived as a population that cannot be assimilated. In what direction should assimilation take place anyway, if the society lives and preaches difference? The migrant population becomes an independent actor - or

more precisely: a number of plural independent actors - in possession of a social and political weight as lobby groups, bi-nationals or electors, as contractors, consumers or workers.

Cynical Pragmatism or Steps Toward Social Mobility

In the United States, even undocumented migrants have a political (but not only) importance in their relational network among the established migrants, which regularly leads both conservative and liberal governments to sign decrees of amnesty. In Europe, the debate concerning the status of undocumented immigrants is still blocked inside some heavy political debates on principles opposing the romantic left and the xenophobic right and impeding moderate positions to prevail.

These debates have naturally not been able to prevent the increase of undocumented migration to the European continent, which is now quite comparable to the one affecting the United States. Undocumented immigrants are above all to be found in the structurally weak branches (e.g. peasantry, hotel business) and in the low budget households (Garson and Loizillon 2003: 8). It can hardly be denied that these human resources are functional. Partial amnesties in Italy, France, Spain or Switzerland show that this world of illegality has grown into an economically relevant phenomenon, which cannot be regulated through legal immigration, but merely admitted on the basis of specific qualifications.

The rigidity of access to the fortified Europe, which actually means a higher recognition of internal differences, generates a world of illegality, self-expanding and apparently without regulation. There are actually approaches toward regulation. At the same time, even liberal states like the United Kingdom or the Netherlands are worsening, not lightening, the conditions and statutes of their undocumented immigrants (Levinson 2005, Achermann and Efionayi-Mäder 2003). The united Europe is, in the name of the protection of wages of the politically relevant people, i.e. the electors, also unifying against immigration, even though immigration is functional and about to get stabilized.

But some attempts to face certain concrete questions with pragmatic solutions oppose this defensive attitude[18]. For example, in the countries of the European Union, the access to public schools for the children of undocumented immigrants is generally possible and basic medical services with a low threshold can be found in many bigger cities. In this way, an offer is being developed, which is incomparable to the provisions of care for established foreigners. But this development of selective offers has the positive consequence of providing partial benefits by the social state and of transforming the undocumented immigrant into a potential citizen. Such an evolution does not mean that they are equal or assimilated, but introduces a differentiated membership in society as well as a partial recognition of the existence of migrants without any permit of residence.

This evolution toward partial rights is justified for two reasons. On the one hand, there is a pressure for action expressed in the cities, concerning problematic social situations and leading to a pragmatic handling of marginality. This pragmatism has not only imposed itself in the field of services for undocumented immigrants, but also in the field of other marginal situations, such as homelessness and drug addiction (Madanipour et al. 1998, Cattacin et al. 1996, Cattacin 2005).

On the other hand, humanitarian reasons, in connection with international laws, extended certain policy measures also to undocumented immigrants. The right to health and education for children is therefore being used to justify their access to the health and educational systems and to counter, under the cover of legal dispositions and sometimes even through civil disobedience, the pressure of the nation-state demanding stronger measures against undocumented immigrants (Vogel 1996, Dwyer 2004, Efionayi-Mäder and Cattacin 2002). The fact that the European Union is being promoted as a guarantor for social rights (European Social Chart and conventions for human rights) against the nation state is a further indication of how complicated the legal claims have become and how the supranational legislation affects the development of policies, their implementation and concrete practices.

Even if this kind of differentiation of the rights, according to status and situation, may be seen as cynical, the undocumented immigrants generally experience it as a transition from hell to the purgatory. Practically speaking, the chances of survival at least remain intact, along with the hope for the paradise in the form of an amnesty.

This differentiated citizenship, which is cultivated in the countries of the European Union, could be enriched by other examples from the realm of the migration, such as the sojourn of foreign students or short term work permits for seasonal workers, which underline the transformation of the migration into a multilevel process of legal inclusion. This does not mean that all these levels have to be passed, but just that there are legal guarantees for any situation of precariousness, preserving a minimal protection, and that these guarantees tend to increase, especially in the urban environment. Owning different rights and having in particular the possibility to switch from one legal status to another means - in the logic of Amartya Sen's concept of "capabilities" (Sen 1992, Bonvin 2005) - a chance of inclusion for everybody, or at least the possibility to think of the future in terms of advancement to a higher legitimacy and legal security.

To step up against it, whether for republican, nationalist or trade union reasons, would not only worsen the situation of undocumented immigrants in the European Union (without exercising any influence on the immigration itself); it could also mean losing the chances of recognition. Even if the outcome of this process may be quite uncertain, its promises may serve as a motor of inclusion.

