Traditions of citizenship and the securitisation of migration in Germany and Britain

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The European Union is often seen as a laboratory for a post-national polity. Leaving aside important discussions regarding exclusionary citizenship practices at the European level, this article draws attention to the on-going importance of member states’ citizenship traditions, which constrain the development of post-national citizenship in the EU. Considering the cases of Germany and the UK, the article shows how longer-standing citizenship traditions continue to play an important role in mediating relations between citizens and migrants. This, we suggest, remains the case despite changes to citizenship law over the past decades that have brought the two traditions closer to one another. Specifically, the article examines the on-going influence of each citizenship tradition with reference to political debates surrounding migration since 11 September 2001. It argues that divergent processes of ‘securitising’ migration reflect the respective citizenship traditions of the two member states.

Keywords: migration; securitisation; citizenship traditions; Germany; United Kingdom

Introduction

Various analysts have raised questions as to whether or not Europe provides a laboratory for the development of a new form of post-national or trans-national citizenship (e.g. Habermas 2001, Linklater 1998, Soysal 1994). It has been suggested, for example, that the institutionalisation of citizenship in the EU Treaty, the rights conferred upon EU citizens across member states, and the provision of limited rights for third state residents all contribute to a new citizenship regime (e.g. Bhabha 1999, Koslowski 1999, Shaw 2000). Indeed, there have been significant changes in citizenship laws and migration policies across many western European states, which emerge in a context marked by increased post-World War II migration (Castles and Miller 1993). Even in relatively restrictive states, such as Germany, it has become easier for certain migrants to acquire citizenship and retain double citizenship. Do these trends imply that a new form of trans- or post-national citizenship is emerging in the European context, in which migrants are more readily recognised as fellow citizens?

Temporarily putting to one side important debates about the potential that Europe holds for the development of an alternative mode of citizenship (e.g. Balibar 2002), our analysis suggests that national traditions of citizenship tend to impede the effective development of a post-national form of citizenship in which exclusionary distinctions between ‘nationals’ and ‘foreigners’ or citizens and migrants no longer hold (Joppke 1998). Such traditions, we suggest,
can be conceived of as relatively sedimented or embedded ‘national legacies of belonging’ (Eder and Giesen 2001 p. 16, see also Preuss et al., 2003), in which membership is constituted in relation to ‘foreign’ figures such as the migrant (see Honig 2001). In this respect, our analysis suggests that the political opportunities for contending European accounts of citizenship and migration tend to be limited by national institutions and discourses (see Koopmans and Statham 2001a, 2001b). Specifically, we show how national citizenship traditions are variously ‘re-activated’ in a context of Europeanisation through discursive processes of securitisation in which certain groups are articulated as ‘threatening’. This is illustrated by a comparison of the on-going resonance of divergent citizenship traditions in political debates about security and migration in Germany and Britain. These two EU member states have experienced substantial immigration over the past decades, and are interesting because, as we will show, they exemplify discourses that link security, exclusion and migration in different if related ways.

In developing this argument, the paper is divided into three parts. First, we develop a discursive approach to the analysis of citizenship traditions, and suggest that the construction of exclusionary relations between citizens and non-citizens or migrants, is central to a national articulation of citizenship. Second, we chart the diverging ways in which relations between citizens and non-citizens have been historically mediated within the British and German traditions of citizenship, suggesting that variations in each of these traditions may be important in understanding the way in which relations between citizens and migrants are articulated in the contemporary context. This leads into the third part of the paper, where we consider how these divergent traditions are reflected in the differing ways in which migration has been securitised in Germany and Britain. Specifically, we suggest that a more direct articulation of migration as a ‘threat’ related to terrorism is evident in the German case, and that this reflects a less problematised distinction between citizen and non-citizen that draws clearer (if also increasingly blurred) lines between national ‘self’ and ‘other’. The paper closes by considering the implications of our analysis for debates surrounding the potential of a post-national European citizenship.

A discursive analysis of citizenship traditions

While citizenship is generally approached in terms of a series of rights and obligations that define the relationship between an individual and a state, we approach citizenship in this paper as a discursively sedimented and institutionally embedded national tradition, which undergoes processes of continuous re-construction. Drawing on Barry Hindess’ (1998) conception of citizenship as a means of rendering the global population governable, we conceive citizenship qua national identity or national belonging as a discursive construct that is central to a wider process through which populations are divided into governable sub-units. In this respect, citizenship might be defined both as a nodal point that draws together notions of belonging, access, rights and obligations, and as an institution around which concepts such as the nation and political community are articulated (see Howarth 2000, Laclau and Mouffe 1985, Torfing 1999, Wæver 1998). Seen from this perspective, citizenship is not simply a legal status that is conferred upon individuals and embedded in institutions, but it can also be conceived of as forming part of a broader discourse of national identity (Isin and Wood 1999).

In reading citizenship in terms of a relatively sedimented discursive tradition, we do not suggest that national traditions of citizenship are fixed. Rather, we conceive any tradition of citizenship as an on-going construction that is open to disruption (Isin and Nielsen 2008). In this respect, citizenship traditions can be conceived of as precariously re-constructed through ‘discourse-as-practice’ (Shepherd 2008, Hansen 2006). This broader conception of discourse fits with a definition of citizenship as social practice (Benhabib 2004, Wiener 1998), where
Citizenship is not only constructed through legal processes, but also through everyday social and political practices. On the one hand, citizenship rights and obligations might be defined as flowing from and further crystallising a discourse of national belonging, while on the other hand citizenship rights and obligations might be conceived of as further stabilising and sedimenting a discourse of national belonging. Although we compare two traditions of citizenship, we do not thus suggest that a single unified discourse is manifest in each national case. Indeed, we work from the assumption that discourses are always contested, and that there will always be inconsistencies and competing discourses within a single citizenship tradition. Therefore, to the extent that we distinguish between different citizenship traditions in relation to the securitisation of migration, the analysis draws attention to tendencies rather than absolutes. It does this by drawing attention to the general discursive rules that establish the limits of what can be legitimately said about citizenship within each specific national context.

