CONSTITUTIONAL PATRIOTISM AND THE POST-NATIONAL PARADOX: AN EXPLORATION OF MIGRATION, IDENTITY AND LOYALTY AT THE LOCAL LEVEL

by

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ABSTRACT

Theorists of constitutional patriotism argue that the binding sentiment of shared national identity can be replaced with allegiance to universal principles, interpreted into particular constitutions through ongoing deliberative processes. In this thesis, I explore the implications of such an approach for the defensibility of restrictions on migration, a subject which has previously received very little attention. I argue that constitutional patriotism implies a commitment to the free movement of individuals across borders; but that freedom of movement itself creates challenges for the implementation of constitutional patriotism. This is because it may increase anti-immigrant, nationalist sentiment in the host community. I term this phenomenon the 'post-national paradox'.

I then draw on independently collected qualitative data on Eastern European migration to English rural communities to explore this post-national paradox. I analyse the argumentative strategies, as the well as the perceptions of difference, evident in justifications of anti-immigrant and nationalist sentiment in these contexts. I highlight both perceptions of cultural and economic threat, as well as a 'banal' sense of national loyalty, underpinning such attitudes; and suggest that discursive practice at the most local level is necessary for the bottom up construction, or growth, of an inclusive form of identity and belonging.

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LIST OF ABBREVIATIONS

BNP   British National Party

DCLG   Department for Communities and Local Government (UK)

EDL   English Defence League

EEC   European Economic Community

EFTA   European Free Trade Association

ECSC   European Coal and Steel Community

EU   European Union

ICOCO   Institute for Community Cohesion

IMF   International Monetary Fund

MEP   Member of the European Parliament

UK   United Kingdom

UKIP   United Kingdom Independence Party

UN   United Nations

US   United States of America

WTO   World Trade Organisation

INTRODUCTION

It is lamentable, that to be a good patriot one must become the enemy of the rest of mankind.

- Voltaire, *A Philosophical Dictionary* (1824, p. 327)

POST-NATIONAL POLITICAL BELONGING

The subject of this thesis is identity, belonging and loyalty. It specifically focuses on the relationship between post-national forms of political belonging and persistent national identity and loyalty, to advance a notion of post-national belonging and to explore the increasing diversity that this entails.

Traditionally, national identity and co-national loyalty have been seen as playing a central role in developing a sense of social unity which, so nationalist scholars argue, is intrinsically important for the development of robust democratic practices, and thus the production of democratic legitimacy. However, an increasing body of literature challenges these nationalist assumptions. It has been asserted that nationalism is not only losing relevance in an increasingly globalised and interdependent world, but also that it is unnecessary, given that democratic practice and solidarity may emerge without shared identity (Abizadeh, 2005). On this basis, theorists have begun to assert the possibility of shared democratic rule in non-national contexts, with alternative grounds for solidarity.

'Constitutional patriotism' is one such alternative approach. Theorists argue that the binding sentiment which results from shared national identity can be replaced by allegiance to universal principles interpreted into particular constitutions through ongoing deliberative processes (Cronin, 2003; Habermas, 1995; 1998a; Ingram, 1996; Lacroix, 2002; 2009; Müller, 2007a). It is this allegiance to universal principles which provides the basis of

political belonging as an alternative to the binding sentiment of national identity. Constitutional patriotism is seen as having particularly strong relevance for debates surrounding European integration, where questions over how to strengthen democratic practice in the absence of a shared identity, and how to politically negotiate between diverse identities and loyalties, have become pressing.

Considering the possible emergence of constitutional patriotism in the EU, however, does also highlight some specific issues surrounding the construction of borders and boundaries. For example, different approaches to constitutional patriotism would imply very different ideas surrounding boundary construction and border control. If a more 'thick' identity is to be promoted to enable shared rule at the European level, as some theorists have suggested (Calhoun, 2002; Caporaso, 2005; Habermas, 2001b; Maas, 2007), then European boundaries would be geographically fixed so that a solid conception of 'we' might emerge amongst the in-group. If, however, a 'thin' sense of allegiance, informed by a conscious resistance to identification and commitment to universal principles is preferred (Lacroix, 2009; Müller, 2007a; 2007b; Nanz, 2006), then this means that boundaries may be more fluid, with the potential to expand as and when new member states develop patriotism to those universal principles and a willingness to engage in European discursive practices.

A key aspect of this debate over the fluidity of boundaries between different states is the control of migration. In the shift away from national identity as a source of binding sentiment, the question of 'who belongs?' is significantly more difficult to answer. No longer defined by common ownership of a specific group identity, decisions over who may or may not join the demos are significantly more complex. Despite this, the subject of migration has received very little attention in the literature on constitutional patriotism.

CONSTITUTIONAL PATRIOTISM AND MIGRATION

This thesis seeks to address directly the issue of migration in theories of constitutional patriotism, from two perspectives. Firstly, from a theoretical perspective, the thesis aims to identity and explore the ethics of migration. Secondly, drawing on independently collected qualitative data, it aims to explore the implications of mass migration for the theory itself. I argue that constitutional patriotism implies a commitment to freedom of movement of individuals across political boundaries, on the basis that the principle of equal moral worth that is at the heart of constitutional patriotism prevents restrictions on movement based on arbitrary distinctions such as birthplace. Whether these distinctions result from differences in national or cultural identity, or whether they arise only from political distinctions between citizens and non-citizens, under constitutional patriotism they are arbitrary. Freedom of movement may itself have problems, however, and I suggest that it creates challenges for the implementation of constitutional patriotism. This is because it may counter-intuitively limit the development of post-national forms of identity and belonging. I term this phenomenon the 'post-national paradox'.

A central element of social group identity is composed of what is not; that is, in definition of the collective Self against something that is different (the Other), a subjective identity emerges for the individual and provides criteria for their membership of certain social identity groups (Ahmed, 2007; Bilgrami, 2006; Brewer and Gardner, 1996; Houston and Andreopoulou, 2003). The existence of difference between individuals and groups is not necessarily problematic; indeed, recognising individuals in spite of their differences is the basis of equal respect and dignity. The challenges that surround diversity stem rather from the misrecognition of difference, and/or the use of identity difference as a basis for exclusion from rights access. Such occurrences are common, particularly in the case of nationalism,

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where negative stereotyping of the external Other serves to reinforce the collective self-worth of the in-group and subsequent exclusion of the Other (Brewer and Gardner, 1996). This is of particular concern to those who support more relaxed migration controls, not least because the relaxing of those controls can motivate such a sense of threat for the in-group and perpetuate in-group loyalty in access to rights and resources.

For example, migration in the EU, particularly from East to West following the accession of Eastern European states in 2004 and 2007, has raised particular concerns in some Western European countries. National and post-national allegiances exist concomitantly in Europe, with national groups continuing to assert their self-determination despite the increasing power of the EU and rights attributed to individuals as both national and EU citizens. While attitudes to European integration have been shown to be as much, if not more, related to the perception of self-benefit than to perceived threat to national identity, the dynamics of migration may be quite different. Part of what drives the self-benefit variable in attitudes to integration is the perception of benefit for the national group (McLaren, 2002), which suggests the deep and persistent relevance of national loyalty and identification – indeed, other studies have asserted the relationship between strong national identity and lower support for European integration (Carey, 2002).

Researchers have identified the existence of substantial 'reactive nationalism' across Europe, with higher levels correlated with greater 'cultural mixing' as a result of migration (Eidelson and Lustick, 2003, pp.114-5). European migrants are 'situated at the very point where the two inverse moments of inclusion and exclusion meet and contradict each other' (Balibar, 2004, p.61), and reflect an inherent tension between the expansion of citizenship in accordance with the rights regime of the EU, and the restriction of that citizenship through the persistence of national citizenship and identification. While some EU citizens migrate to alternative

member states and utilise the right to live, work, vote and access a range of welfare rights, others are concerned by the economic and cultural threat to the national way of life.

THE FIELD STUDY

The second half of the thesis presents an exploration of this post-national paradox, utilising a qualitative study of European migration to local communities in England. A number of political theorists have begun incorporating aspects of qualitative research into their normative work as a means of contextualising and illuminating theoretical dilemmas, adding real world content to normative claims (Ackerly, 2007; Cabrera, 2004; 2009; 2010; Doty, 2006; Nussbaum, 1997; Van Den Anker, 2008; 2010b). Cabrera has termed this approach 'qualitative political theory', a phrase which I adopt in this thesis to denote the methodological grounding of the fieldwork. I adopt this technique in order to explore the nature of the post-national paradox in practice, to develop an appropriate theoretical response for a robust and defensible conception of constitutional patriotism.

As a member of the EU, the UK is part of its free movement regime, and since 2004 this has been the subject of particularly intense debate due to the sudden influx of large numbers of migrants from the Eastern European (so-called A8 and A2) accession states. The UK government, unlike most other member states, chose not to put any transition arrangements on these member states in place, and so large scale unrestricted migration occurred. However, citizens in the UK have often displayed a high level of alarm about immigration levels; a survey conducted by the EU in 2007 found that it was only surpassed by crime as the issue citizens were most concerned about (European Commission, 2007).

In England, this migration from the EU has occurred as debates surrounding the nature of Englishness and English national identity increase, brought about in particular by immigration and compounded by the strengthening of Scottish and Welsh identities since devolution – and the lack of direct political expression for Englishness. Many local governments in England, including in areas of historically very low immigration density, now find themselves addressing issues such as identity, accommodation, resource distributions and trans-cultural dialogue, against a backdrop of uncertain national identity and the absence of a direct political outlet for English identity.

The reception and impact of European migration in English communities serves as a useful case study in seeking to understand the challenges that free movement presents when the salience of national identity is increasingly compromised by trans-state integration. It offers an opportunity to explore the attitudes of local people and the experiences of new migrants in conditions of free movement, in a context of identity change; and it also reflects many of the identity change dynamics involved in a shift towards constitutional patriotism. England is increasingly a diverse context in which the dominant identity does not explicitly inform citizenship or political expression, and thus its political identity is increasingly conceptualised as distinct from national identity.

The field study focused mainly on Herefordshire, an English county which has seen a dramatic rise in its European migrant population since 2004. The qualitative analysis of semi-structured interviews with political elites, nationalist group members, migrants, migrant support volunteers and local community members, together with a broad range of political and other documents, provided insights into the challenges of free movement and the necessary conditions needed to effectively negotiate cultural difference at the local level. In

addition, the examination of key examples of best practice enabled recommendations for how to begin addressing these challenges.

OVERVIEW OF THE THESIS

Part One of the thesis contains sustained theoretical consideration of post-national identity and belonging. I begin by considering the 'liberal nationalist' position; that is the position of those who believe that nationalism has intrinsic value in the realisation of liberal democracy (Kymlicka, 1995; 2001; Miller, 1995; 2000; Tamir, 1993). In this first chapter I present a series of arguments that question both the empirical necessity and normative defensibility of national identity as a source of political belonging. In chapter 2, I then introduce constitutional patriotism as an alternative source of political belonging that is defensible in liberal terms. It also provides grounding for democratic practice that is suited to trans-state integration, and so is relevant to debates over how best to respond to questions of belonging in post-national terms. I conduct a critical appraisal of constitutional patriotism theory, negotiating between two dominant schools (regional nationalist and reflexive) to develop a conception that emphasises the reflexive nature of constitutional patriotism but also its inherently transformational characteristic as a deontological position.

In the third chapter, I argue that a defensible understanding of constitutional patriotism implies a commitment to freedom of movement. I engage with literatures on migration control and boundary construction in order to make this claim and defend it from a number of viewpoints. I also claim, however, that acknowledging these rights to free movement will pose a challenge to constitutional patriotism to the extent that they can bring about a 'post-national paradox'.

Part Two of the thesis takes up the qualitative exploration of this problem. Chapter 4 offers details on qualitative political theory as a model of social research, and sets out the key objectives and questions guiding my exploration of the post-national paradox. I defend the selected methods and introduce the primary and secondary case studies featured in the findings chapters. In chapter 5, I present these findings, exploring the argumentative strategies evident in the justification of politically mobilised nationalist sentiment. I work to demonstrate that a sense of 'threat of the Other' is both produced by and reinforces national loyalty.

In chapter 6, I consider the kinds of evidence on which argumentative strategies concerning new entrants into local communities are based. Here I find that many of the themes of national loyalty and anti-migrant sentiment cut across both groups. In the case of the wider community, however, this is expressed as 'banal national loyalty', an underlying sense of national loyalty that can pose as many challenges as fully politically mobilised nationalism. I demonstrate the problems associated with this through a discussion of the barriers that banal national loyalty presents to the equal opportunity goal of free movement rights. Here I note that national loyalty can tend to undermine rights in local contexts, and it can undermine the political salience of the rights of migrants within both local and national political arenas.

Chapter 7 seeks to utilise the findings presented to suggest some ways in which the challenges surrounding the post-national paradox may be addressed. Here I return to my theoretical exploration of constitutional patriotism and migration rights, to consider how a robust conception of constitutional patriotism is best articulated given the challenges surrounding migration identified. I highlight reflexive, discursive practice as a central characteristic of constitutional patriotism, and seek to apply these ideas to deep negotiation of difference in local settings. I suggest that an inclusive 'citizenship frame' is required, where a social

context is constructed which can support the acceptance of new, diverse migrants in local communities. I highlight possibilities for 'thick discourse' to serve as an appropriate substitute for 'thick' identity that is consistent with the aims of constitutional patriotism. As such, discursive practice at the most local level of political community is shown to be crucial to constitutional patriotism as transformation.

PART ONE

THEORETICAL CONCERNS

1. NATIONALISM AND DEMOCRACY

1.1 INTRODUCTION

Proponents of liberal nationalism argue that the promotion of national sentiment and the protection of a national context are crucial to the realisation of liberal goals and practices (Kymlicka, 1995; 2001; Miller, 1995; 2000; Tamir, 1993). In the absence of a shared national context, individuals would lack an appropriate range of meaningful options in making choices concerning their life plans. Further, in a variant of the approach which will be termed 'democratic nationalism', national sentiment is said to be necessary to shared rule. Without it, individuals would be unwilling to be bound by collective decision-making or contribute to a welfare state. In this chapter, I set out to examine the democratic nationalist thesis, and specifically David Miller's seminal claim that democracy and welfare distribution is dependent on a shared national context (Miller, 1995, pp.96-98; 2000, pp.31-33).

Miller claims that shared nationality provides the trust that is necessary for democracy and welfare distribution to emerge. In this chapter, I give reason to think that shared nationality cannot be shown to be doing the binding work that Miller has assigned to it. The full argument is developed as follows. First, I explore what is meant by liberal nationalism, tracing its origins within the broad nationalist tradition. I provide an account of how this distinct approach to nationalism has been conceptualised on the basis of the conditions necessary for the realisation of liberal autonomy. I then move on to consider specifically democratic nationalism, as a branch of the liberal nationalist thesis, focusing in particular on the claims presented by Miller.

In the second section, I present an in-depth critique of Miller's democratic nationalism. I begin by exploring the existence of other, non-national identity group affiliations within the

national context itself to suggest that, contrary to Miller's argument, democratic practice exists in multicultural contexts. Next, I consider the existence of multinational yet democratic states, to demonstrate that democracy exists despite the absence of shared national identity. Following on from this, I engage specifically with the claim informing Miller's emphasis on trust: that the trust stemming from shared nationality is essential for democratic practice and a robust welfare system. I highlight how this may be called into question, focusing on both democracy and social justice to demonstrate that the link between shared nationality and liberal democratic practice may not be as straightforward as the democratic nationalist thesis itself would assert.

In the final section, having highlighted some empirical reasons to question the importance of a shared national context to the prevalence of democratic practice, I consider some final reasons to question whether such a context should be selected as a unit of political organisation. Here I highlight the ways in which it may be desirable to develop shared rule beyond the nation-state, given that many of the rules and policies by which our lives are shaped are currently taken at the trans-state level. Finally, I suggest that an emphasis on strong national identity is morally problematic within a liberal framework, because there are reasons to believe that it sits in tension with liberalism itself.

1.2 LIBERAL NATIONALISM

My intention in this section is to provide contextual detail that will situate the democratic nationalist thesis of David Miller within the wider liberal nationalism approach. I begin by considering some definitions of nationalism and national identity, before focusing specifically on liberal nationalism.

Analyses of nationalism have tended to cluster around two definitional aspects: ethnic and civic nationalism. The two are typically distinguished by their account of the origins of the nation. While ethnic nationalism is characterised by the inherited nature of ties between individuals sharing the same nationality and territory that they occupy – their shared history and ancestry on that land (Schnapper, 1998, p.129; Smith, 1995, p.86), civic nationalism takes national identity to be a result of individuals, who live in close proximity to one another, voluntarily consenting to enter into cooperation together. On the one hand, ethnic nationalism supposes that the nation is a 'primordial' object of attachment and thus exists *prior* to political organisation; whereas on the other hand, civic nationalists argue that national identity is constructed *as a result* of the contexts in which individuals find themselves (Calhoun, 1997, p.30; Tamir, 1993, p.64).

The dichotomy between ethnic and civic nationalism has, however, met with criticism. Firstly, scholars have noted that it is relatively rare to find an ethnic group that is genuinely primordial. Rather, most modern nations have formed through the conglomeration of different identity groups. Members of nations may hold myths of origin and a sentiment of kinship, but these tend to involve imagined, rather than genuine, ties of common ethnicity (Canovan, 1996, pp.57-59). Secondly, the ethnic characterisation of nations is argued to often be conflated with the cultural aspects of identity, founded on traditions, beliefs, practices and myths. In other words, an emphasis on purely civic nationalism misses precisely the imagined kinship that Canovan describes (Miller, 2000, pp.28-31; Shulman, 2002, pp.557-559; Yack, 1996, p.207).

The distinction between ethnic and civic nationalism may not therefore be so useful. Rather, nationalism tends to contain a balance between ethnic, civic and cultural components; and the nation can thus come to be understood as representing a combination of ethnic and cultural

ties, alongside political elements resulting from voluntary cooperation in a nation-state (Spinner-Halev, 2008, pp.605-608). The ethnic features of nations include shared ancestry, history and race, while the cultural features are made up of beliefs, languages[1] and traditions. The civic features are those involving the institutions of the state, and include citizenship and territorial rights (Shulman, 2002, p.559). Different combinations of these aspects are found to different extents within different nation-states.

The specific definition of the nation that I will use here is that provided by David Miller, who is the most prominent and rigorous proponent of democratic nationalism. Miller defines nations as ethical communities; that is, they confer duties towards co-nationals that are more extensive than those held towards other individuals outside of the national context. Secondly, nations have rights to self-determination that will enable national citizens to make decisions about what is good for their community; and finally, nations may form a part of personal identity (Miller, 2000, p.27). National identities then have five composite features:

- They exist when members of the national community believe that they do.

- They represent historical communities that confer obligations on community members into the future, as a result of sacrifices made in the past by ancestors.

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[1] Language has been presented as a form of origin, where it is argued that the development of print technology and thus publishing in specific languages allowed for the consciousness of 'language-fields'; in other words, for individuals to gain awareness of the vast number of other individuals who also use their language and thus to begin to imagine a larger community informed by the most dominant language (Anderson, 1994, pp.94-95). Religion is another identity marker which is asserted to have resulted in the formation of nations, as in the case of the division between Northern Ireland and the Republic of Ireland, despite many other cultural similarities between the two (Spinner-Halev, 2008, p.607). Examples such as these challenge the extent to which solely ethnic characteristics are relevant in exploring the origins of nations, and further challenge the ethnic-civic dichotomy.

- They are active, in the sense that those holding the identity act together to make decisions.

- They are tied to specific geographical territories.

- The people who hold the national identity all have some specific characteristics in common.

    (Miller, 1995, pp.22-27; 2000, p.30).

Two important clarifications are required. Firstly, the shared characteristics are not limited to shared ethnicity. Rather, '(t)he common traits can be cultural in character; they can consist in shared values, shared tastes or sensibilities' (Miller, 2000, p.30). Secondly, a point regarding historical continuity: Miller does not simply believe that everything that is a part of the national construct is historical fact, but rather that some element of myth may exist and that these myths play an important part in bringing citizens together (pp.30-31).

1.2.1 LIBERAL AUTONOMY AND SELF-EXPRESSION

Now that I have defined the key terms of nationalism, I will turn my attention specifically to liberal nationalism as a distinct perspective within this wider tradition. Liberal nationalism seeks to defend national sentiment on the grounds that the self-determination of nations is primarily important in the realisation of robust liberal democratic practice. Proponents argue that a shared national context is necessary for the realisation of the liberal goal of individual autonomy (Kymlicka, 1995; 2001; Tamir, 1993). By individual autonomy, theorists are referring specifically to the ability of individuals to make choices about their own lives. Liberal morality demands not only that individuals might be free to pursue their own way of

life, but also that they are able to question and revise that chosen way of life; and it is the claim of these scholars that a national culture is necessary to facilitate such choices (Kymlicka, 1995, p.81).

The goals of liberalism and nationalism may appear to be divergent, because while liberalism emphasises individual agency and rights, nationalism suggests that the individual must be situated within a nation if they are to find full self-expression and thus emphasises the importance of group rights (Tamir, 1993, pp.16-18). Liberal nationalists, however, assert that the two are not mutually exclusive. Kymlicka, for example, cites historical lessons from Quebec and Belgium to argue that as states have liberalised, the nationalistic tendencies of their composite groups have not diminished; quite on the contrary, liberal reform has been accompanied by the continued desire to protect the homogeneous nation (Kymlicka, 1995, pp.87-89; 2001, p.209). Thus, it is argued that liberalism and nationalism may be thought of as reconcilable, as Tamir notes,

> Both schools of thought can agree on a characterisation of individuals as agents who look to society to lend context to their personal thoughts, namely, as agents who acknowledge that their ends are meaningful only within a social context, but who do not necessarily accept socially dictated ends unreflectively. Their conception of the good is neither wholly individualistic nor wholly communal, and they may at times place their personal good before the common one while overturning their priorities at others. Society is thus seen as essential for the fulfilment of some ends, and as an obstacle hindering the attainment of others (Tamir, 1993, p.18).

According to this view, the right to autonomy, realised in the ability to choose, reflect on and revise an individual way of life, may only be achieved in a social context that can assign meaning to specific choices. Our social context will have an impact on our choices, because different ideas and traditions will have had an impact on the decision that we might make. Thus Tamir asserts, '(l)est we end up selecting options at random, choice is contingent on having a socially acquired set of values that serve as criteria for evaluation' (p.22).

We are unable, the liberal nationalist would contend, to make informed choices about our lives in the absence of a shared cultural context, and thus we are unable to achieve the liberal goal of autonomy. In other words, unless we are able to make the options available salient to our individual circumstances, we are not in a position to choose between those options in any meaningful way. What do liberal nationalist scholars mean by this shared cultural context? Kymlicka defines this as a 'societal culture',

> ...that is, a culture which provides its members with meaningful ways of life
> across the full range of human activities, including social, educational, religious,
> recreational, and economic life, encompassing both public and private spheres.
> These cultures tend to be territorially concentrated, and based on a shared
> language. I have called these 'societal cultures' to emphasise that they involve
> not just shared memories or values, but also common institutions and practices
> (Kymlicka, 1995, p.76).

According to Kymlicka, national cultures can be defined as societal cultures because they meet the criteria listed. He argues that shared national contexts have significant value, because they reflect the cultural make-up of the nation, and so offer an all-encompassing meaningful context which, Kymlicka asserts, is crucial to the realisation of liberal individual autonomy. The national context provides choices for individuals which have meaning to them, and as such is key to the achievement of this liberal goal.

A national public sphere will, it is argued, be meaningful to the individual because it is a part of individual identity and therefore an extension of self-expression. The self-determination of the nation is justified to the extent that it is of benefit to the individual in terms of the self-respect it confers. Self-respect is viewed to be 'among the most vital human interests' and a failure to recognise the value of national identity undermines this self-respect for the individual – contrary to the ideal of individual autonomy (Margalit and Raz, 1990, p.467; Miller, 1995, pp.85-87). Tamir summarises the bond between personal and communal identity:

> Membership in a nation is a constitutive factor of personal identity. The self-image of individuals is highly affected by the status of their national community. A safe, dignified, and flourishing national existence thus significantly contributes to their well-being (Tamir, 1993, p.73).

It is thus argued that the national context is meaningful to the individual because it is an extension of the identity of that individual. The individual then is able to pursue an autonomous life in a society with a menu of choices that respects their personal identity and because of this is meaningful to them. Therefore, the self-determination of nations is aligned to the realisation of respect for the autonomous individual, and this is the fundamental basis of liberal nationalism, that '...all nations are entitled to a public sphere in which they constitute the majority' (Tamir, 1993, p.150). The idea that the nation will reflect popular will is therefore centrally important to the justification of national self-determination offered by liberal nationalists. It is this specific idea that democratic nationalists emphasise, as I will now detail.

1.3 DEMOCRATIC NATIONALISM

Democratic nationalists hold that democratic political legitimacy is dependent upon the existence of a strong national identity. Once again, this is driven by the liberal goal of individual autonomy, and the idea that the realisation of such autonomy is dependent on the political legitimacy that stems from shared rule in a self-determining political community. The key defining feature of this approach is therefore that '(a)s far as possible, each nation should have its own set of political institutions which allow it to decide collectively those matters that are the primary concern of its members' (Miller, 1995, p.81).

This claim is a variant on the argument that nationalism promotes liberal individual autonomy. If individuals are to be respected as autonomous beings, then they require a form of political rule which reflects their will; that democratic rule provides this creates a conceptual linkage between liberal morality and democratic practice. However, according to Miller the realisation of this democratic practice is dependent, once again, on the meaningful context that nationalism is said to provide. This is because a shared national identity is proposed to offer the trust that is necessary for what I will term the 'willingness to lose'. I will now explain what is meant by this, with a specific focus on the approach taken by David Miller[2].

1.3.1 THE WILLINGNESS TO LOSE

The realisation of robust democratic practice is challenging because it asks individuals to agree to circumstances under which their own viewpoint may be rejected, on the basis that in the future their viewpoint may be on the winning side (Kymlicka, 2001, p.225; Miller, 1995, pp.96-97). As Miller notes,

> Even the more minimal forms of democracy require individuals or parties who lose elections to stand down and hand over instruments of power, which requires sufficient faith that the victors will not use their new position to quell opposition or indeed abandon the democratic constitution entirely (1996, p.418).

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[2] David Miller might be considered to provide a Rousseauean account of republican citizenship, and thus may not be thought of as a typically 'liberal' nationalist because he does not conform to a liberal idea of citizenship and democracy (see Held, 1996, p.93). However, Miller emphasises the importance of nationalism to the realisation of the liberal democratic features of contemporary states, and as such I still include him here within a broader definition of liberal nationalism. I do note, however, that his conception of citizenship may be more participatory than that of other liberals (for discussion, see Miller, 2000, ch.3).

For Miller, the participation of individuals in democratic practice rests on their confidence that other individuals will also participate fairly. This reciprocal relationship forms the 'willingness to lose'. The existence of a willingness to lose is deemed necessary if citizens are to be able to reach agreements that are not simply an aggregation of their separate interests. Citizens must be willing to compromise their own views and beliefs in favour of reaching agreement, and must be consistent in the application of the arguments they make in political debate, even if this counts against their own interests. Citizens will only be willing to do this, it is argued, if they are confident that other citizens will act in the same way (Miller, 1995, pp.96-97).

A willingness to lose, it is argued, stems from the existence of a common national identity. It is solidarity amongst co-nationals which provides the possibility of active participation in democratic practices (Canovan, 1996, p.20; Spinner-Halev, 2008, pp.608-610). According to Miller, the reason that such binding sentiment leads to a willingness to lose is due to the existence of trust. He argues that we only trust each other to comply with the willingness to lose if we hold this common nationality. In a large context such as a state, we lack the ability to monitor each other's behaviour. Therefore there must be some other means of guaranteeing this compliance, and for Miller, this is shared national identity:

> I take it as virtually self-evident that ties of community are an important source of such trust between individuals who are not personally known to one another and who are in no position directly to monitor one another's behaviour. A shared identity carries with it a shared loyalty, and this increases confidence that others will reciprocate one's own cooperative behaviour (Miller, 1995, p.92).

To summarise, shared identity is said to promote trust within a community of individuals who are largely strangers to each other, and who are spread geographically over a large area. Trust is important because it facilitates the voluntary participation involved in nurturing a

robust form of democracy, defined as the willingness to lose – whereby individuals are

prepared to compromise their sincerely held views in favour of reaching agreement, in the

knowledge that other individuals will also do the same.

1.3.2 TRUST AND THE WELFARE STATE

Miller's claim that national identity is crucial in the production of trust is relevant not just for

democratic practice, but also for the provision of social justice. The development of a welfare

state is said to be dependent upon the extent to which citizens are prepared to make material

sacrifices for their fellow citizens, and this is a central feature of liberal democratic practice in

contemporary societies[3] (Miller, 1995, p.71). Here, Miller's argument is that individuals will

only contribute to the welfare costs which provide aid to others on the grounds that those

others will equally contribute to provide them with this aid should they need it in the future

(p.91). Thus, a welfare state is seen as dependent upon the existence of a shared national

identity to provide the mutual trust that is necessary for this material sacrifice to be made.

My emphasis on the centrality of trust as a reciprocal arrangement between individuals is not,

however, meant to skew the extent to which Miller sees trust as imbued with the less tangible

qualities of shared loyalty and solidarity which stem from this shared identity, and it is

important at this stage to clarify why this is the case. As previously noted, Miller is keen to

avoid a definition of democratic practice that simply represents an aggregation of individual

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[3] My use of the term 'democratic nationalism' is intended to distinguish this specific set of arguments from the liberal nationalist school more generally, but this is not to say that it relates to democratic practice alone. Rather, democratic nationalists highlight the importance of shared nationality to the liberal democratic features of contemporary states, and that includes at least some reference to social justice. It might be helpful here to refer back to Marshall's conception of liberal citizenship, a definition drawn on by Miller (2000, pp.44), where citizenship includes civil, political *and social* rights (Marshall, 1992). As such, the liberal features of contemporary states are taken to include social welfare provisions.

interests. In other words, robust democratic practice requires more trust than is provided by simply satisfying the self-interest of each individual.

Similarly, this is the case for welfare provision. It is the solidarity that stems from national identity as representative of a common cause (Spinner-Halev, 2008, p.608) which creates high levels of trust, and which in turn makes social justice a possible outcome. This interpretation of trust is more extensive than an account which would define it strictly in terms of expectations of reciprocity grounded in self-interest. It is the solidarity provided by shared nationality which leads Miller to emphasise its importance to welfare arrangements. The individualistic nature of industrialised societies means that it will be difficult to mobilise people past the interests of their immediate context:

> As a result it is potentially difficult to motivate people to provide collective goods, it is difficult to get them to agree to practices of redistribution from which they are not likely personally to benefit, and so forth. These problems can be avoided only where large-scale solidarity exists, such that people feel themselves to be members of an overarching community, and to have social duties to act for the common good of that community (Miller, 2000, p.32).

Thus, national identity provides for the trust and solidarity that is necessary for robust welfare arrangements. Of course, this means that, as previously noted, the nation is understood to be context dependent. As Miller notes, 'the demands of social justice differ from one community to the next', and thus membership in the nation is understood to have ethical significance (p.172).

In sum, I have detailed the main arguments made by David Miller as the leading proponent of the democratic approach to liberal nationalism. I have highlighted that, according to this approach, shared national identity is important because it provides the trust that is necessary for a 'willingness to lose' to emerge, which in turn is crucially important for the realisation of robust democratic practice. I then noted that this trust is also seen as important in terms of

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making social justice provisions in the form of a welfare state, for which citizens would be required to make sacrifices, and do so only in the knowledge that others will be prepared to do the same. This trust, it is argued, stems from the solidarity that national identity provides. This is because, for Miller, the nation represents a common cause and a common good, and thus co-nationals feel solidarity with others acting towards the cause. They trust each other to act in an appropriate way towards the realisation of liberal democratic practice; that is, participation in democratic practices, and material sacrifice towards realising social justice.

1.4 DEMOCRACY AND NATIONALISM: A CRITIQUE

Having set out these key arguments, I now present a three-stage critique of Miller's democratic nationalist thesis, to suggest that its claims regarding the link between liberal democratic practice and national identity are significantly vulnerable to challenge. I give reason to think that shared nationality cannot be shown to be doing the binding work that Miller has assigned to it. Specifically:

1. The claim that democracy is dependent on shared culture overlooks the extent to which cultural diversity exists within nation-states that are nonetheless democratic.

2. The existence of democratic states which contain more than one national group suggests that national identity may not be essential for the emergence of a willingness to lose.

3. Both of these claims undermine the conceptual chain that Miller asserts between democracy, trust and national identity.

1.4.1 DEMOCRACY IN MULTICULTURAL CONTEXTS

The ideal underlying Miller's arguments is '...that of a people reproducing their national identity and settling matters that are collectively important to them through democratic deliberation' (Miller, 1995, p.100). In other words, the key claim is that the boundaries of nations and states should generally be consistent: each self-determining state should represent one nation[4]. This claim that a shared national identity is so vital to expressing the will of the demos may be challenged, however, on the grounds that this supposes a very homogeneous national culture which is not typically evident in modern states that are nonetheless democratic.

There are many examples of ethnic, cultural and religious diversity in nation-states that are still democratic. The UK is one such example, where in 2006, 21% of babies born were to mothers who themselves were born outside of the UK (Dunnell, 2008, p.4). The United States and India are examples of large sites of diversity that would be almost incomprehensible if it were the case that the vitality of democracy is dependent on cultural homogeneity. India, with its population of over 1.2 billion (Census of India, 2011a), has 22 official languages and records major populations in six different religions with, on the basis of the most recent available data, another 6 million people professing to belong to other smaller religions (Census of India, 2011b). Despite this deep diversity, and the sporadic occurrences of conflict between its major component groups (and the challenge of the BJP, a Hindu

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[4] I do not mean to assert that this is an ideal without qualification; rather, Miller makes a number of points concerning circumstances under which self-determination may not be possible. I discuss these in the following section. My purpose here is only to highlight the ideal principle guiding Miller's work.

nationalist party intent on imposing mono-cultural, religious and linguistic values), India maintains a relatively stable level of democracy (Glazer, 2010; R. Ganguly, 2007; S. Ganguly, 2007; Sarkar, 2001). As an example of extreme diversity, India sits firmly at one end of the continuum, but the majority of states today are marked by some level of diversity and multiculturalism.

Examples such as these challenge the basic premises of Miller's claims about homogeneous culture and the conditions of trust necessary for democratic practice as 'intuitively given' (Moore, 1996, p.424). States do typically represent a vast web of group loyalties by which individuals may define themselves, such as family, local community, religious group, or ethnic group[5]. These groups may be smaller than the nation, yet exert strong feelings of affinity (for example in the case of a family or a local community), or they may be much bigger than the nation but still afford loyalty (in the case of a religious group); essentially, there is no reason to single out the nation as more important than other group affinities (Vincent, 1997, pp.285-287). Miller's claim that the nation offers a means of bringing solidarity to large swathes of people is challenged particularly by loyalty to a group with a much larger scale than the nation, because this would suggest that it is not the only form of identity which will bring about binding sentiment across a large population.

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[5] A similar form of argument has been developed against Michael Walzer's claims for the moral significance of culture in defending rights to self determination. Walzer's argument (1983) is communitarian in nature and shares many similarities with Miller's in this emphasis on the value of culture, but I do not discuss his work at length here because my specific concern is that of democratic nationalism and his approach does not fall within this refined subject area. It is relevant to note, however, that theorists have argued against Walzer's use of cultural commonality as defensible grounds on which to base an argument in favour of national self-determination for every national culture, on the basis that national identities conceal much diversity and many different value sets. Therefore, it is somewhat challenging to argue that each nation should have its own state based on common value sets; or that types of government reflect particular national cultures (Beitz, 1980; Cabrera, 2004, pp.11-12).

Furthermore, there is an apparent tension in liberal nationalist thought between the nation as a cultural construct that is fluid, where culture is constantly changing and reproduced, and the nation as an expression of a pre-existing homogeneous culture that is carried forward through time[6] (Abizadeh, 2004a, p.238; Barry, 2001, p.309). As was discussed in the section 1.2, nations tend to be a composite of the historical emergence of groups according to a definitional feature such as a language or a religion, promoted by further identity construction for that group over time. This construction of the national public culture is just one selection of characteristics that all members supposedly hold in common. There are therefore a great number of internal differences between the identities of individuals, as noted, that did not happen to be used as criteria for defining the distinctive public culture (Abizadeh, 2002, p.502; Mayerfeld, 1998, p.563; Shachar, 2009, pp.147-151; Spinner-Halev, 2008, p.607). For a collective identity to truly reflect the fluid nature of the identity sets of its composite members, it would itself need to be fluid and amenable to change.

Indeed, this is something that liberal nationalists are keen to concede, lest their approaches be deemed as failing to meet the demands that a liberal morality makes surrounding equal recognition. Miller himself clarifies that the public culture need not entail cultural traditions such as traditional food, dress or music which may vary; however it may entail social norms, religious beliefs and national language preservation (1995, p.26). In the examples provided above, this would limit the extent to which diversity may occur within the parameters of those cultural norms, but Miller (1995, pp.134-154; 2000, p.128) is quick to emphasise that identity is fluid. Individuals such as new immigrants or citizens from minority ethnic groups who feel

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[6] This is also particularly evident when Miller does discuss alternative sources of identity within the state, and assumes a simple context of two neatly separated ethnic groups within the state (2010a, p.144), rather than the vastly complex reality of multiple ethnic, religious, cultural, gender, sexuality, local and trans-state group loyalties which characterise modern liberal-democratic states.

that their identity is not appropriately represented by the national culture may, through

dialogue with the existing national community, seek to make changes to the national culture.

The space permitted for this fluidity in the content of the national culture, however, is

somewhat at odds with the idea that democracy is dependent on a shared national identity, and

raises a contradiction within democratic nationalism. Recall the claim that the trust necessary

for robust democratic practice stems from a shared national identity, and that this is why the

national identity is so vitally important to democratic practice. This draws us towards an

argument for homogeneity, where trust and therefore democracy is thought to be strongest

amongst those who share a common culture, and those whose values will be central to the

societal culture. The idea that nations may be culturally diverse in private then contradicts

this, because it asserts that the heterogeneity of cultures will not undermine democratic

practice. As Abizadeh puts it succinctly,

> The very commitment to mobilise, to forge an identity, undercuts the sort of
> identity the civic ideal was committed to mobilise in the first place. This would
> imply that an attempt by the civic territorial nation to 'transcend' its ethnic core
> is an incoherent, self-defeating project that must be abandoned – for fear of
> undermining social integration (Abizadeh, 2004a, p.238).

If the nation is purely a construct, as liberal nationalists are keen to assert in their definition

from illiberal ethno-nationalism, and if it is subject to continuing change as fluctuations in the

cultural make-up of citizens occurs, then the extent to which democracy is dependent on a

shared national identity is significantly undermined. To complete this argument I return to

Miller's definition of national identity, which states that:

> ...nationality is an identity that embodies historical continuity. Nations stretch
> backwards into the past, and indeed in most cases their origins are conveniently
> lost in the mists of time. In the course of this history various significant events
> have occurred, and we can identify with the actual people who acted at those
> moments, reappropriating their deeds as our own... Because our forebears have

toiled and spilt their blood to build and defend the nation, we who are born into it inherit an obligation to continue their work (Miller, 2000, pp.28-29).

It cannot be that both homogeneous culture, defined in terms of historical continuity as a composite part of national identity, is necessary for democracy, but that cultural heterogeneity is also to be celebrated. If it is the case that Miller does favour cultural homogeneity, then there are grounds on which to question the extent to which homogeneity is necessary for democracy, on the basis that vastly diverse and democratic, and stable, states exist and thus challenge the need for an homogeneous national culture. On the other hand, if Miller gives way to cultural heterogeneity, then he must change his definition of national identity to be far more inclusive, because he is then undermining his own argument that democracy is dependent on an homogeneous national culture.

The points I have made in this section raise significant questions over the validity of the claim that democracy is dependent on national identity. So far, I have not engaged with the trust claim, which forms a central part of that causal chain, and this is a subject that I will return to shortly. Before I do so, I want to introduce another form of diversity that serves to further challenge the democracy approach, and that is the existence of multi-national states.

1.4.2 DEMOCRACY IN MULTI-NATIONAL CONTEXTS

Multi-national states again challenge the strength of the link that Miller asserts between national identity and the 'willingness to lose' which he claims is a necessary condition for the emergence and maintenance of democratic practice. This is because, once again, there are examples of multi-national states that exist and are nonetheless democratic. For example, Switzerland, Belgium and Canada are all examples of democratic states that contain more

than one national identity group; and despite the quite profound challenge of demanding multi-lingual public spheres, they have maintained strongly democratic states.

For the purposes of this section, I will take up the case of Canada, and its French-speaking territory of Quebec. Consideration of the Canada-Quebec case raises important questions concerning appropriate grounds for the secession of nations from multi-national states. Following Miller's homogeneity argument, it might follow that multi-national states should be split to provide one state for each nation, because this would allow for robust democratic practice to emerge. Thus, following this line of argument, Quebec should secede from Canada.

However, this is not how Miller's own analysis of Quebec's rights to secede actually proceeds. According to Miller (2000, p.127), there are three distinct types of identity groups: ethnic groups, 'rival nationalities' and 'nested nationalities'. The first set, ethnic groups, do not have rights to secession, because they do not aspire to secede – they present no case for political autonomy, and they do not make particular territorial claims (pp.127-128). In essence, they do not form 'a group with an identity that is incompatible with the state' (p.37)[7].

The cases of rival and nested nationalities are different, because these can be defined as national identities and thus have potential aspirations for secession and territorial claims. In the case of rival nationalities, secession would be deemed an appropriate option, because it would be the case that such nations are highly incompatible due to a history of conflict or religious difference. In the case of nested nationalities, there is much less of a case for

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[7] I have considered the extent to which Miller's definition between the claims of different identity groups might be problematic in the preceding section, and am therefore not going to raise again problems associated with lending different degrees of value to different types of groups.

secession because the difference between the two national identities is not so great as to preclude the emergence of an overarching sense of identity; again, this identity does not represent a case of incompatibility with state institutions (Miller, 2000, pp.128-129).

In both cases there are, however, further feasibility requirements that must be met. Miller argues that these include minimising risks to existing minorities within the secession area. In the Quebec example, this might mean finding a way to protect the English-speaking minority that would be found in a self-determined Québécois state. Any adverse effects on the previous community must also be considered, and in particular this relates to cases where identity is constituted by both groups. Quebec's secession may be challenging for smaller French communities within the remaining Canadian state, and also for those other Québécois and Canadian citizens who took Quebec's inclusion in Canada as part of their identity. Additionally, there must also be consideration for security concerns, meaning that secession must not impact negatively on the ability of either nation to defend itself from external aggression (Miller, 1995, pp.109-115; 2000, pp.37-38).

So, for Miller, Quebec would actually not have a claim for secession, because it does not present a case of vastly incompatible identities, and it presents many problems in terms of nested nationalities (where citizens may take it as part of their identity to be both Canadian and Québécois) that may have adverse effects on citizens of both Quebec and Canada. It is evident from my presentation of Miller's argument that there would actually be very few cases in which full secession would be deemed appropriate and rather semi-autonomous arrangements for minority nations in multi-national states might be sought. Miller acknowledges the extent to which it would be unfeasible to allocate a state to every nation in the world and conveys this in his criteria for secession, which allows for the kinds of arrangements for semi-autonomy that Kymlicka has defended (1995, particularly pp.142-143,

p.190). For both theorists there is some confusion over the grounds of their arguments for the value of national culture.

Kymlicka asserts the value of nationalism, as previously discussed, on the grounds that nationalism is valuable in the provision of a meaningful context necessary for the realisation of individual autonomy. Thus, national identity and culture are important to the extent that they facilitate the realisation of the autonomy goal. However, Kymlicka's approach can be seen as contradictory to the extent that it argues for the distinctiveness of particular cultures, rather than a cultural context in general. The former would suggest that intrinsic value is assigned to a particular culture regardless of whether individuals are dependent on it as a source of autonomy[8].

Similarly, Miller's argument suffers from some internal contradiction. Miller's argument for the worth of national identity asserts the value of particular, distinctive national cultures in the production of democratic practice. Yet his points surrounding secession and semi-autonomy highlight the extent to which his theory suffers from feasibility problems (Moore, 1996, pp.425-427). It cannot be that distinct national identities are centrally important to the realisation of robust democratic practice, and at the same time that asserting such value to particular cultures has so many viability problems in non-ideal reality that semi-autonomy within multi-national states would actually be preferable to the full self-determination of each nation. This is either to downgrade the importance of democracy – because according to Miller, in the absence of a cohesive national identity states will suffer from democracy

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[8] This argument is pursued in detail by Alan Patten (1999), who suggests that a focus on autonomy should drive us towards asserting the value of any culture capable of providing autonomy, rather than a specific distinct culture. This is the only critique I will make of Kymlicka's autonomy approach to liberal nationalism; however, the points made in the final section (1.5) of the chapter will have relevance for any defence of nationalism and thus for the autonomy approach also.

problems – or to assert that democracy is not contingent on a strong and distinct national identity, in which case Miller contradicts his previous claim.

1.4.3 DEMOCRACY, TRUST AND THE WELFARE STATE

So far in this chapter, I have shown that the link between democracy and national identity is not straightforward, because democratic practice is evident in both multicultural and multi-national settings. I have also suggested that the answers which Miller provides to these challenges create further problems of contradiction for his own theory – between the need for homogeneous nation-states with strong national identity, and viability concerns surrounding this proposal. These problems all suggest weaknesses in the claims that Miller has made regarding the relationship between national identity, trust and democracy. In the final part of this section, I want to focus in on this trust claim in more detail.

It might be claimed, in response to the critique of democratic nationalism presented so far, that while democratic practices may emerge in multi-national states, the quality of this democratic practice would be considerably weaker than in conditions of homogeneity – and that they would not allow for more advanced social goods, for example the collective support of welfare state arrangements. This is because the trust implicit in the willingness to lose, which is necessary for democracy and support for the welfare state, is argued to only be found in contexts with strong national identity, and so in the absence of this national identity, trust and therefore the willingness to lose and to make material sacrifices for co-citizens will be considerably weaker. It is this claim that I intend to focus on in detail here, and so before engaging with this critique, I will first set out exactly how Miller defines democracy and in particular his approach to democratic quality.

For Miller, different forms of democracy exist on a continuum towards the ideal of deliberative democracy. This deliberative ideal is defined as follows:

> ...the ideal of a political community in which decisions are reached through an open and uncoerced discussion of the issue at stake where the aim of all participants is to arrive at an agreed judgment (Miller, 1995, p.96).

The deliberative conception of democracy is ideal for Miller, because it is through open and fair debate that compromise is possible in order to reach a decision which best reflects the views of citizens. In engaging in deliberation with others, individuals must give reasons for their preferences, and thus areas of importance and areas that may be open to compromise may emerge, making the possibility of a fair outcome greater (Miller, 2000, pp.19-22; 2010, p.148).

This is an ideal, and Miller acknowledges that it may never be realised (1995, p.97). Rather, democratic practice exists on a continuum, with his form of republican, deliberative and 'radical' democracy at one end, and then liberal models of democracy at the other (Miller, 2009; 2010a, pp.146-148). As such, Miller provides an account of democratic quality, where the deliberative ideal represents a stronger form of democracy, while liberal forms are simply aggregates of interests. The problem which Miller identifies is that the liberal model of democracy, providing a neutral state which reflects the aggregate of individuals' interests, does not offer citizens a means by which to find compromises on their views. Therefore, decisions may be unfair to minority positions, and it may be more difficult to come to a concrete decision given the diversity of opposing opinions (Miller, 2000, p.12).

It is on trust, then, that this ideal of deliberative democracy hinges. People will not engage in such deliberative processes in the absence of trust, and again, this trust is understood to emerge from the existence of a common national identity. Leaving aside for now the extent to

which Miller's critique of the liberal form of democracy holds up, there are reasons to doubt that a high quality democracy depends on the trust emanating from a shared nationality.

Once again, examples of robust democracy in multi-national contexts present the most direct empirical challenge to Miller's claims. Despite the absence of a single nation correlated to a single state, these states often represent distinct and robust democratic traditions (Caney, 1997, p.358). The UK and Switzerland, for example, demonstrate a strong history of democratic decision-making. Both are multi-national, with the UK being comprised English, Scottish, Welsh and Northern Irish components, and Switzerland with its population split between French and German speakers (and both, of course, displaying considerably more diversity both in terms of the place of birth of their citizens and their membership of cultural groups). Yet both are served by robust democratic mechanisms – recent rankings placed both in the top ten democracies in the world (Campbell et al, 2010). While I by no means wish to assert in either case that they represent any form of ideal model, they do represent relatively strong instances of democratic decision-making practices.

Miller's criteria for a robust democracy focuses on the extent of popular control, wide scope in decision making, and political equality in terms of views being heard on any equal basis in the public arena (Miller, 2010a, pp.146-147). Despite an absence of cohesive national identity, these multi-national states fulfil the criteria that Miller identifies. This shows that either high quality democracy is not dependent on the attainment of the deliberative ideal, or it is possible to develop deliberative capacities in the absence of shared national identity (or, perhaps, an element of both).

Therefore, Miller's assertion that the willingness to lose which is provided by national identity is vitally important to the production of robust democracy is thrown into further

question. Miller takes it as intuitively given that national ties produce trust, and so does not

extensively question the relationship between the willingness to lose and national identity.

The points I have made here cast doubt on the extent to which national ties are actually

important in the production of trust, and suggest the possibility that it is valid to conceive of

trust without strong national identity.

I want to now consider this specifically in terms of the democratic legitimacy of welfare

redistribution. As I noted, Miller asserts that the existence of a robust welfare state is

dependent on the trust stemming from national identity. Føllesdal usefully describes this as

the problem of 'compliance', whereby suspicion of 'partial compliance', meaning only some

of the population are contributing to social welfare schemes, undermines the extent to which

citizens are prepared to do their part (Føllesdal, 2000, p.506). Trust is useful in providing for

compliance, since citizens will believe that one another are playing their fair part and will not

feel unfairly burdened, thus reducing the risk that compliance is only conditional (p.507).

It is then Miller's assertion that the trust necessary for full compliance stems from national

identity. He argues that nationality is valuable to the extent that it provides transparency

between the individual and their institutional context (Abizadeh, 2002, p.502). That is, it

provides a meaningful context in which institutions are understandable to individuals, and the

actions of other individuals in relation to them are equally understandable. It is in their ability

to understand the actions of co-citizens and institutions that individuals in a national context

gain the trust needed to support those institutions, and trust that those other individuals share

in the willingness to lose.

The existence of trust in other contexts undermines this argument somewhat. For example,

Abizadeh (2002) has highlighted examples of both trust in institutions and trust between

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citizens that has occurred over national boundaries, and actually rates more highly than trust

felt for corresponding institutions and citizens within national boundaries. In the first

instance, he highlights the trust felt by many Chilean citizens to Spanish and British

institutions in the Pinochet trial[9]; and in the second, the trust that consumers may display

towards merchants from outside of their own culture. Abizadeh puts these occurrences down

to the existence of a 'reputation of trustworthiness' rather than the existence of common

culture (p.501).

Shared national sentiment does, therefore, not appear to be a strict necessity in the motivation

of large scale resource distributions; a point which is further reinforced by reference to the

redistribution of wealth across national boundaries that occurs within the EU. I have thus far

not drawn attention to the EU, and of course the burgeoning democratic institutions that are

taking shape still have consolidation challenges to overcome – not least the existence of a

'democratic deficit'[10]. Despite this, however, redistribution practices are in place. For

example, in 2009 members states contributed €116,096,062,032 to the budget of the EU (EU,

2010c), and its activities reflect a commitment not only to resolving common problems such

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[9] Former Chilean President Augusto Pinochet was arrested in London in 1998 on the basis of a warrant issued by Spanish judge Baltasar Garzón. A battle ensued over whether Pinochet should stand trial in Spain, or whether he should be returned to Chile, where it was unclear whether his claim of immunity as a former head of state would be revoked. He was ultimately allowed to return to Chile in 2000, however continued debate over whether and how Pinochet should be tried meant that he had not stood trial at the time of his death in 2006 (Coad, 2006). Abizadeh asserts that in the disagreements which followed his arrest in London, many Chilean citizens would have trusted the British and Spanish legal systems to try Pinochet (Abizadeh, 2002, p.501).

[10] It is not the purpose of this chapter to engage with debates over the need for or strength of democracy in the EU, however it is relevant to note that the extent to which the EU is judged to have such a democratic deficit is dependent on how democracy is conceived of and where it is needed. Whilst most notably Moravcsik (2002) has asserted the irrelevance of imposing national democratic standards of democracy on the EU, others have claimed that the EU lacks appropriate democratic contestation over leadership and policy direction, and as such contains a democratic deficit that may be resolved through institutional and architectural reform (Føllesdal and Hix, 2006; Hix, 2008). I discuss this debate in chapter 3.

as the effects of a global economic downturn, but also initiating policies as diverse as pursuing health promotion, educational opportunities and humanitarian aid provision (European Commission, 2010a).

Member-states benefit from the EU's 'structural funds' which are specifically designed to target social and economic development. For example, on accession to the EU, Poland became a major benefactor of these structural funds, particularly in its most deprived Eastern regions (EU, 2010b). Between 2004 and 2006, Poland received €12.8 billion in structural funds, and it is estimated that by 2013, it will have received an additional €67.3 billion (European Parliament, 2007, pp.11-16). Such investment represents an example of the distribution of wealth across national borders. Additionally, citizens of the EU have extensive rights to freedom of movement, allowing them access to the job markets and welfare states of member states other than their own; thus, the EU can also be seen to distribute opportunities across national boundaries. All of these examples from the EU question the extent to which Miller's claim (that national identity is vital to the production of the kinds of trust necessary to motivate support for the redistribution of wealth and opportunities) holds up, because they are examples of such occurrences in the absence of shared national identity (Cabrera, 2004, pp.19-20; 84-85).

