

Transnational Participation And Citizenship: Immigrants in the European Union

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Abstract: This paper examines the transnational organisation of immigrants settled in different European countries. It analyses - based on empirical evidence – the multiple interactions between transnational networks, nation-states and supranational institutions and their role in the emergence of a European space.

It questions (1) the role of transnational participation in defining a transnational solidarity, (2) its role in defining a European identity and citizenship and (3) the relationship between transnationalism and the nation-states. I argue that transnational organisations do not lead to the erosion of the nation-state, but to a redefinition of its political structure and of the balance between nation and state, where the state is considered as the driving force behind the construction of global structures and the nation as a source for mobilisation.

Introduction

Debates and analysis on transnationalism like debates and analysis on the European Union and its political construction lead to the same one question : the relevance of the nation-state in a globalized world, its sovereignty and its identity. Indeed, nation-states defined as a political structure « invented » in the 18th century's Europe combining a territorial, cultural, linguistic, even to some extent, a religious unity¹ are challenged by new « global » structures, such as supranational institutions and transnational networks, leading to a political participation beyond the nation-state and therefore questioning the couple citizenship/nationality considered as the main access as well as the sign of membership and allegiance to the political community.

Many social scientists have developed concepts such as postnational to underline the limits and the difficulties of nation-states to face the changing political context. In developing the concept of postnational with regard to European citizenship, the French philosopher Jean-Marc Ferry suggests a membership beyond the nation-state². Another model is given by Habermas who develops the concept of « constitutional patriotism ». This model implies the separation between nationality and citizenship linked in the context of the nation-state, therefore a separation between feelings of membership carried by national citizenship and its juridical practice that is extended beyond the nation-state³. A citizenship beyond territorial boundaries led Rainer Bauböck to elaborate the concept of « transnational citizenship » that he sees as « the liberal democratic response to the question of how citizenship in territorially bounded polities can remain equal and inclusive in globalizing societies »⁴. On another level, considering this time the immigrant population in Europe, Yasemin Soysal uses the concept of « postnational membership » to define a citizenship which would be related to international norms defined mainly in terms of Human Rights applied to individuals, according to their residence, therefore different from a juridical citizenship limited to the nation-state⁵.

All these approaches express a normative view of citizenship, nourish discourses and stimulate research for a new model of citizenship. But the European project does not follow necessarily these views. According to art.8 of the treaty of Maastricht, the « citizenship of the Union » requires the national citizenship of one of the member states. Indeed « Is citizen of the Union anybody who has the nationality of one of the member states ». Thus the treaty maintains a link between citizenship and nationality like it is the case in nation-states. Obviously the European Union as a political construction cannot require the same conditions as nation-states : a coincidence between territorial, cultural, linguistic and political unity. Nevertheless, the EU seems to be, at least as far as the citizenship of the

¹ Ch.Tilly, *Nation-State Formation. Reflections on the History of European State Making*, Princeton University Press, 1974

² Jean-Marc Ferry, Pertinence du postnational, *Esprit*, novembre 1991, no:11, pp.80-94.

³ Citoyenneté européenne, in

⁴ R. Bauböck, *Transnational Citizenship*, Edward Elgar, 1994

⁵ Yasemin N. Soysal, *Limits of Citizenship. Migrants and Postnational Membership in Europe*. The University of Chicago Press, 1994, p.143.

Union is concerned, a projection of the nation-state model where citizenship and nationality is maintained linked. But at the same time the application (direct participation: vote) of citizenship brings an extraterritoriality. But again according to the same art.8, a citizen of the Union has the right of free circulation and the liberty to reside and work on the territory of a member-state and even the right to vote in local elections on the territory of a member-state of which he or she is not a citizen, but just resident. This article introduces *de facto* a new conception of citizenship, which is *extra-territorial*. Its application brings on the surface (makes obvious) multiple references as well as multiple allegiances of citizens, dissociating citizenship and nationality linked in a nation-state.

This multiplicity appears clearly in modes of political participation in Europe. In fact citizens of the Union as well as residents participate into the European Union's politics through transnational networks combining identity - be national, religious or both - and interest. These transnational networks - national, religious, financial, business and so on - in competition with each other cover the European space. Such participation contributes to the formation of an *European public space* which becomes *transnational*. A transnational public space would be therefore a space of multiple interactions between nation-states and supranational institutions and above a space where transnational networks would build bridges between national societies and the European space.