About the Americanization of Europe

This modification of the European practices in the field of migration policies makes them have many similarities to those of the United States in regard to legal and illegal immigration. Adaptation to the economical needs and language acquisition are the central means to a functional inclusion in this logic. The fact that identity is not a relevant factor in the US shows that, as a model of pluralistic society, they are in advance on Europe. As Barry writes about the notion of Americanization, it is not important who you are, but what you are able to do:

> [...] whatever clothes you wear and whatever language you speak at home, if you want a job on Wall Street, you will need to speak English and wear a suit. This has nothing to do (directly, anyway) with identity (Barry 1991: 90-91).

As opposed to the US, where this policy of difference has become an undisputed part of the national reality and established itself in the self-perception of an immigration society, the Europe of nations still has major problems with separating the policies of migration and those of identity. In spite of that, the logic of difference is imposing itself, but as a "bottom-up" movement. Difference is becoming the normality in the cities, whether experienced by migrants or by other societal groups. Differentiated programs and multilevel rights to participate arise in urban contexts and get support from the European humanitarian commitments and their respective rights. Differentiated involvement is the urban answer to pluralism and can be compared to the American experience[19].

The liberalization and the growing flexibility of the European economy weaken additionally the nets of the welfare state and give rise to reactions within the civil society. Similarly, the improvement of social policies in the cities reminds us of the progress of social measures of the 19th century, which also appeared for pragmatic reasons related to the development of the social state in the cities (Reulecke 1985). This parallel and compensatory evolution of the social nets and the policies in the cities are the concrete answers to migrations, with their differentiated and precarious status of residence, but also to other situations of exclusion that the national welfare state simply cannot be sensitive to anymore. The logic of the uniform solutions of the social state has become overcharged by the increasing complexity of the society and longs for a different access that the cities today can - and must - accomplish (Badan et al. 2004, Cattacin 2005).

Europe will not lose in attraction. The liberal paradox is still functioning. Migration for economical reasons is still promoted and economical interests constantly leverage the attempts by the nation-state to regulate the migration flows. The internal pluralization and anarchic communitarization, as an answer to the post-national constellation external to the meanings provided by traditional

instances, are undermining the attempts to rehabilitate the nationalistic frames of reference. One can only hope that the symbolic policy of the national identity, which will keep on transforming itself pragmatically, will confer to the urban social policies the legitimacy that would improve the living conditions for all human beings in Europe.

This evolution, in which minimal social rights for every citizen, regardless of status, are developed through specific programs for the regulation of security of the established population, can be pointed out as post-Americanization at the European level. It is possible that Europe could again become a model - a society based upon solidarity, in which it is worth living and investing.

NOTES

1   The first versions of this text were edited for the purpose of lectures at the following occasions: at the Österreichische Akademie der Wissenschaften (Vienna, 15 January 2004), at a meeting of the Swiss Conference of Cantonal Education Directors (Emmetten, 28 October 2004) and at the annual Conference of the "ESPAnet"-The Network for European Social Policy Analysis (24 September 2005). I would like to thank those who have contributed to improving it by their critical comments and suggestions, in particular Rainer Bauböck, Giuliano Bonoli, Marc-Henry Soulet and Erik Verkooyen who also translated major parts of this text from a German document and then edited it with Luc Gauthier.

2   For a critical discussion of this changing vocabulary, but also of the term "migration", see Wicker 2002.

3   In December 2003, a new "Global Commission on Migration" was launched by the United Nations. It started working in March 2004 and has presented itself to the international community through a first report in October 2005, later critically commented (GCIM 2005, critical: Bhagwati 2005).

4   Side by side with the mobility of products and finances.

5   The free circulation was already defined as a goal of the economic policies of the European Economic Community (EWG) in the Rome Treaty (1958).

6   See for example the thesis of Jobert 1994.

7   See the contributions in the special issues of the *Journal of International Migration and Integration* on the theme "Multicultural Society under Attack" (vol 3, no 3&4).

8   That is how migrants coming from outside Europe are called in Italy.

9   In his recently published thesis Glauben und Wissen (Habermas 2001), Habermas describes the religious origin of the moral foundations of the liberal Constitutional State.

10 Literally "Swissmakers", from the title of a Swiss movie from the 1970s on the theme of naturalizations in Switzerland.

11 Literally "leading culture", referring to the content of the German identity.

12 It seems appropriate here to refer to Honneth's three reflected dimensions of intersubjective recognition, characterising the tolerant societies (Honneth 1994), namely, emotional belonging, cognitive respect and social esteem (see also Taylor 1992).