Given such examples, it is fair to question the relationship that Miller asserts between trust and nationality. In order to relate this point fully, it is necessary to return to the multiculturalism critique presented earlier. As was discussed at length, it is problematic to conceive of nations as being composed of neatly separate cultures; rather nations represent a collective with many internal lines of difference. Despite this internal difference, redistributions in resources and opportunities occur within states that have many different cultures. Again, this is highlighted within the EU, where this is no binding national sentiment

– indeed the complete opposite is present – and yet such distributions are still present. Rather, according to Abizadeh, such multicultural states are possible because they are accessible from a diverse range of cultural contexts, and 'well-ordered democracies function with multiple, crisscrossing, overlapping, public *spheres*' (Abizadeh, 2002, p.503).

The claim here is that it does not matter whether all individuals understand the state in the same way or that they completely understand the reasons that one another have for cooperating with the state; what is important is that the state is understandable from diverse cultural contexts, and thus the public sphere is plural – it is reflective of a plurality of cultures within the communal context. This point relates well to the India example I noted earlier in the chapter, where the multicultural state is made possible because it is accessible from a range of different cultures – for example, in the inclusion of many recognised languages.

In this section, I have specifically considered the key claim of democratic nationalism, that a willingness to lose and sacrifice stems from the trust emanating from a shared national identity, and thus national identity is deemed to be vitally important to liberal democratic practice. I focused on the accounts offered by David Miller to provide a fine-grained critique of his approach. I have demonstrated, through consideration of multicultural states and multi-national states, that the grounds on which Miller asserts the importance of an homogeneous national community are considerably thrown into question, and his responses to these challenges only serve to highlight contradictions within his approach between the value of strong identity and the reality of feasibility concerns. In this final sub-section, I have directly examined the relationship that Miller asserts between trust and national identity, and found it to be lacking. Specifically, I demonstrated reasons to doubt the extent to which the binding sentiment necessary for trust might emerge only under conditions of a shared national culture – in terms of both democratic practice and the collective legitimacy of welfare redistribution.

I have thus suggested that national identity may be considered as one option among many for the provision of democracy and welfare distributions. I now spend the final section exploring some reasons to suggest that this national identity is not the option that should be selected.

1.5 DANGEROUS NATIONALISM

So far, I have presented some reasons to suggest that shared national identity is not essential to the development of liberal democratic practice, because such practices have been shown to emerge in the absence of such sentiment. However, so far all I have said is that it isn't essential; an important question to answer in completion of the critique is to ask whether this matters – just because shared national identity is not necessary, does not mean we necessarily have reasons to move away from it. To complete my critique, I need to offer reasons as to why this national identity isn't essential but also isn't desirable. Here I focus on two central reasons. Firstly, I point to the processes of globalisation and suggest that pressures from outside the state present legitimacy concerns to which nation-states cannot effectively respond. Then finally, I highlight the potential tension between recognising national group identity and valuing individual rights, specifically focusing on George Kateb's thesis that nationalism promotes 'vices'.

Once again, my main reference point for liberal nationalism will be the work of David Miller, because this is necessary to complete the critique of his claims as noted above. The points I raise in this section will, though, have salience for wider defences of liberal nationalism, because they also point to the problems faced by nationalist approaches more generally.

1.5.1 DEMOCRACY AND GLOBALISATION

Theorists have argued that there is an emerging need to engage in aspects of shared rule above the state; and have questioned the relevance of shared national identity as a form of binding sentiment in this context, as well as the ability of nations to adequately respond to emergent trans-state challenges. Under the heading of 'globalisation', it has been argued that the world is becoming more inter-connected, and that these processes have challenged the traditional relationship between citizens and nation-states.

For example, it is claimed that global economic trends have developed a new 'geography of power', resulting in corporate practices that transcend national boundaries and a global division of labour which reinforces vast inequalities in wealth and resources (Sassen, 1996, p.5; 2003; see also Held, 2004, pp.40-52). This is reflected in statistics on global trade and investment, with the global export market growing by 5-10% every year[11] (OECD, 2011a) and evidence of large scale foreign direct investment in developing countries[12]. Such investment reflects the multi-national character of many of the world's biggest companies (Held, 2004, pp.22-24), which have been able to set up sections of their businesses all over the world. Such economic globalisation has been accompanied by mass global population movement, as approximately 214 million people (UN, 2011), or 3.1% of the world's population, seek access to economic resources beyond their nation-state. Increasingly states are challenged as their borders are compromised by mass illegal migration, and by

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[11] Other than around 2008 and 2009, where the global financial crisis and recession severely affected levels of global trade and export markets were reduced.

[12] For example, foreign direct investment stood at a massive $125 million in China in 2010 (OECD, 2011b).

humanitarian crises at crossing points (Benhabib, 2004; Cabrera, 2009; Canales and Armas, 2007).

A number of scholars have taken a more sceptical position on globalisation, suggesting that these phenomena are not unique to the modern era; rather, they are occurring no more than they have done at many points over the past five hundred years (Wallerstein, 2000). Additionally, such sceptics argue that multi-national corporations are still deeply embedded within their home countries, and that the sovereign state remains the key locus of power in contemporary society (Scholte, 2000, p.18). Conversely, it is argued that such sceptics mistakenly emphasise only economic aspects of globalisation. While globalisation sceptics play an important role in moderating the more extreme claims that globalisation is somehow 'inevitable and irreversible', they still focus only on claims surrounding economic globalisation and do not consider the numerous global policy issues which highlight interdependency between states (Guillén, 2001, 243-244). For example, issues such as global environmental challenges, international crime and the use of military force, have been argued to present challenges to traditional modes of state-level decision-making because they demand more interconnected and large scale responses (Archibugi, 2008, pp.7-8; Caney, 1997, p.357; Falk and Strauss, 2003; Held, 2004).

The ways in which people perceive their social, cultural and political worlds is also argued to have been transformed by globalisation, with the idea of belonging to a 'global village' gaining some salience, and organisations reflecting specific interests or types of activism[13]

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[13] For example, the recent 'Occupy' protests are one such globally coordinated protest movement. The movement began in New York, as a number of protesters occupied an area outside of the New York Stock Exchange on Wall Street, to protest 'against the corrosive power of major banks and multinational corporations over the democratic process, and the role of Wall Street in creating an economic collapse that has caused the greatest recession in generations' (Occupy Wall Street, 2012). Since then, a vast number of similar protests

increasingly take on a transnational character (Archibugi, 2008, p.77). The emergence of an international human rights regime additionally emphasises the growing recognition that basic rights may be thought of as universally applicable to every individual, rather than as dependent on membership of a particular nation-state (Van Den Anker, 2005, pp.67-68). All of these examples are, it is argued, overlooked by those who do not view globalisation as a distinct phenomenon (Guillén, 2001, 243).

While making any firm conclusions about the nature or extent of globalisation may be somewhat difficult, it is possible to draw attention to evidence of practices which transcend borders, and the increasing emergence of policy challenges which demand global responses, as evidence of interdependence and inter-connectedness in the contemporary world. This brings with it significant challenges for the traditional mechanisms of decision-making offered by the nation-state system. Here, it is possible to identify three inter-related challenges. The first is that many of these challenges span borders, or are without a geographic location (for example, in the case of policy development surrounding climate change), meaning that it is more difficult for nation-states to make decisions and develop policies in response to these issues – at least not without entering into greater cooperation with other nation-states (Castles and Davidson, 2000, pp.6-7; Held, 2004, p.12; Scholte, 2000, pp.51-54). The second challenge is that the decisions which are taken by nation-states increasingly impact upon individuals in other nation-states, who have no say in what those decisions should be, but are nonetheless significantly affected by them (Archibugi, 2008, pp.57-58). The final challenge relates to the organisations that are set up to respond to these

have been initiated worldwide, with current estimates stating that over 1,500 cities worldwide now have their own Occupy groups (ibid.).

challenges at a trans-state level, and their lack of democratic mandate for the decisions that they make.

Prime examples of this can be found by returning to consideration of economic globalisation. The WTO, IMF and World Bank are all examples of organisations which have been set up to regulate the global economy, but which feature only a limited democratic mandate stemming from the participation of representatives of nation-states at this trans-state level rather than full accountability to the people. According to some, this model severely limits the realisation of democratic legitimacy, whereby all those involved in a particular issue should have a say in the decisions that are made about it (Archibugi, 2008, p.59; Held, 2010, p.295). Organisations such as these do not then necessarily act in the interests of, or reflect the will of, each individual. Rather, the relative wealth of countries impacts heavily on the extent to which they are able to influence the decisions and policies of those organisations (Archibugi, 2008, p.59; Held, 2010, 300). Decisions taken thus often produce significantly negative effects for the poorest countries, because influence is so closely related to wealth (Archibugi, 2010, p.316; Habermas, 2010, p.285; Held, 2004, p.61).

My purpose in outlining these issues is not to theorise about appropriate global forms of democratic accountability, but rather to highlight the extent to which nation-states cannot necessarily provide the democratic legitimacy, or capacity to make effective policy, for an increasingly globalised world. While I have only been able to provide an overview here of the issues involved in debates over globalisation, the information presented in this section is intended to detail the ways in which the world is becoming more inter-dependent, and the reasons why this may raise problems for theorists concerned with democratic legitimacy. If we assign significant value to democratic legitimacy, as theorists within the liberal tradition do (and specifically, for my purposes, as democratic nationalists do), then it is relevant to

question the extent to which a continued focus on the nation-state is relevant in providing this democratic legitimacy to decision-making in a globalising world.

David Miller would assert that it is not possible to talk about democracy in settings other than the nation-state, or at least to talk about high quality democracy in these alternative settings (Miller, 2010a, pp.149-156). As I have previously considered in detail, this is because the binding sentiment of nationalism is judged to be crucial for democratic practice. However, in the course of this chapter I have provided significant reasons to refute such a thesis; that actually nationalism is not necessary to enable these practices. Rather, a strong emphasis on shared national identity could unnecessarily cause us to neglect possibilities for engaging in shared rule above the state. The examples and discussion in this section provide some reasons for thinking that neglecting such opportunities could be significantly problematic for delivering appropriately robust democratic legitimacy in an increasingly globalised world.

1.5.2 LIBERALISM VS. NATIONALISM

To finish, I highlight some important tensions between a liberal emphasis on the value of the individual, and the moral weighting of strong national group identity in political institutions. I first examine Miller's claims surrounding the ethical salience of national communities, before focusing on George Kateb's thesis on nationalism and violence. As noted, Miller asserts that nations are ethical communities, with obligations inherited from the sacrifices of ancestors. Miller's argument is therefore built on the idea that nations themselves produce obligations to co-nationals that are different to, and more extensive than, obligations to others. This claim however raises problems in terms of the recognition of the rights of the individual, a key tenet of liberal morality.

A good example here is to consider a group that is promoting racist views and beliefs. Does simple membership of that group confer on the individual an obligation to continue this racism? (Caney, 1997, pp.96-97; Gomberg, 1990, pp.147). A problem such as this raises questions concerning the imposition of liberal norms on group practices, and a full answer to such questions would veer from the purpose of the chapter too greatly. Still, there is an important point in terms of the right of the individual to lead an autonomous life that he or she has chosen, and the extent to which membership of a group confers obligations on that person simply by virtue of their membership[14].

Just because a group is capable of democratic practice, this does not mean that the other values or practices of that group will fit into a liberal conception of morality. On the contrary, it may be argued that a persistent respect for group rights sits in tension with the liberal primacy of respect for the individual over any other group membership, because elevating the moral importance of groups compromises a respect for individual difference and equality in the extent to which interests are met regardless of that individual diversity (Benhabib, 2004, pp.75-86; Pogge, 2001). The premises of this argument do not dispute the rights of groups to exist, but they do challenge the rights of those groups to act in ways that denigrate the rights of individuals who fall outside of that group.

There are additional concerns in terms of individual rights infringements by the national group. To make this point, I return to the claim that national identity is an extension of

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[14] Abizadeh provides an example of this point in his work on Miller's conception of national identity as 'myth'. Miller places importance on historical continuity, but ultimately the origins of the nation may be lost in myth – it is more important that the identity serves its purpose in facilitating liberal democratic practice than that it is based in fact. Abizadeh, however, highlights how this is problematic when thinking about individual autonomy – if the nation is founded on myth, then an elite exists that controls the content of the myth and thus controls the will of the demos. Though an aside to the specific content of this chapter, this represents an example of the compromise to liberal rights that national group membership may produce (Abizadeh, 2004b).

personal identity and therefore that recognition of the autonomous individual is dependent upon recognition of the value of national culture. This claim has been challenged on the grounds that it assumes that there is nothing wrong with the promotion of personal identity to this elevated level of recognition. However, theorists have drawn attention to the dangers of such an extension in its exaggeration of dangerous characteristics – what George Kateb has termed 'vices' (Kateb, 2006, pp.30-35).

Kateb's argument proceeds on the basis of the aggrandisement and self-love he sees as implicit in attachment to a cultural group. The individual sees their own personal identity as part of, or equivalent to, the group identity. This group identity takes on a competitive nature in the international realm, leading to conflict with perceived Others (p.9; see also Mayerfeld, 1998, p.567). This conflict stems from the vices that, while inherent to human nature, are exacerbated by membership of an identity group. These include imagining that one is equivalent to the political unit, the desire for the world be made up of rivalries between distinct groups, and the promotion of certain cultural characteristics that are perceived as 'natural', over the common features shared by all of humanity (Kateb, 2006, pp.31-34). Ultimately, this leads to a clash between love of the in-group and adherence to a universally applicable moral principle, with the former winning out. Thus, Kateb highlights the recognition of distinct cultural groups as sitting in deep tension with a commitment to universal liberal morality.

The argument itself goes further, to demonstrate the ways in which a defence of nations as ethical communities can exacerbate liberal morality in its promotion of the use of force against external enemies. Even if we accept a position where all nation-states must respect the freedom of all other nation-states and the use of force is only permitted where justice is undermined (Miller, 1995, pp.104-105), Kateb (and Mayerfeld) argue that each national group

will have different conceptions of the requirements of justice, and thus may disagree over the legitimate use of force which could ultimately result in conflict. It is then the very fact that nations are generally armed groups that makes this exaggeration of difference so dangerous, because there is the potential for conflict between perceived Others to become violent and thus compromise liberal values (Kateb, 2006, pp.19-20; Mayerfeld, 1998, pp.573-575). While we may have to accept that individuals will naturally form groups with those they perceive as similar to themselves, critics assert that the promotion and exaggeration of these groups and inter-group difference is not justifiable.

These claims are not solid evidence that nationalism will always lead to violence and a devaluing of the individual, but do highlight some important tensions between assigning value to the individual on the one hand, and promoting strong national group identity in political institutions on the other. Kateb's thesis gives us further good reason to move away from nationalism as an approach which emphasises the maintenance or promotion of strong group identity.

1.6 CONCLUSION

The purpose of this chapter was to explore and critique the conceptual link between democracy and nationalism that is asserted by democratic nationalism theorists. The chapter began by exploring what is meant by democratic nationalism, locating the approach within the liberal nationalist school and specifically focusing on David Miller's account.

I then presented three central criticisms of the democratic nationalist approach. Firstly, I highlighted the extent to which multicultural states challenge the supposition that common

identity is necessary for robust democratic practice; and secondly I pointed to multi-national

states as examples which directly dispute the importance of mono-nationalism to democratic

practice. I noted Miller's responses to these problems, but highlighted the extent to which

they tended to contradict his initial position – because if these responses are correct, then the

extent to which democracy is reliant on mono-nationalism is significantly disputed. Thirdly, I

explored trust as a crucial component of the conceptual linkage between identity and

democracy, and argued that this trust is not necessarily dependent on the existence of shared

national identity; which, I asserted, means that shared national identity is not necessary for the

emergence of democratic practice or a robust welfare system.

In the final section, I then explored some further reasons as to why an emphasis on

nationalism such as this might be not only unnecessary, but also undesirable. Here I

emphasised the extent to which nationalism may lead us to neglect opportunities to deliver

democratic legitimacy to decision-making above the nation-state, an issue which has gained in

importance as challenges that cut across national borders have grown in prominence. Finally,

I highlighted the tensions between valuing the rights of the individual, and any weighting of

national group identity.

I will conclude by re-stating my central claim, that national identity cannot be shown to be

doing the binding work that David Miller assigns to it; and that this provides us with reasons

to doubt that nationality plays such a central role in facilitating liberal democratic practice.

Given that, as I have identified in the chapter, there are reasons to doubt the efficacy and

desirability of nationalism, a pertinent question to ask is what else might be able to do the

binding work that Miller assigns to national identity. This question is central to debates over

the potential for non-national forms of belonging and democratic practice at the trans-state

level. I now want to consider constitutional patriotism as a theory that develops the

possibility of robust democratic practice and corresponding binding sentiment in such non-national terms.

2 CONSTITUTIONAL PATRIOTISM: A REFLEXIVE TRANSFORMATIONAL ACCOUNT

2.1 INTRODUCTION

Constitutional patriotism, or commitment to shared principles rather than shared national identity, may be juxtaposed against nationalism as a more defensible means of providing democratic legitimacy and social unity. In proposing allegiances to a constitutional interpretation of universal principles rather than shared national identity, it offers a source of binding sentiment that is particularly pertinent to the pluralism of modern, multicultural and often multi-national societies. Theorists adopting the approach have, however, disagreed over the appropriate 'thickness' of the binding sentiment involved; that is, the extent to which a political community, under constitutional patriotism, is still reliant on the existence of a core of shared values and beliefs.

In this chapter I seek to assess constitutional patriotism as a potential alternative to the binding sentiment of nationalism. I critically examine the approach, to assess the ways in which it is more defensible than nationalism. I then discuss some internal variances in conceptions of constitutional patriotism, and which of those should be seen as the most coherent and defensible. My core argument at this stage is that constitutional patriotism, appropriately conceived, emphasises a reflexive relationship with collective cultures and pasts, rather than a more thick conception of the binding sentiment needed for social unity. Following further critical examination of this account, I argue that such a reflexive approach must also emphasise the transformational capacity of constitutional patriotism, which is undermined by a persistent focus on specifically national reflexivity. As such, I conclude by arguing against the dominant literature that constitutional patriotism is best understood as

post-national, rather than post-nationalist, but that this post-national position is dependent upon a strongly reflexive, transformational approach to democratic belonging and binding sentiment.

2.2 DEFINING CONSTITUTIONAL PATRIOTISM

Constitutional patriotism originated in Germany, in the aftermath of the Second World War. Following the experience of German fascism and the Holocaust, scholars were questioning whether a German identity should exist, and if so, how it could be 'safely' constituted. Jan-Werner Müller traces the history of constitutional patriotism to the work of Karl Jaspers in this German context, however he also notes how concerns surrounding a future avoidance of the widespread instability of the inter-war period[15] meant that such questions were pressing for a range of European contexts at that time (Müller, 2007a, p.15).

Müller focuses on Jaspers' *The Question of German Guilt* (2001[1947]) as an initial formulation of the ideas that would inform constitutional patriotism. Jaspers believed that Germany could not simply reconstitute its identity, but rather had to take collective responsibility for this past, where a 'continuously contested memory' could form the basis of solidarity (Müller, 2007a, pp.16-18). It was Dolf Sternberger (1979, cited in Müller, 2007a, p.22) who then developed the idea of constitutional patriotism as the identification of citizens with a democratic constitution which they would be prepared to defend. Thus constitutional patriotism initially took on the form of 'militant democracy' (Müller, 2007a, pp.22-25); in other words, a form of liberal democratic shared rule that would be intolerant of, and defend

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[15] For an historical overview of the instability of the European inter-war period, see Hobsbawm (1995, ch.3-5).

itself against, illiberal viewpoints that would compromise the quality of that democracy. The idea of constitutional patriotism then gained prominence when it was taken up by Jürgen Habermas during the historians' dispute[16]. Habermas contested attempts by historians to return a sense of national pride to Germany, and rather advocated constitutional patriotism as an alternative form of identity and belonging (Müller, 2007a, p.26).

This constitutional patriotism, as it has been developed both by Habermas and subsequent theorists, can be broadly defined as an approach to shared rule which sees shared commitment to appropriately configured principles, instead of nationalism or other shared sentiment, as the most defensible means of binding a polity (Abraham, 2008; Cronin, 2003; Habermas, 1995; 1998a; 2001b; Hayward, 2007; Ingram, 1996; Lacroix, 2002; Markell, 2000; Michelman, 2001; Müller, 2007a; Nanz, 2006; Shabani, 2003; Soltan, 2008; Stilz, 2009). Thus, according to its proponents, constitutional patriotism offers the potential for political integration with those who do not hold a shared identity, and acts as a process of detaching national identity from the institutions and practices that form the basis of a democratic polity.

Advocates of constitutional patriotism conceive of attachment to universal (liberal democratic) principles, which are justified by their interpretation by citizens into a constitution that they believe best reflects their particular context – it reflects how those citizens want to live together (Müller, 2007a, pp.53-54). In this sense, constitutional patriotism is theorised as a model of legitimacy that is dependent on both normative

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[16] The historians' debate ("Historikerstreit") refers to contestation over the historical interpretation of the Holocaust in German identity and memory, which took place between 1986 and 1987. While historians such as Nolte and Hillgruber argued against the uniqueness of the Holocaust given atrocities associated with the Russian revolution and attempted in this sense to relativise events, Habermas was joined by a number of others to contend that such an interpretation negated German culpability (for discussion, see Eley, 1988). He also suggested that such views compromised the very foundations of post-war German democracy in 'a principled willingness to repudiate the Nazi past' (ibid, p.183).

legitimacy as well as the legitimacy that stems from collective will-formation (Nanz, 2006, p.111). It is thought of as both allegiance to abstract principles that are universal in scope, and a process of debating the contents of a specific constitution through which that allegiance is enacted, which will be the site of 'intense yet reasonable moral and political contestation' (p.55), and will form the basis of justification for the coercive practices of the particular state.

This discursive process requires critical reflection on identity, values and collective pasts. In order to consider the extent to which current arrangements and institutions meet with liberal democratic principles and are also an appropriate reflection of the values of the community, citizens must be able to critically reflect on their current arrangements and institutions, as well as their identity, history and values – in other words, they must exercise reflexivity. This reflexive process is open-ended – the constitution is subject to reinterpretation as the identity, culture and values of the demos change.

2.2.1 THE CONTRAST WITH NATIONALISM

Constitutional patriotism is thus conceptualised as a defensible form of collective allegiance in particular contexts. Unlike shared national identity, it is argued to offer the potential for a particular space to be shaped by an intrinsic commitment to liberal freedom, and for institutions to be open to the fluidity of the composite identity and culture. As such, it offers a robust alternative to integration based on nationalism. In order to summarise effectively why this is the case, I return to my critiques from the first chapter.

The first of these focused on the flawed reliance of nationalism on the argument that shared nationality is necessary for effective democratic practice and a fully functioning welfare state.

I offered evidence to cast doubt on such a link, and highlighted that both democracy and a welfare state are possible in the absence of this shared cultural identity. One of the strongest claims that I engaged with was Miller's argument that nationalism is necessary to maintain a strong form of deliberative democracy, with all views being heard equally in the public arena (Miller, 2010, pp.146-147).

I would contend here that constitutional patriotism offers a better way of realising the goal of political equality; that is where institutions recognise the equal status of each citizen (Beitz, 1989, p.99). If democracy is fully possible without a shared national identity, then constitutional patriotism offers a means of ensuring this political equality, due to its emphasis on the ongoing processes of discursive deliberation concerning the appropriate content of the constitution. While under nationalism, minorities may struggle to be heard on an equal basis, constitutional patriotism is based around the very idea that political equality is centrally important to democratic legitimacy, to the extent that even the founding constitution of the polity is constantly subject to reinterpretation based on the make-up of the population. Therefore, this constitution reflects the political equality of every individual within that polity, whether they are a member of majority or minority groups. It does so because every individual has an equal say in shaping that constitution through an ongoing debate.

The second reason to consider constitutional patriotism as significantly more defensible than nationalism relates to the problematic relationship that nationalism has with the rights of the individual. If liberal democracy is accepted as a desirable political concept, then constitutional patriotism is more defensible than nationalism because, unlike nationalism with its emphasis on group rights, the approach does not sit in tension with the liberal emphasis on individual rights. The historical emergence of constitutional patriotism demonstrates how it was specifically designed to overcome the problems that nationalism presents for the

realisation of fully liberal societies. Whether in a diverse context such as the Western states of Europe or the USA, or in a more homogeneous state such as Japan or the states of Eastern Europe, constitutional patriotism emphasises the equal rights of each individual to political expression, and a continuous reinterpretation of how the broadly constituted 'group' expresses universal principles in its constitution. Thus constitutional patriotism is consistent with the commitment to individual rights and recognition that sits at the heart of liberal democracy.

A further claim concerning the defensibility of constitutional patriotism centres on the necessity of developing forms of democratic legitimacy that are appropriately robust under conditions of increased global interdependence. While constitutional patriotism is relevant for any political context, recent scholars have particularly emphasised its relevance for non-national contexts where no binding source of identity exists, but where robust democratic practice is sought. Constitutional patriotism shifts away from the presumption of an inherent link between nationalism and democracy, and so offers a coherent means of viewing democratic practice at such a trans-state level, and a more defensible way of building democratic institutions than an account of supranational 'nation-building' could offer. As such, scholars have particularly emphasised the relevance of constitutional patriotism for the EU integration project, where a common constitution would provide a focal point for political contestation and for what it means to be a citizen of the EU[17] (Habermas, 1995; 2001a; Lacroix, 2002; Müller, 2004; 2007b).

For these reasons, constitutional patriotism is viewed as significantly more defensible than nationalism. This broad definition and defence of constitutional patriotism has served as a

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[17] I consider the relevance of constitutional patriotism to debates surrounding European integration in chapter 3. However, I briefly note its development here as I will draw on the EU as an example site of application of constitutional patriotism later in this chapter.

useful introduction to the approach, however it disguises significant disagreement within the wide literature on the subject. I now spend the rest of this chapter examining this literature in closer detail, to consider how constitutional patriotism is best understood. I begin my examination by turning to the work of Jürgen Habermas, whose conceptualisation of constitutional patriotism is the most prominent, and perhaps also the most contested.

2.3 HABERMASIAN CONSTITUTIONAL PATRIOTISM

Habermas' constitutional patriotism is a response to both the questions surrounding both German national identity in the post-war era, and how to conceptualise social unity under conditions of deep diversity and in trans-state contexts such as the EU, where national identity is absent and so cannot form the basis of collective solidarity. While his conception is of considerable merit, as I seek to show in this section it suffers from an inherent contradiction surrounding the role of thick binding sentiment.

Habermasian constitutional patriotism emerges firstly from a concern for the use of national identity as a basis for political integration given the evident dangers of extreme nationalism that became most apparent in the course of the second world war. Secondly, it stems from the observation that modern states tend to be pluralistic, yet nationalism does not offer a valid means of conceiving of democratic legitimacy under such circumstances, because it cannot account for the many different value-sets of individuals within a society. Informed by Habermas' earlier writings on communicative action, his theory of constitutional patriotism is heavily influenced by a concern for political equality. For Habermas, democratic legitimacy hinges on the impartiality of legal-political institutions towards all individuals in the process of public will-formation (McCarthy, 1998, p.119). The maintenance of this impartiality

becomes all the more important given the diverse conceptions of what constitutes the good

which may occur in pluralistic societies[18].

On this basis, Habermasian constitutional patriotism then proceeds by questioning the

conceptual link between ethnos (the ethnically defined community) and demos (the people

that form that community)[19]. Habermas describes how the bond between ethnos and demos,

operationalised within the nation-state, acted as a catalyst for the promotion of democratic

citizenship, but argues that this is no longer justified. According to Habermas,

> The nation is janus-faced. Whereas the voluntary nation of citizens is the source
> of democratic legitimation, it is the inherited or ascribed nation founded on
> ethnic membership that secures social integration (Habermas, 1998a, p.115).

Habermas distinguishes between membership that is viewed as 'compulsory' and 'inalienable

property' (p.131), because it relates to ethnic and cultural characteristics that are maintained

for the purposes of citizen solidarity, and a voluntary association of citizens which acts as a

source of democratic legitimacy for the governance arrangements of the state. He continues,

> Today, as the nation-state finds itself challenged from within by the explosive
> potential of multiculturalism and from without by the pressures of globalisation,
> the question arises of whether there exists a functional equivalent for the fusion
> of the nation of citizens and the ethnic nation (p.117).

For Habermas, there exist challenges within and outside of the nation-state that the current

formulation of democratic legitimacy (resting on national identity) cannot account for. These

problems stem from a tension that Habermas identifies between the 'good' as particular, and

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[18] This may be considered to be true of all societies, even those appearing to hold a common national identity and thus claiming a common conception of the good. As was argued in the preceding chapter, a national identity may mask considerable internal divisions. However, in keeping with the direction of Habermas' own writings and the overall concern of this thesis with trans-state integration projects, I focus here on the democratic legitimacy challenges of highly pluralistic states.

[19] While here the main source to be drawn on is *Inclusion of the Other* (1998), Habermas' (1995) contribution to an edited volume provides a thorough discussion of the concepts of ethnos and demos, and their separation.

the 'right' as universal (p.29). The increased pluralism implicit in multiculturalism and globalisation is problematic because it challenges the consensus that forms around 'underlying moral norms' in a more homogeneous community (p.39). In other words, in the current global system there is more conflict over what the 'good', as a subjective expression of the 'right', should be.

However, societies facing these challenges can be held together by a political project that exists separately from the shared culture of national identity, which has traditionally provided this consensus on an appropriate conception of the good. As noted, nationalism was a catalyst for democracy, but according to Habermas the two are not conceptually linked, so it is possible to conceive of democratic legitimacy in the absence of this shared identity and culture. This alternative form of collective identity is developed in patriotism[20] to a particular constitution, which represents an interpretation of universal principles. The shared political culture of a society is separated from the many 'sub-cultures' that will exist within that society, and the political culture develops from the constitution of that society – which will be an expression of a set of principles that are common to other constitutions but that are interpreted differently given the different geographical and historical contexts to which they relate (Habermas, 1998a, p.118). This reflects Habermas' view that legitimacy is dependent on universal principles, but that those principles must 'also harmonise with the ethical

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[20] As will become clear, the term 'patriotism' takes on a very different meaning to its traditional usage. Constitutional patriotism itself is a reaction to dangerous forms of blind patriotism that have accompanied ultra-nationalist and fascist regimes. It also does not denote a *terra patria* (fatherland) that ties the individual by ancestry, and is typical of traditional patriotism (Viroli, 1997, p.18). However, as Viroli's nuanced argument demonstrates, patriotism is conceptually distinct from nationalism, and constitutional patriotism is meant literally as a form of patriotic sentiment towards universal principles. It is therefore not patriotism to a specific country, but rather patriotism to the realisation of justice, thus making 'affect safe for democracy' (Markell, 2000). Perhaps patriotism is not the most appropriate term for this form of attachment; however I use it in keeping with the current literature on the same subject.

principles of a consciously 'projected' life conduct for which the subjects themselves, at both the individual and collective levels, take responsibility' (Habermas, 1998a, p.99).

The relationship between universal principles and particular contexts is fundamental to constitutional patriotism, and it is therefore worth spending some time setting out exactly what Habermas perceives that relationship to be. Habermas asserts that moral questions are distinct from ethical questions, and that answers to these two types of question are subject to different justificatory demands. Questions concerning what is 'right' are dependent on moral reasoning, whereas questions concerning how an individual should live are ethical matters that are not necessarily subject to that moral reasoning (McCarthy, 1998, p.121). In other words, there is a difference between what is 'right' and what is 'good', and in the absence of an overarching doctrine there can be no moral guidance on what is to be considered as 'good' for each individual.

Thus, for Habermas, there are two stages of moral justification. The first is that which 'unfolds within the horizon of received norms' (Habermas, 1998a, p.6), or the process of public debate over the appropriate expression of given norms which takes place within a particular context; and the second is the impartial justification of the norms that are to be debated – those norms that are viewed as universal. When there is no overall universal truth such as that traditionally provided by religion, these universal norms must stem from the hypothetical outcome of reasoned debate (Moon, 2003, pp.259-260). The universal applicability of principles emerges from the reasoning that everyone, when considered as free and equal, could reasonably be expected to accept the principle at stake (Michelman, 2001, p.262). This is the principle of universalisation: a norm is accepted on the basis that its consequences are acceptable to all, without requiring coercion (Habermas, 1998a, p.43).

This understanding of universality reinforces the importance of the communicative practice that is a central element of Habermas' substantial body of work, and which is apparent in his approach to constitutional patriotism. Habermas takes the views, judgements and reactions expressed by individuals to be 'moral utterances'; they are evaluations of actions taken by themselves or others (Habermas, 1998a, pp.4-5). Each individual will express different moral utterances related to different occurrences and contexts, and this is why a process of hypothetical consent is so essential in the formation of universal norms; but this communicative practice is in itself a sort of universal – it suggests the existence of an objective reality that individuals seek to express in different ways (p.40; see also Michelman, 2001, pp.256-257). Thus the universalistic conception of morality is heavily dependent on this theory of communication, because it is dependent on a mechanism that can reinforce equal respect, which Habermas (1998a, p.40) defines as the 'fact of equality' combined with the 'recognition of difference'.

This equal recognition of difference is reinforced in the next stage of democratic legitimacy, where actual (rather than just hypothetical) legitimation can occur. It is because individuals will express an objective reality in many different ways that this additional stage is necessary. In simple terms, while universal principles can be justified by utilising a theory of hypothetical consent, their practical application in particular contexts will differ according to the understanding and expression of reality that occurs in those particular contexts at particular times. This explains why it is not simply the case, according to Habermas, that if universal principles exist then a single, universal constitution should also exist. Rather, the same universal principles can come to be expressed in different ways in different constitutions, through a process of rational debate. This discursive process is driven by the

principle of discourse, where '…just those action norms are valid to which all possibly affected persons would agree as participants in rational discourses' (Habermas, 1996, p.107).

The principle of discourse relates to public debate, where all individuals are able to rationally contest the most appropriate interpretation of the universal principles. It is by engaging in reasoned discourse that diverse individuals are able to discuss and debate the terms of their living together, and what the universal principles mean for them in their particular context at that particular time. Crucially, the constitutional expression of these universal principles is 'living', an ongoing project of reinterpretation, precisely because the interpretation of universal principles is both geographically and temporally dependent (McCarthy, 1998, p.128).

The principles of universalisation and discourse are central to Habermasian constitutional patriotism. In the absence of an overarching doctrine, it remains possible to conceive of universal norms by considering the hypothetical outcome of reasoned debate; but given the diversity of values and beliefs in given contexts, it is then necessary for the actual practice of reasoned debate to occur, for context-dependent interpretations of universal principles to emerge as distinct constitutions which are democratically legitimate. In the process of debate, universal norms take on meaning and relevance for individuals within a specific context. Thus, constitutional interpretation makes universal principles understandable and relevant, given the context in which individuals find themselves.

Where nationalism has traditionally provided a mechanism for individuals to form bonds with others who are strangers to them, Habermasian constitutional patriotism replicates this action using rational agreement. This alternative mechanism provides both democratic legitimacy for institutions and processes, and a source of allegiance and solidarity for citizens. Given

this rejection of thick collective identity in Habermas' account, his constitutional patriotism also requires that individuals are capable of a more objective viewpoint on the validity of their own claims as well as those of others, than would be present with nationalism. As Habermas notes,

> From the ethical point of view, my preferences and goals are no longer simply given but are themselves open to discussion; since they depend on my self-understanding, they can undergo reasoned change through reflection on what has intrinsic value *for us* within the horizon of our shared social world (Habermas, 1998a, pp.6-7, emphasis in original).

In other words, the specific points of view and value sets of individuals are opened up in the discursive processes, which then allows for those individuals to acknowledge the point of view of the Other as well as to subject their own views and values to critical reflection in light of the discursive experience. Thus a 'solidarity among strangers' may emerge, whereby 'critical reflection on our own blind spots, and… decentring of selective perspectives' gives rise to 'the mutual opening of existing national universes to one another' (Habermas, 2001b, pp.18-20). It is this process of critical distancing and the opening up of identities that allows for an alternative form of allegiance to emerge between those diverse individuals in the absence of a common identity.

In summary, constitutional patriotism according to Habermas denotes attachment and allegiance (patriotism) to universal principles that are legitimated by the principle of universalisation – principles are accepted when we could reasonably expect all individuals affected, when free and equal, to also accept them. Those universal principles come to be meaningful to individuals when they are interpreted into particular constitutions that reflect the values, histories and traditions of those people affected in that particular context. This adds a further dimension of legitimacy to those principles, because it enables them to be continually discussed and revised – thus ensuring that they may legitimately be claimed to be

accepted. Rather than reflecting a singular collective culture, it is through this process of

discussion and debate in the public sphere that diverse values and beliefs, informed by diverse

histories and cultures, come to be considered and to have influence over the constitutional

interpretation, and that individuals come to feel allegiance to the principles embodied therein.

This relationship between the universal and particular is perhaps best represented as a

'circulatory process' of interdependence (Habermas, 1998a, p.161; Müller, 2007a, p.59), as

summarised in fig. 2.1. This diagram shows that the universal principles, defined as set out in

Fig 2.1 The Constitutional Cycle
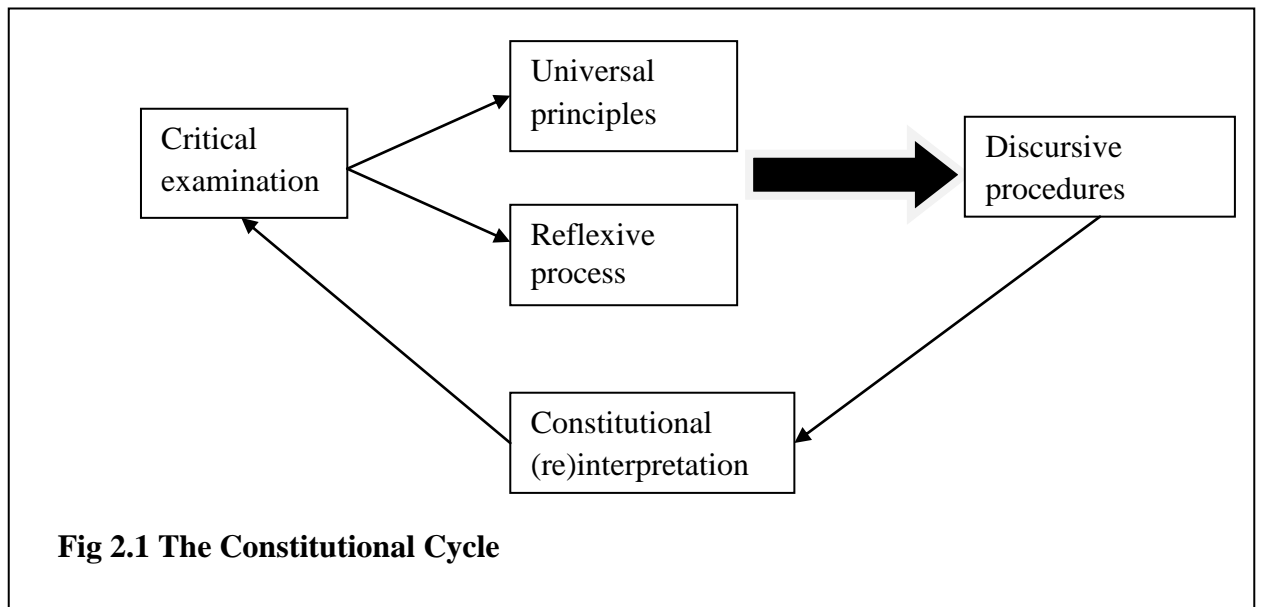
this section, feed into discursive processes, which then produce an interpretation of those

principles embodied in a constitution. The constitution is then subject to critical examination,

but similarly gives rise to further critical reflection on the part of the individual as they

consider how their own values and beliefs relate to the constitutional principles – here I have

termed this the 'reflexive process'. That reflexive process, as well as critical examination of

the expression of the universal principles, then feeds back into the discursive procedure,

which then may produce a re-interpretation of the constitutional principles, which again will be subject to critical examination, and so on.

My overview of Habermas' approach to constitutional patriotism thus far has served to demonstrate what a fully elaborated account of constitutional patriotism might look like. It has also demonstrated how one of its first proponents shaped the concept and described how it should be conceived of. I now turn to what I perceive to be an inherent contradiction within Habermas' approach, however, which is particularly evident in his later work.

2.3.1 SOLIDARITY AND IDENTITY: THE HABERMASIAN CONTRADICTION

In *Inclusion of the Other* (1998a), Habermas seeks to demonstrate the 'janus-faced' nature of the nation (p.115). He asserts that the national unit is torn between the voluntary character of its democratic functions, and the non-voluntary, inherited nature of the use of non-voluntary, inherited ethnic and cultural characteristics in the production of social solidarity. It is the aim of his constitutional patriotism to seek an alternative to this tension between voluntary and non-voluntary characteristics that prevails in accounts of nationalism and makes nations incapable of coping with the demands of pluralistic multi-national populations. Indeed, Habermas (particularly ch.4 and 5) goes to considerable lengths to develop a critique of nationalism that highlights its failures in implementing equal individual rights, particularly under conditions of multiculturalism or multi-nationalism. Constitutional patriotism, unlike nationalism, does not require '(a) background consensus based on a homogeneous culture… because democratically structured opinion- and will- formation make possible rational agreement even between strangers' (p.37). The value of constitutional patriotism is therefore

its ability to move away from the demands of the majority national culture towards an alternative form of allegiance.

However, in discussing the possibilities of European integration as a move away from nationalism and towards trans-state constitutional patriotism, Habermas asks, '(w)hy should a sense of belonging together culturally and politically not grow out of these experiences…?' (p.152). By experiences, Habermas is referring to the common historical experiences of the wars and genocides of twentieth century Europe, and thus emphasises some form of shared history and memory. Rather than solely being informed by allegiance to a constitution, Habermas begins to draw out a deeper form of commonality between individuals, whereby the sense of belonging felt by those individuals is based on common experience, and solidarity develops only where universal principles are interwoven with this experience (2001a, p.106).

In itself, this is not contradictory. As I have discussed, constitutional patriotism represents a process of critical engagement with collective pasts and cultures, and not the complete denial of the existence of any prior bonds between individuals based on those collective pasts and cultures. What is problematic, however, is the idea of a 'sense of belonging together culturally' (Habermas, 1998a, p.152), as was cited above. This sense of cultural belonging, expressed in the present tense, is latent to begin with and becomes more explicit in Habermas' later writings.

Such an emphasis on the emergence of binding collective culture as a source of solidarity, rather than as a source of critical reflection, is evident in Habermas' attention to the question of EU expansion, where the EU needs to '…settle soon the thorny problem of which countries will finally belong to, and which are excluded from, the Union' (2001b, p.23). This emphasis

on fixing the boundaries of Europe is evident in much of his later writings on the possibilities of trans-state democracy, where he argues for 'continental regimes' (Habermas, 2008, p.324; see also Habermas, 2006, pp.134-142) informed by the common value bases found across continents such as Europe. It is because Europeans share a common history and common experiences that they can hope to build shared democratic rule, he argues. Fixing the boundaries of the European polity will then allow this shared culture to take shape. The possibility of a global form of constitutional democracy is not critiqued on the grounds of feasibility, as it is in account such as Joseph Weiler's (2001), but rather in terms of cultural barriers and the lack of a common 'ethical-political dimension' that would be necessary for robust identity formation (Habermas, 2001a, p.108).

Such an approach suggests that the discourse envisaged by Habermas over the correct interpretation of the constitutional principles must take place within the context of a fixed community, if appropriate levels of allegiance to the constitutional principles are to be maintained, because this will provide the value-thick context. This view holds much in common with communitarianism, where a fixed community might be thought of as important because it provides the bounded community that is required for social goods to take on meaning, and where individuals can come together within this context of meaning to decide on the shape of their community (Walzer, 1983, pp.32-33). A fixed community provides such a context of meaning, where citizens can more easily relate to one another precisely because the meanings they attribute to the world and to their values are similar.

A contradiction therefore appears to exist in Habermas' approach, between the fundamental theoretical basis of constitutional patriotism in securing legitimacy and solidarity through rational democratic deliberation, and claims for a sense of belonging together *culturally* if constitutional patriotism is to emerge in the EU; essentially, between thick and thin forms of

allegiance and belonging. There is confusion between an interest in the pluralism of contemporary societies and the conflict this gives rise to, and then the need for consensus on a particular form of life (McCarthy, 1998, p.130; see also Abraham, 2008, pp.148-152). Where constitutional patriotism as defined by Habermas is related to the equal recognition of all individuals in a potentially very pluralistic public sphere, his concern for social unity appears to rely more heavily on a public sphere that does not feature a high degree of pluralism, or at least one in which diversity occurs within a delimited frame of consensus over certain overarching values and beliefs.

Many of Habermas' claims concerning the ethical 'good' (as opposed to the moral 'right') work on the assumption that understanding what is good is bound up with the individual, and their own self-conceptualisation. Yet discussing the collective 'we', and the issue of who 'we', rather 'I', want to be is problematic because it transposes the individual process of will-formation to a collective level. Rather than recognising that each individual will conceive of the good in different ways, this then summarises a version of the good for the whole collective, and potentially overlooks internal difference. Thus Habermas reinforces an ostensible need for a more homogeneous community, despite arguing that it is the very diversity of societies that should drive us towards constitutional patriotism in the first place.

Habermas seems to exacerbate the problem further in response to this critique, when he uses constitutional patriotism interchangeably with 'civil religion'. According to Habermas, '(a)t the national level we find what in the United States is called 'civil religion' – a 'constitutional patriotism' that binds all citizens together regardless of their different cultural backgrounds or ethnic heritages' (Habermas, 1998b, p.397). The problem is that Habermas' approach appears to assume that the problem with nationalism is its basis in ethnicity, rather than its exclusionary nature. Where constitutional patriotism typically tends towards a critical

relationship with the past, this conflation with civil religion implies no such relationship and essentially a 'concrete' political community (McCarthy, 1998, p.131), because civil religion is not characterised by a strongly critical relationship with its own past. Rather a collective history, as in the US, is enshrined in national celebrations, symbols and monuments. While of course some aspects of the US example will be consistent with constitutional patriotism, for example the commitment to liberal democratic practices, these aspects border on civil religion and demonstrate how the two concepts are quite distinct.

This emphasis on collective culture-as-solidarity places Habermas much closer to theorists who have argued for the value of a thick identity on the nationalist model at a trans-state regional level. From herein I will refer to these approaches collectively as 'regional nationalism'. These theorists assert that constitutional patriotism must incorporate a thicker conception of cultural solidarity to be feasible (Calhoun, 2002; Laborde, 2002, Maas, 2007). Constitutional patriotism should involve 'culture-forming' practices, as well as the legal-political processes of constitution-building (Calhoun, 2002, p.149), which involves the creation of a 'people' or a collective 'we', that is seen as necessary for robust democratic practice (pp.152-155). Fig 2.2 is intended as an illustration of the regional nationalist approach. Here, the process of constitutional patriotism that was developed in fig 2.1 is shown as contained within a value-thick context, and is viewed as instrumental in the production of a more thick form of common identity as binding sentiment for solidarity.
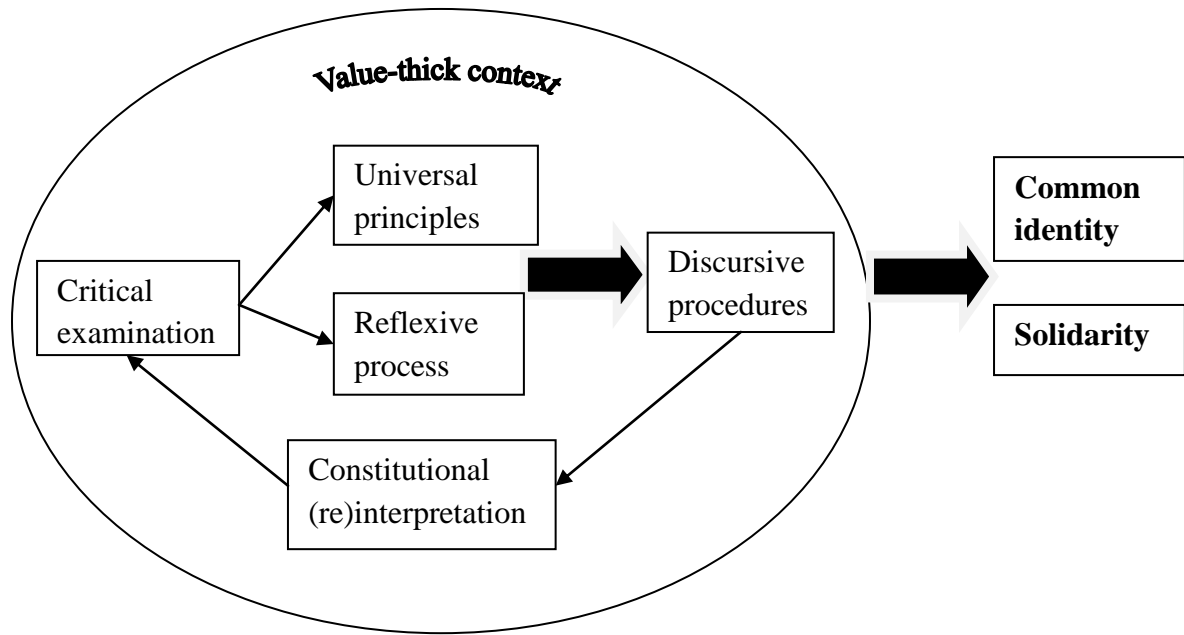
Fig 2.2 Regional Nationalism

2.3.2 A CRITIQUE OF REGIONAL NATIONALISM

The regional nationalist argument suggests that there is something inherently valuable about thick group identity in developing shared sentiment, and that we should promote it at the trans-state level in order to increase the depth of commonality between the diverse individuals present. Thus the historical narrative here is less fluid than my definitional account in section 2.2 suggested, because reinterpretation occurs on the presumption of shared values, rather than as a process of debate between differing sets of values. This emphasis on the worth of thick group identity in solidarity-building means that regional nationalism lends intrinsic worth to the particular context in which it is active, rather than that context only having instrumental worth towards the realisation of universal principles.

Constitutional patriotism is at its heart informed by a desire to move away from nationalism as an outdated mode of political organisation. Whether this means developing post-

nationalist sentiment with nation-states, or if it means a fully post-national account of citizenship that is exclusive of the national context, 'the idea is to transcend nationalism as an outmoded political idea unsuited to the multiple identities that now increasingly characterise the more cosmopolitan social worlds that people in most western democracies inhabit' (Ingram, 1996, p.2). Constitutional patriotism avoids the dominance of 'narrow-minded nationalists' by broadening political allegiance away from thick cultural identification (Lacroix, 2002, p.948). However, the regional nationalist approach may itself suffer from many of the same problems of nationalism.

My use of the term 'regional nationalism' is itself designed to categorise these approaches as much closer to the nationalist accounts than to the basic tenets of constitutional patriotism, and much critique in this area has focused on the Habermasian contradiction described earlier. While Habermas' goal is to move away from nationalistic forms of political organisation, in his writings on European integration, 'ultimately what emerges sounds suspiciously like creating a nation of nations very much along the lines of previous nation-building processes' (Müller, 2003, p.104). This regional nationalist approach invokes a thick identity, thick cultural values and hard borders, thus supporting the creation of state-like structures at the transnational level (Scheuerman, 2008). These regional nationalist blocs contain a thick form of identity in which less of the composite values remain open to discussion and debate and citizens are deemed to have much in common. This limits the capacity for reflexive dialogue aimed at addressing the problems of nationalism, which led Habermas and other constitutional patriotism scholars towards the approach in the first place. If citizens are all the same, then they do not need to reflect on themselves and are much more likely to focus on the formation of a concrete identity as a source of solidarity, much in the same way as nationalism (Lacroix, 2009, pp.144-145).

The difference here is subtle. The critique does not assume that mention of collective culture in constitutional patriotism is contradictory, because constitutional patriotism rests on the existence of particular contexts both as ways of making universal principles meaningful for the specific histories, institutions and policy challenges of specific locations; and as a reference point for collective action. Yet saying that constitutional patriotism involves the use of culture and values to make universal principles useful is not the same as saying that support for institutions is dependent on the collective solidarity emanating from a thick identity. Doing so is to focus on shared belonging in developing allegiance, and to overlook the role of universal principles (Lacroix, 2009, p.148). This is exactly the logic of nationalism that constitutional patriotism theorists are seeking to move away from. It invokes the lack of reflexivity implicit in both cultural nationalism and, in terms of purely civic integration, in forms of civil religion, where the vitality of constitutional contestation is eroded (Müller, 2007a, p.143).

For the EU, the object of normative analysis for most regional nationalist scholars, this focus on identity-building involves the development of a 'Euro-nation' (Müller, 2004) that is defined against an external Other. The use of an external Other to define the trans-state nation suggests a more concrete vision of a political community and a common identity shared by all (and not shared by those external Others). This demonstrates an apparent absence of the reflexivity that is so central to constitutional patriotism. Additionally, regional nationalism is further problematised in its specific application to the EU, because in simply asserting a European national identity, theorists pave over the complexities of post-national belonging and integration in favour of constructing a new nation. However, the EU is a complex web of loyalties and it cannot simply be assumed that this new loyalty would serve to neatly subsume all others.

How then can constitutional patriotism better account for the complexities of democratic integration in the presence of such a multitude of identities and loyalties?

