

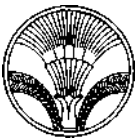
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Nation and Empire: Hierarchies of Citizenship in the New Global Order

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Citizenship in nation-states has always contained tensions between inclusion and exclusion, between the citizen and the national, between the active and the passive citizen and between the citizen as political sovereign and the warrior-citizen. These tensions have been transformed and sharpened by globalization and the emergence of a global order based on the hegemony of a single superpower. For the first time in history, most states have the institutional structures of democratic nation-states, and the majority of the world's people are defined as citizens. This article argues that this formal equality masks a new global hierarchy of nation-states and of citizenships. These hierarchies apply with regard to international law, trade, the control of weapons of mass destruction and global governance. As a result patterns of differentiated citizenship within nation-states are now overlaid by patterns of global inequality.

International Politics (2005) 42, 203-224. doi:10.1057/palgrave.ip.8800107

Keywords: citizenship; nation-state; global order; migration; racism; North-South inequality

Introduction

In our book *Citizenship and Migration* (Castles and Davidson, 2000), Alastair Davidson and I argued that the nation-state and citizenship were becoming global norms. For the first time in history, the great majority of the world's people lived in countries with the constitutional forms and institutional structures of democratic nation-states. This also meant that most people in the world were legally defined as citizens — rather than as subjects of monarchs or dictators. Of course many of these nation-states were democracies in name only. Nonetheless, the rapid proliferation of the nation-state model was a significant development both for national politics and international relations. We went on to examine the serious challenges to nation-state citizenship posed by globalization and international population mobility.

However, more recent trends make it necessary to take the analysis further. Following the end of the Cold War, the East-West divide with its two superpowers has been replaced by a division between North and South, in

which both are dominated by a single superpower: the USA. Some analysts suggest that we are entering an epoch of a 'new empire', analogous to ancient Rome or the British Empire. However, the situation seems more complex. The North-South division is far from absolute, with areas of social exclusion in the North and of prosperity in the South. Nor is domination by the superpower absolute. The emerging global order is new in character. I suggest that this order can usefully be characterized as *the hierarchical nation-state system*. Furthermore, I argue that the varying power of states at the different levels leads to a similar hierarchy of rights and freedom of their peoples, which I refer to as *hierarchical citizenship*.

This article starts by looking at some of the inherent contradictions of nation-state citizenship and how these contradictions have been sharpened by globalization and international migration. Some responses to these challenges are discussed, such as changes in citizenship rules and the rise of multiculturalism. The article then examines the hierarchical nation-state system and hierarchical citizenship, and looks at some of the contradictions in current discourses on global governance, again focusing on international migration as a key site of differentiation. Finally, I discuss perspectives for countering hierarchical citizenship by working towards transnational democracy.¹

Differentiated and Contradictory Citizenship in the Nation-State

Being a citizen is part of the 'common sense' of the modern nation-state. It designates membership in the national community. Citizens possess a range of civil, political and social rights. Such rights are balanced by obligations: to obey the laws, pay taxes and to defend the country in the case of war. In principle, each citizen is meant to belong to only one nation-state, and that nation-state is meant to include as citizens all people who permanently live on its territory. Everybody in the country is meant to belong, while the rest of the world is excluded: foreigners cannot belong.²

However, these neat principles are far from the reality. In Western Europe, some 13 million residents from outside the European Community (EU) have been unable to become citizens for legal or social reasons. In Japan, the exclusion of the descendants of Korean forced labourers now goes into the fourth and fifth generations. In the USA whole sectors of the economy are based on the labour of undocumented Mexican and other foreign workers, while African-Americans experience high rates of segregation in 'black ghettos', chronic unemployment, and high rates of imprisonment and execution. Australia and Canada pride themselves on their capacity to integrate immigrants, but many of their aboriginal people are excluded from most of the real benefits of citizenship. In Britain, the percentage of children

from the lowest socio-group entering university is lower than a generation ago. Class origin and gender remain predictors of life chances, occupation and income throughout the Western world. Citizenship in nation-states is deeply *differentiated*.

Such differentiation has always been a characteristic of citizenship. Even in the earliest democracy, the Greek *polis*, slaves, foreigners and women were excluded from citizenship. In the emerging democracies of the 18th and 19th centuries, the right to vote was based on the idea of the capacity of the male property-owner to represent the people dependent on him: women, children, servants and employees. Universal suffrage was the result of bitter struggles, and was not achieved until well into the 20th century.

In the modern nation-state therefore, citizenship is highly ambiguous. The main *contradictions* can be summed up as those:

1. Between inclusion and exclusion.
2. Between the citizen and the national.
3. Between the active and the passive citizen.
4. Between the citizen as political sovereign and the **warrior-citizen**.

The first has already been discussed: the inclusion of some people as full citizens is based on the partial or full exclusion of many others.

The second contradiction — between the citizen and the national — is closely linked. In liberal theory, all citizens are meant to be free and equal persons, who as citizens are homogeneous individuals (Rawls, 1985, 232-234). This requires a separation between a person's political rights and obligations, and their membership in specific groups, based on ethnicity, religion, social class or regional location. The political sphere is one of universalism, and difference is to be restricted to the 'non-public identity' (Rawls, 1985). But this conflicts with the reality of nation-state formation, in which becoming a citizen has generally depended on membership in a national community. The nation-state is the combination of a political unit, which controls a bounded territory (the state), with a national community (the nation or people), which has the power to impose its political will within those boundaries. A *citizen* is always also a member of a nation, a *national*. Historically, this tension has been expressed in measures to incorporate minority groups into the 'national culture'. As Ernest Renan pointed out in 1882 in his famous discourse, 'What is a Nation' (Renan, 1992) forgetting the history of ethnic distinctiveness and the process of obliterating it is vital to national identity. This fundamental contradiction between citizen and national is at the root of some of the divisions which tore Europe apart in the 19th and 20th centuries, such as anti-Semitism, racism and nationalism.

