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Foreigners' Policy, Differentiated Citizenship Rights, and Naturalisation

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Introduction[1]

One of the great achievements of the 19th century was the joining, arranging, and interconnecting of ideas and terms which originated in antiquity so as to constitute the image of the homogeneous and coherent territorial nation-state. The *natio*, which in the Roman Empire was used to denote those born outside civilisation (Greenfeld 1992: 3-12), mutated in modernity into a powerful identifying expression for the nascent territorial state. The notion of the nation is systematically joined to the notion of assimilation by implying that the homogeneity inherent in the expression of the nation must also pertain to the «making similar» (*assimi - lare* in Latin) of those people incorporated or soon to be incorporated into the nation. In keeping with the physiological vocabulary of the 19th century, which defined assimilation as the transformation of received nourishment into new bodily components and tissue, assimilation was now applied to the social setting directly affected by the newly created nation-states. Thus, assimilation became a stalwart metaphor connected to the perception of the nation as an organic entity, and was seen as a tool with which to limit the inherent danger posed by foreign customs and mentalities. For a large part of the 20th century, the nation-state identified these foreign elements, on the one hand, amongst immigrants as demonstrated by the Chicago School's concept of an assimilation hierarchy (Park and Burgess 1969 [1921], and, for Switzerland, Raymond-Duchosal 1929) and, on the other hand, within the minority peoples included in the nation-state and which, in modern terminology, are ethnically, religiously, linguistically, and/or culturally different.

The notion of assimilation was instrumental in relocating the concept of foreignness. However, it was the implementation of citizenship rights that actually gave birth to the category of «the foreigner». By legal definition, foreigners are persons who are citizens of a state other than that in which they currently

[1] Translated from German by Steven Parham (UK).

reside. It was by no means self-evident in the 19th century, the era of the realisation of Republican ideals, that all residents were to be granted citizenship rights and thus political rights. In many places the implementation of the principle of equality for all citizens induced the segregation of populations. Hence, it was debated whether individuals without a permanent place of residence or who had only recently settled, for example newly arrived craftsmen and merchants, were to be regarded as citizens or not. Furthermore, the question arose as to the status of «foreigners» who were employed abroad like, for example, Polish officers in the French army (Noiriel 1994: 14-66) or Germans employed at Swiss universities and within administrative bodies. It was by refusing to grant these groups citizenship rights that the concept of «the foreigner» was reinforced and, as a side effect, that state institutions were nationalised. In addition, uncertainty prevailed over whether to grant all those individuals who were successfully able to prove their right to citizenship immediate political rights. Many states decided to enforce what today is known as «differentiated citizenship rights», meaning the unequal treatment of citizens as defined by categories such as gender, culture, religion and social status. Full rights were, at least originally, withheld from women (Switzerland), African Americans (USA), Jews (Switzerland), ethnic minorities such as Native Americans or Aborigines in the USA or Australia, and socially disadvantaged and mentally handicapped individuals.

In addition to the identity configuration of the «nation» and the legal configuration of «citizenship», a third crucial concept accompanied the birth of the modern nation-state: xenophobia. This composite term, which was introduced by Anatole France in the late 19th century (Wicker 2001), was rooted in older normative expressions like race, nation and people, and came to incorporate the dynamic yet elusive reason for the defence against increased anomie in the context of the nation-state, exacerbated by the tendency of liberal states to renege on their promise of granting equality to all citizens. Xenophobia ranges from a latent phobia to violent racism and is directed more commonly against «immigrated foreignness» than «indigenous foreignness», well expressed in German-speaking areas by terms such as *Fremdenfeindlichkeit* (lit. hostility towards foreigners) and *Über - fremdung* (lit. supra-alienation). With the successful extension of citizenship rights, xenophobia gained greater importance throughout Europe by including in its articulation a liberal state dimension, to supplement the anthropological (Banton 1996) and socio-psychological (Tajfel 1981) dimensions. In particular, this pertains to the competition between locals and immigrants in regard to access to state services and jobs, accommodation, etc. The locals, who benefit from political rights and their concomitant proximity to the state – their state –, are able to petition the government for protection from immigrant foreigners. Such petitions, routed through the ballot box or represented by party political elections, are never entirely free of xenophobic or national elements.