2.4 REFLEXIVE CONSTITUTIONAL PATRIOTISM

An alternative to regional nationalism within constitutional patriotism would emphasise reflexivity as a means of developing a form of allegiance that is not based on thick cultural commonality, and so is more suited to such multicultural and multi-national contexts. Laborde refers critically to the approach as a 'neutralist' position due to her perception that its advocates overemphasise the split between the political arena and particular cultures (2002, p.596). I will work to demonstrate here, however, that a suitably configured approach emphasising reflexivity is not necessarily subject to Laborde's critique and is considerably more defensible as an approach to reflexive constitutional patriotism. I will first examine some influential approaches to constitutional patriotism, then identify some possible challenges to them, and finally outline an approach which should avoid such problems while maintaining a defensibly reflexive stance.

2.4.1 THE REFLEXIVE APPROACH

Reflexive constitutional patriotism is perhaps best characterised as 'resisting particular identifications' (Markell, 2000, p.40). In this conception, the void that is produced by the absence of a dominant culture in the political arena is filled by agreement on the avoidance of such a thick culture, where multiple identities are recognised and accommodated. Thus it is not about the denial of non-politicised particular identities, and nor does it assume no

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interaction between those sources of identity and political institutions. Rather, this approach seeks to prevent certain dominant group values from gaining an elevated status in the political arena and thus overtly defining the polity itself.

The maintenance of this form of political culture involves a careful balancing act. On the one hand, there is an awareness of the existence of multiple identities within the multicultural and/or multi-national space; but it is not the case that one of these identities becomes the dominant group identity within the territorial space, or that a collective culture is sought to be developed at the trans-state level from the sum of those parts (as is the case for regional nationalism). On the other hand, accommodation of identities does not mean the persistence of nationalism as the primary source of democratic legitimacy, because constitutional patriotism seeks to shift away from this form of belonging. The key way in which the approach does this is to invoke the concept of reflexivity.

The term 'reflexivity' is commonly employed by constitutional patriotism theorists to refer to the specific relationship that citizens may have to particular identities and historical contexts; both their own and those of perceived others. Turner's account of reflexivity is useful in defining this term more completely. For Turner, reflexivity means 'the ability to treat our own culture as an object of inquiry' (Turner, 2002, p.57), and reflexivity becomes central to his conception of 'cosmopolitan virtue', that is, an expression of the obligations entailed in cosmopolitan respect for human rights (2001, p.57; 2002, p.150). Being reflexive thus means developing the critical distance from our own identity and culture that is needed to bring about a robust understanding of other cultures. It is then '...in this anthropologically reflexive context, (that) the world is a site of contested loyalties and interpretations' (Turner, 2002, p.148).

According to more reflexive accounts of constitutional patriotism, the universal principles and particular context exist in a reflexive relationship. Universal principles represent a deontological standard, against which individuals critically reflect on their particular context in terms of how well it reflects those principles. The process of constitutional reinterpretation is then one of achieving the best and most relevant interpretation of those universal principles in that particular context, to which citizens then feel a sense of attachment and ownership. Thus, reflexive action is crucially important as a catalyst for the entire process of constitutional patriotism.

Lacroix's account represents a nuanced example of such an approach. In her two-stage model, individuals first develop a critical relationship with their identity and national history, and universal principles act as a critical standard against which to assess the validity of distinct national identities (Lacroix, 2009, p.152). At the second stage, individuals then come to question that particular identity and history, and from such a critical distance can come to acknowledge the views of others as valid, thus providing the potential for non-national, possibly trans-state cooperation with those others. Thus, trans-state integration is perceived by such reflexive theorists as the product of 'normative spillover'[21] (Müller, 2007a, p.94).

Indeed, Müller's own account of constitutional patriotism represents one of the most prominent and fully elaborated accounts of the reflexive approach, where in addition to the ideas laid out by Lacroix he demonstrates the pertinence of allegiance and belonging based on

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[21] Müller argues that constitutional patriotism encourages 'the mutual opening up of constitutional cultures' (2007a, p.49), which then involves the production of this normative spillover. Müller borrows this term from the literature on European integration, where such spillover is seen to impact upon the political cultures of countries neighbouring the EU (ibid, p.125), and also to denote the process of European integration as one of development and enhancement as norms and laws are built and refined (Rittberger and Schimmelfennig, 2007, pp.228-229).

a constitution. Müller argues that constitutional patriotism is informed by 'the idea of individuals recognising each other as free and equal and finding fair terms of living together' (2007a, p.52), where constitutions 'produce a form of contained disagreement or limited diversity' (p.55). His 'constitutional culture' is characterised by the practices of public debate, where 'the self-critical and the reflective are... built into the very notion of constitutional cultures that constitutional patriotism is supposed to sustain... in short, it is *reflexive'* (p.67, emphasis in original).

Such reflexive accounts are not devoid of cultural markers by any means. Rather, particular identities and cultures persist and tend to play a fundamental role in shaping the institutions of the polity, but they do so from within a reflexive mechanism of constitutional debate. Meanings are not settled, but rather it is the engagement with meanings that were assumed to be settled and static (for example, national identity) that forms what it means to exercise the processes of constitutional patriotism. The act of constitutional reinterpretation is seen by Müller as an act of developing an 'enlarged mentality', whereby individuals can acknowledge and understand the position of the Other (Müller, 2007a, p.105), and then engage in rational debate over how it is best for them to live together. This process is thus strongly related to the ideas of history and memory, because it requires individuals to develop a critical distance from the collective past that has informed their identity. Thus historical markers act as reference points for reflexivity, but also the contestation of the memory of such markers is a means by which interaction with others in the constitutional process comes to grow this enlarged mentality and acknowledgment of the Other.

Fig 2.3 represents a modification of my previous illustrations of the constitutional cycle, to take in the key elements common to the reflexive accounts described here. This diagrammatic representation demonstrates a further revision to fig 2.1, the original basic cyclical

representation of constitutional patriotism. In this version, unlike in regional nationalism (fig. 2.2), the constitutional cycle does not necessarily occur within a value-thick context, or at least it is not dependent on this value-thick context. Particular identities, cultures and value sets impact on the interpretation of universal principles through discursive procedures, and those practices also allow for interaction with others and the growth of an enlarged mentality. It is through this interaction that reflexivity is developed, when individuals consider their own particular identity and context in light of universal principles and in light of an enlarged understanding of the value sets of others. They are able to view their own identity, culture, history and values in critical context. The cycle is thus both dependent on reflexive action but also produces it. Additionally, what emerges from this process is a constitutional culture, subject to ongoing revision, which individuals feel a part of.
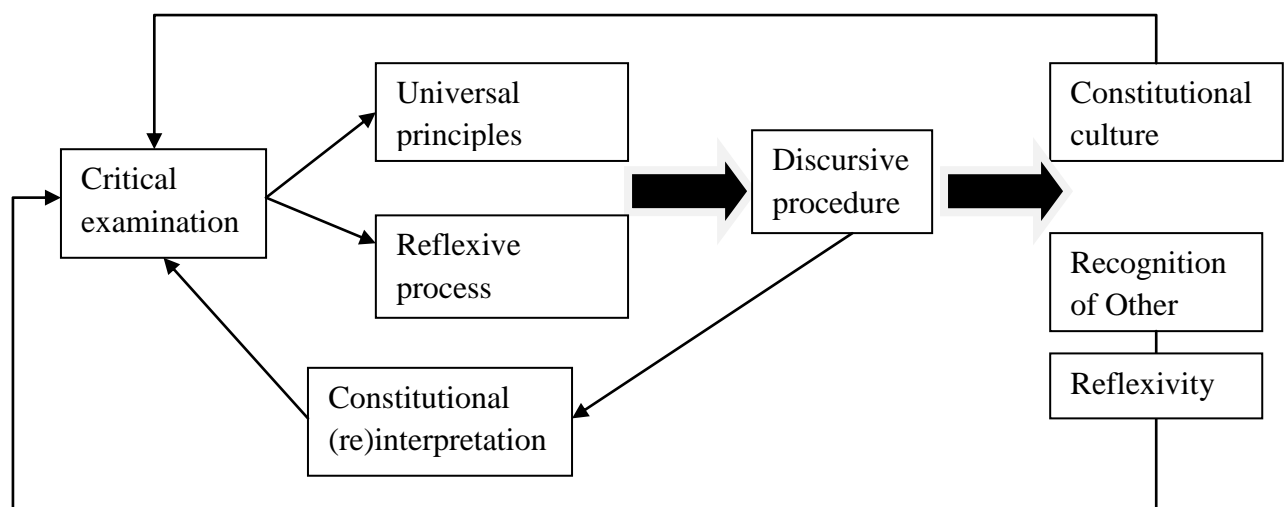
Fig 2.3 Reflexive Constitutional Patriotism

The difference between this and regional nationalism is that reflexive theorists do not assign merit to the existence of such a value-thick context. Rather, they emphasise constitutional patriotism as an active renewal of contestation in the avoidance of identity-based politics, all the time acknowledging the sub-identities of individuals and groups within the context. Thus

allegiance to the constitutional interpretation is open and active, while the regional nationalist account implies some level of closure and stasis[22]. Reflexive constitutional patriotism emphasises an open-ended, fluid and reflexive mode of belonging that seeks to relate the institutional structure of particular contexts to the universal liberal principles, and in doing so represents a recognition of the political equality of each individual regardless of group identity – through both the recognition of core liberal rights, and the provision of democratic self-rule.

2.4.2 THE PROBLEM OF NATIONAL DEPENDENCE

Reflexive constitutional patriotism thus offers a means of conceptualising democratic legitimacy and a sense of allegiance in the absence of a shared culture or value-thick context. I do, however, perceive one problem with such accounts, which relates to their reliance on specifically 'national' reflexivity.

As noted, Lacroix offers a two-stage model for the development of 'resistance to identification' in Europe. She argues, however, that only the first of these is constitutive of constitutional patriotism (Lacroix, 2009, p.151). This first stage is conducted at a national level, where individuals develop a critical distance with their identity and national history. In this context, universal principles are a critical standard against which to assess the validity of distinct national identities (p.152). This first stage, Lacroix argues, must occur in a national context, because it is dependent upon the existence of a distinct history that can be subject to

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[22] This is not to say that there are not some rights which are enshrined constitutionally whatever the reflexive process results in, given a commitment to core liberal democratic principles. I discuss this topic in chapter 3. However, the point to be made here is that the expression of rights in a constitution and associated institutions, despite core liberal principles, may be fluid and open to change according to the reflexive scholars.

reflection. The practice of constitutional patriotism cannot therefore exist at a trans-state level, she argues, because these are new polities which lack such collective pasts. It would also, according to Lacroix, be undesirable to develop the forms of identity which would permit such collective past formation because, as in the critique of the regional nationalist position, this would promote the ills associated with strong national identity.

It is also the case, Lacroix (2009, p.152) argues, that the processes of constitutional patriotism – democratic deliberation to provide an interpretation of the constitutional principles – can only occur within the national context because national contexts provide the demos with a common means of communication through shared language. Without this pre-defined demos, reflection on collective pasts would be impossible. Therefore, constitutional patriotism itself is seen as exclusive to this first stage, because it is a nationally reflexive mode of identification.

Reflexive scholars such as Lacroix have this tendency to reinforce the inherent dependence of constitutional patriotism on the existence of the nation. For example, Jan-Werner Müller, in agreement with Ciaran Cronin (2003), terms constitutional patriotism post-nationalist rather than post-national, and as previously discussed argues that while transnational integration may emerge from the 'normative spillover' produced by constitutional patriotism, in itself constitutional patriotism need not imply such an expansion and can function appropriately within the national context. In the accounts of both Lacroix and Müller, it is the idea of national reflexivity that is fundamentally important in the action of constitutional patriotism. This is because shared histories and memories are central to the approach – it is the reflection on those collective pasts which facilitates this resistance to identification and makes it possible to form a sense of allegiance based on shared principles. In turn, this allows for the political space to be shared with perceived Others. Indeed, it is the constant fact of

empathetic 'otherness' that maintains such resistance because this facilitates a constant state of reflexivity and a constant reassessment of sameness and difference, as well as of the moral implications of these categories.

However, in arguing that reflexivity can only take place within a national context, these claims are somewhat limited and suffer from a subtle contradiction. This is due to an implicit definition on the part of these scholars of that nation as a pre-defined and cohesive demos. The national demos offers a common mode of communication and a pre-defined body of individuals who are able to draw on established collective experiences and memories, and to reflect on collective identities and histories. The problem is that, as was argued in chapter 1, the national demos itself is taken falsely to represent a cohesive body of individuals. A nation is a highly diverse community in which a dominant constructed identity has been promoted, but this constructed identity then hides the true diversity of the community.

Consider, for example, language. As Lacroix notes, nations tend to benefit from common languages that can assist with communication between citizens; however numerous states are multi-lingual in character and yet still find ways of communicating (as was discussed in chapter 1). This challenges the extent to which constitutional patriotism is strictly only possible at the national level. Rather, this characterisation of national constitutional patriotism rests on presumptions made by reflexive theorists concerning the cohesiveness of the pre-defined demos which may be something of a misnomer.

In fact, Lacroix and Müller are likely to agree with this description of the nation's diversity and the constructed nature of national identity. Given their interest in obtaining forms of identity and belonging that can circumvent nationalism, they clearly suppose the temporal nature of national identity as well as the diversity that it can belie. This highlights an

important tension within reflexive approaches. These scholars argue in favour of revised forms of identity and belonging, but their continued emphasis on solely 'national' reflexivity reinforces the persistence of nations as the basis of political communities. This reinforces the elevation of the nation as a source of identification with permanence and moral significance that is not assigned to other identities, and potentially simplifies what is a rather more complex process of, as I will term it, reflexive transformation. While reflexive constitutional patriotism acknowledges and confronts the idea of the Other in identity formation, it is unclear as to why the role of the national Other is elevated above other forms of othering, and why the potentially transformative impact of reflexivity on the relationship with Others is not developed.

This tension may be due to an impoverished conception of what it means for an individual to exercise reflexivity. Reflexivity is necessarily an individual activity, consisting of forming a critically reflective relationship with one's own identity, context, values and beliefs, so that the individual may then be able to form an empathetic relationship with the point of view of the Other, through processes of mutual learning. In acting reflexively, it is unlikely that the individual will only draw on the national identity and history, and indeed there is no reason to suppose that forming a reflexive relationship with the nation is any more important than forming a reflexive relationship with any other component part of the Self. Reflexivity is aimed at enabling a discursive exploration of the space between 'alter' and 'ego' (Nanz, 2006, p.101), rather than 'national alter' and 'national ego'. Critics may contend that not all elements of identity will have political relevance and so do not play a part in the reflexive process (Bilgrami, 2006, p.6). While this is true, it is important to note the many aspects that will be relevant, because they impact upon the value orientations that are of interest in the reflexive process of constitutional patriotism. For example, religion, gender, ethnicity, social

class, and even more seemingly benign factors such as family and local community membership are all areas of identity that present the potential for reflexive action. Additionally, the growth of global interdependence brings with it an increasing awareness of other cultures and the transfer of different cultures, ideas and beliefs to different parts of the world. Such occurrences provoke us to think more critically about our own context in relation to these new norms and ideas. It is unclear as to why, as in the case of liberal nationalism, membership of the nation is provided with such an elevated status by reflexive theorists.

Considering reflexivity as independent from nationalism has specific relevance for the question of whether constitutional patriotism is possible outside of the national setting, as scholars such as Lacroix contend that it is not[23]. In arguing that only national constitutional patriotism is possible, theorists are arguing that there is something more permanent about the nation, rather than it simply being another identity construct. While, given the current system of nation-states, reflexivity will involve reflecting on the national experience, there is no reason to assume that constitutional patriotism is bound to that national system or that the process of reflexivity is necessarily national in character. Is it not possible that, as members of the EU, citizens could and would develop the ability to be reflexive about the emergent history of the EU and its actions? Perhaps they already have done in some instances, given its influence over their lives. It would surely be possible to consider whether institutional arrangements reflected an appropriate interpretation of constitutional principles, through reflexive discursive processes focused on the part of the individuals' composite identities that has stemmed from transnational engagement. The point is that reflexivity cannot always be

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[23] While Lacroix defends constitutional patriotism in the EU in her 2002 article, it is in her 2009 article that she makes this more specific claim about the action of constitutional patriotism being restricted to the national level, even in circumstances of trans-state integration.

related to the national context, because the national context may not always exist or other contexts may exist simultaneously that will shape identity, history and values. To argue otherwise is to assert the permanence and moral importance of the national construct, which seems at odds with the aims of constitutional patriotism.

This point can be most precisely articulated in considering the models of constitutional patriotism identified in this chapter as occurring on a continuum. At one extreme of this continuum is regional nationalism, which emphasises some form of thick cultural identity as crucial to the effective development of constitutional patriotism. At the other end of the continuum is reflexive constitutional patriotism, which emphasises a strongly reflexive relationship with pre-existing national identity in the active avoidance of overarching identity formation at any higher level. The problem for reflexive constitutional patriotism is that while scholars have correctly critiqued the value-thick context of regional nationalism, they mistakenly assert that this problem is down to the post-national nature of regional nationalism. This means that they can then only support a post-nationalist reading of constitutional patriotism, which is dependent on the existence of a national context for reflexive action.

My assertion is that the split between regional nationalism/post-nationalism and reflexive constitutional patriotism/post-nationalist nations is a false dichotomy. Rather, it is possible to talk about a form of reflexive constitutional patriotism that is also post-national. The reaction to the problems of regional nationalism should not, in other words, be framed in terms of its post-national rather than post-nationalist character. Considering again the EU, it may be that in the short term, the national context remains as that with the most pertinence to citizens in their reflexive action. However, as the EU develops, or as it would develop under constitutional patriotism, it is possible to conceive of reflexive action concerning a

transnational constitutional narrative – that is, the reinterpretation of constitutional principles at this elevated level; and also reflexivity concerning the historical development of the EU, for example in its actions surrounding foreign policy interventions or border control, or its treatment of minorities. This reflexive action by no means suggests that a collective identity must necessarily emerge at the regional level, as in the case of regional nationalism. Rather, it simply suggests the possibility of reflexive action towards non-national phenomena.

The critique which has been offered in this section would, furthermore, suggest that conceiving of reflexive constitutional patriotism as post-nationalist is a non-ideal stage in the development of a fully realised reflexive constitutional patriotism; that is, a context for reflexive action that does not reflect the ideal of political equality which is at the heart of constitutional patriotism. I now discuss this idea of the national 'non-ideal', to suggest that it reinforces the importance of transformation in an amended version of reflexive constitutional patriotism.

2.4.3 CONSTITUTIONAL PATRIOTISM AS TRANSFORMATION

My assertion that national reflexivity is best understood as a non-ideal component of reflexive constitutional patriotism suggests a characterisation of constitutional patriotism as strongly transformational, and indeed the literature consistently reinforces this theme. Jan-Werner Müller's conception of 'normative spillover', which may lead to the development of trans-national community-building, is reliant on the idea of a 'normative surplus' that drives forward the development of moral ties across political boundaries (Müller, 2007a, p.49, p.68). This reflects the idea that constitutional patriotism will lead to the transformation of individual and group relationships over time, guided by a moral conception of 'right'.

Justine Lacroix's theory also contains a particularly explicit transformational emphasis, where she divides constitutional patriotism into a deontological standard and a democratic procedural account (2009, p.152), and where the purpose of the procedural component is movement towards the deontological standard. This progression towards a moral ideal is particularly evident in reflexive accounts such as Lacroix's and Müller's, as well as in Nanz's, where constitutional patriotism may act to transform the democratic deficit of the EU and is an account of the 'dynamising of situatedness' (Nanz, 2006, pp.112-115). Indeed, it is also a central element of Habermas' initial approach. My account of the relationship Habermas asserts between universal principles and their particular expression would suggest just such a relationship between the ideal contained within the principles and the continuous process of reinterpreting the constitutional expression of those principles, in order to bring both that document and the community it reflects closer to those principles. Again, this would seem to invoke, at its core, the idea of transformation.

The very idea of constitutional patriotism containing a normative ideal is, however, contested. Prominently asserted by Frank Michelman (2001), one line of argument holds that constitutional patriotism does not pertain to a moral standard, and rather is a solely ethical concern, enabling diverse individuals to deliberate on how they would want to live together and thus lending legitimacy to the coercive power of the state in that particular context. Indeed, Habermas would similarly disagree with my interpretation of his theory as including an ideal. Rather, he might suggest that democratic self-rule provides all the legitimacy necessary and that there is no prior normative assessment of what is 'right' (as discussed by Larmore, 1999, p.612). The same is true of Müller to some extent, who conceives of the normative content of constitutional patriotism to be 'sharing the political space on fair terms',

but asserts that this normative content could be replaced with any other; there is no unique and specific moral standard to which constitutional patriotism pertains (Müller, 2007a, p.47).

However, there are some reasons to suppose that such arguments overlook the core moral grounding of constitutional patriotism, in its commitment to the equal moral worth of each individual (Larmore, 1999; Moon, 2003; Soltan, 2008). Charles Larmore, for example, highlights how Habermas' approach overlooks the extent to which a commitment to the realisation of equal recognition and equal democratic voice is itself a result of a prior commitment to equal respect for each individual. Larmore argues that the ways in which Habermas emphasises political equality in a system of democratic self-rule demonstrates equal respect in the decision-making processes. This normative content is realised in the quest for democratic political equality – the extension of democratic rights on an equal basis. This is the normative content of the approach, which is understood to be 'right' (Larmore, 1999, p.621).

Larmore's reading of Habermas lends much to understanding the moral foundations of constitutional patriotism, and the deontological standard to which it ascribes. Although it is possible to conceive of a mechanism for producing an understanding of what forms public opinion in a particular polity and to enable individuals to understand the point of view of the Other in diverse contexts, this would overlook the reasons for pursuing that mechanism in the first place. These reasons are bound up in the ideal of equal moral worth, which is a normative statement in itself, and exists prior to the impetus to attain strong forms of political equality.

While there are a number of different ways of understanding what political equality involves[24], theorists generally converge on the goal of providing each individual with an equal say on matters and rules to which they will be subject. Additionally, despite the different accounts, theorists find common cause in their implicit understanding that equal moral worth (Beitz, 1989, p.110; Dahl, 2006, pp.4-6), equal concern (Dworkin, 1987), or equal respect/regard (Buchanan, 2002, p.711; Larmore, 1999) for all individuals gives rise to such demands for political equality. Similarly, constitutional patriotism is a formulation of democratic political equality which is grounded, as Larmore has described, in this prior foundational commitment to equal moral worth. This is what is driving the recognition that democratic self-rule is a good thing, and the emphasis on providing a constitution and related institutions which reflect the political equality of all individuals despite differences in ascribed identity.

As in Lacroix's account, constitutional patriotism can be best understood as both procedural and pertaining to a deontological standard, and in my view not acknowledging this normative content driving constitutional patriotism is to overlook the significant role that the deontological standard should play within a robust account of the approach. The extent to which constitutional patriotism is inherently transformational, moving from non-ideal towards ideal, is a central yet under-acknowledged characteristic of the approach. The discursive processes of constitutional patriotism are not without direction. Rather, they intend to move institutional arrangements and the political culture of the polity in a specific direction; that is, towards an ideal position in which a commitment to equal moral worth is fully realised. A

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[24] For example, see Beitz's conception of the fair terms of participation on the basis of a hypothetical contract (1989), Dahl's emphasis effective and inclusive participation including voting rights (2006), and Dworkin's concern that 'equality of influence' in the political system is more important than the 'impact' political equality provided by voting rights (1987).

reflexive mode of identification and effective discursive practices are specifically intended to meet these ends. This reflexive transformational account is shown in fig. 2.4 as an amendment of the reflexive approach featured in fig. 2.3, where the transformation from non-ideal to ideal is incorporated.
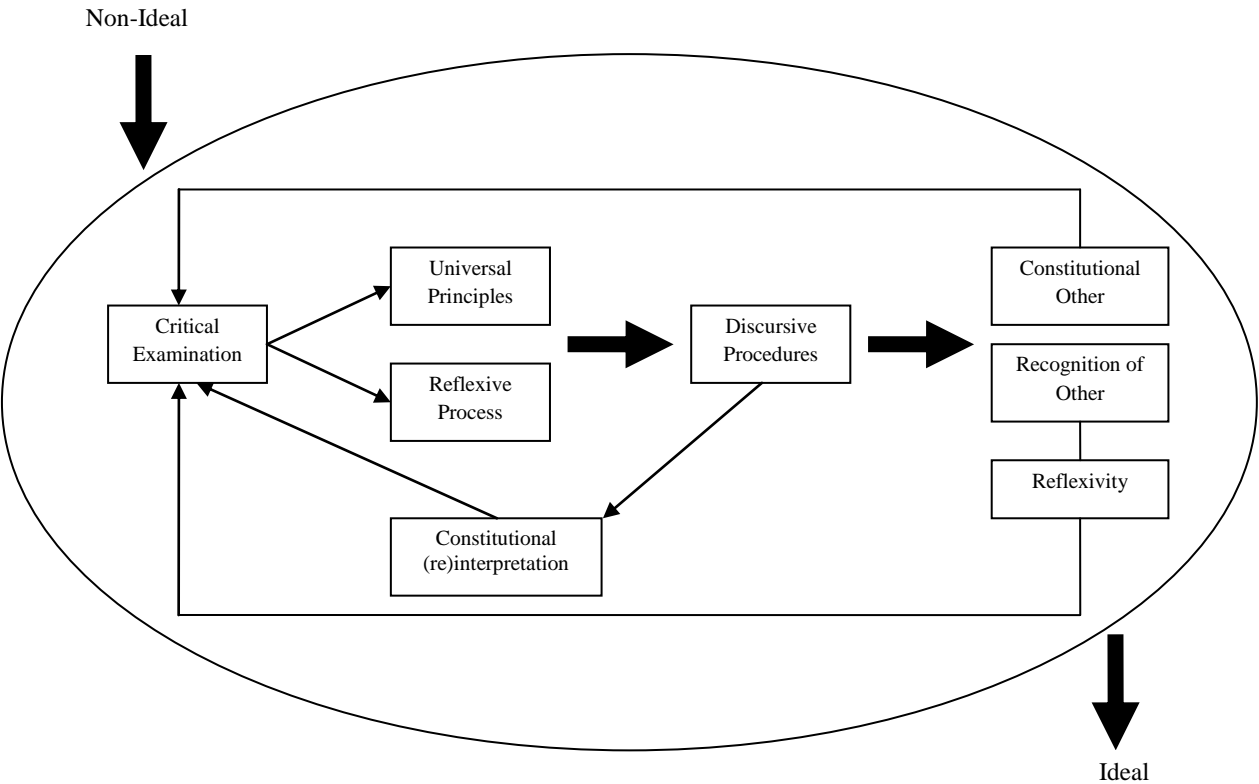
Fig. 2.4 Reflexive Transformational Constitutional Patriotism

As previously discussed in this thesis, national contexts are unlikely to reflect such a goal. Nations have a problematic relationship with the rights of the individual, where the rights of the group will tend to be promoted over the individual interest; and they struggle particularly with diversity where the recognition of diverse values and beliefs is incompatible with the emphasis that nationalism places on shared culture-as-solidarity. These national contexts are thus likely to be transformed, as in Müller's normative spillover, because constitutional patriotism seeks the realisation of the equal moral worth ideal described, and in order to do so that national context must be transformed in an ever more inclusive direction.

It is for this reason that thinking of the action of constitutional patriotism only in terms of national reflexivity is a potentially significant error. Doing so reinforces the existence of the national context without just reason and this is likely to be contradictory to the aims of constitutional patriotism. Thus it is mistaken to view reflexivity as necessarily national, because it limits the capacity of constitutional patriotism to arrive at a system of democratic governance that would be legitimate. Scholars may argue that constitutional patriotism is a process of never achieving the ideal but constantly aiming for it (Müller, 2007a, p.61). To some extent I agree; the process of constitutional patriotism is never settled and the reinterpretation of the constitution is always ongoing, being further refined to meet the universal principles ever more closely and effectively. This claim, however, is not dependent on the persistence of the national frame of reference, but rather speaks of our inability to be sure that our institutional arrangements match perfectly, and will always match perfectly, with the ideal.

Neither here do I intend to argue in favour of thick identity at the regional level, as is claimed by regional nationalism. Rather, as I suggested, the assertion that post-nationalism necessarily infers regional nationalism, and that reflexive constitutional patriotism must therefore be post-nationalist, is a false dichotomy. The problem with regional nationalism does not stem from conceiving of political community at the transnational level; rather, the problem stems from the persistence of thick cultural identity as a source of social solidarity.

Recognising constitutional patriotism as inherently transformational captures the true complexity of the evolution of identity, without prescribing what that identity *should* be. We cannot prescribe identity, and indeed we shouldn't try. Just as we cannot insist on the persistence of the national frame of reference, equally we cannot seek to create a thick identity at a higher level to replace this. Rather, identity is recognised as fluid and changing,

and appropriately understood, this 'reflexive transformational' conception of constitutional patriotism seeks to transform the relationship with *any* identity that is or could be held, to make that relationship more defensible from a liberal moral perspective.

In summary, I have argued that national reflexivity is non-ideal in constitutional patriotism, and have made a small amendment to the reflexive approach, which I believe demonstrates a more robust conception of constitutional patriotism. I have sought to isolate and highlight the transformational characteristics of the approach, as a movement of the relationship between identity and political community from non-ideal towards ideal. This ideal is the full realisation of equal moral worth for all individuals through the realisation of democratic political equality. Thus I have largely defended taking a reflexive approach to constitutional patriotism, but have asserted that it has a strong transformational and normative element, and that an account which recognises this can more effectively recognise the fluidity and complexity of identity.

2.5 OBJECTIONS

Having now extensively explored the literature on constitutional patriotism, and having defended what I perceive to be a highly robust conception of the approach, I will respond to some common objections against constitutional patriotism in this final section. I focus here on a debate about constitutional patriotism that I perceive to be the most dominant within the literature and also to have the most salience for the reflexive transformational approach I have defended here.

2.5.1 CONSTITUTIONAL PATRIOTISM IS TOO THIN

The first challenge holds that constitutional principles are simply too abstract to develop

citizen solidarity and motivation for cooperation, and rather a collective culture such as that

provided by a national identity is necessary to perform this binding work (Baumeister, 2007,

pp.496-497; Canovan, 2000; Calhoun, 2001; Laborde, 2002; Miller, 1995, p.189).

Constitutional patriotism is flawed because 'a state is unlikely to be powerful enough to

demonstrate the liberal democratic virtues that can attract constitutional patriotism unless it is

very widely regarded by its population as our state rather than someone else's', and

constitutional patriotism cannot offer this because it solely involves commitment to abstract

principles rather than to shared identity (Canovan, 2000, p.423). This critique presents a

potentially significant challenge to constitutional patriotism, because it may indeed be true

that constitutional patriotism lacks an effective mechanism to explain why individuals would

be motivated to pledge allegiance to their particular state rather than any other. After all, if

allegiance is to universal principles alone, could an individual not just choose to align

themselves with another state whose interpretation of those universal principles is more

robust? [25]

One of the main flaws of this critique is that it makes the assumption that there is something

'concrete' about other forms of political integration, such as nationalism, that is absent from

constitutional patriotism. It assumes that nationalism offers a firm cultural basis for solidarity

and that this basis preceded the formation of the nation-state. Commonly, and as set out in

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[25] A similar critique has been made against theories which assert the existence 'natural duties', or obligations
that individuals are thought to owe one another, regardless of their relation to institutions or participation in
social practices, on the basis that all individuals have equal moral worth (Rawls, 1999a, p.98). It is claimed that
accounts of such natural duties cannot offer reasons as to why individuals should attach to a particular, and not
simply any, state (Simmons, 2005).

chapter 1, this would be a claim made by ethnic nationalists to assert the pre-political basis for national self-determination. However, according to liberal nationalism and as argued in chapter 1, national identity and national culture cannot be as concrete as the critique assumes because of the presence of considerable diversity that such a common identity masks, and because the composition of the national culture must claim to be fluid in order to maintain sufficiently liberal credentials (Abizadeh, 2004a, pp.244-245; Hayward, 2007, p.188). Thus the concreteness of the binding sentiment of nationalism against that of constitutional patriotism represents fairly incoherent grounds on which to base a critique of the latter.

Constitutional patriotism, correctly understood as defended here, is better disposed to capture the diversity and transitions of identity that take place within a single polity, and this does not mean that it cannot ground its commitment to abstract principles in a particular polity. It is helpful to think of reinterpretation of the constitution as an historical narrative, where each of these reinterpretations represents a revision of the same particular polity and its identity. Thus '(t)he unity and coherence of an unfolding narrative does not depend on any contents remaining fixed but on revision taking forms that preserve the integrity and continuity of the narrative as it is revised' (Cronin, 2003, p.13). Constitutional patriotism confers particular importance on history and memory, in terms of this unfolding narrative, and is informed by an emphasis on remembrance of the past through a critical lens (Lacroix, 2002, p.950). Thus constitutional patriotism is capable of grounding a commitment to abstract principles in particular contexts, where they take on meaning for those people in that context, and citizens develop solidarity on the basis of the shared practice of democratic governance rather than the shared identity of nationalism (Cronin, 2003, pp.13-14).

There are few grounds to assert that such a thin form of allegiance will not be capable of motivating solidarity equally as well as nationalism has achieved it. As chapter 1

demonstrated, the nation as a construct paves over many internal sites of difference, and indeed it is this recognition of nationalism as a construct that drives Habermas, in his initial conception, to assert the possibility of transformation away from such binding sentiment. Recent history also demonstrates the motivation of citizens to make vast sacrifices in the defence of liberty, and ordinary people are also often moved to act on the basis of principles, as in the case of European protests against the FPO's inclusion into the Austrian government[26] – despite the fact that these protests were taking place outside of Austria and participants were not Austrian citizens (Lacroix, 2002, p.949). Similarly global protests against the Iraq War on 15th February 2003 involved millions of people protesting against an action, often not involving their own country as either aggressor or defender, on the principle of their belief that the military action was wrong. Additionally the recent occurrence of protests across the globe in solidarity with the uprisings of the 'Arab Spring' of early 2011 demonstrated again individuals who were moved to act in defence of principles, not on the basis of shared identity. Rather than assuming the necessity of nationalism, the purpose of constitutional patriotism is to question exactly that necessity and to suggest alternative visions of democratic integration and belonging. These examples such alternatives may indeed be possible.

Constitutional patriotism thus accounts for this dilemma in its proponents' assumptions that individuals will be 'entangled in – and hopefully thriving on – particular cultures' (Müller, 2005, p.59; see also Cronin, 2003, pp.15-16). The expectation is that those individuals will relate the constitutional principles to their own culture and experience of living in that

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[26] The FPO, or Freedom Party of Austria, is a far right political party in Austria. Under the leadership of Jörg Haider, it won 27% of the vote in the 1999 general election, and entered into a coalition government with the People's Party. Lacroix refers to a series of protests across European cities which occurred in February 2000 against the government. She describes this as people protesting to 'claim their attachment to the universal principles of democracy and of the rule of law and to condemn what was taking place not in their but in another country' (Lacroix, 2002, p.949).

particular context – thus grounding constitutional allegiance to a *particular*, rather than any, polity. This does not mean that constitutional patriotism is 'culture-thick', but equally it accepts that it is not culture-blind. Although constitutional interpretations are always situated in a particular context, they are also always 'exposed to new decentralisations of meanings' (Nanz, 2006, p.120), where the character of that context is permanently open to reinterpretation. Thus a context may have a particular constitutional narrative that is continuously developing, but that also relates to particular histories of culture and experience.

2.5.2 CONSTITUTIONAL PATRIOTISM IS TOO THICK

Accounting for such objections leaves theorists exposed to another critique from the very opposite position; that is, if constitutional patriotism provides a justification for particular contexts, then it cannot represent a genuine commitment to abstract universal principles (Canovan, 2000, p.417; Kostakopoulou, 2001, pp.31-32; 2006; 2008, pp.69-70). The problem here is that constitutional patriotism is dependent upon the existence of a pre-defined political community, and it is continuously bound to the culture of this community as a frame of reference. This means, so the critique claims, that it cannot represent a genuine commitment to abstract universal principles because it will always be overtly affected by the presence of a common culture.

More specifically, constitutional patriotism fails to effectively split demos from ethnos because it fails to recognise 'that the worlds that people inhabit are multiple, fragmented and contradictory, and the prospects for unimpeded communication are pretty slim in the real world' (Kostakopoulou, 2001, p.32). Constitutional principles are attached to particular (national) contexts and, it is argued, new immigrants are expected to accept the political

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culture of that context which is informed by reflection on the history of that particular context. As such, Kostakopoulou (2001, p.32) argues that democratic legitimacy is not severed from the assumption that individuals 'are cocooned by a single and unified world which makes them what they are'.

A response to this critique must again draw on the idea of constitutional reinterpretation as historical narrative. Rather than lending legitimacy to a particular context, constitutional patriotism allows for principles to be grounded in that narrative of ongoing reinterpretation; and thus allegiance is not to a particular polity, but to a particular 'constitutional culture' (Müller, 2007a, p.56). This allegiance may result in transformation of the particular polity, because allegiance is not pledged to that polity, and any interpretation of the principles that lends legitimacy to the existence of that polity may be reinterpreted as part of this open-ended process. Thus constitutional patriotism is argued to represent a strong commitment to universal principles despite its grounding in particular contexts. The constitution is never fixed, and neither, necessarily, is the polity itself. Rather, constitutional patriotism appropriately understood denotes a commitment to finding an expression of universal principles that is understandable and meaningful to particular people in particular places at particular times, without the assumption of the permanent character of that context.

Furthermore, Kostakopoulou's critique of the use of national history as a source of reflexivity speaks directly to the merits of the transformational account of constitutional patriotism that I have offered, because it demonstrates the importance of recognising that reflexivity is not dependent on nationalism. It is true that accounts of constitutional patriotism which suggest it is solely linked to a national history face the kinds of shortfalls that I have elaborated here. However, I do not believe that this problem is an inherent weakness of the constitutional patriotism approach; rather, it suggests the importance of recognising constitutional patriotism

as transformational. While it may, it is true, draw extensively on national history as a source of reflexive action, it may also draw on a range of other sources of such reflexive action. An account of constitutional patriotism which recognises its transformational qualities can better account for the complexities and overlapping nature of identity sets, and overcome such a critique.

There is a problem with this that remains unaddressed. The problem is that constitutional patriotism is reliant on a pre-defined 'people' who are distinguished by cultural commonality (Canovan, 2000, pp.425-428; Yack, 1999, pp.108-109). In other words, constitutional patriotism is a victim of the boundary problem that, it has been asserted, inherently blights the legitimacy of democratic practice. The problem is that democracy cannot provide a robust account of who should form the demos – it cannot offer a means of deciding who should be involved in the decision-making process, that does not depend on some prior conception of who 'the people' are (Goodin, 2007; Whelan, 1983). For constitutional patriotism, this means an over-reliance on populations and political boundaries that are defined by nations and the common cultural (and/or ethnic) characteristics that those nations have demanded of their citizens.

Constitutional patriotism theorists concede this to be true to some extent. In his initial conception, Habermas highlights the use of nationalism as a catalyst for democracy (Habermas, 1995, pp.257-259; 1998, pp.112-116), and as I suggested previously, constitutional patriotism is by no means blind to pre-existing particular cultures and webs of loyalty. Rather, it assumes that the processes of constitutional patriotism will result in the transformation of particular contexts as they come to represent expressions of the universal principles. Thus, while nationalism and nation-states form the 'starting point' for constitutional patriotism, it is intended to transform such contexts, and this may incorporate

changes to the geographical positioning of boundaries to a point where they no longer reflect the boundaries of the nation.

While the recognition of nation-states may be non-ideal in the realisation of a fully liberal and just society, there do not appear to be alternatives to such a position. The kind of revolution that would be involved in a full and immediate rejection of pre-existing nations is not only unrealistic, it is also highly unlikely to bring about stable political institutions and democratic mechanisms. It is this very point that constitutional patriotism addresses in containing both an ideal standard and a method of negotiating non-ideal circumstances; as such, it represents a 'realistically utopian' approach to political theory[27].

So, against the critique that constitutional patriotism is inherently nationalistic because it is reliant on pre-existing national boundaries, it might be asserted that constitutional patriotism accepts the historical existence of nation-states, but seeks to transform those nation-states in ever more inclusive, liberal directions through commitment to the realisation of universal principles. This transformation may include changes to boundary demarcation, but boundaries have value to the extent that they distinguish between different polities reflecting different constitutional interpretations.

This does still only represent a partial defence against the critique, however. Asserting that boundaries between different polities are defensible is not equivalent to arguing that those polities may then control mobility across those boundaries. Addressing the control of migration in constitutional patriotism is therefore of fundamental importance in order to be

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[27] The idea of 'realistic utopia' is central to Rawls' *Law of Peoples*. According to Rawls, a political theory is realistically utopian 'when it extends what are ordinarily thought of as the limits of practical political philosophy' (Rawls, 1999b: 6). Similarly, the account of constitutional patriotism which I have defended begins from a realistic position by accepting the existence of nation-states, and extends this towards an ideal.

able to provide a robust response to the critique. While I have defended against the problem of historical reliance on pre-existing national communities, it is not clear that the *continued* reproduction of the national pre-defined people, as maintained through migration control, is permissible.

2.6 CONCLUSION

In this chapter, I have sought to provide a critical exploration of the constitutional patriotism literature. After first providing a brief overall introduction to the approach, I then specifically highlighted its defensibility as a mode of political integration and democratic legitimacy contrasted against the nationalism that was critiqued in chapter 1.   I then moved on to explore and critique the different approaches to constitutional patriotism present within the literature. First, I focused on Habermas' writings on constitutional patriotism to provide a detailed account of the approach. I then noted that Habermas' later writings have illuminated a potential contradiction within his account. This later focus on a more thick form of collective identity for social solidarity at the European level suggests an approach that is less characteristic of constitutional patriotism, and in many ways more similar, I argued, to regional nationalism. I then suggested that regional nationalism is far too similar to liberal nationalism to offer a defensible conception of political integration.

Moving on from this position, I then considered what I termed the 'reflexive' school of constitutional patriotism, and a number of scholars who have pushed Habermasian constitutional patriotism towards a more strongly reflexive account. I argued that these conceptions were considerably more defensible; however, I also critiqued this position for what I saw as an over-reliance on the persistence of nations that is potentially problematic.

Reflexive scholars assume that a post-national approach will necessarily involve regional nationalism, and therefore rely on a post-nationalist understanding which tends to reinforce the existence of nations, but this is problematic because it limits constitutional patriotism by reinforcing exactly the mode of belonging that it seeks to move away from. Rather, I suggested that the national context is a non-ideal component of constitutional patriotism theory.

I then offered some reasons to suggest that constitutional patriotism is best understood as 'reflexive-transformational'. Constitutional patriotism is not without direction, rather the process of constitutional reinterpretation and development of reflexive capacities is moving away from a non-ideal mode of political integration and democratic belonging towards an ideal, informed by the basic principle of equal moral worth that is at the heart of liberalism. This means that reflexivity is not solely national, but also that to be post-national does not necessarily mean being a regional nationalist. Rather, constitutional patriotism denotes a changing relationship between the individual and/or collective and their identity, where the focus is not on prescribing what that identity should be, but rather recognising identity as fluid and complex, and seeking to transform it towards an ideal where it is compatible with institutional arrangements that reflect a commitment to equal moral worth.

Finally, I considered the central objections to constitutional patriotism, and sought to defend the approach against them particularly from this reflexive-transformational perspective. Against the claim that constitutional patriotism is too thin to motivate citizen solidarity, I offered a number of both theoretical and empirical suggestions concerning the capacity of individuals to develop allegiance in the absence of thick collective culture. Secondly, against the counter-claim that constitutional patriotism is too thick to represent a genuine commitment to universal principles, I argued that constitutional patriotism denotes patriotism

to a particular historical narrative of constitutional reinterpretation, rather than to a particular polity, and so represents a universal commitment. I noted the difference between defending the particular expression of the same universal principles, and defending particular polities with distinct moral commitments that assert the value of co-citizens above that of other individuals.

The final critique I drew attention to argued that constitutional patriotism was reliant on a pre-defined 'people'; that it is inherently reliant on the pre-existence of a political community informed by cultural commonality – it cannot tell us who *should* form the demos, and rather must rely on the pre-existence of polities like nations. I argued that this was true to some extent, because constitutional patriotism assumes the existence of nation-states to begin with. I argued further, however, that constitutional patriotism seeks to transform polities in ever more inclusive directions towards the ideal of equal moral worth expressed as democratic political equality, and thus is not informed by the necessity of cultural commonality. I also noted, though, that this defence could not answer the problem of borders, and only spoke to the demarcation of boundaries between the territorial jurisdiction of different states. Indeed, I perceive this to be a significant yet under-explored problem in the literature on constitutional patriotism, and I now to turn to consider this in the next chapter.

3   CONSTITUTIONAL PATRIOTISM, MIGRATION AND THE POST-NATIONAL PARADOX

3.1. INTRODUCTION

So far, this thesis has defended constitutional patriotism, contrasted with liberal nationalism, as a valid means of accounting for identity, loyalty and belonging in highly diverse contexts. In the preceding chapter, I argued in favour of a slightly revised form of constitutional patriotism, which conceptualises it as a dynamic movement towards a deontological ideal. The analysis so far has, however, eluded one particularly important question, which became most apparent in my defence against the objection that constitutional patriotism is reliant on the existence of a pre-defined 'people'. I argued that constitutional patriotism represents a commitment to realising universal principles in particular institutional contexts, and as such is reconcilable with political boundaries demarcating constitutional interpretations of universal principles within the territorial jurisdiction of particular states. I also argued that it seeks to transform non-ideal contexts, and so while it takes for granted the existence of a world historically characterised by nation-states, it is not dependent on their persistent existence. Yet I also noted that this still left questions surrounding the construction of borders and regimes of migration control unanswered, and this is the subject of this chapter. If constitutional patriotism implies a move away from nationalistic political integration, does it therefore also imply a move away from nationalistic territorial borders? In the absence of national identity, how are such borders controlled?

I argue here that constitutional patriotism implies a commitment to much more open migration practices than is currently acknowledged. I suggest that a persistent reliance on pre-existing systems of border control risks the reproduction of exactly the forms of

difference construction that constitutional patriotism seeks to move away from. Rather, as a commitment to non-discrimination on the grounds of arbitrary difference, constitutional patriotism implies much fewer restrictions on migration, where both those who are already members of the polity, and those who are seeking to migrate into the polity, are subject to equal treatment. However, the acknowledgment of such rights to migration may mean that constitutional patriotism is more difficult to implement. This is because it risks the paradoxical reinforcement of the nationalist sentiment, and such a nationalist backlash may challenge the sustainability of shared rule informed by commitment to universal principles over cultural commonality. Such challenges do not represent solid reasons to object to free movement, but rather suggest important implications of adopting such an approach that must be considered in more detail.

I begin the chapter by briefly considering the pertinence of theories of constitutional patriotism to the project of European integration. I have often referred to the EU as an example in the course of the thesis, however I have not provided an account of its relevance. Here, I provide this account, but draw attention to questions surrounding the (de)construction of borders and boundaries in the EU context. Next, I detail the parallel problem of borders in constitutional patriotism, before considering the free movement literature, and arguing that constitutional patriotism implies a commitment to much freer migration than has typically been acknowledged. Following this, I consider critiques of freer movement, focusing on those with specific relevance for constitutional patriotism. Finally, I consider the relationship between freer migration and nationalist resurgence, and I highlight this as a particular problem faced by constitutional patriotism.

3.2 CONSTITUTIONAL PATRIOTISM IN THE EU

For a number of scholars, constitutional patriotism has particular relevance for European integration, where questions surrounding how to conceive of solidarity, belonging and democratic legitimacy in the absence of the binding sentiment of nationalism are perhaps the most pressing. Indeed, I have referred to the EU as an example of where constitutional patriotism may be useful already in the course of this thesis. It is, therefore, salient to consider how valid the idea of a European constitutional patriotism is. In particular, I draw attention to debates concerning borders and boundaries in the EU, because these speak to a similar problem within constitutional patriotism itself.

3.2.1 STRENGTHENING EUROPEAN INTEGRATION

The European integration project, like constitutional patriotism itself, emerged in the aftermath of the Second World War, in a context of debate concerning the future of Europe. As the Cold War began to pull the continent in ideologically opposite directions, a project that could bring the countries of Europe together was emerging and gaining support. A unified Europe, it was thought, would avoid the kinds of nationalist conflicts that had plagued Europe, creating a 'safe' Germany and battling against the influence of Soviet Russia (George and Bache, 2001, pp.47-52). The initial Economic Coal and Steel Community sought to build economic interdependence between West Germany, France, Belgium, Italy, Luxembourg and the Netherlands. These countries then signed the Treaty of Rome in 1957, which further extended this initial cooperation into the European Economic Community. Over the following three decades, the EEC expanded to incorporate fifteen member states, and these fifteen formed the founding members of the EU, which was established with the signing of

the Maastricht Treaty in 1992. Since then, the EU has undergone a series of expansions, taking the total number of member states to 27.

The EU is an exercise in not only economic union between the member states, but also cooperation in a vast number of policy areas. Its budget covers expenditure for policy areas as diverse as agriculture, humanitarian aid, public health, education and justice. Bodies such as the European Court of Justice represent important extensions to the rights of member state nationals, who are recognised as European citizens under the provisions of the Maastricht Treaty. Along with the right to migrate to alternative member states, this also provides them with significant electoral rights in those states, complimenting voting rights for the European Parliament.

One of the most pertinent questions concerning European integration in current scholarly debate concerns the formation of a European identity. In particular, the enlargement of the EU in 2004 and then again in 2007 has 'led to much agonised thinking about what could hold Europe together' (Müller, 2007a, p.2) [28]. The question is, in the absence of a national identity at the European level, what can produce the sentiment needed to bring about a stable political community for such diverse peoples? Constitutional patriotism theorists are central to this debate, in the same way that they played a central part in debates over whether and how Germany might conceive of post-reunification identity (Müller, 2007a, pp.16-26). Constitutional patriotism presents a means of conceiving of democratic integration in highly diverse contexts, and is thus highly salient for the project of EU integration.

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[28] While enlargement has intensified these discussions, questions over the desirability and content of a European identity have concerned the architects of this trans-state project to a lesser extent right from its initial development (Bogdandy, 2005, p.295; Müller, 2007, p.97).

In particular, constitutional patriotism speaks to many of the concerns surrounding the EU's apparent lack of democratic legitimacy, in what is termed the 'democratic deficit'. Theorists assert that the EU lacks appropriate legitimacy because the extent to which its extensive institutional arrangements could claim to be supported by the European public remains unclear (Müller, 2007a, pp.125-127). This problem has been attributed to a lack of robust political contestation over the leadership and policy direction of the EU (De Beus, 2001; Føllesdal and Hix, 2006; Hix, 2008; Kumm, 2008; Pogge, 1997). Hix (2008), in his particularly robust analysis, suggests that this is because European Parliament election campaigns tend to focus on national issues, and because there is no open contest for the position of Commission President. Without such contestation, he argues, there is no way of knowing whether or not the policy agenda of EU institutions genuinely reflects the will of citizens (pp.76-85).

Some scholars have asserted that these kinds of concerns are largely irrelevant because the EU does not demand a more advanced form of democratic legitimacy than that which it already has. According to Andrew Moravcsik (2002) for example, the main responsibilities of the EU are focused on (mainly economic) regulation, and such issues do not demand a high level of democratic legitimacy. With systems in place to ensure the control of EU actions, such as the separation of powers and the imposition of fiscal limits, he argues that the EU is legitimate despite the absence of robust democracy. Issues of higher political salience, such as foreign policy and immigration control, remain within the remit of national governments where democratic legitimacy is much stronger (p.607).

However, such an argument is countered by the assertion that the EU does consider issues of high political salience. Føllesdal and Hix (2006, pp.543-544; see also Caporaso, 2005) specifically note the redistributive responsibilities of the EU as one such high profile issue.

They also note that contestation for political office and over the policy agenda are central features of even the thinnest forms of democracy, and these are absent from the EU. This creates a legitimacy problem whatever the subjective views on the salience of the EU agenda may be (Føllesdal and Hix, 2006, p.548).

Some scholars argue that reforms to introduce more political contestation into European leadership and policy-making are not enough to address the problems associated with the deficit. Rather, according to this view, the weaknesses of European democracy hinge on the absence of a collective European people. It is argued that the absence of a robust shared identity at the European level leaves institutions far too distant from the people, and means they represent 'a technocratic Europe of offices' rather than a 'Europe of citizens' (Maas, 2007, p.75). Therefore, Maas argues that

> (e)nhancing European democracy does mean introducing more transparency and efficiency. But full European democracy, rule by the people, will remain unattainable until a European public exists... a feeling of identification with the Union as a whole rather than simply with the member states (p.75).

Maas continues to argue in favour of a robust European identity, differentiating European citizens from significant Others and 'solidifying a particularistic collective identity' (p.98) – essentially, a form of national identity at the supranational level. Others have made similar claims; for example, Caporaso notes the need for a collective European identity in order to foster democratic legitimacy for social and redistributive policies (2005, p.68). he highlights the need to cast the United States as Europe's Other, in order to foster this collective sentiment (pp.71-74).

By emphasising the need for collective identity, defined against an external Other, these arguments hold much in common with the regional nationalism described in the preceding chapter – and, in turn, with the logic of nationalism critiqued in the first chapter. Given the

arguments against these approaches that I have presented thus far, they do not appear to be particularly robust or defensible solutions to the deficit in Europe. Indeed, in promoting a form of national identity at the trans-state level, they compromise the extent to which the EU does not rely on the promulgation of shared cultural identity in order to build cooperation and integration.