The third contradiction — that between *the active and the passive citizen* — refers to a fundamental conflict between radical-democratic and conservative

theories on the relative importance of *rights* and *obligations*. The concept of popular sovereignty, which developed in the French Revolution, was based on the ideal of active citizens, whose most important right was participation in the processes of law making and government. By contrast, earlier social contract theory involved *passive citizens*, who had rights to protection from unlawful activity, but were obliged to obey state authority. This struggle remains crucial. Active citizenship implies not only extending political rights to include everybody, but also — as Marshall (1964) emphasized in post-1945 Britain — creating social and economic conditions that allow members of the working class and other disadvantaged groups to fully participate. Starting with Thatcher and Reagan, neo-conservative ideologies have returned to the idea of a passive citizen defined through obligations to 'the community' — especially the duties to work and to obey the law (Mead, 1986). The notion of 'the third way' (Giddens, 1998) is a social-democratic response to the difficulty of defending the welfare state in the context of globalization. The third way abandons ideas of class equality in favour of policies of 'social inclusion' in a national community.

The fourth contradiction of citizenship is that between the citizen as the political sovereign and the warrior-citizen. This is evident in the close link between universal suffrage and conscription until recently. The right to vote was tied to the duty to lay down one's life for the nation if necessary. In the late 1990s, the abolition of universal military service in France was seen by many — on both right and left — as a threat to civic consciousness. Military service was regarded as crucial in forming a 'community of citizens' (Schnapper, 1994, 49). The ideal of the warrior-citizen originated in the mass mobilization needed for democratic revolutions, but became highly problematic in the era of nationalism and total warfare. It implied that democratic nations could only be consolidated internally by hostility to external groups, thus justifying imperialism and racism. The ideal was also sexist: the duty of the young man to die for the nation was matched by the duty of the young woman to bear children for future wars (Yuval-Davis and Anthias, 1989).

How Globalization and Migration Challenge Nation-State Citizenship

The contradictions inherent in nation-state citizenship have been sharpened by globalization. First, globalization undermines the relative autonomy of the nation-state, by breaking the nexus between power and place, upon which the 'national industrial societies' of the 19th and early 20th century were based (Wieviorka, 1994). The dynamics of economic life now transcend national borders, and cannot be fully controlled by national governments. The nation-state is still the basic unit for welfare systems, but no government can pursue

welfare policies which ignore the pressures of global markets. What does it mean to be a citizen, if one's vote cannot influence key political decisions, because they are no longer made by national parliaments?

Second, globalization has undermined the ideology of distinct national cultures, which was crucial to the nationalist project. Rapid improvements in transport and communications have led to an unprecedented degree of cultural interchange. The industrialization of media production and the dominance of global cultural factories, mean the diffusion of specific value systems, connected with consumerism, individualism and US lifestyles.

Third, globalization means rapidly increasing mobility of people across national borders. The period since 1980 has been marked by migrations of all kinds: temporary and permanent movements; economic migrations and refugee exoduses; individual and family flows; highly skilled specialists and manual workers (Castles and Miller, 2003). Today, at least 175 million people live outside their countries of birth (United Nations Population Division, 2002). Often, cultural difference and social marginalization are linked, creating disadvantaged ethnic minorities. The effects of migration are felt most in areas already undergoing rapid change. Economic and social transformation in poor countries lead to emigration, while the destinations may be global cities with burgeoning service economies, or new industrial countries undergoing rapid urbanization.

Fourth, globalization changes the meaning of social space. Improvements in transport and communication make it easier for migrants to maintain links with their areas of origin, and to carry out circulatory or repeated mobility. This has led to the emergence of *transnational communities*: groups with regular and significant activities in two or more countries — people who live across national boundaries. Sociologists distinguish between transnationalism from above — activities 'conducted by powerful institutional actors, such as multinational corporations and states' — and transnationalism from below — activities 'that are the result of grass-roots initiatives by immigrants and their home country counterparts' (Portes *et al.*, 1999, 221). Transnational communities are not new: the diaspora concept goes back to ancient times (Cohen, 1997; Van Hear, 1998). New is the rapid proliferation of transnational communities wherever there are migrants, leading to significant changes in behaviour and consciousness (Vertovec, 1999).

Immigration and growing cultural diversity poses a dual challenge to nation-states. First, admitting the Other into the national community through citizenship appears as a threat to national cohesion and identity. The process of immigration has become so rapid that there is no time to obliterate difference, let alone to forget it. Second, sharing a shrinking social cake with new groups appears as a threat to the conditions of local workers. The social polarization brought about by economic restructuring and policies of privatization and

deregulation leaves little room for minority rights. It is much easier to turn these groups into the scapegoats for the social crisis, by blaming them not only for their own marginality, but also for the decline in general standards. Migration is therefore seen as a central aspect of the North-South conflict, and migrants may be perceived as infiltrators who will drag the rich countries down to third-world poverty.

The Rise and Fall of Multiculturalism

In response to such dilemmas, nearly all immigration countries have changed their immigration and citizenship laws, and even their constitutions.³ Following the 1973 'Oil Crisis', Western European governments adopted 'zero immigration' policies, but found themselves unable to stop family reunion and community formation. With the upsurge of migration following the collapse of the Soviet Bloc, states adopted a range of measures to restrict immigration, sometimes characterized as the construction of a 'fortress Europe'. At the supranational level, the 1985 Schengen Convention created an area of free internal flows but tight external boundaries. The 1997 Amsterdam Treaty provided for the introduction of joint European Union rules on immigration and asylum by May 2004, which has proved hard to implement in practice, due to fears of loss of sovereignty by member state governments.

The move towards multiculturalism addresses the dilemmas of ethnically diverse societies more directly. In the past, governments believed that immigration would not bring about significant cultural change. Either the migrants could be kept separate from the host population and denied citizenship rights on the 'guestworker' model (in Germany, Switzerland, etc.) or they would be assimilated fully into the host community, as in the 'classical immigration countries' (USA, Canada and Australia). By the 1970s it was becoming clear that both these approaches were failing. Migrants were everywhere doing the least desirable and worst paid jobs, leading to processes of labour market segmentation. Similarly, low income, discrimination and racism led to residential segregation. Migrants responded by developing ethnic communities with their own cultural, social economic and political infrastructure.

