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CITIZENSHIP: BETWEEN THE PARTISAN NATION-STATE AND UNIVERSAL INCLUSION
- DILEMMAS OF THE MODERN ORGANISATION OF CITIZENSHIP

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PREFACE AND ACKNOWLEDGEMENTS

Citizenship. Smell the word. For a native born Norwegian, citizenship is something you take for granted, and one does not even care to make reflections on the implications of this status. It is obvious: I have the right to vote in elections, to speak my mind, to freedom of religion, to gain social services and so forth. In return I pay taxes and do military or civil service. This is my “contract” with the state. However, for many people of the world this is not so obvious. Many people do not possess these rights, and some do not even possess a citizenship status at all - they are stateless. As such, citizenship is fundamental for every human being’s possibility to live a good life. Ethnic strife, war, terror, waves of migration, regional integration, imbalances in distribution of wealth, internationalisation of the economy, the end of the cold war and the break up of Communism, are dominant characteristics of the last decade. All these events question current images of citizenship and challenge its present organisation. Consequently, citizenship has become a buzzword - the demographic balance of any state is constantly under pressure. Scholars look to citizenship as a means of holding things together. It was when I made this discovery that I really started to look into citizenship. However, citizenship would not have been a part of my interest field if it had not been for a project at the University of Oslo, initiated by associate professor Nils A. Butenschøn, which was leading up to the conference on «Citizenship and the State in the Middle East», held in Oslo 22-24. of November 1996. I was lucky to participate in this project. This project also inspired me to write an essay on European Citizenship at the University of Durham where some of the main thoughts of that essay constitutes the foundation of this dissertation.

When the task of writing a dissertation has finally come to an end, some people deserve gratitude. First, I would like to thank my tutor Nils A. Butenschøn. In the early stages of this dissertation he eliminated some of the more utopian tasks I wanted to embark on. When the project was closing in on me he guided me through the process with a firm hand; made me stay focused all the way to the end. Also, I would like to thank Mohammed Hatem el-Athawi, who I met during my ERASMUS stay at the University of Durham, spring 1996, whose profound interest in International Relations pointed me towards literature which really opened my eyes for the importance of citizenship. Further, I would like to thank my fellow student, Olav Martin Kvalsvik, who has been a partner in thoughts and an important wall-breaker when I have been preoccupied with banging my head in the wall or barking up the wrong tree. He should be credited for the model of analysis in this dissertation. I also have to thank the citizens of Villa Rama, who not only provided me with a physical residence but also with a dynamic social environment which in many ways became an oasis for intellectual emancipation and a place of refuge. Furthermore, I thank Sandy Largent who proof-read my grammar. Finally, I would like to thank my parents. They have had confidence in me and supported me throughout the whole period of study.

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Neither of the above mentioned persons are responsible for any errors or misinterpretations of this dissertation. They are the sole responsibility of my own work and inadequacy.

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1. INTRODUCTION

Recently an old phenomenon in political science has found itself at the centre of political theory discourses: the concept of citizenship. A concept which after T.H. Marshall’s classical works in the late 40’s had been taken for granted and approached primarily as a status defined by a set of rights. The concept of citizenship is viewed as a western concept and very much tied to the development and emergence of the modern nation-states in Europe. After the end of World War II Europe witnessed a consolidation of its regional state-system and of the citizenry inhabiting the various nation-states, and the concept of citizenship was not easily challenged for that reason. Herein lies a possible explanation for the lack of academic interest in the concept: even though citizenship rights were extended and made less exclusive all the time, new social groups acquired political and social rights alongside the expansion of the European welfare-state. Currently, there is a renewed interest in the concept of citizenship, where the focus has moved in the direction of studying the criteria for admission to citizenship. The focus of this dissertation is on the concept of citizenship and the renewed interest in the concept, and new aspects put forward in more recent theory on citizenship. It touches upon traditional concepts in Political Science such as the state and the nation, as well as the relation between them. These are concepts allegedly challenged by the new thinking around the concept of citizenship.

The case of this dissertation is the Middle East; an area where little has been done in trying to understand citizenship-policies. First, my aim is to develop an understanding of the exclusivist element in Middle Eastern citizenship-policies by linking them to the above mentioned concepts. The exclusivist element refers to the fact that individuals or groups of individuals, for various reasons, are kept outside the entrance gates to the nation-states and, consequently, the rights of citizenship. In this context one can talk about degrees of exclusion - those not having any rights of citizenship at all to those who have acquired some rights but not all the rights which in the western tradition constitute the foundation of a state’s citizenship. I do not wish to normatively measure the injustice in these varying degrees of exclusion, rather I take a radical position and
state that any form of exclusion is normatively not acceptable. Lastly, I seek to illuminate the problematic side to the connection between these concepts through a moral-normative assumption, which also seeks to introduce an alternative level of political organisation.

1.1 Contextual Setting: Renewed Interest in the Concept of Citizenship

There are several reasons for the renewed interest in the concept of citizenship. First of all, at the level of theory it is a natural evolution in political discourse because it seems to integrate the demands of justice and community membership. Both are important aspects of current political theory. One has discovered that citizenship incorporates these aspects. Secondly, the world has witnessed a number of political events in recent years which challenge the meaning of citizenship: increasing voter- apathy in Western democracies, stresses created by an increasingly multicultural and multiracial population in Western Europe, the ethnic revivalism throughout most parts of the world and the dynamics of regional integration.\(^1\) All these events question the established interpretations of citizenship, and particularly its links to the concepts of state, nation, nation-state and nationality, which have been prevalent since the French revolution. The main argument proposed and put forward in this study is that citizenship coupled to the nation-state necessarily links membership in a particular state to nationality. Hence groups not defined as the founding nation of the state experience ostracism. Based on the normative considerations put forward in this study this coupling constitutes a problem as long as most nation-states consist of several national groups. A second problem relates to the fact that defining nations and nationality is a matter of discourse and is hardly an objective task. I argue in this respect that the reason why citizenship went out of fashion in the after-war years in the West is due to the fact that the nation-states became established and consolidated without experiencing an inner threat, meaning that the discussion about who and what belonged to the particular nation-state was not challenged. The last couple of decades the European nation-states have become net immigration states instead of net emigration states; they are experiencing a change in the population which the current

\(^1\) See Kymlicka & Norman (1994) and Linklater (1993; 1996).
citizenship laws are in no condition to face. Simultaneously, old national minorities seeks secession. The emergence of a European Citizenship pinpoints trends towards a possible relocation of the organisation of citizenship. In The Middle East the discussion about what states to give birth to, which territories to allocate to them, and what population to involve in the process was never closed. It still colours the political agenda of the region (Korany 1987:3). Right now the quest for a establishment of a Palestinian state is at the centre of the world’s attention. Another matter is the long lived calls by the Kurds, currently separated between four different Middle Eastern nation-states, for a home (read state) of their own. The discussion on what states to give birth and which territories to allocate to them is coming to the surface again in Europe, and it has sparked off new interest in the concept of citizenship. Much of the literature I draw my study upon is a real-born child of this debate, and I legitimise my theoretical departure to citizenship in the Middle East through this fact.

1.1.1 Remarks on Citizenship
Citizenship is a concept which draws attention to the relationship between the state and the society. Here, I will outline some of the main components of the concept in order to enable the reader to better grasp my point of departure and the assumptions and arguments I put forward. Citizenship is, according to T.H.Marshall’s (Clarke 1994:171-173) definition, essentially a matter of ensuring that everyone is treated as a full and equal member of society. The way to ensure this sense of membership is by granting people an increasing number of citizenship rights. These rights operate in three different spheres of modern life: the political, the civil, and the social arena. Hence, citizenship refers to the legal and institutional foundation of individual rights and obligations towards state-authority. The inclusion and exclusion of individuals in this particular political entity - a nation-state - is totally in the hands of the governing regime, and they are by definition absolute sovereign in this respect. Citizenship can also be categorised as a nominal and a substantial citizenship. The nominal citizenship has to do with the definition of members, and the substantial citizenship has to do with the quality of that membership. My point of departure to this study will put weight on the former of these two concerns. In much of the post war era, citizenship in political
theory has been approached primarily as a status defined by a set of rights and duties. These are quantifiable components which can be precisely measured through rules and legislation, and they are the hard facts of citizenship. However, Anh Nga Longva (1996:1) claims that to «analyse citizenship in only such terms is to disregard both the nature of the nation-state and the socio-political parameter for the definition of human identity in the world today». This quotation follows Ronald Beiner (1995:19) who claims that to theorise citizenship requires that one take up questions having to do with membership, national identity, civic allegiance, and all the commonalties of sentiment and obligation that prompt one to feel belonging to this political community rather than that political community. The approach of this dissertation revolves around this context and is a result of a real wish to acknowledge these views.

1.2 Assumptions and a Presumption
The main parts of this thesis do not seek an universal explanatory force. Rather it seeks to develop a line of reasoning and a line of argument which will enable the reader to understand the various aspects and controversies in much theory on citizenship, but also its modern practice which is tied to concepts such as nation-state and nationality. Thus I seek to illuminate moral-normative problems with this modern coupling of the concepts. The Middle East will be a case of empirical illustration in this respect. I also seek to present an alternative level for political organisation other than the nation-state for the organisation of citizenship. The alternative will then be discussed with regard to its theoretical normative implications and empirical viability both in general and in relation to the Middle East. The presumption and premise for such a task is clear-cut: the principles for organisation of a political community determine who should simultaneously be defined as members of the polity. Within this context the assumption behind my thesis can be phrased as: The coupling of the concept of citizenship and the concepts of nation-state and nationality implies a moral-normative dilemma (exclusion of individuals) for the allocation of rights within a state and the distribution of members between states. Furthermore, this exclusivist element can be sought eliminated through a redefinition of the criteria for membership: the decoupling of citizenship from nationality. Suggestively, a redefinition can be sparked
off on a higher level of political organisation referred to here as a Regional entity - A Middle Eastern Union. However, the regional entity encounters moral-normative dilemmas as well. The assumption stated here includes various concepts which need to be defined and explored in order to distinguish them from each other, and establish a fruitful and valid logic reasoning. The following section will be an attempt to deconstruct the assumption into more manageable pieces of argument, and then again to rebuild it as a model for analysis, which will reveal the line of reasoning and order of thoughts suggested in this dissertation.

1.2.1 Line of Argument

- My normative point of departure states that every individual should have a basic set of rights, defined as civil, political and social, which should apply equally to all members of the community.

- This set of rights can only be secured within the context of a political community in order to grant the individual these rights and sanction violations of these rights. Therefore, they need to be institutionalised.

- In order to define membership in a political community one has to have criteria for who should be excluded or included. This is prerequisite for allocation of rights. However, membership should be defined in such terms that they would include all individuals of the world but not all in the same polity. This represents a dilemma which is one of the main puzzles of this dissertation. From a liberal point of departure, a full-fledged inclusion requires that membership is based on territorial residence detached from collective connotations such as nationality.