National traditions of citizenship are not only contested, but so also are they highly complex and ambiguous. Citizenship is marked by a multifarious series of inclusions/exclusions (Kymlicka 1995, Kymlicka and Norman 2002, Morris 2003), while there are various ways in which the differentiation between members and non-members can occur (see Isin 2002, Diez 2005). Despite these complexities and ambiguities, however, national discourses of citizenship tend to be marked by the imperative to create clear-cut distinctions between inside and outside, or between identity and difference (Connolly 1991, Walker 1993). This exclusionary tendency is perhaps most evident where processes of securitisation construct specific groups of migrants as ‘threatening’ national identity, state sovereignty and/or social stability (Squire 2009). The analysis in this article draws attention to the on-going resonance of divergent national traditions of citizenship in the exclusionary framing of relations between citizens and (specific groups of) migrants. However, it works from the assumption that the exclusionary construction of boundaries is not inevitable, despite processes of differentiation being inherent to any form of identity construction (Connolly 1991, 1995, Doty 1996a, 1996b). In this regard, our analysis implies that any ‘post-national’ re-articulation of citizenship requires a break from the exclusionary articulation of citizenship that emerges in various forms at the national level in contemporary Europe.

Our analysis of the historical legacy of citizenship discourse should not be interpreted as denying that citizenship continuously evolves in practice through multiple contestations and adjustments. Nor should it be interpreted as suggesting that post-national citizenship is unattainable. Rather, the analysis in this article suggests that exclusionary traditions of national citizenship pose significant challenges to the effective construction of a post-national European citizenship. This claim rests on our analysis of the broader discourses in relation to which citizenship and migration legislation is situated, rather than on an analysis of citizenship and migration legislation directly. By illustrating our argument with reference to political discourse, with a specific focus on parliamentary debates, our analysis can contribute to the understanding of how the exclusion of certain groups and individuals in the legal and institutional construction of citizenship is legitimised. This is not to say that less formal political discourse or wider public discourse such as media debate does not influence policy. However, it is only where such discourse is more formally mediated in political discourse that they effectively become institutionally and legally embedded.

Citizenship traditions in Germany and Britain

The analysis in this article examines the citizenship traditions of Germany and Britain; two EU member states that have experienced substantial immigration over the past decades, and that exemplify divergent citizenship traditions. While citizenship legislation has become less distant between the two cases than a distinction between an ethnic, jus sanguinis (citizenship by 'blood
line’ or descent) tradition and a liberal, *jus soli* (citizenship by place of birth) tradition implies (Silverman 1992), we suggest that there remain important differences in the way that exclusions are framed and national identities are constructed in the two cases. First, we show how Germany follows a long-established tradition of citizenship that starts from *jus sanguinis*, in which citizenship is identified as related to a nation largely defined by culture and references to ethnicity. In contrast, we show in the second sub-section that citizenship in the British case is a more complex and ambiguous construction of ‘inclusive’ citizenship that refers back to the concept of the imperial subject. As a consequence of these differing trajectories, we suggest that it may be conceived of as more ‘legitimate’ to label migrants as ‘threatening foreigners’ in Germany than it is in Britain.

**Framing citizenship: the German case**

For the purposes of our argument, the German case is the less complex one. The features of German citizenship law have been presented and discussed in the literature in much detail (see, e.g., Brubaker 1992, Schuster 2003, Green 2004), and we will undertake only a brief review here. The German citizenship law dates back to 1913, and therefore even to pre-Weimar Republic times. Despite the fact that the law itself has been changed a number of times, it still follows the contours and principles of the 1913 text, at the core of which is the principle of *jus sanguinis*, according to which citizenship is awarded on hereditary grounds, which used to take the father’s nationality as the basis for determining the child’s citizenship. The mother has determined the child’s German nationality only from 1975. Nowadays, the vast majority of Germans continues to obtain their citizenship on the grounds of one parent being German. This is not to say that the nature of German citizenship has not been changed at all, especially during the past decade. We will discuss these changes below. However, despite the opening towards a more ‘republican’ notion of citizenship (see Gerdes and Faist 2006), we argue that the notion of a community linked ‘by blood’ remains the predominant concept both in legislation and, more importantly for our purposes, in public discourse (see also Howard 2008).

The most distinguishing feature of the German law is that while nationality and citizenship are two different concepts in principle, German citizenship creates the link between a national identity assumed as primordial and incongruous with *de facto* state territory on the one hand, and the existing state on the other (Preuss 2003). By following the hereditary principle, it establishes strict rules about citizens and non-citizens that are based on a quasi-‘natural’ distinction between the two that cannot, or can only exceptionally, be transgressed. To be ‘German’ in terms of national identity therefore means not only belonging to a community that transcends the present (and the existing state), but also to the German state as the incomplete political configuration of the German nation; indeed, the German word for citizenship, *Staatsangehörigkeit*, translates as ‘membership to the state’ (Preuss 2003, p. 54). In contrast to the principle of being subject and therefore loyal to the Crown in the case of the United Kingdom, the loyalty of the German is to state and nation. As a consequence of the strict differentiation between self and other and the conflation of loyalty to state and nation, German citizenship law has found it problematic to come to terms with the principle of double citizenship and has made it difficult to ‘naturalize’ individuals (see Green 2004), both an appropriate term in the German context as the nation is seen as an organic, ‘natural’ community, and an odd one in that it is precisely because of this organic understanding that a change of citizenship is not within the bounds of the ‘normal’.