In Canada and Australia, where immigrants rapidly became citizens and voters, politicians and officials found they had to take account of the needs and values of ethnic communities. The result was the rise of multiculturalism as a government strategy combining the principles of cultural diversity and social equality. The state recognized the legitimacy of distinct communities with their own languages, religions and cultural practices, while at the same time adopting measures to ensure that members of these communities had equal

access to government services and education, and protection against discrimination. In Europe, multicultural models were adopted in Sweden in 1975 and in the Netherlands in 1979. UK too moved towards defining itself as a multicultural society. In France and Germany, however, policy makers saw multiculturalism as a recipe for cultural fragmentation. Even here, local educational and social service agencies often tacitly adopted multicultural measures.

By the early 1990s, the key problem in Western Europe was how to include immigrants and their descendants as citizens. Several Western European countries (Germany, Switzerland, Austria) had highly restrictive naturalization rules. The *ius sanguinis* principle (citizenship by descent) meant that even children born within the country to immigrant parents had no right to citizenship. Virtually, all the immigration countries have found it necessary to modify their citizenship laws. The new rules are a combination of *ius sanguinis* with *ius soli* (citizenship by birth in the country) and *ius domicilii* (citizenship on the basis of long-term residence) (Castles and Davidson, 2000, Chapter 4). The most dramatic milestone was the German citizenship law of 1999. It represented an historical shift from a 'folk' or 'ethnic' model of citizenship to a more modern and inclusive type.⁴

Dual citizenship is important for immigrants, as an appropriate way of managing the multiple identities which arise from globalization. But it is anathema to nationalists, who insist on undivided loyalty to just one nation-state. Countries of emigration have begun to see dual citizenship as a way of maintaining links with emigrants, and to encourage remittances and skills transfer. The adoption of dual nationality by Mexico has led to a large increase in the number of dual nationals in the USA. The classical immigration countries have all accepted dual citizenship, as have some European countries like the UK and Sweden. Other countries still formally reject dual citizenship, but often accept it in practice. For instance, 45 per cent of naturalizations in Germany in 2000 led to dual or multiple citizenship (Beauftragte der Bundesregierung für Ausländerfragen, 2002, 414).

Finally, regional supranational models can lead to new models of citizenship. The 1991 Maastricht Treaty established Citizenship of the European Union, embracing freedom of movement and residence in member states; the right to vote and to stand for office in local and European Parliament elections in any EU country; diplomatic protection by diplomats of any EU state in a third country; the right to petition the European Parliament and to appeal to an ombudsman (Martiniello, 1994, 31). However, an 'EU passport' is legally still a passport of one of the member countries. So far, EU citizenship has done little for immigrants from outside the EU, although current debates in the EU point to the extension of some rights to third country nationals (Geddes, 2003). Other regional organizations, such as the North American Free Trade

Agreement (NAFTA) have not so far attempted to create transnational citizenship rights.

Overall, it is clear that many immigration countries have moved away from older exclusionary or assimilationist ideas of national belonging, and towards more inclusive multicultural models. Since the mid-1990s, however, there has been a backlash. The Canadian Government has moved away from an open commitment to multiculturalism, and now speaks instead of 'Canadian heritage and citizenship' — although actual policies seem to have changed little. The conservative government in power in Australia since 1996 has rejected measures in favour of minorities (both immigrants and Aboriginal people) and has abolished many multicultural services. In Europe, both Sweden and the Netherlands have changed their emphasis from recognition of cultural diversity to policies designed to achieve educational and occupational integration.

These changes have taken place in a climate of increasing public hostility to immigrants and asylum seekers. Right wing parties and certain sections of the media have portrayed immigration and multiculturalism as threats to social cohesion and national identity. Immigration restrictions have been tightened, in order to stop the entry of asylum seekers and undocumented workers from the South. Policies in favour of minorities have been abolished or restricted in many places. Since 11 September 2001, immigrants and asylum seekers have been portrayed as potential terrorists and as a threat to national security. A new racism against outsiders threatens existing minorities with increased intolerance and social exclusion.

The Rise of the Hierarchical Nation-State System

From the late 1940s until about 1990, global power relations were based on a bipolar system arising from the ideological, military, political and economic competition between two super-powers, the USA and the Soviet Union, together with their allies or satellites. This **East-West** conflict was a main determining factor of all other major trends of the epoch, such as decolonization, the growing significance of the nation-state, the emergence of the Third World, proxy wars, the technological and informational revolution, the development of welfare states and the growth of supranational governance. Obviously, the end of that struggle and the apparent victory of the liberal-democratic model must have fundamental consequences for citizenship.

When the Soviet Bloc collapsed in the early 1990s, many people hoped that this would lead to a more unified world. The resulting 'peace dividend' should make it possible to divert resources from military expenditure and use them for development, democratization and peace-building. One observer actually

proclaimed the 'end of history', in the sense that major ideological conflicts would be replaced by gradual change within a universal liberal-democratic value system (Fukuyama, 1992). However, it has become clear that the East-West divide has been replaced by a North-South divide. This concept expresses not a geographical configuration, but a political and social one. The main division is between the powerful and prosperous post-industrial nations (including North America, Western Europe, Japan, Australia and New Zealand), and the less powerful and poorer countries of Africa, Asia and Latin America. However, the North includes areas and groups subject to social exclusion, while the South has elites which enjoy considerable prosperity. There are also important regions and groups in intermediate or transitional positions.

A key difference between the old East-West bipolar world and the new North-South division is that a single superpower now dominates both parts. This has led some analysts to suggest that USA is now the 'new Empire' (Hardt and Negri, 2000): a global imperial power that rules the whole world, in the same way that Rome used to rule much of the Mediterranean world and Western Europe, or that Britain ruled its far-flung Empire before 1914. Although the notion of empire does seem to describe some aspects of the new reality — including the USA's aggressive use of military and economic power, and its claim to a universal and superior set of values — it does not fit well in other respects. For instance conflicts between the USA and its allies over the use of force against Iraq and other 'rogue states' do not indicate a total imperial hegemony. Nor can the USA simply appoint the leaders of subordinate states, as Rome appointed governors or Britain viceroys.