13 As it is represented, for example, by Norbert Elias. In particular, the relation between one's own survival and the possibility to know the Other is relevant for the motivation of people in the modern societies to also learn about other realities (Elias 1976).

14 As Jürgen Habermas also recently underlined (Habermas 2001), these rules may be reinterpretations of common sense in the orientations of traditional religions as well.

15 For the historical and philosophical classification of the Italian situation under Berlusconi, see Domenico Losurdo's publication (Losurdo 1994).

16 The development in Eastern Europe can be read in this sense. In particular in areas where the revolt of the civil society followed a nationalistic restoration or a technocratic dismantling. In this regard, different experiences in the states behind the former Iron curtain rather appeared as a worsening of the situation and not as an emancipation from the "real socialist" yoke (see Offe 1993).

17 The basic components of the civil disobedience, as Kleger (1993: 217) summarizes them, underline the direct relevance of this kind of action as characteristic of the civic society. He defines it as public, consensual, peaceful, politically and morally justifiable, but not legitimate and ultimately immanent in the system.

18 As shown for instance by a case study in Geneva, see Chimienti and Efionayi-Mäder 2003.

19 On this topic, the reflections about an "urban citizenship", for example in Isin 1999, also deserve consideration.

REFERENCES

Achermann, Christin and Denise Efionayi-Mäder (2003) *Leben ohne Bewilligung in der Schweiz: Auswirkungen auf den sozialen Schutz.* Bern [etc.]: BBL, Vertrieb Publikationen [etc.].

Amselle, Jean-Loup (1990) *Logiques métisses: anthropologie de l'identité en Afrique et ailleurs.* Paris: Payot.

Amselle, Jean-Loup (2000) *Branchements. Anthropologie de l'universalité des cultures.* Paris: Flammarion.

Badan, Philippe, Jean-Michel Bonvin and Eric Moachon (2004) "Le rôle des acteurs locaux dans les nouvelles politiques de l'emploi", *Swiss Journal of Sociology* 30(3): 381-396.

Bade, Klaus J. (2002) *Europa in Bewegung. Migration vom späten 18. Jahrhundert bis zur Gegenwart.* München: C. H. Beck.

Barry, Brian (1991) *Liberty and Justice. Essays in Political Theory 2.* Oxford: Claredon Press.

Bauböck, Rainer (1992) "Zur Zukunft des Nationalismus in Europa", *Friedensbericht* 1991: 159-181.

Beck, Ulrich (2002) *Macht und Gegenmacht im globalen Zeitalter.* Frankfurt a.M.: Suhrkamp.

Bhagwati, Jagdish (2005) "A deeply flawed report on global migration", *Financial Times* (European Edition) 6 October 2005, p. 15.

Bonvin, Jean-Michel (2005) "Sen et la démocratie", *L'Economie politique,* Juillet (27): 24-36.

Buzelay, Alain and Achille Hannequart (eds) (1994) *Problématique régionale et cohésion dans la Communauté européenne.* Paris: Economica.

Cantarano, Giuseppe (2003) *La comunità impolitica.* Troina (Enna): Città aperta.

Cattacin, Sandro (1996) "Organiser les solidarités. La construction du bien-être par l'interface public-privé en Europe", in Soulet, Marc-Henry (ed.), *Crise et recomposition des solidarités. Vers un nouvel équilibre entre Etat et société civile.* Fribourg: Presses Universitaires, p. 53-93.

Cattacin, Sandro (2005) "Dynamiques sociétales et aide sociale. Le droit d'exister dans un environnement précarisant", in Schmid, Walter and Ueli Tecklenburg (eds), *Menschenwürdig leben? - Vivre dignement?* Luzern: Caritas Verlag, p. 106-112.

Cattacin, Sandro, Barbara Lucas and Sandra Vetter (1996) *Modèles de politique en matière de drogue. Une recherche comparative sur six réalités européennes.* Paris: L'Harmattan.

Chimienti, Milena and Sandro Cattacin (2004) "Migration et santé. Émergence d'une nouvelle problématique d'intégration", *Forum* 2(3): 9-11.

Chimienti, Milena and Denise Efionayi-Mäder (2003) *La répression du travail clandestin à Genève: application des sanctions et conséquences pour les personnes concernées.* Neuchâtel: Forum suisse pour l'étude des migrations et de la population.

Crouch, Colin and Wolfgang Streeck (1996) "Introduction. L'avenir du capitalisme diversifié", in Crouch, Colin and Wolfgang Streeck (eds), *Les capitalismes en Europe.* Paris: La Découverte, p. 11-25.