Obviously transnational networks represent a political participation beyond the nation-state with different levels and areas of citizenship rights and identifications. I argue that the emergence of transnational communities do not lead to the erosion of the nation-state, but to a redefinition of its political structure and of the balance between nation and state, where the state is considered as the driving force behind the construction of global structures and the nation as a resource for a democratic political action⁶. In fact transnational networks appear more and more as a crucial structure in order to negotiate the claimed and represented identity and interest ultimately with the state, while keeping the « idea of a nation » for mobilization. On the same logic, supranational institutions by encouraging such structures promote a transnational public space, reinforce paradoxically the role of the state in the political construction of Europe, and of the nation as a unit of identification.

I will focus my analysis on « immigrants »⁷ settled in different European countries and involved in building transnational networks at the European level, on their involvement in multiple interactions between such organizations, nation-states and supranational institutions. Based on the results of a research that I conducted on *Transnational Solidarities in Europe*⁸ I attempt to show empirically how

⁶ D.Lapeyronnie, « Nation, démocratie et identités en Europe » in R.Kastoryano (ed.), *Quelle identité pour l'Europe ? Le multiculturalisme à l'épreuve* ; Paris, Presses de Sciences Po, 1998.

⁷ The use of the word immigrant needs an explanatory note. What is meant by immigrant in this context is a population who came and settled in different European countries in the 1960s mainly for economic reasons, even in many cases they come from former colonies. Juridically, the term refers to a temporary status, which is not valid today. The use of the terms reflects rather a social reality showing the difficulty to admit these populations being a part of the social, cultural and political system.

⁸ This research was financed by the French Ministry of Research and conducted within the Centre d'Etudes et de Recherches Internationales (CERI) in Paris (1992-1994). The results have been published in *Revue Européenne des*

such structures raise the question of the link between participation, citizenship, nationality and identity - for legal citizens of the Union as well as for residents, and how nation-states remain the political framework for a transnational mobilization.

I - States and Immigrants

All European countries have become an immigration country even though ongoing official debates in Germany still reject this view : Some, for at least a century such as France, some more recently after the 1960s such as Germany and Great-Britain, some more recently like Spain and Italy. In most cases historical relations between home and host countries have designed the destination and the settlement of different populations from the South and East Mediterranean, from India and Pakistan or from Africa to different member states of Europe.

The relations between these states and their immigrants are also established by their national history, each of them expecting the new comers to respect the founding principles of the nation. The specificity of each nation-state with regard to immigrants, has given rise to sociological and political analysis in terms of « models », opposing in a dichotomic way France and Germany on their understanding of citizenship and nationhood ; according to which France is represented as the ideal example of a nation-state which sees itself as universalistic and egalitarian. The so-called "French model," implies the assimilation of individuals who have become citizens by choice. The French model is equally opposed to the so-called "German model" - the French elective and political conception of the nation vs. primarily ethnic and cultural Germanic preference for common ancestors⁹. The British view on the other hand called in France the « anglo saxon » model (the USA belonging to this model) is considered as a model that recognizes ethnic or religious communities in the public sphere. Such an understanding of the political arena is also opposed to the republican individualism that characterizes the French Republic at least in its representation.

Realities however are quite different from these « models ». One can detect a real convergence between the three countries mentioned. But the so-called « models » constitute with no doubts a rhetoric to vindicate the past and justify to some extent political choices of the state. In this perspective « from immigrants to citizens » would be the motto in France¹⁰, and « from guests to foreigners » or even to « foreign cocitizens » in Germany. The distinction underlines the understanding of integration in each national context : a political integration into the nation through citizenship in France, a social integration into the civil society while excluded from the understanding of the nation in Germany. In Great Britain, the word Blacks is used by militant activists to underline the racial character of otherness. "Blackness" as a stigma of Otherness has become a reaction to the British discourse on immigration

Migrations Internationales, (special issue on « Mobilisation ethniques : Du national au transnational », vol.10, no.1, 1994. I thank more specifically C. Neveu and M. Diop for having participated actively to the field work as well as to final analysis.