- The modern principle for political organisation has been, and still is, the state and preferably the nation-state. The principle for defining membership of a particular political community, the nation-state, is based on nationality and territoriality. Consequently, this constitutes a problem as long as most political communities in the world today do not consist of one nationality but of several. Further, there are often diverging conceptions of the nation and who constitute the demos. The result in many cases are that groups not defined as belonging to the founding nation of that political community are discriminated and kept outside the gates of citizenship.
Furthermore, some groups are excluded or not defined as members of any state, or any particular political community. This may be the result of that they do not fit the criteria of a nation, and consequently do not have the right to seek national self-determination and their own state. I assume and attribute this to the modern practice of dividing the world into sovereign states: states organised along the principles of nation-states, where group identity (national) determines membership. The Middle East provides one with a quintessential case in this respect. The nation-states established after World War I cross-cut ethnic, tribal, cultural and religious division in the region.

- As a result of this practice, one needs to redefine the criteria for membership in a political community in order to eradicate its exclusivist element. More precisely this means that one must de-couple citizenship (both membership and rights) from the concept of nation-state, and thereby nationality. Suggestively this de-coupling can take place on a higher level of political organisation (a regional polity), as long as the concepts referred to above are deemed inadmissible by a critical normative assessment. But the establishment of a regional polity presents one with new dilemmas requiring an analysis in its own right.

Central to this line of argument stands the concept of sovereignty. The concept of sovereignty involves two dimensions; one external and one internal. External sovereignty denotes the recognition of each state's territorial borders and the institutional authority's legitimate control over these territories. Further, within these borders other states should not intervene. Internal sovereignty concerns the state authority's monopoly on judicial and executive power; the pillars in any state's constitution (Østerud 1991:47; 1994:106) Then, one encounters two vital dilemmas. First, a state has absolute power to decide who is to be part of the state's demos and who is not. Within the field of international relations this means that individuals or group of individuals are left without the protection of a state authority; they are stateless. Thus, they have no rights at all. Secondly, the state authority's definition of its members cannot be questioned by the international community as long as they adhere to the principle of non-intervention. The concept of the nation-state coupled to
the concept of sovereignty further reinforces the exclusivist mechanism of the concept of sovereignty. The nation-state has two sides. It is a frame around a collective identity and simultaneously a political decision-making unit. Østerud (1991:50) defines the nation-state as «a state is legitimate as far as it is a bearer of a national community. The national unity provides solidarity and support to the institutions of the state, either it is language or historic destiny which ties the population to the territory». Given this definition it is evident that the members of this state are the ones defined as belonging to the nation. Given the sovereignty of the nation-state, the state can legitimately exclude non-nationals from the polity.

By focusing upon the nominal aspect of citizenship, my aim is to reveal that the main exclusivist effects of citizenship have to do with the definition of members in a state, which is reinforced by its coupling to nationality and the concept of the nation-state as principle for political organisation. It is not fruitful to focus upon the substantial citizenship if not the nominal citizenship question has been dealt with and «solved». In this study I rather presume that citizenship have a substantial content per se. By this I take for granted that citizenship consists of a set of rights important to the individual. A further elaboration of the concepts introduced in this section will take place in chapter two.

1.3 Assumptions for Analysis and Operationalisation of Concepts
In light of what has been argued, I have to clarify some important assumptions made in this thesis. My normative point of departure is based on the assumption that every individual should be the holder of some element of basic rights which are regarded fundamentally important for participation in the good life. These rights are currently embodied in the concept of citizenship. Citizenship regulates the relationship between the state and the individuals. Analytically, this means that citizenship is the entrance point to the fulfilment of the good life and, simultaneously, the protector of this life. To become a citizen one needs to be defined as a citizen of the state in question. Once defined, one enjoy the rights of citizenship. Consequently, what is outlined as two different sides of citizenship (the membership definition and the substantial content of
this membership) are closely interrelated and intertwined. Thus this distinction must be treated cautiously. Membership is a prerequisite for access to the rights incorporated in the concept of citizenship. Henceforth citizenship is operationalised as both a set of rights and as a certificate of membership. The membership definition has major consequences for the allocation of rights. The next analytical step is to take a look on what levels of political organisation this set of rights can materialise and what kind of membership definition that will involve. The above mentioned assumptions form the base of the premises for the following model:

**MODEL 1: Model for Analysis**

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CITIZENSHIP:
* a set of rights every individual should be entitled to
* allocation of rights determined by definition of membership

Levels of political organisation:
* alternative definitions of membership

MIDDLE EAST UNION (REGIONAL POLITY)
Membership based on territoriality.

THE PARTISAN NATION-STATE
Membership: alleged correspondence between state and nation

Allocation of rights:
Citizenship = every individual resident within the territory regardless of nationality.
Citizenship = those belonging to the nationality of the territory.
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The concept of the nation-state outlined about suggests a deviation from the ideal of the French Revolution, meaning that the nation-state has not become a neutral politico-territorial community. Rather, it is a highly politicised community in favour of a particular group in the territory, namely the national group. In accordance with Østerud’s definition of the nation-state this is what I have chosen to term the partisan nation-state.

The model presents a Middle Eastern Union as a level of political organisation where territorial residence is the foundation for membership; a modern equivalent to the early
ideals of the French Revolution and its perception of the nation-state. The reason I see the Regional polity as suited and a level of political organisation where universal inclusion will find its impetus is clear: a large territorial entity cannot exist without recognising and acknowledging that it is inhabited by individuals with a multiplicity of identities, be they national, religious or ethnic; otherwise it would undermine its whole existence. However, the preceding analysis will show that the regional polity’s relationship to universalism can be questioned as well.

This model seeks to integrate three different aspects which, according to Bauböck (1994:vii)\(^2\), are necessary for comprehensive analysis of citizenship: (1) the rights and obligations attributed to citizens as members of a polity, (2) the determination of individual membership, and (3) the nature and shape of the polity itself. This summarises my key concerns in this study, and the model for analysis show how I anticipate the connection between them. However, this is not a deterministic causal model. Rather it is an analytical model used for the purpose of describing and structuring the arguments and proceedings of this dissertation. In other words a background on which the line of reasoning will be displayed. In a larger context this study seeks to integrate «new» themes in political theory discourses with discussions in international relations theory, which have emerged out of the temptation to view the present world of states in a quintessential post-modern eye, where the fall of the nation-state is one of the predicaments. I hold the view that this is a far too premature statement to make. However this discussion points to some important trends with today’s development and the present organisation of nation-states. But most of all, theoretically it points to some troublesome sides to the modern state-system, which is worth investigating.

1.3.1 Further Proceedings
Chapter two explores and examines the concepts of citizenship, nation-state and nationality, and the alleged link between them. I build the foundation for introducing an alternative level of political organisation through presenting a normative critique of

\(^2\) Similar points are made by Beiner (1995) and Longva (1996).
the ties between these concepts. The theoretical approach in chapter two is an eclectic one and draws upon interdisciplinary works such as sociology, anthropology, political geography as well as political science. **Chapter three** aims at placing these concepts theoretically in the context of the Middle East. More explicitly that includes tracing these concepts roots in the Middle East, and more particularly, outline what kind of principles for political organisation and citizenship which can be found. **Chapter four** assesses the regional level of political organisation in light of its empirical viability and moral-normative implications for citizenship. It also includes discussions on the institutional configuration of this polity and the implications of establishing a regional polity in terms of both the nation-state and the individual. The regional level is also an object of critical investigation itself. **Chapter five** attempts to summarise the discussion in the previous chapters in order to state the validity of arguments outlined in this dissertation. It also seeks to present some conclusions by way of comparisons between the two levels of political organisation and their possibilities of becoming all inclusive polities.

1.4 **Methodological Considerations**

Scientist will always have different angles to the subjects they want to study just as well as having different purposes for their research. Also, the same scientists would probably also have different opinions for the sole purpose of committing themselves to social science ranging from description, explanation, understanding, prediction, criticism, influencing or changing social relations (interventionist) (Hellevik 1991:13). 

Ib Andersen (1990:115) claims that one can distinguish seven different forms of scientific investigations referring back to the purpose of the study. Based on his seven distinctions\(^3\), it will be fair to say that my study is both an explorative study and a normative problem-solving study. It is an explorative study because it seeks to, by utilising a normative theoretical approach, identify a problem in the modern link between citizenship, nationality and nation-state, and challenge the paradigm of how scientists tend to view the relationship between the rulers and the ruled (or the state

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\(^3\) Which are descriptions, explanations/understandings, exploration/identification of problem, diagnostic, problem-solving/normative, and interventionist.
and its citizens). That often includes looking into new angles with regard to old problems, which is basically what I try to do in this study. The sole purpose in this context is to define and reveal problems with modern political practice; meaning organisation of political communities and their relationship to the individuals inhabiting the political community. Andersen (op. cit) claims that the purpose here often is to illuminate interesting questions which could be an object for further studies. Furthermore, it often seeks to put forward hypothesis/assumptions which later can be a matter of falsification. Obviously, this is a part of my study. This study is also problem-solving in that it goes beyond the task of identifying a problem. It also sets out to suggest an alternative which might be of a problem-solving character. Andersen (ibid:118) states that these studies often take the form of a profound normative point of departure. This is exactly what I suggest when I present an alternative level of political organisation. However, this part is just as well explorative because I point to and identify problems with this alternative. When it comes to the analysis it is correct to call it a meta-analysis, which is to say that it is theoretical in its character, and basically make use of secondary literature. The fact that I make use of secondary literature calls for caution and prudence. The interdisciplinary approach in the more general discussion on state and nation also pinpoints this call. It requires a critical attitude towards the sources and their reliability.

1.4.1 Sources and Their Reliability

When performing meta-analysis it is of utmost importance that the sources which the study builds upon are authoritative, meaning acknowledged and well-informed, and viewed by the academia as credible and reliable. The bulk of this dissertation deals with authoritative sources both in relation to the more general arguments and with the Middle East. When less authoritative sources are utilised, I still find them reliable because in most cases they build upon authoritative sources themselves, and if not so, their conclusions and interpretations are not far fetched from the conclusions of the authoritative sources.
1.4.2 Generalisations and Empirical Delimitation

The analysis of this study operates on a general theoretical level. To conduct generalisations represents a dilemma for the scientist. If the scientist conduct generalisation he/she runs the immediate danger of being too general so that empirical nuances important for the validity of the study is lost from sight. I have in this study chosen to be very general with regards to the descriptions of the empirical context. The empirical context of this study is the Middle East. By referring to the Middle East in general I speak of the geographical area covering Turkey and the Fertile Crescent of the North, Iran in the East, the Arab Peninsula in Southeast and the Maghreb in the Northwest. Within this territorial framework different type of states can be found. I have defined them as nation-states. This is not straightforwardly correct. Empirically, according to their principles of government they can be categorised as: (1) the imam-chief system; (2) the alliance system of chiefs and imams; (3) the traditional secular system; (4) the bureaucratic military oligarchy type; and (5) the colonially-created state system (Harik 1990:6). Only the last category would be fair to define as nation states in the western meaning of the word. However, when I have chosen to generalise them as nation-states it is because they are organised along the lines of modern western states; they are inspired by the French model of the nation-state, and they have developed conceptions of the nation in close conjunction with western understanding. Thus, when I speak of nation-state I refer to the normative principle for political organisation and the ideal that every nation should have their own state, and the boundaries of the nation should be congruent with the boundaries of the state. As such, the preceding analysis will prove the validity of this generalisation.