On both the dual citizenship and the naturalisation issue, the reform of the German citizenship law that took effect on 1 January 2000, together with various subsequent modifications, is perhaps the most radical change since 1913. It is now possible to take on German citizenship for migrants who are in possession of a permanent residence permit, have lived in Germany for at least eight...
years, can care for themselves and their dependants, have a sufficient knowledge of German, are not convicted criminals, commit themselves to the liberal-democratic order of the Federal Republic of Germany, and, if they are not EU citizens, are ready to surrender their present citizenship. There are, however, a number of exceptions to the exclusion of double citizenship, including cases where the present citizenship cannot be surrendered. Clearly, EU citizenship has led to a liberalisation in this context for citizens from other EU countries. A 2007 revision of the law has made, among other things, the passing of a naturalisation test obligatory.

These reforms have brought German citizenship law more in line with countries practicing the *jus soli*, or ‘law of the land’, in which citizenship is decided by the place of birth, but in which this principle over time has been watered down by restrictions and a movement towards *jus sanguinis*, as the British case will show. However, for our purposes it is important to note that the basic principle from which the German citizenship law departs remains hereditary. Naturalisation is still treated as the exception, and the conflation of state and nation, despite or perhaps because of the conceptual differentiation between the two, as well as the strict lines between self and other continue to be reflected in the uneasiness over dual citizenship. It is instructive in this context that the German national football team, at least until recently and to a considerable extent still today, has been made up of white players, mostly from a long-standing German background – in contrast to the French team, which has traditionally fielded many players from a migrant background (Bromberger 2007, p. 129). Indeed, the German case illustrates how sticky legal institutions can be if legal reforms always start from an already existing text, even though the form of the state to which the law corresponds has by now changed at least three times radically (from the Reich to Weimar to the ‘Third Reich’ to the Federal Republic). As a consequence of the directly ‘ethnic’ definition of citizenship, migrants effectively remain conceived of as ‘foreigners’ in German discourse long after they, or their ancestors, have acquired German citizenship.

**Framing citizenship: the British case**

The British citizenship tradition is characterised by a more complex, ambiguous and ‘inclusive’ (yet nevertheless highly differentiated and hierarchical) history than that which we find in the German case. This reflects both the multi-national character of the British state, as well as its imperial status during the period in which nationality was formally enshrined in law. The first raft of nationality law (the British Nationality and Status of Aliens Act of 1914) came into effect during 1915, at which point all persons with specified connections to the Crown’s dominions were conferred with the status of British subject. This effectively meant that persons of the colonies and the self-ruling dominions joined persons of Britain as equal subjects of the Crown, which Michelle Everson suggests is reflective of an ‘empty’ or ‘nation-neutral’ conception of nationality in the British case (2003, p. 82). The formal institutionalisation of citizenship in 1949 emerged in response to Canada’s decision to enact its own citizenship law in 1947. At this point it was decided that the dominions would have separate categories of citizenship existing alongside the common status of the British subject. The British Nationality Act of 1948 created the new category of Citizen of the UK and Commonwealth (CUKC), which included persons of the UK and of British colonies. This meant that British subjects of the UK, British subjects of the colonies, and British subjects of those dominions without citizenship laws of their own largely had equal rights.

In contrast to the relatively ‘inclusive’ and nation-neutral institutionalisation of citizenship emerging in the late-1940s, the 1960s and early-1970s were marked by a struggle over the limitation of the rights of Commonwealth citizens to enter Britain. Ian Spencer’s (1997) analysis of governmental debate during the 1950s and 1960s shows that, although Cabinet ministers
privately displayed panic (and often hostility) regarding the immigration of British subjects from Asia and Africa during the 1960s, they simultaneously voiced concerns regarding the way in which restrictive measures might be interpreted in the public sphere. Spencer’s reading of the impromptu development of restrictive immigration legislation thus draws attention to the on-going resonance of a relatively liberal citizenship tradition within Britain in the face of considerable public pressure (see Hansen 2000). Nevertheless, the Commonwealth Immigration Acts of 1962 and 1968 gradually increased immigration controls over Commonwealth subjects, while the Immigration Act of 1971 legally introduced the concept of patriality in order to restrict the right of abode for British subjects from non-UK areas of the Commonwealth. This meant that Commonwealth citizens were only granted the right of abode in the UK if they, their parents or grandparents were born in the UK and islands (the Channel Islands and Isle of Man).2

Spencer’s research suggests that there were considerable barriers to the formal development of restrictive immigration legislation, indicative of the tensions emerging between Britain’s ‘inclusive’ imperial tradition of British subjecthood and its exclusionary turn against Commonwealth subjects who did not have blood ties with citizens of Britain. The introduction of the concept of patriality not only marked a shift away from liberalism in British citizenship discourse, but so did it serve as a preliminary to the modification of the *jus soli* principle of citizenship. In contrast to Germany, Britain has historically maintained the principle of *jus soli*, rather than the principle of *jus sanguinis*, in which citizenship is acquired through birth on the territory of the state or through birth to a citizen parent.3 Britain coped with the specificity of its status as a colonial power through coupling the *jus soli* principle with the doctrine of perpetual allegiance to the Crown, in which ‘...those born as subject of the crown remained subjects, regardless of emigration or even naturalization’ (Koslowski, cited in Owen 2005, p. 9). Despite Britain’s distinctively imperial tradition of civic nationalism, however, the patriality concept paved the way for a discourse of citizenship in which inclusion according to birth on the territory played a less central role. In this regard, the British tradition of citizenship became more formally marked by a racial discourse of national identity during the post-war period, although this has been developed less explicitly than in the German case.