⁹ R.Brubaker, *Citizenship and Nationhood in France and Germany* ; Cambridge, Ma, Harvard University Press 1992

¹⁰ Inspired from the title of J.Costa-Lascoux, *De l'immigré au citoyen* ; Paris, la Documentation Française 1992.

that has retained the use of "race" terminology, ie has not consistently or even officially replaced overt racial references with "ethnic" ditto, as is the case in most other Western countries¹¹.

Not only national particularities emerge in official rhetoric's, but they are also used by activists as the expression of a collective identity for immigrants on which they base their political claims. Indeed claims are expressed in reaction to the national identity as well as to public policies in behalf of immigration or integration, leading the immigrants to define a core identity around which a community can be constructed in order to negotiate its recognition with the state¹². In France for example, the republican rhetoric on citizenship and a defensive discourse on secularism « laïcité » have pushed immigrants to claim the recognition of a religious community within state legitimacy. In Germany on the other hand, the ethnic understanding of the nation clusters foreigners in an ethnic community, or even an ethnic minority based on a common « foreign » nationality. This process is quite obvious with Turks who claim the recognition of dual citizenship, where citizenship is expressed in terms of rights and nationality in terms of an ethnic identity¹³.

But on the European level discourses try to demarcate national particularities in reaction to other national and political contexts. Leaders of voluntary associations in France, reject in their discourse, any policy with regard to « ethnicity », a concept which, in their view, is relevant for the British context but not in the French one. They express this way their attachment to French rhetoric according to which policies towards immigrants are to prevent a social exclusion from the larger society and not to recognize a cultural specificity. Black identity developed in Great-Britain, and ethnic identity expressed in terms of nationality in Germany have become a way for activists to fight against racism and discrimination and for equality of rights in Europe. Therefore collective actions in these countries stem from the fight against any kind of exclusion be social, cultural or political.

But at the same time, « immigrants », « foreigners » or « Blacks », they all converge in their political strategies and participation in different countries. Either states define themselves as republican and assimilationist like France, or exclusiviste in terms of citizenship like Germany or they promote the formation of ethnic communities in the public sphere like Great-Britain, in many European countries immigrants develop strategies based on a collective representation of cultural, national or religious identities. Even though the choice of an identity to be recognized is a result of their interaction with states, their public expression is perceived in the same way as a challenge to a unitarian nation-state.

In reaction, states' policies towards immigrants converge as well. Indeed European countries try to answer identical questions : how to reconcile differences that rise in the society and roil its politics, all the while maintaining and affirming the nation's integrity. They rely upon democracy and liberalism to develop special programs for groups excluded from the process of assimilation. They all aim, this way,

¹¹ U.Hedetoft, in our *Correspondance*

¹² cf. R.Kastoryano, *La France, l'Allemagne et leurs immigrés. Négocier l'identité* ; Paris, A.Colin 1997

¹³ R.Kastoryano, *op.cit.* 1997

to reduce social inequalities while keeping in mind that this social inequality refers at the same time to cultural differences.

These parallel convergence meet in the European Union, considered as a new political space. Its emergence is linked to multiple and complex interactions between states and collective identities expressed by immigrants, or any kind of interest group who try to imprint their independence towards the state. They develop strategies beyond nation-states by expressing their solidarity through transnational networks be based on a common identity or interest, often both. Even though immigration and integration policies are exclusively matters of states, immigrants rely upon Europe as a new political space open to all kind of claims and representation because of its uncertain or « soft » identity in opposition to nation-states' identity that can be qualified as « hard » considering the work of history. Europe has become therefore an arena of political participation and representation. As one activist has pointed out : « We have to get new habits, we have to address to supranational institutions, try to built a structure that will be represented at Strasbourg (the Parliament) in Brussels (in the Commission) ». At the time of the signature of the Treaty of Maastricht, (when the European Community had 12 member states) activists involved in transnational networks referred to themselves as the 13th population or the 13th state or again as the 13th nation to underline the emergence of a « transnational community » on a European level.

II- Transnational solidarity and identity

Transnational communities are one of the consequences of an increasing mobility of immigrants between their home and host countries. It has become a way to express political and economic participation in both spaces. Studies on the emergence of such communities emphasize the post colonial immigration and the individual, commercial, institutional (political, cultural and social) relations that immigrants entertain in the two countries. Operating on two countries gives rise to new practices and symbols¹⁴. In most of the cases transnational communities are built on common geographical, cultural and political references, hence its relative homogeneity as well as the intensity of intra-communal relations and the efficiency in their action.