1.4.3 Limitations to Arguments

I deal here with strong normative arguments which are hard to develop into a more comprehensive over-arching theory. The main aim of this study is to point out some normative problems and inconsistencies in the modern political practice of citizenship and the nation-state. Some would argue that I fall short of explaining the phenomenon at stake here, and could perhaps discover inconsistencies of my own. I plead guilty to that accusation. I can account for this partly by saying that neither of the scholars
discussing these subjects have sufficiently developed a comprehensive theory of their own covering all the aspects I want to incorporate in the analysis, thus an eclectic approach is needed, and partly by saying that my aim is more pointing to normative problems than to develop explanations. In this picture I also plead guilty to the accusations that I simplify reality and am far too general in my reasoning. However, I find it necessary in order to state my normative points, and clarify the implications of this moral-normative stand. Profound empirical studies I leave to someone else. I believe it is better to make my own explicit normative judgement and be judged thereafter. In accordance with the methodological and normative purposes of this dissertation I claim that: if the perspectives introduced in this thesis contribute to a lot of question marks about the principles states have chosen to organise themselves in modern times I have achieved what I set out to do.
2. CITIZENSHIP AND THE NATION-STATE - A CRITICAL READING

This chapter will examine the concepts outlined in the model for analysis, first separately and then their relationship to each other. The concepts under investigation here will be read critically, especially when it comes to the coupling of citizenship and the nation-state. Furthermore, there is a moral-normative argument put forward which suggests how to analyse the concept of citizenship and its exclusivist mechanisms.

2.1 The Concept of Citizenship

The word citizenship has its roots in the ancient Athenian and Roman societies, which are supposed to have articulated the «ideal of citizenship». The citizen - the Greek polities or Latin cives - is defined as a member of the Athenian polis or Roman res publica, a form of human association allegedly unique to these ancient Mediterranean people and by them transmitted to Europe and the West (Pocock 1995:29). The English word citizenship derives from the root word, city, and originally referred to a freeman of a city. Later it came to mean civilian. It is only relatively recently that the citizenship refers to nationality and membership in a state (Longva 1996:2). This indicates a latent ambiguity already in the meaning of the concept itself.4 It is first in modern times that the concept has been connected to the nation-state, and it is this connection which will be of utmost importance for this study. Referring back to its origin citizenship is at heart an urban phenomenon. The classical ideal of citizenship defined membership in the city-state, who were to be a citizen of that state, and who would enjoy the rights to participate in politics. To qualify as a citizen, the individual had to be the patriarch of a household or oikos, in which the labour of slaves and women satisfied his needs and left him free to engage in political relationships with equals. Philosophers such as Jean Jacques Rousseau, Immanuel Kant and John Stuart Mill brought these matters further into the European context. Today in most countries of the world nationality is synonymous with citizenship. This has not always been the

4 The Norwegian translation «statsborgerskap» refers directly to the state «staten». Thus, it does not express the ambiguous relationship between the citizen and the state, which is more fully expressed in the French or the English meaning of the word.
case. At the dawn of the modern constitutional state there was a huge discrepancy between these two categories:

«Whereas nationality had the meaning of being subject to the government of a particular state and thus serves as a demarcation against aliens, the term citizen referred to the social status within the polity, only those, as Kant put it, were neither minors nor women and who were their own masters, i.e who owned possessions which enabled them to lead an independent life, qualified for the status of a citizen.» (Preuss 1995:265).

In other words, while nationality conveyed a position of passive submission, citizenship included the active status of participation in the shaping of the polity. And so, as stated here, the concept of citizenship has been socially and politically exclusive from the very outset. It is only due to democratic development the last two centuries that it has become ever more inclusive. Today, virtually all adult nationals enjoy the status of citizenship. With the emergence of the modern constitutional nation-state in Europe the concept of citizenship became congruent with nationality. Consequently, this congruence rendered it all the more difficult for non-national residents to acquire the status of a nation because this was the key to become simultaneously a citizen of that state (ibid). Accordingly, the bond between nationality and citizenship is a historical one not a conceptual one.

2.2 Conceptualising Citizenship

Our ideas of citizenship in the modern world have evolved out of the experiences of the American and French revolutions. As indicated, citizenship involves a set of rights and responsibilities the citizen enjoys towards the authority of the state. Two elements are crucial in this respect and have their origin in these two revolutions. The first is the idea that a citizen has rights that cannot be infringed by arbitrary governmental action. Secondly, the role of the citizenry to participate in the governing process by way of elections and through their elected representatives. Without such a mandate from the citizenry in free and open elections, a government lacks legitimacy, and it is not entitled to respect (Falk 1994:128). The heritage from these ideas is quite clear: the notion of a liberal democratic citizenship. Then, the concept of citizenship is very much tied to democracy, which in fact is a logical evolution of the old classic ideal of
Aristotle. Democracy, however, is not necessarily a prerequisite for citizenship, because this is exclusively tied to the political sphere of rights. T.H.Marshall’s accounts for the development of modern citizenship rights are a process of three stages. First came the civil rights in the eighteenth century, then the political rights in the nineteenth century, and, finally the social rights in the twentieth century. As Longva (1996:5) observes, this evolution, which seems generally valid for Europe, corresponds to the development of the institutions of the law courts, parliament and the welfare state.\(^5\) In other parts of the world this order has been reversed. Thus it is conceivable for citizenship to have a substantial content without being tied to the development of democracy. Kuwait is a case of illustration in this respect. Those enjoying citizenship (defined as citizens) in Kuwait enjoy a large number of social rights, but in most cases severe restrictions in political participation, and the situation for the civil rights are at best ambivalent.\(^6\) I view these rights as normatively universal, and as a set of basic human rights every individual of the world are equally entitled to. However, citizenship is also a matter of membership. For Bauböck (1994:23), citizenship is a relation between states and individuals, and analytically concerns two different aspect. The first aspect is the classification of individuals into groups of different state membership. The second aspect is the particular nature of the relation itself and the characterisation of both individuals and states implied in it; a transaction of rights and obligations. Bauböck calls the first aspect for *nominal* citizenship. In judicial language it is frequently referred to as nationality. Article 15 in the United Nations Declaration of Human Rights states that (a) everyone has the right to nationality, and (b) no one shall be arbitrarily deprived of this nationality nor denied the right to change nationality (ibid:28). As I interpret the concept of “nationality” in article 15 it is substantially equivalent to citizenship.\(^7\) The second aspect is referred to as *substantial* citizenship. In the eyes of Bauböck, the basic elements here are generalised rights

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5 Marshall has been attacked and criticised for being too exclusively British in his study. However, most European states seems to follow this pattern and Thomas Hammar (1990:52 states: "If they were not always as neatly divided as in Britain, they at least occurred during formative periods in the same consecutive order.

6 Maktabi (1992) and Longva (1996) have provided extensive studies of Citizenship in Kuwait. These works are excellent for further reading on this matter.

7 This interpretation is supported by Asbjørn Eide addressing the concept in a lecture he held at the Conference on Citizenship and the State in the Middle East, University of Oslo, 22-24 November 1996.
within a political community (ibid:26) The first aspect found the premises for the allocation of the bundle of rights referred to in the second aspect. Let me start with elaborating on the second aspect of citizenship, before addressing the membership question.

2.2.1 Substantial Citizenship: a Set of Rights
Citizenship includes civil, political, and social rights which all serve different functions necessary for the participation in the good life.

Civil Rights: The civil element is composed of the rights necessary for individual freedom - liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. The clear-sighted Marshall stated: "The last is of a different order from the others, because it is the right to defend and assert all one's rights on terms of equality with others and by due process of law" (Quoted in Clarke 1996:173). The institutions important in this respect are the courts of Justice.

Political Rights: Marshall defined political rights to be the right to participate in the exercise of political power, as a member of a body invested with political authority, or as an elector of the members of such a body. Here the corresponding institutions are parliament and councils of local government. In much recent work in political theory, political rights also have come to mean and include the right to participate in civil society, to join freely various kinds of organisations, notably non-governmental organisations.

Social Rights: The social element includes a wide range: from the right to have a modicum of economic welfare and security to the right to share to the full in the social heritage and to live life of a civilised context in accordance with the standards prevailing in society. The institutions most closely connected with it are, in Marshall's eyes, the educational system and the social services.

Theoretically, these rights and to what extent they should be exercised and regulated have been a matter of normative discourse. Several types of ideal forms for citizenship have been theoretically developed. They range from what one can call liberalism,
republicanism, communitarism and universalism (or cosmopolitanism). They are also concerned with on what level of political organisation such rights should be institutionalised.

To summarise, the term citizen refers to several meanings. First it means the opposite of being a subject. Second it also means that people exercise control over governments. Third, and most importantly it means that people are equals as members of an inclusive polity (Bauböck 1994:vii). The absence of a substantial citizenship means one of two things, according to Bauböck, either that membership is not based on equal rights, or that a group of people is without any rights due to non-inclusion in the definition of membership (ibid:27). According to my normative assumption, the absence of a substantial citizenship is due to non-inclusivist membership definitions, which either means that individuals are entirely excluded or only partially included.

2.2.2 Nominal Citizenship: Citizenship as Membership

The first aspect of citizenship has to do with membership, and this is perhaps the most complex and ambiguous part of the concept. Rights and responsibilities citizens enjoy emanates from the membership of a political community. Otherwise the concept will make no sense. The critical element then is how does one define membership in a political community? Who belongs to where and to what kind of political community? A large amount of books have recently been written about these subjects with a renewed interest in these questions, which is an attempt to catch up with challenges of the «post-modern» world. Put forward here are predicaments about the trends of globalisation and internationalisation which erode established identities and undermine the separateness of nation-states. These pivotal trends or forces are not heading in a straightforward direction, rather in several directions and encounter counter-forces at the cross-roads. One trend is the diminishing role of the nation-state and national identity compared to universalism and the establishment of a global, or at least, regional identity. The counterforce is an awakening and revival of subnational identity, what one can call ethnonationalism, which in many places has lead to

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8 See for instance Linklater (1993).
secession, often through the use of violence from both parties involved in such a struggle. The forces and politics of international migration is also contributing to a crisis in old identity-structures, which change the face of the nation-state. Social scientists seek to explain this development and are looking to citizenship as the glue that can or cannot hold things together. In this respect identity becomes important as an aspect of citizenship. It is in this context I find it legitimate to look upon alternative forms for political organisation taking into consideration these trends. However, identity is not of new importance for the construction of membership. William Rogers Brubaker (1992) has focused upon the importance of identity. He draws up two models for organisation of modern citizenship, where identity plays different parts as founding pillars of membership in a political community. His study is based on two distinct European traditions: the French and the German tradition. First let me start by saying that with the establishment of the modern state system dating back to the Treaty of Westphalia in 1648 it eventually became evident in the practice emanating from this treaty that nation-states were to become the main idea for the organisation of a political community, and nationhood was then the defining principle for membership in states. But France and Germany differed in this respect: what constituted the nationhood?