It is the British Nationality Act of 1981 that most clearly marks a shift away from the *jus soli* principle toward the *jus sanguinis* principle of ethnic descent. The legislation replaced CUKC with three categories of citizenship: British citizenship, British Dependent Territories citizenship (now known as British Overseas Territories citizenship), and British Overseas citizenship. This move responded to the anomaly that the 1971 Act had created through introducing the concept of patriality, whereby Britain denied CUKC citizens entry into their country of nationality. It also consolidated the exclusionary lines of division that were drawn in the 1960s and 1970s between citizens of the UK and citizens of the Commonwealth. Prior to the enforcement of this legislation, any person who was born in the UK (with limited exceptions) was entitled to British citizenship. After the Act had come into force, it was necessary for at least one parent of any child born in the UK to be a permanent resident or a British citizen. This move effectively limited the acquisition of citizenship according to birth on the territory (*jus soli*), even if it did not entirely shift the UK toward an approach in which the acquisition of citizenship was based on descent (*jus sanguinis*). Nevertheless, Britain’s history as head of the Commonwealth had ensured that the UK was a multi-ethnic nation, and in this respect the legislation of 1981 is perhaps more accurately interpreted as a modification of *jus soli* than as the institutionalisation of *jus sanguinis*.

British citizenship has been extended to various categories of persons since the British Nationality Act came into force,4 although the categories set out in the 1981 legislation form the basis of contemporary citizenship law. Recent legislation has been concerned less with distinguishing between the UK citizen and British subjects of the Commonwealth, than it has with
setting down general requirements for those wanting to be naturalised as British citizens. The Nationality, Immigration and Asylum Act of 2002, for example, set out guidelines for inclusion that included an English language and a ‘Life in the United Kingdom’ test, while the Immigration, Asylum and Nationality Act of 2006 set out ‘good character’ guidelines for those applying for citizenship. In this respect, a tradition of civic nationalism remains alive in Britain today. However, it is one that is conditioned by a complex history in which lines of division have been drawn according to the principles of both *jus sanguinis* and *jus soli*, and in which there has been a protracted struggle to draw racial lines between Commonwealth and British citizens. The British tradition of citizenship in this regard is a complex one that entails both ‘inclusive’ and exclusionary dimensions, although it retains a less explicit ethnic or racial dimension than is evident in the German case.

**Citizenship traditions and migrant/citizen relations**

Our brief analysis of the German and British traditions of citizenship suggests that the principles of *jus soli* and *jus sanguinis* have undergone a process of gradual convergence in both cases, although this convergence has been developed in divergent terms and from different directions. The tradition of citizenship in the British case is one marked by a relatively ‘inclusive’ early formation based on British subjecthood and the principle of *jus soli*, the latter of which was gradually adapted in racialised terms during the post-war period in a struggle to differentiate between citizens of the Commonwealth and citizens of the UK. The tradition of citizenship in the German case, in contrast, is characterised by a longer-standing commitment to the principle of *jus sanguinis*, which has undergone a gradual process of transformation through practices of naturalisation and through the institutionalisation of dual citizenship. In the next section, we consider whether the formative discourses through which citizenship has been articulated in each case remain influential in the way in which relations between citizen and migrant are mediated, despite the recent changes discussed above. A tradition of civic nationalism remains evident in contemporary British citizenship legislation, while a tradition of ethnic nationalism remains evident in the strict rules governing naturalisation in the German case. If these diverging traditions of citizenship are approached as discursive frames through which national identity is constructed, then their divergences are likely to have broader implications for the way in which the relations between migrants and citizens are mediated in each case.

**Migration, security and citizenship post-9/11**

If Britain’s tradition of citizenship is distinctive to the German tradition, it is because relations between the citizens and non-citizens or subjects have broadly been developed in more complex and ambiguous terms, while exclusionary processes of racialisation or ‘ethnicization’ have been less explicit in the British case. Starting from the assumption that these traditions serve as a broader frame within which relations between citizens and non-citizens or migrants are mediated, this part of the paper considers how the distinctive traditions outlined above are played out in contemporary debates surrounding migration in each case. Specifically, we focus on debates surrounding migration and security in the post-9/11 context, in order to consider how these ambiguously re-inscribe longer-standing discourses of national identity in both the German and British cases. First, we introduce the theory of securitisation on which the analysis is based; before we go on to examine how migration has been securitised in the German and the British cases respectively. Following Huysmans and Buonfino’s (2008) claim that there are different ways in which free movement is constructed as a security ‘threat’, we suggest that the diverging ways in which migration is securitised in each national context in part reflects the differing traditions of citizenship that serve as a broader frame for debates surrounding migration.
Analysing the securitisation of migration in Germany and Britain

Our analysis of the German and British traditions of citizenship has shown a complex story of national identity in which relations between citizens and migrants are variously constructed through ambiguous processes of inclusion and exclusion. Despite these complexities and ambiguities, however, we contend that national citizenship tends to be characterised by the exclusionary formation of relations between (some) citizens and (some) migrants or non-citizens. A central way in which this occurs is through the distinction of specific groups as ‘threatening’ national identity or ‘societal’ security (Wæver et al., 1993). This theory of securitisation is associated with the so-called Copenhagen School, and does not make objectivist claims as to whether or not particular groups or individuals serve as a security ‘threat’. Rather, analyses of securitisation consider how the representation of certain groups and individuals as ‘existential threats’ effectively justifies extraordinary or ‘emergency’ measures that otherwise would have not been considered legitimate (Buzan et al., 1998). Securitisation is thus associated with the ‘politics of the exception’, in which security invokes an exceptional form of politics that takes an issue outside the realm of ‘normal politics’, and in which dividing lines are drawn between those excluded as a ‘threat’ and those included as ‘normal’ (Huysmans 1995).

There have been significant and wide-ranging debates regarding the securitisation of migration and free movement over recent years, both in relation to the theorisation of securitisation and in relation to its empirical instantiation (see Bigo 2002, Bigo and Tsoukala 2006, Boswell 2007, 2008, Huysmans 2006). We do not have the space to engage with these debates in detail here, but rather we make one particular suggestion as to the way in which exclusionary processes of securitisation might be analysed in relation to the citizenship traditions outlined above. Specifically, we move beyond debates regarding the extent to which migration has been securitised in the post-9/11 context by considering the various ways in which certain types of free movement and certain groups are subject to processes of securitisation.