In opposition to the formation of national identity at this regional level, a second set of theorists have argued that the democratic character of the EU must stem from its multi-national character. This is because citizens are already developing high levels of 'constitutional tolerance', meaning that they are able to value difference while simultaneously building cooperation with those they views as Others (Weiler, 2001). As Nicolaidis notes,

> After half a century of existence, the EU has established itself as a new kind of political community, one that rests on the persistent plurality of its component peoples, its *demoi*. It is more than a particularly strong version of a confederation of sovereign states, in that its peoples are connected politically directly and not only through the bargains of their leaders. And yet, to the extent that these peoples are organised into states, these states should continue to be at the core of the European construct. In short, the EU is and should continue to be a *demoi-cracy* in the making, subject to the rule of its peoples, for its peoples, with its peoples (Nicolaidis, 2004, p.83).

Demoi-cracy theorists argue that in trans-state contexts such as the EU, we should not talk about the development of a single demoi, but rather the presence of multiple demoi – 'the stable existence of peoples' in bounded communities (Liebert, 2010, p.68). It is the distinct 'peoples' of Europe who are democratically active, but this democratic practice is not seen as reliant on a single demos. Rather, multiple demoi may participate in the same democracy and still remain quite separate, while developing their own, distinct ways of belonging in the EU (Pélabay et al, 2010, p.336).

Arguments in favour of demoi-cracy are similar to some of the more 'thin', reflexive forms of constitutional patriotism that I have previously discussed, though of course they do not

support the creation of a single constitution. The problem with demoi-cracy once again concerns the defensibility of reinforcing national definition. While reflexive constitutional patriotism, correctly understood, highlights the existence of diverse individuals, demoi-cracy emphasises the existence of diverse *peoples* and thus overlooks the complex nature of internal diversity within those bounded communities. As I will show later in the thesis (in presentation of empirical research), it is problematic to try to reconcile a continued sense of belonging to the nation with a new, post-national outlook. There are significant problems in relying on a national context while trying to move towards a form of political belonging that is more inclusive of diversity. It is my view that proponents of demoi-cracy suffer from this problem, in that their quest for an inclusive form of political belonging in Europe will falter due to its excessive reliance on the persistence of the nation.

Concerns surrounding democratic legitimacy demand that we reconsider how to build allegiances to those common institutions of the EU. Demoi-cracy, however, reinforces the distinctiveness of nations and the rights and responsibilities that national membership confers. Proponents of the approach are correct in the extent to which a form of constitutional tolerance is emerging in the EU, but this only serves to highlight exactly the problem. Despite this level of tolerance, the EU is still of very low political salience to citizens. Indeed, in the 2004 European elections, electoral turnout was on average 25% lower than in national elections (Kumm, 2008, p.128), and turnout has dropped year on year from a high of 61.9% in 1979, to a low of 43% in 2009 (European Parliament, 2011). Additionally, the democratic deficit hinges on the fact that European elections tend to be treated simply as extensions of national politics, and focus on issues related to the national interest (Hix, 2008, p.79). A potential danger inherent in seeking to strengthen political contestation in the EU while still preserving distinct national communities is the possibility that increased political

involvement will actually backfire against European integration, as citizens seek to pursue their national interest at this higher level.

If genuinely political, rather than national, contestation in Europe is to be possible, it is necessary to conceive of a way of bringing about interest in the policy direction of the EU that does not hinge on the extent to which the national interest is served. This does not justify the creation of a European collective identity as Maas and Caporaso have suggested. Rather, constitutional patriotism offers a potentially salient alternative. Advocates of strengthened democratic legitimacy in the EU face the challenge of delivering democratic legitimacy both from the perspective of a normative impetus away from the dangers of nationalism, and from the necessity of 'social legitimacy' (Nanz, 2006, p.111), or the legitimacy that stems from the actual agreement of the diverse individuals present. In seeking to confer attachment to institutions, constitutional patriotism does not aim to provide a new identity, but rather a changed relationship between democratic legitimacy and shared identity, so that the former may emerge with a much weaker form of the latter. Democratic practices emerge, or are strengthened on the basis that the political identity of citizens is informed by commitment to shared principles rather than shared identity[29].

Constitutional patriotism provides a potential means of strengthening the political salience of the EU by providing a focal point for contestation and debate away from national settings, without enforcing a thick shared identity at the European level. It is argued that legitimacy demands that citizens not only have the power to challenge their form of government and governance, but that they also have a clearly accessible way of doing so, to understand what

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[29] Some scholars have talked about the 'entitativity' of the EU (Castano, 2004), or Europe's 'metaphysical self-constituting' (Allott, 2003, p.223); that is the extent to which the European construct 'exists' in the minds of its citizens. The way that I have discussed 'social legitimacy' here builds on a similar idea, that in order to become distinguished from national interests, direct attachment of citizens to EU institutions is necessary.

to challenge and how (Müller, 2008, p.556). Thus the legitimacy of support for a project such as European integration requires 'clear points of contestability', and

> ...a 'readable' constitution of one sort or another, as a focal point for supranational patriotism... a European constitutional patriotism would find a fixed point in such a constitution, but, more importantly, constitutional patriotism would also be a continuous engagement with its meanings as a project, rather than any static attachment (p.557).

If individuals are to actively engage in democratic practices, then they need a focal point in a constitution which is understandable to them, and which offers them *something* to challenge. The discursive processes of constitutional patriotism, working towards allegiance to constitutional principles rather than to a particular nation-state, then also assist in developing the EU as a community that, while it may coexist with other levels of governance, is politicised in itself rather than through national mechanisms. Crucially however, in doing so it avoids nation-building at this supra-national level and rather recasts democratic integration more defensibly around liberal democratic principles. It allows the EU to build the kind of 'social acceptance' traditionally provided to the state by national identity, by replacing that shared identity with shared patriotism to democratic institutions (Nanz, 2006, pp.111-112). This inter-relationship of constitutional patriotism and increased political contestation speaks to the salience of constitutional patriotism for tackling the European democratic deficit.

Matthias Kumm (2008) has suggested that a European constitutional patriotism, as described above, could never take hold because a much higher level of political contestation is necessary in the EU *before* constitutional patriotism can take hold. The closest that the EU has come to the creation of a single constitution is the Treaty establishing a Constitution for Europe, which was abandoned in 2005 after it was rejected by voters in France and the

Netherlands[30]. Kumm argues that it is simply not possible to expect citizens to attach to a constitution unless the EU finds a way of addressing its lack of political contestation (pp.129-131) – essentially, unless it first addresses those problems that Hix (2008) has described.

Kumm's critique highlights many very real challenges to the development of constitutional patriotism in the EU. The implementation of constitutional patriotism is, however, just that: a development. To assert that constitutional patriotism could emerge in the EU simply by the creation of a constitution would be incorrect and deeply problematic. As Kumm so rightly argues, the process of increasing political contestation and interest in the policy agenda of the EU is part of the process of developing a form of constitutional patriotism in Europe. There is an important distinction here which should be made between the empirical reality of the EU's actions concerning an attempt to effectively impose a constitution on European citizens, and the organic growth of a constitution from the changing disposition of citizens. The growth of political contestation is best thought of as part of the process of developing constitutional patriotism in the EU, and of building grounds for a constitution that is genuinely supported by the European public.

Thus, in summary, constitutional patriotism is viewed by many scholars as relevant to the European context, both simply because the EU represents the kind of highly diverse context which constitutional patriotism is particularly useful in, and because the European democratic deficit suggests the need for a strengthened politicisation of European institutions which constitutional patriotism can facilitate. By creating a focal point in the constitution and shifting allegiances away from the national model towards constitutional principles,

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[30] Many of the reforms included in this abandoned treaty were implemented under the Treaty of Lisbon in 2007, though this of course did not include the creation of a single constitution for Europe.

constitutional patriotism offers a means of developing the salience of the EU and thus facilitating engagement in a politics that is not simply multi-national in character.

3.2.2 THE QUESTION OF BORDERS AND BOUNDARIES

One of the key features of European integration is the removal of restrictions on the movement of people and trade between the member-states[31]. The EU is also, however, characterised by exclusion at its external borders[32]. Debates surrounding a common European immigration policy have centred on the notion of immigration as a security issue, driving an agenda that perceives immigration as a dangerous phenomenon in Europe, which is to be limited as much as possible (Huysmans, 2000; Waever et al, 1993). In addition, citizenship requirements have become more demanding, with widespread citizenship testing for applicants reinforcing the national paradigm of membership (Kostakopoulou, 2010, pp.16-17). Recurrent tensions feature at migration hotspots such as the border with Turkey and the North African Spanish

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[31] Free movement initially emerged in the EU as a right solely for qualified coal and steel workers to gain employment in other member-states of the ECSC. The 1957 Treaty of Rome sets out the basic right for citizens of a member-state to work in any alternative member state, and the Single European Act, which came into effect in 1987, signalled the full removal of barriers to movement of services and labour (Hix and Høyland, 2011, pp.275-276). Various extensions made by the European Court of Justice to the basic rights of the citizens of member-states have led to the development of a bundle of rights associated with free movement, including more extensive social rights with regards to education, housing, and the rights of non-workers (Baldoni, 2003, pp.4-9). These rights are key defining features of European citizenship, which is set out in the 1992 Maastricht Treaty; and have been subsequently complimented by the removal of all border controls in the 'Schengen Area', which includes 22 of the 27 member states (Bulgaria, Cyprus and Romania have not yet been approved by the EU. The UK and Ireland chose to remain outside of the Schengen Area).

[32] There are also some restrictions on migration from new member states which acceded in 2004 and 2007. These states have been subject to 'phase in' requirements with regards to free movement in all but three of the existing member states (Ireland, Sweden and the UK). This has limited these migrants' access to some rights provisions and in some cases has limited their access to the labour markets of various member states (Hix and Høyland, 2011, p.279; Roeder, 2011, p.459).

enclaves of Ceuta and Melilla[33]; and the increased migration following the 2011 Arab Spring has led to intensified debate concerning the feasibility the Schengen Agreement given the perception of mass migration at external borders[34].

Considering the development of constitutional patriotism for the EU suggests a variety of options for the maintenance of its borders. For example, the regional nationalist approach, emphasising a collective identity defined against an external Other, would suggest that boundaries should be firmly set and that the corresponding borders should be as tough as those present for a nation-state. However, taking the reflexive, or the reflexive transformational approach developed in the previous chapter, boundaries are likely to be more fluid and open to change, and borders would not therefore necessarily be used to help the definition of a single collective identity through the exclusion of non-Europeans.

3.3 THE BORDER PROBLEM

Towards the end of chapter 2, I noted that the existence of boundaries does not denote the defensibility of standard current practices of migration control at these boundaries. Would

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[33] Ceuta and Melilla are two towns in Northern Morocco which remain Spanish territory. Since Spain became a member of the EU, migrants have attempted to cross into the towns illegally in order to gain entry to Spain and the rest of the EU. Spain, backed by the EU, has increased security at the borders surrounding the towns, including the construction of barbed wire fences and a large scale police presence (Zapata-Barrero and de Witte, 2007, pp.86-87).

[34] During the North African popular uprisings of early 2011 which became known as the 'Arab Spring', French and Italian governments attempted to have the Schengen Agreement suspended given concerns over the influx of 30,000 North African immigrants. French President Nicolas Sarkozy and then Italian Prime Minister Silvio Berlusconi, following their own dispute over how to best manage the crisis, suggested that the EU 'examine the possibility of temporarily re-establishing internal frontier controls in the case of exceptional difficulty in the management of the common external frontiers' (cited in Traynor and Hooper, 2011). However, there is some debate over whether North African migration to Europe was significantly higher following these events (Bonfiglio, 2011, p.2). EU discussions concerning the potential use of temporary internal border controls in times of crisis are ongoing.

constitutional patriotism, correctly understood, justify the removal of many barriers to the free movement of persons in the same way that the EU has? The question of border control and migration is under-acknowledged within the literature, but as I highlighted in chapter 2, it is crucial to a robust defence of constitutional patriotism. This is because it may otherwise be asserted that constitutional patriotism is reliant on the ongoing construction of a nationally-defined demos. It is to this particular problem that I now turn.

My claim in this section is structured as follows:

(a) Constitutional patriotism represents a deep commitment to equal moral worth, expressed as democratic political equality

(b) Such a commitment, in the absence of strong, countervailing moral reasons to restrict membership, implies a commitment to freer movement of individuals across borders

(c) Therefore, constitutional patriotism implies a commitment to freer movement of individuals across borders.

I first give some background on the treatment of borders and migration within the constitutional patriotism literature (focusing particularly on Jan-Werner Müller's account). I then work to demonstrate why a commitment to individual moral equality such as that featured in accounts of constitutional patriotism theory is not compatible with the restrictions on migration imposed by most current liberal-democratic states. Here, I draw particular attention to the ways in which defining between citizens and non-citizens ascribes difference in precisely the way that constitutional patriotism theorists have critiqued. I then consider specifically the argument, implicit within Müller's propositions concerning migration, that ascribing difference between citizens and non-citizens is morally permissible because citizens are subject to the coercive practices of the state in ways that non-citizens are not. Here, I argue that such an account is not defensible because coercion cannot be shown to be

contained within borders, and thus it cannot be used to justify stringent restrictions on movement.

3.3.1 ASCRIBING DIFFERENCE

In *Inclusion of the Other*, Habermas briefly considers immigration rights, suggesting that the realities of global interdependence and the historical negative impact of the colonisation of developing countries gives rise to a moral imperative towards liberal immigration policies. However, in his view this does not produce a legal right to immigration (Habermas, 1998a, pp.230-231; Hayward, 2007, p.190). Others who have followed Habermas have tended to focus on the ways in which constitutional patriotism theories can justify the existence of particular states, but have not engaged with the migration issue. As I argued in the previous chapter, providing a defence of a particular state is not equivalent to justifying restrictions on who may or may not become a member of that state. Jan-Werner Müller's account features the most sustained and careful consideration of immigration control present within the constitutional patriotism literature, and it is therefore to his account that I now turn.

Müller defends the kinds of transformations that may contribute to the extension of boundaries to incorporate multiple pre-existing polities, such as in the case of the EU, but he does not then advocate more open border regimes. He does not suggest that migration controls should be relaxed because he maintains that the control of migration is a political decision to be made by current citizens. For Müller, any approach to migration must be consistent with the core idea in his constitutional patriotism that citizens recognise each other as free and equal, and that they unite around an interpretation of shared principles rather than shared identity. Thus, the migration approach he sets out is characterised as 'universal

source', whereby criteria for the control of migration must be universally applicable, and so cannot favour one particular group over another. Decisions regarding migration cannot be made on the grounds of consistency with the majority culture (as may be asserted in the nationalist account). This is not to say that the approach is necessarily open in terms of the numbers of migrants that are permitted, but just that all of those who are allowed to enter the territory, regardless of their sending state, must be subject to the same criteria (Müller, 2007a, pp.89-91).

Müller's account would therefore imply that polities are entitled to unilateral control of their own borders in decisions concerning numbers of migrants, with the only demand being that whatever number is permitted to cross the border is not subject to discrimination on the grounds of country of origin, ethnic grouping, race or religion, etc. Müller does not explicitly consider the defensibility of a free movement regime such as that within the EU. It could be assumed that, given his support for such integration projects, he would support the facilitation of freer movement within the EU. Müller's claims may, however, provide grounds for communities within such a project to control migration to a much greater extent than the conventions of EU citizenship allow. This is because those nation-states would have a right, albeit constrained by the requirement to be 'universal source', to control migration at their borders. While the EU represents an advanced example of trans-state integration, the integrity of distinct national communities still remains and so the ability of those communities to control migration may, according to Müller's argument, also persist. Additionally, at the external borders of the EU, it would be reasonable to surmise that Müller's account would permit stringent controls on external migration into the EU, so long as selection criteria could be shown to be universal source.

Some theorists, however, have argued that the kinds of commitments to liberal equality that are foundational to constitutional patriotism should drive us towards advocating much freer movement across state borders. In Joseph Carens' seminal argument (1987), a commitment to free movement is said to flow from a global application of John Rawls's original position (1999a [1971], pp.15-19). In this original position, individuals are asked to decide on the principles of justice, but they do so from behind a veil of ignorance, because 'natural and social contingencies' are morally arbitrary and therefore should not influence decisions on the content of such principles (Carens, 1987, p.256). Carens argues that place of birth and differences in nationality should also be considered as morally arbitrary, because place of birth is not chosen, but has severe implications in terms of access to wealth and opportunities. Individuals would then opt for a right to migrate as a basic liberty, on the basis that to not permit such a right would be to hinder a life plan on morally arbitrary grounds, and because it would perpetuate morally arbitraries inequalities[35] (p.258).

Carens is the starting point[36] for a substantial literature which seeks to reinforce this link between a commitment to universal non-discrimination (as an expression of the individual moral equality of all persons) and much fewer restrictions on migration. For example, Matthias Risse (2008) has argued that, since the earth belongs to all individuals in common, they are each entitled to equal access to the earth's resources. His account ties obligations to

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[35] Specifically, Carens finds restrictions on migration to contravene both of Rawls' principles of justice. These principles entail, firstly and most importantly, that 'each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others'; and secondly, that 'social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all' (Rawls, 1999a [1971], p.53).

[36] While Roger Nett (1971) first raised questions surrounding the recognition of equality of opportunity and persistent restrictions on migration much earlier than Carens, it is Carens' 1987 article which is considered the seminal work in this field and has informed subsequent writings on freedom of movement.

admit migrants to the availability of natural resources and the level of population density, meaning that a country such as the United States would have far greater obligations to permit entry to a very high number of migrants. Similarly, Jonathan Seglow suggests that rich states have strong obligations to admit migrants from very poor states, until the idea of a 'decent life' is realised, 'to which every person in the world has a right' (Seglow, 2005, p.329); and Ayelet Shachar argues that 'birthright' citizenship is indefensible as a mechanism which preserves the opportunities provided by birth into a wealthy nation through a 'gate-keeping function' (Shachar, 2009, pp.33-38).

The core liberal goal of individual autonomy, informed by a commitment to human moral equality, is prevalent in the literature as the basis on which to critique restrictions on movement. Obstacles to freedom of movement are deemed to be an 'infringement of liberty' in much the same way that obstacles to movement within a territory would be considered as such (Dummett, 2004, p.117), and the failure to recognise such a 'basic human right' is argued to be inconsistent with the prevalence of the right to exit a territory (Hayter, 2004, p.149-150; see also Cole, 2000, pp.44-56). What all of these accounts have in common is a recognition of the equal moral worth of each individual, irrespective of country of birth, and it is that commitment which is driving their accounts of open or near open[37] borders.

The key difference between these free movement accounts and that offered by Müller is that Müller conceives of decisions concerning migration control to be political, rather than moral,

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[37] In some cases, the accounts referenced incorporate some restrictions on migration. For example, for Seglow, rich states are obliged to admit migrants from poorer sending countries, but such obligations may be lessened when the basic rights needed to lead a 'decent life' are available in the sending country (Seglow, 2005, p.329). For Dummett, there are concerns surrounding the destruction of minority cultures by mass migration flows; however, importantly, this refers to extreme cases such as Chinese migration to Tibet with the specific aim of overwhelming the minority, rather than typical rhetoric surrounding mass migration to countries such as the UK (Dummett, 2004, pp.119-20).

ones. He suggests that there is a difference between the rights and obligations of those who are citizens of a given state, and humanity as a whole. Therefore, while '(t)he deepest impulse animating a normatively substantive account of constitutional patriotism is the idea of individuals recognising each other as free and equal and finding fair terms of living together' (Müller, 2007a, p.52), Müller's approach still rests on the claim that there are differences in the moral standing of individuals based on their membership of particular polities. As he asserts,

> …[constitutional patriotism] will not collapse into a version of monist cosmopolitanism; that is, a cosmopolitanism that considers political boundaries morally irrelevant and assumes that all human beings stand in exactly the same moral-political relation to one another (p.69).

Therefore, according to such a view, it would be defensible to presume that the existing members of the polity effectively have a comprehensive unilateral right to decide on the extent of their migration controls. While constitutional patriotism tells us that discrimination on the grounds of arbitrary characteristics such as culture, religious beliefs or race is not defensible, this only rules out restricting certain groups from migrating, while allowing other groups to do so at the same time. It does not, according to Müller's account, rule out treating all potential migrants equally by placing equal restrictions on their movement into the polity.

This is, however, a problematic position. Recall the treatment of the normative content of constitutional patriotism in chapter 2. There, I argued that constitutional patriotism derives its normative content from democratic political equality as an expression of the equal moral worth of all individuals. This commitment to political equality is evident in the way in which the approach emphasises the equal recognition and equal democratic voice of all individuals, regardless of their ascribed identity set. Essentially, the principle of democratic political

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equality hinges on a fundamental recognition that all individuals, no matter who they are, are of equal moral importance.

Müller's approach seeks to treat all would-be migrants equally. Yet unlike nationalism, constitutional patriotism cannot offer any grounds on which to distinguish those would-be migrants from individuals who are already members of the polity, because it emphasises the importance of individuals recognising each other as free and equal. Whether it is a national culture that defines the composition of a polity, or whether it is a thin political culture, this unilateral control of borders still confers a distinction between those who are already members of the polity, and those who are 'outsiders', and this is problematic from the perspective of liberal universalism (Rubio-Marin, 2000, pp.26-27; see also Benhabib, 2004; Cole, 2000; Shachar, 2009, ch.2[38]). Conceding the existence of border controls on the national model, whereby each polity is entitled to control their borders, reinforces the very differences between insiders and outsiders that constitutional patriotism, representing a commitment to non-discrimination on the basis of arbitrary characteristics, seeks to move away from. Under such circumstances, the ability to reside within a polity is dictated either by luck of birth or by some criteria dictated by current members of the polity, not on the basis of a recognition of all individuals as deserving of equal respect.

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[38] Shachar's (2009) argument does not ultimately result in a claim for liberalised border controls, but rather formulates a 'citizenship levy' (ch.3), whereby those who inherit citizenship in a wealthy country must then recompense those in less affluent countries, in order to equalise the opportunities provided by luck of birth. Such an approach may in fact underestimate the intrinsic worth of freedom. Simply providing funds to build opportunities in other countries may not reflect the real reasons that individuals choose to migrate; for example, this may be in order to live in a liberal democratic society. Redistribution of wealth on the basis of birthright citizenship, while a robust argument both in promoting the need to address global inequalities and offering a way to do so, cannot offer a complete reason for the continued justification of restrictive migration policies.

A similar critique has been levelled against national models of immigration and citizenship, however the point that these critical accounts make is not that it is unacceptable to base restrictive policies on shared cultural characteristics such as national identity (although, of course, their arguments would deem this to be equally unacceptable). Rather, the point is that, from a liberal perspective, it is unacceptable to base immigration policies on who happens to be a citizen 'at a particular moment' (Rubio-Marin, 2000, p.25). Essentially, approaches which would provide current citizens with the unilateral right to control migration fail to provide an account of who should be considered as a citizen in the first place (Rubio-Marin, 2000, pp.25-27; Baübock, 1994, p.179). It is argued that such approaches fly 'in the face of our standard liberal and democratic accounts of citizenship as reflecting the choice and consent of the governed' (Shachar, 2009, pp.12-13). This is because they allocate decision-making power over who may or may not be included in the polity to those who simply happen to already be included. This represents a clash between the ideas of democratic self-determination and of individual moral equality, both of which lie at the heart of the liberal tradition (Cole, 2000, p.81; Verlinden, 2010, pp.56-63).

The same is true of constitutional patriotism. If they are to be consistent with a commitment to individual moral equality, then proponents of the approach must accept that restrictive border controls are not defensible. It is not enough to suggest that migration controls are acceptable so long as they are universal source, because the allocation of decision-making responsibility for those migration controls is based on a morally arbitrary distinction between individuals who currently reside within the territory, and individuals who wish to do so. Preventing this migration means that inequality in the provision of opportunities prevails despite a supposed shift away from exclusive citizenship regimes.

To summarise, the central claim here is that the same commitment to individual moral

equality which, I have argued, drives constitutional patriotism, also drives the commitment to

freedom of movement that is reflected in many liberal accounts of migration rights. If,

therefore, constitutional patriotism implies a commitment to this individual moral equality,

and if such a commitment also then implies a commitment to fewer restrictions on migration

(because the reproduction of existing border control regimes re-inscribes the very forms of

difference that constitutional patriotism seeks to move away from), then constitutional

patriotism must also imply much freer movement of individuals across borders.

3.3.2 CONTRACTS AND COERCION

It may be argued that, in making this central claim, I have misunderstood what non-

discrimination entails, because I have overlooked the role that the coercive practices of the

state play in differentiating the rights and obligations of citizens and non-citizens. Certainly

such a perspective can be found in Müller's work. In laying the groundwork for his own

approach to constitutional patriotism, Müller clearly states that coercion is a guiding principle

in how the legitimacy of political arrangements is provided:

> ...political rule – that is, the ground rules for the collective exercise of force over
> the members of the political community – must be justified to those subject to
> collective decisions (Müller, 2007a, p.53).

According to Müller then, for the coercive practices of the state to gain legitimacy, they must

reflect the will of the citizens themselves. This is because those citizens are the ones who are

subject to the force exerted by the state, through its institutional structures and legal

frameworks. Therefore, Müller, argues that constitutional patriotism '...accepts the idea that

bounded schemes of fair living together impose more stringent obligations than "the

worldwide community of human beings"' (p.69). This is because being subject to the coercive practices of the state places citizens in a different relationship with both their state's institutions and with one another, compared to their relationship with other individuals and institutions outside of their political community.

While Müller does not explicitly link this differentiation between the rights and obligations of citizens and those of non-citizens to justifications for restrictions on immigration, it can be deduced that such an argument applies to his claims in this area. Müller's argument for decisions concerning migration control to be taken by existing citizens of the polity mirrors his concern that, as they are subject to the coercive force of the law, citizens themselves should legitimate the laws imposed by the state. This is a similar claim to that made by Thomas Nagel, that bounded polities imply more extensive obligations between members of the polity than those to humanity as a whole, and that therefore on this basis there is no requirement to treat both members and non-members equally (Nagel, 2005). This is because those non-members are not required to cooperate with the laws of the polity in the same ways that members are, and so 'no justification is required that explains why they could accept such discriminatory policies or why their interests have to be given equal consideration' (p.130).

A number of authors have suggested that claims for restricting migration on the grounds of coercion are problematic. They have demonstrated that the coercive practices of powerful states do not impact only on citizens (Julius, 2006), and that supranational institutions also exert significant coercive forces. For example, Cohen and Sabel (2006; see also Pevnick, 2008, pp.405-406) highlight how organisations with global scope such as the WTO and IMF exercise coercion over individual citizens of states. They argue that the will of citizens is implicated when the policies of these organisations impact upon what a state is, or isn't, able to do. For example, when the IMF lends money to a country facing economic catastrophe on

the basis that this will lead to a reduction of barriers to trade in that country, Cohen and Sabel argue that the wills of citizens are directly implicated (p.167). Additionally, when a country formulates its trade policies on the basis of a need to comply with WTO agreements, their will is implicated (pp.167-168)[39]. Examples such as these demonstrate the ways in which it may be overly simplistic to assert that the state in which a citizen resides is the only source of coercion in that citizen's life.

Some theorists, most notably Arash Abizadeh, have argued that migration restrictions themselves should be viewed as coercive. Here, non-citizens are coerced by the policy of a particular state when they are prevented from crossing a border into that state. Following the logic of the coercion argument, it would then be necessary to justify restrictive migration practices to non-citizens as well as citizens because those non-citizens are coerced by the policy to be implemented (Abizadeh, 2008). While David Miller has challenged this claim on the grounds that it misunderstands the nature of coercion (2010b)[40], it nonetheless highlights that, once again, complexities and questions surround the extent to which coercion

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[39] It may be argued that governments act as a source of accountability for citizens, and that therefore their participation in agreements with such institutions reflects the will of their citizens. According to such an argument, there is no coercion in the examples given, because citizens are able to have a say in how their own government acts with respect to these institutions. However, Cohen and Sabel counter this by arguing that, most of the time, opting out of institutions such as the IMF and WTO is simply not possible because these institutions offer an 'all or nothing' agreement with states. This means that there is a direct relationship between those organisations and citizens, because governments are limited in the extent to which they could opt out (Cohen and Sabel, 2006, p.168).

[40] Miller (2010) argues that coercion is only problematic where it is seen to limit individual autonomy, and that this is only the case where an individual is stopped from pursuing a course of action, without a range of other options to pursue instead. He also highlights some differences between actual and hypothetical coercion, the latter of which does not compromise autonomy. In response to this challenge, Abizadeh (2010) suggests that all coercive threats are hypothetical, and that Miller's critique overlooks the role of individual interest in pursuing a specific action. He also then demonstrates how Miller's conception of coercion may exclude a range of decisions that are commonly subject to democratic legitimation from those processes, because it relies on an impoverished conception of the demands of democratic justification.

can strictly be theorised as a solely internal exercise within states. Combined with the coercion exercised through institutions such as the WTO and IMF, these examples raise clear problems with grounding forms of priority to co-citizens on the basis of domestic coercive practices.

It becomes increasingly difficult, given such examples, to assert that coercive practices give us a robust reason to permit those already under the coercive influence of the state to prevent others from entering into a similar position. Not least, this is because it is evident that coercive relationships often result in substantial benefits to those involved in them, without full justification for the inequalities that this produces (Cabrera, 2004, p.17; Pevnick, 2008). Pevnick has detailed how asserting the coercive relationship as a reason to focus solely on the interests of existing citizens actually masks the relative advantage that those already immersed in a robust system of governance gain as a result of this relationship, and notes:

> [i]t is disingenuous to say to the vulnerable, 'look, we have not immersed you in a system of coercion and so do not stand in a relationship of justice with you', because, in many situations, the lack of coercion itself facilitates harmful treatment (Pevnick, 2008, p.405).

The point here is that the coercion argument may actually serve to worsen inequalities, and suggesting that this is excused by the fact that the demands of justice do not apply to those outside of the coercive arrangement does not work. Problematically, it rests on pre-existing events which have resulted in more robust governance arrangements, and therefore advantage, in particular states.

Thus, the coercion argument in support of the right of current citizens to control restrictions on migration is problematic because it cannot justify who should be included in the coercive relationship to begin with. We are unable to offer reasons as to why particular people are the ones who are deemed to be subject to coercion, and who defines what a coercive relationship

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is. While Nagel, and to some extent Müller, argue that the recognition of individual moral equality is only applicable within the boundaries of the state due to coercive relationships, they make such claims on significantly limited grounds. This is due to the prevalence of coercion outside of bounded communities, and to the fact that coercion often entails significant advantage without a normative justification. Thus, the coercion argument '...cannot justify the creation of distinct sets of members, because it justifies restriction of distributions based on the impositions already being made on members' (Cabrera, 2004, p.17; see also Baübock, 1994, p.238; Buchanan, 2004, p.152). Returning specifically to constitutional patriotism, the coercion claim is then not defensible as a reason to permit continued restrictions on migration on the national model because it cannot tell us who should be a member in the first place. Simply asserting the existence of coercive relationships between individuals and the state cannot tell us who should or should not be permitted to enter into that same coercive relationship.

We are, therefore, returned to the problem of ascribing difference between citizens and non-citizens, by either luck of birth or some criteria set by individuals who happen to already find themselves members of the political community, without a reason to suggest that they should hold this position of authority in decisions concerning the control of migration. I am thus returned to my core claim, that constitutional patriotism must imply freer movement across borders, because it lacks any defensible grounds on which to ascribe difference between existing members of the polity and potential migrants. Rather, the kind of commitment to individual moral equality that the approach represents also suggests a commitment to freer movement, without reason to differentiate between existing and potential members.

Contrary to the dominant literature, I therefore argue that theorists such as Müller need not concede that their approaches necessarily involve the perpetuation of the inherited citizenship

and border regimes of nation-states, but rather that they suggest much fewer restrictions on migration across borders.

3.3.3 FREE MOVEMENT IN THE EU

The claim that constitutional patriotism implies freer movement across borders has significant implications for the approach itself, as can be demonstrated by returning to the example of European integration as a possible site for the implementation of the approach. The development of free movement in the EU is important because it provides an empirical illustration of how a growing commitment to individual autonomy (in the development of free movement from an economic to a full citizenship right – see footnote 31) acts to ensure the basic right to mobility across national borders, and to protect migrants from discrimination in the receiving state. Although the right to free movement was initially a product of economic interdependence, its development through the European Court of Justice and the Maastricht Treaty has reflected the recognition of a range of formal civil rights entitlements regardless of birthplace[41] (Cabrera, 2004, pp.107-108). A robust principle of non-discrimination, developed through those cases brought to the European Court of Justice, provides for the equal treatment of all individuals in each member-state regardless of their country of origin. Place of birth is as such regarded as an arbitrary characteristic.

However, similar migration and citizenship rights are not available for those from outside of the EU who do not hold national citizenship in one of the EU's member-states. External

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[41] For example, the right to vote and to access social security benefits in an alternative member state to where national citizenship is held. These all demonstrate the provision of more extensive rights, recognising the European migrant as an individual rather than solely an economic unit (Cabrera, 2010, pp.182-184; Day and Shaw, 2002; Gerhards, 2008).

migrants must still seek entry to an EU member state through the national mechanisms of that member state, and even on doing so, would not be entitled to any of the provisions of EU citizenship or the free movement regime without first gaining full citizenship of a member-state. There is therefore something of a contradiction in the EU between the normative underpinnings of European citizenship rights, and continued restrictions on the rights of third country nationals; a 'civic-inclusiveness deficit' (Kostakopoulou, 2001, p.73; see also Day and Shaw, 2002).

Clearly constitutional patriotism, with its implicit commitment to freedom of movement, would support continued freedom of movement within the EU. It would, though, additionally have implications for the rights of these third country nationals, because it would mean that neither member-states nor the EU more generally has the right to limit migration. This would mean both that the national mechanisms for controlling external migration would be relaxed, and that efforts at a pan-European migration policy would equally focus on substantially reducing restrictions on migration into the pan-European space.

3.4 OBJECTIONS

Having set out my central claim, I now consider some objections to this position. While there will be others that are beyond the scope of this thesis, I believe that consideration of those selected should answer the most pressing objections. The first three have been selected because they have specific implications for free movement in relation to constitutional patriotism. These focus on how freedom is conceptualised, the moral significance of self-determination, and whether it is defensible to exclude potential migrants in order to protect the liberal character of the state. The final sub-section takes in a number of critiques based on the

idea that mass migration can produce 'detrimental effects'. While less narrowly related to

constitutional patriotism, these objections are persistent in the migration literature, and thus it

is appropriate to offer a response to them.

3.4.1 ADEQUATE FREEDOMS

The first of objection holds that the interests that freedom of movement is intended to protect

can be met without realising this right. According to this critique,

> liberal societies in general offer their members *sufficient* freedom of movement
> to protect the interests that the human right to freedom of movement is intended
> to protect… A person can legitimately demand access to an *adequate* range of
> options to choose between (Miller, 2005, pp.195-6, emphasis in original).

In other words, freedom of movement is judged to be only instrumentally valuable in the

protection of basic human interests. Freedom of movement is said to be a narrow right which

is adequately provided for by internal movement rights, and is only justified across borders

when an adequate range of options are unavailable within a person's home country for them to

lead a decent life.

This objection has important implications for the argument presented in this chapter. If it is

the case that freedom of movement has only instrumental worth, then it is appropriate to take

it as a freedom stemming, in certain narrow circumstances, from the experience of political

integration, rather than as an intrinsic freedom that stems from a moral commitment to non-

discrimination and so is applicable in all circumstances.

However, the definition of the right to freedom of movement provided by Miller does not

necessarily give room for the recognition of internal movement rights. Rather, it seems that

this logic would compromise the internal rights to freedom of movement that are enjoyed by

members of the political community, as Bauböck (2009, pp.6-7) has demonstrated. The

United States, as Bauböck highlights, permits freedom of movement between its federal states; however, given the relative affluence of those states in comparison to potential migrants from other neighbouring countries, it would seem that the potential migrants have more sufficient grounds to claim the right to migrate on the basis of a lack of adequate options for a decent life.

If the claim that free movement is a narrow right is to adequately accommodate internal rights to free movement, then it would seem that it must be supported by a pre-existing account which justifies more extensive obligations to co-citizens as the basis for restrictions on migration, both because it cannot rely on a prior conception of precisely who should make up the collective 'we'. Thus in order to provide a defence of rights to internal free movement which are at the heart of liberal democratic practice, proponents of constitutional patriotism must recognise the intrinsic worth of freedom itself, thereby justifying free movement rights for both current citizens and potential external migrants.

3.4.2 THE MORAL SIGNIFICANCE OF BORDERS

The next objection surrounds the moral significance of borders and rights to self-determination. This objection holds that citizens have a right to self-determination and thus have the right to restrict migration as they see fit. As Walzer notes, 'the restraint of entry serves to defend the liberty and welfare, the politics and culture of a group of people committed to one another and their common life' (Walzer, 2008, p.154). There are two sides to this objection. The first is that there is value in cultural distinctiveness, and the second is that a defined group of people have the right to self-determination.

The argument for cultural distinctiveness is that culture has value in the production of liberty and democratic practice, and thus it does have moral significance, with the implication that individuals should not be blind to cultural difference in Rawls' original position. I have defended constitutional patriotism as an approach that rejects the moral significance of culture implied in nationalism, and my discussion of migration has been based on the assumption that constitutional patriotism is a defensible position, while nationalism suffers from the weaknesses identified in chapter 1. As such I will leave to one side the wealth of debates concerning the moral significance of culture, based on the assumption that in defending constitutional patriotism, such a line of argument has been rejected.

The second argument is more relevant to my purposes, and returns us to some of the issues considered in section 3.3.2 regarding the coercive relationship between citizens and the state. In constitutional patriotism, individuals have an equal right to authorship of the law on the basis that they live within the territorial jurisdiction of the institutions enacting those laws. It may then be argued that equal worth is recognised as a product of citizenship, rather than as a moral position applying to all individuals. Such an argument would then limit the application of equal worth to those residing within the confines of the polity. As authors of the law, it is they who may decide on the most appropriate restrictions on migration to be permitted.

Earlier in the chapter, I offered some reasons to think that arguments in favour of more restrictive migration policies informed by the participation of citizens in coercive relationships with the state are problematic. This was because constitutional patriotism theory could not provide a defensible means of identifying who should be considered as included in the demos to be subjected to those coercive relationships in the first place. This same argument is of relevance for the self-determination objection presented here, because both hinge on the extent to which equal moral worth is a political, rather than moral concept. As a pre-existing moral

concept in liberal thought, equal moral worth does not necessarily dictate that the self-determining group cannot exist, but it raises significant questions surrounding the rights of the group to stop others from deciding to join.

Seglow (2005) argues this point coherently, terming it the 'democratic association' argument. Taking Walzer's analogy of states with associations that have the right to control their own membership (1983, pp.40-41), Seglow (2005, p.322) argues that even associations are often restricted in the extent to which they may make decisions to restrict membership (for example, being prevented from entering a professional association despite obtaining the prerequisite qualifications). Furthermore, he suggests that a key difference between a private association and a state is that states provide their citizens with (and deny outsiders access to) basic vital goods needed to lead a decent life, thus impacting extensively on the interests of those who are excluded (p.324). It is not, therefore, easily defensible to assert self-determination as a reason to support restrictive migration controls. Once again, a core commitment to representing the equal moral worth of all individuals appears incompatible with the a right for current citizens in a particular time and place to decide who may or may not enter into the same self-determining community.

3.4.3 THE MIGRATION OF NON-PATRIOTS

A further pertinent objection would suggest that if an individual wishes to enter into the territory of the political community but is not prepared to treat other individuals as free and equal, as constitutional patriotism demands, then this might present us with a morally significant grounding to prevent that individuals' migration. Here, restrictions on migration would be targeted at retaining the liberal character of the polity. Should constitutional

patriotism be 'militantly' liberal, that is intolerant of illiberal practices, or if it is deeply

committed to liberalism, should it allow for more toleration of illiberal practices?

Müller identifies this problem in his account of constitutional patriotism, as 'principled

conflicts between the rights of free speech and free association on the one hand, and the goal

of protecting democracy on the other', with the latter termed 'militant democracy' (Müller,

2007a, p.118). While clearly Müller is concerned that this militancy contains the potential for

illiberal practice itself to the extent that it may drive 'a kind of unreflective and emotional

crowd politics that might damage the quality of democratic life' (p.117), it is recognised that

constitutional patriotism involves the exclusion of nondemocratic activities. This emphasis on

the preservation of liberal democracy is evident in the requirements of citizenship that

constitutional patriotism places on would-be citizens. For example, according to Müller, the

'tests and rituals' of membership are informed by political values, meaning that citizenship

tests draw on the political culture of the polity (pp.91-92); and for Habermas, integration

involves:

> ...assimilation to the way in which the autonomy of the citizens is
> institutionalised in the recipient society and the way the 'public use of reason' is
> practiced there… The right to democratic self-determination does indeed include
> the right of citizens to insist on the inclusive character of their own political
> culture (Habermas, 1998a, pp.228-229).

This quote from Habermas demonstrates that inclusiveness can drive exclusiveness under the

provisions of constitutional patriotism, if those who are excluded represent a threat to that

inclusiveness. This would suggest that a commitment to non-discrimination wins out against

the avoidance of illiberal practices. Significantly for my purposes, this produces the dilemma

that a sudden influx of individuals intent on undermining the liberal character of the polity

would have the potential to undermine the entire constitutional patriotism project.

However, I do not think that we can answer the questions surrounding this paradox of liberal tolerance with such a focus on immigration practices, because the hypothetical dilemma I have just presented assumes that illiberal practices and threats to liberalism are necessarily external. Briefly reverting to empirical examples, it is evident from events such as the London bombings of 7th July 2005, or even the horrors of Nazi Germany and the Holocaust that constitutional patriotism has traditionally been concerned with, that threats to liberalism and democracy cannot easily be categorised as necessarily external. Indeed, Müller's consideration of militant democracy focuses on predominantly 'internal enemies' (Müller, 2007a, p.118). An assumption that threats to the liberal character of the state are necessarily external rests on a problematic view that the in-group is always fully liberal, thus essentialising the characteristics of the individuals that make up the in-group, and potentially then essentialising and somewhat overstating the illiberal characteristics of outsiders.

That said, this is nonetheless an important issue to consider, and indeed many theorists have offered accounts which seek to balance the liberal characteristics of a particular polity with the tolerance of illiberal practices by individuals within that polity[42]. With respect to the focus of this thesis, it is relevant to consider whether the argument that migration could present a threat to the liberal character of constitutional patriotism offers a reason to place restrictions on that migration. My previous assertion that the links between migration and illiberal practices may be somewhat exaggerated does not resolve that dilemma, but it does highlight that these problems with liberalism relate only superficially to migration. For example, if it were the case that the polity was intolerant of illiberal practices, this does not suggest that would-be migrants should not be permitted to migrate. Rather, the equal treatment of migrants would

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[42] For example, see Barry (2001); Cohen (2007); Joppke (2004); and Quong (2004; 2007)

expose them to the same sanctions levelled against any individual who refused to comply with such a principle; for example in committing a racially motivated crime, or seeking to undermine democratic practices.

Furthermore, it is not clear how we could judge whether a new migrant would seek to challenge the moral grounding of the polity. Perhaps the answer is citizenship testing, as is emphasised by Habermas and Müller in the passages cited above[43]; however there remain problems with this. Firstly, any form of citizenship education and testing would need to be compulsory for both current citizens and potential migrants, because the requirements of non-discrimination dictate this to be so – there is no reason to assume that current citizens would conform to the liberal ideal any more than would-be citizens potentially could (Kostakopoulou, 2010, p.17; Carrera and Guild, 2010, p.31).

Secondly, we would be unaware as to whether exposure to a liberal context would reduce illiberal sentiments over a period of time, in the same way that it might for current citizens. It is not necessarily the case that distinct conceptions of the good should change, but rather that individuals may come to accept the liberal democratic character of institutions (Quong, 2007, p.335). It may therefore be acceptable to argue that all migrants and citizens must undertake some form of citizenship education, but only to the extent that this relates to upholding the constitutional principles, including non-discrimination and the equal treatment of all individuals in the public sphere. Where migrants, or indeed existing citizens, then failed to meet this standard, they would risk exposure to sanctions, but not necessarily deportation, or restrictions on their future migration into the polity.

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[43] Hampshire (2011) provides a detailed account of citizenship testing, specifically focusing on its necessity in building stable liberal states where core political values are shared.

The extent to which a political community informed by constitutional patriotism should tolerate illiberal practices therefore represents a serious dilemma, but it cannot represent an objection to free migration because the two are only superficially related. Non-discrimination does not prevent us from tolerating diverse cultural practices to a reasonable extent (Barry, 2001, pp.146-154; Quong, 2004), or to subject those who do not comply to appropriate sanctions, in much the same way that existing citizens would be subjected to them if they contravened this principle.

A final important point of clarification here is the demand that constitutional patriotism places on individuals to engage in reflexive action. It might argued that constitutional patriotism would require all new migrants to engage in reflexive action about the existing national culture and history, and thus to 'take on' elements of that culture in doing so. Yet constitutional patriotism does not require the same type of reflexivity from every individual. While it is informed by critical reflection on the particular polity's past, we would not necessarily expect migrants to engage in this reflection on that particular polity's past (Müller, 2007a, pp. 91-92). Those migrants may come to consider these new historical discourses in light of their own histories and memories, but they need not take on the national past; and thus we could not require any form of citizenship education which demands such a commitment from new migrants.

3.4.4 DETRIMENTAL EFFECTS

The final set of reasons to assert the moral significance of restricted migration rest on the premise that free movement will produce detrimental economic effects that will result in harm to the worst off. These economic effects include 'brain drain', whereby the intellectual

resources of less affluent states become drained as highly skilled professionals seek work elsewhere; as well as the impact of increased migration on the labour markets of receiving countries.

I will first focus on the 'brain drain' phenomenon. It can be contended that migration from poor to rich countries will have a negative effect on the sending country, because that country's stock of highly skilled workers is depleted by the migration of those workers into the economies of developed countries. There, highly skilled workers may find much greater financial reward, and indeed developed countries typically encourage more highly skilled migration. For example, 164,000 highly skilled workers[44] migrated to the UK in 2010, and this was the largest category other than students in every year since 1991 (Office for National Statistics, 2011). This reflects current UK immigration policy, which focuses on attracting 'high value'[45] and skilled migrants (UKBA, 2012a). As such, permitting much freer movement across borders may have significantly worse effects for the (typically less affluent) sending country, and this may be a reason to place some restrictions on migration.

In tackling this objection, a preliminary step is to consider the positive impact that remittances from those highly skilled workers has on poverty alleviation in the sending country. Remittances that migrants send back home account for an important source of external funding for developing countries; evidence demonstrates that remittances benefit not only their direct recipients, but are also correlated with increased investment in sending countries (Ratha, 2003). Some $325 billion is estimated to have been sent to developing countries in

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[44] These migrants fall into the pre-migration occupation category of 'professional or managerial' (Office for National Statistics, 2011).

[45] This includes, for example, investors and entrepreneurs who will be of significant value to the growth of the UK economy.

remittances during 2010, accounting for an important source of funding in those less affluent states (Ratha et al, 2011).

Indeed, research has shown a general decrease in levels of poverty relative to remittances, with a 10% increase in remittances leading to a 3.5% decline in levels of poverty in the sending country (Adams and Page, 2005). Additionally, highly skilled migrants have been found to play a more active role in the development of civil society in the sending country (De Haas, 2005, pp.1272-1274). However, the positive impact of remittances is contested. It has been shown to depend on a wide range of factors, including the extent to which governmental policies support the investment of remittances and the reduction of poverty, and the type of area into which the money is returned – for example, rural areas have been found to benefit more than urban areas (Jones, 1998; E.Taylor, 1999). Richer citizens of developing countries also tend to be more able to migrate and therefore to directly benefit from remittances more than those in poverty (Adams and Page, 2005, p.1646; De Haas, 2005, pp.1277-1278).

Research on 'brain drain' itself is similarly inconclusive, though it does provide us with reasons to question the assumption that this phenomenon is having a negative effect on the sending country. For example, where the prospects for emigration are less certain, potential migration to a developed country can have a positive impact because it encourages the acquisition of higher skills, which may then be used in the home country (Kapur and McHale, 2006, p.310; Mountford, 1997). These positive effects tend to be uneven however, with countries such as China and India generally benefitting from the internationalisation of the

labour market, and those such as the small nations of Sub-Saharan Africa and Central America faring much worse (Beine et al, 2008, p.648)[46].

It is difficult to draw out any solid conclusions from the empirical evidence available. What is possible is to consider whether we *should* be concerned by the effects of brain drain when developing normative theory. The challenge is that respecting liberal autonomy by permitting migration could worsen global inequality (Kupar and McHale, 2006), at least in some cases. I would contend, however, that concerns over wealth inequality are quite distinct from concerns about migration and should be treated as such. If we are concerned by global inequality, then there are a range of steps to be taken in order to address them which do not compromise human autonomy.

My summary of the free movement literature was intended to demonstrate the argument for free movement as a basic liberty rather than a method of appeasing inequalities, and indeed there are a host of methods aimed at addressing these problems, in terms of strengthening international institutions and placing more demands on wealthy countries to address these disparities. For example, in the context of the EU, migration from the less affluent Eastern European member states has slowed significantly. While recession has meant that economic prospects in Western European states have become less attractive, improving conditions in Eastern Europe – assisted by investment from trans-European projects – has accompanied a decline in migration from East to West (Maniak, 2006, pp.69-70).

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[46] There are also some reasons to question the extent to which the uncertainty of migration is realistically a condition when potential migrants opt to gain higher skills, and whether those higher skills are really developed through employment in developed countries, given that migrants often take jobs that are far below their skill level but still better paid. For discussion, see Kapur and McHale (2006).

As in Rawls's principles of justice (1999), the difference principle cannot take priority over ensuring basic liberties, and so we cannot restrict the freedom of individuals to migrate on the basis that it may have some detrimental effects (Carens, 1987, p.261). As Carens (p.261) notes, should those effects be considerably detrimental, then there may be grounds to offer some compensation to sending countries; however it is not coherent to use these problems as a reason for restricting individual freedom because they cannot offer an alternative account to the universal application of equal moral worth.

The evidence that free movement is detrimental to individuals in receiving countries is equally lacking. Free movement in the EU has not had a negative effect on the ability of nationals in receiving countries to obtain employment, and it has not led to an increase in unemployment in those countries overall (Lemos and Portes, 2008). Indeed, the east to west migration that has occurred in the EU may be considered to be beneficial to the economies of receiving countries because those that are more affluent also face the economic challenges of an ageing demographic, and may come to rely more and more on migrant labour to fill their own labour shortages (Maniak, 2006, p.68-9). This is particularly evident in the agricultural sector of the UK, where employers have become more reliant on migrants to fill low-skilled positions.

3.5 THE POST-NATIONAL PARADOX

There does remain one detrimental effect of relaxing migration restrictions that is particularly pertinent to constitutional patriotism, and I spend the remainder of this chapter setting it out. The challenge is that freedom of movement could mean that constitutional patriotism is self-defeating, because it risks bringing about an increase in the very type of nationalist sentiment that the approach seeks to move away from.

As previously noted, citizens of EU member-states have extensive rights to free movement[47], and these rights serve to largely equalise the status of national citizens and holders of EU citizenship – that is, nationals of other member-states. In this context there is, however, some evidence to suggest that the perception that EU migrants, as 'outsiders', are perceived to present a threat to culture and resources, which may drive citizens towards a stronger sense of national identity as they seek to protect themselves from that threat (McLaren, 2002; Potter, 2007). For example, large scale migration following the accession of Eastern European states in 2004 and 2007 was accompanied by a concern in some member states over economic and cultural threat as well as demand on resources, driven by definition of the national Self against the migrant Other. Such concerns are susceptible to political mobilisation, as has been the case in the UK, with increasing support for nationalist parties such as the BNP and UKIP, particularly in European elections. For some commentators, the conclusion may be that '[a]lthough elites relish a supranational Europe without boundaries that thrives on ethnic and cultural diversity, 'ordinary people' are keen to protect local and national identities' (Auer, 2010, p.1168).

Indeed, studies in social psychology suggest just such a relationship between migration and defensiveness of the national group. This is because 'the collective self-concept is determined by assimilation to the prototypic representation of the in-group, with self-worth derived from the status of the in-group in intergroup comparisons' (Brewer and Gardner, 1996, p.85; see

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[47] The EU is by no means a perfect example of the implications of instigating a free movement regime. As noted earlier in the chapter, free movement at the external borders of the EU has not been realised. The claims of free movement scholars that are reflected in this chapter imply full freedom of movement, rather than just within a specific area of trans-state cooperation, and so clearly the use of the EU example is limited in terms of presenting ideal migration practice. However, I use it here because, while recognising that it is not perfect, it allows me to explore a specific problem which I believe freedom of movement creates for constitutional patriotism by offering a context characterised by such freedom of movement across national borders.

also Ahmed, 2007; Houston and Andreopoulou, 2003; Levine and Moreland, 2004). In other words, the strength of the (national) in-group is defined by the cohesiveness of its members' characteristics, the status of the group, and both of those compared with other groups. Migration may be thought to undermine this strength, because it reduces the cohesiveness of the in-group, and additionally because it reduces the capacity for comparison with a clearly defined out-group. The tendency of attitudinal research to find that economic threat is less important than perceptions of cultural, or in-group, threat in attitudes towards immigration would support these social-psychological findings, and suggests that where individuals '(sense) a challenge to their hegemony from 'new immigrants'' (Fetzer, 2000b, p.18), they will often develop more negative attitudes (see also Bauböck, 1996, p.107; Eidelson and Lustick, 2003)[48].