In the context of the European union, a transnational community transcends member states' boundaries. Some of the transnational networks come from local initiatives, some from the country of origin, some are encouraged by supranational institutions more precisely by the European Parliament. The

¹⁴cf. Basch L., Schiller N.G., Blanc C.S., *Nations Unbound. Transnational Projects, Postcolonial Predicaments and Deterritorialized Nation-States.* ; Gordon Breach Publishers 1997 (4^{ème} édition)
Cohen R., *Global Diasporas. An Introduction*, University of Washington Press, Seattle 1997 ; Gupta A., Ferguson J., (eds.) *Culture, Power, Place*. Durham, Duke University Press, 1997 ; Hannertz U., *Transnational Connections. Culture, People, Places*. London, Routledge 1996 ; A. Portes, « Transnational Communities : Their Emergence and Significance in the Contemporary World System », in R.P.Korzeniewicz and W.C.Smith (eds.) *Latin America in the World Economy* ; Greenwood Press ; P. Levitt, « Local-level Global religion : The Case of U.S.-Dominican Migration », in *Journal for the Scientific Study of Religion*, 1998, (37)1, pp. 74-89 ; « Transnationalizing Community Development : The Case of Migration Between Boston and the Dominican Republic » in *Nonprofit and Voluntary sector Quarterly*, vol.26, no.4, December 1997, pp. 509-526.

intervention of supranational institutions in its construction situates such an organization on the same level of lobbies or any interest group acting at the European level, and defining their action as transnational.¹⁵

Such a community is far from being homogeneous. Immigrants from some geographic and national areas are more involved in building transnational networks than others. One of the reasons is the colonial past that limits the action of immigrants populations to two countries, in the way they have designed their trajectory. For example Algerians are less involved in European transnational networks. Because of the colonial past, their main reference remains France. On the contrary Turks for example who have never been colonized even if they had privileged economic and political relations with Germany are spread throughout European countries and therefore better armed to build a transnational network crossing the boundaries of many member states and define a common identity based on their nationality despite all the divisions within such a membership.

But what was meant by a 13th nation (today it would be the 16th), was a representation of « all immigrants » settled in Europe since the 1960s. Theoretically such a structure aims at a representation beyond their relations with the state of residence as well as the state of origin. The only way to extract immigrants from their home country and host country is to build a network on a common interest defined at the European level formulated in terms of equality of rights. But voluntary associations participating in the network express all different interest developed and formulated in reaction to states' policies on immigration and on integration. They also express different identities that they would like to be recognized by supranational institutions. Some emphasize a common nationality (Germany), some a common religion (France), some base their argument on colour as a core element of discrimination to overcome like it is the case in Great-Britain.

The European supranational institutions guided by the logic of regulation and political and juridical harmonization which they impose to nation-states encourage also such a global structure and move forward to define a common platform to the network. That is how in 1986 *The Forum of Migrants* was created. The European Parliament has put at the disposal of immigrants' voluntary associations resources in order to help them to coordinate their activities in this sense. According to the person in charge with issues related to immigration in the Commission, this structure owes its existence to financial policy of the European Parliament. Even so, the *Forum* aims at becoming « a place where immigrants from non-European countries can express their claims, but also a place through which European institutions can diffuse information concerning them ». But according to the president of the Forum (related to the Commission in Brussels) « the objective is to obtain for non-European citizens settled in member states, the same rights and opportunities than the 'autochtone' citizens of the Union, and compensate a democratic deficit ». The explicit goal is to fight against racism with a common jurisdiction in different European countries.

¹⁵ Cf. Smith J., Chatfield C., Pagnucco R., (eds.) *Transnational Social Movements and Global Politics. Solidarity Beyond the State*. Syracuse University Press, 1997.

The criteria for voluntary associations to be a part of the *Forum* is defined by the European Parliament : Voluntary associations have to be supported by the welfare state of each member state therefore to be recognized as legitimate by the state ; to prove their capacity of organization (local and/or national) and mobilization of human and material resources ; to define their activities as universal (based on universal values such as equality and the respect for Human Rights) ; and to represent populations coming from non-European countries.