Foreigners' policies

Policies towards foreigners can be divided into three spheres. The first sphere consists of national borders and the question of who should be permitted to enter and who should be prohibited from doing so. The second sphere consists of definitions pertaining to the right to residence, both temporary and permanent, and strategies of inclusion of immigrants in societal sub-systems (the job market, residency, welfare, health care and public education). The third sphere deals with naturalisation or, in other terms, the granting of citizenship rights to foreigners. It makes sense, from the point of view of social science, to examine each of these spheres separately despite their interconnectedness. This will help to

show that nation-states select their strategies towards immigrants in accordance with state policy priorities and historical developments, thereby emphasising one or the other of these three spheres. By the second half of the 19th century, the new nation-states had begun to circumscribe the image of the foreigner and to include immigration on the national agenda, thereby adding depth to notions of assimilation and alienation shortly after having sketched the outlines of «the nation-state». Thus, two dominant patterns emerged concerning state policies towards «the foreign», both of which are to be found in national migration policies to this day.

The first pattern represents the attempt to push the selection principle right up to the border itself wherever possible and to place it within the domain of *immigration control*. Whoever is able to penetrate the border will find himself or herself in a relatively open society in which citizenship is quite easily obtained. This pattern shapes immigration «conservatively» (selectively) and naturalisation «liberally» (non-selectively). It is obvious that this pattern corresponds closely to the way in which immigration policy was, and in part still is, implemented in old immigration countries such as the USA, Canada, Australia and New Zealand. The United States was the first country in the world to formulate immigration limits and introduce a quota system. Canada was the first nation to levy immigration taxes for certain groups of people (Daniels 1995). Selective immigration policy and the related notion of *economic citizenship* (see Pécoud in this volume) was compensated by a liberal naturalisation policy.

The second pattern is diametrically opposed to the first: immigration is «liberal» whereas naturalisation is «conservative». This pattern was adopted by most European countries and most obviously by Switzerland. Here, liberal means (1) that states were until the end of the 19th century more affected by emigration than immigration and hence awareness of immigration remained low; and (2) that it was neither politically nor administratively possible to control migration transcending the borders (Noiriel 1988: 71-124). Immigration policy in these states commenced with the attempt to issue identity papers to all foreigners in order to make them visible. This policy of identification was correlated with a policy of liberally granting citizenship so as to pursue the goal of enforcing assimilation through naturalisation. After the turn of the century and prior to the First World War this was reversed, and the idea of using naturalisation as a tool for assimilation was rejected by numerous states and replaced by disciplinary controls on temporary and permanent residence. Thus the aliens' police (*Ausländer*- or *Fremdenpolizei*) was brought into existence. Simultaneously, barriers to the granting of citizenship were erected in many places, thereby allowing naturalisation to take on conservative and nationalistic tendencies.

Both patterns were very much in evidence from the Second World War until the 1980s. The United States, Canada, and other supposedly open states employed selective immigration to facilitate access for qualified immigrants and bar access to those deemed lacking in resources. In Europe, however, many states retained the «liberal» model of immigration. The model of the *Gastarbeiter* in the post-War period is representative of this and shows that *Gastarbeiters* were a welcome unqualified workforce but not potential citizens. Despite the fact that neither of these models has ever existed in its pure form – the United States implemented a *Gastarbeiter* policy in its Mexican *bracero* programme, and European states did make overtures to well-endowed immigrants – a comparison of these ideal types shows fundamental structural differences which are made evident in the respective foreigners' policies of these two types. The most important contrast is the fact that selective immigration, because of its low threshold, leads to «the foreign» being given rights to citizenship, as is evinced by the commonly used term *foreign-born citizen* in these states. States with this model have the tendency to focus on questions of cultural difference

and cultural tolerance. Conversely, states in which immigration is «liberal» and naturalisation is «conservative» have the tendency to emphasise the presence of foreigners and to associate immigrants with the culturally foreign. It follows that questions of multiculturalism are placed outside rather than within society. The societal space allocated to foreigners is charged with liminal characteristics and regarded as a societal antechamber needing special control and specific pedagogical treatment. Thus it comes as no surprise that post-War Germany coined the term *Ausländerpädagogik* (foreigners' pedagogy).