The post-Cold War order seems therefore to be new in character. It is based on a single dominant superpower at its centre, but this centre is surrounded not by powerless vassals, but by a hierarchy of states with varying levels of dependence on the centre and varying levels of power towards other states. This can be conceptualized as a set of concentric circles of states, defined in terms of power (not geography). I suggest that this order can usefully be labelled as *the hierarchical nation-state system*. Furthermore, I suggest that the varying power (in political, military, economic and cultural terms) of states in these circles lead to a similar hierarchy of rights and freedoms of their peoples, which I refer to as *hierarchical citizenship*.

This notion of hierarchies of power and rights should be contrasted with the claims to universalism inherent in dominant discourses on global governance. Fukuyama's assertion of the end of history had a short life: it expired in the early 1990s on the battlefields of former Yugoslavia, Kuwait and Somalia. Yet, it is clear that the USA and the 'international community' (essentially the northern nations and the powerful intergovernmental agencies) believe that there is only one acceptable model for economics, politics, international relations and human rights. All other approaches are backward, and really

supported only by fundamentalists, terrorists and rogue states. This is the basis for a claim of global political legitimacy, giving the North the right to impose structural adjustment policies, to intervene militarily in conflicts, and to bring about regime change where it desires. Thus Fukuyama's optimistic view has been superseded by a much darker prognosis also formulated in the early 1990s: Huntington's view of the inevitable 'clash of civilizations' (Huntington, 1993).

Models of International Relations in Modernity

It is important to put this new global order in historical perspective: it is the latest in a series of systems of international relations since the dawn of modernity. The *Westphalian System* was established in 1648 following the 30 Years War (Held *et al.*, 1999). International relations were based on the idea of a world of sovereign states. Rulers had sovereignty over their territory and could reign over their subjects as they thought fit, but were supposed to follow certain rules — such as non-interference in internal affairs — in relations with each other. This world was conceptualized as a European one, and conquest and colonialism of states and peoples outside Europe was accepted. There was no notion of cultural community between rulers and subjects in this model: it was held together by power and the divine right of kings. Warfare did not require mass mobilization, but was largely a matter for gentlemen, commanding armies of regular soldiers and mercenaries.

Following the American and French Revolutions of the late 18th century, a new *democratic-nationalist order* emerged. The idea of popular sovereignty made it necessary to define who belonged to the people, through the institution of citizenship. The state became a nation-state, dependent on popular legitimacy and myths of cultural homogeneity. Ethnic identity and racial exclusion of minorities were integral features of nationalism. The principle of the warrior-citizen and universal conscription meant that inter-state conflict now took on the characteristics of total warfare described by Clausewitz (Kaldor, 2001). War became evermore destructive, leading to large-scale slaughter and mass refugee flows.

The *bi-polar world system*, based on the ideological confrontation between two competing superpowers in the Cold War, tamed the destructive potential of the democratic-nationalist order — but only by threatening even greater destruction through nuclear war. The resulting stalemate was appropriately labelled as Mutually Assured Destruction (MAD). At the same time, the superpowers fought proxy wars in less developed areas, often in the form of struggles over colonial liberation and state building (Zolberg *et al.*, 1989). The Cold War helped provide the impetus for positive developments like full

employment and the emergence of the welfare state. But these were bought at the price of bloody wars — for instance in Vietnam and Angola — and massive refugee flows. Refugees fleeing communist domination in Hungary, Czechoslovakia, Vietnam or Cuba were welcomed as Cold War heroes, but those trying to escape massive violence in new states in Africa, Asia and Latin America were not welcomed in the North (Chimni, 1998).

The fourth and current world order following the collapse of the bi-polar system is the *hierarchical nation-state system*. Its contours are becoming clearer with each new international conflict. In the course of the 1990s there were seven major military operations designed (at least in part) to prevent mass refugee flows. Six were under the auspices of the United Nations Security Council (in Northern Iraq, Bosnia and Herzegovina, Somalia, Rwanda, Haiti and East Timor) (Roberts, 1998), while a seventh (in Kosovo) was led by NATO. In each of these, Northern military, political and economic superiority was used in an attempt to impose certain interests and values on less-developed countries. Where Northern material interests were only marginally affected, and intervention was mainly driven by human rights values, as in Somalia and Rwanda, the action was half-hearted and belated, failing to restore order (in the former) and to prevent genocide (in the latter). The more recent military actions in Afghanistan and Iraq have followed more traditional great power interests, although again using human rights for legitimation.

Contradictions of the Hierarchical Nation-State System

The most distinctive feature of the new global order is that the overwhelming majority of polities now define themselves as sovereign nation-states. The number of members of the United Nations has grown from 50 when the world body were established in 1945 to 191 in 2002 (when Switzerland joined). Theorists of globalization sometimes argue that the nation-state is set to disappear, but this argument is difficult to sustain: not only are there more states than ever, but the great majority of them have adopted the institutional structures of democratic nation-states, including constitutions, elections and the rule of law. Of course, in many cases these institutions are mere facades for authoritarian regimes, but the ideological hegemony of the nation-state model is obvious.

In international legal terms, all nation-states are equal. In reality, however, there is a marked hierarchy, in which power flows from the centre through a number of intermediate level states, to be imposed on the weakest countries of the South. This is not a simple process in which the superpower can pass out orders, which have to be obeyed. The principle of nation-state sovereignty means that complicated incentives and pressures are used to obtain compliance. The following hierarchy is apparent:

Tier 1: The USA — the globally dominant power in military, economic, political and cultural affairs.

Tier 2: Highly developed countries like the EU member states, Japan, Canada and Australia.

Tier 3: Transitional countries like Russia, and newly industrializing countries like Brazil or Malaysia.

Tier 4: The less-developed countries of the South.

Tier 5: 'Failed states' like Afghanistan or Somalia; countries defined as 'rogue states' by the USA, such as Iraq and North Korea; and peoples without states like the Palestinians and Kurds.

Positions in the hierarchy are not permanently fixed. Central and Eastern European countries are moving from Tier 3 to 2, through the political and economic reforms needed for EU membership. The intermediate countries of East Asia and Latin America also strive to become modern developed countries, although political reform often trails behind economic growth, and there is always the threat of being pushed backwards by financial crisis, as Argentina experienced in 2002.