We contend that exclusionary discourses of migration have pervaded contemporary political debates across each national context, but that these have tended to take a different form with diverging emphases in Britain and Germany. Specifically, we suggest that exceptionalist processes of securitisation are more evident in the German case and that processes of securitisation associated with what Didier Bigo (2002) describes as a ‘politics of unease’ are more evident in the British case. On our reading, these different forms of securitisation are relatively consistent with the respective traditions of citizenship in each case.

If we accept that migration is securitised both in relation to debates surrounding the integration and cohesion of minorities as well as in relation to debates surrounding border control and national security, then there are various ways in which we can see the process of securitisation emerging across contemporary European states (Hampshire and Saggar 2006). This is clearly not to say that migration as a whole is securitised, but it is to say that certain forms of cross-border activities and certain groups of migrants (or groups that become re-defined as migrants or immigrants) form the focus of exclusionary processes of securitisation. For example, asylum seekers who cross borders without authorisation are often articulated as undermining values that are at the core of national identity and as undermining social and economic stability (Squire 2009). A particularly important example in a post-9/11 context is the articulation of ‘Muslim immigrants’ as ‘threatening’ the physical safety of citizens (see Hampshire and Saggar 2006). Both ‘nationals and non-nationals’ in this regard are conceived of as constituting a ‘... state of public emergency threatening the life of the nation’ (Clarke, HC 26.01.2005 C306). The terrorist attacks of 11 September 2001, along with those that followed, might thus be interpreted as dislocatory events that provoked an ambiguous yet decidedly exclusionary re-articulation of (im)migrant/citizen relations in the context of the ‘war on terror’ (see Laclau 1990).
In this context, it is important that we begin to consider the various ways in which processes of securitisation have emerged in the broad field of migration since the terrorist attacks on 11 September 2001. As we will see, political debates in Germany and Britain both entailed a strong emphasis on introducing ‘emergency’ measures designed to impose limitations on free movement, particularly in the early post-9/11 context. For example, the main policy focus in Germany aside from airline security was on limiting terrorist activities of non-citizens, on intensifying checks of visa applicants and on facilitating the deportation of non-citizens who reside in Germany. Similar concerns were evident in the British case, evident in an on-going focus on the deportation of non-citizens and on developments regarding the ‘visa waiver test’, which signal a direct reference to the criminal and terrorist risk of applicants involved (Home Office 2008). Nevertheless, it has been argued that the main policy device bringing together migration and security with reference to the ‘terrorist threat’ in Britain was the introduction of ID cards and the collection and administration of biometric data, at least until the July 2005 bombings and to some extent after (Huysmans and Buonfino 2008). While this focus was also present in the German debate, with then interior minister Otto Schily pushing for European passports containing biometric data on EU level, the more diffuse process of securitisation associated with debates surrounding identity cards has been particularly strong in the British case, while the German response to the ‘terrorist threat’ shows evidence of a more direct linkage between migration and terrorism. This, we suggest, may in part be indicative of the on-going resonance of divergent citizenship traditions.

**Securitisation: the German case**

In Germany, 9/11 happened at a time when the government cabinet was debating the proposal of the new immigration bill. This bill was to acknowledge and regulate immigration for the first time in post-war Germany, where previous waves of immigration had been conceptualised in terms of guest workers, asylum seekers and refugees. Yet, with the war on terror, the impetus of the new bill first found its counterpart in anti-terror legislation (see Kruse et al., 2003, pp. 132–133). The Law on Fighting Terrorism (Terrorismusbekämpfungsge setz, 9 January 2002) devoted six of its 24 articles directly to non-citizens, or *Ausländer* (‘foreigners’) generally speaking and asylum seekers more specifically. It also allowed for the closure of associations (Vereine) whose members are predominantly ‘foreigners’ if they can be linked to terrorist activity. This is indicative of a direct linkage between terrorism and migration in the German case.

While the immigration law itself still passed both Houses of Parliament in Spring 2002, it was later declared unconstitutional on formal grounds by Germany’s Constitutional Court – a split vote in the Upper House, where the Länder are represented, had been counted as a vote in favour of the bill by the President of the Bundesrat on the grounds that each Land had to vote unanimously. By the time the Constitutional Court declared this procedure unconstitutional the majority in the Bundesrat had shifted towards the centre-right. The federal government, still held by a red–green coalition with a slender margin, had to take the bill into lengthy negotiations in the conciliation committee between Bundestag and Bundesrat. In the closing months of finalising a revised text, the Madrid bombings on 11 March 2004 brought the notion of international terrorism closer to home. What followed was a watering-down of the immigration bill beyond the restrictions of the initial anti-terrorism law that set strict limits to the policy change originally envisaged. Compared to the original draft, the main changes lie in particular in much harsher conditions for the granting of a residence permit and the facilitation of expulsion, laid out in paragraphs 54–58, therefore downgrading an historic opening in immigration policy at least in part as a response to ‘international terrorism’. 
Accordingly, residency or naturalisation is only to be granted after a check with the Bundesverfassungsschutz (Office for the Protection of the Constitution), a procedure previously only followed by the generally more restrictive, CDU/CSU-governed Bayern and Baden-Württemberg. Ausländer can be expelled if they are seen as supporting terrorism or inciting hatred, and are expelled as a matter of course if there is evidence to suggest that they constitute a ‘threat’ to society (tatsächengestützte Gefahrenprognose). This provides the police with powers vis-à-vis non-citizens and allows the collection and transmission of data in ways that would be unacceptable for most Germans. In this context, ‘classic’ securitising moves in which migration was articulated as a clear ‘threat’ necessitating exceptional policies remained dominant, as opposed to securitising moves that invoke more diffuse risks.