Both of the aforementioned models, with their respective forms of foreigners' policies, have their origins in historical developments. Over the past few decades, however, the differences between them have dwindled because of changes in the migration environment, on the one hand, and renewed attention to the interests of the nation-state due to increased pressures stemming from globalisation, on the other hand. Contrary to the euphoric atmosphere of the 1990s and the belief that a new era had dawned in which post-national values were to hold sway over national interests and constitutional law by promoting hybrid identities and transnational forms of organisation and law (Soysal 1994; Basch, Glick-Schiller and Szanton-Blanc 1994), the reality of foreigners' policies has not undergone any real transformation. In fact, quite the opposite has occurred: the foreigners' policy model gaining ascendancy in Europe and North America is selective in regard to both immigration and naturalisation. Thus, states which had formerly used *immigration control* for selection are now in the process of diminishing the liberal content of naturalisation (e.g. the partial or complete abolishment of *ius soli* regulations), and states which had formerly conducted selection via the granting of citizenship are, at present, both increasing control over immigration and passing laws that give preferential treatment to qualified migrants, much to the detriment of unqualified labourers. The new model of foreigners' policy is «conservative» in regard to both immigration and naturalisation and therefore points to a process of re-nationalisation rather than the implementation of «post-national» values (Aleinikoff 2003).

Consequently, the societal space in which immigrants are transformed into foreigners, namely the sphere situated between admission and naturalisation, has been brought to the forefront. This leads us invariably to our next issue.

Differentiated citizenship rights

In recent years, much attention has been given by anthropologists and other social scientists to the differentiating of citizenship rights. New forms of legal relations have lately been created based upon the New Social Movements, replacing the attention given to the antagonism between social classes with an awareness of the importance of belonging to cultural, religious, racial, ethnic and gender categories. This has arisen from the realisation that the rights of the individual granted by the liberal state to its citizens are no longer sufficient to reduce social inequality and that further (collective) rights are required to ensure equality and diminish discrimination (Glazer 1995; Kymlicka 1997: 34-48). Collective rights are being demanded by such diverse groups as indigenous peoples, ethnic, cultural and religious minorities as well as women and homosexuals. Issues such as tolerance, discrimination and state sponsored anti-discrimination campaigns are closely related to the differentiation of these rights (Kälin 2000; Wicker 1998).

Of primary interest to us here is not so much the general debate over the advantages and disadvantages of these forms of legal configuration but rather the answer to the question of how this legal differentiation is extended to include

immigrants and «foreigners», a topic which has until now not been discussed in any depth. It follows that opinions in this matter are contradictory.

Primarily, there is the old demand for assimilation which to this day has lost none of its importance and has indeed witnessed a form of revival in recent years (Brubaker 2003), with the difference that today it is cloaked in terms of a demand for integration (Joopke and Morawska 2003; Entzinger 2003). Assimilation presumes that voluntarily migrating immigrants are to adapt to the «culture of the receiving country» and thus, crucially, cannot aspire to *self-determination* (Walzer 1982: 6-7, 10, 1983: 224; cf. also Glazer 1983: 149). It follows that there is a distinction between national minorities, who are in a position to demand differentiated rights, and immigrants, who are not. The crux of this argument lies in the transition from «foreigner» to «citizen». According to the above definition, foreigners are not able to make cultural demands. The area of affect associated with what the literature loosely describes as *multi - cultural citizenship* (Kymlicka 1997) is thus the affair of state citizens and is not automatically applied to foreigners living within the state's boundaries. In the well-known cases of the granting of these special rights – Sikh policemen wearing turbans in Britain, Canadian Inuit with specific land and hunting rights, *affirmative action* in the United States, equality measures in Switzerland – it is always a matter of granting them to citizens. Immigrants are not in a position to demand such rights as long as they are deemed to have foreigner status. Incorporation organised by the state and the exclusion accompanying this is fundamentally structuring, even if the boundary between citizens and foreigners is not necessarily visible in everyday life and even if social movements fighting for cultural rights make no distinction between citizens and foreigners. Thus, it is unwise for much scientific literature to correlate *migrant* and *minority claims* (Koopmans and Statham 2003) given the fact that minorities generally see themselves as citizens whereas migrants usually regard themselves as foreigners, even in cases where they belong to the same national or ethnic group.