**The French tradition:** The French understanding of nationhood has been state-centred and assimilationalist. This means that what constituted the members of the French nation-state was that of its territorial borders to the state, and from there one tried to create a national identity and a nation. The nation has been conceived in relation to the institutional and territorial frame of the state. Brubaker (ibid:1) claims that the ideas of a unitarist, universalist and secular definition of nationhood and citizenship was the result of the French Revolution. French nationhood is then constituted by political unity and a striving for cultural unity. In this context political inclusion has entailed cultural assimilation for regional cultural minorities and immigrants alike. In other words, territoriosity should define membership, and a national identity would emerge from the inclusivist ideal of citizenship.

**The German tradition:** In contrast to the French tradition, the German understanding has been volk-centered and differentialist. Since national feeling developed before the
nation-state, the German idea of the nation was not originally political, nor was it linked to an abstract idea of citizenship, claims Brubaker (op.cit). The prepolitical German nation, a nation in search of a state, was conceived not as the bearer of some universal political values, rather as an organic cultural, linguistic or racial community. In Brubaker’s words: «...as an irreducibly particular Volksgemeinschaft.» (ibid:1). This understanding of nationhood is not a political fact but an ethnocultural one. The German nation was the bearing principle for membership not the territorial state surrounding the nation.

Brubaker (ibid:3) elaborates further on the consequences these two ideas and traditions had for the access to citizenship. The French state-centred, assimilationist understanding of nationhood is embodied and expressed in an expansive definition of citizenship; one that automatically transforms second-generation immigrants into citizens, assimilates them, in a legal context, to other French men and women. On the other hand the German tradition and its ethnocultural, differentialist understanding of nationhood is embodied and expressed in a definition of citizenship that is remarkably open to ethnic German immigrants from Europe, but remarkably closed to non-German immigrants.

These two traditions give their mark to two distinct defining principles for granting citizenship: *jus soli* and *jus sanguinies*. *Jus soli* is a heritage from the French tradition and *jus sanguinies* from the German tradition. The former principle is based on residence or birth in a territory, and the latter is based on descent. These principles have major consequences for the allocation of rights within a given political community. The *jus sanguinies* principle will clearly reproduce exclusion because of the ascriptive criteria based on descent. Even though one lives within the political community’s territory and has done so in several generations, one would not be defined as a member because one is not belonging to the original members of the political community. In the practice of *jus soli* it is possible to gain citizenship by the fact that one is residing within the political community’s territorial borders.
Nevertheless these principles have lost much of their significance as two distinct principles and have been intermingled with the emergence of the modern territorial nation-state. The *jus soli* or the *jus sanguinies* principles are rather two complementary principles used for political purposes. Thus the significant force in access to citizenship is the membership definition: nationality.\(^9\) Furthermore, nationality should ideally be congruent with territoriality. I interpret Bauböck as supporting this statement. He states clearly that the three principles underlying the manifold rules of national legislation are those of territory (*jus soli*), descent (*jus sanguinies*) and consent. Furthermore he says: «National citizenship laws invariably contain a complex set of rules which refer to at least two but mostly all three, basic principles» (1994:31). In this context it is of no relevance to discuss the principles for membership based on the *jus soli* or *jus sanguinies* tradition because they have been locked inside the modern nation-state confidence in nationality and its correspondence to territoriality. This viewpoint is further strengthened by Yasemin Nuhoglu Soysal (1996:17) who claims that national citizenship as an ideology and institutional practice has always embodied both these components. Altering the membership definition, which is the normatively underlying argument of this study, logically requires other forms of political organisation than the nation-state.

### 2.2.3 Membership and Identity

Modern assumptions of citizenship ties the concept to that of a nation and nationalism, but this reference is no more than two hundred years old, dating back to the French revolution, and its predecessor: the treaty of Westphalia. Identity played a major part in defining citizenship even before the time of the French revolution. During the 17\(^{th}\) century there appeared to be several religious wars, which may be compared to the nationalistic wars of our own century. In this period, one should recall that since the Reformation, adherence to the dynasty’s religion has been the absolute requirement for citizenship or membership in many states in Europe. This requirement has been replaced by another, namely the identification with the nation (Hammar 1990:62).

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\(^9\) In the last week of February 1997 the French parliament ratified a new law. This law makes it harder for immigrants to become French citizens and even to obtain a permit of residence or stay in France. The universal accounts of the French ideal, the *jus soli* principle, is now rotten to its core.
Membership can then be viewed as a matter of identity - be it a national, ethnic or religious. However, as the principle of *jus soli* states, membership can also be a matter of territoriality. The modern assumption here is that membership in a political community is a correspondence between territoriality and nationality. This ideal of correspondence becomes quite clear after having scrutinised the French and German tradition closely. However, it is possible to view territoriality as the only criteria for membership, where one takes no notice of an individual’s identity. Identity is also a matter for the state itself, not only for its individuals. The subsequent section places emphasis on the identity of the state and its consequences for distribution of membership in the polity.

2.2.4 Political Scientists and the Study of Citizenship and the State
Citizenship touches upon most subjects defined as political science. Below I introduce a model that demonstrates the study of citizenship in political science.¹⁰ The terms of this model holds the view of a Rousseauian contractarian perspective - an abstract Social Contract between the state and its citizens.

**MODEL 2: Citizenship and Subjects in Political Science**

![Diagram showing the relationship between citizenship and different fields of study.](image)

Citizenship presents us with a multidimensional foundation for studying the relationship between state and society, and it is a face of several different fields in

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¹⁰ I am indebted to Nils Butenschøn for pointing out this model to me. It is his works presented at a lecture he gave at the University of Oslo, 4th December 1995.
political science. Given this model for analysis of the concept of citizenship and its related concepts, several perspectives for further studies can be sought.\textsuperscript{11}

The first perspective has its main focus based upon the political economy of citizenship. Some main concerns here are how to finance citizenship, i.e. under the decline of the welfare state? Should restrictions be put on admission to citizenship in light of financial considerations? This perspective is clearly administered under the public administration department of political science.

The second perspective focuses upon state-formation and nation-building and does so with a development-oriented view. Citizenship becomes important in the process of nation-building as an instrument for the construction of national identity. T.H. Marshall, Reinhard Bendix and Stein Rokkan are scholars whose thoughts clearly fall within this perspective. Their main focus is upon the rights and responsibilities of the citizen. This perspective could be labelled as an institutional one, where the focus is upon the institutions developed to manage citizenship. These institutions are also the creators of national identity. This perspective belongs to comparative politics.

The third perspective is a normatively founded one. Main focus here is upon issues and questions concerning identity and participation. There exists no such thing as one norm for citizenship which all agree upon. A lot of the theorists in the field of political theory are concerned with these subjects. Their main concern is nicely summed up by Michael Walzer (1995:154): What is the preferred setting, the most supportive environment for the good life?

The fourth perspective can be labelled as a legal-status oriented one. This perspective’s main focus is a concern with judicial aspects of citizenship. Citizenship regulates the relationship between the citizens and the state, which means that one encounters a specific set of legal classes. These classes create political dividing lines.

\textsuperscript{11} The subsequent categorisation and classification is built upon my interpretation of contemporary citizenship literature.
Advocates of this perspective focus upon the instrumental aspects of citizenship. The state can form a population after its own resources, or regulate the access to the state's resources. This perspective is harder to define in terms of the model above, but would in many respects both fall within the field of International Politics and Political Theory, and even within the field of Public Administration.

There is even a fifth perspective which is closely related to questions addressed and covered in the study of International Relations. This has to do with the role of citizenship as an instrument of closure, not just internally but also externally. It concerns the fact that citizenship and rules of admission close off the territorial state borders for aliens. In Marxist terms this is seen as the rich First World protecting itself from the poor of the Third World. They protect the welfare states, and close off their wealth from the migrant poor. Citizenship is a concept directed towards keeping unwanted people on the outside of the fences surrounding the territorial nation-state. This field touches upon crucial issues like the concept of sovereignty, the concept of the nation state, and overall it deals with the identity of the state. A lot of the renewed interest in the concept of citizenship has had its focus here.

Within this context it should be possible to carve out a theoretical foundation for the study of citizenship. My object for study lies where Political Theory meets and crosses the line of International Relations, namely to that of the identity of the state. A lot of the questions raised in this study have major theoretical implications where Political Theory encounters and overlaps International Relations. Nils A. Butenschøn (1993:12) claims that two important aspects go into a definition of a state's character, namely the state-idea (the normative foundation of the state) and the regime (mechanisms for distribution of political power). There is even a causal mechanism at work, according to Butenschøn; the state idea determines the type of regime. After having examined the premises for that assumption more closely, I find it legitimate and plausible for the purpose of this study to claim that the state's idea of a nation determines membership in that state, which is particularly evident in the perception and constitution of nationhood in the traditions of France and Germany. Explicitly then, I assume a
connection between the idea of the identity of the state and the definition of who constitutes the people of the state. When the principle for political organisation are those of the nation-state, the definition of membership is based on the notion of nationality deriving from the notion of belonging to a particular nation. Membership can be established through citizenship, and identity is as such (as outlined) an important feature of citizenship. Focusing upon the identity of political communities, I will now sketch four ideal forms of citizenship: republicanism, liberalism, communitarism, universalism, which are four theoretical responses to questions of identity: what should constitute the identity of the state and what it is consisted of, and simultaneously incorporates another major issue: what kind of political organisation is appropriate for the good life? Accordingly, the subsequent sections of this chapter examine the basic concepts of state, nation and nation state which are the modern principles of political organisation.

2.3 Normative Perspectives on Citizenship
I elaborate on four ideal forms of citizenship here. Several other ideals can be located, but which are, in my view, variations and sub-theories of these four ideal forms of citizenship. Pluralism for instance is clearly built upon the notion of a liberal citizenship, and groupism is built upon the notion of communitarian citizenship. The civil society argument is a liberal and non-territorial version of communitarism. Therefore the selection of the republican, liberal, communitarian and universal forms of citizenship is intentional in order to illuminate the points I want to state.