3.5.1 THE POST-NATIONAL PARADOX: RENEWING NATIONALISM

The EU example is pertinent because it demonstrates how, in the real world, dramatically increased migration can be challenging. It is not challenging because it upsets some essential quality shared by nationals – as noted, national identities mask a high degree of internal diversity. Rather, traditional identity is constructed on the basis of definition between Self and Other, and the *perception* of threat from the Other that freedom of movement may bring about impacts on the construction of a form of identity that is more inclusive of those Others. This is challenging for constitutional patriotism theorists because the theory hinges on the development of binding sentiment that does not rely on shared identity. A more acute sense

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[48] Castles and Davidson (2000, pp.160-164) describe similar trends in an historical analysis of factors leading to anti-migrant sentiment in the US in the 1990s. In this example, anti-migrant sentiment is more directly related to race, and 'widespread panic' over the (often exaggerated) increasingly non-white population.

of threat of the Other may drive such exclusive forms of shared identity, the very forms of binding sentiment that constitutional patriotism theorists seek to move away from.

Should knowledge of this obstacle to the implementation of constitutional patriotism together with freedom of movement provide a valid objection to freedom of movement? Knowledge that the realisation of a deep commitment to equal moral worth will involve challenges is not a reason to object to that goal, and as such this post-national paradox does not suggest a reason to compromise on the commitment to either constitutional patriotism or freedom of movement. Tensions surrounding the expansion of citizenship and belonging are a part of realising non-discrimination in the public sphere and a form of citizenship and belonging that can adequately reflect such a commitment. However, they draw attention to the importance of fully considering the implications of such a commitment to non-discrimination for the transition from nationalist to post-nationalist modes of identity and belonging. It is to this task that I devote the remainder of the thesis.

3.7 CONCLUSION

In this chapter, I sought to build on my critical defence of reflexive transformational constitutional patriotism in chapter 2, specifically taking up the question of border construction. After first taking a small detour to set out the relevance of constitutional patriotism to the EU, I then further highlighted that the EU's border debate raises significant questions for how constitutional patriotism theorists should conceive of borders in their approach. I suggested that the question of border control was distinct from the question of particular boundary construction, and then I considered the treatment of migration in the current constitutional patriotism literature. I focused on Müller's account as the most

extensive treatment of the migration issue, but noted that his approach risked the reinscription of exclusion on the grounds of arbitrary difference.

I then went on to discuss the central claim of the chapter. I considered the development of rights to free movement from a commitment to equal moral worth, and then drew parallels between this and constitutional patriotism. I explored the theoretical literature on freedom of movement, and argued that if constitutional patriotism implies a commitment to equal moral worth, and if a commitment to equal moral worth also then implies a commitment to much fewer restrictions on migration, then constitutional patriotism must also imply the right to freedom of movement. I defended this position against a number of critiques, and did not find reasons in these objections that would question the free movement claim.

In the final section of the chapter, I then considered what I termed the 'post-national paradox', which formed the second part of my central claim. Here, I highlighted the potentially problematic relationship between unrestricted migration and nationalist resurgence, drawing particularly on examples from the European experience of free movement. I highlighted that, in its commitment to freedom of movement, constitutional patriotism risks the formation of a paradox. This is because the very approach that seeks to develop more inclusive forms of political belonging could ultimately risk the reinscription of nationalism, due to a backlash against the dramatically increased migration it would bring about.

My central claim, that constitutional patriotism implies much greater freedom of movement across borders than is currently acknowledged and that this risks the production of a 'post-national paradox', forms the core theoretical argument of this thesis. I now move on to consider this problem in more detail, through a qualitative study of freedom of movement and national loyalty in the UK.

PART TWO

AN EXERCISE IN QUALITATIVE POLITICAL

THEORY

4 QUALITATIVE METHODS AND POLITICAL THEORY

4.1 INTRODUCTION

In the previous chapter, I highlighted a central problem in constitutional patriotism theory. That is, a commitment to constitutional patriotism implies a commitment to much freer migration than is commonly acknowledged, and in driving forward extensive diversity this in itself likely will pose a challenge to the development of post-nationalist allegiance and belonging. I specifically highlighted challenges surrounding nationalist resurgence which were shown to have emerged under circumstances of increased migration, and I suggested that this was particularly problematic for constitutional patriotism, as a theoretical approach which seeks to shift away from thick forms of collective identity but could simultaneously reinforce such types of nationalistic, or at least culture-centric, identification.

The aim of this chapter is to set out a framework for the further exploration of this problem, which is comprised of a qualitative study of salient local contexts of increased migration under free movement arrangements; and to provide some contextual information on the case studies selected. The chapter proceeds by first engaging with the literature on 'qualitative political theory'; that is, a method of combining qualitative research with normative political theory. Section 4.2 represents an introduction to and defence of the use of such a methodology, and a comment on its relevance for this research project. Following on from this, I then provide an overview of the research objectives employed, and detail my selection of case study research as an appropriate tool for meeting those objectives, as well as providing some notes on the ontological and epistemological positioning of the research project. I then set out in detail the methods employed in the case study research, before moving on to provide contextual information on the case studies selected.

4.2 QUALITATIVE POLITICAL THEORY

Increasingly, political theorists are utilising qualitative[49] fieldwork to add a valuable further dimension to their normative work. Cabrera has termed this approach 'qualitative political theory' (2009; 2010), and has used rich accounts of lived experiences in support of normative claims about the appropriate content and construction of global citizenship and global institutions (Cabrera, 2004; 2010). Cabrera identifies several reasons for the use of such a non-theoretical dimension:

> The incorporation of such material can provide important clarity on normative claims, in part by demonstrating the implications they would or do have in lived contexts. It can also serve to test claims, provide some building blocks of normative theory, and challenge both empirical and theoretical assumptions commonly made in the literature (Cabrera, 2010, p.101).

As such, qualitative political theory offers theorists the opportunity to deliver the additional depth of understanding that is obtained in the triangulation of a theoretical presumption with the lived experience of phenomena. It may deliver the opportunity to refine the normative claims to be presented, or it may add defensibility to those already made – or, indeed, both. Additionally, it can help the theorist to overcome obstacles to the realisation of their normative position, and as such assist in problem-solving or overcoming critique, because it offers the ability to investigate how the problem plays out in the real world, and how the emergent challenges are (or are not) overcome (Ackerly, 2007, ch.5).

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[49] Qualitative methods denote those used to 'elicit people's subjective experiences, opinions, beliefs and values' (Devine, 2002, p.198) through the use of individual and group interviews, and field observations. The intention is to obtain rich insights into the views and experiences of individuals. This is juxtaposed against quantitative methods, where researchers tend to use large datasets to measure the levels of specific variables using statistical techniques. They then seek to 'make generalisations about the empirical world' on the basis of this data (John, 2002, p.218).

The technique has gained particular prominence within the global ethics literature, and the development of cosmopolitan institutions and citizenship. Both Cabrera and Ackerly utilise qualitative political theory to give a 'human' dimension to their theorising at the global level, as have others (Doty, 2006; Nussbaum, 1997; Schattle, 2008; Van Den Anker, 2008). The international scope of this research appears to drive a concern for a better understanding and illumination of every day, local experience (Schattle, 2008, p.164), as Doty notes,

> Our studies often focus predominantly on highly visible and well-publicised global practices while everyday, local enactments or experiences of ethics get lost or discounted in building theory (Doty, 2006, p.55).

The value of qualitative political theory is predominantly this capacity to add a 'meaningful' dimension to normative theory (Brettschneider, 2002, p.6); in other words, to provide political theory with practical relevance to real world challenges (Van Den Anker, 2008, p.278; 2010b, p.47). This meaningful dimension, as well as providing the theorist with a tool to further refine their theoretical position, has the additional advantage of adding to the power of the theoretical arguments made.

Theorists provide extremely rich accounts of their qualitative work and the experiences of those individuals involved, drawing on interviews, observations, and the researchers' reflection on their own active involvement in those practices observed. While the interviews are of vital importance in producing data pertaining to the attitudes of individuals encountered, the rich ethnographic work allows the researcher to present a vivid account of the implications of theoretical and ethical dilemmas for the lives of individuals, and thus to add a valuable mode of argumentation to the work (Cabrera, 2009). Doty's rich 'story' of her experience-based research with desert volunteers at border crossing points is one such example of the utilisation of powerful story-telling to achieve a defence of, in this instance, the possibility of universal hospitality (2006, pp.55-61). Similarly, Cabrera's work contains

many instances of the use of experiential accounts (see, for example, 2010, ch.4 and 5), Van Den Anker (2008) has utilised accounts of human rights violations in Iran to produce an enriched account of those rights, and Khosravi (2010) draws on interviews with illegal migrants in Sweden to construct the meaning of illegality in relation to social exclusion.

For the purposes of this work, qualitative political theory offers a valuable opportunity to explore the implications of freedom of movement in terms of the tension between nationalist and post-nationalist forms of identity and loyalty identified in the last chapter. While the normative assumptions underpinning freedom of movement depend on an ethical position that questions the moral significance of nationality, a challenge emerges in the persistent existence of loyalties which make the exact opposite assumption, and the capacity for dramatically increased free migration to add to and intensify this nationalist position.

Reporting accounts of case study research in salient settings is useful for two inter-related reasons:

1. The obstacle in the normative account is provided with additional depth and real world meaning, which enables a strengthened understanding of that obstacle.
2. Answers to the normative problem are illuminated in this process.

Thus, the use of qualitative fieldwork clarifies both the question and the answer. This involves taking a highly reflexive[50] approach to the research. While the presentation of research requires a simple and logical framing of the empirical exploration of a question or problem to reach a solution, the practice of rich qualitative research involves an ongoing, highly reflexive and somewhat circular process of interaction between empirical exploration,

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[50] Reflexivity in qualitative research is defined as 'the project of examining how the researcher and intersubjective elements impact on and transform research' (Finlay, 2003, p.4).

interpretation of ideas, and revision to initial ideas (Doane, 2003, p.98). In qualitative

political theory, normative suppositions are used to inform qualitative work, but this

qualitative work is also used to further refine those normative suppositions.

The use of qualitative political theory also highlights an interesting ontological dilemma

prominent within the literature on research methodologies. In its emphasis on the reflexivity

of the researcher in recounting their own experiences, and in the presentation of research

findings as researcher-interpreted accounts, qualitative political theory appears to reside

within an interpretivist ontology, where there is no objective world to be 'known' and the

world can only be understood in terms of the meanings that individuals give to it (Little, 1991,

pp.80-81; Marsh and Furlong, 2002, pp.26-30). Conversely, qualitative political theory does

not assume that normative theory will be context specific, rather it seeks to validate and

further deepen understanding of an existing normative position (Cabrera, 2010, p.103). In

other words, qualitative political theorists seek to apply an ontological position which

emphasises the core relevance of context to understanding the social world, to a normative

account that assumes some universal applicability of standards.

This does not represent a flaw in the approach, but rather highlights an interesting dynamic in

the shifting meaning of normativity. Our understanding of what it means to develop a

normative account has, in recent times, changed, to mean that where we do hold something to

have universal applicability, we are equally aware of the diversification of its realisation in

specific contexts (Buckler, 2002). Increasingly, normative accounts may claim a universal

norm but nonetheless reflect an awareness of its diverse implications in different settings,

given the role of everyday experience in the construction of the social world. At the very

least, this means that statements asserting metaphysical truth are 'regarded with greater

suspicion' (Buckler, 2002, p.193). Such a move away from the unquestioned universalism of

normative positions is evident in the constitutional patriotism theory set out in chapters 2 and 3 of this thesis. Theorists have been shown to assert the existence of thin universal norms, but stress their interpretation in specific contexts according to the negotiation of diverse values and beliefs. This is perhaps most apparent in the relationship between Habermas's principles of universalisation and discourse, where only taken together can they produce legitimacy for institutional structures. This reflects an awareness of the limited grounds on which to assert universal standards of 'right', and the ways in which those standards may be differently interpreted based on the social constructions of different contexts.

Qualitative political theory, rather than problematising this relationship, actually demonstrates an important step in explicitly recognising that making a normative claim may relate in different ways to different lived experiences. A qualitative political theory approach would not seek to generalise empirical trends, but would rather attempt to explicitly recognise how normative claims may play out in particular settings. As such they bring to the fore the development of post-metaphysical normative theory, where a theorist develops a normative approach and explores its implications for a particular context, without assuming that the demonstrated lived experience will be universal.

4.3 DESIGNING RESEARCH

Working within this methodological framework of qualitative political theory, in this section I consider an appropriate methodological design that is commensurate with the aims of my research. After first setting out the objectives of this research, I then detail the ontological and epistemological foundations of the design, and finally consider the relevance of case study research for this project.

The problem guiding this research was generated in Part One of the thesis. Constitutional patriotism, the theory that seeks to shift away from nationalistic forms of identity and solidarity in the quest for more inclusive forms of political integration and 'thinner' sources of allegiance, struggles to account for the existence of restrictive border controls. Rather, the approach suggests an implicit commitment to much freer movement than theorists have, to date, recognised. This less restricted migration across borders will then of course lead to increases in the diversity of populations; however, empirical evidence suggests that such increases pose their own challenges in the extent to which they can drive the processes of 'othering' on the basis of perceived cultural threat, and as such then drive the very nationalist sentiment that constitutional patriotism seeks to avoid.

Given this research problem, the aims of the fieldwork to be undertaken are two-fold. Firstly, I aim to explore exactly how the phenomenon of perceived cultural threat plays out in real world contexts, in order to be able to better define the nature of the theoretical problem more clearly and thus to identify its implications for the normative work developed. Secondly, and on the basis of this exploration, I intend to develop possible responses to this problem that may enable a more robust version of constitutional patriotism to be developed; one that is capable of managing such challenges effectively.

The discussion over the remainder of the thesis seeks to respond to the research problem by addressing those aims. To do so, it focuses on the following three questions:

1. What are some of the argumentative strategies evident in the justification of anti-immigrant/nationalist sentiment in contexts of free movement? (chapters 5 and 6)

2. What kinds of insights can we take from these argumentative strategies, and the kinds of evidence on which they draw in terms of how new entrants to the community are perceived? (chapters 5 and 6)

3. How can insights around strategies and perceptions inform efforts to address the challenges surrounding the post-national paradox? (chapter 7)

4.3.1 NOTES ON ONTOLOGY AND EPISTEMOLOGY

I shortly introduce a fieldwork plan with a case study research strategy; however, before doing so, I briefly set out the ontological and epistemological foundations of this research. These are heavily guided by my normative position, and centrally my defence of constitutional patriotism which hinges on recognising the relevance of particular contexts in developing robust political theory. Given the diverse nature of those particular contexts, constitutional principles are interpreted uniquely within them and this suggests an implicit understanding of the role of context and subjective viewpoints in how the social world may be understood. While there are universal normative standards to be upheld, the ways in which those standards will shape and be shaped by particular contexts is also acknowledged. As previously noted, qualitative political theory mirrors this bridging of universal standards and particular lived experiences. The approach hinges on the idea that gaining insights into the ways in which individuals understand their social world and justify their views and actions is central to developing robust normative theory, including universally applicable principles.

The ontology of qualitative political theory is therefore not strongly foundationalist, nor is it strongly anti-foundationalist. While at the foundationalist end of the ontological continuum,

it is possible to take a fully objective position in exploring the social world because it 'exists independently of our knowledge of it' (Marsh and Furlong, 2002, p.22), in an anti-foundationalist position individuals are assumed to be deeply affected by their contexts. Thus appropriate examinations of real world phenomena must be undertaken within those contexts. The world is not taken to be externally 'knowable', but rather is only given meaning by individuals themselves and how they interpret their contexts (Devine, 2002, pp.137-138). Taking a qualitative political theory approach involves the recognition that the qualitative techniques associated with an anti-foundationalist position offer the most appropriate means of gaining insights into the perceptions of individuals and their interpretation of the world around them, without presuming that, therefore, the development of transcendent, universal norms is not possible.

The ontological basis of qualitative political theory reflects the desired outcomes of this research project. It was not my interest to obtain objective 'facts' about the probability of occurrences of certain phenomena, as would be associated with a foundationalist, positivist epistemology (Marsh and Furlong, 2002, pp.22-26), but rather to understand the ways in which individuals perceive and give meaning to the world around them. As such, the methods selected hold many affinities with the interpretivist epistemological position, which features a strong sensitivity to the context of the research undertaken and to the multiple meanings that may emerge from different actors in that context, in both written and spoken language, including from the researcher themselves (Marsh and Furlong, 2002, pp.26-32; Yanow, 2003; 2006).

An interpretivist researcher seeks to make sense of the meanings that individuals ascribe to their social world, which is a construction, and everyday activity and interaction with others

reproduces this construction. Yanow describes the interpretivist process in four stages, or 'interpretive moments':

1. This first is the researcher's initial 'sense-making' of the rules that govern everyday behaviour in a particular context, which is revised through interviews with those individuals involved. If the researcher was not present in the context being researched, then this sense-making process occurs through the use of documents related to the events.

2. The researcher seeks to make sense of that secondary material with reference to the 'first-hand experience' of the interviews, forming the second interpretive moment.

3. Writing up the research is then also an instance of construction and interpretation on the part of the researcher.

4. The interpretation that the reader makes as an active, rather than passive, actor, is the final stage.

    (Yanow, 2006, pp.20-21)

The parallels between qualitative political theory and this interpretivist branch of anti-foundationalism are apparent in all four interpretive moments, where the emphasis is on exploring and understanding, rather than explaining and proving causation, and the role of the researcher is one of personal development and interpretation of qualitative information with regards to the development of a theoretical position.

4.3.2 CASE STUDY RESEARCH

This work employs a case-study method. Case study research 'investigates contemporary phenomena within its real-life context' (Yin, 2003, p.13; see also Gillham, 2005; Stake,

2005), with the explicit aim of exploring how and why the phenomena have occurred, and especially how those embedded in the context understand it. Undertaking case study research therefore allowed me to collect the type of data aimed for. The choice of research strategy must ultimately be related to what the researcher wants the data to 'do'. In this case, I wanted the data to produce some deep insights into how certain groups understand their own relationship to the nation and to those who are perceived as outsiders, particularly focusing on recent migrants. I thus selected a qualitative case study research strategy.

I opted for a purposive case study selection type (Stake, 2005, p.451), because I wanted to identify locations that would offer the best opportunity to explore the phenomena occurring. Given the phenomena to be explored, I had to identify a situation where freedom of movement, or at least very unrestricted migration, was already in action. I thus selected to focus on case studies within the EU, and to focus solely on specific locations that had witnessed migration from European member states under the free movement regime. My interest was then to identify locations for case study research that would display evidence of significant new migration. This was because in locations that already received many migrants each year, it would be more difficult to isolate internal European migration. I therefore selected England as a popular destination of many European migrants, and then identified two smaller scale case studies within this which were specifically destinations that had received little previous migration. I opted to carry out a very in-depth case study of the county of Herefordshire, and then a much smaller scale, secondary case study of Lincolnshire.

Stating that I explored *two* case studies is slightly misleading in that it implies that I undertook two in order to be able to make comparisons and generalisations across the cases – what Yin has called 'construct validity' (Yin, 2003, pp.34-36). Rather, the fieldwork

undertaken can largely be characterised as a single case study, with a much smaller secondary case study being additionally used, and I will now explain fully what I mean by this.

Inevitably, the use of a single case study for qualitative research will raise questions regarding validity, because researchers cannot show that their findings are generalisable, and because there are fewer mechanisms of control, than for example in a laboratory environment where a variable may be isolated and empirically measured against a control sample. Such validity is often thought to be offered by quantitative methods, whereas by its nature qualitative work relies on the interpretation of data by the researcher, and conclusions represent only the interpretation of that researcher, rather than an objective account of the phenomena.

It is not necessarily the case, however, that quantitative research can be thought of as offering such external validity. While as researchers, we can strive to act as impartially as possible in the collection and analysis of data, ultimately we will still have interpreted that data – facts cannot simply 'speak for themselves' (Gillham, 2005, pp.9-12). Even in strongly quantitative research, where the researcher presents a statistical relationship between phenomena, they are then still engaging in interpretation when they infer meaning to that relationship. Thus the simple act of interpretation is not enough to invalidate research findings. Rather, the difference between the two is that for qualitative research, unlike quantitative, the use of controls and large sample sizes to produce statistical significance for generalisability cannot be relied upon. It is not necessarily the case that generalisability is the only sign of rigorous research, however; rather, a real life context offers opportunities for very close analysis on the part of the researcher (Flyvbjerg, 2005, p.428), with the opportunity to reach a depth of analysis that may elude a large scale, quantitative survey.

I did, however, undertake some work on a secondary case study. I was driven to do this for two reasons, neither of which relate to a need for cross-case generalisability. The first of

these reasons was that I wanted to interview more individuals representing nationalist groups, outside of the first case study. I elected to do this due to difficulties in collating research participants in the primary case study area, and thus in recognition that in exploring a secondary case study, it would be possible to gain further insights. Thus while these interviews do not form a part of the case study, they offer useful further illumination and understanding of the views of nationalist group members concerning European migration.

The second reason for my use of a secondary case study is less tangible, and must be related as a reflexive account of my own experience of field research and analysis. The process of analysis, as described, is a process of interpretation, where the researcher builds their account of the case study context by coming to an understanding of the ways in which research participants have themselves interpreted and constructed their social worlds. The challenge for the researcher is to bring their own interpretation of the findings as much in line with the reality of those constructions as possible. I found, in the course of the research, that in order to 'make sense' of the material gathered, it was helpful to be able consider the emergent findings from an alternative point of view.

This could be thought of as similar to Yanow's second interpretive moment, where primary material is re-considered in combination with knowledge of secondary material. Carrying out a smaller scale study of a secondary case enabled me to better make sense of the trends emerging in the primary case study. Again, this was not to provide external validity, but rather to provide myself with a new perspective from which to consider the findings from the primary research. My objective was not to distil generalisability, but rather to distil rigour in the methods utilised both for the fieldwork and in analysis of the findings. Thus, following my detailed case study of Herefordshire, I undertook some research in the county of Lincolnshire, but on a significantly smaller scale.

4.3.3 METHODS EMPLOYED

Within this case study research strategy, I conducted interviews with salient individuals in the case study areas, in order to gain the in-depth insights and exploratory perspective desired. Additionally, I engaged in some ethnographic[51] work with a migrants' charity organisation, and some informal ethnographic work in the local community contexts. I began to sample the local populations using a 'purposive' technique, where I identified those individuals who had strong relevance to the research questions to enable in depth exploration of their views[52] (Babbie, 2010, pp.192-196; Silverman, 2001, p.104).

I identified three groups to target for interviews. The first group to be targeted were nationalist group members, selected to enable me to understand the role of migration in constructing nationalist sentiment. The second group targeted were local community members, local political elites and local government officials. The aim of this second, broader group, was to obtain insights into perceptions of migration and justifications for attitudes in the broader local community context. The third and final group were migrants' charity representatives. My intention with this group was to consider some ways in which the challenges identified might be addressed, by exploring the attitudes behind positive views of migration. I also analysed documents concerning best practice examples from outside of the case study area, to provide further depth of understanding.

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[51] Ethnographic methods refer to those which are used, within a qualitative fieldwork project, to observe the ways that the individuals under study lead their lives within their usual context. In my research, for example, I carried out a series of observations of individuals volunteering at migrants' charity events. In order to gain access to the group (in addition to seeking their permission to be observed), it was necessary to become a volunteer myself, a method known as 'participant observation' (Flick, 2007, pp.39-40).

[52] This purposive technique sits in contrast to the random sampling of a population occupying a specific geographical location, which would provide a more superficial exploration of the prevalence of a set of views amongst that population, rather than an in-depth study of the reasons and justifications behind that set of views.

In total, 54 individuals were interviewed. Most of those interviewed fitted into the three core groups listed, with a small number of other individuals also interviewed to provide a further dimension to the case study work. For example, this included migrants themselves and their employers. Appendix A contains a full interview schedule. After initially contacting a number of individuals from each group, these participants then became part of a multiple-entry snowballing process, whereby participants are identified through information provided by other participants, and then those participants provide contact details for more potential participants, and so on (Noy, 2008, p.330). This sampling technique is particularly useful for research concerning groups that are more difficult to contact (Jones-Correa, 1998, p.329), and so for the purposes of this research it was helpful in reaching individuals such as charity volunteers, for whom definitive contact information was not publicly available; and in the case of nationalist group members, it was helpful in building trust with those who may not be prepared to participate without such third party recommendation.

The interviews were not carried out in isolation; rather, their purpose was to build a strong phenomenological account of the case study, and so as much contextual information was gathered as possible. This meant the collation of local authority and charity reports, email correspondence and informal conversations with individuals and groups, and also the maintenance of a researcher journal to detail observations. Particularly important here were the observation notes from six migrants' charity events that were attended. These are referred to as observations; however in gathering these observations I became a volunteer and thus participant researcher, gaining insights through my own actions and interactions with both other volunteers and migrants themselves. This involved an immersion into the community as much as possible, to develop the ability to view the context from the perspective of the participant (Agrosino, 2005, p.732). I also collated some data from unobstructive

observations, where I toured the area regularly and made observations, as well as some photographic records of locations, again to assist in building a rich written account of the case study.

The interview data and ethnographic material was then coded in order for themes to emerge. Initially, this involved the use of nVivo[53] in order to manage the material, and conduct a primary stage of coding in order to begin to see emergent patterns and trends. Part of the process of interpreting qualitative data involves reviewing and revising interpretations in light of new perspectives on the material gathered, and thus the process of arriving at a full and robust interpretation was a circular one, involving analysis and re-analysis. While I found the nVivo programme to be very useful as a preliminary tool in identifying some themes, I found that a more hands-on approach to coding enabled me to more fully engage in this process of analysis. Thus, I did manually revise the coding of the material a number of times in order to reach an analysis of the findings that I viewed to be a fair and robust reflection of the data.

In addition to this case study fieldwork, I also carried out some documentary analysis. Firstly, I analysed the manifestoes and speeches of nationalist groups, which added further rigour to the exploration of nationalist group sentiment. Secondly, I collated and analysed examples of best practice in building community cohesion, which enabled me to provide consideration of some of the ways in which the challenges identified might best be addressed. The case study area was selected specifically in order to identify the nature of the research problem, and as such it was necessary to look to alternative locations and practices in order to develop ideas to

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[53] nVivo is a piece of software used to conduct qualitative data analysis. It allows the researcher to import qualitative data such as interview transcripts, which can then be electronically coded. The programme also enables the researcher to examine the occurrences of these codes across a large number of data files, and to group them together under overarching labels. This is designed to bring out the key themes from the data.

address those problems. This stage of documentary analysis was therefore a second stage in the research process, separate from the case study research.

4.4 SETTING THE SCENE: CONTEXTUAL INFORMATION

Having outlined the aims of the proposed fieldwork, and having spent some time providing detailed information on and reasoning for the methods selected, I now move on to consider the specific case studies utilised. I will first set out the broad contexts, being the EU and then narrowed to England; and will then focus in on the primary case study, Herefordshire; and the secondary case study, Lincolnshire.

In the preceding chapters, I used the EU as an example of a context with strong relevance for constitutional patriotism theories, and in the last chapter I began to focus on this context as characterised by an extensive freedom of movement regime. Indeed, I utilised the EU example to highlight some of the challenges surrounding this free movement in terms of nationalist resurgence. As such, the EU represents a useful context to explore the research problem, both in terms of its relevance to the problem, and in terms of its consistency with the literature on constitutional patriotism which has often tended to focus on the possibilities of a constitutional patriotism for Europe.

I provided details of the development of EU freedom of movement in the previous chapter, however I wish here to draw the reader's attention to a specific point of interest in the European context. Despite its development of a full European citizenship, the EU still retains a focus on the prevalence of national citizenship and belonging, as is set out in the Maastricht Treaty:

> Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship (EU, 2010a, article 20).

The intention here is that EU citizenship exists in a complimentary relationship with national citizenship; however, this simple wording disguises a complex web of multi-level citizenship, both in terms of legal provisions and the less tangible sense of belonging that is so strongly symbolic of national citizenship. The challenges described in the previous chapter suggest that the relationship between national and post-national forms of citizenship and belonging may be much more complex than the provisions of the treaty allow for, and thus the EU is a particularly useful context to explore the research problem. It offers the opportunity to examine the impact of freedom of movement where notions of citizenship and belonging are being expanded, much in the same way that such notions would be expanded in a constitutional patriotism project.

In recent times, perceived challenges surrounding free movement migration have been focused on the accession of the A8 and A2 member states[54]. Governments and member state populations were concerned by the relatively large scale of migration from these less affluent, post-communist states immediately following their accession to the EU, with hostilities in particular centring on the Roma population. Most notably, this hostility towards the Roma spilled over in France in the summer and Autumn of 2010, when the Roma were subject to

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[54] The A8 states are the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Additionally, in 2007 the A2 states, Bulgaria and Romania, joined the EU. From herein, reference to the 'Eastern European' member states and migrants refers to both A8 and A2 states, other than where explicitly differentiated. While, as of 1st May 2011, A8 member states became full members without accession status, for A2 migrants this status remains and so their rights are more limited. See UKBA (2012b) for full details. Despite these differences, during the time that the fieldwork was carried out both groups had accession status and so in the thesis they will be grouped together.

deportations to Romania and Bulgaria, as result of which the country faced threats of legal action by the EU for contravening the principles of the Schengen Agreement (Davies, 2010).

The tensions surrounding A8 and A2 migration may be symptomatic additionally of any future expansion of the EU, for example to include Turkey. However, national governments have favoured the hardening of the external borders of the EU – indeed, the Schengen Agreement itself has been recently compromised by concerns, particularly from French and Italian governments, over mass migrations from Northern Africa following public uprisings in that region (see footnote 34). Exploring A8 and A2 migration offers the opportunity to assess how transformations in citizenship and belonging play out, with important implications for the form of political integration that has been defended in this thesis, where hardened borders cannot be defended. The thesis will not deal directly with external migration into the EU, though many of the findings to be presented will have important implications for the future accession of additional member states.

Pan-European opinion polls can be, and have been, exploited to reveal trends in attitudes to immigration and support for European integration. Utilising data from sources such as the European Social Survey and Eurobarometer, researchers have built a strong picture of trends in support for both European integration and freedom of movement. For example, Potter's research utilised the European Social Survey to identify that those with lower skill sets, or who are marginalised, or who have a more strongly ethnic or assimilationist conception of national identity are less likely to have a favourable attitude towards migration. Similarly Fetzer has used public opinion surveys to uncover cultural marginality as a route cause of anti-immigrant sentiment in France, Germany and the USA (Fetzer, 2000a), and Clements uses six British Election Study surveys to uncover trends in British attitudes to public support for the EU (Clements, 2009). He notes again that less educated, less affluent, and older voters

tend to be less supportive of European integration. Earlier research by Anderson and Reichert also utilised survey data, this time from Eurobarometer, to demonstrate the impact of national and individual benefit on support for the EU (Anderson and Reichert, 1995).

These studies, however, can only provide us with limited insights. While such trends are important to note and can shed much light on the nature of public attitudes, they provide little detail of exactly how this relationship between national and post-national forms of belonging that is present in the EU actually plays out. In order to gain this insight, it is necessary to focus in at the very local level, to identify and observe individuals and interactions in their real context. This offers the best opportunity to meet the objectives of this research, and so here I focus explicitly on this micro-level. First, however, I will identify the broader national context within which these local level case studies exist.

4.4.1 MIGRATION AND ENGLISH COMMUNITIES

I selected England as a location for the case studies involved because, again, it offered the opportunity to explore a context of changing citizenship and belonging. Some of these dynamics have already been the subject of a number of analyses featuring quantitative research (Copus, 2009; Curtice and Heath, 2000; Ford and Goodwin, 2010; Goodwin, 2010; McCrone, 2002) to which I refer shortly. The study undertaken here complements such earlier work, and also extends it by exploring why and how certain attitudes are formed and justified.

England is challenged from above, in terms of shifting sovereignty and citizenship to the EU level; and also additionally from below, where the processes of devolution have added to a questioning of what it means to live in England, and to be English, or British, or European.

While my interest does not lie in exploring the dynamics of devolution and identity in England, this added dynamic denotes an increasingly questioned sense of identity, citizenship and belonging in the case study context, which once again replicates the potential conditions in an emergent constitutional patriotism project. Additionally, England has been a large-scale receiving destination for much Eastern European migration since accession in 2004, which was identified as a particularly important form of migration in the context of this study. Eight of the top ten destinations for Eastern European migrants have been in England, rather than elsewhere in the UK (Pollard et al, 2008, p.29).

England has also witnessed an increase in nationalist sentiment. This is true both of English nationalism, which was exposed following devolution, but also in terms of British nationalism. Analysis of British Social Attitudes Survey data between 1997 and 2006 reveals a 15.1% increase[55] overall in respondents identifying themselves as English, with parties such as the English Democrats making substantial gains in local Council elections, and the emergence of groups such as the English Defence League, which uses the symbols and sentiment of English nationalism to push an Islamophobic agenda through mass marches and campaigns. Membership of the BNP, the most successful right wing nationalist party in the UK, grew by approximately 10,000 between 2001 and 2008, with the number of citizens voting for the party growing from 7000 to over 234,000 between 1992 and 2008 (Goodwin, 2010, pp.38-40). While it is important to note that parties such as the BNP reflect an interest in British, rather than English, nationalism (Copus, 2009, p.367) it is equally relevant to bear in mind that the BNP has campaigned for a stronger celebration of English identity (BNP, 2010), and has focused many of its campaigning efforts on, and reaped much success in,

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[55] Figures obtained from British Social Attitudes Information System: http://www.britsocat.com/Body.aspx?control=HomePage.

English localities (Ford and Goodwin, 2010, pp.5-6). Indeed, the anti-European UK Independence Party (UKIP), which stands on a strongly civic nationalist platform, has 12 MEPS, all of whom are elected in England.

This, of course, does not mean that the other nations of the UK do not also feature nationalist sentiment, but rather that in those contexts, nationalist parties are more prevalent as a result of the processes of devolution. The fact that the BNP and UKIP both have more of a presence in England suggests some important complexities surrounding the nature of English identity. Individuals may proclaim to hold a British identity, typically thought of as a civic nationalist identification that may incorporate many nationalisms and ethnic groupings; or an English identity, which may have considerably diverse expressions (Bryant, 2003); or, often, both. On occasion, a European identity may also be expressed, though as I have already outlined, support for the EU in the UK tends to be low.

One of the main controversies surrounding nationalism in England is its perception as racist and exclusionary. Unlike its British counterpart, or those of other nations of the UK, Englishness is often perceived to be highly negative. These quotes from leading politicians demonstrate just such opinions amongst the political elite:

> The English are potentially very aggressive, very violent; and will increasingly articulate their Englishness – Jack Straw MP (BBC News, 2000).
> English nationalism is the most dangerous of all forms of nationalism that can form in the UK – Rt. Hon. William Hague MP (BBC News, 2000).

This 'dangerous' element of Englishness is purported to stem from a sense of superiority that has become increasingly problematic since devolution and the creation of the EU, both of which threaten Englishness and create 'the sense that some hard-won and precious identity, long preserved, is now under attack from alien influences' (Kumar, 2003, p.242).

Parties such as the English Democrats have sought to dispel this image of Englishness, and to

assert that the recognition of English identity is the logical and fair counterpart to the

recognition of Scottish and Welsh nationalisms following devolution. As part of their

substantial research into national identity and devolution in the UK, Curtice and Heath (2000)

presented the noted increase in English identifiers as evidence of a backlash against

devolution within the UK. They also noted, however, that 65% of these 'English identifiers'

believed that the Union should be kept together, and therefore the apparent backlash posed

little threat to the Union. On the other hand, they found that English identifiers tended to be

concerned about the threat of outsiders, and tended to be much more Euro-sceptic than others

within the UK. They note,

> "Little Englanders" appear to be alive and well... though they pose little
> immediate threat to the success of the devolution project within the UK, they
> may well be more influential in thwarting plans for closer European integration
> (Curtice and Heath, 2000, p.172).

This research suggests that, while devolution has exposed English national identity to

question and debate, it is the relationship between Englishness and European integration that

can potentially reveal more about the nature of the national identity. This also suggests that

English national identity is a strongly ethnic and cultural rather than civic concern – there is

limited support amongst English identifiers for a political outlet for Englishness, whereas

being born in England and having English parents is much more important, and a tendency

towards Euro-scepticism prevails. Smith suggests the island location of England as an

historical reason for this sense of detachment from Europe, and argues that therefore '[t]here

remains a distinct lack of widespread enthusiasm in England for European integration and a

European identity, and instead a continuing quest for an alternative national destiny' (Smith,

2006, pp.446-9). Further research has also demonstrated that English identifiers tend to hold

much more negative views about immigration and 'outsiders'. For example, amongst English

identifiers, 70% were found to agree with the statement "immigrants take our jobs", and 37% admit to personal racial prejudice, again reinforcing this aspect of Englishness (McCrone, 2002).

My intention in setting out these debates has not been to reinforce rhetoric surrounding the 'dangerous' nature of Englishness as an exclusive category of identification, but rather to demonstrate further the complex dynamics that may surround Euro-scepticism and anti-migrant sentiment in the English communities to be presented as case studies. Citizens have typically been found to have a propensity for both anti-European and anti-migrant sentiment, thus suggesting that in the local settings to be explored, the dynamics of such sentiments and their relationship with free migration should be available for exploration.

4.4.2 PRIMARY CASE STUDY: HEREFORDSHIRE

I elected to undertake a detailed case study of a specific local context within England, the findings of which were then triangulated against a much smaller scale examination a second case study. The primary (or 'critical') case study was the county of Herefordshire, which has seen vastly increased migration since the accession of A8 and A2 member states to the EU in 2004 and 2007 respectively. Herefordshire is situated to the south-west of the West Midlands region, bordering Shropshire, Worcestershire, and the Welsh county of Powys. It is a predominantly rural area of 842 square miles, with an estimated population of 178,000 (Herefordshire Partnership, 2009).

The county was selected as a case study because while traditionally it has a low migrant population, these numbers have significantly increased since Eastern enlargement of the EU. Between 2004 and 2008 it was found to have the ninth highest number of migrant workers

from the A8 accession states of anywhere in the UK (35 WRS workers per 1000. Source: Pollard et al, 2008). While there is no exact measure of the numbers of migrant workers in Herefordshire, in the period 2002-2008 national insurance registrations in the county increased twelve-fold, compared with double for the rest of the UK. This demographic change is also reflected in an increase in the BME population of Herefordshire of 71% from 2001 to 2007, compared to a national average of 31%. Employment on farms is the main factor driving large scale migration to Herefordshire, with between 6000 and 9000 migrant workers employed on the county's farms in the period 2007-2008. The majority of migrant workers came to Herefordshire from Poland, however there are also substantial populations from Lithuania, Slovakia, Latvia, Hungary, Romania and Bulgaria (all facts and figures: Herefordshire Partnership, 2009).

Of course, there were a number of other prime locations that could have been selected within England as case studies for the research. Herefordshire appeared to bring together a number of characteristics that made it a particularly appealing option. First, Herefordshire had little previous history of migration, other than internally from elsewhere in the UK. Adaption to the new demographic was likely to be more of a pressing concern in the area, compared to areas for example in London that have previously seen vast amounts of migration and already have many of the appropriate infrastructural changes in place. It was thus likely to be easier to isolate European migration than it would be in cases where there were many different types of migration occurring.

The second reason that Herefordshire was appealing was because it is a rural location, and so demonstrated the kinds of migration pressures that result from free migration regimes, into areas which have previously seen very little migration in the past. This new migration pressure is a direct result of the free movement system. This feeds into the third reason for

selecting Herefordshire, which stems from the personal point of view of the researcher. Having conducted secondary research on the West Midlands region prior to undertaking the PhD research project, I was interested to examine these trends specifically within this context.

Herefordshire has, in recent years, been characterised both by migration and by nationalism, the very trend that I am interested to explore. In the 2009 European elections, UKIP gained one seat in the West Midlands region, while both the Conservatives and Labour party lost a seat each[56] (BBC News, 2009). In Herefordshire itself, the largest share of the vote was won by the Conservative party (35.89%), while UKIP achieved second place, and a full 29.9% of the vote was registered to nationalist and anti-EU parties (Herefordshire Council, 2009). As a case study, Herefordshire is therefore particularly interesting as it seems to suggest public support for nationalist and anti-EU politics, despite the existence of an economic need for migrant labour in the agricultural sector.

In her research on attitudes towards Central and Eastern European migrants in Herefordshire, Dawney (2007; 2008) found considerable cultural hostility in the area. She highlights trends in Herefordshire that have often been seen as typical of racism in rural areas, where the social construction of rurality as culturally homogeneous can stand in stark contrast to the reality of multicultural changes. Migrants are often categorised in ways that emphasise differences between 'us' and 'them'. All of the migrants interviewed by Dawney had experienced some form of hostility from indigenous communities, and had generally not integrated into the community fully – for example due to lack of interaction with UK residents, language problems, or through lack of communication from appropriate institutions (Dawney, 2007, pp.4-5).

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[56] Note that in 2004, 7 seats were allocated to the West Midlands region. In 2009, this had changed to 6 seats.

Herefordshire is therefore characterised as a locality that has seen large scale new migration from the EU in recent years, and where significant tensions have been observed around the prevalence of this new migration. It thus provided a useful case study area for exploring my specific questions about national loyalty and post-national citizenship.

4.4.3 SECONDARY CASE STUDY: LINCOLNSHIRE

To reiterate, the purpose of the secondary case study was to obtain a new perspective for analysis and interpretation of the primary case study data. Additionally, by focusing on another area, I was able to gain extra insight on the views of nationalist group members than was possible using the single case study design. The second case study selected was Lincolnshire, focusing specifically on the Boston Borough Council area.

Lincolnshire is a coastal county in the North East of England, bordered by Yorkshire, Nottinghamshire, Leicestershire, Rutland, Cambridgeshire and Norfolk. With a population of 703,000 (Lincolnshire Research Observatory, 2010), it is much more densely populated than Herefordshire, and this is a reflection of its more urban character in locations such as Lincoln and Boston. This is relative, however; the County is still predominantly rural compared to major urban counties such as Greater London. Like Herefordshire, however, it has attracted a large number of Eastern European migrants since EU enlargement, to work predominantly in the agricultural sector.

This migration has particularly affected South Lincolnshire, and the Boston Borough Council area which is the focus of the case study. Figures have proven very difficult to obtain for this migration, but a national report cites the level of migration to the Boston and South Lincolnshire area as between 6.5 and 7.8% of the total workforce (Audit Commission, 2007

p.8). Additionally, records of national insurance registrations suggest that 10,000 migrants from Eastern Europe arrived in the area in the period January – October 2004, immediately following A8 accession (Zaronaite and Tirzite, 2006, p.10).

Although this migration has been present in the whole of the South of Lincolnshire, I decided to focus on Boston because it has been identified as a particular location for both high European migration and relatively high community tensions, but additionally because it features nationalist group members in political positions – it has both a UKIP MEP, and BNP and English Democrat local Councillors[57]. It thus provided another interesting location to explore the tensions between nationalism and post-nationalism. Boston is also a useful juxtaposition to Herefordshire, both in the extent to which it is more urbanised, and because its relative deprivation index is much lower –Boston Borough Council area is listed as the 65th most deprived authority area in England out of 326, compared with 145th for the Herefordshire unitary authority[58]. This suggests that Boston is very deprived, both compared to Herefordshire and to the UK as a whole, and so the relationship with migration may be considerably different.

Previous survey research has found that a third of those asked had a negative view of migrants in their local area. 76.1% of respondents said that no more migrants should come into the UK, and the positive attitudes expressed tended to be focused on migrants who were filling a labour shortage, but not making use of public services such as benefits (Zaronaite and Tirzite,

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[57] During the time that the research was conducted, local Council elections took place in Boston. I interviewed a BNP Councillor, and then following the elections I interviewed a newly elected English Democrat Councillor. However, by then the BNP Councillor had then also defected to the English Democrats.

[58] Data obtained from DCLG (2011). The deprivation index was formulating by averaging scores across income and employment, health, education, housing, crime and lived environment. Average scores were then ranked against each other to given an indication of relative deprivation.

2006, pp.96-101). Boston itself became a regular feature of national news articles on European migration, with some claiming that one quarter of the population were of Eastern European origin (Harvey, 2008; see also Ford, 2007; Slack, 2007). For all of these reasons, Boston offers a useful and insightful opportunity to meet the objectives of this research, in providing an alternative perspective for examination of the primary case study.

4.5 CONCLUSION

This chapter has served to introduce the case study fieldwork undertaken as part of this PhD research project, which will be drawn upon in the following three chapters. The chapter first provided an account of 'qualitative political theory', a methodological approach which involves the use of material from research in 'real world' contexts to supplement and enhance the development of normative political theory. I suggested that the use of this approach in the context of this thesis was defensible because it not only helped to refine the theoretical work presented, but also because I had a specific problem in mind, the answer to which could be gathered from undertaking this more empirical study.

I then proceeded to outline a research design in detail, to meet the research objectives. To recap, these are set out in table 4.1.

Using these questions and objectives as a guide, I then set out the research project in full. I first detailed the epistemological position guiding the research design, before providing some detail on the use of case study research and why it was judged to be appropriate for this research. Then I provided a detailed account of the methods involved in the research, before finally introducing the case studies themselves. I provided contextual information on both the

EU and then England, before defining specifically the primary case study of Herefordshire, and the secondary case study of Lincolnshire.

Problem	
1.	Constitutional patriotism, the theory that seeks to shift away from nationalistic forms of identity and solidarity in the quest for more inclusive forms of political integration and 'thinner' sources of allegiance, is in tension with restrictive border controls, though many of its proponents accept such controls as unproblematic. The core of the approach is consistent with a commitment to freer movement for individuals across political boundaries. However, the increase in diversity that this would facilitate poses challenges in the extent to which it can drive the processes of 'othering' on the basis of perceived cultural threat, and as such drive the very nationalist sentiment for which constitutional patriotism is intended to provide a more defensible alternative.
Objectives of the qualitative work	
1.	To explore exactly how the phenomenon of perceived cultural threat plays out in real world contexts.
2.	To develop responses to this problem that may enable a more robust version of constitutional patriotism to be developed; one that is capable of managing such challenges effectively.
Questions guiding the discussion over the following chapters	
1.	What are some of the argumentative strategies evident in the justification of anti-immigrant/nationalist sentiment in contexts of free movement?
2.	What kinds of insights can we take from these argumentative strategies, and the kinds of evidence on which they draw in terms of how new entrants to the community are perceived?
3.	How can insights around strategies and perceptions inform efforts to address the challenges surrounding the post-national paradox?

Table 4.1 Research Design Summary

Having now provided this background information, I proceed with the thesis, and to respond to the research problem thus far defined. In the next chapter, I specifically define and explore the nature of the challenge posed by nationalism in conditions of increased diversity.

5. DEFENDING THE NATIONAL INTEREST

5.1 INTRODUCTION

This chapter is specifically focused on the argumentative strategies evident in the justification of anti-immigrant sentiment by nationalist group members. To be clear from the outset, it is not my intention to assert that diversity threatens the inherently pre-political status of nations, and therefore is a problem. Rather, my point is more specific and concerns the active construction of nationalism which, as I have previously highlighted, is just as constructed as any other facet of individual and collective identity. My interest in diversity involves the *perception* of threat that individuals feel in conditions of increased diversity, and the implications of this for considering the transformation of identity and belonging that constitutional patriotism theorists would argue in favour of. In other words, my field research relates to the problematic construction of nationalism that increased diversity may lead to, as perceptions of threat from the Other are increased. This may be then paradoxical to the commitment to identity-blind forms of citizenship and belonging that a commitment to liberalism drives us towards.

In order to better understand the relationship between national identity and the increased diversity that stems from free movement immigration policies, this chapter focuses on data obtained in interviews with nationalist group members, and on the analysis of nationalist group manifestoes and other related documentation. The purpose is to understand the role of attitudes towards migration and migrants[59] themselves in the construction of nationalist sentiment by those interviewed and the political parties they belong to. The interviewees are

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[59] I use the terms 'migration' and 'migrant' in relation to EU free movement, rather than 'immigration' and 'immigrant', in agreement with Carey and Geddes (2010, p.851) that 'the word "immigrant" does not capture the rights based dynamic that underpins free movement within the EU'.

all resident in the primary (Herefordshire) and secondary (Lincolnshire) case study locations, although some (for example, MEPs) act at a higher level of governance and so relate to regions such as the West (Herefordshire) and East (Lincolnshire) Midlands. The documents analysed are mainly the product of national political parties and so are not specific to the case study areas, however for the purposes of this research these documents are highly salient in better understanding and contextualising the views of those interviewed.

The chapter identifies and details two emergent themes from the research findings from interviews with the nationalist group members. These two themes are national culture and national loyalty. I use these themes to build a picture of the views expressed by the nationalist group members, and then argue that anti-migration attitudes are both the product of, and a driving force of, politically mobilised nationalism. Migration plays a fundamental role in the construction of a nationalism that will drive the exclusion of non-nationals, because the increasing diversity it produces conflicts with the nationalist concern for the protection of an essentialist national culture and the moral relevance of co-national loyalty.

The chapter proceeds by first providing a detailed account of nationalism in England, with specific regard for its relationship with European integration and European migration. The intention of this section is to provide the reader with additional detail and information which places the qualitative findings in context. From this position, section 5.3 then presents the themes that emerged from the interviews with nationalist group members, and in section 5.4, I then bring these themes together to demonstrate how they are interlinked, and what this can tell us about how and why perceptions of migration come to inform nationalist sentiment. While I highlight the many inherent problems within the justifications that nationalist groups provide for their anti-migrant views, and while many of them relate to xenophobic and racist attitudes, I argue that it is impossible and indeed mistaken to attempt to escape their

prominence as a reaction to dramatically increased migration and declining national sovereignty, and highlight their abundant importance in the construction of exclusive forms of nationalism.

5.2 NATIONALISM AND EUROPEAN INTEGRATION

The aim of this section is to set out the main nationalist parties that are active within England, and their relationship with European migration and integration. This contextualises the findings presented in the chapter, and demonstrates why European migration is a nationalist concern generally in England and the UK, as well as specifically in the case study areas focused on. I provided informative statistics on the increase in nationalism in England in chapter 4, and so I will not reiterate those here. Rather, I focus on the development of nationalism in England over recent decades, and the major parties and movements that this has involved.

5.2.1 THE RISE OF BRITISH NATIONALIST PARTIES

The National Front, founded in 1967, for a long time dominated the nationalist field of UK politics. Though it enjoyed some popularity in the 1970s, it never emerged as a major force on the political landscape and failed to secure any local or parliamentary seats. In the late 1970s and early 1980s a number of internal fractures emerged and the National Front largely collapsed. While it is still an existing party, it has never regained its more large scale support (ICOCO, 2011, p.17), mainly due to the overwhelming success of the BNP, a party which emerged as a fracture group of the National Front in 1982. Since then, the BNP has increased its membership to transform itself from a small party to become a force that the major British

political parties now feel compelled to acknowledge and address. Its leader, and North West England MEP, Nick Griffin, has enjoyed significant notoriety and endured large-scale opposition from groups such as Unite Against Fascism – the debate concerning his appearance on the BBC's long-running political debate show 'Question Time' demonstrating heated opinions on both sides (document 23[60]).

The BNP places national identity, culture and pride at the heart of its policies, as is reflected in its core commitments which are shown in fig 5.1. From its defence policy, which emphasises strengthening the British army and navy but withdrawing from wars such as Afghanistan which are not viewed to directly affect the national interest, to an environmental policy which disputes climate change on the basis that it impacts upon the strength of British industries and links the decline of green belt land to excessive pressure for new housing as a result of immigration, a revised National Health Service that only cares for British people, and a school curriculum which reinforces 'the values of traditional Western Christianity as a benchmark for a decent and civilised society', the manifesto of the BNP is deeply committed to protecting and promoting the national interest (document 1). Every policy presented by the BNP, be it related to the economy, housing, transport, foreign policy or education, is committed to furthering the national interest and centring the interests of British people. The idea of 'British' people has itself been a point of contestation between the party and its opponents, with the BNP being forced in 2010 to accept non-white members when the term 'indigenous British' was judged to break discrimination laws by the Equality and Human Rights Commission.

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[60] All document numbers refer to summary list of documents used in analysis at appendix B.

- We will put British people first in their own country,

- We demand British jobs go to British workers,

- We say NO to an EU super-state, and YES to keeping Britain free,

- We will stop paying foreign aid and give that money to pensioners,

- and we will bring British troops home from Afghanistan.

Source: BNP (document 22)

Fig 5.1 The BNP: 'Where We Stand'

All of these policies are informed by a core anti-immigration stance. The party manifesto

asserts that immigration has caused 'a poorer, more violent, uncertain, disorientated,

confused, politically correct, ill-educated, dependent, fractured society' (document 1, p.17),

and a society that suffers from

> ...social breakdown, the deterioration of community spirit and neighbourliness,
> the erosion of our Christian heritage, the dilution of our history and culture, the
> promulgation of totalitarian legislation alien to these islands, congestion on
> roads and railways, the erosion of the countryside, pressures on social services,
> and so on (document 1, p.18).

According to the BNP, the solution to these perceived problems is to 'declare Britain a non-

immigration country', meaning a complete stop to all immigration; to deport all illegal

immigrants and foreign criminals without exception; to significantly limit the acceptance of

asylum seekers to those originating from countries bordering the UK; and to encourage the

resettlement of immigrants and their descendants to 'their country of ethnic origin' (document

1, pp.20-21). This tough immigration policy is coupled with a plan to eradicate policies

surrounding multiculturalism, in order to reinstate the primacy of British national culture.

The party justifies this approach because it believes that '[g]roup identity, belonging, loyalty

and allegiance... are an essential part of elementary human nature' (document 1, p.22).

The BNP is perhaps the most prominent and famous nationalist political party in the UK today, and has garnered considerable electoral success, though recently it has suffered from considerable internal problems and the development of factions as a result of the declining support of the approach taken by leader Nick Griffin, as well as a less successful 2010 General Election outcome than was expected[61] (ICOCO, 2011, p.9). There are also a number of smaller parties and groups who are active in England and have gained increasing support in recent years, as I will now detail.