The accentuation of the foreigner category now enables us to examine the differentiation of rights other than those described by *multicultural citizenship*. In particular, we are dealing with regulations which apply to migrants in general and specifically to foreigners who are on state territory, regardless of their reasons for being there and their degree of acceptance. It is necessary to criticise both researchers dealing with migration and those studying multicultural civil rights for almost entirely disregarding the specific differentiation of rights which took place in the 20th century not at the national (e.g. multicultural rights) or supranational (e.g. human rights) level, but rather at the sub-national level. And this, despite the fact that it is precisely these legal configurations which dominate immigrants' everyday lives and fundamentally structure their opportunities and constraints, including their identities and cultural affiliations. It is tempting to state that differentiated rights intended to beneficially aid citizens in gaining better access to resources are negatively reflected in differentiated rights restricting immigrants' access to resources. A glance at the ranking of Swiss categories for residence of foreigners, a system to be found in similar forms throughout the OECD states, suffices to make clear the structural effects of this ranking[2]. At the top are those with permanent residence who are, with the exception of political rights, endowed with the same rights as Swiss citizens. At the lowest level are illegal or illegalised immigrants, who in some way still enjoy human rights but not political rights, residency rights, the right to work or welfare rights, let alone equality or minority rights. Between these two poles are categories which contain ranked curtailments ranging from restrictions on intranational and international freedom of movement and choice of employment to, in some cases, access to state services such as education, health

[2] A: Seasonal worker permit; B: Annual residence permit; C: Settlement permit; F: Permit for temporary acceptance; G: Cross-border commuter permit; L: Short-term residence permit; N: Permit for asylum-seekers; S: Permit for people in need of protection.

care, and the social domain. These restrictions fundamentally affect the lives of those involved, though the full implications of this fact have not yet been researched. In particular, the significant insecurities in regard to their general way of life are massive, as are the difficulties associated with transcending this liminal space (see Neubauer, Kamm and Efionayi-Maeder in this volume) and shaking off the status of being merely tolerated (see Gehrig in this volume), thereby enabling the affected to develop a positive outlook.

When foreigners' policies are examined with an eye to the restrictive differentiation of rights, two paradoxes become immediately visible. First, the contradiction between demands for assimilation or integration and state exclusionary measures which affect the majority of foreigners groups. The more efficiently states incorporate the argumentative threads of inclusion and exclusion into separate institutions and consequently proceed to implement these normatively, administratively and practically, the clearer this contradiction becomes. The thickening brought about in liminal-like space through this contradictory pressure brings with it the subjection of immigrants to disciplinary mechanisms.

Second, it is precisely these exclusionary measures that lead to a particularly strong relationship between the affected and the (host) state. The reason for this contradiction is to be found in the fact that liberal states are able to restrict basic rights but nevertheless do not see themselves as being empowered to abrogate in their entirety the duties of the welfare state. Hence, the more immigrants are restricted in their personal freedom, the more dependent they become on the (host) state's welfare system. For example, due to a prohibition on seeking temporary employment, asylum seekers are reliant on the state to provide for them, including essentials such as soap and toothpaste. As scholars of constitutional law noted long ago, the use of basic rights creates distance from the state whereas the restriction of these rights diminishes this distance, sometimes even going as far as including individuals in «special legislation» characterised by (1) the limitation of physical residence for purposes of exclusion from core aspects of social life; (2) increased inclusion within the state's administration for purposes of disciplinary control and compensatory welfare; and (3) identity-generating integration into the controlling and providing institutions (Müller 2003: 134-164).