The hierarchy can be seen in various types of international interaction. For instance *international law* is supposed to apply equally to all states and people. Yet the USA made strenuous efforts to ensure that the International Criminal Court would not be able to try US citizens accused of crimes against humanity. Similarly, the USA has refused to apply the Geneva Convention on rights of combatants to those accused of being terrorists. Prisoners have been detained under conditions that do **not** comply with the requirements for prisoners of war. They have been detained without charge and denied the right to a hearing before a court of law. These cases also show the limitations of US hegemony: in 2004, the USA had to drop its claims to exemption to the jurisdiction of the International Criminal Court, after revelations on the treatment of prisoners in Iraq. In the case of the Guantanamo Bay detainees, some British citizens were released, although those from states lower in the international hierarchy were unable to gain such privileges.

The same applies to *rules on international trade*. The World Trade Organization (WTO) is designed to free up world trade by creating a system of fair and universal rules. However, the USA continues to subsidize and protect its own producers against competition from both developed and less-developed countries. For instance US subsidies to 25,000 cotton farmers so depress cotton prices that millions of peasant farmers in Africa lose more than \$350 million a year. The resulting losses to some of Africa's poorest countries exceed the entire US aid budget for these areas (Stiglitz, 2002, 269). Some West African farmers are likely to abandon cotton production and may well emigrate to Europe, due to historical links between cotton-producing areas like Mali and France. However, Europeans should not point the finger at the USA, for the EU Common Agricultural Policy is a major factor in ruining the livelihoods of many farmers in Africa.

Since the beginnings of the Westphalian system, the state has claimed a monopoly over the means of violence. In the hierarchical nation-state system, this has been redefined as a *monopoly over weapons of mass destruction and the means of their delivery* by a select group of Northern powers. The USA — the only country to have used both nuclear weapons and chemical weapons (Agent Orange in Vietnam) — classifies less-developed countries which try to break this monopoly as rogue states that may be destroyed. This was the legitimation for the attack on Iraq, and now neo-conservative elements in Washington seem to be cooking up similar plans for Iran.

Finally, we can observe the hierarchy of power in the organs of *global governance*. Each state is supposed to have equal voting rights in such bodies as the United Nations and the WTO. In reality, states that vote against Northern interests are put under considerable pressure. Financial incentives and threats of denial of foreign investment and aid are used to secure the outcomes wanted by the more powerful states. The pressure put on small states with seats in the UN Security Council to support US and British policies on Iraq was instructive, for it showed both the mechanisms involved and their limitations in a situation where intermediate powers questioned US and British objectives. However, in the World Bank and the International Monetary Fund (IMF), there is no pretence of equality. Here the 'shareholders' — the rich nations — dominate openly. Former World Bank Vice-President Joseph Stiglitz has shown how free market ideologies and narrow financial interests prevailed in the IMF, leading to policies which exacerbated the crises in East Asia and Russia in the 1990s (Stiglitz, 2002).

Hierarchical Citizenship

The other major innovation in today's global order is that — for the first time in history — the majority of the world's people are defined as citizens. Nation-state citizenship as a global norm implies the possession of set of civil, political and social rights, but again this legal principle masks a steep graduation in real rights and freedoms.

Tier 1: US citizens enjoy a high level of formal rights, and democratic structures and a strong legal system ensure that most Americans can successfully claim these rights. But even here there are exceptions: Native Americans, African Americans and other ethnic or religious minorities may experience *de facto* exclusion from political, economic and social participation. The same applies to stigmatized groups like welfare recipients and single mothers. For such minorities, formal equality as citizens is not enough. They need differentiated rights that take account of their special needs and identities: self-government rights for Native Americans, public recognition and equal

opportunities measures for ethnic and religious minorities, and a stronger welfare state for socially excluded groups.⁵

Tier 2: The citizens of other highly developed countries also enjoy strong rights and the rule of law. Rights may be somewhat weaker than in the USA in some areas — such as legal protection — but stronger in others — especially welfare. Here too, some minorities lack the social power to effectively claim their rights, and need special measures to secure genuine participation.

Tier 3: Citizens of transitional and intermediate countries have lower standards of rights and legal protection. Official corruption and ineffective or biased policing can reduce personal security. Elections may be less fair. Social protection may be less developed and health services less effective. In the new industrial countries of Asia, discourses of community responsibility *versus* individual rights can reduce personal freedom.

Tier 4: The people of the poorer countries of the South may be citizens in name but not in reality. Elections are often mere facades for dictatorial regimes. Police and armed forces may oppress the people rather than protect them, and welfare systems may be almost non-existent. Sometimes, the poor quality of social services may be a result of structural adjustment policies imposed by the North.

Tier 5: The worst thing to be in a world of nation-states is a 'non-citizen'. This category includes people living in a country where the state has disintegrated, and there is no protection from rival armed fractions. Many states in the South, such as Somalia, Sierra Leone, the Democratic Republic of the Congo, Afghanistan and Azerbaijan, have passed through or are in such conditions. It is equally bad to live in a country defined as a 'rogue state' by the USA, because this can mean not only oppression by the local ruler, but the threat of bombardment or even invasion by the mighty US military machine. Refugees may be deprived of their original citizenship when they flee, but refused citizenship or even the right of abode by the state where they seek refuge. In a world of nation-states, statelessness equals social death. Australian law has coined the evocative term 'unlawful person' to designate such people.

Thus the absolute equality of human rights laid down in the instruments of international law, like the UN Charter or various conventions, does not exist in social reality, where hierarchy and relativism prevail. All people may have certain rights on paper, but many lack the opportunities and resources to actually enjoy these rights.