Dubiel, Helmut (1994) *Ungewissheit und Politik.* Frankfurt a.M.: Suhrkamp.

Dwyer, James (2004) "Illegal immigrants, health care, and social responsibility", *Hastings Center Report* 34(1): 34-41.

Efionayi-Mäder, Denise and Sandro Cattacin (2002) "Illegal in der Schweiz: eine Übersicht zum Wissensstand", *Asyl: Schweizerische Zeitschrift für Asylrecht und -praxis* 17(1): 3-15.

Elias, Norbert (1976) *Über den Prozess der Zivilisation. Soziogenetische und psychogenetische Untersuchungen,* 2 Bände. Frankfurt a.M.: Suhrkamp.

Gallino, Luciano (2000) *Globalizzazione e disuguaglianze.* Bari: Laterza.

Garson, Jean-Pierre and Anaïs Loizillon (2003) *Changes and Challenges. Europe and Migration from 1950 to Present.* Paris: OECD.

GCIM, Global Commission on International Migration (2005) *Migration in an interconnected world: New directions for action. Report of the Global Commission on International Migration.* Geneva: GCIM.

Habermas, Jürgen (1990) *Die nachholende Revolution.* Frankfurt a.M.: Suhrkamp.

Habermas, Jürgen (1996) *Die Einbeziehung des Anderen: Studien zur politischen Theorie.* Frankfurt a.M.: Suhrkamp.

Habermas, Jürgen (2001) *Glauben und Wissen.* Frankfurt a.M.: Suhrkamp.

Hollifield, James F. (1992) *Immigrants, Markets, and States: The Political Economy of Postwar Europe.* Cambridge, MA: Harvard University Press.

Honneth, Axel (1994) *Kampf um Anerkennung. Zur moralischen Grammatik sozialer Konflikte.* Frankfurt a.M.: Suhrkamp.

Hunyadi, Mark (1995) *La vertu du conflit.* Paris: Les Ed. du Cerf.

Isin, Engin F. (1999) "Introduction: Cities and Citizenship in a Global Age", *Citizenship Studies* 3(2): 165-172.

Jobert, Bruno (ed.) (1994) *Le tournant néo-libéral en Europe.* Paris: l'Harmattan.

Kaldor, Mary (2004) "Nationalism and Globalisation", *Nations and Nationalism* 10(1/2): 161-177.

Kleger, Heinz (1993) *Der Neue Ungehorsam. Widerstände und politische Verpflichtung in einer lernfähigen Demokratie.* Frankfurt a.M./N.Y.: Campus.

Levinson, Amanda (2005) *The Regularisation of Unauthorized Migrants: Literature Survey and Country Case Studies.* Oxford: Centre on Migration, Policy and Society, University of Oxford.

Losurdo, Domenico (1994) *La Seconda Repubblica. Liberismo, federalismo, postfascismo.* Torino: Bollati Boringhieri.

Madanipour, Ali, Goran Cars and Judith Allen (eds) (1998) S*ocial Exclusion in European Cities. Processes, Experiences and Responses.* London: Routledge.

OECD, Organisation for Economic Co-operation and Development (2005) *Trends in International Migration: SOPEMI - 2004 Edition.* Paris: OECD.

Offe, Claus (1993) *Il Tunnel. L'Europa dell'Est dopo il communismo.* Roma: Donzelli.

Prins, Baukje and Boris Slijper (2002) "Multicultural Society under Attack", *Journal of International Migration and Integration* 3(3&4): 313-328.

Putnam, Robert D. (ed.) (2002) *Democracies in Flux: The Evolution of Social Capital in Contemporary Society.* New York: Oxford University Press.

Rawls, John (1971) *A Theory of Justice.* Mass.: Harvard University Press.

Rawls, John (1993) *Political Liberalism.* New York: Columbia University Press.

Reulecke, Jürgen (1985) *Geschichte der Urbanisierung in Deutschland.* Frankfurt a.M.: Suhrkamp.

Sassen, Saskia (1997) *Migranten, Siedler, Flüchtlinge: von der Massenauswanderung zur Festung Europa.* Frankfurt a.M.: Fischer Taschenbuch Verlag.

Sen, Amartya Kumar (1992) *Inequality reexamined.* New York, Cambridge, Mass.: Russell Sage Foundation, Harvard University Press.

Senghaas, Dieter (1996) "Region, Nation, Europa - Erkenntnisse Über gelungene Vergemeinschaftungsprozesse", in Teufel, Erwin (ed.), *Was hält die moderne Gesellschaft zusammen?* Frankfurt a.M.: Suhrkamp, p. 146-164.