Obviously, foreigners' policies contain more than has been commonly assumed. It takes only a cursory glance at this subnational field created in the 20th century to show that the modern state is surprisingly creative in regard to dealing with the effects of «transnationalisation from below» (Smith and Guarnizo 1998). It is not, however, predominantly postmodern, multicultural, or post-national conditions which describe to this sensitive social field but rather negatively charged, restrictive legal differentiations. These are, at least from the point of view of social science, not merely paradoxical in nature, they also resurrect beliefs long thought to have become obsolete. It is the same state system which, over the course of recent decades, has made such an effort to advance the protection of minorities, attain gender equality, and fight racism and discrimination that has simultaneously been employing scenarios at a sub-national level depriving individuals of their rights by way of «special legislation» as evinced by asylum camps, expulsion prisons, and – as has been implemented in Australia and is either under discussion or being introduced in European nations – detention camps. Considering the two facets of this system we must ponder whether the backyard of the nation-state's foreigners' policy does not constitute an ideal breeding ground for ideas, ideologies, and legal constellations which, sooner or later, must invariably endanger the order of civil society and the constitutional state.

Naturalisation

Naturalisation, with its dual power to grant full citizenship rights to immigrants and facilitate their acceptance into national society, must be analysed in connection with the regulations of nation-states' immigration laws and interstate co-operation. This is to say that it will not suffice to reduce naturalisation modalities to principles of *ius soli* and *ius sanguinis*, as has been widely discussed following Brubaker's (1992) study of the French and German models of national citizenship. In their attempt to systematise orders of citizenship, Koopmanns and Statham (2000) have uncovered four separate models for Europe alone. The common characteristic here is the combination of elements of *ius soli* and *ius sanguinis* with the pre-eminence, at the one extreme, of the former (*civic republicanism*) and, at the other extreme, of the latter (*ethnic segrega - tionism*). As shown by Steiner in the conclusion of her contribution to this volume, Switzerland vacillated as to whether to integrate principles of *ius soli* into naturalisation legislation, finally deciding not to do so only in the 1920s (cf. Arlettaz and Burkart 1990; Kury 2003). On the other hand, Ossipow (1996) has located reasoning based on both *ius soli* and *ius sanguinis* in Swiss communities, as is shown by the easing of naturalisation regulations affecting second-generation immigrants. It is precisely these vacillation which are traits of nearly all modern naturalisation systems and which are nearly always complementary to «regular» naturalisation. *Ius soli* is but one of these regulations, even if it is the most prominent, and includes two principles: first, a reserved interest in immigrants themselves, who are often accused of lacking in loyalty to the host state and, second, an active interest in the descendants of immigrants and who are assumed to have assimilated and therefore be loyal to the host state. The question of whether immigrants' loyalties lie more with the host state or with their state of origin wends its ways through political discussions in nearly all immigration regimes. The assimilatory model, often in combination with naturalisation automatisms, sees states applying pressure to immigrants' loyalties; the ethnicist model, which is often associated with *ius sanguinis*, requires immigrants to prove their loyalty to the host state before naturalisation can even be considered. Because (at least) two national public bodies, the state of origin and the target state, are involved both in dissolving former loyalties and creating new ones, it is obvious that naturalisation entails an interactive relationship between at least two states: according to the original understanding of national citizenship, a person's naturalisation in one state results in that person's disassociation from their home state. However, it quickly became obvious that target states invariably had to sanction dual and multiple citizenship because often neither immigrants nor their home states zealously dissolved bonds of national citizenship and loyalty. It is here that must be sought the origin of the diaspora phenomena, so ubiquitous to modernity under conditions of increasing transnational mobility (Cohen 1997). The repatriation in the 1990s of Swiss settlers in Argentina and German settlers in the former Soviet Union would have been impossible without the recognition of long-term bonds to their respective nation-states. Likewise, without the vested interest the Turkish state has shown in emigrated citizens, the trick of evading the German prohibition of dual citizenship by revoking the Turkish citizenship of Turks living in Germany only to reinstate it after the grant of German citizenship would not be feasible. Hence, dual citizenship is created despite the fact that neither of these two states officially permits it.