Republican citizenship: This ideal belongs to the legacy of the philosophy of Aristotle, Machiavelli and Rousseau. The public society is given the main role and is superior to the individual. The nation is defined as a political community with a constitution, laws, and citizenship. Immigrants can be assimilated under the condition that they adhere to and claim loyalty to the political rules and the national political culture. Citizenship is an expression for membership in a political community and corresponds to the nation. The nation has a non-ethnic cultural content, rather a political-territorial one. The republican ideal focuses upon the establishment of a single common will and
a common denominator for membership of the community. National minorities are not easily accepted. Citizenship’s central function is that it is a means to an end in the integration-process of new members. It is based on the principle of *jus soli* (Hole 1995:28-29). This ideal stems from the French tradition. Evidently, this ideal is a more or less a defence of the nation-state, and the current focus of this ideal operates in the spheres of the nation-state. This ideal has from its very modern inception been tied to the nation-state: «*since the property that the classical citizenship implied was property in land, rather than moveable goods or stock, property holding automatically vested its owner an interest in the territory of the nation-state*» (Ignatieff 1995:58). Clearly this ideal put identity of the group (the nation) at the heart of membership definitions. Individuals not belonging to the nation can be granted citizenship insofar as they are willing to surrender their own identity and claim adherence to the identity of the state - the national identity.

**Liberal citizenship:** The individual and its liberty is the sole focus here. It is a kind of minimalist theory. The individual stands above the community and is free to opt-in or out of this community. Liberty, citizen’s rights, and human rights are key concepts in this theory. Every individual’s obligations are toward every other individual, because all are equal. This liberal form of citizenship has its roots in the liberal natural rights tradition of John Locke. Here, political institutions are important as far as they serve the needs of the individuals, and the individuals are able to calculate and maximise their needs. Utilitarianism plays a major part in this tradition. The principle for gaining citizenship is *jus soli*, free from national connotations, enabling the individuals to a large degree of self-determination in selecting citizenship. Full-fledged membership in a state are not determined by national affiliations. The principles for membership are universally valid, and the Social Contract is not limited to the historical community (Hole 1995:29-31). More specifically, the liberal tradition is emphasising the individual, the individual’s capacity to transcend groups or collective identity, breaking the shackles of fixed identity, defining and redefining one’s own purposes (Beiner 1995:13). Joseph Carens (1995) argues through a thorough investigation into the liberal principles of John Stuart Mill and John Rawls that there is
no legitimisation within the liberal tradition for a system of closed borders. However, modern liberal assumptions operates in a world of states and emphasise territoriality as the defining principle for membership in a political community. Parts of my normative project in this dissertation are founded upon these liberal accounts: the individual is free to opt in or out of a political community, but should be granted a set of universal rights regardless of political community, and membership is granted on the criterion of being a human living with the territorial borders of a polity.

**Communitarian citizenship:** This tradition is emphasising the cultural or ethnic group, solidarity among those sharing a history or tradition, the capacity of the group to confer identity upon those otherwise left «atomised» by the decracing tendencies of a liberal society (Beiner 1995:13). The weight here is put on the community. The individuals are viewed as parts of a shared historical community, where everybody has been formed and their identity anchored. It is also believed that the individuals are responsible to the state by way of setting aside their self-interest in order to focus upon the best interest of the collective. Personal happiness is inferior to the interest of the community. Political membership is based upon shared and common values and goods, which gives the members a feeling of identity and belonging. The norms of the community have emerged from a historical given social community, and their validation is strictly limited to this community. Citizenship is a self-determined ethical community, where patriotism is the virtue over all virtues. In other words, the boundaries most ideally drawn in relation to this ideal are boundaries corresponding to ethnic, cultural, or tribal identities. They can even be based on nationality, and in most cases will be hard to separate from nationality. Simply put, citizenship is an expression for a national, ethnic-cultural membership. The principle for granting citizenship is clearly *jus sanguinies*. Theoretically, this approach clearly differs from the republican ideal, which equates state and nation, and assumes the nation to be political-territorial. The communitarian perception of the nation builds upon a historical community.

**Universal citizenship:** There are at least two different interpretations of the concept of universal citizenship. The first one is referring to universal values: individuals as
bearers of a set of individual rights which cannot be infringed upon by state’s government. This interpretation stands firm in the UN Declaration of Human Rights. However, it does not necessarily imply a citizenship of some higher form than that of the nation-state. It rather seeks to implement human rights through the existing globalised system of nation-states. The second interpretation focuses upon what one could call the making of a global citizenship. Explicitly, it supports moves towards a world government. The spirit of global citizenship is at heart deterritorialised and in many ways denationalised. It is not a matter of being a loyal participant who belongs to a particular political community, but a matter of engaging and acting for the sake of the entire world of human species. (Falk 1994:133) Below this global citizen there is also an idea associated with the rise of a regional political consciousness. This idea is not deterritorialised but might be denationalised in its pure form. Regionalism, in the notion territorialised but denationalised, will be used as a level for organisation of citizenship in this study. As Falk says: «...a political reality that is intermediate between a territorial state and a globally unified political order» (ibid.137).

Explicitly, the connection between normative ideals of citizenship and levels of political organisation can be demonstrated by drawing up a model outlined by Nils A. Butenschøn (1997:20):

**MODEL 3: Normative Principles and the Foundation of Rights**

![Model Diagram](image)

In model 2 I talked about the identity of the state as the focus of study in this dissertation. The model above couples normative principles to the identity of state. It
is a matter of different principles for the organisation of the political community. *Singularism* is normatively antithetical to principles of equal distribution of power because it presupposes one particular group's superiority. The unitary nation-state, in my reading, adhere to this principle. The subsequent discussion aims to reveal the inadequacy of such an organisation. Further it seeks to reveal why the nation-state seems so dead-locked in this position of exclusion. *Pluralism* is a principle that implies some kind of recognition of the other groups. These groups are given certain degrees of autonomy and integrity. Given this model pluralism implies non-discriminatory politics and universal inclusion. However, organisation of the political community along these principles are not bereft of normative unjust implications. The analysis of the regional level of political organisation in chapter four sheds some light over moral-normative problems with pluralism. Further, to define membership in terms of group membership on ethnic or national criteria represents a danger in itself as the subsequent discussion about the nation-state reveals. *Universalism* represents in this context a system that normatively builds on natural rights principles: individual based rights independent of group belonging. My normative departure adheres to this principle. The subsequent discussion about the nation-state and citizenship seeks to explore why individual based rights are incompatible with principles for the organisation of the nation-state. This is where the regional level of political organisation is put on the agenda in this dissertation.

In summation the ideal forms of citizenship listed above build on different definitions for membership connected to what is ideally the preferred setting for the good life - in other words different levels of political organisation. The republican ideal is locked inside the nation-state. The liberal ideal does not necessarily speak in terms of nation-states but tends to see political space in terms of territoriality. In the eyes of communitarianism, the focus is upon the community - be it ethnic, religious, or national. This approach tends to be bounded by territoriality as well. Universalism speaks in terms of the global and is not bounded by territoriality or nationality, or come in terms of a notion of regionalism bounded by territoriality. The regional approach found one of the premises for the alternative level of political organisation developed in the last
section of this chapter. Ronald Beiner (1995:12) claims these ideals encounter a dilemma: to opt wholeheartedly for universalism implies deracination - rootlessness. To opt wholeheartedly for particularism implies parochialism, exclusivity and narrow-minded closure of horizons. In dealing with this dilemma, Beiner abandons both universalism and communitarism and opts for a synthesis of both into a neo-republican model of citizenship. I acknowledge this dilemma. When I criticise the coupling of citizenship and the modern practice of the nation-state, it is simultaneously an attack on the republican ideal and its parochial tendency. I have to emphasise an important feature here, which will be clearly visible in the subsequent discussion: the way I read the modern organisation of the nation-state is that it has an republican concept of citizenship (the community is superior to the individual, which is equivalent to the communitarian understanding) but a confused republican understanding of the community. The polity is a political-territorial community but simultaneously a political-territorial community where the criterion for belonging is derived from a myth about a common ethnic-cultural origin. With this in mind, citizenship is a significant mechanism of exclusion of individuals. When I assess the regional level of political organisation, it is an attempt to acknowledge the universal values of the cosmopolitan ideal. It is an attempt to modify and decrease the impact of deracination. Rather than put faith in a neo-republican model of citizenship within the confines of the nation-state, I see the regional level as a synthesis of the best of two ideals: bounded citizenship without rootlessness and parochialism.

The different conceptions and understandings of the nation prevalent in these ideal models of citizenship leads one to the next section that scrutinise the diverging conceptualisations and definitions of the nation.

2.4 The Concept of the Nation-State
What is clear after the preceding examination of the concept of citizenship is that there are several theoretical conceivable ways of organising citizenship in a political or social community. However, it is beyond doubt that the main principle for political organisation of a community in the modern world is the nation-state. Thus, one needs
to examine the concept of the nation-state and its related concepts. To conceptualise
the nation-state is almost an impossible task because of the lack of theoretical clarity
among scholars. One of the major contributors to this lack of clarity is the concept of
the nation, where there are strong and lively discourses revolving around whether there
exists some objective criteria for this phenomenon or if they are purely subjective. The
end of World War I was seen by the allied victors both as the beginning of democracy
and as the establishment of the principle of the nation-state, inherited from the ideals
of the Treaty of Westphalia and the French Revolution. The famous doctrine of
national-self determination is one of the legacies of the president Woodrow Wilson
and of the new political map drawn up at Versailles. In short, every nation should
have its sovereign state, and every adult citizen in such a state should have full political
rights (Hammar 1990:57). The democratic nation-state needed a definition of
membership that made it clear who were the citizens: a concept of nationality.
Therefore, one needs to address the question what is a nation in order to understand the
problematic sides to the concept of the nation-state and its link to citizenship.