The last condition however is a source of ambiguity. It stems from the designation of « immigrants » and their legal status in the country of residence as well as in the European Union. Who are they ? North African in France ? Most of them have French citizenship. West Indians in Great Britain are British. This criteria fits to Turks in Germany and to Africans. What about immigrants from Italy, Portugal, Spain and Greece who are citizens of a member state, not necessarily of the state of residence, nevertheless citizens of the Union, but concerned with racism and immigration.

In reality the main criteria appears to be identity. Identity of origin, or « identity of circumstance » as Jean Leca points out¹⁶, but in any case identities constructed and defined in relation or in reaction to each state constitute the nodes of the chain. This aspect is confirmed by associations that develop cultural exchange program with their counterpart at the European level. But the declared goal of supranational institutions forces them to dissimulate identities in their claim for recognition as non-Europeans. Just as nation-states do.

Here comes the paradox of supranationality. On the one hand supranational institutions challenge nation-states : By creating the *Forum*, the European parliament marks its autonomy towards national institutions, and induce immigrants to situate themselves beyond nation-states. But on the other hand, defining the same criteria then welfare states of national institutions, the European Parliament is projecting the representation of collective identities that are questionable on a national level onto a European level. Behind the criteria of nationality which is considered to be a juridical one, therefore objective, voluntary associations who are part of the Forum express a « nationality of origin », or a religion (mainly Islam) related to it, or colour. It is not then a matter of nationality but of ethnicity, defined as a subjective feeling of belonging and to some extent of membership¹⁷.

Thus European space seems to be rather the projection of the nation-state on a transnational scale. Already on a national level, fights against racism in each country are undertaken by people facing social problems because of their « origin », introducing this way the identity and nationality as incentive for mobilization.

¹⁶ J.Leca, « Après Maastricht, sur la prétendu résurgence du nationalisme » in *Témoins*, vol, no :1, pp.29-39

¹⁷ cf. M.Weber in *Economy and Society*, vol.1, University of California Press, p.395

III-Identity of Citizenship

Transnational networks have introduced a new mode of participation on a national level as well as on European level. Non European nationals, nevertheless residents, assert their autonomy toward nation-states territorially defined. Moreover mobilization for equality of rights on which transnational participation is based initiates activists to a « European citizenship ». In this perspective, citizenship derives principally from political participation to public life. It is expressed by the engagement of individuals in politics and their direct or indirect participation in the public good¹⁸. In Germany for example, the lack of legal and political citizenship does not prevent foreigners to take part in the political life. Their participation is rather indirect. They develop strategies of compensation by way of influencing the public opinion on their interest. The expression of their membership and their engagement implies a civil citizenship in contrast to a civic citizenship like for the young generation of North Africans origin born and socialized in France, therefore legally citizens, who participate directly in the political community by voting¹⁹.

The increasing political participation of immigrants through voluntary associations contributed to the formation of an « identity of citizen » in the country of residence. This identity shaped in relation with national institutions which creates an identification with the political community through a collective action. On the European level, « the identity of citizen » is shaped in relation with supranational institutions which contribute to make of Europe the public good and generating a new political identification for individuals involved in transnational mobilization. Such a participation can be considered as a second stage of a political socialization for immigrants and the European space, a public space where they exercise citizenship beyond national boundaries and beyond political territories of the state. In this perspective, immigrants, legal citizens of a member state or not, act together in this new space, making of it a common space of a political socialization and of use of power. Such a participation becomes a way to assert their « political acculturation » on a national level as a « passage obligé » for a political engagement on the European level.

This comes from the very nature of Europe, where the logic of supranationality has created a European, *transnational civil society* where various networks (communal, national, regional, religious as well as professional) compete and interact with each other bringing on the European surface all the fragmentation of democratic societies²⁰. The politization of each network gives rise to a transnational public space, a communicational space²¹, a space of political participation as well as a space of identification ; in short a space of citizenship. Supranational European institutions play obviously an important role in the formation of a "transnational public space", since they encourage not only the

¹⁸ cf. J.Leca, Individualisme et citoyenneté, in P.Birnbaum et J.Leca (eds.), *Sur l'individualisme* ; Paris, Presses de la FNSP, 1986, pp.159-213

¹⁹ R.Kastoryano, *op.cit.* 1997.

²⁰ Cf. Michael Walzer, « The Civil Society Argument » in C.Mouffe (ed.) *Dimensions of Radical Democracy*, London, Verso, pp.89-103.