5.2.2 ENGLISH NATIONALIST PARTIES

As discussed in chapter 4, a recent resurgence in English nationalism has been attributed to the devolution agreements for Northern Ireland, Scotland and Wales, which some viewed as leaving the English without comparative political representation. While Scottish and Welsh citizens can draw on both parliaments in their own constituent nations and on the British Parliament, English citizens have only Westminster. One of the central problems, termed the 'West Lothian Question', is that while Scottish MPs are entitled to debate and vote in the British parliament, thus exerting considerable influence over English politics and policy-making, representatives of English constituencies have no equivalent influence in Northern Ireland, Scotland or Wales[62].

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[61] Research produced by the Institute of Community Cohesion (ICOCO) suggests that 'the nature of the UK electoral system also helped to mask the extent of voter support for the BNP and UKIP', and that had votes been 'directly translated into seats', the parties would have won 32 seats between them in the 2010 general election (ICOCO, 2011, p.10).

[62] For example, a bill allowing universities in England and Wales to charge variable tuition fees was passed through the House of Commons in 2004, by only five votes. More Scottish MPs voted in favour, and so the bill was passed, despite it being highly controversial, and despite the fact that the legislation would not affect the constituencies of the Scottish MPs as it was only applicable in England and Wales (McSmith, 2006). This

The democratic problem that the West Lothian Question is representative of is at the heart of the aims of the English Democrats, a nationalist party which formed in 2002 with a professed concern for the democratic rights of English citizens. The party supports the creation of a parliament for England, on a similar model to that of the Scottish Parliament, because '(d)emocratic fairness for England is needed' (document 2, p.4). The party also believes that devolution should be promoted further to incorporate fiscal decision-making, on the basis that one of the major problems of the balance of power between Westminster and the devolved parliaments is a perceived reliance on English taxpayers to finance policies that they have no democratic control over (document 2, p.13). Additionally, the party clearly rejects the (now defunct) English regional assemblies, which were once touted as alternative sources of devolved governance in England[63], because it believes that these would build disunity within England.

This latter point highlights the emphasis that the party places upon the intrinsic worth of specifically *English* national culture and identity. As I also noted in chapter 4, while English nationalism has been strongly tied to devolution, it is also apparent that links with anti-

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problem is named the 'West Lothian Question' because it was raised for the first time in a House of Commons debate over Scottish devolution by Tom Dalyell, MP for the Scottish constituency of West Lothian, in 1977. The UK Government announced that it had set up a Commission to examine effective solutions to the problem in September 2011 (BBC News, 2011a).

[63] The Regional Development Agencies Act (1998) enabled the development of the Regional Assemblies, as part of a localism agenda that the devolution of significant powers to Scotland and Wales was a part of. Given devolution, it was thought that English regions should be given more local power, and this also played into the politics of identity in England, where the identity of the North is often viewed as quite distinct from the South, and the needs of the local populations are often judged to be different given different social and economic issues. In its second term, the Labour government attempted to strengthen the regional agenda by holding referenda for regional assembles in specific locations, however the 2004 North East referendum resulted in a no vote, with just 22% supporting the proposed institution (Larkin, 2009, p.1). There were then no more referenda for the assemblies, and in 2011 they were formally discontinued due to a change in local governance policy from the new Conservative-Liberal Democrat coalition government.

immigration politics and a concern for the preservation of English culture are also central concerns of those who profess to hold an English identity. This is also clearly evident within the English Democrats manifesto. They highlight a central concern that the expression of English identity has been undermined, and that includes 'a communal history, language and culture... a 'we' sentiment; a sense of belonging' (document 2, p.17). On immigration, the manifesto states that the party will do all that is necessary to completely stop all immigration to England, and that in doing so their 'principal concern is to preserve and build on what is left of English cultural unity and social cohesion' (document 2, p.16). This emphasis on cultural preservation is also present throughout the manifesto, for example in an emphasis on family values because families pass down cultures and traditions, and the claim that social cohesion issues and a lack of shared values have contributed to an escalation of criminal activity (document 2, pp.8-11).

The English Democrats are not the only active English nationalist political party, however for the purposes of this research I focused on them as they are the only party to have had any electoral success. For example, the England First party is a more explicitly ethnic nationalist party, guided by the principle that members are 'bound to one another by ancestry, race and history' (document 3). The party would, again, halt all immigration and repatriate all non-European immigrants to their country of ethnic origin, and reinforce English culture and values, for example through education (document 3).

Additionally, over the past two years the English Defence League has built up a large following in England[64]. The group is not a political party and has no formal membership, therefore it is impossible to provide an accurate profile of its support. However, particularly

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[64] It should also be noted that the EDL has been active in Scotland (ICOCO, 2011, p.8).

during 2010 the group organised a series of high profile protests and marches through major multicultural towns and cities in England, provoking both outrage and support. The group professes a different approach to the nationalist parties overviewed above, aiming to 'work to protect the inalienable rights of all people to protest against radical Islam's encroachment into the lives of non-Muslims' (document 4). Rather than opposing the outside influence of any culture, the EDL claims only to take issue with the 'Islamisation' of England and targets its campaign against Islamic fundamentalism (document 4).

The group has no specific view on immigration, however they do state that 'if people migrate to this country then they should be expected to respect our culture, its laws, and its traditions' (document 4). The group has been the centre of considerable negative attention since it commenced its protests in diverse locations in England, such as Birmingham, Peterborough, Bradford and East London. While professing to hold only a concern for the preservation of human rights, an undercover reporter's film has revealed considerable racism amongst the supporters, and a less than cohesive message. At one point, a supporter is heard to chant 'British jobs for British workers', suggesting that the protests represent a collective of individuals holding a variety of nationalist and extreme right views[65], which perhaps failed to find expression through the BNP who had faltered during the 2010 local and general elections (M.Taylor, 2010)[66].

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[65] Research has also demonstrated that the EDL are strongly linked to football hooliganism, and that often EDL 'divisions' are run by football supporters (ICOCO, 2011, pp.21-2). This represents the disparate nature of the group, and its unclear intentions. Formally, it is concerned with Islamic fundamentalism, but it is also linked to a disparate desire amongst far right supporters and racist individuals to express violent protest, and also to football hooliganism.

[66] In the article associated with the film, Taylor notes that while the EDL has professed to be a 'peaceful and non-racist organisation', undercover work over a period of four months had identified widespread 'racism, violence and virulent Islamophobia' (M.Taylor, 2010). Concerns have also been expressed that splinter EDL groups are planning to target socialist organisations, having already attempted to attack 'Occupy' protestors

My focus in this thesis is on the anti-immigration views of nationalist group members, and so I have not focused on the EDL because they do not profess to hold such views. As part of the fieldwork I did attempt to contact the group in order to understand how immigration fitted in with their message, however I was unable to obtain anyone willing to be interviewed or provide further information. As such, I have provided their details here as an important feature of contemporary nationalism and far-right politics in England, however I will pursue their views no further.

5.2.3 THE RISE OF THE EURO-SCEPTIC PARTY

The existence and relative success of the nationalist parties identified in the preceding section is not isolated to the UK. Many other countries in the EU have had apparent political trends towards the right in recent years. Austria's *Freedom Party*, Denmark's *Danish People's Party* and Italy's *Northern League* and *National Alliance* are all examples of far right, nationalist parties that have gained significant ground over the past few years, particularly since the current period of economic recession commenced. While support for nationalist parties in the UK and England has grown in recent years, its strong record of Euro-scepticism has been a feature of the political landscape for much longer than this, and in this capacity it stands apart from many other European countries.

In 2010, a poll found that 47% of UK adults would vote for Britain to leave the EU (YouGov, 2010). A Eurobarometer poll conducted in the same year found that only 19% of UK citizens had a positive image of the EU, and 34% thought that the EU was 'a waste of money'

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camped outside St. Paul's Cathedral in London, and having also previously targeted a range of anti-racist and anti-cuts organisations (Townsend, 2011). This suggests that the EDL agenda is wider than a campaign against Islamic fundamentalism.

(European Commission, 2010b, p.3). This low level of support has meant that European issues have often been of low political salience in the UK context, and that political parties have struggled to develop robust policies on European integration – the Conservative party is perhaps the most divided on the subject of European integration, however the Labour party was also characterised by Euro-scepticism in the 1970s and still appears to have some internal problems in developing a cohesive message on integration[67].

The nationalist parties outlined in the previous sections also adopt a strongly Euro-sceptic position, asserting the right of the UK to exist as a fully independent nation, characterised by its national culture. The BNP describes the EU as 'an organisation dedicated to usurping British sovereignty and to destroying our nationhood and national identity', which 'is depriving our people of their inherited right to determine their affairs in their own traditional and democratically elected Parliament' (document 1, p.27). In particular, the freedom of movement arrangements are viewed to have been 'designed to strip indigenous peoples of their culture, heritage, history and traditions' (p.27). The BNP, unsurprisingly, support the full withdrawal of the UK from the EU. The English Democrats 'favour European cooperation and trade but not a European political entity which undermines the independence, sovereignty, and democratic institutions of European states' (document 2, p.15). Thus the

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[67] Consider, for example, ex-Prime Minister Gordon Brown's comments relating to the UK energy workers' strikes which took place in early 2009 as a reaction to increasing employment of non-British, European workers. Brown's 'British jobs for British workers' comment is particularly problematic given that the UK is committed to the equal rights of workers across the EU and not just those in Britain. Indeed, the transcript of his overheard comments about Mrs. Gillian Duffy during the general election campaign of 2010 also relate an apparent disparity of opinion between Prime Minister, policy and electorate. Having questioned the Prime Minister over concerns that East European migrants were taking jobs in her local area, Mr. Brown was heard referring to Duffy as a 'bigoted woman' (BBC News, 2010).

English Democrats believe that England should leave the EU and join only the EFTA[68] as just a trading body with no implications for English governance (p.16).

These parties, characterised by an over-arching commitment to nationalism, are euro-sceptic as the result of a wish to preserve the sovereignty of the country. A further political party active in England, UKIP, is a nationalist party informed by a primary commitment to seeking independence from the EU. Formed in 1993, UKIP aims for a full withdrawal from the EU, in order to regain 'freedom of action... freedom of resources... [and] freedom of the people' for the UK (document 5, p.4). It is committed to national independence, and all its policies reflect this commitment. Within this, there is a clear emphasis on the nation and a slant towards nationalism, as would be expected. On immigration, the party manifesto states that British identity has been 'watered down' and seeks to regain the border control that Britain has lost as a member of the EU. This involves first freezing immigration for five years, including European free movement, and then limiting any future immigration to 50,000 per year. While the party appears to appeal to a civic nationalist position because they do not emphasise culture or ethnicity as an immigration problem, they do propose to 'end the active promotion of the doctrine of multiculturalism by local and national government and all publicly funded bodies' (p.5), suggesting that identity and culture matter considerably as a part of what it means to be a citizen of the UK.

As noted in chapter 4, all of UKIP's 12 MEPs hold constituencies in England, suggesting that the strongest support for the party comes from this country. While a lot of the BNP's success

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[68] The European Free Trade Association (EFTA) was founded in 1960, and originally comprised of seven countries (Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the UK). It aims to promote free trade between its members 'as a means of achieving growth and prosperity among its member states, as well as promoting closer economic cooperation between the Western European countries' (EFTA, 2012). Since its creation, a number of the states have left to join the EU, and thus it currently has just four members – Iceland, Lichtenstein, Norway and Switzerland (ibid).

is related to Labour's perceived failure to effectively address immigration, much of UKIP's success is often attributed to the Conservative Party's inability to produce a cohesive, right-wing message on Europe and immigration (ICOCO, 2011, p.26). Thus an important dynamic of attitudes towards European migration is that negative views of EU free movement may stem from both an overtly nationalist position or a predominantly Euro-sceptic position. While there is clear overlap and interdependence between the two, it is relevant to note that the root cause of disillusionment with European migration policy may have dual foundations.

5.3 DEFENDING THE NATION

In the preceding section I identified the three parties that my exploration of nationalist sentiment in the case study areas is predominantly concerned with: the BNP, the English Democrats, and UKIP. In providing details of these groups, along with some others, I hope to have illustrated the nature of nationalism in England, as contextual information for the following analysis of the qualitative research findings, which I will present over this section and the next. It is the purpose of this section to present two key themes that emerge from the qualitative data. These themes relate to the active construction of nationalist sentiment, and build an understanding of the relationship between migration and the construction of nationalist sentiment that will be fully elaborated in section 5.4.

5.3.1 NATIONAL CULTURE

First, I focus on cultural distinctiveness. The view that individuals have a basic right to the protection of their distinctive culture was dominant amongst the nationalist groups involved in the research, and indeed is reflected in my consideration of their manifestoes in the preceding

section. It is apparent from these and from the interviews that the idea of a cultural nation and the protection of that culture are of fundamental importance to the nationalist groups active in England. This concern for cultural distinctiveness is summarised well by a BNP spokesman for the Herefordshire region:

> We don't believe we're superior to others, but we do believe that people who are culturally different should live apart and that isn't racist... the naturalised people of this island have a right to preserve their distinct culture and way of life, and in fact those people who say that we don't are racist because they're denying our right. We believe that all people have a right to preserve their distinct way of life, in their own country (N2[69]).

The BNP spokesman's belief in his right to a national culture clearly drove his further view that 'the scale of immigration especially from Europe is a problem because it means that rather than them assimilating to our way of life, we take on parts of their way of life and that's detrimental to the distinctiveness of our culture'. There is an implicit assumption here concerning definition between the in-group and the out-group, which is also reflected on by party leader Nick Griffin, who has said about the granting of citizenship to immigrants: 'by pretending to grant those people the right to be British, they are taking away our chance to be anything at all' (BNP, document 6). The reason that immigration is challenging here is that a concern for retaining the distinctiveness of a culture is perceived to clash with anything that will be seen to change or dilute that culture, or to weaken it. For example, one of the most common concerns of nationalist group members was surrounding the pursuit of policies that reinforce multiculturalism; that 'to have a multicultural society does not work because you've got to have one culture that people feel happy about the skin they feel happy in' (N1). A disdain for policies supporting multiculturalism rather than assimilation to the dominant national culture was evident across all of the manifestoes for the BNP, English Democrats and

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[69] All codes refer to the interview schedule presented in appendix A.

UKIP, and indeed in other research a preference for assimilation is strong across both ethnic and civic forms of nationalism (Heath and Tilley, 2005, p.129). As the BNP manifesto argues, 'Britain's existence is in grave peril, threatened by immigration and multiculturalism... we, the indigenous British people, will be reduced to a minority status in our own ancestral homeland' (document 1, p.16). A similar sentiment was reflected by a UKIP MEP for Lincolnshire, who felt strongly that

> [i]n one distinctive society like Britain, you can't have multiculturalism. The culture is what the country is. You can't have it in bits. You can't have an Indian culture there and a British culture here and a Chinese culture here... One country can't be multicultural. Sure, it can be multi-racial though and it's obvious if you look around yourself in the street and that's no problem, but multicultural, no, it's got to be one culture (N9).

The quotes presented here are representative of this basic concern that was common to all nationalist group members, that the protection of the distinctiveness of the national culture is important and that it is morally relevant. The moral relevance of the collective culture is the subject of the next sub-section, however first an important outstanding question is how exactly the national culture is defined. What is it that nationalist groups and members are seeking to protect and preserve as a basic right? For most, the English or British culture defended appeared to be a combination of civic, cultural and ethnic nationalist identity components. As the BNP spokesman summarised in an interview:

> There are civic British people, who are born here with a passport. They've settled legally and want to obey the law... But there are civic British people, and then there are indigenous British people. Some of our critics claim that we're suggesting that anyone who can't prove their British roots back to the ice age would have to be deported, but we're not saying that at all. We accept that there are civic British people, but the indigenous British people also exist and that is often denied. If I moved to Japan and became a Japanese citizen, a Japanese person would never say that I'm as Japanese as they are (N2).

The overt emphasis on the ethnic roots of Britishness and the idea of 'indigenous' British people displayed here appears as typical of the BNP's approach to the question of what it

means to hold an English or British national identity. There is something essential and pre-political about the national identity, and indeed as one supporter writes in an article on the suggestion that all identities are constructs and are fluid: '[i]t is outrageous and deeply offensive that politicians, the media and left-wing celebrities have promoted the view that we are somehow all basically from mixed breeding stock in order to legitimise the invasion by hordes of foreigners' (document 7). BNP members also tended to identify themselves with Englishness as well as Britishness, and this reflected an essentialist view of identity, where there is a basic, unchangeable component of a person's identity that is informed by their historic linkage to a specific territory and/or people. For example, when asked about his views on current debates surrounding English identity, the BNP member responded,

> We support the Union, we don't want it to be broken up. So that is Scots, Irish,
> Welsh and *ourselves*. We have similar cultural backgrounds, so it makes sense
> for us to be in the Union together, and it's about preserving those distinct
> cultural values (N2, emphasis added).

There are two separate but related versions of the collective 'we' at work here. On the one hand, 'ourselves' refers to the English, as the group that the interviewee sees himself to belong to, but then 'we', as a British entity, also exist. It appears that English is viewed as an ethnic identity, a characteristic of every English 'indigenous' person, and that then to be British is to hold a common culture. This view of Englishness was something that members of the English Democrats wanted to challenge. For them, English could be an inclusive identity, to an extent. As the spokesman asserted,

> Like I said to you, am I a Viking? Do I, am I, am I a Norman? And I don't
> know, and I really don't care. The fact is, as I said, I was born in England, I feel
> English and I want my country to be England, yeah (N1).

Here, a feeling of belonging to a country with its distinct culture appears to be most important[70]. This was true across all of the groups involved in the research. While the BNP emphasised the existence of both an ethnic and a cultural basis of national identity, the English Democrats and UKIP sought to assert only a collective culture as the basis for their identity. As the English Democrats spokesman went on to say, 'you know, we just want English values and English culture and English traditions' (N1). It is clear that being English is not simply a civic identity, it does not simply mean being born within the boundaries of the nation. Rather, to be English is to carry forward a pre-defined set of English values and English culture, and the history that is bound up in English traditions. This view was also mirrored in the secondary case study area, where a Lincolnshire member of the English Democrats summarised his position on what distinguishes the English/British from the rest of Europe:

> We're separate from them, we're an island. The continent is for the continentals, they've got their own customs and ways and perks, as we have... Our tiny little step on this planet over the hundreds and thousands, hundreds of years, several thousands of years, has achieved so much around the world, and we should be proud of what we've done and what we've achieved (N8).

UKIP members similarly appeared to combine a commitment to a civic national identity and a more essentialist vision of basic cultural commonality. For example, a UKIP MEP for Herefordshire demonstrated a much clearer civic view of identity and the potential for others to take on that identity:

> Our genetics are very mixed up, but when people came here, they didn't come here to be whatever they were when they left the other country, they came here to join the team and that's the important thing. It's like when people went to America and when they went to America and passed the Statue of Liberty and

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[70] Although, the message here is again confused by the presence of some mention of the 'indigenous' English in the party's definition of the national culture, as a document concerning English identity on the party website notes, '(a)ll ethnic groups should be free to enjoy their own cultural identity but the public culture of England should be that of the indigenous English' (document 21). In other words, immigrants may be present in society but the strong emphasis is on assimilation to the cultural identity held by a defined ethnic group.

they swore on the bible or whatever it was to respect the flag of the USA, they became US citizens, they respected that, they learnt English and they got on with it and from then on, fought for the USA and it was the same here, always (N4).

The US example suggests a much more civic understanding of what it means to belong to a nation, where the only requirement would appear to be a willingness to learn the English language. However, here 'joining the team' actually involves much more than simply adopting the language, as the MEP continued:

They'll still have their little galas or processions for whatever they used to do, wherever they've come from, there's nothing wrong with that, but they've got to join the team and do that and say, yeah, well, we support you (N4).

This idea of the national 'team' would seem to indicate a more assimilationist model of integration for immigrants and minorities. The interviewee allows considerably more space for the acceptance of immigrants than other nationalist parties do, which reflects UKIP's commitment to permit immigration up to a limit of 50,000 per year after an initial five year freeze. Yet there is a clear expectation that any newcomers would support the existing collective 'we' rather than challenge it or seek to change it significantly. Any cultural activities appear as sideline events to the main 'team' and the support that immigrants must offer to that. Once again, there is a core national culture that is to be protected and kept as a distinct entity, rather than challenged or changed. This was apparent in a comment made by a UKIP member in Lincolnshire:

My wife and I, when we drive into town, we always play this game where you say, foreigner, Bostonian[71], foreigner, because honestly, after a while, you can tell who is who, there is quite a visible difference in their demeanour, not obviously in their looks, but in their demeanour and the way they conduct themselves (N6).

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[71] The interviewee is referring to individuals who are English/British and live in the town of Boston, Lincolnshire.

This idea that there is something different about a co-national and a European migrant is also a feature of the concern for cultural distinctiveness. It is clearly not just about protecting the traditions, values and language of the nation, but rather was often the case that interviewees would point to differences between 'us' and 'them' that suggested an incompatibility, for example one Herefordshire UKIP member commented that of all the migrants he had met in his work as a builder, '70% are ignorant' (N3), and that in failing to assimilate to the national culture, 'they just don't seem to, well, help themselves'. Again, this points to the importance of a national culture not just as a civic construction, but rather something that is perceived by nationalist group members to be deeply embedded in what it means to belong to a nation, and as something that divides between groups of people who are very different.

The concern to protect cultural distinctiveness also specifically problematised European migration and integration. This was because

> ...if it was a small number that can assimilate and integrate into the culture then that might be manageable, but the scale of the migration especially from Europe is a problem because it means that rather than them assimilating to our way of life, we take on parts of their way of life, and that's detrimental to the distinctiveness of our culture (N2).

The scale of migration under the free movement arrangements of the EU was seen as a specific challenge to the culture, because while some migrants may assimilate, large numbers pose too great a challenge and have too strong an influence on the national culture. Thus there is a concern that membership of the EU allows mainstream politicians 'to socially engineer the country and take away any pride and nationalism and they've done that very successfully' (N9). This latter point relates to a wider trend amongst the nationalist group members interviewed to display concern about the perception that they belong to racist organisations, or that the views they hold are racist. Indeed, it was particularly challenging to obtain nationalist contacts who were willing to talk to me, and most often the reason given for this hesitance was

a concern that everything said would be construed as racism. The members and representatives spoken to clearly did not equate their views on nationalism with a racist opinion, as the BNP spokesman noted 'we're arguing about the strain that migration places on Britain, and that isn't racist' (N2). The English Democrats spokesman rather related his views to pride, as he said 'you shouldn't be ashamed of who you are, you're not a racist' (N1). UKIP consistently emphasises a more civic form of nationalism in its literature, and is keen to distinguish itself as 'the only non-racist party calling for Britain to withdraw from the EU, and to get back control of our borders' (document 8).

The importance of national pride was a distinct issue, particularly for the BNP and English Democrats interviewees, who perceived a lack of recognition of the culture of them and their co-nationals as a particularly problematic aspect of more liberal immigration policies, where 'I haven't got any voice in my own country' (N1). This was perceived as particularly problematic from the point of view of the BNP, and their concern that the 'indigenous' people of England were overlooked and not fully recognised in the way that other cultures in other countries were. This sentiment is reflected by party leader Nick Griffin in a recent speech:

> This is our territory, this is our homeland, we are entitled to celebrate our
> identity... in our country... we're entitled to do this and if you don't like it,
> there's the door (document 6).

Issues surrounding recognition were also related to class, and specifically to the 'white working class' who the BNP feel are not being prioritised in the way that they should have been:

> I'm especially disappointed in Labour because they no longer represent normal
> people and they were always the party of the working class... by normal people,
> I mean the white working class (N2).

This idea that immigration challenges the recognition and prioritisation of co-nationals, whether generally on the basis that it is seen to undermine the recognition and political voice

of the majority culture, or whether it is more specifically related to particular class dynamics, is clearly driven by a concern for the protection of the national culture detailed earlier in this section. It demonstrates the perception of a strong sense of loyalty between those sharing the national culture, which immigrants – viewed as culturally distinct – threaten to dilute. The full reasons for this perceived need to protect cultural distinctiveness, as noted, stems from a belief in the moral relevance of culture. I now explore the arguments put forward for this moral relevance in more detail, in order to build a full picture of the justifications for migration control being offered by nationalist group members.

5.3.2 NATIONAL LOYALTY

As was suggested by the findings presented in the previous section, migration is viewed as problematic by nationalist group members because it problematises the protection of a specific, constructed (though perceived by nationalists as pre-political) identity. However, the right to cultural distinctiveness that nationalists have sought to protect also drives a specific belief in the moral significance of that culture. According to Miller, nations are conceived of as ethical communities; that is, they confer duties towards co-nationals that are more extensive than those held towards other individuals outside of the national context (Miller, 2000, p.27). Holding such a position drives forward the idea of co-national loyalty and priority to co-nationals, on the basis that those holding the same national identity may justifiably confer duties on their fellow nationals. This gives rise to the idea of 'our' country, meaning those who share the national identity however it is defined – those who hold the same ethnicity, or those who just happen to reside within a territory and so share in the civic identity, or those who subscribe to the dominant culture, as was most common in the findings presented thus far.

A strong belief in priority to co-nationals, on the basis of the moral relevance of national

identity, is explicitly evident in the rhetoric of the nationalist group members interviewed.

Their view is that European migration should be restricted not just because it erodes the

distinctiveness of the national culture, but also because it leads individuals to neglect their

duties towards co-nationals. European migration is viewed to be having a negative effect on

this co-national loyalty because it is placing an excessive strain on resources which

undermines the ability of the nation-state to provide for its national citizens:

> I mean, 2 million plus migrant workers, nobody can deny, that puts a strain on everybody's resources (N8).

> I think we need to stop letting in as many as we're letting in because you know it's, this country's struggling as it is with the amount of people (N3).

For nationalist group members, European migration is a problem because,

> It takes jobs away from British people, then there's the impact it has on infrastructure, healthcare and schools. It's a myth that the NHS is reliant on immigrants, we know plenty of British doctors and nurses who can't get work here. And there's the cost of translation, where everything has to be offered in lots of languages. We're paying for that (N2).

This quote highlights the perception that immigration places an additional strain on public

services and so is problematic for the realisation of co-national loyalty, because it may mean

that, for example, healthcare and education systems are negatively impacted upon. But it also

highlights two further issues: employment and language. Relating to the former, competition

for jobs was a key issue in the anti-migrant sentiment espoused by interviewees. For example,

one Lincolnshire member of UKIP argued that

> It's just the sheer numbers have swamped the local area and that has caused a lot of resentment. A lot of the resentment is unfounded because a lot of these people do work, especially the Polish are real hard workers, but the problem most local people see is the fact that they've pushed them out of a job (N8).

This quote is interesting because it highlights the very common perception that immigrants are

forcing co-nationals out of employment. This is a common trend in research on nationalism –

a recent study found that those holding the strongest anti-immigrant sentiment tended to feel that migrants had contributed significantly to economic problems such as unemployment, rather than that migrants had supported the economy (Lowles and Painter, 2011a). The quote is also interesting, however, in the description of Polish people as 'hard working'. Often, specific groups of European migrants were described in such a way, suggesting that where migrants are viewed moderately positively, this is commonly in light of their perceived contribution to the benefit of the country and co-nationals. The view that 'if anyone was to come into the country I think I'd choose the Poles, because generally speaking they're hardworking, they're decent people. They don't come here to sponge' (N4) contrasts against the negative stereotypes associated with other European migrants such as the Roma, who are thought to offer less benefit to the nation and so are much less desirable. This negative stereotyping does not only occur with reference to economic benefit, but also wider social issues, as an article on the BNP website notes:

> the UK is poorer as a result of free handouts for immigrants and gifts to third world countries. Our cultural heritage has been savaged as we are forced to accept barbaric religions and the criminal scamming culture that we always knew was present in poor countries (document 7).

This use of moral superiority to reinforce in-group worth is recognised in the social psychology literature (Brewer, 1999, p.435).

The second key issue identified previously surrounds language. Many of the interviewees expressed a concern about the negative impact that a lack of language skills would have on the ability of the state to provide for co-nationals. As one UKIP member related, 'you might be mistaken for thinking you were in Warsaw, because some days it's difficult to find somebody who is actually speaking English' (N8). While this has obvious connotations for the cultural distinctiveness theme detailed in the previous sub-section, language is perceived to have a significant impact because

> you cannot cope with the influx of that many people who don't speak English.
> It impacts in places like schools, hospitals and right across bureaucracy, but
> also on roads, and all of the rest of the infrastructure (N4).

Thus, the presence of multiple language requirements is argued to place a strain on the state's resources, because it would, for example, demand additional teaching support in schools for children without English or with English as a second language. This would come with a cost burden for taxpayers to bear, which nationalist group members appear to think is unjustified, given that those placing the burden on the state are not co-nationals. Another key theme in relation to co-national loyalty was housing provision. This was particularly true in Herefordshire, where the provision of low-cost and social housing is a particular challenge given a tendency towards much higher property values. The influx of European migrants was seen to be particularly challenging from this perspective:

> How the hell are you going to put up with another million people overnight like
> that as they came in, when you haven't got the housing facility for people who
> are already here? (N4).

> So people who have lived in Britain all their lives and paid taxes will go the
> bottom of the queue [for social housing] while those from overseas can go to
> the top because it's based on need (N2).

There is thus a view that the European migration witnessed in the case study location distorts the acceptable basis on which to judge priority. The example of low cost and social housing provision demonstrates that what may seem like a logical prioritisation process is actually perceived to be unfair by those holding such a concern for their co-nationals, and so that logical process is inappropriate where the priority of national citizens is overlooked. This is in direct contradiction to the spirit of equal opportunity that is at the heart of free movement arrangements in the EU. It was also, in many cases, worsened by a perception not only that migrants would be given unfair priority over co-nationals, but also that they would have a tendency to abuse that system. As one English Democrats member argued against European migration, 'we're ignoring our own people while encouraging immigrants to abuse our

hospitality' (N1). This idea that migrants would tend to abuse the British system was particularly prevalent, and was further summarised:

> You'll get the story, don't you, immigrant family costing the country £250,000, or you know, this guy's flown in for this treatment and he's off again the next day... I mean it's alright saying I can go to, to Italy, to Poland or whatever. I ain't going to go to Poland, yeah. I'm not going to claim off their benefits system. I'm not going to go over there and send back money for my five kids in England, yeah (N1).

As previously mentioned, some of the most negatively viewed groups were those of Roma origin; however in many cases all migrants of Eastern European origin bore this 'gypsy' stigma. The negative stereotyping of the Roma and other travelling communities is clearly evident in the views of a UKIP MEP:

> But we have now a worst case scenario where the Roma from Romania who are effectively gypsies, they are gypsies, that's not being rude to them they are gypsies, because that's what they are. They're moving all over Europe, but they're moving all over Europe to beg, that's what they do.... And the vagrancy laws presumably aren't applied because these people are now being allowed to come here, the EU says it is their right as member citizens of the EU. We have the right to go anywhere in the EU, as do the Roma. But hopefully when me and you go, we're not going to beg, hopefully we're going on holiday or to do some work. But of course we're not allowed to choose who comes to our country anymore, we have to allow everybody in, and that's a strain on the country (N4).

The ways in which individuals distinguish between members of the in-group and those outside of it is not a benign mechanism, or necessarily solely a cultural marker, but rather it can have important implications for how nationalist groups justify the national loyalty they display. In the prior quote from interviewee N1, the implicit assumption is that an individual from Italy or Poland is more likely to claim from the British benefits system and place an expensive burden on the country, than a British person who opts to migrate to an alternative country. In the quote from interviewee N4, the assumption is that individuals of Roma descent will always resort to begging in the street, and will not be useful for society. According to the participant, problems of begging and homelessness are external, and therefore are not up to 'us' to

address; rather through border control these problems can be kept out. Similarly, the view that 'one of the biggest problems (with European migration) is the amount of criminals that are sucked in from elsewhere' (N3) is based on the assumption that many of the individuals coming into the country are unknown, and therefore potentially dangerous or at least a potential threat to co-nationals.

In summary, this section has presented key findings from the research, focusing solely on interviews with nationalist group members and documentary analysis of nationalist group sources. The first theme presented, cultural distinctiveness, demonstrated that the nationalist groups and members have a central concern for the preservation of cultural distinctiveness. The second theme showed how such a concern also drove a sense of co-national loyalty. Taken together, these were shown to give rise to negative attitudes towards immigrants, and additionally those negative attitudes tended to be supported by negative assumptions about migrants themselves. This was particularly the case where those migrants were not perceived to be of benefit to the national group – for example, where they were not stereo-typed as hard-working. This latter point demonstrates a significant degree of 'othering', where the construction of the in-group and justification of in-group loyalty are driven by a negative stereotyping of the out-group. This is reinforced by the emphasis that nationalist group members placed on assimilation to the dominant culture, and the role of the migrant in providing some form of benefit to the pre-defined in-group. Only where the migrant does not challenge the dominant culture or the moral relevance of that culture in the redistribution of wealth and resources, are they viewed as potentially acceptable.

5.4 DISCUSSION

The purpose of this chapter has been to consider how and why attitudes to migration come to inform the construction of nationalist group sentiment. I have presented findings from interviews with nationalist group members and the analysis of nationalist group documents. The findings presented have enabled me to understand in detail the justifications behind anti-immigrant sentiment. As I have highlighted, nationalist sentiment clashes with migration in the case study for two reasons: first, because it presents a perceived threat to the distinctiveness of culture, and second, because it compromises the moral relevance of that national culture, as expressed in co-national loyalty. These two themes are intrinsically related, because a concern for co-national loyalty and the belief that it is morally relevant stems from a belief in the intrinsic value of the national culture, as something that transforms the relationship between two strangers into one between two who view themselves as a part of the same 'in-group'.

The role of migration in this construction of the in-group is one of conflict. Migration is perceived to conflict with the distinctiveness of culture because migrants, as outsiders, do not share the national identity however constructed, and so their presence within the territory presents a threat to the prevalence and preservation of that identity in the face of competing identity sets. Migration conflicts with co-national loyalty, particularly under conditions of free movement such as those in the EU, where EU migrants have many of the same rights claims as national citizens. This is because it suggests an alternative framing of priority and need that disregards the moral relevance of the relationship between co-nationals. The existence of national identity can also deepen the perception of difference between the in-group and outsiders. In order to maintain the cohesiveness and strength of the in-group, nationalist group members use targeted negative stereotyping of those perceived as Other.

The research findings match up with much of the social psychology literature on group behaviour. The construction of a relationship between an individual and their in-group occurs through a need for both assimilation and difference – a balance between the basic human need to be included in a larger collective rather than to be isolated, and the contrasting need to define the in-group from other out-groups when a person feels immersed in something that is too big or undefined (Brewer and Gardner, 1996, p.91; Brewer, 1999, p.435; Brown, 2000, p.41). This does not suggest that those groups have any moral relevance attached to them, but just that there is a tendency for individuals to form social groups in order to fulfil these two identity needs. It is then from here that issues including perceived moral superiority, threat and social comparison begin to play a role and construct a negative relationship with out-groups (Brewer, 1999, pp.435-437).

These ideas are salient to the research for two reasons. The first is that the existence of the in-group prior to any negative relationship with the out-group suggests the capacity for the kinds of transformations towards more inclusive forms of polity-building, because it is possible to conceive of group belonging, of course defined from an outgroup, but without a strongly negative definition from that outgroup (Brewer, 1999; Brown, 2000, p.189). The second reason is that the findings offer insights into how and why those negative relationships with outsiders would occur that are reflected in the qualitative findings. The literature tells us that the stereotyping of others is more likely to occur as the distinction between Self and Other diminishes, and that conformity to the norms of the in-group will increase in a context of perceived inter-group threat and competition (Brewer and Gardner, 1996, p.91; Falomir-Pichastor et al, 2004, p.138). The stereotyping of others and a strong association with the in-group were indeed found simultaneously in the justifications provided by nationalist group members in the case study context. The literature also tells us that when a group starts to feel

insecure, it will try to define itself through increased contrast with out-groups (Brown, 2000, pp.173-174; Triandafyllidou, 2001, p.30), and again this is apparent in the research, where nationalists clearly display a concern for the distinctiveness and persistence of the group. Lastly, the literature tells us that both 'realistic' and 'symbolic' threats are important in explaining inter-group discrimination (Falomir-Pichastor et al, 2004, p.137), and again both of these are apparent in the findings, with the symbolic threat of multiculturalism and the realistic threat to material resources.

The separation of realistic and symbolic threats should not be over-stated, however. For example, consider the use of economic justifications for the control of migration that were apparent in the co-national loyalty theme. Research suggests that migration from the Eastern European member states into the UK is beneficial to the receiving country and has no negative impact on that receiving community (Blanchflower et al, 2006; Gilpin et al, 2006). In the course of the thesis, I have also presented a number of moral arguments which suggest that a commitment to liberalism is not compatible with a concern only for the rights of the in-group. Thus, economic justifications for migration control may be on shaky ground. From what I have suggested so far in this discussion of the findings, it may be argued that such economic justifications have deeper roots in perceptions of cultural threat, because they are essentially still informed by a belief in the importance of cultural commonality[72]. As Bonnie Honig notes,

> Periodic politicisations of immigration are often occasioned by tensions in the economic or political order, but they are also always symptoms of a perpetual public anxiety about national identity and unity. The felt need (never wholly

---

[72] This finding is similar to that of Wodak et al (2009) on the construction of Austrian national identity, where a sense of economic threat was only raised in relation to migrants from Southern European countries. They highlight that economic arguments may disguise deeper prejudices against this specific group of migrants (p.197).

> satisfied) for national identity frames the way regimes treat foreigners and gives rise to vastly different stories about them (Honig,1997, p.113).

It is perhaps not surprising that economic concerns were more regularly cited amongst interviewees from Lincolnshire than from Herefordshire. Research shows that older and more prosperous individuals tend to view immigration outright as a cultural issue, with concerns surrounding the impact of immigration on national identity and migrants' willingness to integrate; whereas those who are less well educated and less economically prosperous will be more acutely concerned by the perceived economic impact of migration (Lowles and Painter, 2011b). The demographic profiles of Herefordshire and Lincolnshire would suggest that Herefordshire should involve a higher amount of cultural concern, whereas Lincolnshire with a higher deprivation index would tend to construct anti-migrant, nationalist sentiment on the basis of economic concerns. The point, however, is that economic and cultural concerns are bound up together, and that the construction of an insider/outsider dichotomy between national citizen and outsider which drives the economic justification of the control of migration stems from a belief in the right to cultural distinctiveness. In the case of EU migration to English communities, this is particularly conflictual because under free movement the rights claims of migrants are extensive, but for nationalist group members these claims are bogus because they retain a belief in the moral significance of shared national culture. The conflict that arises between the national and the post-national then feeds the perception of cultural and economic threat that, in turn, feeds nationalist sentiment itself.

Thus, the research findings presented here suggest that negative attitudes to free migration are a result of nationalist sentiment, but that free migration itself also plays a role in driving a more exclusionary construction of nationalist sentiment. In other words, anti-migration sentiment can both result from and reinforce a construction of identity that drives that exclusion of outsiders, or those who do not hold the identity. Free migration may, therefore,

drive a more exclusive construction of nationalism. I present this claim in figure 5.1. While

the claim here should not be taken to be necessarily generalisable as a reaction to migration, it

does offer us an important insight into how the relationship between nationalism and

migration plays out in the real world, with specific regard for the construction of identity.
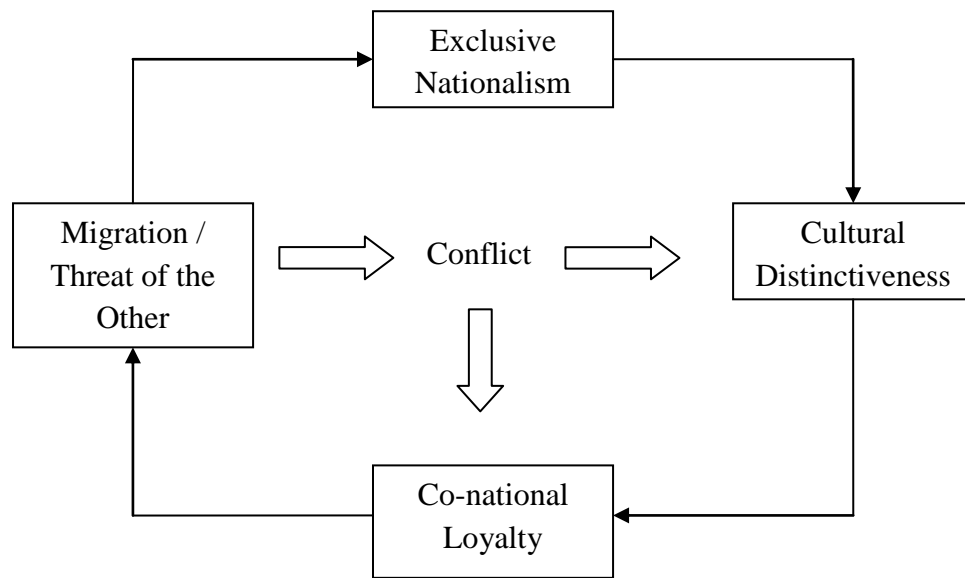
Fig 5.2 The Role of Migration in the Construction of Nationalist Sentiment

As such, these first findings provide an illuminating empirical addition to the theoretical

content of the thesis. As I aim to have demonstrated in the first chapter, it is possible to

present robust arguments against the claims that the nationalist group members I have

interviewed have made. For example, the ways in which the nationalist group members and

the documents analysed present national identity as cohesive and essential, often pre-political,

is problematic when considering the internal diversity of national collectives across a range of

forms of identity and culture. Indeed, McCrone's research shows how identities within

Britain are both multiple but also highly complex, meaning different things to different people

– for example, while Englishness is commonly held to have more ethnic identity connotations

than Britishness, in Scotland Britishness is a more right wing concept and in Ireland is heavily bound up with the Protestant religion (McCrone, 2002). This leads McCrone to conclude that

> identity... is not to be understood as a badge or label that is pinned on us at birth or at school. Rather it has to be understood as a complex set of cultural markers that best resembles a game of identification and identity construction (p.316).

The purpose of this exploratory qualitative work was not, however, to then argue that the views of research participants were wrong. The purpose is to better understand the lived experience of transformations between national and post-national forms of citizenship and belonging. Whether the nationalist individuals and groups are right or wrong from a liberal perspective, ultimately these are the views that they hold, and indeed have seen cause to politically express, in their particular context. They essentialise what it means to be an insider and outsider, and assign such identity sets with significant moral relevance, which is highly problematic for those wishing to pursue a pro-migration agenda.

Freedom of movement, in its attempt to avoid discrimination between insiders and outsiders, presents an extreme challenge to this viewpoint, yet it is this choice between two extreme options that nationalists are presented with. The research has demonstrated that this free movement can then, rather than act as a component in the transformation towards a more inclusive form of citizenship and belonging, actually reinforce anti-migration sentiment and nationalist, rather than post-nationalist, identity formation. Freedom of movement, for nationalist group members, brings to the fore their perception of the moral relevance of their shared culture. Concerns surrounding the appropriate recognition of majority-group members abound in the research findings, all related to the perception of that threat from the Other.

Many of the views held by the interviewees may be viewed as xenophobic or racist, however we cannot escape their prominence as a reaction to dramatically increased migration and

declining national sovereignty. Concerns surrounding cultural recognition are clearly evident

for the majority group in such conditions, and present a serious obstacle to the realisation of a

post-national form of belonging. In a letter concerning the increasing prominence of the

EDL, Labour MP Jon Cruddas commented that they

> [speak] the language of a much larger, disenfranchised class... this is a large
> swath of the electorate, a people who believe they have been robbed of their
> birthright and who are in search of community and belonging (document 9).

He goes on to call for mainstream political parties to 'search for an animating, inclusive and

optimistic definition of modern England'. The constitutional patriotism scholar must hold

similar sentiment. While they may argue that the moral claims made by nationalist groups are

on the whole not defensible, as indeed I have done in this thesis, unless s/he can provide

mechanisms for coping with the obstacle of this real world reaction to increasing diversity, the

fact of its existence is a significant problem for the approach. This suggests that a

strengthened version of constitutional patriotism must have coping strategies in place to

confront the clash between national and post-national forms of belonging that are apparent in

the case of migration, and thus to weather such nationalist storms effectively.

5.5 CONCLUSION

In this chapter I sought to explore the perception of threat that stems from free migration, and

the implications of this for considering the transformations of identity that are at the heart of

constitutional patriotism. The chapter focused on qualitative data gathered from interviews

with nationalist group members in both Herefordshire and Lincolnshire, and on the analysis of

nationalist group manifestoes and related documents.

The chapter began by identifying and providing detailed information on the nationalist political landscape in England. From this, three key parties – the BNP, English Democrats and UKIP – emerged and were focused on in the qualitative work. In presenting the findings I then focused on two key themes – cultural distinctiveness and co-national loyalty. Exploration of these themes allowed me to build up a picture of the attitudes to migration held by nationalist groups and members. In the final discussion of the findings, I drew these themes together to demonstrate how the two are inter-linked, where co-national loyalty is underpinned by a belief in the moral relevance of a distinctive national culture. I then demonstrated that free migration conflicts with both of these themes, and so gives rise to anti-migrant sentiment. This anti-migrant sentiment is thus a product of nationalist sentiment, but also drives the construction of exclusionary nationalism because it heightens a sense of threat from the Other.

In providing a qualitative dimension to the post-national paradox identified at the end of chapter 3, I hope to have demonstrated in particular the sharp conflict between post-national and national forms of identity, citizenship and belonging that a commitment to constitutional patriotism may bring about at the local level. My intention has not been to resolve any of these concerns, but rather to highlight the importance of their recognition. If it is the case that free migration drives a construction of identity that is more exclusive, then this restricts those transformations aimed at a more inclusive form of citizenship that rights to freedom of movement are intended to represent. Increases in nationalism, as have been experienced not just in England but across Europe, can only further undermine that transformation, and this same problem is thus a significant obstacle for theories of constitutional patriotism.

It is not my intention to suggest here that this is a fatal problem for more liberal forms of citizenship and belonging – I have not sought to identify diversity as the problem, but rather

to highlight a problematic relationship between increasing diversity and the construction of nationalism. In chapter 7, I offer some ways of thinking about how to address such a problem, however before doing so in chapter 6 I continue to explore the problem, this time considering perceptions of migration amongst a broader range of individuals in the case study context.

6. CONSTRUCTING DIFFERENCE: BANAL NATIONAL LOYALTY AND ATTITUDES TO MIGRATION

6.1 INTRODUCTION

In this chapter, I continue my exploration of the perceptions of migration in the case study context, and the kinds of justifications that are used to support anti-migrant sentiment. I shift my focus to the more broad community level of the primary case study area, to consider the everyday impact of increased migration and denationalised citizenship. Here, the focus is on more implicit, underlying themes related to these dynamics.

My key claim in this chapter is that the 'banal' senses of national loyalty occurring in the case study context can be challenging to the full realisation of the equal opportunity that freedom of movement is intended to bring about. In order to make this claim, I structure the chapter around a series of themes that emerged from analysis of the qualitative data, which act to build up a detailed picture of migration in Herefordshire. Once again, I use examples from Lincolnshire, the secondary case study area, to support and clarify a number of points made in relation to the primary case study.

To begin, I focus on how migration is perceived to have changed the local community. While I present some information on how migration has changed the demographic of Herefordshire communities, the section mainly looks at the perceptions of change on the part of interview subjects. Next, I move onto my consideration of underlying national loyalty, which I term 'banal' national loyalty. Here I point to evidence from the qualitative findings which suggests the use of such underlying loyalties in developing attitudes to migration. In the final section I present a discussion of these findings, where I elaborate more fully on how and why a banal

sense of national loyalty can undermine the equal rights of migrants. I focus particularly on the ways in which this national loyalty may undermine equality of opportunity for migrants.

In the course of the chapter, I draw on qualitative findings from interviews with local community members, local authority representatives, and local political elites; as well as a range of documentary evidence related to migration and integration in Herefordshire since EU accession in 2004.

6.2 PERCEPTIONS OF CHANGE

The UK, along with Sweden and the Republic of Ireland, chose not to impose transitional restrictions on migration rights for A8 migrants[73]. Such transitional arrangements were put into place by the other EU member-states due to fears of the likely scale of mass migration upon accession of the Eastern European countries[74]. Due to the large scale increase in migration following accession in 2004, the population of Herefordshire changed almost overnight, with large numbers of migrant workers from the Eastern European member states gaining employment in the county. This was, and still is, predominantly motivated by employment available in the agricultural sector in Herefordshire, particularly for seasonal workers to pick fruit and vegetables. Employers range from very large farms whose produce supplies major supermarkets, such as *S&A* Davies; to much smaller scale agricultural

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[73] The UK did impose the Workers' Registration Scheme (WRS), under which migrants from A8 and A2 states were required to register with the WRS. Only when they could demonstrate evidence of a year's continuous employment were they permitted to claim social welfare benefits. These arrangements culminated for A8 migrants on 30th April 2011, giving them the same rights as all other EU citizens migrating to the UK. While not limiting the right to migrate, this transitional arrangement did limit the rights of migrants to access social rights available to other EU citizens.

[74] The current UK government has pledged to introduce transitional restrictions on future accession states in order to avoid a similar scale of migration in the future (Cameron, 2011a).

businesses such as *Pixley Berries*, which is family run. Agencies, as well as the employers themselves, advertise for workers directly in A8 member states, in order to fill these seasonal roles.

In addition to seasonal work in the agricultural sector, increasingly A8 migrants are also finding work on a more permanent basis, and so becoming settled in the county. While 42% of A8 migrants in Herefordshire work in the agricultural sector, others are employed across a range of areas including administration, business and management, health, and hospitality (document 10, p.14). The Council has found that this form of migration, while less common immediately following accession, has become more evident in recent years (document 24). Anecdotally, it would appear that A2 migrants[75] now tend to fill many of the seasonal vacancies in Herefordshire, whereas A8 migrants are moving more towards settled, or at least more long term, migration.

A8 and A2 migration to Herefordshire has brought changes to the local demographic, in terms of temporary as well as settled migration. The local authority in Herefordshire has identified important challenges surrounding these changes to the county's population. The County Council has sought to address the added pressures placed on services such as education, healthcare and housing, and the particular challenges associated with this such as translation services and additional homelessness support (document 10), through government funding for their 'Migration and Integration in Rural Areas' (MIRA) project[76] (document 11).

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[75] A2 migrants are subject to some minimal restrictions on their migration to guide them more directly to specific shortage areas. They are required to obtain an Accession Worker Card, unless they are able to live self-sufficiently in the UK, are self-employed, or are a student. For details, see UKBA (2012b)

[76] Herefordshire Council applied for funding for this project for the Migration Impacts Fund. This fund was launched in 2008, to use money gathered through a £50 levy of immigration applications to 'assist communities to manage the transitional impacts of migration on the provision of public services' (Gower, 2010, p.2).

This migration is not obviously visible within county towns and villages. In fact, driving around Herefordshire, there is very little evidence of migration. Even the caravans, which many of the seasonal workers are accommodated in, are obscured from view:

> *Researcher*: So the caravans aren't as visible as they were?
>
> *C3*: Nowhere near, no. In fact if you drove from Leominster to Hereford[77] now you wouldn't be able to see one, and that's particularly good (C3).

Research participants did observe some small changes to their local area. For example, the same local Councillor in the above quote noted his perception of the initial visible changes brought by migration:

> Where you went to the post office and spent about two minutes queuing, you were there for a quarter of an hour, and especially since a lot were struggling to communicate to post office workers what services they wanted (C3).

These kinds of small scale changes were reflected by many of the interviewees, for example one informant noted 'you see women in the street with pushchairs speaking in a language I don't understand (laughs), that's mainly what you notice' (LC1). This interviewee, an elderly steward at the Church of England Church in Ledbury, had also noted an increase in the proportion of the Church's congregation that were non-English; and indeed within the Church building there was some evidence of this with some signs and information leaflets provided in Polish. The Church was not offering alternative services, but rather sought to integrate that group of the congregation into the English services.

Local authority documents reflect similar small scale changes in the local area; for example, reports of local annoyances surrounding the tendency of the new migrants not to queue in the

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Herefordshire Council successfully acquired funding for the MIRA project to deliver a range of services focused on core themes of liaison, advocacy, community cohesion/integration, and translation (document 11). The funding was abolished by the new coalition government in 2010, although the £50 levy on immigration applications was not removed (Gower, 2010, p.3).

[77] A distance of approximately 14 miles.

same way that local people would queue when in shops or waiting for buses; and increased

pressure on some other public services, for example at libraries:

> Internet users of Ledbury library raised objections and concerns about the large number of seasonal workers using this service. The main objections were around 'hogging' the computers and not leaving promptly when their time was up (document 24).

These kinds of small changes, and the very small pressures or local annoyances they had

brought were commonly reported in the research, but on the whole there was a very low

perception of change evident. Comparing observations of Herefordshire and Lincolnshire, it

is clear that migration to Lincolnshire is much more visible than it is in Herefordshire.

Whereas in Herefordshire many of the seasonal migrants are accommodated on farms, in

Lincolnshire many live in major towns such as Boston and their impact is much more visible,

as one Lincolnshire Councillor related:

> it happened very, very quickly in Boston, sort of five years ago, there was a massive influx of Eastern Europeans and Portuguese and it just almost seemed as though they were beginning to take over the town and I don't mean that in a nasty way, but gradually, in one area of the town, we have got now a lot of foreign restaurants, there are Polish shops opening, food shops, so the town has changed. I think one of the biggest grouses for people in Boston is if you go into the local supermarket, you know, you struggle sometimes to meet someone you know and hear your own language spoken (C8).

On one fieldwork trip to Boston, I spent some time sat in a central pedestrianised square near

to the Cathedral where, on this hot and sunny day, a number of people were gathered. There

were couples, families with young children, and also a larger group of teenagers with bikes. A

number of languages were being spoken, however not one of those heard was English.