2.4.1 State and Nation-State Defined
The famous German sociologist Max Weber developed one of the most significant
definitions of the modern state. He places emphasis upon two distinct elements of its
history, namely territoriality and violence. The modern state has the capability to
monopolise the legitimate use of violence within a given territory; it is a nation-state in
embattled relations with other nation-states rather than with armed segments of its own
population. This is in contrast to its predecessors. (Held 1996:164). A third key in
Weber’s definition of the state is legitimacy. The state’s authority must be able to
derive legitimacy from its citizens. The monopoly of physical coercion is legitimised
by a belief in the justifiability and/or legality of this monopoly. In the modern world
this base for legitimacy is the nation, and thereby the authorities can claim authority on
the basis of their national identity. However, identity is not a sufficient component.
The authority must defend the interests of its citizens and satisfy their needs,
particularly for the national identity from which it derives legitimacy. Thus, the idea
of a nation-state is defined by Østerud (1991:50) as «a state is legitimate as far as it is
a bearer of a national community. The national unity provides solidarity and support to the institutions of the state, either it is language or historic destiny which ties the population to the territory.\textsuperscript{12} More closely examined, the concept of the nation-state is a concept which presupposes a correspondence between the state boundaries and the boundaries of the nation. This definition also legitimates my interpretation of the nation-state, not as a plural and neutral state, rather it is an advocate for a national group giving superiority to a particular national culture. This is what I have defined as the partisan nation-state. Paradoxically, the concept of the nation is not a univocal concept understood similarly by all.\textsuperscript{13} It is, according to Butenschøn’s (1993) logic, determined by the state’s idea of the nation, which does not necessarily correspond to the perceptions of the nation present in the minds of all inhabitants of the territorial entity. Historically, the emergence of the European system of nation-state gave rise to two different ways of defining nationhood (the German and the French tradition). As stated earlier, how these two different but similar conceptions of the nation-state came about is of less importance, because whether or not the nation existed before the state, both traditions now have ideal images of a correspondence between state and nation. However, the correspondence between the state and the nation has evidently been an illusion, and it has become clear that the world does not consist of homogenous nation-states but of multinational states. Furthermore, to speak in terms of nation-states encounters several empirical problems: what is a nation and how to define national identity? Hammar (1990:58) states clearly that the idea of the nation-state implies that the same definition (who were its active citizens, members of the electorate?) supposedly shall function also as a delimitation of the nation. All citizens should be of the same nation, and the policy of the state should strengthen national unity. Consequently, the ideology equating membership of a state with membership of a nation has encouraged states to emphasise what is common to the whole of the people in an attempt to build a nation. In some cases this has not been possible, and then states have relied on a national majority or, even in some instances, a national minority in the process of building a nation-state. Normatively, this has clear unjust outcomes,

\textsuperscript{12} My translation from Østervold’s original Norwegian text.
\textsuperscript{13} This point will become evident in chapter three.
because it indicates that those not defined as belonging to the nation falls short of
gaining access to citizenship-rights, or are at best marginalised. Group identity
determines membership.

What to read out of the preceding paragraph is a clear opposition to the legalistic
approach of interpreting the concept of the nation-state. Butenschøn (1993:12-13)
differs from the above mentioned interpretation. He argues that the international norm
for the international society of states is that the state is a territorial entity, and that the
population settled on this territory - however it is composed - constitutes a nation in its
own right. Further he argues that this norm is reflected in the Charter of the United
Nations; an interpretation in accordance with the first interpretation of the term nation
which is given by Østerud in the subsequent section. However, the different views on
what constitutes the nationhood in the French and the German tradition points to one
weakness with this view: it is a legal concept which do not reflect most states’s idea of
the nation. The subsequent section sets out to show the inadmissibility of this
legalistic interpretation through a discussion of the concept of the nation. The point is
to illuminate normative problems when the nation-state is understood as a legalistic
concept adhering to the principle of one nation = one state. Normative and empirical
problems come to the surface when the perception of the nation does not reflect the
legalist understanding of the term. My claim is that the nation-state from its very
inception was in principle a neutral politico-territorial concept, but it has developed
into a biased and partisan state for one national group.

2.4.2 The Constitution of Demos
An important assumption for this study is that the state’s idea and its perception of its
identity determines who is to be included or excluded in the polity. This is a question
about the constitution of demos: the geographical entity’s demographic identity. Who
is the people? For whom does the state exist? The nation-state’s idea of its identity is
that of the nation. In this context the term nation is a problem. Butenschøn (1997:2)
poses two important questions in this respect: what if there does not exist any over-
arching common identity in the population, and what if the population does not
perceive itself as one people or one nation? It is quite plausible that the state regime’s perception of the nation is different from the perception of the nation by segments of the population or the population as a whole. A major contributor to this problem is the lack of theoretical and empirical clarity of the idea of the nation. Hence, the exclusivist membership definition in the nation-state is then due to its group identity - the nation - and this group’s perception of themselves, and their claimed belonging to a territory. But what is a nation?

2.4.3 What is a Nation?
It is notoriously difficult to define the term *nation* properly. Østerud (1991:191-192) claims that modern usage of the word *nation* has at least three different connotations. In the UN language nation is equal to state, and a state is a formal independent political entity, recognised through international law and diplomacy. This usage of the term is first and foremost a judicial one. The second interpretation is one where the nation is a population with common cultural features, independent of formal state boundaries. The crucial definition is ethnic belonging. The third interpretation has a subjective criteria as a point of departure: every community that defines itself as a nation, or is considered a nation by others, is a nation. The first two definitions can be seen as building on objective criteria, while the latter consists of a subjective element. From this short introduction, one sees that the term *nation* does not have an univocal and universal meaning. This constitutes a problem. Theoretically there is a large discourse on this issue. The main discourse is over whether there are objective criteria that define nations or not.

2.4.4 Towards a Definition of the Nation: The Discourse on Objective Criteria
In defining a nation, the objective features that are standardly appealed to are ancestry, language, religion, culture, history, and territory. (Charvet 1996:58). In this view nations are normally conceived of involuntarist bodies; as groups that exist independently of the will and consciousness of their members. However, all attempts to single out a particular set of objective feature - be it a common history, collective destiny, language, religion, territory, climate, race, ethnicity - as necessary and

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14 Chapter three demonstrates that diverging conceptions of the nation are clearly visible in the Middle East.
sufficient for the definition of a nation have failed. Thus, nations will be determined by whichever tie or indicator of nationality is selected and will, therefore, have overlapping membership. Hence, they will have either overlapping or identical territories - their national homelands (George 1996:15). So the trouble with such objective criteria are that nations may share very few of these characteristics:

«...a person may be, at the same time, a Londoner, an East Ender, an Englishman, a Briton, a Christian, a member of Western liberal society, and even a human being! Where are we to find in these various commonalities the objective fact that make some of these collections a nation but not others?» (Charvet 1996:58).

This statement clearly underlines the paradox of the Wilson-doctrine and the normative problems with defining access to citizenship on the grounds of nationality. At this point adding a subjective element to objective factors of a nation is a fairly standard move; namely the belief of persons who share a number of the standard objective characteristics that they are a nation. Obviously this must be a false belief, because as Charvet (op.cit) states: «...we have already seen that it does not follow from the common possession of these features by a collection of persons that they are a nation». This leads me to introduce the famous work on nations by the anthropologist Benedict Anderson.

If nations cannot be defined objectively, it is almost theoretically impossible to utilise the term. However, evidently nations do exist. Perhaps then what one can do is not to focus so much upon the definition of nations as on their purposes and their ideological force in the modern world of states, namely that of nationalism. Anderson is of the perception that nations are imagined communities: «In fact, all communities larger than pr\textsuperscript{imordial} villages of face-to-face contact (and perhaps even these) are imagined. Communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined» (1983:6). What becomes important for Anderson though is not the fact that there exists no politically correct objective definition of nations, but that they are communities which are imagined and thereby constitute themselves as a nation. These various imagined communities in most cases
share some common denominators such as language, religion and history. That these denominators may overlap becomes of less importance. Nationalism is of greater importance than nations itself. If so, that nations do not exist independently of some subjective definition, why has nationalism shown such strength as an ideology for organisation of a political community? Ernest Gellner (1992) and Anderson is more concerned with this question than that of the origins of the nations. A common assumption for both is the view that nationalism is an artefact, created by men under certain conditions. The opposite idea is thereby rejected: that there has always existed, since history began, people or nations, and that these people, often themselves unaware of their nationality, can be made self-conscious by mobilisation. This is a common assumption fundamental to most national ideologies. Anderson (1983:6) is by far the most extreme and states that nationalism is not the awakening of nations to self-consciousness: it invents nations where they do not exist. Nationalism is then a style of imagining a political community. The strength of nationalism, according to this view, lies in its capacity to answer existential questions about life and death, and about human endeavours and human sufferings. Anderson (1983:12) writes that nationalism is not only a political ideology among others, but in our secularised world it is also a kind of replacement for the great religions that up this period had offered continuity, identity and meaning. The strength of nationalism is its imaginative power, rather than its logical theory. Hammar (1990:62) emphasise this point when he says:

«...if the rational formula is weak and the theory inconsistent, there is something else of great importance. Nationalism is often a strong political force because of its character of a myth, and it gives to every member of the nation an opportunity to identify with the larger unit, with a people and its history and language, or perhaps with a subordinated and oppressed minority».

The quotation underlines an important feature of this discourse: exactly because of its ambiguity and lack of clarity, and its status of a myth nationalism has become such an important factor of the politics of the modern world. Normatively, however, it is obvious that this lack of clarity and objective definition is not satisfying. Empirically, nationalism has major consequences for the allocation of rights to individuals in the
world of states as it has been and as it is, and it encounters moral dilemmas. Anthony D. Smith tries to stand above this objective versus subjective definition problem elaborated here. He seeks to define the nation by way of looking in to its more empirical and historical meaning. Smith (1991:11) suggests that there exists a distinction between a western conception of nation and a non-western model. The western conception gave way to the nation-state and emerged as two different concepts at close conjunction with each other: a new kind of policy - the rationale state - and a new kind of community - the territorial nation. Both left their imprint on subsequent non-western conceptions. In the western model nations were seen as culture communities, whose members were united, if not made homogenous, by common historical memories, myths, symbols and traditions. Historic territory, legal-political community, legal-political equality of members, and common civic culture and ideology are the standard components of the western model of nations. The non-western model is an ethnic one. A nation was first and foremost a community of common descent. Genealogy and presumed descent ties, popular mobilisation, vernacular languages, customs and traditions are the elements of this ethnic conception of the nation.

It can be difficult to grasp an understanding of what a nation is through what has been expressed in the discussion of the previous paragraphs. However, reaching a deeper understanding and carving out a more fruitful definition of the concept is possible. In summation, I would say that nations cannot be defined by objective criteria alone. But these objective criteria (common history, descent, language, and so forth) need to be part of a definition of a nation, which also should include a subjective element. My definition of a nation then is that it is a: imagined community which believe they share some common denominators such as common history, language, religion and descent. However, this definition blurs the distinction between nations and ethnicity. Therefore, one needs to include the element of territory in a definition of a nation. I rely on Smith (1991:40) for this purpose:
"By definition a nation is a community of common myths and memories, as is an ethnie. It is also a territorial community. But whereas in the case of ethnies the link with a territory may be only historical and symbolic, in the case of the nation it is physical and actual: nations possess territories. In other words nations always require ethnic "elements". These may, of course, be reworked; they often are. But nations are inconceivable without some common myths and memories of a territorial home.(...) Ethnic communities need not be resident in "their" territorial homeland.