²¹ J.Habermas

structuration of transnational networks but also their politization by situating them towards both states and the European Union since a public space would be then a space where claims for political recognition get a legitimacy.

The process affects the expression of membership of activists involved in a transnational participation : « We are Europeans, we are a part of the European landscape ». By « landscape » is meant the spider's web of solidarity networks that covers today the 15 member states, a space of a political participation and of citizenship beyond the state, but at the same time paradoxically a political space in interaction with the state. In fact the presence of a transnational community defined by a common fight against racism in this web confer the non-citizens of the Union the « right » to participate in the formation of a political Europe.

The elaboration of a transnational network leads also to an identification with the European society of non-Europeans, residing in a member state. Citizenship implies, in the view of the activists involved in building such a network, a part of responsibility in the construction of a new « community of faith » that is supposed to represent the European Union and is expressed by the « will to live together »²². Just as it was at the formation of a national political community, this implies the expression of their « will to live together » on a de facto multicultural (including residents with legal status) and a democratic space²³.

Such a participation and a political identification leads to a confusion in the definition of a legal status with regard to the couple citizenship / nationality. For immigrants with non-European background European citizenship underlines the complexity of the reality and brings a paradox in the analysis. By stimulating their involvement in the « common good » that represents the European Union for them, supranational institutions extract immigrants from their « primordial ties » by taking them away from any direct political action towards their home country and bring them into a common identification defined by a common interest that is European. But paradoxically enough European citizenship as a more global concept of membership than nation-states introduces the allegiance of immigrants to their home country into the process of bargaining in the same way they express their allegiance to their state of residence and to the transnational community in which they are involved.

Discourses on Europe are intensifying, often contradicting each other. The polysemy shows the disruption of nation-state model but at the same time the difficulty to replace it, even though the model is not conform to European reality. But a postnational approach is as far from reality as the nation-state. The European Union is being build on supranational institutions which conception and functioning is opposed to a postnational vision of citizenship. The latter aims at a recognition of the cultural diversity and stands against a nationalistic view of the state, although the supranationality comes out as a

²² Inspired by the famous sentence of E. Renan in « Qu'est-ce qu'une nation ? »

²³ R. Kastoryano (ed.) *Quelle identité pour l'Europe ? Le multiculturalisme à l'épreuve* ; Paris Presses de Sciences-po. 1998

projection of the nation-state, by introducing the same principles of nation-states in the political construction of Europe.

IV- « Bringing the State back in »²⁴

Transnationality represents another paradox. The consolidation of a transnational solidarity generally aims to influence the state from outside. Even if they contribute to the formation of « external communities », out of their relationship with states, transnational networks are imposed to the states as indispensable structures for negotiation of collective identities and interest ultimately with the national public authorities which define the limits of their legitimacy. Clearly, the objective of transnational networks is to reinforce their representation at the European level, but its practical goal is its recognition at the national level. Shall we add that the activists, even the most active ones at the European level, see ultimately the states as their only « adversary »? Besides, the states' predominance can be felt in the difficulties that voluntary associations have in coordinating their actions and their claims when they spring from their own initiative, without the intervention of supranational institutions.

In other words, the ultimate goal is to reach a political representation that can only be defined at the national level. Rights and interests for non-Europeans - such as protection of their rights as resident, the housing and employment policy, family reunification and mobilization against expulsion, in short policies that touch, directly or indirectly the domain of identity - can only be claimed from the state. But from now on all claims at a national level imply a parallel pressure at the European level, and conversely, all claims on the European level aim to have an impact on decisions taken on the national level within each of the member states. As the leader of the Associations of African Workers in France puts it : « For us, immigrants from the third world, we must act in such a way as to be in an effective position to get organized and protect ourselves, to carry our claims high; since the bulk of our recommendations which are backed up by the EEC and often favourable to us are not always seen in the best of light by the member countries ... Let us act in such a way that what is positive at the European level be echoed in the country of residence».

Thus a united Europe introduces a « normative supranationalism »²⁵ outdoing the nation states' framework, and even imposed upon the states. In cases of expulsion, for example, the foreigner can oppose national decisions by invoking the right to respect for family life (article. 8, para. 1), once the internal modes of appeal have been exhausted. Even though human rights remain the exclusive power of States, the latter are forced to accept the new legal norms produced by European institutions, as much as the European Convention for Human Rights authorizes the European citizen (legally defined) to address directly the Council of Europe, and a foreigner (who does not hold the nationality of a member country of the Union) to appeal to the European Court for Human Rights.