Examples of ‘exceptionalist’ securitisations in which migration and terrorism are directly linked were numerous in this debate, particularly during the immediate aftermath of 9/11. Günther Beckstein, the Bavarian Minister of the Interior and one of the leading voices of the German Länder in the Bundesrat at the time, argued that Germany had been ‘residential, resting and preparation space for terrorists’ (Süddeutsche Zeitung 2001b, p. 41) and that after the attacks, ‘one can no longer discuss without further consideration (unbefangen) whether one allows people from Iraq, from the Arab world to come to us easier’ (Die Tageszeitung 2001, p. 6, Financial Times Deutschland 2001, p. 11). Similarly, CSU Secretary-General Thomas Goppel demanded changes to the immigration bill because one could not open Germany further after 9/11 (Associated Press 2001), and the leader of the CSU parliamentary group in the Bavarian parliament, Alois Glück, wanted an ‘open debate about the consequences in immigration policy’ and about the ‘risks linked to the trafficking of radical forces into our country’ (Süddeutsche Zeitung 2001a, p. 61). ‘More control and less immigration’ added Steiber, who argued, ‘for reasons of security and control, the absolute limit of unregulated immigration has been reached’ (Süddeutsche Zeitung 2001b, p. 41). Yet such rhetoric came not only from opposition CDU/CSU politicians. Coalition circles, too, believed that because of the Hamburg link, ‘further legal immigration of foreigners from non-EU states “would hardly be met with understanding from the people” ’ (Agence France Presse 2001).

Contributions to the relevant parliamentary debates show a similar articulation of the link between migration, ‘foreigners’ and terrorism. The Bundestag debated 9/11 first on the day after the events in New York when the tone of the discussion was set by shock and empathy for those who lost their lives and their families. During the days that followed, it became clear that some of the attackers had resided in Germany. A week later, on 19 September 2001, following a governmental declaration in Parliament on the terrorist attacks, nearly all speakers made a link between migration, terrorism and security. Differences were in degree, not in principle. In his declaration, Chancellor Schroeder himself first defended the proposed new immigration act, arguing that ‘terrorism will not make us question the values that we are defending against terrorism. Therefore terrorism should not and will not prevent us from going ahead with a modern immigration law geared towards the requirements of our national economy’ (BT 14/187, 18304B). Despite this, he went on to emphasize the contribution the new law would make to security: ‘for instance through the checks on applicants in the visa process already before entry to Germany in the German consulates’ (ibid., 18304C). In making this link between security and immigration, Schröder contributed to the framing of non-citizens as a security risk that needs to be curtailed, and thus played into the securitisation of migration articulated in the debate.

The majority of Christian Democrats and MPs from their Bavarian sister party were particularly forceful in pursuing securitisating moves. Then leader of the CDU/CSU parliamentary group, Friedrich Merz, argued that ‘the circumstances of 9/11’ had shown ‘how urgently we need an all-encompassing concept for the steering and restriction of immigration, which does also justice to the requirements of internal security and which above all enhances the integration
of foreigners living in Germany’ (BT 14/187, 18307A, emphasis added). While referring to integration, Merz therefore articulated immigration as a security threat required urgent measures to contain it. Similarly, the CDU’s speaker in the Bundestag’s Interior Committee, Wolfgang Bosbach, demanded that ‘for the defence against dangers and in favour of more security we also need to change a lot in our policy concerning foreigners and asylum’ (BT 14/187, 18334C). Again, he invoked an existential threat thereby justifying policies that would otherwise not be seen as legitimate.

While these quotes are taken from the days following 9/11, this mode of securitising remained at the centre of the debate to the extent that terrorism and migration have been directly linked in Germany, in particular after the Madrid bombings (see Diez 2006, pp. 17–18). This is not to say that there have not been critical voices or others who suggested alternatives. Yet these remained in the minority. Clearly, the restrictive moves regarding immigration after the initial plans for an immigration law cannot be solely attributed to 9/11, Madrid and security concerns. There is no doubt, for instance, that weaker economic performance in this period brought economic and societal securitisations back into the forefront, as they had been pre-9/11 (see Boswell 2007, p. 596). Yet the terms of the debate markedly shifted post-9/11, with migration articulated more in terms of a traditional security concern. Thus, we contend that the direct linkage of terrorism and migration provided a reference point to legitimise more restrictive immigration legislation, where references to economic and societal security were no longer sufficiently persuasive in the broader political discourse.

Securitisation: the British case

The first point that we need to make in the comparison of British and German debates surrounding migration since 9/11 is that the differences between the two cases should not be over-stated. As we suggest above, ‘exceptional’ processes of securitisation are also evident in the British case, particularly in the immediate post-9/11 period. In this respect, both cases follow a similar pattern, because terrorism and migration are explicitly linked both in legislative developments and also in parliamentary debates during periods of heightened unease. For example, in October 2001 the former Home Secretary, David Blunkett, introduced provisions to facilitate the detention and removal of foreign nationals. Claiming that ‘we rightly pride ourselves on a safe haven we provide to those genuinely fleeing terror’, he went on to stress that ‘our moral obligation does not extend to offering hospitality to terrorists’ (HC 15.10.2001 C924). As Christina Boswell (2007, 2008) shows, this direct linkage between terrorism, asylum and immigration is similarly reflected in the Anti-Terrorism, Crime and Security Act, which was introduced to Parliament in 2001 and which set out guidelines on deportation and detention. That these measures implied derogation from the European Convention on Human Rights is indicative of an ‘exceptionalist’ politics marked by ‘emergency’ measures. The direct linkage of migration and terrorism in a context marked by heightened concerns regarding the physical security of British citizens thus entailed a ‘politics of exception’ not dissimilar to that noted in the German case above.