Transnational Racism

The relativity of rights is particularly clear when we look at the right to migrate. Zygmunt Bauman has argued that, in the globalized world, 'mobility

has become the most powerful and most coveted stratifying factor'. The new global economic and political elites are able to cross borders at will, while the poor are meant to stay at home: 'the riches are global, the misery is local' (Bauman, 1998, 9 and 74). Northern states compete with each other to attract highly skilled workers, such as Indian information technology specialists. The British National Health Service (NHS) is heavily dependent on African and Asian doctors and nurses. But the same countries are taking drastic measures to exclude lower-skilled workers — even though they urgently need them. The NHS also employs migrant workers as cleaners and cooks. Often these are undocumented workers, employed illegally through sub-contractors. US agriculture and services rely on undocumented migrant workers. Japan urgently needs low-skilled workers, not just for industry and construction, but also to look after the ageing population. Malaysian plantations and factories would close down without undocumented Indonesian labourers. In all these cases illegal workers may actually be preferred, because their lack of rights makes them easier to exploit. The hierarchy of citizenship helps to construct a *differentiated global labour force*.

In a world of nation-states, most people can get a passport, but not all passports are equal. Citizens of the USA can go everywhere and enjoy unrivalled protection. Passports of other highly developed countries give the right to cross most borders. Citizens of third tier countries may find their rights to mobility quite constrained, while those of the fourth and fifth tiers often have no internationally recognized passport at all. As Bertold Brecht wrote many years ago, as a refugee in Helsinki: 'The passport is the most noble part of a person... that is why it is recognized if it is good, but a person may not be recognized, however good he is' (Brecht, 1961, 7-8, my translation).

Globalization essentially means flows across borders — flows of capital, commodities, ideas and people. States welcome the first two types, but are suspicious of the others. However, globalization also creates strong pressures to move. Global media beam idealized images of First World lifestyles into the poorest villages. Electronic communications facilitate the dissemination of knowledge of migration routes and work opportunities. Many of the world's excluded perceive that mobility brings the chance of prosperity, and are desperate to migrate. This helps explain the upsurge in asylum-seekers and undocumented migrants since about 1990. Thus globalization creates the cultural capital needed for mobility.

It also creates the necessary social capital, for another key characteristic of globalization is that power is diffused through networks (Castells, 1996). Network organization characterizes the 'globalization from above' of transnational corporations and global governance as well as the 'globalization from below' of migrants and their communities. Their informal networks facilitate movements even when official policies try to stop them (Castles,

2004). At the same time, some of these networks take on institutionalized forms in the 'migration industry' — one of the fastest growing forms of international business. This term embraces the many people who earn their livelihood by organizing migration as travel agents, people smugglers, bankers, lawyers, labour recruiters and housing agents. It is such networks which help to re-connect South and North, at a time when many areas of the South have become economically irrelevant to the globalized economy (Duffield, 2001).

The hierarchization of the right to migrate can be seen as a new form of *transnational racism*. Its intellectual basis lies in discourses on the 'naturalness' of violence in less-developed regions and the cultural incompatibility of their peoples with Western-Christian civilization. This is the background to Huntington's 'clash of civilizations'. Such discourses developed during the wars accompanying the break-up of Yugoslavia and the Soviet Union. These conflicts were portrayed as the re-emergence of 'age-old ethnic hatreds'. The implication was that groups with different cultures and histories could not share a single territory (Gallagher, 1997; Turton, 1997). This led to the idea of a new 'tribalism' in which people in less-developed areas retreat from universalist to localist outlooks, and chaos dominates much of the world (Global Commission, 1995, 16-17). Some analysts spoke of a massive increase in violence, crime, war and drug addiction, and the development of a new barbarism in which torture, rape and cannibalism were becoming commonplace (Kaplan, 1996a). Such ideas have been further reinforced by fears of terrorism and fundamentalism since 11 September 2001.

In the South, the defence of local or sectional interests against Northern domination may be based on religious and cultural symbols of dignity and identity. Resistance movements may appear particularistic and backward looking, because discourses of universalism have been monopolized by globalizing forces. These discourse legitimate such measures as restrictive immigration rules, deportation of 'unwanted' migrants, or military attacks on 'rogue states'. Some Northern intellectuals now argue that democracy was just a passing phase in world history, and not suitable for certain cultures (Kaplan, 1996b). Others, however, see democracy as something that can and should be imposed by force, where political and economic interests demand it.

National and International Hierarchies of Citizenship

The hierarchies of nation-states and citizenship are among the factors which perpetuate underdevelopment and conflict in the South. Inequality, impoverishment and violence drive migration. These interlinked causes lead to a blurring of the distinction between forced migration and economic migration. Failed economies generally also mean weak states, predatory ruling cliques and

human rights abuse. This leads to the 'asylum-migration nexus': many migrants and asylum seekers have multiple reasons for mobility, and it is impossible to completely separate economic and human rights motivations — which is a challenge to the neat categories that bureaucracies seek to impose.

The international hierarchies of citizenship have not replaced the national hierarchies (referred to above as differentiated citizenship). Rather they complement them and interact with them in complex ways. The weakening of national boundaries inherent in globalization means that the rights and conditions of citizens are shaped by both national and transnational factors. These hierarchies are summed up in the two tables which follow. Table 1 shows typical forms of differentiation of citizenship within nation-states. Of course, not all forms exist in all countries. However, it would be hard to find any country where there were not some types of inequality, which contradict the inclusive and universalist principles of citizenship theory.

Table 2 does not represent a single hierarchy, but rather lists a number of mechanisms, which have been explained in the course of this article. It is important to analyse the ways in which the national and international hierarchies interact. Clearly origin in a country which is high in the

Table 1 Hierarchies of citizenship within nation-states

<i>Types</i>	<i>Characteristics</i>
Full citizens	People born in country plus naturalized immigrants — but excluding certain minority groups
Denizens	Immigrants who have obtained some citizenship rights on the basis of long-term residence
Undocumented migrants	Lack nearly all rights except those guaranteed by international human rights instruments
Asylum seekers	Very limited rights under special regimes
Ethnic, religious and social minorities	Formally enjoy all legal rights, but may not be able to claim them due to discrimination and social exclusion
Indigenous peoples	Mainly in white settler societies (USA, Canada, Australia, New Zealand, Latin America). Subject to historical processes of dispossession, legal discrimination and social exclusion
Gender divisions	Legal discrimination against women now rare in Northern countries, though still common in the South. Institutional and informal discrimination persists

Table 2 International hierarchies of citizenship

<i>Types</i>	<i>Characteristics</i>
Differentiation of citizenship rights	Tier 1: Citizens of the USA Tier 2: Citizens of other highly developed countries Tier 3: Citizens of transitional and newly industrializing countries Tier 4: Citizens of less-developed countries Tier 5: People of failed states, stateless people and non-citizens
Right to migrate	Stratified on the basis of place of origin and human capital (education and qualifications), following the above tiers
Naturalization of violence and chaos in less-developed regions	Discourses which legitimate imposition of Northern models of governance on the South
Transnational racism	Discourses which legitimate strict immigration rules, as well as differential treatment of immigrant populations to create differentiated national and global labour forces

international citizenship hierarchy is likely to lead to a high position in national hierarchies: few migrants from highly developed countries end up as undocumented migrants or asylum seekers. People from Tiers 4 and 5 of the international hierarchy are most likely to end up with a low position in the national scale. The importance of the discourses on the naturalness of violence and chaos in assigning groups to subordinate national status is also clear.