Taylor, Charles (1992) *Multiculturalism and "The Politics of Recognition".* Princeton: Princeton University Press.

Vogel, Dita (1996) *Illegale Zuwanderung und soziales Sicherungssystem: eine Analyse ökonomischer und sozialpolitischer Aspekte.* Bremen: Zentrum für Sozialpolitik, Universität Bremen.

Walzer, Michael (1985) *Spheres of Justice. A Defence of Pluralism & Equality.* Oxford: Blackwell.

Weiner, Myron (1995) *The global migration crisis: challenge to states and to human rights.* New York: HarperCollins College Publishers.

Wicker, Hans-Rudolf (2002) "Von der 'Fremdenpolizei' zum 'Dienst für Migration': Reaktionen von Staat und Gesellschaft auf zunehmende internationale Mobilität", in Neuhaus, Helmut (ed.), *Migration und Integration: Atzelsberger Gespräche 2001: drei Vorträge.* Erlangen: Universitätsbund Erlangen-Nürnberg, p. 43-67.

Wimmer, Andreas (2002) *Nationalist Exclusion and Ethnic Conflict. Shadows of Modernity.* Cambridge: Cambridge University Press.

ABOUT THE AUTHOR

Sandro Cattacin is Professor of meso-sociology, and specialises in social and health policies at the Sociological Department of the University of Geneva. He has carried out research on issues of public health and marginalisation, and his working areas involve urban policies, minorities and organisational studies (www.unige.ch/ses/socio/sandro.cattacin).

In late 2006 Malmö University expects to publish a collection of papers based on three Willy Brandt workshops held at IMER, entitled Migration and Health: Difference Sensitivity from an Organisational Perspective, edited by Sandro Cattacin and Carin Björngren Cuadra.

Sandro Cattacin was Guest Professor in memory of Willy Brandt at IMER during the autumn semester of 2005.

Willy Brandt Series of Working Papers in International Migration and Ethnic Relations

1/01   Rainer Bauböck. 2001.
       Public Culture in Societies of
       Immigration.

2/01   Rainer Bauböck. 2001.
       Multinational Federalism:
       Territorial or Cultural Autonomy?

3/01   Thomas Faist. 2001.
       Dual Citizenship as
       Overlapping Membership.

4/01   John Rex. 2003.
       The Basic Elements of a Systematic
       Theory of Ethnic Relations.

1/02   Jock Collins. 2003.
       Ethnic Entrepreneurship in
       Australia.

2/02   Jock Collins. 2003.
       Immigration and Immigrant
       Settlement in Australia:
       Political Responses, Discourses
       and New Challenges.

3/02   Ellie Vasta. 2003.
       Australia's Post-war
       Immigration – Institutional
       and Social Science Research.

4/02   Ellie Vasta. 2004.
       Communities and Social Capital.

1/03   Grete Brochmann. 2004.
       The Current Traps of European
       Immigration Policies.

2/03   Grete Brochmann. 2004.
       Welfare State, Integration and
       Legitimacy of the Majority:
       The Case of Norway.

3/03   Thomas Faist. 2004.
       Multiple Citizenship in a
       Globalising World: The
       Politics of Dual Citizenship in
       Comparative Perspective.

4/03   Thomas Faist. 2004.
       The Migration-Security Nexus:
       International Migration and
       Security before and after 9/11.

1/04   Katherine Fennelly. 2004.
       Listening to the Experts:
       Provider Recommendations
       on the Health Needs of
       Immigrants and Refugees.

2/04   Don J. DeVoretz. 2004.
       Immigrant Issues and Cities:
       Lesson from Malmö and
       Toronto.

3/04   Don J. DeVoretz & Sergiy
       Pivnenko. 2004.
       The Economics of Canadian
       Citizenship.

4/04   Katherine Fennelly. 2005.
       Correlates of Prejudice: Data
       from Midwestern Communities
       in the United States.

1/05   Marco Martiniello. 2005.
       Political Participation,
       Mobilisation and Representation
       of Immigrants and Their Offspring
       in Europe.

2/05   Nikos Papastergiadis. 2005.
       The Invasion Complex:
       Deep Historical Fears and
       Wide Open Anxieties.

3/05   Nikos Papastergiadis. 2005.
       Mobility and the Nation:
       Skins, Machines and Complex
       Systems.

1/06   Sandro Cattacin. 2006.
       Migration and differentiated
       citizenship: On the (post-)
       Americanization of Europe