Despite the direct linkage of migration and terrorism directly after 9/11, a detailed analysis suggests that a somewhat less straightforward process of securitisation is more central in the British case (see Boswell 2007). Indeed, examined more broadly, political discourse in Britain has largely been marked by the indirect association of migration with a range of ‘threats’, terrorism being just one of these that has come to the fore since 9/11 (Squire 2009). This is evident in a speech that the former Home Secretary, Charles Clarke, made to the European Parliament soon after the 7 July bombings in 2005, in which migration was posed alongside terrorism as a ‘threat’ to be addressed, rather than as its cause. Claiming that the EU needs to give
priority to the issues of ‘greatest concern’, Clarke went on to suggest that practical solutions need to be offered: ‘to serious and organised crime, including drug-dealing and people trafficking; to illegal immigration and false seeking of asylum; and to countering terrorism, whatever its origins’ (Privacy International 2005). This articulation of migration (particularly ‘illegal immigration’ and asylum seeking) as indirectly associated with terrorism, rather than directly or causally related to terrorism, is also evident in the de-linking of migration from terrorist legislation following the 7/7 attacks. In contrast to the 2001 legislation, the Terrorism Bill of 2005 notably did not have any migration-specific measures (Hampshire and Saggar 2006). This suggests that the British case has been characterised more by the incorporation of established processes of securitisation within an anti-terrorist agenda, rather than by the direct securitisation of migration as a result of a wider anti-terrorist agenda. On our reading, the separation of migration and anti-terrorist legislation may thus be better conceived of in terms of the intertwinement of less direct processes of securitisation with the direct linkage of migration and terrorism noted above. Rather than signalling an absence of securitisation post-9/11, this suggests that the securitisation of migration pre- and post-9/11 is less distinct in the UK than may be assumed (see Boswell 2007).8

We follow in this an alternative reading of securitisation that has been developed by Jef Huysmans and Alessandra Buonfino (2008). In their analysis of UK parliamentary debates, Huysmans and Buonfino detect relatively few direct securitising moves in the two Houses in Westminster, but they nevertheless show how the articulation of migration as a ‘threat’ remained a central dimension of the political agenda. They suggest that migration was securitised in a more diffuse and indirect way according to a ‘politics of risk’ in Britain, in contrast to the politics of exception that the analysis of parliamentary debates in the previous section suggests remains dominant in the German case. This diffuse process of securitisation is evident in a parliamentary statement made by the former Home Secretary, Charles Clarke, who indirectly associates ‘illegal immigration’ with a range of criminal and security ‘threats’ in his defence of identity cards:

The benefits to society include more effective crime fighting in a wide variety of ways; reducing serious and organised crime, people trafficking, money laundering and drug dealing; and reducing illegal immigration and benefit fraud. Some Hon. Members have been sceptical about the benefits of the card in dealing with terrorism, but I shall consider as an illustration the widely aired suggestion that ID cards did not stop the terrorist bombings in Madrid. In fact, ID cards helped the Spanish police identify who was responsible for the bombings … of course Spanish ID cards do not contain the biometrics that we are discussing, so they can be more easily forged than the kind that we are describing. Ours will be more successful (HC 28.05.2005 C1165).

In this statement Charles Clarke again indirectly associates ‘illegal immigration’ and terrorism with a range of ‘threats’, specifically through a discussion of biometric technologies and ID cards. This reflects what Huysmans and Buonfino claim to be a diffuse and largely technical process of securitisation associated with the ‘politics of unease’. Rather than constructing migration as a clearly identifiable security threat through its articulation in direct causal relation with terrorism, this association of migration with a range of risks has been developed in the British case in terms that indirectly legitimise the development of selectively restrictive border controls, restrictive asylum policies and deportation measures (Hampshire and Saggar 2006, Squire 2009). Such processes have also indirectly legitimised more general mechanisms of surveillance and control that are focused on the population at large (see Huysmans 2006, Boswell 2007). The debates prevalent in Britain case in this respect are thus more akin to the processes of securitisation described by analysts such as Didier Bigo (2002), who conceptualise securitisation in terms of diffuse, technical practices of constituting unease rather than on exceptional speech acts that link migration with terrorism (Bigo 2002).
Traditions of citizenship and the securitisation of migration

Our comparison of the securitisation of migration in the German and British cases is suggestive of two important points. First, our analysis suggests that migration has been securitised in both cases since the terrorist attacks in September 2001, and that there is no evidence to suggest that this process has significantly changed since 9/11. If a change has occurred, it relates to the target of securitisation, which has increasingly focused on the figure of the Muslim. This brings about a complex process, particularly in the British case where citizens have frequently formed the target of securitisation. Indeed, the complex citizenship tradition in the British case is one that is more obviously characterised by the exclusionary formation of relations between citizens and subjects, as well as between citizens and non-citizens or migrants. While both the British and the German debates surrounding migration and security have thus entailed a highly exclusionary dimension, this dimension has not emerged in an identical way in Germany and Britain.

This leads into the second point that emerges from our analysis. Specifically, we would suggest that the indirect securitisation of migration in British debates reflects the more complex and less overtly racialised tradition of citizenship in this case, while the more direct linkage of migration and terrorism that is evident in the German case reflects a longer-standing discursive articulation of migrants as ‘foreign others’. These distinctions should clearly not be overstated, but they do suggest that careful attention needs to be paid to the precise ways in which migration is securitised in the contemporary context, which might be conceived of as characterised by a proliferation of securitisations and by the intertwinenment of a ‘politics of exception’ and a ‘politics of unease’. The development of a ‘politics of unease’ is clearly of wider relevance beyond the British case, being evident at the European level in the development of processes of surveillance and control such as databases (see Balzacq 2007, Boswell 2007, Squire 2009).

What the analysis in this paper suggests, however, is that the conditions for the development of such an approach and the specificities of an intertwined processes of securitisation are in part conditioned by the specific citizenship tradition in question. A more overtly ‘inclusive’ approach to citizenship, in this regard, does not imply the absence of processes of securitisation that radically exclude certain groups of migrants or, indeed, citizens. Rather, it suggests that more complex and diffuse exclusionary processes that are associated with the politics of unease may be more likely to emerge in such a ‘liberal’ context.