Observations such as these anecdotally suggest that European migration in Lincolnshire

appears to be significantly more visible than in Herefordshire, and tensions in Lincolnshire

have tended to be more apparent. For example, Lincolnshire witnessed considerable

Portuguese migration prior to A8 accession, and in 2004 a large scale disturbance in the town

centre occurred following a football match between England and Portugal[78]. All those

interviewed in Boston highlighted this incident as an example of tensions between the local

indigenous population and the Portuguese migrants. The visibility of migration in

Lincolnshire, along with the fact that towns such as Boston have much higher levels of

poverty and unemployment than their equivalent in Herefordshire, means that the kinds of

issues that were observed to drive nationalist sentiment in the previous chapter are more

immediately observable.

European migrants in Herefordshire appear to be accepted by to the local population to a

greater extent when they are only seasonal, and therefore only in the county for a temporary

period, rather than settled. This does not necessarily mean that those people are pro-

migration, but rather that they see the benefit of temporary migration. This is summarised

particularly effectively by one Conservative Councillor:

> What people are saying is that they want a cap. They're not against
> immigration but they don't want it flooding and there must be some control of
> some sort. You know, and I think that's really to do with the actual, proper
> workers what I call who are coming over to do the work all the time not just the
> seasonal workers. And I think that's probably true. I think there ought to be
> some control of numbers, that's what people are saying to me. But is that
> applying [here]? I don't see it, not here. Because they're coming, doing the
> work and going (C4).

This Councillor clearly supported Conservative party policy to cap non-EU immigration,

which was announced around the time that this interview took place. However, it is also

apparent that his definition of 'proper workers' as distinct from seasonal workers extends to

those within the EU who also move to settle on a more permanent basis. This view was

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[78] On 13th June 2004, disturbances occurred in a number of locations across England, following the English team's defeat to France in the Euro 2004 tournament, which was held in Portugal. In Boston, over 70 individuals attacked police officers in the town centre as well as in more outlying areas, and set a number of fires (Guardian, 2004).

reflected across the interviews in Herefordshire, where 'I guess the other trend we might be concerned about is if this takes root like you've seen in other parts of the country where the Eastern Europeans feel like staying' (LC11), based on the view that 'free movement of people coming here to work temporarily and that exchanged is fine... but I don't think they should stay here, if they haven't got work they should go back home' (LC7). Seasonal workers themselves may be more acceptable because it is possible to think of them as guests to be welcomed on a temporary basis, as one Conservative Councillor in Leominster noted,

> I was really concerned about people coming over into good old Herefordshire are leaving with a bad taste in their mouth about the county, because that should never happen, we're not that sort of county. I think anybody who comes here and stops a couple of months will find it a very welcoming place and we hope they enjoy their stay (C3).

This tendency to think of migrant workers as temporary guests further reveals the importance of this distinction between settled and seasonal migrants in the case study area. Settled migrants are potentially more challenging than seasonal migrants because although both are accessing rights to equal opportunity as equal citizens, it is only the settled migrants that raise such concerns whereas seasonal workers may be treated as temporary guests, not raising questions concerning their equal citizenship[79]. These seasonal workers tend to be viewed positively because they are contributing to the local economy and filling an important employment gap. A common story told by many interviewees was the response of the local community to adverts for those jobs that migrant workers typically fill on farms:

> I mean they did actually advertise for local people and what they told us was that there was about thirty people applied for jobs and only about twelve bothered to turn up for the interview, and then only about four actually wanted the job when they'd got it (C3).

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[79] A similar theme is noted by Van Den Anker (2010a, p.74), where nationalism is characterised as 'the general perception... of a host society which 'welcomes' guests and should therefore control who comes in, for how long and which rights will be granted'.

The regularity with which this story was related during the course of the research suggests that the local people interviewed were very aware that seasonal migrant workers were filling an important employment gap in the county, that 'at the end of the day, they're prepared to do the work that a lot of other people, you know, British people aren't prepared to do' (F2), and that 'it encourages growth in the local economy' (LC8). Similar trends were noted in Britain during the post-war period, when large numbers of Eastern European refugees were permitted to migrate to the UK to support the economy, performing jobs that the UK workforce could not, or would not (McDowell, 2009, pp. 26-27).

As in the case of nationalist group members, positive perceptions of migrant workers were regularly driven by their economic worth:

> I personally don't have any problem with the pickers themselves, I think they're very hard working (LC4).
>
> Pete the Pole. He's working and he's contributing and presumably he's paying tax (LC6).

Rather than the absence of explicit tensions between different sections of the Herefordshire communities denoting the absence of tensions, it appears that the acceptance of migration has occurred due to the view that there are no problems so long as nothing changes in the area, and temporary migrants as 'guests' perform an important role in bolstering the local agricultural economy. The view of the local authority appears to be quite different. Here, much effort has been made towards community cohesion and integration. MIRA funds have been allocated to, in partnership with bodies in the public and third sectors, 'encourage integration, improve community cohesion, (and) prevent isolation and radicalisation' (document 11). In particular, the Council highlights language skills as intrinsically important for this integration to be achieved. The emergent challenges are portrayed by the local authority as those of a generally increasing and diversifying population, where the collective 'we' is changing, and there is a

recognised need for the community to adapt and to participate in the two-way integration of migrants. Central to this goal is breaking down divisions between 'us' and 'them' based on national citizenship. As one Council officer described,

> It's about trying to get Herefordshire as the identity, as the single identity and actually it doesn't matter where you came from, whether you're Polish, Russian, Lithuanian, English, Scottish, Welsh... you know, you've chosen to live in Herefordshire so it's about that sort of like cohesion and community feeling of belonging to Herefordshire (C1).

This quote portrays a commitment to realising an inclusive local identity in a context of dramatically increased migration. The rhetoric seeks to break down or lessen the impact of national lines of difference by strengthening an inclusive local identity in the recognition of the reality of European citizenship and the changes it has brought to the local area. As such, it represents an approach that is, hypothetically, highly commensurate with constitutional patriotism; because it seeks to distance the political community from the national identity in order to be fully inclusive of the diverse population.

There is a discrepancy here, however, between the words of Council documents and local Council officers, and the ways in which local people talk about and react to the changes. Whereas for the Council, it appears that there is a real need to build a sense of shared space and local belonging that does not hinge on national membership, for most of the interviewees, this is not an issue because migrants are temporary guests, intended for an economic role rather than equal citizenship. As one Councillor observed, 'I think Leominster people are more concerned about keeping the fabric of the town exactly as it always has been' (C3), and it is the relative invisibility of migration that prevents many of the interviewees from more fully considering migrants as co-citizens rather than guest workers.

In her recent research on the experiences of European migrants in Herefordshire, Dawney found that although police reports of racism were low, all of the migrants she spoke with had

experienced some form of racism, including very explicit forms such as verbal abuse or being refused service, to more implicit occurrences such as people pretending not to understand, acting in a patronising way, or deliberately being unhelpful (Dawney, 2008). Similarly Meinhof's (2004) pan-European research found that apparent ambivalence to European integration masked strengthened in-group identifications in opposition of European Others. The existence of what Chakraborti has referred to as a ''no problem here mentality' (2010, p.509; see also Chakraborti and Garland, 2004) is evident in the Herefordshire context, however as I will now detail, this appears to mask a significant amount of problematic othering.

6.3 PERCEPTIONS OF OTHERS

Up until now, the chapter has sought to illustrate the nature of attitudes to migration in Herefordshire. I have distinguished the attitudes of those interviewed in the case study area from the specifically nationalist group members analysed in the previous chapter. I have demonstrated that there is a clear distinction in the way in which the nationalist group members explicitly railed against migration and the more positive attitudes of the interviewees in this chapter. I also noted, however, that it was not clear how much the views expressed represented a positive attitude towards free migration, because often these views were expressed only for temporary migrants who were seen to bolster the economy and were viewed as guests, rather than citizens with substantial rights allocations. It is the task of this section and the next to consider why this may be the case; in other words, to understand what drives these perceptions of and attitudes towards European migration.

To say that an individual identifies someone who they view to be an Other does not necessarily imply a negative relationship with that Other. It is therefore important to distinguish the recognition of difference between Self and Other with the negative processes typically attached to 'othering' as it is referred to here. When othering is used to construct negative difference with outsiders in order to promulgate the in-group as a defensive mechanism against perceived outsiders, then it is problematic from the kind of liberal perspective that has been defended in this thesis because it undermines the equal treatment of all individuals in the public sphere. This form of othering was clearly evident in the case of the nationalist group members, and as I will now demonstrate, was also present amongst other interviewees within the wider case study community.

6.3.1 NEGATIVE CHARACTERISATION OF EUROPEAN MIGRANTS

The most common negative characterisation of European migrants in Herefordshire surrounded criminal activity. Indeed, it is recognised in Council documents as a site of particular ill-feeling between individuals within the local community and migrant workers. In Herefordshire, criminal activity is a particular concern for the Council in addressing cohesion issues, because in March 2009 a local teenager was murdered by four Eastern European migrants after a night out in Hereford, where tensions escalated between the men and a group of teenagers. The incident represented a major test of the local authority's crisis mediation capacity, which is discussed at greater length in the next chapter. However, though management of the incident appeared to have quelled the potential for extensive tensions, one Council document notes its role in heightening the perceived criminality of migrants:

> A recent high profile case in Hereford has highlighted potential divisions
> between the host and migrant communities. The police report that generally

migrant communities are not perpetrators of crimes, but isolated high profile cases distort this (document 24).

This distortion appeared evident in the interviews conducted with community members. The murder was raised spontaneously by interviewees across all of the groups interviewed, including nationalist group members; however, this was not the only criminal activity of concern to local people. There was a clear perception amongst many of the interviewees that the migrant communities of Herefordshire had tendencies towards criminality. For example, for one local community member this clearly represented a major concern:

> If you're coming out of prison in the Eastern countries you can get out of prison faster if you've got a job to come to in the UK... and also I mean things like when you go in Morrison's they're looking at your twenty pound notes, the cashiers, you know, sort of checking for forgeries and things like that. And I find that quite sad. And the fact is, there's a security person in there, employed in there now, and things like this (LC9).

This interviewee directly relates the introduction of increased security in a major supermarket with the presence of migrant workers, who she perceived to represent a significant criminal threat, not least driven by an erroneous view concerning the migration of convicted criminals in the Eastern European member states. Such views can also be illustrated in a quote from another community member, whose home was in very close proximity to one of the biggest agricultural employers of migrant workers, and where seasonal migrant workers reside in caravans in large numbers:

> People that I work with live, a few of them live in Hereford, and they said that there seems to be a lot of trouble in clubs and pubs recently, and it's pretty much caused by, you know, the Eastern Europeans starting it. And you think well, ok, but how are they vetted, you know do they have to show if they've got a criminal record, do they check that, is it just made up, and like I say if we're got a hundred caravans that each sleep six on our doorstep, you know, we've got sort of a city behind us, full of Eastern Europeans (LC2).

There is a clear distinction here between the demands that the interviewee believed should be placed on co-nationals regarding the disclosure of criminal offences, and the requirements that should be imposed on European migrants. The very idea that those working in low-skilled,

mainly temporary employment on farms should be subject to criminal records checks may appear quite out of proportion considering that such checks are typically reserved for those working with children or the vulnerable; however in the case of migrants, the interviewee seems to portray this view as 'common sense', because those individuals are viewed as outsiders, unknown, and so not trustworthy.

The negative stereotyping of Eastern European migrants in Herefordshire is worsened by the stigma of gypsy and traveller communities which is abundant in the UK context. Many of the interviewees perceived the migrant communities to be composed of a large number of individuals who they judged to be 'gypsies' given both their country of origin and, in some cases, their slightly darker skin colour. A Reverend who was heavily involved in providing support and assistance to the migrant communities of North Herefordshire related how such stigma created community tensions:

> I mean I've heard some kind of, quite negative comments on the grape vine, I've heard this said and I've heard that said. There was a rumour going round that people, if you like this year's group of people included some from Romania, and of course the kind of gypsy nature, the Romanian gypsy nature kind of kicked in and people were quite anxious of that. And then people run with it and before you know it you, you're going to be overrun by the Romanian gypsies (V1).

I will come back to the negative stereotypes surrounding gypsy-traveller communities in the next section, however at this stage it is relevant to note how such distinctions feed into perceptions of not just difference but negative othering. Many of these concerns surrounding the gypsy-traveller stigma are present within the literature on both migration and rural racism in the UK, where scholars have noted that in addition to the negative othering of black people against white people, there is often a 'white hierarchy' where some migrants are more desirable than others, based on criteria such as religion, class, or perceived economic worth (McDowell, 2009, p.29; Schuster and Solomos, 2002, p.47). It is evident that the 'gypsy'

stereotype carries with it significant implications surrounding perceived economic worth and contribution, and that this can drive negative othering.

Another reason that Eastern European migrants may be viewed as less desirable in this white hierarchy is due to the perception that they tend to drink heavily. Returning to LC2's interview, this view is particularly well illustrated:

> And they do seem to, say if we get drunk of an evening, they're drunk at 11 o'clock in the morning... I've seen them in Ledbury sitting on the benches. Not youngsters either, some of them are in their sort of 40s, 50s, sitting with their, you know, Spar bags full of really strong cider, swigging away now. I think that's their culture, what they do, over there they drink all day don't they. (LC2)

There are clearly issues of class bound up with this perception, where migrants are different because they will drink from 'Spar bags'. There is a difference between the 'we' who are drinking in the evening at the pub, and the 'them' who are drinking outside during the day. Again, this feeds a negative perception of those migrants and their social status, as well as tying them to perceived social ills that would not typically be thought of as common in rural settings. Additionally, it sets them outside of the traditional vision of a rural social life centring around the village pub (Garland and Chakraborti, 2006, pp.164-165).

All of these modes of othering are pertinent because they feed the construction of a rural idyll, where European migrants are perceived to threaten some essential qualities of the countryside. The increasing literature on rural racism identifies significant concerns about the threat of the Other in rural landscapes. Rural settings are conflated with Englishness and whiteness (Chakraborti, 2010; Dawney, 2007; 2008; Garland and Chakraborti, 2006; Neal, 2002), as can be seen in the ways that they are contrasted against urban locations, as Neal notes, 'in populist and political imaginations a bi-polar cleavage exists between the stability and safety of the picturesque English pastoral landscape and the instability of the 'un-English' urban landscape' (2002, p.445). The countryside is viewed as tranquil, white and affluent, often against the

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relative deprivation and multi-ethnicity of urban areas (Hubbard, 2005; Chakraborti, 2010; Bhopal, 2006), and such constructions are problematic because they tend to obscure the reality of rural life in Britain by disguising the increasingly diverse nature of rural communities and problematising the status of outsiders.

For example, Holloway notes how recent reactions to the presence of gypsy-travellers in one English rural location essentialise gypsy-travellers as disturbing the tranquillity of rural life and causing a variety of social problems, mainly because they fail to live up to a countryside idyll (Holloway, 2007). Similar themes are evident in the case study research presented here, where European migrants are judged to be a source of various social ills and, notably, crime, which has been found to play a significant part in the English rurality myth – villages are constructed as 'crime-free havens' (Garland and Chakraborti, 2006, p.162).

It is also evident that migrants are essentialised as an homogeneous Other, in contrast to the homogenous Self. For example, one Bulgarian migrant worker discussed how she was perceived by the local population: 'I can speak English so they assume I'm Polish, they say I'm Polish. And I'm not Polish, but they say that I am, you know' (M2). Notably, the manager of the farm on which this migrant was working referred constantly throughout her interview to the migrants as students ('I say students, I tend to call them students' – F2), however in my brief interview with this migrant worker, it became apparent that she was not a student, but in fact had a full time job as a beautician in her home country when she was not undertaking seasonal work as a tractor driver in Herefordshire. Indeed, all of the migrants I interviewed or came into contact with more informally through the migrants' charity were not students – many of them were married with children. This homogenisation of the Other is further evidence of an underlying form of rural racism, and indeed supports earlier research on the subject (Dawney, 2008).

A number of the interviewees talked about fear of the Other, though it is not clearly causal that viewing migrants as criminals and guilty of various social ills is causing such fear. Rather, it may be that these views arise from a pre-existing fear of something that is different, or unknown. That is certainly apparent in a particularly honest passage from an interview with one of the migrants' charity volunteers. While many of the interviewees cited elderly people as those most afraid, or 'intimidated' (LC9) by migrants, this interviewee was a woman in her mid-40s:

> For me it's when you're in Leominster and you turn a corner and suddenly see twenty Eastern European men all walking down the street. I mean, I'm not sure if that's racist really, or if it's just about a reaction you have when you see something you don't expect and you're not used to. But it can be quite scary, in a way (V4).

The fear expressed here denotes a perception of difference, driven by an awareness of the presence of 'outsiders' within the community. Such fears are perhaps quite instinctive in rural areas where homogeneity is often assumed, and diversity tends to be viewed as an external problem. For example, a liberal democrat Councillor, himself quite positive about immigration, characterised his local community in much this way:

> It's kind of like 1950s England. There's hardly any brown faces, hardly any black faces. A lot of people are quite inward looking, especially those who've been born and bred here. Some Ross people do, have mentioned to me that they see them a lot and feel intimidated and this sort of stuff. So if you get half a dozen sun-tanned men speaking a foreign language that does intimidate some people if they come near enough to hear it (C2).

Such sentiment is problematic where it remains unchallenged because rumours and misperceptions drive the kind of negative othering described in this section. The mention of foreign language in this quote also reveals the changing nature of identity indicators given the new migration. While traditionally skin colour has been used to demarcate racial differences and has often driven othering, in Herefordshire language is increasingly a marker of difference that is used to separate the in-group from the out-group, a trend that is reflected

elsewhere in Europe as European migrants develop into 'significant Others' in the same way that non-white migrants have traditionally been seen (Triandaffilou, 2001, p.66). One Council officer summarised this:

> I think there is, it's changed so if you're born here and black you're more accepted now in Herefordshire than you were, in the past. But if you've moved in and you don't speak very good English then you've got your work cut out to, to be accepted (C1).

The importance of language as a marker of difference in Herefordshire supports the notion that identity and difference are fluid concepts, subject to change based on a range of factors. In a similar way to the nationalist group members, who assigned a relative 'insider' status to European migrants when the subject of Muslim migrants from neighbouring countries such as Turkey arose, this phenomena shows how different levels of othering are used to exclude depending upon contextual changes and the level of perceived threat. As I now discuss, the status of European migrants as co-citizens, freely able to enter the country, creates a high level of threat for 'insiders', because it directly challenges their notion of co-national loyalty.

6.3.2 MIGRANTS AND RESOURCE ALLOCATIONS

The most common way in which difference between the in-group and out-group was reinforced by the research participants was in terms of the distribution of wealth and resources. As would be expected, this represents perhaps the biggest affront to national loyalty resulting from the transformation of membership that EU citizenship represents. Such sentiment was, according to an Equality and Diversity Officer at Lincolnshire County Council, particularly characteristic of the reception of migrants in the secondary case study area:

> So there were all of these, yeah, really quite ill feeling. They're coming here, they're taking our money, they're taking our jobs, they're taking our housing, they're the only people that are getting Council housing, they're taking all of our benefits and all of that, you know (C7).

As previously noted, research has shown that deprived areas are more likely to display significant concerns over competition for jobs, social housing and use of the welfare state, perhaps because they feel this competition more keenly than those in more affluent positions, and because migrants typically enter into low skilled and low paid employment, so are less likely to be in direct competition for jobs with more affluent individuals. Such a sentiment was summarised by one of the Herefordshire interviewees, a retired male living with his wife in a large detached house in very close proximity to one of the large farms:

> I think actually what people might start thinking about is schooling, health, it's not jobs here. It might be how it might stretch social services and so on (LC4).

Here, it is clear that the public services that are needed by the local population are the main concern, rather than jobs; this may be because the interviewee had retired, but it is also because his affluence and relative self-sufficiency meant that he was not concerned about competition for jobs. Indeed, later in his interview he began to discuss his wider attitudes towards the EU, and highlighted his positive views concerning its impact on trade and security, implying the need for a trading block and welcoming such competition. Discussing the role of relative affluence is not intended as an oversimplification of many of the personal life experiences that will affect attitudes towards migrants (Mann and Fenton, 2009) – for example, the experience of tensions surrounding migration and multiculturalism, including rioting, has been significantly more prolific in the North of England, near to Lincolnshire, than it has been for people in the Herefordshire area; but rather is intended to highlight one important characteristic of attitudes towards migrants in Herefordshire.

It is interesting to note that the relative unimportance of employment competition for the interviewees in Herefordshire was changed somewhat by the economic climate. The research was undertaken in a period of economic recession, and it was quite evident from the qualitative data that, while perhaps not so relevant in the local area, nationally competition for jobs was a significant issue. For example, one interviewee who herself held a senior job in a successful company and therefore did not have experience of competition with migrants for low skilled jobs, noted:

> Going back again to part time labour within shops, everywhere, garden centres, that's the biggest impact I see, that wherever you go, to a cafe, to a restaurant or wherever I would say seven or eight out of ten the staff there will be European migrants. Which is fine if they couldn't have got an English person but the way the economy's going at the moment, you have to think, I don't know, perhaps it's not right (LC3).

Here, it is clear that the national picture has impacted upon the importance that the interviewee assigns to competition for jobs between co-nationals and European migrants. The presence of European migrants is accepted only to the extent that it does not compromise the needs of co-nationals. As another interviewee noted:

> It does sort of wind you up a bit when you hear people you know getting preferable treatment over people that have lived and worked here all their lives really, it does tend to leave a bitter taste (LC 3).

This claim was particularly common within the research, that co-nationals had particular priority because they had contributed to the community economically for 'all of their lives', rather than migrants who had arrived more recently and were seen to be placing excessive strain on the system. The point here is not that migrants are necessarily viewed negatively, though often, as per the previous section, they are seen in this way. Rather, the point is that no matter how positively a person may speak about migration and the benefits that it might produce for the local economy, for example, that migration still compromises an unquestioned sense of national loyalty. This is particularly evident in Lincolnshire, in a lengthy quote from

a female County Councillor. She had held specific responsibility for equality and diversity as

a member of the Executive for several years, and had witnessed the introduction of support for

migrants and integration/cohesion projects, however the underlying sense of national loyalty

is still clearly evident:

> We have got amongst our migrant community, some people who are superb
> and are working hard, contributing and there is no problem with them being
> here at all, but as I say, I suppose from my honest, a good overall assessment
> would be, I think it's a drain on the resources that it's causing, you know, in
> terms of the health service, doctors now have to employ a receptionist who can
> speak whatever language, so it's not made for an easy life in Boston. It's the
> rapidness. I think it's the rapidness that most people have found the most
> difficult to cope with and you know, you can understand, why people walk into
> their own doctor's surgery, as I did a week ago in fact, to find a Tuesday
> afternoon mother and baby clinic and there were no British mothers, so that
> does tell you something, doesn't it? And don't get me wrong, I'm not
> knocking them, they were lovely girls, the babies looked healthy, were clean,
> etc, no problem, but it is obviously a drain for our resources and a lot of people
> think, well, you know, we can't get a doctor's appointment because of migrants
> (C8).

Once again here, there is not an explicit concern that migrants are different from co-nationals

and so represent a threat, but there is a basic understanding that fairness dictates priority for

co-nationals in access to services, over and above access by European migrants. In other

words, perceptions of justice and fairness remain shaped by an understanding of citizenship

and community as national. This was particularly expressed in relation to the provision of

social housing, which in Herefordshire is a key policy issue. Given premium land and

property values in the county, the provision of affordable housing for young people, or social

housing for those who need it, is particularly challenging. It is in this area that co-national

loyalty becomes particularly evident:

> I had one customer who had moved out of a property, a council owned property
> but it was owned by, in the middle of Hereford, was owned by Gloucester
> Now when Hereford wanted to re-house them they put them in temporary
> accommodation and bearing in mind she had several children and they're in a
> two-bedroom flat, so you can imagine the state. She had the point scheme and
> they were doing the maisonettes up next to her, two blocks of maisonettes and

they were allocated for migrant workers. Now this is where you get the trouble (LC10).

You know and you hear of sort of young children, not young children young adults, that are trying to move in together, rent somewhere, there's nothing cheap to rent because all the Polish, Lithuanians, whatever are taking them (LC2).

Similar sentiment can also be seen in relation to education, and to healthcare:

I certainly know at ***'s and ***'s school because they go to a Catholic school, ***** School, and there's a lot of Eastern Europeans there because of the Catholic, they are able to get straight in there, whereas there's a waiting list for people that have been born and bred in Hereford (laughs). But the Eastern Europeans seem to be able to get straight in, don't they (LC2).

It's when people, when there aren't any beds, that's... it's the nature of any country, if you've got foreign people who are in the country as migrants then it, if there aren't any beds and there are other people there... if that was the case I think that if you've got British or whatever then you would have priority over a migrant who is visiting from, you know, for whatever reasons (LC7).

All of these examples represent instances in which co-nationals are seen as deserving of priority over and above European migrants. Uptake of social benefits is another key area in which migrants are seen as unfairly taking resources away from co-nationals:

I did hear someone saying oh well she claims tax credit and all that money goes straight back to Poland, I can't quite remember who it was, but I think yeah there's quite a good, that they know the system quite a lot better than we do (LC6).

I really do find it quite grieving when people arrive in this country and do the minimum amount of time and then draw benefits that the rest of us have paid into, in my case for 40 years without really claiming any of it (LC5).

The assumptions here concerning the use of the benefits system by migrants – that they would somehow know far better than 'us' how to claim as much as they could from a system that they have not paid into, returns me to the previous section and the ways in which migrants are cast as Others on the basis of criminal behaviour or perceived social ills. These kinds of rumours were a common experience for one Liberal Democrat Councillor:

The other amazing thing, that amazes me in this is that all these immigrants are on benefits. I've heard that so many times. When they come over here and work, they don't get any benefits (C2).

While clearly perceiving such rumours to be entirely false, this Councillor suggests that such sentiment is common within his constituency, and the findings presented here suggest that such rumours are particularly problematic when they take hold. The prevalence of such rumours that can fuel the sense of threat of the Other was also found in Lincolnshire:

> Social services never paid for anybody's food at Asda, you know, they never bought, you know, Portuguese families with lots of children, cars, because it was cheaper than providing school transport, but they were the rumours in the community and you can appreciate how damaging that would be (C7).

In this section, I have shown how both 'othering' on the basis of perceived difference, and the co-national loyalty that underpins concerns surrounding migrants' use of services and jobs, reinforces the existence of a national framing of citizenship and belonging. Rather than explicitly anti-migration, such sentiments may be commensurate with permitting some migration, but this does not denote the transformations of citizenship that underpin the experience of European migration. This is summed up very well in one quote from an interview with a local community member, who expressed concerns surrounding the integration of migrants in her local area:

> You know, you still think of them as, they're still foreign people as such in our country. I mean I've been abroad in places and you follow their rules because you are in their country and I'm quite happy to do that. That's why I think if people come here they should do something similar really (LC3).

This quote summarises how in all of the qualitative data used in this section, migrants are implied outsiders; they are still classed as non-citizens along national lines of difference. European migrants are particularly problematic then because there is no requirement on them to undertake the kinds of assimilation that the above quote, and the nationalist paradigm it reflects, necessitates. European migrants can claim citizenship, but the ways in which the discourses of the host communities reinforce a sense of national loyalty, and a national framing of citizenship rights, clashes with this new form of post-national citizenship.

6.4 DISCUSSION

Having laid out the main findings from the fieldwork for the second research question, I now discuss in detail the form of national loyalty present and the challenges this creates for the realisation of both constitutional patriotism and free movement rights. Here, I consider the impact of the national loyalty described on the equal opportunity goal of free movement. I term this 'banal' national loyalty, and go on to discuss how this implies an underlying national 'citizenship frame' which is challenging both for the realisation of constitutional patriotism and for freedom of movement.

6.4.1 BANAL NATIONAL LOYALTY AND COMPETING CITIZENSHIP FRAMES

In the first section of this chapter, I described how negativity concerning migration is not immediately visible within the Herefordshire case study area. I discussed how many of the respondents described very little concern with European migrants in the area, believing that they were necessary to support the local agricultural economy. However, this positive attitude to migration did not necessarily denote a transformed understanding of identity, citizenship and belonging; rather positive attitudes stemmed from the perceived benefits to the local community of having temporary workers. So long as these migrants were perceived to remain as guests and did not impact upon the local surroundings, then they did not represent a concern.

Indeed, it became evident in analysing the research findings that this apparent positivity, or at least tolerance, of European migrants in Herefordshire disguised significant 'othering' present within the county. Here, I noted in particular how othering based on perceived criminality or

involvement in social problems often served to stigmatise migrants. Added to this, I then focused on national loyalty, and the ways in which an underlying assumption of national loyalty and national framing of citizenship was also present, despite the surface-level perception that nothing had changed, and so there was no problem. This creates a problem itself however, because local people are framing citizenship and identity in terms of national lines of difference, whereas European migrants are utilising a more inclusive framing of identity and citizenship. For example, European migrants cannot be asked to assimilate, because their membership of the community does not depend on their membership of the national group or their retention of their own identity; and the retention of this identity equally cannot preclude their rights access, because rights access does not depend on membership of a distinctive identity group. The persistence of national loyalty, however, shapes the development of European integration, with national and post-national citizenship conflicting with and influencing each other (Csergo and Goldgeier, 2004).

The ways in which othering occurred in the case study area held much in common with the literature on rural racism, where the term 'passive apartheid' (Chakraborti, 2010) has been used to denote the kinds of underlying assumptions of difference that tend to exist in British rural contexts. However, in specific relation to the subject of this thesis, the findings suggest the existence of a 'banal' national loyalty, where national lines of difference are used to construct views of and attitudes towards perceived insiders and outsiders. I borrow the term 'banal' in relation to national identity and loyalty from Michael Billig (1995). Billig's central claim is that

> nationhood provides a continual background for... political discourses, for cultural products, even for the structuring of newspapers. In so many little ways, the citizenry are daily reminded of their national place in a world of nations. However, this reminding is so familiar, so continual, that it is not consciously registered as reminding. The metonymic imagine of banal

> nationalism is not a flag which is being consciously waves with fervent
> passion; it is the flag hanging unnoticed on the public building (p.8).

My definition of banal national loyalty[80] is similar to Billig, in that it is intended to refer to the underlying, unquestioned assumptions of individuals concerning their membership in the nation. Yet it is distinct from Billig's usage because my research emphasises the perpetuation and reproduction of national loyalty by citizens themselves. Indeed, these 'dormant identities' have been shown to be reawakened where the dominant identity holders perceive a threat to the power of the nationally defined state (Waever et al, 1993, p.31).

This banal national loyalty is distinct from the political nationalism of the previous chapter. Many of the sentiments expressed by interviewees in this chapter bear similarities with those of the nationalist group members, and indeed many of the research participants reported either a temptation to vote for a nationalist party in the future, or the sense that the problems that migration is creating risk nationalist party success. However, while some displayed more overt nationalism than others, none of the research participants referenced here had voted for nationalist parties in the past, and none of them displayed an overtly nationalist view on immigration. Common to all, though, was an underlying, unchallenged assumption concerning citizenship as a national matter, and about the definition of Self as national and Other as non-national.

Banal national loyalty is thus an important component of the post-national paradox identified in chapter 3, because it represents a contradiction of the transformation of citizenship in a

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[80] There are other terms which I could have used for this phenomenon in place of 'banal', such as 'unconscious' or 'unacknowledged'. I selected this word, however, because it conveys the point that these are assumptions about justifiable forms of loyalty and priority which are generally present within the community; though they are rarely acknowledged, when questioned they will be defended. I therefore feel that 'banal' is the better word choice, because the others may imply that individuals are not only unaware of such expressions of loyalty, but also do not actively participate in their justification, and this would be incorrect.

more inclusive direction by reinforcing nationally defined citizenship in everyday life. It also adds a layer of complexity for earlier research which has argued that it is possible for individuals to identify strongly with their nation and with Europe (Castano, 2004; T.Risse, 2004). The case study exemplified a battle between two competing constructs of identity and citizenship – one national and thus exclusive of other national identities, the other post-national and inclusive of identity sets – be they cultural or national. Henceforth, I will refer to these constructs as 'citizenship frames'. The national citizenship frame cannot accommodate European migrants, who are based within a post-national citizenship frame.

Rather than witnessing a shift towards a more inclusive form of identity and loyalty commensurate with a more inclusive European citizenship, what is evident is that the perceived threat of the post-national citizenship frame for the national citizenship frame produces more essentialised, rather than inclusive, meanings of Self and Other. Referring back to constitutional patriotism theory, this helps to define more precisely the nature of the post-national paradox. Constitutional patriotism is a recognition of the fluidity of identity constructs, and is thus highly commensurate with the post-national citizenship frame – which reflects a more fluid notion of membership. In practice, however, the imposition of this frame can produce outcomes that contradict the perceived fluidity of identity, relying more heavily on the national citizenship frame, and thus have the potential to undermine the realisation of constitutional patriotism.

6.4.2 NATIONALISM AND EQUAL OPPORTUNITY

The banal national loyalty witnessed in Herefordshire also has significant implications for the realisation of free movement. This underlying sense of national loyalty in everyday activity

contributes to a lack of robust debate concerning how best to meet the needs of migrants, and how best to manage the change that they exert in local settings. Political debate commonly focuses on whether or not the right to free movement should be recognised, rather than how best to manage the implementation of that right. Many of the local political elites interviewed related stories of doorstep conversations during periods of political campaigning, and even those taking the most positive attitude to migration were forced to moderate their views. One Liberal Democrat councillor told of how he had to moderate his more positive views:

> Because I was going round knocking on doors and people said to me, 'what are you going to do about these immigrants?' and I said... my, my line was we need some of them in and we always have, and that would go down like a lead balloon with half of these people (C2).

A similar experience was related by volunteers working in support of migrants (details of which are provided in chapter 7) Many of the volunteers had experienced stigmatisation from the rest of the community. As one volunteer explained:

> People call me sometimes, you know, you of all people how can you get involved with this lot, you know, as they call them, and I said you know, what do you mean. They say yeah, you know, how can you help these people, they don't belong in this country. They don't respect us, they don't talk our language and they take jobs away from us (V3).

The lack of political debate and underlying sense of national loyalty makes it then difficult for resources to be committed to providing support for migrants and their access to social and political goods. Given that the timing of the research coincided with a period of economic recession, it was particularly clear to many of the advocates of migrants' rights spoken to that the ability of the local community and local services to provide the support that is needed for new migrants and to manage the change in the local community may be severely affected, as the government, in the absence of debate over the best ways to manage the needs and local impact of migrants, cut back on already limited support for such programmes. As one of the Equality and Diversity officers at Herefordshire Council described it,

> I think the government won't give any support to this Eastern European churn, and therefore I think services like schools, EAL[81] and that, translation and interpretation are going to struggle because they're just cutting funds so much and we always say it's always, it's always the marginalised groups, the groups that don't have the loudest voice that will get hit the hardest. And I don't care what anybody says, on the ground that's what will happen because they won't have the arguments to put forward, they won't have people fighting their corner, you know, they're just going to be dismissed (C1).

While migrants therefore have the right to freedom of movement, the implementation of this right does not necessarily guarantee the realisation of equality of opportunity, because persistent national loyalty hinders the ability of local actors to commit resources to services that migrants need, without facing political unpopularity. The experience of migration in Herefordshire held some commonality with the idea of 'parallel lives', whereby cultural groups are distinctly separated within the same community. This term was coined to describe the cultural/racial segregation that was found in towns and cities in the north of England (Home Office, 2001), however despite its urban connotations this trend is apparent in the Herefordshire case study. The particularly problematic aspect of this for the migrant communities in Herefordshire is that while being a local 'indigenous' community member means having access to a wide range of public services and living in a community which reflects their needs, migrants tend to live in outlying areas and their presence has made very little impact on the local area. Thus the community does not reflect their needs or their way of life in the same way that it does for indigenous people, and these indigenous citizens' sense of national loyalty presents a barrier to that situation changing. As one political elite put it, 'it's like they're invisible people' (C2).

As described, many of the individuals interviewed, while displaying the kind of underlying sense of national loyalty described, did not perceive there to be a problem with migration

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[81] EAL refers to educational support for those learning English as an additional language.

because it had such little impact on the area. Migrants were not visible, and it was only really where they were visible that issues seemed to arise. So long as the area was not changed, and migrants workers filled the employment gap to bolster the local economy as needed, there was no problem. Where this change was more apparent and challenged the local way of life, and migrants were more visible, interviewees were much more likely to perceive there to be a problem. This finding bears some similarities with the treatment of illegal workers, where their status as illegal, and often temporary, provides an ideal 'disciplined, docile and cheap labour force' without demands for equal rights (Khosravi, 2010, p.100). The temporary and invisible nature of seasonal migration in Herefordshire gained acceptability because it did not represent a significant demand for access to the rights of citizenship, or the benefits of full local community membership.

6.5 CONCLUSION

This chapter has sought to understand the kinds of insights offered by the argumentative strategies of community members in the case study context, and the kinds of evidence on which they draw in terms of how new entrants to the community are perceived. I identified a banal sense of national loyalty, where underlying assumptions concerning membership and rights claims are informed by a sense of difference based on national membership. It was clear that perceived cultural threat played a part both in differentiating Self and Other and in defining concerns about entitlements to resources and opportunities. Discussion of the findings identified both the idea of banal national loyalty, and that two different 'citizenship frames' were at work in the case study area: the national and the post-national citizenship frame. While post-national citizenship is commensurate with constitutional patriotism theory, conflict between the two frames may be seen to result in a reinforcement of the national

frame, which is contrary to constitutional patriotism. Additionally, this underlying national frame produces barriers to the realisation of equal opportunity which is the very goal of implementing freedom of movement. Thus the post-national paradox has implications both for constitutional patriotism and the free migration that it implies.

Taking this chapter together with the previous one, it is possible to provide a more complete definition of the post-national paradox. The post-national paradox is problematic for constitutional patriotism and the realisation of free movement rights in two ways: the first is the mobilisation of political nationalism, and the second is the persistent reinforcement of banal national loyalty. In the next chapter, I return my focus to constitutional patriotism, and the ways in which the approach might be strengthened in order to address the problems identified here.

7. GROWING AN INCLUSIVE CITIZENSHIP FRAME

7.1 INTRODUCTION

In this final full chapter of the thesis, I apply findings from my exploration of the post-national paradox to my theoretical problem concerning constitutional patriotism. To recap, over the course of this thesis I have argued that constitutional patriotism is consistent with a commitment to freer movement for individuals across political boundaries; however, the increase in diversity that this would facilitate poses challenges in the extent to which it can drive the processes of othering on the basis of perceived cultural threat, and as such drives they very nationalist sentiment that constitutional patriotism seeks to move away from. In the preceding two chapters, I have explored this post-national paradox through qualitative research. This has enabled me to further refine a definition of the post-national paradox as involving two problems. First, freedom of movement can lead to the political mobilisation of nationalist sentiment, contrary to the aims of constitutional patriotism. Secondly, the full realisation of freedom of movement is undermined by persistent banal national loyalty which reinforces national, rather than post-national, sentiments in everyday life and acts as a barrier to the equal opportunity goals of both free movement and constitutional patriotism.

Having identified these challenges, in this chapter I identify some ways to begin thinking about how they might be addressed for a strengthened approach to constitutional patriotism. In particular, I consider the concept of reflexivity so central to constitutional patriotism, and how a reflexive individual should respond to migration. In doing so, I explore some ways of producing an inclusive citizenship frame (a term introduced in the previous chapter), in order to foster such responses. My central argument is ultimately that a robust conception of constitutional patriotism involves the bottom-up 'growth' of a post-national, inclusive

citizenship frame, and thus involves micro-transformation at the most local level. In making this claim, I draw attention to both individual reflexivity as a means of developing this frame, and also the role of state institutions in supporting such practices.

To begin, I highlight some examples of reflexive practice from the field research. I find that reflexivity is important in challenging negative distinctions between Self and Other, but suggest that, without adequate support, this reflexive practice may lack adequate depth that is needed to challenge existing negative othering and exclusion. I therefore emphasise the need for sustained facilitation of opportunities for building an appropriate level of reflexivity which may challenge such attitudes. I then outline a post-national citizenship frame which, I argue, can offer such opportunities. I differentiate between three citizenship frames; and after highlighting flaws in the former two, utilise examples of best practice to describe 'thick discourse' as an appropriately inclusive citizenship frame which can foster inclusive and positive responses to migration.

7.2 BUILDING REFLEXIVITY

In chapter 2, I defended an account of constitutional patriotism that was both inherently transformational and strongly reflexive in nature. I noted how this reflexive 'resistance to identification' represented the decentring of traditional notions of what it means to belong to a place and that it is intrinsically important to the kinds of discursive political processes that constitutional patriotism demands. This reflexivity can be considered as the mechanism by which proponents of constitutional patriotism envisage the enactment of transformation towards a more inclusive political community, as individuals come to understand the point of view of the Other and develop empathy with that Other.

Reflexivity is thus central in the consideration of building an inclusive, postnational citizenship frame. In this section, I explore examples of reflexivity in the context of the field research, to consider what reflexivity involves in practice, and how an appropriately reflexive individual would respond to migration.

7.2.1 VOLUNTEER VOICES

In accounts of constitutional patriotism, reflexivity both drives and is driven by discursive political processes (see figs 2.1, 2.2, 2.3 and 2.4). In the case of community cohesion, communication is similarly viewed as centrally important in breaking down negative relationships between Self and Other (Allen and Cars, 2000; Amin, 2002; Daley, 2007; Harris and Young, 2009). Communication in this sense has a deeper meaning than simply being able to comprehend another person; rather it denotes a 'meaningful interaction' in which a deep understanding of the Other and their viewpoint may emerge. Both the discursive processes of constitutional interpretation and the cultural dialogues represented within this community cohesion literature represent such an emphasis on meaningful interaction as a source of reflexive allegiance and belonging.

The effectiveness of communication as meaningful interaction has been shown to be related to the contextualisation of that interaction in a group activity where Self and Other are co-participants. This confuses negative labelling, and represents what Amin has termed 'moments of cultural destabilisation' in a process of 'banal transgression' (Amin, 2002, p.14). As I now describe, opportunities for such moments were evident at the level of micro-interaction in observations of a charitable organisation in Herefordshire.

The Friendship Centre (TFC) is the main third sector provider of support to migrants in the county of Herefordshire. The Baptist churches of Herefordshire have also provided some support to migrants, however this has been mainly with the aim of involving migrants in church activities and encouraging them to attend church services. TFC is not religious in nature, though many of the volunteers are motivated by religious belief. The Centre was originally set up as 'a welcoming and friendly drop-in centre for seasonal workers', with volunteers offering friendship to newcomers as well as advice and guidance on local services and amenities (document 12). Additionally, the charity's board members have lobbied local politicians on behalf of migrants concerning working and living conditions, and regularly meet with local actors and employers in order to enact positive change and reduce exploitation.

TFC has already achieved a number of positive changes, including improving rates of pay and support offered by employers to migrant workers if they are made redundant, and their own support network for those who find themselves homeless or facing problematic living circumstances. More small scale changes have also yielded important results, for example members of the charity campaigned for local agricultural employers to provide free bus services to migrant workers in order for them to more easily access services within the towns and villages, and thus reduce their isolation. The drop-in centre operated by the charity was aimed specifically at migrants having to walk to and from Leominster in the absence of such transport services. Since the bus has been provided, the volunteers have directed their energies both in continuing to lobby for more support for migrants and in providing suppers and cultural events for migrant workers. These events are intended to provide migrants with an opportunity to socialise away from their accommodation in caravans on the farms, to

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interact with local people, to receive a free meal, to raise any concerns or issues with volunteers, and to generally reduce their isolation when living on farms.

At each supper, around 10-15 volunteers from the local community provide food and drinks for 40-50 migrant workers, with the volunteers also eating with the migrant workers. Following the meal, typically music or other activities are provided, before a free bus takes the migrants home. These suppers are held between three and five times per fruit picking season, and are also complimented by other activities, such as tours of local tourist attractions and cultural exchange evenings. All of these events, while of a small scale, offer a very real opportunity for interaction between migrant workers and members of the local community.

In conducting the fieldwork, I became a volunteer at TFC, and so can relate firsthand how the involvement of local volunteers in such events allows for an increased understanding of migrant workers and their experiences. Much of my own understanding of the needs of migrant workers in the local community stemmed from such interactions, which contrasted against those migrants who were more formally interviewed as part of the data collection process. The migrants I met at TFC spoke to me over dinner, in a very informal setting, and did so much more candidly than others had done in formal interviews. This enabled me to understand who the migrants were, their reasons for migrating, and their daily lives both in Herefordshire and in their home country, which added a valuable dimension of understanding to the research. It is this very same type of information which will increase understanding of the Other amongst local community members. The provision of opportunities to hold simple, informal conversations offers a chance to increase understanding of difference as well as to draw on similarities. For example, one charity volunteer related his experience:

> It doesn't have to be about asking about their lives, it can be about simple things
> like football where there is a common interest, or food, where different cultures
> are shared. Simple conversations can represent quite meaningful interactions

because they are gradually breaking down that barrier and any fear or dislike (V1).

It is clear from this brief discussion of informal interaction that shared language is centrally important. It is the ability to communicate in a common language that facilitates forms of interaction which can build understanding, common ground, and empathy whether formally or informally. As one volunteer summarised, 'if people can actually talk to the migrants and if the migrants can actually talk to us, just socially, then that makes all the difference, it's so important' (V9). A similar emphasis on language was apparent in the views of key informants from local authorities in Herefordshire and Lincolnshire. In Herefordshire, an informant described basic interactions between neighbours as a similarly informal but possible meaningful site of interaction:

> If they don't have English, if you can't say hello to somebody, if you're a neighbour and you can't say how are you, then you get all these myths about, oh you know, all these misunderstandings and all the myths comes out because you can't communicate (C1).

This neighbour-level speech interaction was similarly reflected on by an informant in Lincolnshire:

> I think people are starting to think, oh well actually, yeah and as they start to go into communities and you know, the old lady next door to me talks to the young Polish lad next door to her and says to me, actually, he seems quite alright and I say, you know, Betty, I told you he was alright (C7).

Language here is central to the possibility of meaningful interaction; however, communication is not simply about language. While the discussion above relates the importance of communication by common language, further findings demonstrate how this is not the only means of interaction. For example, following one of the suppers attended, one of the volunteers had brought in a range of 'special effects' make-up. Although an unusual activity, it was clear that the purpose was to engage in a fun activity that everyone could understand despite a lack of language skills amongst the majority of the migrants present, and

that everyone could find humorous and entertaining. As the volunteer herself responded when asked why she thought something like this would be a success, 'everyone understands laughter' (V5). A similar experience could be observed when volunteers played music following the suppers, and also on some occasions when migrants played instruments.

More formally, TFC arranged for some cultural exchange evenings as fundraisers for the charity, where both local people and migrants contributed in the form of singing, music and dancing. Events such as these offered the possibility of cross-cultural interaction without an explicit emphasis on shared language or on enabling cross-cultural dialogue. Rather, as in Amin's account of banal transgression, participants engaged in a common activity with the potential to displace their processes of negative Othering – in other words, to take on a more reflexive standpoint.

7.2.2 SUPERFICIAL OR MEANINGFUL INTERACTIONS?

This initial summary of the migration charity suggests that it may be a setting for the development of the very reflexivity that is so important for the success of constitutional patriotism. The key question is whether the engagement of the volunteers in activities involving perceived Others has actually represented the kind of meaningful interaction that can give rise to appropriately reflexive action. In this particular area, the motivations of long-standing TFC volunteers are particularly revealing. TFC itself was set up initially by a group of individuals who had known one another as part of a church congregation in Leominster and became aware that there was a need to assist migrants, having witnessed them walking into town from outlying farms. While the TFC has no specific religious basis and only provides information on religious services where it is requested by migrants, the majority of volunteers

had heard about the charity through their church. Indeed an advertisement appearing in a local newspaper in Leominster requesting volunteers quoted one of the board members of the TFC as follows:

> Giving hospitality and reaching out to strangers has been at the centre of the Christian ministry since the beginning of the church. I hope Christians, those of other faiths and people of no faith who live in the Leominster area will be united in wanting to make our seasonal and migrant workers feel at home while they are with us (document 13).

Such an emphasis on a Christian ethos of hospitality was evident in the motivations of a number of the volunteers, two of which were Church of England Reverends[82]. In some cases, it was clear that the volunteer felt no particular positivity concerning migration or migrants in the area, as one volunteer noted 'well I don't think it's a good thing at all really, but I should still help out and do my bit. I heard about it through the Church' (V6). The same volunteer had repeatedly referred to the migrants as 'gypsies', and was not alone in highlighting migrants as potential 'benefit scroungers' in much the same vein as many of the local community members referred to in the previous chapter. One particularly telling conversation between some volunteers was heard at a supper in the summer of 2011, following the disturbances and riots in London and other English towns and cities in early August[83]. Here, some of the volunteers related the disturbances specifically to the multicultural nature of

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[82] Similarly, Fetzer's large scale study of attitudes towards migrants found that religious belief tended to increase sympathy with those migrants (Fetzer, 2000a, p.45).

[83] On 6th August 2011, a small disturbance occurred in the North London Borough of Tottenham, due to anger over the police shooting of local resident Mark Duggan. The disturbances then spread across London, and by 8th August, 22 of the 32 London Boroughs had witnessed rioting and looting (Rusbridger and Rees, 2011, p.17). Over 8th and 9th August serious disturbances also occurred across English towns and cities, with some of the worst in Birmingham, Nottingham and Manchester. So far, 2000 individuals have been arrested and prosecuted over incidents associated with the unrest (ibid, p.13). A recent study has found that rioters themselves identify poverty, policing, government policy and unemployment as the most significant causes of the riots, with the shooting of Mark Duggan and other feelings of mistreatment by the Police following closely. Factors such as greed, criminality and boredom were also listed as important (ibid, p.11).

urban areas, rather than to the relative poverty of the majority of areas affected. For them, it was migration and subsequent cultural diversity that was to blame.

This is not to suggest that the work of TFC is not vitally important in their local area, and the volunteers clearly have more empathy with the experiences of migrants than others interviewed as part of this research project have displayed. This is reflected in their desire to help and support those migrants. However, the kind of motivations displayed for the volunteer work do not suggest a particularly liberal view of migration as a driving force even though the volunteers have been involved with TFC for a number of years, and they do not suggest that having acted as volunteers and been exposed to interactions with migrants, any deep change has occurred in viewpoints on such subjects. Rather this finding seems to reflect a similar trend in occurrences of informal interaction, where relationships tend to be more 'superficial' than meaningful, without reflecting deep changes in attitude (Daley, 2007, p.163; see also Fetzer, 2000a, p.106; Hayes and Dowd, 2006). Contrasting the views of the majority of the volunteers to those of a founding board member, there are some apparent differences:

> We can't put up new barriers which shouldn't be there you know. We are all human beings... I can't bear you know to see the exploitation of people and I felt very sorry for people and so I thought you know that they deserved better, they are human beings, so they should be treated like human beings (V3).

Here, it is much more apparent that the volunteer is motivated in her actions by a genuine commitment to an understanding of justice as equality, irrespective of group membership, simply in virtue of humanity. While this concern for equality was informed by a religious belief itself, it apparently ran much deeper than for other volunteers and demonstrates a deeply held concern that difference should not hinder equality, whether the individual is a member of the national group or not. Interestingly, this interviewee had spent considerable time living abroad herself in many different countries, and according to her this experience enabled her to look beyond differences in nationality or race.

7.2.3 BUILDING REFLEXIVITY: TWO PROBLEMS

Consideration of the motivations of volunteers in this case study highlights two problems. The first of these is that the ongoing desire to help and support perceived Others, even where exposure and interaction over a significant length of time has occurred, is not informed by a deeply held belief in equality or a changed perspective on the differences between Self and Other. Rather, motivations often result from religious ethics, or a general belief that voluntary work is positive for the community. In itself, this finding is not problematic, as it is not the case that individuals must engage in voluntary work in order to develop reflexivity. Yet what they demonstrate is that often the seemingly positive views of individuals concerning migration and the presence of migrants in their community following interaction with those migrants is only quite superficial, and while it may have dispelled some processes of negative othering, does not appear to have resulted in dramatic change in attitudes on the part of those volunteers.

This highlights doubts about the extent to which spontaneous interactions can be genuinely meaningful in the sense that they can enable the development of sufficient reflexivity. Rather than spontaneous interaction therefore, it would appear that interactions require support and facilitation in order to take on a meaningful character. At the core of this problem is banal national loyalty. For community members with a tendency towards this banal national loyalty, these kinds of underlying senses of loyalty are difficult to break down without confronting them head on. The absence of confrontation with these clashing viewpoints and preference for a superficial level of acceptance means that none of the issues surrounding banal national loyalty are being tackled.

The second problem is that all of the volunteers at TFC were, of course, self-selecting. Thus, while their experiences serve as a useful proxy for examining interactions between migrants and local community members, the further problem is that the very individuals who will be needed to engage in the processes of building reflexivity the most are likely to be those that are the hardest to engage, and are certainly the least likely to either self-select for volunteer work with migrants, or to spontaneously interact with migrants. This again adds weight to the necessity of a more pro-active, facilitated approach to developing reflexivity through genuinely meaningful interaction, and the wide-ranging transformation of how citizenship is framed.