However, as Studer's contribution on interstate marriage shows, nation-states are, under certain circumstances, willing to violate their own principles concerning loyalty. In effect, like other states, early 20th century Switzerland pursued the policy of automatically annulling the citizenship of women marrying foreigners

and instead granting automatic citizenship to foreign women with Swiss husbands. «Proximity to the state» was the criterion for judging whether an individual could be credited with «loyalty», an attribute expected, in the eyes of governments of the time, in men rather than women. Furthermore, the above example also shows that states were never fully autonomous in their citizenship policies, despite common perception. Switzerland was forced to undergo a change of system when France ceased to automatically grant citizenship to this group of women, thereby putting the Swiss government in danger of creating stateless women, a situation which, since the signing of the League of Nations agreements, would have been in violation of international law.

It is clear from these few examples that citizenship involves complex and thus contradictory constellations changing only slowly over time. It involves national as well as international inscriptions and promises intentionally homogenising identities as well as legal differentiations supporting particularism. Naturalisation is the field in which these contradictions are «purged», and hence represents that administrative and political procedure in which state *gatekeepers* adjudicate whether candidates fulfil the objective requirements and can satisfy subjective inquiries pertaining to them being made citizens and accepted members of national society. For these reasons it comes as no surprise that this intense symbolic field has been described earlier as a *rite de passage* (Centlivres-Demont and Ossipow 1990). It must, however, be noted that this ritual is only in evidence in Switzerland, due to the fact that only here are people involved at a communal level in decisions on the granting of citizenship; in other states the procedure is more centralised in nature. Because communal citizenship is the precondition in Switzerland for cantonal and state citizenship, the naturalisation process is conducted at the level of the communes and the decision for or against granting citizenship is decided either by the ballot box or by elected communal representatives. To use Toennies' (1991) terms, naturalisation here really is first acceptance into a «community» (*Gemeinschaft*) and only after that acceptance into a (state organised) «society» (*Gesellschaft*).

The three papers dealing with Swiss naturalisation contained in this volume discuss this problematic topic. Steiner analyses the tensions between the federal state and communes arising from naturalisation, noting that, not quite surprisingly, communes handle this topic more conservatively than the state. Arn and Fassnacht as well as Achermann and Gass take a closer look at how two communes, Zurich and Basle, handle the naturalisation procedure. The insights gained from these three papers can be summarised as follows (cf. also Steiner and Wicker 2004):

- Competencies in the area of naturalisation are slowly moving from the «community» to «society» despite assurances to the contrary by conservative political parties. Proof of this lies in the fact that a third of all cases of naturalisation are handled with simplified procedures, which means that the cantons and the state make the decision and not the commune. If *ius soli* regulations are indeed introduced after the next revision of citizenship laws, this percentage will probably increase. Furthermore, Arn and Fassnacht show that larger communes (Zurich in this case) are centralising the regular naturalisation procedure as well. The «subjective» judgements so common in the communal procedure are slowly yielding to «objective» judgements. Thus, from a normative and procedural point of view, Switzerland is approximating the centralised naturalisation model used in most OECD states.
- Assimilation paradigms are gaining ascendancy through the mechanism of the precise formulation of objective criteria for naturalisation. Procedural delays are increasing, particularly in cities which promote the professionalisation of naturalisation procedures. Based on the argument that they do not

satisfy the requirements for naturalisation, candidates are mired in education loops designed to increase their knowledge of Switzerland. The question of linguistic competence is increasingly emphasised in the catalogue of criteria pertaining to naturalisation. Thus, the naturalisation procedure is taking on pedagogic aspects which are, analogously, already of structural importance in the foreigners' policies representing the vanguard of naturalisation. Here, too, Switzerland is following a dominant trend set by OECD states (Joopke and Morawska 2003).