Ethnic communities can then be characterised and distinguished from nations, by way of not possessing the institutional features of a territorial state. What this discussion evidently reveals is that nations are closely related to a state and a territory, and, therefore, in my interpretation, they do not have any significant pre-state meaning. Jürgen Habermas seems to share this view. He claims that the history of the term «nation» mirrors in a peculiar way the emergence of the nation-state, and since the middle of the 18th century, the difference between nation and statsvolk (politically organised people) have gradually been disappearing. The meaning of the term nation changed from designating a prepolitical entity to something that was supposed to play a constitutive role in defining the political identity of the citizen within a polity (1995:258). Drawing upon Habermas ethnic communities is also distinguished from national communities by way of being prepolitical. Therefore, I claim that the distinction between a Western conception and a non-western conception of the nation is not so relevant due to the ethnic core-elements in every national identity. Smith (1991:42) even argues:

"...even where a nation-to-be could not boast no ethnic antecedents of importance and where any ethnic ties were shadowy or fabricated, the need to forge out of whatever cultural components were available a coherent mythology and symbolism of a community of history and culture became every where paramount as condition of national survival and unity. Without some ethnic lineage the nation-to-be could fall apart».

On this background I state that the objective criteria are of importance as far as a definition of nations also includes the element of imagining (a subjective element). The element of territory in the definition of nation indicates a politicisation of the term. Nations are politicised by way of possessing or seeking a territory. It is also when the
nation is understood in these terms it becomes normatively problematic as foundation for membership. This clearly indicates that when coupled to a subjective element, and the lack of distinguishing nations from each other on a objective basis, the concept of the nation is open for political manipulation. According to Ernst B. Haas (1993:508) nations are social constructs for a political purpose.\textsuperscript{15} When coupled to citizenship this is normatively problematic. This discussion and its deduced consequences form an important premise for the subsequent analysis.

\textbf{2.5 Citizenship in the Nation-state and Its Discontents}

Citizenship of a nation-state differs greatly from that of previous states, be it the religious community, the Greek city-state or the great empires of the middle age. When those who previously were a king's or a religious leader's subject became citizen of a nation-state, they should preferably also be members of the nation. They should meet at least some of the criteria used to decide who was and was not a member: history, descent, appearance, dress, behaviour, mother-tongue, education and so forth (Hammar 1990:68). From the individual's point of view it became imperative in a nation-state to be in possession of both certain national traits and formal citizenship. The critique raised against the modern link between citizenship and the nation-state is twofold but interrelated. For one defining citizenship in terms of nationality within a limited territorial space does lead to exclusion of those not defined as belonging to the constitutive nationality, in accordance with the republican ideal giving the community superiority. Secondly, nationality is inadequate as a criteria for membership because of the lack of not only theoretical but also empirical clarity of the term, which leaves it wide open for political manipulation. I will start with outlining the first line of critique.

It is becoming quite clear that the world of states does not consist of nation-states in a pure form. In the early 70's Walker Connor stated that only ten percent of the states perceived as nation-states today are true nation-states (Smith 1991:15). The rest are

\textsuperscript{15} Walker Connor claims that far too many authors have addressed the question «What is a Nation» while far less has attention has been paid to the question «At what point in its development does a nation come into
multinational states, and the number of nation-states are decreasing rapidly due to increasing migration. However, the main principle for political organisation still is the nation-state, which pre-supposes a correspondence between the territory and the nation. In such a context, nationality proves inadequate as a definition for membership of a political community, because it theoretically and practically leads to exclusion of those not defined as belonging to the nationality of the nation-state. This exclusion can take two forms, even when the territory of the state used to correspond to that of the nation. For one, non-nationals can be excluded from access to citizenship-rights, either through being denied access to the territory or through being allowed to reside in the territory but not to make claims towards citizenship. Thomas Hammar (1990:13-14) has labelled those denied access as aliens and those allowed residency as denizens in order to distinguish them from citizens. Denizens can also be labelled second-class citizens. In most cases these distinctions have been used in relations to migrants, who have become an increasingly important fact of the modern world. However, there is another dimension of the problem, and that is cultural, ethnic, or religious minorities, who have been resident in the territory long before the establishment of the nation-state. They are very often discriminated and marginalised because they are not viewed upon as belonging to the national majority of the nation-state: they do not share the same history, language, ancestry or any other common denominator that is used to define nationality. Empirically, there are numerous examples of exclusion from participation on equal grounds with the national majority here, especially in the case of the Middle East. What this division of political identity bounded by space suggests is a fundamentally exclusionary impetus in which political citizenship is all about «us here» being tied to the supra-individual political machinery that governs «us here». Thus calling forth almost inevitably a hostility to «them there» and to the political machinery governing «them there». Furthermore the bounded space of citizenship becomes one that cannot be straightforwardly inclusionary because some of the people resident within the territorial limits are not properly regarded as being «like us»

being». He refers to nation-formation as a process; a politically initiated process. Further, the process of nation-formation is not sequentially pre-ordained, but capable of terminating at any point. (1990:92).

16 Haas (1993:507) claims that many of the 180 odd states currently in existence are not nation-states.
(Painter & Philo 1995:111). They do not share some parcel of historical, cultural, ethnic, linguistic, and even religious materials which make up the soil of the nation-state.

At the system level the division of the world into sovereign nation-states based on the Wilson-doctrine of national self-determination also leaves individuals stateless, because the concept of external and internal sovereignty leaves the governing regime in a nation-state with total sovereignty in defining its citizens. Those not defined have no right to claim their own state because they cannot justify it on the grounds of constituting a nation. They are bereft of citizenship because they do not have the moral claim to self-determination, and are left discriminated and marginalised within the space of other nation-states. Another problem is non-conforming territoriality. Groups may have national characteristics, but they have no particular claim to a specific territory, and may not be able to seek a state, as is the case with the Romanis of Europe or the Biduns now residing in Kuwait. Consequently, the modern notion of a correspondence between nation and territoriality has major consequence for those not able to meet the requirements for national-self-determination. This is where the first line of critique meets the second critique.

Nationality is inadequate as a definition for membership because of its lack of theoretical clarity. As long as it is not possible to reach an objective definition of a nation, it will always be based on subjective features which is open for manipulation for political purposes. Nations cannot be neatly divided on the bases of the objective criteria for definition, identities will always overlap, and the establishment of one nation will almost in each case be at the expense of another because of the subjective nature of the term nation developed in the nationalist doctrine. Smith (1991:18) states that in the name of national identity people have been willing to surrender their own liberties and curtail those of others. They have, in many instances, been prepared to trample on the civil and religious rights of ethnic, racial, and religious minorities whom the nation could not absorb. Smith (op.cit) continues with claiming that "The ideal of the nation, transplanted across the globe from its Western heartlands, has brought
with it confusion, instability, strife and terror, particularly in areas of mixed ethnic and religious character». The doctrine of nationalism that makes the nation the object of every political endeavour and national identity the measure of every human value, has since the French revolution challenged the whole idea of a single humanity, of a world community and its moral unity. Smith (op.cit) summarises the critique against nationalism: «Instead nationalism offers a narrow conflict-laden legitimisation for political community, which inevitably pits culture-communities against each other and, given the sheer number and variety of cultural difference, can only drag humanity into a political Charybdis.» Nationalism offers an ideology putting forward parochialism. Veit Bader (1995:221) is another scholar who perhaps stresses these points even stronger, particularly when the nation is coupled to a state apparatus:

«Historically, with modern capitalism, the state has always been the strongest enemy of cultural diversity. Internally, the modern nation-state acted as a radical cultural unifier, creating the nation by making “peasants into Frenchmen” using outright violence to crush cultural and national minorities. (...) Externally, modern nation-states have acted, as a byproduct of their direct economic and political colonization and conquest of the world, and usually as its main ideological myth, as large-scale cultural imperialist...».

The objective indeterminacy, its strong subjective element, of defining a nation, and the nation’s particular connection to a territory, makes it clear that nationality it is inadequate as a term for defining membership, especially in a world where the number of true nation-states are decreasing. It also contradicts with my normative notion that every individual, regardless of identity, should have a specific set of rights.. Then the questions arise, as they are put forward by Kymlicka & Norman (1994:355): how can the definition of citizenship accommodate the increasing social and cultural pluralism of modern societies? Is it enough simply to include historically excluded groups in the nation-state on an equal basis, or are special measures sometimes required? I will add to this by saying that perhaps one ought to rephrase the question: is the nation-state (or the state) the appropriate entity for incorporating excluded groups and embrace multiculturalism? My preliminary response to that question is negative on the basis of what has been outlined in the previous discussion. Then the logical next step will have
to be on what other level of political organisation is it possible to institutionalise these rights - a level with a more inclusivist membership definition?

The preceding debate claims that the idea of citizenship based on national identities are not satisfying from a normative point of view, because of the inherit tendency in nationalism to bring about parochialism and narrow-mindedness in terms of defining membership in the political community. The nation-state is not a neutral political project, and the ideals of the French revolution are at best ambivalently practised today. There is a mix between the principles of *jus soli* and *jus sanguinies*, with a clear emphasis on the latter, expressing that the national laws most often define nationality in relation to ethnicity. Furthermore, the whole project of nation-building have meant that one seek to create a society with common values which in most cases suppresses and denies the existence of other cultures within the borders of the nation-state. In the prolongement of this argument, the link between citizenship and nationality is challenged by new trends and forces: the concept of national identity is not well and is under attack from at least three different directions, according to James Mayall (1994:190). From above, the relentless progress of economic and financial globalisation is undermining the claims of national governments to exercise national control. From below, the reassertment of ethnic and local political identities is challenging the official monopoly of the symbols of national integration. It sounds tempting to add here that this is due to the dynamics of the nation-building process and its tendency toward cultural entropy. From outside, the pressure of those trying to get in is testing the self-perception of societies as being based on citizenship rather than ancestry. The last remark made by Mayall, is in close connection to my understanding of the nation-state as a modern political practice more in lines with the German understanding of nationhood, rather than with the ideal of its father, the French Revolution.

Typically, one can respond to this crisis in old imaginations of national identities through a revision of the doctrine of national self-determination. That is, let secession for ethnic minorities become a legitimate option. Barkin & Cronin (1994:108-109)
argue that the principle for legitimate sovereignty has shifted since the break up of the Cold War, from emphasising state sovereignty to legitimising national sovereignty. Consequently, the international community will be more sympathetic to pleas for national sovereignty. The logic behind allowing secession can be viewed as a recognition of the fact that the nation-states which emerged in the post-war period, and even in the interwar period, are multinational. Evidently national minorities should claim their right to their own state. However, normatively this argument does not hold water. Not only are the criteria for distinguishing between legitimate claims to exercise the right of national self-determination and illegitimate ones on behalf of ethnic communities unclear and question-begging, as the previous discussion has pointed out, but there is no guarantee for the development of democratic institutions as well. As Mayall (1994:195) argues it is true that national identities can be supported by a political culture which subordinates ethnicity to citizenship. My assumption is that this rather is the exception than the rule - an assumption effectively confirmed by Mayall himself.