From Hierarchical Citizenship to Transnational Citizenship?

The international political developments examined in this article add up to the construction to a new global order of domination, in which the legal principle of equality of nation-states and of citizens is in stark contradiction to a reality of hierarchy and exclusion. Does this mean that hierarchical citizenship is inevitable under conditions of globalization? That would be a pessimistic conclusion, which would imply that democracy — in the sense of conditions that allow active citizens to participate in law-making and government — has no future. I do not think that it is the case. Globalization cannot be reversed, but there could be more democratic and inclusive forms of global governance.

This is not just a theoretical possibility. Recent debates over such issues as military intervention, international law, human rights, trade policy, the environment, and culture show that the hierarchical nation-state system is

neither monolithic nor free of countervailing forces. Dissenting voices can be found at the transnational, the national and the sub-national levels. There is no space to describe or analyse these here, but it is important to remember the historical strength of democratizing tendencies in modern societies. The rise of democratic tendencies from the 17th century onwards was not the result of inexorable structural processes, but rather of human agency in the form of social and political movements (Habermas, 1996). Such movements exist in this latest phase of modernity too. They include environmental, anti-racist, pro-development and anti-war movements, as well as political parties. They campaign for citizenship rights for excluded groups within nation-states, and for more democracy at the international level.

Moving from hierarchical to transnational citizenship would have three main elements. First, since the nation-state remains the most important focus of power, it is necessary to introduce more inclusive and effective forms of citizen participation at this level. Groups that suffer exclusion need special measures to allow genuine participation in the mainstream activities of society. Depending on the circumstances, such measures might include special representation (like the reserved seats for Maori in the New Zealand parliament), social and educational programmes, anti-discrimination rules and equal opportunity laws. Measures are also needed to allow greater participation for all citizens. The complexity of decision-making processes, the dominance of mass media in opinion formation and the distance of national legislatures from local concerns all make it hard for citizens to do more than vote for one party or another every few years. Devolution of decisions to local and regional levels, information provision using new technologies, democratization of administrative bodies (for instance health, housing or education authorities) and even electronic voting procedures could help revive democracy.

Second, many crucial decisions are now made by international bodies, so democracy needs to be established at this level too. Decision making in the IMF, the WTO and the World Bank is dominated by financial and commercial interest groups within the rich countries. The governing councils of these bodies consist mainly of the finance and trade ministers of the North. Southern governments have little say, and the farmers, workers and poor people of the world are not represented at all (Stiglitz, 2002, Chapter 9). The result is policies that ignore the needs and interests of the great majority of people. Broadening participation to include not only Southern governments but also directly elected representatives of the world's people would be an enormous step towards transnational democracy.

Third, if global institutions had a democratic mandate and represented broader interests than they do today, there would be greater legitimacy for international intervention in situations of oppression or conflict. The military interventions of the period since 1992 have mainly been about securing

Northern interests, by containing refugee flows, controlling strategically important areas, securing vital commodities (especially oil), and combating threats of terrorism. Human rights and democracy have often been mere legitimations. The belated and ineffective actions in Somalia and Rwanda, and failure to help rebuild society in Afghanistan and Iraq are indicative of the true interests behind intervention. With greater democracy and transparency in international decision making, there might be more willingness to act to prevent massacres and genocide, to curtail racial, ethnic or religious repression, and to depose despots who oppress their own people.

These ideas may seem Utopian in view of current trends. But it is important to realize that the hierarchical global order is neither natural nor inevitable, but rather the product of human action. It can therefore also be changed by human action. As always in history, democratization is not likely to come from those who hold power, but through the activities of political and social movements. Such movements are emerging, and it is important that they have clear objectives. The anti-globalization slogan has proved unproductive, since globalization is a process that cannot be rolled back, but the struggle for a more humane, inclusive and participatory form of globalization could offer a perspective for change.

Notes

- 1 An earlier version of this article has been published in Spanish in *Anales de la Ctedra Francisco Sudrez* (2003, no. 37, pp. 9-33, University of Granada) I thank Rainer Baubock for comments and suggestions on an earlier draft.
- 2 This section is based on Chapter 1 of (Castles and Davidson, 2000). Detailed information and references are provided in that text, and will not be repeated here.
- 3 There is a growing literature on this theme. For overviews see Aleinikoff and Klusmeyer (2000, 2001); Koopmans and Statham (2000).
- 4 This trend is so far confined to Western countries. The new immigration countries of Asia, like Japan, Malaysia, Taiwan and South Korea, still reject any form of long-term integration for immigrants (Castles, 2003).
- 5 Again, the extensive literature on this topic cannot be summarised here. See, for instance, Baubock (1996), Gutmann (1994), Kymlicka (1995) and Young (1989).

References

- Aleinikoff, T.A. and Klusmeyer, D. (eds.) (2000) *From Migrant to Citizens: Membership in a Changing World*, Washington DC: Carnegie Endowment for International Peace.
- Aleinikoff, T.A. and Klusmeyer, D. (eds.) (2001) *Citizenship Today: Global Perspectives and Practices*, Washington DC: Carnegie Endowment for International Peace.
- Baubock, R. (1996) 'Social and Cultural Integration in a Civil Society', in R. Bauböck, A. Heller and A.R. Zolberg (eds.) *The Challenge of Diversity: Integration and Pluralism in Societies of Immigration*, Aldershot: Avebury.
- Bauman, Z. (1998) *Globalization: the Human Consequences*, Cambridge: Polity.