- Naturalisation procedures generally employ selection mechanisms similar to immigration policies. In the case of Switzerland, this is expressed by the naturalisation privileges normally given to EU and EFTA citizens, who are welcome in the Swiss labour market. The reason for the low number of naturalised individuals from these groups lies not in the fact that they are not welcome as potential citizens but rather in the fact that there is little interest on their part in gaining Swiss citizenship. Quite the opposite is true for naturalisation candidates from Turkey, the successor states of former Yugoslavia, and other non-EU and non-EFTA states. Their interest in gaining citizenship is generally high and is evident in the high number of naturalised individuals from this group (Piguet and Wanner 2000). That selective criteria are stringently applied to this group is apparent from the fact that only here are negative decisions and procedural cessations commonplace. This selective process is characterised by negative argumentation touching on questions of gender, nation and religion.

Contemporary discussions of migration policies indicate that questions of naturalisation should be of paramount importance. However, there are several reasons why this is not true and why the value of naturalisation is waning. Thus, it is possible to state that, to paraphrase Bourdieu (1993: 127-129), as the nation-state never really knows what it is doing, its actions have more meaning than its mind can realise. It follows that the efforts made to centralise the process of embedding naturalisation procedures into superordinate state institutions functioning in a climate of anonymity has two effects: on the one hand it distracts public attention from the procedure and, on the other hand, it preserves naturalisation candidates from those acts of humility invariably demanded of them by the still dominant political mythology of the «community» (*ibid.*). Naturalisation is also losing its importance because the opening of labour markets and the increase of intra-European transnational mobility has actually lowered the demand for citizenship in a state other than that of birth. A third reason lies in the fact that Switzerland, too, has successively been reducing requirements for naturalisation and adapting them to European standards. Simultaneously, conditions attached to the immigration of non-EU citizens have been made more restrictive. It seems that both Switzerland and the EU states are tending towards the model used in the old immigration countries: immigration is treated increasingly «selectively» while naturalisation is «liberalised».

Conclusion

The analysis of the many-layered field formed by foreigners' policies and allocated to immigrants within state territories in the form of social space effectively shows the formation of a new reality. The circumstances which lead to this innovation become evident, on the one hand, in increasingly restrictive conditions for the immigration of specific groups of people and, on the other hand, in the disciplinary (and thus restrictive), pedagogical (i.e. integrationary) measures initiated by the state to control this sub-national space. The new image of man created within and through this field is in strong contrast to the image of the modern *citizen* who is expected to be autonomous, mobile,

post-national and visible, and is responsible for claiming his or her rights. Sub-national individuals, especially those in the lower echelons of the foreigners' ranking, must by contrast accept living in a situation of state tolerance: they must accept restricted living conditions, agree to co-operate with the host state and practice humility when making demands, and adopt a behaviour of avoidance so as to make themselves as invisible as possible and thereby protect themselves from public exposure.

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Abstract

Foreigners' policy, differentiated citizenship rights, and naturalisation

The shift from multicultural and post-national perspectives to citizenship and migration issues compels scholars to analyse more deeply the impact of nation-states on immigrants and foreigners. Hence, the author addresses the special social field in which different kinds of foreigners live: residents, refugees, asylum seekers, undocumented migrants and others. He argues that this field consists of three separate yet interconnected spheres. The first is the sphere of entry where immigration control dominates; the second is the sphere of residence and settlement where immigrants become foreigners and live with restricted civil and political rights; and the third is the sphere of naturalisation where foreigners finally become citizens. Comparative historical analysis shows that two main patterns of migration policy exist. Old immigration countries emphasise selective measures in the sphere of immigration control rather than in the sphere of naturalisation, while for a long time European countries managed immigration in a more liberal way and, conversely, strengthened the selective nature of naturalisation practices. Over the last decades, both systems have developed a kind of negative «differentiated citizenship» aimed at controlling and disciplining those foreigners who live in the intermediary sphere.

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