Conclusion

The analysis in this paper has shown citizenship to be a relatively sedimented discourse that is both institutionally embedded and under continuous re-construction. This serves both as an opportunity and also as a challenge to the construction of a ‘post-national’ European citizenship. On the one hand, citizenship remains an on-going construction and thus allows for various contending practices or ‘acts’ of citizenship to challenge its exclusionary discursive formation (Isin and Nielsen 2008). Various mobile identifications might be understood in this regard as part of a wider process of re-constructing citizenship in ‘post-national’ terms (see Squire 2009).

On the other hand, citizenship remains discursively sedimented and institutionally embedded as part of a national frame of reference. This draws attention to the on-going resonance of exclusionary processes of identity-formation that inform debates and legislative developments in the broad areas of citizenship and migration. European citizenship, in this regard, cannot be conceived in any simple way as an inclusive post-national ideal that transcends the exclusionary dimensions of national citizenship. Instead, EU citizenship needs to be examined critically in relation to the more sedimented citizenship practices of various member states.

In this article, we have examined the shifting construction of citizenship in two member states: Germany and Britain. Our analysis has shown that there have been gradual changes in the
citizenship traditions in each of these two cases, which signals a closure of the gap between citizenship based on the principle of *jus sanguinis* and citizenship based on the principle of *jus soli*. Specifically, we have shown how ‘civic citizenship’ is racialised in the British case, and we have shown how ‘ethnic citizenship’ is becoming de-ethnicised in the German case. In this respect, one could say that citizenship in an integrating Europe is a complex and divergent construction that is marked both by differences and similarities. It is in relation to these differences and similarities in the German and British traditions of citizenship that we have analysed contemporary political discourse surrounding migration and security. Specifically, our analysis has suggested that the exclusionary formation of political community is evident in the securitisation of migration, but that the specific way in which securitisation has developed in Germany and Britain in part reflects the longer tradition of citizenship in each case. Specifically, we have suggested that the tendency to directly link migration and terrorism in the German case is indicative of a tradition of citizenship in which distinctions between citizens and non-citizens are explicitly ‘ethnicized’ despite the recent inclusion of *jus soli* provisions, while the indirect and diffuse process of securitisation that targets citizens and migrants in the British case is indicative of a complex citizenship tradition that is indirectly racialised and overtly ‘inclusive’.

Our analysis suggests that governmental processes of securitisation associated with what Didier Bigo calls the ‘politics of unease’ are not distinctive to Britain, but rather they emerge intertwined with processes of securitisation associated with the ‘politics of exception’ across Europe to a greater or lesser degree. While such processes are evident in both Germany and Britain, however, the dominance of the ‘politics of unease’ in the British case is a tendency that this paper can only begin to understand. If this process is indicative of a wider shift occurring across liberal democratic states, in what other contexts is the shift from exception to unease most marked? Is it those traditions that are marked as distinctly ‘liberal’ that, somewhat ironically, entail increasingly diffuse exclusionary processes of securitisation? What our analysis suggests is that the interrelation between national citizenship traditions and debates surrounding migration are indicative of the complexities of processes of securitisation and of the centrality of exclusionary politics at the heart of divergent liberal democratic citizenship traditions. That a European citizenship based on liberal values can function as a progressive alternative to national citizenship is, we would thus suggest, far from clear.

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Notes

1. The fact that Germany, since the end of the Cold War, has made it more difficult for people from German descent who want to settle in Germany to obtain German citizenship, which they had previously been entitled to, is an interesting complication of the understanding of the German nation, and indicates that some of its post-World War II development had to do with the specific political context of the time (see Klekowski von Koppenfels 2001). However, to draw conclusions from this about the changing nature of German citizenship, one would have to analyse the broader discourse about these Aussiedler and the extent to which their ‘Germaness’ has been disputed on cultural grounds (see, e.g., Darieva 2000).

2. It has been argued that this legislation is indicative of a ‘racist turn’ in the UK’s tradition of citizenship, with the 1971 Act effectively excluding British subjects from ‘New’ Commonwealth countries in Asia...
and Africa over those from ‘Old’ Commonwealth countries with largely white populations, such as Canada and Australia (see Hansen and King 2000, p. 399, Hampshire 2005).

3. This is somewhat unexpected for theorists of citizenship, since Britain is not known as a place of immigration in the sense one would normally expect of a state nationalised on this principle (such as the USA or Canada, for example).

4. For example, those with British Overseas Territories citizenship in the 2002 legislation.

5. This focus should not be taken as implying that the securitisation of free movement is specific to the post-9/11 context. There is a much longer history to this process, at least in the European context, which needs to be acknowledged (Huysmans 2006, Squire 2009, van Munster 2009). Indeed, while it is often assumed that the securitisation of migration has increased as a dimension of the ‘war on terror’, others have argued that this is not the case at all (Boswell 2007, 2008). Our analysis acknowledges that traditional securitisations of migration have not necessarily increased post-9/11. Rather, it works from the assumption that greater attention needs to be paid to the specific groups that have been subject to securitisation as well as the specific ways in which free movement has been securitised over recent years.

6. The exclusionary formation of political community should not be understood in terms of the drawing of clear lines between members and non-members (citizens and migrants), but rather it might be conceived of as driven by an imperative of closure that creates oppositional relations between certain groups of citizens and migrants (Squire 2009). We conceive the national formation of political community in contemporary Europe as characterised by such processes, whether or not lines are drawn in relatively clear-cut or visible terms.

7. This paragraph follows Diez (2006), where there is more detail on the German case.

8. The relative continuity of process of securitisation in which cross-border migrations are associated with various criminal and security ‘threats’ arguably renders the direct linkage of terrorism and cross-border migration as unnecessary, or as relatively effective in legitimising restriction even in its limited application.

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