- Beauftragte der Bundesregierung für Ausländerfragen (2002) *Bericht über die Lage der Ausländer in der Bundesrepublik Deutschland*, Berlin and Bonn: Beauftragte der Bundesregierung für Ausländerfragen.
- Brecht, B. (1961) *Flüchtlingsgespräche*, Frankfurt am Main: Suhrkamp.
- Castles, M. (1996) *The Rise of the Network Society*, Oxford: Blackwells.
- Castles, S. (2003) 'Migrant settlement, transnational communities and state strategies in the Asia Pacific region', in R. Iredale, C. Hawksley and S. Castles (eds.) *Migration in the Asia Pacific: Population, Settlement and Citizenship Issues*, Cheltenham and Northampton MA: Edward Elgar.
- Castles, S. (2004) 'Why Migration Policies Fail', *Ethnic and Racial Studies* 27(2): 205-227.
- Castles, S. and Davidson, A. (2000) *Citizenship and Migration: Globalisation and the Politics of Belonging*, London: Macmillan.
- Castles, S. and Miller, M.J. (2003) *The Age of Migration: International Population Movements in the Modern World*, Third Edition, Basingstoke: Palgrave-Macmillan.
- Chimni, B.S. (1998) 'The Geo-politics of Refugee Studies: A View from the South', *Journal of Refugee Studies* 11(4): 350-374.
- Cohen, R. (1997) *Global Diasporas: An Introduction*, London: UCL Press.
- Duffield, M. (2001) *Global Governance and the New Wars: The Merging of Development and Security*, London and New York: Zed Books.
- Fukuyama, F. (1992) *The End of History and the Last Man*, London: Penguin.
- Gallagher, T. (1997) 'My Neighbour my Enemy: The Manipulation of Ethnic Identity and the Origins and Conduct of War in Yugoslavia', in D. Turton (ed.) *War and Ethnicity: Global Connections and Local Violence*, New York: Rochester University Press.
- Geddes, A. (2003) *The Politics of Migration and Immigration in Europe*, London: Sage.
- Giddens, A. (1998) *The Third Way: the Renewal of Social Democracy*, Cambridge: Polity.
- Global Commission (1995) *Our Global Neighbourhood: Report of the Commission on Global Governance*, Oxford: Oxford University Press.
- Gutmann, A. (ed.) (1994) *Multiculturalism: Examining the Politics of Recognition*, Princeton, NJ: Princeton University Press.
- Habermas, J. (1996) *Die Einbeziehung des Anderen: Studien zur politischen Theorie*, Frankfurt am Main: Suhrkamp.
- Hardt, M. and Negri, A. (2000) *Empire*, Cambridge, MA: Harvard University Press.
- Held, D., McGrew, A., Goldblatt, D. and Perraton, J. (1999) *Global Transformations: Politics, Economics and Culture*, Cambridge: Polity.
- Huntington, S. (1993) 'The Clash of Civilisations', *Foreign Affairs* 72(3): 22-49.
- Kaldor, M. (2001) *New and Old Wars: Organized Violence in a Global Era*, 2nd edn Cambridge: Polity.
- Kaplan, R. (1996a) *The Ends of the Earth: a Journey at the Dawn of the 21st Century*, New York: Random House.
- Kaplan, R. (1996b) 'Was Democracy Just a Moment?' *Atlantic Monthly*, (December) 55-80.
- Koopmans, R. and Statham, P. (eds.) (2000) *Challenging Immigration and Ethnic Relations Politics*, Oxford: Oxford University Press.
- Kymlicka, W. (1995) *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Clarendon.
- Marshall, T. (1964) 'Citizenship and social class', *Class, Citizenship and Social Development: Essays by T.H. Marshall*, New York: Anchor Books.
- Martiniello, M. (1994) 'Citizenship of the European Union: a critical view', in R. Baubock (ed.) *From Aliens to Citizens*, Aldershot: Avebury.
- Mead, L. (1986) *Beyond Entitlement: the Social Obligations of Citizenship*, New York: Free Press.

- Portes, A., Guarnizo, L.E. and Landolt, P. (1999) 'The Study of Transnationalism: Pitfalls and Promise of an Emergent Research Field', *Ethnic and Racial Studies* 22(2): 217-237.
- Rawls, J. (1985) 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs* 14(3): 223-251.
- Renan, E. (1992) *Qu'est-ce qu'une nation? et autres essais politiques*, (introduced by Roman J.) Paris: Presses Pocket, Agora.
- Roberts, A. (1998) 'More Refugees, Less Asylum: A Regime in Transformation', *Journal of Refugee Studies* 11(4): 375-395.
- Schnapper, D. (1994) *La Communauté des Citoyens*, Paris: Gallimard.
- Stiglitz, J.E. (2002) *Globalization and its Discontents*, London: Penguin.
- Turton, D. (1997) 'War and Ethnicity: Global Connections and Local Violence in North East Africa and Former Yugoslavia', *Oxford Development Studies* 25(1): 77-94.
- United Nations Population Division (2002) *International Migration Report 2002*, New York: United Nations.
- Van Hear, N. (1998) *New Diasporas: the Mass Exodus, Dispersal and Regrouping of Migrant Communities*, London: UCL Press.
- Vertovec, S. (1999) 'Conceiving and Researching Transnationalism', *Ethnic and Racial Studies* 22(2): 445-462.
- Wieviorka, M. (1994) 'Introduction', in M. Wieviorka, P. Bataille, K. Couper, D. Martuccelli and A. Peralva (eds.) *Racisme et Xénophobie en Europe: une Comparaison Internationale*, Paris: La Découverte.
- Young, I.M. (1989) 'Polity and group difference: a critique of the ideal of universal citizenship', *Ethics* 99: 250-274.
- Yuval-Davis, N. and Anthias, F. (eds.) (1989) *Woman-Nation-State*, London: Macmillan.
- Zolberg, A.R., Suhrke, A. and Aguayo, S. (1989) *Escape from Violence*, Oxford and New York: Oxford University Press.