7.3 FRAMING INCLUSIVE CITIZENSHIP

The purpose of the last section was to develop a more in depth understanding of what reflexive practices with regards to migration and increased diversity involve, but also to show why adequate levels of reflexivity, needed to challenge both politically mobilised and banal forms of national loyalty, cannot necessarily be expected to occur spontaneously. In this section, I discuss how an inclusive citizenship frame, that is commensurate with constitutional patriotism, can best be conceptualised in order to provide an appropriately supportive framework for the development of reflexivity. It is my intention here to draw on the inherent characteristics of constitutional patriotism as both discursive and transformational to develop an account of an inclusive citizenship frame which will serve to complete my defence of a robust account of the approach. I argue that this inclusive citizenship frame should be considered as part of the processes of constitutional patriotism itself, and can offer some practical examples of how to begin addressing the challenges of the post-national paradox.

I introduced the term 'citizenship frame' in chapter six, to refer to the societal construction of identity, allegiance and belonging in relation to inclusion and exclusion. In both the theoretical and empirical work of the thesis, three citizenship frames become apparent: 'thick-national', 'local-plural', and 'thick-discourse'. The thick-national citizenship frame is most apparent in the theoretical and empirical considerations of nationalism, as well as the consideration of regional nationalism and Habermasian works on constitutional patriotism. The local-plural and thick-discourse citizenship frames represents ways of conceptualising identity and belonging from a more reflexive, post-national perspective. I will now consider each of these in turn.

7.3.1 THE THICK-NATIONAL CITIZENSHIP FRAME

The answer to the problems identified in this thesis may be, for some, to retreat to a thick form of identity on the basis that thin allegiance on the model of reflexive transformational constitutional patriotism is unable to manage the increased diversity it presupposes. The argument may be that this thesis has demonstrated that post-national forms of belonging, claiming to be identity blind, are simply too thin to offer workable alternatives to national political communities. Such a perspective is commensurate with the thick-national citizenship frame, in which group identity is once again the sole option for delivering solidarity and cohesion.

However, the existence of empirical challenges does not provide a valid moral justification for a thick identity such as nationalism; it does not provide a reason to suggest that nationalism is right or just, only to suggest that there are practical challenges inherent in the expansion of citizenship rights. Qualitative political theory, such as that engaged in here,

represents the interplay of normative ideas with qualitative findings in the real world, and the intention is not that those real world findings then cloud normative judgments. Of course, they may be further refined and developed by this more empirical process; however the identification of challenges does not present robust reasons to reject prior normative assumptions. It only presents challenges to their realisation, and addressing such problems may produce a more robust account of constitutional patriotism that is capable of negotiating such real world problems.

In addition, a return to nationalist binding sentiment does not resolve the challenges implicit in diverse societies, and indeed suggests their further problematisation. While much of the work presented here concerns new migration as a source of diversity, this is only one aspect of diversity. States themselves are internally highly diverse along a number of different lines, as discussed at length in chapter 1, and nationalism cannot effectively deliver a form of representation that can reflect this internal diversity. Despite the challenges facing the realisation of post-national identity and belonging, the thick-national citizenship frame fails to offer a robust alternative that is consistent with the demands of liberalism in a context of globalisation.

7.3.2 THE LOCAL-PLURAL CITIZENSHIP FRAME

The next citizenship frame to be considered may be significantly more defensible than thick identity. The local-plural citizenship frame refers to an account by which, in the absence of a binding national identity, local identities become a key source of shared allegiance. The idea is that these identities are highly pluralistic, and so regardless of where a person is from originally or what their identity or cultural background is made up of, they are able to find a

common source of identification in their local area. This form of citizenship frame was

evident in aims of Herefordshire Council, as was summarized in chapter 6. To recap, one of

the Herefordshire Council key informants described it as follows:

> One of the things that we do is about trying to make a local connection so that
> actually wherever you come from it's about trying to stimulate and to get that
> connection to Herefordshire (C1).

This emphasis on reconstructing Herefordshire as a source of common identification and

belonging amongst diverse populations is reflected in a broad range of activities designed to

enable interaction with minority populations and give them more of a voice, as well as to

facilitate specific celebrations of minority cultures (document 17). A local authority report on

community cohesion notes that

> …it is about breaking down barriers by supporting all our different communities,
> old and new, to feel part of the whole community while maintaining their own
> identity. A cohesive Herefordshire is important to everyone and so the
> responsibility of everyone (document 17).

There is, clearly, significant merit in such approaches that encourage equal recognition,

participation and inclusion of minority groups in a local context. This thesis has highlighted

the pertinence of 'glocalisation' – the inter-dependence of global change and local action –

and these kinds of positive actions to create a new form of belonging for everyone at the local

level are positive in the extent to which they are those small building blocks of macro-level

transformation in how we frame what it means to belong to a place given the demands of

post-nationalism.

The approach is somewhat problematic, however, when considering the findings of this

research and what is needed in order to genuinely confront and challenge negative othering.

One problem is that such measures may actually feed the post-national paradox in the extent

that they do not confront the threat perception of those with a strong sense of nationalism.

Another is that the banal national loyalty evident in the Herefordshire context remains

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unchallenged in this framework, and this is problematic for the realisation of a local plural identity.

Bikhu Parekh's account of inclusive national identity (2008) similarly emphasises a common civic identity as a source of thin binding sentiment for a diverse population, this time at the national level. Here, individuals may hold many diverse identities and cultural traditions, beliefs and views; however their common civic membership of Britain binds them together; and as they develop more common experiences, they develop a stronger shared view of their identity and a stronger sense of common belonging (pp.79-87). The problem with this account of inclusive identity and belonging is that it remains inherently national, and so those at the margins of what it means to hold national citizenship or national group identity may remain excluded. In a context of migration, questions remain over how inclusive a group identity can ever be, because it implies something that is relatively fixed, something that individuals joining the community must be integrated into.

I have briefly focused on this national level account of community cohesion because it is of strong relevance for considering the problem with the local-plural citizenship frame. The idea of a local place-based identity significantly under-estimates the complexities of identity in contexts of migration, particularly with regards to the transient migration seen in Herefordshire. Migrants, under the provisions of EU citizenship, have no explicit requirement to integrate into their host nation or host community on the terms of that host; rather, they have extensive rights to retain difference, and particularly in the case of temporary migration are unlikely to form a local identity or attachment to Herefordshire as a place (Markova and Black, 2007). The problem then is that the unwillingness of the migrant to take on Herefordshire as a place-based identity is seen as justifying their exclusion from that community.

The local-plural citizenship frame does not engage with the persistence of banal national loyalty; rather, it actually makes it possible for such loyalty to persist further because it fails to confront difference. Ultimately this means that the potential for recognition of the minority migrant population is undermined, and negative definitions between Self and Other remain intact[84]. The consensus implicit in community cohesion, while appealing, serves to mask difference rather than confront it, a finding which is reflected in research on more long-standing urban community cohesion policies (Blake et al, 2008). Particularly in rural contexts such as Herefordshire where the ideal of homogeneity has rarely been challenged, this holds particular pertinence.

A similar critique to the one I have levelled against the local-plural citizenship frame has been made against constitutional patriotism by a number of theorists (Kostakopoulou, 2001; see also Honig, 1993, p.205). For them, constitutional patriotism implies consensus which undermines the diversity present within a political community. Indeed, the reader may draw some similarities between my consideration of the thick-discourse citizenship frame and the arguments of these theorists who have rejected constitutional patriotism. However, I do not believe that constitutional patriotism hinges on such consensus. I agree that the reasons constitutional patriotism struggles with the diversity implicit in a truly post-national conceptualisation of border control hinge on an under-estimation of the challenges that this diversity involves. I do not believe, however, that this provides reasons to reject constitutional patriotism as an approach to post-national allegiance and belonging. Rather, it means that the approach requires a strengthened understanding of what the processes of

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[84] Such a conclusion is drawn in the Cantle Report on the 2001 riots in Northern England, where a '...failure to communicate is compounded by the lack of an honest and robust debate, as people 'tiptoe around' the sensitive issues of race, religion and culture' (Home Office, 2001, p.18).

negotiation of difference involve at the most local level. This combines three crucial aspects of constitutional patriotism: discursive practices, transformation, and ongoing re-interpretation.

7.3.3 THE THICK-DISCOURSE CITIZENSHIP FRAME

The research presented in this thesis has identified that, if post-national transformation is to occur, a genuine commitment to confronting and embracing difference is required. This is because in not going to so, overriding views and attitudes that perpetuate the marginalisation of Others are permitted to persist, and may even be strengthened towards political mobilisation without a confrontation of the issues surrounding threat perception. The third citizenship frame I discuss here is called thick-discourse. I highlight some reasons to think that it is significantly preferable to the formation of local-level consensus. To begin, I again focus on Amin's work on community cohesion, which emphasises the difference between a conflictual (thick-discourse) and a consensus (local-plural) approach:

> The distinctive feature of mixed neighbourhoods is that they are communities without community, each marked by multiple and hybrid affiliations of varying geographical reach and each intersecting momentarily (or not) with another for common local resources and amenities. They are not homogeneous or primarily place-based communities (especially for residents with strong diaspora connections and those with virtual and/or mobile lifestyles). They are simply mixtures of social groups with varying intensities of local affiliation, varying reasons for local attachment, and varying values and cultural practices. This blunts any idea of an integrated community with substantial overlap, mutuality, and common interest between its resident groups. Mixed neighbourhoods need to be accepted as the spatially open, culturally heterogeneous, and socially variegated spaces that they are, not imaged as future cohesive or integrated communities (Amin, 2002, p.17).

In the thick-discourse citizenship frame, dialogue and confrontation of difference are a part of everyday life. In other words, this frame takes the discursive practices that are at the heart of constitutional interpretation in constitutional patriotism, and applies them to local level

practices. It takes Müller's focus on 'how we want to live together' and conceptualises that as an ongoing conversation which constructs and reconstructs not just the constitution, but the very context in which individuals find themselves at the most local level. In this sense, it is not just the constitution but the entire community which is a 'living', open-ended project of discursive construction.

It is within such a citizenship frame that migration is conceived of as a fact of everyday life, rather than something external that is happening *to* a community, and so that community is enabled to become fully inclusive of a post-national population which is diverse and often transient. Local community members do not decide overnight how they would like to live together, but rather continually renegotiate that on a day to day basis. Handled correctly, that day to day negotiation is a site of reflexivity building, where individuals can recognise both sameness and difference, and negotiate a way of living together which they find acceptable in that place, at that time. This approach compliments the processes of constitutional interpretation, as well as supporting their realisation by framing communities in terms of discursive practice and decentring given modes of allegiance and belonging by confronting them and engaging community members in discursive construction.

While much of this discussion appears abstract, there are a number of examples of real world practices which serve to highlight the potential salience of the thick-discourse citizenship frame. While these are not meant as solid recommendations or solutions, they act to demonstrate the ways in which the thick-discourse citizenship frame could strengthen post-national accounts of citizenship and belonging in both theoretical and practical terms.

<u>(a) Neighbourhood Forums</u>

Thick-discourse requires forums in which community members may come to discursively engage with one another at a very local level. These may be formal or informal mechanisms. Formal mechanisms are those activities specifically aimed at encouraging dialogue across groups; while informal mechanisms are those based on 'banal transgression', where a shared activity offers the opportunity for unrelated dialogue between others. The literature on community cohesion suggests that, as mentioned, formal mechanisms often lack the depth to provide meaningful interactions, but my findings from the migration charity suggest that very informal, spontaneous mechanisms often also only lead to superficial interaction.

A moderately informal mechanism for dialogue may then be an appropriate balance between the two, in order to break down barriers. Such mechanisms serve not only to allow community members to engage in dialogue and break down negative othering, but also to allow them to address many of the very real challenges facing changing and growing populations, and the services and amenities that this changing population requires access to. By engaging in a common project, both the project and the unrelated cross-cultural interaction have the potential to take on a meaningful character.

Birmingham, the UK's second city and one of its most diverse, recorded a 36.7% non-white British population in 2009 (Birmingham City Council, 2011, p.6). Its migration levels continue to be high. Just under 59,000 new migrants arrived in the city between 2001 and 2009, and 38.7% of total births were to foreign mothers in 2009 (Birmingham City Council, 2011, p.8). In its efforts to manage its diverse population, one of its most positive efforts has been the 'Birmingham Association of Neighbourhood Forums' (document 14). These neighbourhood forums number seventy across the city, and include in their remit discussion and campaigning on issues including community safety and crime, education, environmental

issues, health and social issues, housing, local economy and transport. These bodies represent important mechanisms for community engagement across the city, but additionally provide scope for dialogue between diverse individuals in very local settings.

The Balsall Heath Forum is a particularly robust example of the Birmingham neighbourhood forums. Balsall Heath is a very diverse and also relatively deprived suburb of Birmingham, where 80% of the residents are non-white British, and are made up of a very large mix of different ethnicities and nationalities (document 15). The area has historically been blighted by crime and prostitution, the very problems that the Balsall Heath Forum was set up to address. The Forum gave all residents the opportunity to engage in activities to improve and shape the neighbourhood according to their diverse wishes (document 15). This allowed for a considerable 'deepening' of democracy at the most local level as local people worked cooperatively to shape their neighbourhood into a place they wanted to live in (Lowndes and Sullivan, 2008, p.63).

The executive committee of the forum meets ten times annually, and in addition a large number of action groups meet regularly to campaign on key local issues. The Forum has recruited 70 voluntary street stewards, who help 'to organise and support fellow residents to gain better living conditions in the street and home where they live' (document 15). These street stewards have also played a part in setting up residents' associations where residents can come together at an even more local level to identify and address problems. While there is clear potential to deepen democracy and address challenges at a local level, there is also the potential to build what the forum refers to as residents who are 'mutually supportive'. Rather than isolated within specific cultural groups, these activities allow individuals to come together to address specific issues, and in the process to overcome isolation towards a more fully inclusive community.

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Of course, the challenges facing Balsall Heath as an inner-city suburb are significantly different to those facing communities in rural and relatively affluent locations such as Herefordshire. Yet the Balsall Heath Forum is a key example of very local level forums intended to engage local people in shaping their community and discussing issues, while at the same time offering the opportunity for those individuals to communicate across lines of difference and to develop these 'mutually supportive' relationships which speak of common ties across, and in spite of, sites of difference. Such forums represent an important step towards delivering opportunities for genuinely transformative dialogues and programmes of interaction.

Indeed, recent research conducted in the city of Bradford suggests just such successes at the local level. Bradford is a city in the English county of Yorkshire, located in the North East of the country. It has substantial levels of deprivation, and processes of migration have produced an outer city area that is predominantly white and more affluent, while the inner city area is more diverse, with a majority of residents of Asian ethnicity. This segregated city has faced significant social unrest, and was at the centre of the English riots of 2001 which spawned the idea of 'parallel lives' referred to in chapter 6. Since A8 accession in 2004, a new wave of migration from Eastern Europe has changed the dynamics of this segregation, with migrants settling in both the inner and outer city areas. The arrival of these migrants

> …has disrupted conventional understandings of migrant housing needs and pathways that were based on established black and minority ethnic groups. This clearly poses new challenges for policy-makers and housing providers as well as those concerned with neighbourliness and community relations (Philips et al, 2010: 10).

A research project commissioned by the Joseph Rowntree Foundation (Phillips et al, 2010) identified that 'new migrants can feel marginalised when trying to settle in close-knit, well-established communities, whether in the inner-city or on outer estates' (p. 10). The research

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explicitly focused on 'bringing together new and established population groups, with different cultural heritages and settlement histories, to work together constructively in a bid to explore and narrow differences and build some consensus around local concerns' (p. 11). A number of pilot forums were set up by the researchers to evaluate their effectiveness in discussing local concerns specifically over housing, as well as building shared understanding.

Preliminary consultation had identified that despite some tensions and considerable difference, some common concerns had emerged and these were perceived by the researchers as an opportunity for 'building mutuality'. Overall, the participants in the groups felt positively about the ability to contribute to discussions not just to discuss the key issue – housing – but also to speak to people from other ethnic and cultural groups. Communication was key here, and it was not always language-based – interpreters, while they somewhat toned down the vitality of the conversation, were used and enabled valuable communication in the absence of shared language; as did a photography project that a number of the participants engaged in. The researchers note:

> Both the settled populations and newcomers to the inner areas conveyed a sense of social and cultural difference, and sometimes hatred, prior to meeting members of these groups in the forums. A perception of polarised communities was evidenced with reference to examples of fear, conflict and harassment by both groups…learning was a two-way process, but it appeared to have the greatest impact on the misconceptions and negative stereotypes held by the settled populations (pp.36-7).

These kinds of interactions at the neighbourhood level destabilise typical distinctions between Self and Other, and encourage interaction, engagement and mutual support across key issues of common concern for the residents. Here it is clear that place plays a key role in thick discourse; however this is different to localised plural identification, as the aim is not consensus and harmony, but rather that common projects enable negative othering to be challenged and overcome. Difference is retained, but diversity is converted to a positive.

With specific reference to constitutional patriotism, neighbourhood forums represent a direct movement of the discursive processes that underpin constitutional interpretation into discursive processes for building inclusive community life at the most local level. It is this micro-level discursive practice which can then develop an appropriate framing of citizenship for effective processes of constitutional interpretation at the macro-level, and thus such practices represent an important step in negotiating challenges associated with the post-national paradox.

Neighbourhood forums do require some level of self-selection. Various individuals can be targeted, and the more local the forums are, the more likely it is for specific individuals to be targeted for involvement. The project described in detail above notes the role of key community contacts in establishing contact with both established community members and new migrants, and this would suggest that in the Herefordshire context, organisations such as TFC have a key role to play in setting up similar forums due to their position within communities and contact with new migrants.

(b) Recognition

Recognition is important for the thick-discourse citizenship frame for two reasons. Firstly, a key element in tackling negative views of migration is recognition. A key theme in my consideration of nationalist reactions to migration was the feeling that recognition of the majority group was substantially lacking, adding to the threat perception associated with the migration of alternative national, cultural and ethnic groups. It is possible for the thick-discourse citizenship frame to respond to this, because it emphasises the equal role of all individuals in shaping what it means to live in their local area. Confronting this, rather than

claiming neutrality, is not about reasserting the dominance of the majority; but it is about

changing the meaning of recognition. Rather than understanding recognition as involving a

political identity that reflects the majority, constitutional patriotism involves implementing a

form of recognition that is not reliant on direct political expression in such a way.

Secondly, one of the apparent flaws of the local-plural citizenship frame was the potential for

the majority to retain control over the characterisation of the local area. In order for the thick-

discourse frame to adequately manage this problem, initiatives aimed at recognising

minorities will be required to complement local discursive practices. These can involve both

positive efforts aimed at increasing recognition, and efforts aimed at tackling negative

processes of othering that contribute to outsider status and thus limit recognition. Taking the

latter first, the fieldwork identified that the perpetuation of rumours and myths is one of the

key ways in which the anti-migrant sentiment stemming from both politically mobilised and

banal national loyalty is reproduced. Addressing such negative othering head-on will act as a

supplement to local negotiation of difference, assisting in the removal of such barriers.

A number of local authorities in England have taken steps to address the rumours and myths

that surround specific minority groups that have been assigned outsider status. The

confrontation of such myths and the publication of literature clearly setting out facts has been

a key way in which such local authorities have tackled the negative othering of gypsy and

traveller populations. So-called 'myth busting' involves directly challenging these myths,

typically in written form. For example, Plymouth City Council has published one such 'myth

buster', and confronts key complaints about gypsy and traveller communities, including

'gypsies and travellers never work' and 'they live of benefits without giving anything back to

society' (document 16). The simple confrontation of myths in this way means that the

Council is able to actively dispel them before they can take hold as perceived facts within the local community and be used as grounds for exclusion through negative othering.

Additionally, local authorities may take steps to actively increase the recognition of minority populations. Particularly in a county such as Herefordshire, where the traditional rural lifestyle often precludes the full recognition of diversity in the local community, steps aimed at increasing the awareness and visibility of minorities in the county will also contribute positively to reshaping the area on the basis of its full population, rather than just the majority. Herefordshire has taken some steps in this direction, for example in supporting events such as 'Out in the Sticks'[85], Black History Month, International Day for Women, International Day for Disabled People and Holocaust Memorial Day (document 17). Similar events aimed specifically at new migrants and the diversity of cultures they bring to the local area would represent an opportunity to increase the visibility and inclusion of migrants in the local community.

For example, St. Helens Council in the North West of England, again aiming to improve community relations with gypsies and travellers, organised a 'Gypsy and Traveller Heritage Project' in 2006. This project involved a museum-style display of various materials relating to the history and culture of the local gypsy and traveller community, as well as interactive activities such as a craft workshop, and a traveller storyteller. The project attracted over 900 children over a two week period, and was deemed to be a key success in raising awareness of the local gypsy and traveller community (document 18).

Such events conceive of awareness raising as an educational activity, and as with the cultural exchange activities run by TFC in Herefordshire, offer an opportunity to develop a more

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[85] A festival of events aimed at celebrating diversity in sexuality.

reflexive awareness of identity, culture and belonging with reference to perceived Others. In 2005, Minorities of Europe (a pan-European third sector organisation) worked together with Coventry City Council to deliver a pilot of the 'Swapping Cultures Initiative', aimed at helping '…to build cohesive communities by encouraging young people to exchange information about their different cultures (document 19). The project utilised the 'beyond tolerance model', following four stages: 'face to face', in which pairs of young people share key information about their culture, background and experiences; 'same, similar, different', where time is allocated for young people to reflect independently on what they have learnt about each other, with a specific focus on similarities and differences; 'swapping cultures', in which each young person then shares the information they have learnt about another culture; and finally 'working together', where those young people then work together on a task set by facilitators, such as designing an event for celebrating their diversity.

This method of delivering cultural exchange to young people contains an emphasis on reflection which incorporates both the individual's own culture and that of another. Martha Nussbaum, in her work on global citizenship, has reflected on the need to deliver global citizenship education which can instil in young people a sense of respect for and empathy with the Other – because '[a]wareness of cultural difference is essential in order to promote the respect for another that is the essential underpinning for dialogue' (Nussbaum, 1997, p.68). This swapping cultures project is an example of delivering the kind of citizenship education that is central to constitutional patriotism – that is, not the ability to understand the culture and values of the state, but the capacity for reflexive awareness and positive recognition of difference.

Such efforts supplement discursive processes by positively reinforcing the visibility of minority groups, with the effect of developing a more inclusive citizenship frame in which

everyone is an equal community member, rather than just the majority. These efforts deliver a gradual change; as the inclusive citizenship frame develops so does the inclusion of minority groups. The local authority may also be proactive in enabling migrants to engage more fully in local democracy, again supplementing those local level discursive practices. Here, the local authority is proactive in identifying the needs of the migrant population, and delivering services accordingly. This may be particularly useful in the absence of a fully inclusive citizenship frame, in which barriers to recognition are prevalent.

Herefordshire itself offers an example of best practice in this form of minority group consultation. Many of the services that Herefordshire delivers to its minority population have been developed through the 'Herefordshire 100' (document 20), a consultation mechanism in which one hundred volunteers from many different minority group populations are recruited to consult people that they know from their group on the services that they need, and also their experience of discrimination. This then enables the Council to deliver services that are appropriate to them, and to identify types of discrimination and the ways in which they may be tackled. The key idea here is that often groups are inaccessible to the Council both because they do not tend to engage with the Council and so are hard to reach, and also because there may be language barriers to their participation. The Herefordshire 100 allows for such barriers to be overcome, with key members of cultural/language groups being able to carry out consultations themselves. This proactive engagement of minority groups aids both recognition and the identification of discrimination.

The practices described in this section offer examples of the ways in which particularly local-level institutions may actively promote the equal recognition of all groups. A final remaining issue, however, is the way in which the rhetoric of key political actors and representatives can serve to support or undermine equal recognition. This is particularly pertinent when

considering the nature of banal national loyalty, which depends on remaining at a sub-conscious level. Political rhetoric can serve to reinforce this banal loyalty and thus compromise the rights of migrants. Consider, for example, Prime Minister David Cameron's migration rhetoric. Cameron has tended to place the blame for community tensions on a failure of migrants to integrate and to assimilate to a British way of life (Cameron, 2011a; 2011b), and has used this as a reason to limit migration (though, of course, only from outside of the EU). His rhetoric divides between insiders and outsiders on the basis of national citizenship; however, EU migration is an anomaly within this, because EU migrants do not fit neatly into either camp. By defining inclusion as national, Cameron still casts EU migrants as outsiders despite not limiting their rights to migrate, and thus does not acknowledge these more advanced rights[86].

Another key aspect of an inclusive citizenship frame is, therefore, the transformation of political rhetoric towards a post-national understanding of citizenship and identity. This rhetoric is, however, itself also dependent on the development of that inclusive citizenship frame, because the salience of post-national rhetoric amongst the electorate is dependent on those wider transformations. Therefore, the transformation of this rhetoric is best viewed as a part of the gradual processes of transformation through the development of thick-discourse practices.

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[86] Nira Yuval-Davis (2004) has described a similar trend in the rhetoric of former Labour Home Secretary David Blunkett (2001-2004), where secure boundaries are seen as necessary to construct an adequate sense of belonging to the national community. This rhetoric is seen to overlook many of the complexities of belonging in a multicultural nation (p.226).

A central aspect of the thick discourse citizenship frame is conflict. The very purpose of this citizenship frame is to deliver an inclusive framework that embraces, rather than ignores or suppresses difference. The biggest site of conflict is likely to be between those holding an explicitly nationalist identity, and new migrants. One key theme that emerged from the fieldwork was the extent to which negative othering revolves around a perception of criminality, and indeed criminal activity such as in the case of murdered teenager Darren Loader in Herefordshire in 2007 can significantly escalate tensions. However, as the experience of Herefordshire's negotiation of the tensions surrounding this case can demonstrate, the existence of safety nets at crisis points can act as an important addition to the discursive practices of the thick discourse citizenship frame.

Immediately following this murder, the Council was heavily involved in dispelling rumours surrounding the nationality of the perpetrators of the crime. When it emerged that the suspects were Lithuanian, the Council arranged for representatives of Eastern European communities to speak in public about their solidarity with the Herefordshire community, in order to dissipate growing tensions with Eastern Europeans more generally. Representatives also facilitated sessions in which local community members could discuss their concerns. The outcome was the diffusion of a potentially very tense situation between the different groups involved (C5).

This facilitation of formal mechanisms for discursive practices demonstrates their potential supplementary role in negotiating key crisis points in community relations, so that conflict between ideas and views is positive conflict, rather than conflict stemming from negative othering and breakdowns in community relations. A similar idea was evident in a large scale event held in Birmingham in the summer of 2011, following the civil unrest which resulted in

the deaths of three young men in the Winson Green area of the city. Winson Green, a highly diverse area, witnessed widespread unrest in 2001 between members of black and Asian communities. There was a perceived danger that those same tensions could spillover once again[87], however a series of events served to act against that by bringing the community together. In addition to meetings between community leaders and key actors from the local authority and police force, and the calming words of Tariq Jahan, a father of one of the murdered men[88], a large peace rally was held in the local area and was attended by over 5000 local people, under the banner 'one city, one voice for peace'. These actions served to construct the unrest and murders in terms of the solidarity of the whole community against the perpetrators, rather than of certain segments of the community against one another.

7.4 THICK DISCOURSE AND THE POST-NATIONAL PARADOX

Having highlighted some examples of the ways in which a thick-discourse citizenship frame may be enacted in real world contexts, this section summarises my conceptualisation of this citizenship frame in relation to constitutional patriotism and the post-national paradox. The post-national paradox was seen to undermine the realisation of rights to free movement in two ways: firstly, the rights of migrants are undermined at a local level by the perpetuation of a banal sense of national loyalty; and secondly, this banal national loyalty, combined with support for nationalist political parties and the populism of anti-immigration political stances has meant that issues surrounding the rights of migrants are of very low political salience.

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[87] Information gained through informal discussion with two informants from West Midlands Police.

[88] Jahan's words in the aftermath of the riots were widely credited with dispelling tensions in the area: 'Blacks, Asians, whites, we all live in the same community. Why do we have to kill one another? Step forward if you want to lose your sons. Otherwise calm down and go home' (BBC News, 2011b).

Coming back to constitutional patriotism, this means that the implementation of a post-national form of belonging may be further problematised by the liberalisation of migration controls that is implied within that transformation.

In response to these problems, I have suggested that an alternative citizenship frame in the form of 'thick-discourse' offers the best opportunity for the construction of a context in which tensions surrounding national loyalty are confronted and difference is embraced. This citizenship frame applies the logic behind the discursive processes of constitutional interpretation to suggest that such methods of difference negotiation are needed at the most local level, as a key feature of post-national community life. Examples such as those described in the preceding section serve to illustrate how, in the real world, such a citizenship frame may begin to offer some ways of addressing the challenges identified, through the bottom up 'growth' of a more inclusive context.

Transforming the everyday construction of inclusion and exclusion to build such a context reflects the core purpose of reflexive transformational constitutional patriotism in moving towards an ideal of moral and political equality, and suggests that a robust approach to constitutional patriotism should include such micro-level discursive practice in its conception of the processes of reflexivity and transformation. The key conclusion from the discussion featured in this chapter is that an inclusive citizenship frame stems from the confrontation and negotiation of difference through sustained dialogue, rather than aiming for the perception of consensus. This also reflects the emphasis that constitutional patriotism places on discursive practice, but deepens it into a constant renegotiation of difference in diverse communities; and in doing so, adds strength to those processes. It is not just the constitution but the entire community which is conceived of as a 'living', open-ended project of discursive construction,

through which reflexivity-building occurs towards the realisation of the constitutional patriotism ideal.

One key objection to the thick-discourse citizenship frame may be that it is reliant on common language. Can constitutional patriotism permit requirements for new migrants to acquire language skills? The success of discursive processes may be dependent upon the existence of shared language for the kinds of meaningful interactions described. Herefordshire Council places a clear emphasis on language acquisition, and indeed identifies a lack of language skills on the part of the migrant as one of the biggest barriers to integration (document 10). As a key informant in Herefordshire explained,

> If they have an improved level of English then they integrate better, their children settle better, they settle better and they have better prospects for jobs, but English is the absolute key and if you're talking about community cohesion, that's where it works (C1).

The need for English language learning provision is also a key example of the problem of low political salience. As one Herefordshire Council document notes, 'demand for learning English in the 'first wave' of migration was significant, but this has demonstrably tailed off since the demise of free provision' (document 24). The possibility of interaction is seen to place demand on the ability of migrants to communicate in English, however the provision of classes to enable them to do so depends on a political decision to allocate resources to the provision of those classes, which will be undermined by low levels of communication between migrants and locals. Breaking this cycle is challenging, and again illustrates that efforts that are in isolation or that place responsibility solely on the shoulders of migrants are unlikely to be successful. There are also then concerns about the defensibility of expecting migrants to learn English. Given the emphasis of constitutional patriotism on inclusion irrespective of arbitrary difference, it would not be consistent to place language requirements

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on migrants. Indeed, this is the view espoused by the director of a national migrants' rights

charity:

> If they don't for one reason or another [learn English] then that's it. It shouldn't
> fundamentally affect their rights and entitlements in the civic sphere. They'll be
> paying a big enough price in not learning in English in terms of their own
> personal circumstances, their hopes for better jobs and things like that and there
> seems to be no particular reason for loading further disadvantages on top of
> them (V2).

The challenge is that constitutional patriotism cannot place requirements on migrants to learn

the majority group language if they do not wish to do so, because language represents an

arbitrary difference between nationalities. This suggests only, however, that lack of language

skills cannot be used as a reason to restrict migration. The provision of language education to

new migrants, not as a criterion for membership but rather as a form of education for rights

access, may be compatible. While we could not expect that every migrant must learn English,

it is apparent from this research that rights are further undermined by a lack of communication

that acts to break down barriers between the in-group and perceived outsiders. It may be

reasonable to say therefore that migrants learning to communicate in the dominant language

of the receiving community is non-ideal, but that actually it may be necessary given the non-

ideal circumstances in which constitutional patriotism operates, to build transformation

towards the ideal.

7.5 CONCLUSION

This chapter has begun to consider some ways of addressing the challenges involved in the

post-national paradox, in order to develop a strengthened approach to constitutional

patriotism. It has worked with two key components of constitutional patriotism – reflexivity

and discursive practices – to elaborate an inclusive 'citizenship frame' which can act as a context for the full realisation of post-national citizenship, identity and belonging.

The chapter began by considering some examples of reflexive practice evident in observations of a migration charity in Herefordshire. I also noted, however, that often this reflexivity was quite superficial and self-selecting, so that while it was clear that reflexive action may be positive in developing understanding across cultural divides, a deeper form of reflexivity was necessary in order to foster appropriate responses to in-migration. I then focused on citizenship frames; that is ways of contextualizing such reflexivity within local communities, towards the construction of more inclusive modes of identity and belonging. After providing reasons for the rejection of thick-national and local-plural frames, the chapter focused on conceptualising a thick-discourse citizenship frame.

Here, the focus was distinctly on creating opportunities for meaningful interactions through discursive processes within very local settings, as a means of constructing a positive account of difference and moving away from negative othering. A number of best practice examples where considered that offered examples of some of the ways a thick-discourse citizenship frame could begin to address the post-national paradox. The key problem with this frame, its apparent reliance on shared means of communication, was highlighted towards the end of the chapter, and it was argued that while constitutional patriotism could not permit language requirements as a criterion in membership, given the extent to which rights access depends on inclusion, it may be reasonable to argue that engagement in language education is a non-ideal necessity in the development of an inclusive citizenship frame.

This empirical consideration of the post-national paradox has provided a deeper understanding of constitutional patriotism as inherently reflexive and transformational. It has demonstrated that the development of reflexivity occurs within a bottom-up process of

'growing' an inclusive citizenship frame, where the very local level is the main focus of activity for macro-level change. This has two key implications for constitutional patriotism. The first is that it reinforces and characterises the prior theoretical assertion made in this thesis that constitutional patriotism is an account of post-national transformation towards an ideal. The second implication speaks directly to post-national theorists, and suggests that theorising at the macro-level must be accompanied by a careful consideration of those changes at the micro-level, for a robust theory of post-national citizenship and belonging to emerge.

CONCLUSION

THESIS SUMMARY

This thesis sought to make an intervention into the literature on post-national identity and belonging, and in particular, constitutional patriotism. It specifically focused on the relationship between national and post-national identity formations, and some of the challenges implicit within this with regards to the post-national rights of migrants. While centrally theoretical in orientation, it utilised a 'qualitative political theory' methodology to empirically explore some of the tensions and challenges surrounding migration rights, identity and loyalty, in order to produce answers to the key theoretical problem.

The thesis was split into two parts, one theoretical and the other detailing the qualitative study in relation to this theoretical work. A modus ponens argument was developed throughout the thesis, which in summary was as follows:

1. If we are to accept constitutional patriotism as a defensible form of post-national identity and belonging, then we must also accept that constitutional patriotism implies freedom of movement across borders.

2. If we accept free movement, then we must also consider the challenges of the 'post-national paradox' that such migration may encourage, which makes constitutional patriotism considerably more difficult to implement.

3. If the post-national paradox is seen to represent this challenge, then we must recognise that a robust account of constitutional patriotism is dependent on the growth of an inclusive citizenship frame, which involves the development of discursive processes right down to the most local level as an alternative to group identity.

The first chapter of the thesis provided a consideration of the defensibility of nationalism. After introducing nationalism specifically through the works of David Miller, I then offered five critiques of this nationalism as reasons to suggest that nationalism is not defensible as a mode of democratic solidarity in liberal states. From this position, in chapter 2 I then introduced the notion of constitutional patriotism as a mode of post-national belonging. Here, I worked through a series of conceptualisations of constitutional patriotism, and defended a 'reflexive transformational' account which recognised the processes of transformation towards a liberal ideal of equal moral worth that are inherent to the approach.

Having defended this conceptualisation of constitutional patriotism, in chapter 3 I then moved on to specifically consider the construction of borders and control of migration in constitutional patriotism theory. Here I highlighted that, while an underappreciated aspect of the approach, constitutional patriotism has significant implications for the control of borders. Given its commitment to equal moral worth, I argued that constitutional patriotism implies a commitment to freedom of movement of individuals across borders. Yet acknowledging this carried with it significant implications for constitutional patriotism itself. To finish chapter 3, I noted research to suggest that liberalised migration policies can have the counter-intuitive effect of strengthening nationalist movements rather than encouraging inclusive citizenship, because they can elevate perceptions of cultural threat. It was this that produced the problem for exploration in the qualitative fieldwork.

In chapter 4, I elaborated a plan for this qualitative work. I provided an overview of works that had used qualitative political theory as an exploratory approach in normative work, and then described my own use of the approach for the exploration of the post-national paradox. I highlighted some similarities between qualitative political theory and the work of researchers

utilising an interpretive approach to qualitative research, before summarising my own use of these methods in a study of European migration to English local communities, and introducing the primary and secondary case study areas.

The next two chapters presented the bulk of the fieldwork findings. I focused on the argumentative strategies and perceptions of difference evident in the justifications of anti-immigrant sentiment provided by firstly politically mobilised nationalists, and secondly members of the case study communities more widely conceived. In chapter 5, I discussed how cultural and economic threat perceptions both stemmed from political nationalism and acted to reinforce it, thus creating a paradoxical creation of nationalist sentiment under post-national citizenship arrangements. In chapter 6, I then identified a sense of banal national loyalty underpinning many of the perceptions and attitudes of research participants. This finding tied in with much literature on rural racism, which highlights the invisibility of diversity in rural areas, as well as the 'parallel lives' that have been diagnosed in urban areas in the UK, where different cultural groups are living quite segregated lives. With regards to free movement migration, I noted how these patterns can undermine the equal opportunity goal of free movement; in other words, that the enjoyment of a right is heavily dependent on its context and many barriers were seen to exist to the full enjoyment of the right to free movement.

Following on from this, chapter 7 of the thesis focused on the ways in which these insights could inform efforts to address the challenges surrounding the post-national paradox. The chapter engaged with primary findings mainly from observations and interviews at a migration charity in the primary case study area, as well as many best practice examples, to conceptualise identity and belonging as a continuous process of discursive construction. Taking the reflexivity and discursive processes associated with constitutional interpretation,

this chapter argued that constitutional patriotism is reliant on a deep commitment to discursive practices in everyday life, in order to fill the gap left by thick identity as shared sentiment and to negotiate difference, while at the same time maintaining that difference and embracing conflict. This 'growth' of an inclusive citizenship frame from the bottom up tied in with the inherently transformational nature of constitutional patriotism, and highlighted the need to focus on the micro-level in understanding post-national change and transformation at the macro-level.

CONTRIBUTION OF THE THESIS

This thesis aimed to make a contribution to the literature on post-nationalism, and specifically constitutional patriotism. It has done so in several ways. Firstly, it draws attention to the transformational nature of constitutional patriotism, an under-recognised theme with the literature. Secondly, it contains an in-depth consideration of the role of border control in constitutional patriotism, something that has not been treated extensively in within the literature, and comes to a novel conclusion concerning freedom of movement. In doing so, it draws together the constitutional patriotism literature with work on migration and demos construction. Thirdly and finally, it provides a detailed account of the ways in which a defensible conception of constitutional patriotism may be developed to cope with the complexities inherent in diversity and identity, utilising pre-existing concepts within the approach but adding an emphasis on the bottom up growth of inclusive citizenship and embracing conflict, confrontation and difference in transformation towards a liberal ideal of identity, loyalty and belonging.

In addition, the thesis also represents work that will be of interest in more empirically-grounded research. Specifically, it contributes to the study of community cohesion and discrimination in rural areas in England, and to the growing number of studies concerning the experience of European migration, particularly from the accession states. In addition, the methodology employed in the course of the research adds to the growing body of work on qualitative political theory, particularly in terms of the use of this approach as a problem-solving mechanism in normative political theory.

OPPORTUNITIES FOR FURTHER RESEARCH

The thesis offers considerable opportunity for further research. Specifically, ideas that have been developed on constitutional patriotism, the ethics of migration control, and the growth of a 'thick discourse' citizenship frame in themselves merit further elaboration and exploration. These ideas also have considerable relevance for debates over the possibility of global citizenship. They offer ways of thinking about the defensibility of migration and citizenship regimes, and how to manage diverse and complex identity sets, which is strongly relevant to debates over the conceptualisation of global citizenship.

The ideas informing constitutional patriotism have, other than Habermas's recent considerations of global constitutionalisation, received very limited attention at the global level. The exploration of a global constitutional patriotism is a natural theoretical progression of the work represented in this thesis. Additionally, the subject matter of this thesis could only extend to a consideration of border control in constitutional patriotism, however the defensibility of boundaries between states within the approach offers another site of theoretical exploration. This thesis has worked on the basis that some such definition is

defensible, however further research could offer a fully worked account of why this is the case.

Overall, this thesis represents an exploration of what it means to identify and to belong in a fluid post-national context, and a renewed emphasis on the local as a site where change is felt and acted upon most keenly. Taking this overarching theme forward both theoretically and empirically suggests a wealth of opportunities for further research to build upon the research presented here, both in theoretical and empirical terms.

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Appendix A

LIST OF RESEARCH INTERVIEWS AND OBSERVATIONS

HEREFORDSHIRE INTERVIEWS

Interview C1: Representative of Herefordshire Council (Equality and Diversity) [interview conducted in Birmingham, 15th July 2010]

Interview C2: County Councillor (Liberal Democrats) [interview conducted in Ross-on-Wye, 18th July 2010]

Interview C3: County Councillor (Conservative Party) [interview conducted in Leominster, 22nd July 2010]

Interview C4: County Councillor (Conservative Party) [interview conducted in Ross-on-Wye, 17th August 2010]

Interview C5: Representative of Herefordshire Council (Equality and Diversity) [interview conducted in Hereford, 16th December 2010]

Interview F1: Representative of large farm employing migrant workers (Human Resources) [interview conducted in Ross-on-Wye, 11th August 2010]

Interview F2: Representative of small farm employing migrant workers (Management) [interview conducted in Ledbury, 11th August 2010]

Interview N1: Regional Spokesperson (English Democrats) [interview conducted in Birmingham, 22nd July 2010]

Interview N2: Regional Spokesperson (British National Party) [interview conducted in Leominster, 2nd August 2010]

Interview N3: Member of the UK Independence Party [interview conducted in Ledbury, 11th August 2010]

Interview N4: Member of the European Parliament (UKIP) [interview conducted in Birmingham, 13th September 2010]

Interview N5: Member of the British National Party (Herefordshire) [interview conducted via telephone, 19th October 2010]

Interview LC1: Ledbury CofE Church Steward [interview conducted in Ledbury, 13th July 2010]

Interview LC2: Resident occupying property in close proximity to large farm employing migrant workers [interview conducted in Ledbury, 11th August 2010]

Interview LC3: Resident occupying property in close proximity to large farm employing migrant workers [interview conducted in Ledbury, 11th August 2010]

Interview LC4: Parish Councillor, Ledbury area [interview conducted in Ledbury, 18th August 2010]

Interview LC5: Parish Councillor, Ledbury area [interview conducted in Ledbury, 18th August 2010]

Interview LC6: Resident occupying property in close proximity for large farm employing migrant workers [interview conducted in Ledbury, 18th August 2010]

Interview LC7: Parish Councillor, Ross-on-Wye area [interview conducted in Ross-on-Wye, 13th October 2010]

Interview LC8: Parish Councillor, Ross-on-Wye area [interview conducted in Ross-on-Wye, 13th October 2010]

Interview LC9: Parish Councillor, Ross-on-Wye area [interview conducted in Ross-on-Wye, 13th October 2010]

Interview LC10: Parish Councillor, Ross-on-Wye area [interview conducted in Ross-on-Wye, 13th October 2010]

M1: Migrant worker, originally from Poland [interview conducted in Ross-on-Wye, 11th August 2010]

M2: Migrant worker, originally from Estonia [interview conducted in Ledbury, 11th August 2010]

M3: Eastern European grocery store owner [interview conducted in Hereford, 12th August 2010]

M4: Migrant student, originally from Lithuania [interview conducted in Leominster, 12th August 2010]

M5: Migrant worker, originally from Bulgaria [interview conducted in Leominster, 12th August 2010]

Interview V1: Leominster CofE Reverend [interview conducted in Leominster, 14th July 2010]

Interview V2: Director of National Migrants Charity [interview conducted in London, 26th July 2010]

Interview V3: Board Member of Migrants Charity [interview conducted in Leominster, 5th August 2010]

Interview V4: Migrants Charity Volunteer [interview conducted in Leominster, 5th August 2010]

Interview V5: Migrants Charity Volunteer [interview conducted in Leominster, 5th August 2010]

Interview V6: Migrants Charity Volunteer [interview conducted in Leominster, 5th August 2010]

Interview V7: Migrants Charity Volunteer [interview conducted in Leominster, 5th August 2010]

Interview V8: Migrants Charity Volunteer [interview conducted in Leominster, 19th August 2010]

Interview V9: Migrants Charity Volunteer [interview conducted in Leominster, 19th August 2010]

Interview V10: Migrants Charity Volunteer [interview conducted in Leominster, 19th August 2010]

Interview V11: Migrants Charity Volunteer [interview conducted in Leominster, 19th August 2010]

Interview V12: Board Member of Migrants' Charity [interview conducted in Leominster, 16th December 2010]

LINCOLNSHIRE INTERVIEWS

Interview C6: Borough Councillor (Boston Bypass Independents) [interview conducted in Boston, 8th April 2011]

Interview C7: Representative of Lincolnshire Council (Equality and Diversity) [interview conducted by telephone, 19th April 2011]

Interview C8: Borough Councillor (Boston District Independents) [interview conducted by telephone, 19th April 2011]

Interview N6: Member of UK Independence Party [interview conducted in Skegness, 8th April 2011]

Interview N7: Borough Councillor (British National Party/English Democrats[89]) [interview conducted in Boston, 8th April 2011]

Interview N8: Member of the European Parliament (UKIP) [interview conducted in Coventry, 19th April 2011]

OBSERVATIONS RECORD

All of the above interviews, other than those conducted by telephone, offered the opportunity for ethnographic notes in support of the research. In addition, the following specific occasions allowed for extensive research observations:

Informal observations recorded in Ledbury, Ross-on-Wye and farm areas [15th July 2010]

Observation of and participation in supper for migrant workers at migrants charity [Leominster, 5th August 2010]

Informal observations recorded in Ledbury, Hereford, Leominster and rural/village areas [Leominster, 12th August 2010]

Observation of and participation in supper for migrant workers at migrants charity [Leominster, 19th August 2010]

Observation of and participation in supper for migrant workers at migrants charity [Leominster, 2nd September 2010]

Observation of migrants charity Annual General Meeting [Leominster, 29th March 2011]

Observation of and participation in supper for migrant workers at migrants charity (Leominster, 11th August 2011]

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[89] Councillor had previously represented ward as a BNP Councillor, but was standing in May 2011 elections as an English Democrats candidate.

LIST OF DOCUMENTS USED IN SECONDARY ANALYSIS

Number	Title	Refernce/Source
1	British National Party 2010 Manifesto	British National Party (2010) Democracy, Freedom, Culture and Identity: British National Party General Elections Manifesto 2010. **British National Party** [online] http://www.general-election-2010.co.uk/2010-general-election-manifestos/BNP-Manifesto-2010.pdf (accessed 20/8/11)
2	English Democrats 2010 Manifesto and Constitution	English Democrats (2010) **Manifesto and Constitution**. Ongar: English Democrats.
3	England First: Brief Manifesto	England First (2010) Brief Manifesto. **England First** [online] http://efp.org.uk/manifesto/brief-manifesto/ (accessed 20/8/11)
4	English Defence League: Mission Statement	English Defence League (2011) Mission Statement. **English Defence League** [online]. http://englishdefenceleague.org/about-us/mission-statement/ (accessed 20/8/11).
5	UK Independence Party 2010 Manifesto	UK Independence Party (2010) Manifesto. **UK Independence Party** [online]. http://www.ukip.org/media/pdf/UKIPManifesto2010.pdf (accessed 20/8/11).

6	'The BNP is the Party of the Ethnic British and Will Never Change'. Speech by Nick Griffin, featured on the BNP website	BNP (2010) The BNP is the Party of the Ethnic British and Will Never Change: Nick Griffin Speech. **British National Party** [online]. http://bnptv.org.uk/2010/08/the-bnp-is-the-party-of-the-ethnic-british-and-will-never-change/ (accessed 20/8/11).
7	'Britain: A Nation of Immigrants?' Article featured on BNP website	Robertson, A. (2011) Britain: A Nation of Immigrants? **British National Party** [online]. http://bnp.org.uk/news/britain-nation-immigrants (accessed 20/8/11).
8	UKIP promotional leaflet, 2010	Obtained from UKIP West Midlands Office
9	'MP Jon Cruddas Urges Mainstream Political Parties to 'Choke Off' EDL Surge'. Article featured in London-based local newspaper.	Evening Standard (2010) 'MP Jon Cruddas Urges Mainstream Political Parties to 'Choke Off' EDL Surge'. **Evening Standard** [online]. http://www.thisislondon.co.uk/standard/article-23890912-jon-cruddas-urges-mainstream-parties-tochoke-off-edl-surge.do (accessed 20/8/11).
10	'Information on Seasonal and Migrant Workers in Herefordshire: A Review of the Available Data' Report produced by Herefordshire Council.	Herefordshire Council (2008) Information on Seasonal and Migrant Workers in Herefordshire: A Review of the Available Data. **Herefordshire Council** [online]. http://www.herefordshire.gov.uk/factsandfigures/docs/Research/Review_of_Available_Data_-_August_08.pdf (accessed 20/8/11)
11	'Application for Grant: Migration Impacts Fund'. Grant proposal produced by Herefordshire Partnership and	Document obtained from Herefordshire Council

	Worcestershire Partnership	
12	Welcome to Herefordshire website	http://www.welcometoherefordshire.com/eng/
13	'Leominster Friendship Centre'. Article featured in local newspaper in Herefordshire.	Hereford Times (2010) Leominster Friendship Centre. **Hereford Times** [online]. http://www.herefordtimes.com/news/features/parishnews/clubssocs/82 46444.Leominster_Friendship_Centre/ (accessed 20/8/11).
14	Birmingham Association of Neighbourhood Forums website	http://www.banf.org.uk/about-banf
15	Balsall Heath Forum website	http://www.balsallheathforum.org.uk/start.htm
16	'Gypsies and Travellers Myth Buster'. Resource produced by Plymouth City Council.	Plymouth City Council (2006) Gypsies and Travellers Myth Buster. **Plymouth City Council** [online]. http://www.plymouth.gov.uk/gypsy_and_traveller_myth_buster1.pdf (accessed 20/8/11).
17	'About Community Cohesion'. Document produced by Herefordshire Council.	Herefordshire Council (2010) About Community Cohesion. **Herefordshire Council** [online]. http://www.herefordshire.gov.uk/docs/cohesion.pdf (accessed 20/8/11).
18	'Gypsy and Traveller Heritage Project, St. Helens'. Good practice fact sheet produced by ICOCO.	ICOCO (2011) Gypsy and Traveller Heritage Project, St. Helens. **Institute for Community Cohesion** [online].

		http://resources.cohesioninstitute.org.uk/GoodPractice/Projects/Project/Default.aspx?recordId=272 (accessed 20/8/11).
19	'Memorandum by Coventry City Council'. Document presented as written evidence to Select Committee of Office of the Deputy Prime Minister, concerning the Swapping Cultures project.	UK Parliament (2004) Memorandum by Coventry City Council. **UK Parliament** [online]. http://www.publications.parliament.uk/pa/cm200304/cmselect/cmodpm/45/45we16.htm (accessed 20/8/11).
20	'Herefordshire 100'. Report produced by Herefordshire Council.	Herefordshire Council (2009) Herefordshire 100. **Herefordshire Council** [online]. http://www.herefordshire.gov.uk/factsandfigures/docs/research/herefordshire_100_review_of_the_project_after_phase_one.pdf (accessed 20/8/11).
21	'Englishness and Multiculturalism'. Article featured on English Democrats website.	English Democrats (2011) Englishness and Multiculturalism. **English Democrats** [online]. http://www.voteenglish.org/englishness-and-multi-culturalism/ (accessed 20/8/11).
22	'A Message from British National Party Leader Nick Griffin'. Article featured on BNP Website	British National Party (2011) A Message from British National Party Leader Nick Griffin. **British National Party** [online]. http://www.bnp.org.uk/introduction (accessed 20/8/11).
23	'BNP on Question Time – The Build Up'. Live blog featured on Guardian newspaper website	Gabbatt, A. (2009) BNP on Question Time – The Build Up. **The Guardian** [online]. http://www.guardian.co.uk/politics/blog/2009/oct/22/bnp-question-time-live-buildup (accessed 20/8/11).
24	'Seasonal and Migrant Workers in Herefordshire: Timeline'.	Document obtained from Herefordshire Council.

Appendix C

LIST OF ASSOCIATED PAPERS

Adapted sections of this thesis have appeared, or are due to appear, as publications and conference papers as follows:

Tonkiss, K. (forthcoming) Migration Rights and National Loyalty: Transforming Identity and Citizenship from Below. **Paper to be presented at the Political Studies Association Annual Conference**, 3rd-5th April, Belfast.

Bloom, T., and Tonkiss, K. (forthcoming 2012) Constitutional Patriotism, Migration and the Post-National Dilemma. Accepted for publication in a forthcoming issue of the **Journal of Ethnic and Migration Studies** (50% authorship).

Tonkiss, K. (under review) Constitutional Patriotism, Migration and the Post-National Dilemma. Subject to minor final revisions, will be accepted for publication in a forthcoming issue of **Citizenship Studies**.

Bloom, T., and Tonkiss, K. (2011) Commonwealth and European Union Migration: An Historical-Comparative Perspective on Fear of the Other. **Paper presented at the British International Studies Association Annual Conference**, 27th-29th April, Manchester.

Tonkiss, K. (2011) The Right to Free Movement: Nationalism as an Obstacle to Equal Opportunity'. **Paper presented at the Political Studies Association Annual Conference,** 19th-21st April, London.

Tonkiss, K. (2010) 'Constitutional Patriotism and the Challenge of Free Movement'. **Paper presented at the International Studies Association Annual Convention**, 17th-20th February, New Orleans.