²⁴ en reference to P.B.Evans, D.Rueschemeyer & T.Skocpol (eds.), *Bringing the State Back In*; Cambridge University Press, 1985;

²⁵ B.de Witte, "The European Community and its Minorities", in Brölmann et al. (eds.), *Peoples and Minorities in International Law*, Kluwer Academic Publishers, Pays Bas 1993; pp.167-185.

On the other hand, « solidarity rights », referring to the freedom of collective action in the community framework and asserting that « it is only within the community that the full blossoming of the individual personality becomes possible », could lead back to 'minority' rights in the case of populations born of immigration. According to the Human Rights Convention, « the word minority refers to a group inferior in number to the rest of the population and whose members share in their will to hold on to their culture, traditions, religion or language »²⁶.

This concept, laden with ideology, provokes varying reactions from one country to another. In France, whether regional or religious identities are concerned, or else collective identities evident with populations born of immigration, the term is being rejected. In Germany, it refers to German minorities only, settled outside German territory. In any case, Turkish nationals in particular draw inspiration from the official usage of the term when they demonstrate the will to structure a Turkish or Kurdish national community in Germany. The rearranging of their associations in this sense drives the Federal Republic to react in similar terms. Each country develops arguments dictated by what it considers to go against its national integrity.

The « theory of cascade »²⁷ with regard to transnationality linking the local to global appears in the European context as the result of increasing interaction between nation-states and supranational institutions in the definition of general norms and values, while keeping a national particularity for each state all the more so when dealing with policies with regard to immigration, integration and access to citizenship. Supranationality raises tension between European institutions - intergovernmental relations and nation-states when it is a matter of asylum policy, immigration and/or integration policy, tensions between a tendency of unifying a European political arena and states' sovereignty.

The European Union stands for the idea of open-minded conciliation, for an alternative conception of universality than that of the nation states which come to be as particular. According to those who fight on behalf of immigration, the idea of universality suitable for Europe would be to conceive of an arena in which foreigners residents in Europe, and even citizens who are perceived to be foreigners (by virtue of the nationality of origins seen as an ethnic marker, or by virtue of color or religion) would be inscribed within a plurality of cultures for the same reason as those referring to traditional national identities. To imagine a « transnational community » born of immigration would give support to nationalist sentiments voiced by the member states facing immigration on the one hand and the building of Europe on the other hand. But at the same time, the irrationality of national sentiments amounting to no more than ethnic belonging stands opposed to the rationality of the European institutions which, anxious with harmonization, define legal norms in such areas as Human Rights and the right of minorities in particular, areas that concern the « internal foreigners ».

²⁶ Art.29 para.1 of the declaration

²⁷ cf.A.Appadurai, *Modernity at Large*, Minnesota University Press 1994.

Building a « transnational community » of immigrants in Europe is a sign of the Europeanization of a political action, but not the Europeanization of claims. Claim for recognition and equality remain attached to the state as a practical frame for mobilization and negotiation and a legal as well as an institutional frame for recognition. Of course, an organization which transcends national borders such as a transnational community, brings to the fore the principle of multiple identifications deriving from the logic of a political Europe.

It is precisely this aspect of multiple identification and allegiances that provokes passionate debates along the construction of Europe, for it disrupts the relations between citizenship and nationality, states and nations, culture and politics, as well as the relations between a political community and the territorial nature of participation. It signals therefore the non relevance of the nation-states and its unitarian ideology facing identity claims being expressed within and without national borders.

But the non-relevance of the nation-state in a political Europe does not necessarily imply the erosion of the nation-state. The construction of a political Europe following the model of nation-state building raises the question of the gap between « a model » and its application to another political and cultural context. On the other hand, empirical evidences show that states remain the "driving force" of the European Union. Even though they are submitted to supranational norms, states keep their autonomy in internal decisions, and in international relations they are the main actors of negotiations. As far as the nation is concerned its relevance stems from the fact that it remains the emotional unit for identification, mobilization and resistance. The nation is at the basis of any transnational enterprise. Therefore the permanence of the nation-state as a model for a political unit in the construction of Europe rely very much on its capacity "to negotiate" within and without, that is its capacity to adopt structural and institutional changes to the new reality.