«Ethnic conflict has certainly not been eliminated from the political life of USA, Britain, France, or indeed most other West European democracies, but equally ethnic origins clearly do not wholly define the «imagined community» of these nations. But how are we to distinguish publicly - and before the event - between, say, the claim of ethnically homogenous Slovenes to establish a genuine representative democracy and Serbia’s and Croatia’s widely suspected ambition to expand their territory at their neighbours expense, and to use the democratic government as cover for systematic discrimination of ethnic minorities».

Mayall neatly clarifies the dilemmas present in the discussion on the nation-state and inclusive citizenship, which have been important points in the previous discourse, and are why I see the communitarian approach and a further strengthening of parochialism into more neatly divided nations as inadequate.

The assumption of the preceding sections is: the nation-state’s confidence in the national group coupled to the fact that most nation-states are multinational or at least multiethnic generates exclusion of those not belonging to the national majority. Given the validity of this assumption a normative problem is identified: the exclusion of
individuals from membership and, consequently, citizenship rights. Nils A. Butenschøn (1993:6; 1997:20) presents modes of state powers which is possible to translate into modes of political organisation of the political community. These modes incorporates the points given in the previous analysis.

**MODEL 4: Modes for the Organisation of State Power and Power-distribution**

<table>
<thead>
<tr>
<th>Normative Principle</th>
<th>Territorial Principle</th>
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<tbody>
<tr>
<td></td>
<td>Unitary State</td>
</tr>
<tr>
<td>Singularism</td>
<td>Ethnocracy</td>
</tr>
<tr>
<td>Pluralism</td>
<td>Consociationism</td>
</tr>
<tr>
<td>Universalism</td>
<td>Majoritarianism</td>
</tr>
</tbody>
</table>

The unitary nation-state can be organise along the three different normative principles presented in the left box. These normative principles build on different principles for distribution of rights. The distribution of membership follows the lines of group identity, either a singular or a plural idea. The former idea being the denial of other group’s particular identity and their exclusion from the participation in the good life of the polity. This argument is revealed in the previous proceedings of this dissertation. The latter idea, that of pluralism, recognises and acknowledge the diversity of group identity. On the one hand opting for pluralism seems to be one way to secure universal inclusion in the nation state. On the other hand, it views other national groups as potentially dangerous because they are seeking a territory of their own and an universal inclusion as such seems troublesome. Further, it is a question about whether or not pluralism can be established if there does not exist a consensus about who constitute the demos. I claim that pluralism as a principle has major deficiencies when it comes to the distribution of membership.\(^{17}\) Universalism, distribution of membership based on individual accounts, would, most likely, be hard to establish in the nation-state because its existence builds on the nationalist doctrine. In this respect I state that for a universal inclusion of individuals one need to disentangle citizenship from the nation-

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\(^{17}\) A thorough discussion on pluralism takes place in chapter four.
state. This disentanglement can possibly take place on a regional level\(^{18}\). Regionalism corresponds to a federation of nation-states on an intermediate level of political organisation: separate nation-states but integrated on a higher level.

**2.6 The Alternative: Regionalism**

I will now sketch an alternative level of political organisation which will build on a distinct criterion where there is, in theory, no mix between a territorial criterion and a national criterion for the allocation of membership. Rather than revising the republican ideal, it is a matter of creating a home for universal inclusion of individuals.

2.6.1 The Denationalised Regional Union.

Several authors have currently been concerned with dismantling citizenship from national identity, because of the normative problems with defining membership in such terms. According to Beiner (1995:3) national citizenship is being simultaneously undermined by not only globalising pressures but also localising pressure. Beiner's description corresponds to the one given by Mayall. Scholars concerned with this problem often search for new ways of organising citizenship within the framework of the nation-state. My concern here is to develop another level of political organisation which transcends national identity and the nation-state in order to meet both these problems referred to above. This is an intermediate level between the nation-state and a global political order. Following Falk's (1994) description stated earlier it is a regional level which is not bound by nationality. However, it is limited by territorial borders. The problem with such a regional level of political organisation is that at present it does not have a fully developed empirical equivalent. When it comes to size, the United States is clearly on this level. However, the United States is a multicultural society unified by the same political culture, whereas any other form of a regional de-nationalised territorial political entity will consist of multilingual, multireligious, multicultural state of different «nations» such as the European Union or a future Middle Eastern Union. This constitutes a problem insofar as one lacks coherent theories for the development of such a political unit. Furthermore the identity question remains an ambiguous part of the project. Mayall (1994:188) claims regionalism

\(^{18}\) These points will be brought further in chapter four and five.
represents a weak and emotionally thin form of identification compared to the nation-state. However, there is nothing in principle to substantiate the claim that people cannot identify with and express loyalty to a region and its organisations. For this reason, one can present a ideal-type which is not defining membership in terms of correspondence between nationality and territoriality and, therefore, solves the problem of exclusion per definition. Ideal-type does not means here according to any institutional arrangement. Rather it means according to principles for distribution of membership. Institutional arrangements must be treated cautiously due to their complexity. I have, therefore, chosen to discuss the institutional setting at length in chapter four without establishing a prototype for organisation. Reasons for this will become evident in chapter four.

The ideal form for political organisation should divide the world into a set of large geographical units, where the only criterion for membership would be residence in the territory which constitutes the regional polity. This political entity would embrace and include the various identities within the territorial boundaries. If these identities are national, ethnic, religious, cultural, sectarian, or tribal are of no relevance. The territorial identity would transcend these identities, and even make room for them to thrive under the condition of equal treatment and non-discriminatory politics. This polity must also secure the rights of these identities to exist and give all groups/individuals equal civil, social and political rights.

Dividing the world into large geographical units not tied to nationalistic claims would eradicate the problem of statelessness and ease the tension in the paradox of the Wilsonian doctrine of national self-determination. Claims of self-determination will become a matter of autonomy within the regional polity. Individuals not able to make claims for a state, because of non-conforming territoriality or are unable to define themselves as nations will become part of this system. It will also become easier for individuals to migrate, because they in many cases do not have to change their citizenship, or if they do have to change their citizenship, access will be defined in terms of residence and not on the grounds of nationality.
This model of political organisation is not freed of problems in relation to both normative standards and the empirical validity of such a project. In this respect, important questions to pose are how to create loyalty towards the government? From whom does the government derive legitimacy? Who constitute the demos and who determine the demos? How are minority-rights secured in such a large entity. Critiques of the polity will be raised from advocates of the republican, the liberal, and the communitarian ideals.

2.7 Tentative Conclusions
I have tried to develop a line of argument in this chapter that logically concludes with a critique against the coupling of citizenship and the nation-state. This argument builds upon an exploration of the various concepts and various theories revolving around the heart of the concepts. I have sought to expose the ambiguity and complexity of the various issues at stake by shedding some light on the main discourses regarding these concepts and their coupling in modern political practice.

To summarise and conclude this chapter: citizenship is a concept which can be separated and analysed in two categories. One focusing upon membership, here labelled as nominal citizenship. The other focusing upon the rights of members and non-members, here labelled substantial citizenship. It is my argument that the membership issue has major consequences for the allocation of these rights. Furthermore, it is my argument that the membership definition is determined by the political community itself and the way it is organised. When the political community is organised as a nation-state, this leads to definitions of members in terms of nationality. Normatively, nationality is inadequate for inclusivist definitions of membership due to the ambiguity and complexity of concepts such as the nation and nationality itself, and their link to the concept of the nation-state. Finally, it is my argument that when nationality is coupled to a territorial concept such as in the nation-state ideal, it is exclusionary by definition: the territorial borders of the state never seems to correspond to those of the nation; most nation-states today are multination-states. Nationality coupled to territoriality then consequently excludes from
membership of the nation-state those not belonging to nationality of the state, especially when there are diverging perceptions about who constitute the *demos*. Furthermore, this picture is complicated by the fact that nations are hard to determine on the basis of some objective criteria. So what make some denominators of identity nations and others not? With this in mind, I find it imperative to raise critique towards the modern link between citizenship and the nation-state. Logically then, one needs to address the issue of citizenship by delinking the bonds between nationality and territorially. Establishing a regional territorial entity, denationalised in its form, would be one possibility for a more inclusivist citizenship.

I have also sought to link the ideals of citizenship with alternative levels of political organisation and will conclude with a tendency in the republican ideal because of its close relation to the nation-state to legitimise exclusion on a parochial definition of membership; a narrow-mindedness which is creating unjust outcomes because of the lack of actual correspondence between the nation and the state and the indeterminacy of the term nation itself. I have outlined some normative hopes towards the development of a regional polity in close conjunction with the European model where the requirements for universal inclusion can be met.
3. CITIZENSHIP AND THE MIDDLE EASTERN NATION-STATE\(^{19}\)

The previous chapter has dealt with western concepts, theories and ideas. This chapter applies these various concepts, theories and ideas as analytical tools when studying citizenship in the Middle East. I begin this chapter by linking the western concepts previously discussed to the Middle East. Further I examine their meaning and implication for the distribution of membership.

3.1 Indigenous or Alien Conceptions of Citizenship

Ordinarily the absence of citizenship, or fully developed citizenship in a universalistic definition such as mine, will be attributed to the lack of some institutional features by the typical orientalist (Turner 1996:2-3). My position is that this is neither a sufficient nor a satisfying approach to the study of citizenship. When individuals become citizens, they not only enter into a set of legal, social or political institutions that confer upon them rights and obligations, and they not only acquire an identity. They also become members of a political community with a particular territory and history. Turner further reveals it is rather unusual for individuals to acquire citizenship if they are not simultaneously members of a political community. Then, the critical question is: what are the criteria for acquiring the status of membership in political community? Most often these criteria are based on some identity denominators which all members of the polity supposedly have in common. However, the commonness of these denominators can be questioned. With this in mind one has to look to the definition of membership in a political community in order to clarify normative implications. The purpose of this chapter is to look into these aspects in the Middle East. One has to start with looking at the meaning of citizenship in the Middle East both in its local terms but also in western terms and the interrelations between this local and western

\(^{19}\) The term the Middle Eastern nation-state is controversial. Scholars refer to the Middle Eastern states very differently and the fact is that one has to do with very different types of regimes. As such, I run the danger of making rough generalisations that are not capable of capturing the nuances among the states in the Middle East. In strict terms only the states in the Fertile Crescent and the Maghreb area can be defined as true nation-states. However, the assumption behind my generalisation is that the other states also have common characteristics with the nation-state ideal, although strictly defined they cannot be justified as nation-states. But these states have adopted many of the same principles that characterise the nation-state; they have adopted some of the exclusivist mechanisms in terms of defining membership of the state. This exclusivism is reinforced by these states weakly founded legitimacy and mixed understandings of the term nation. Thus, I do not only find legitimate but also imperative to define the Middle Eastern states as nation-states.
understanding in the modern Middle East. The *rationale* behind this approach is that as long as the Middle East is a part of global state structure and is organised along western principles\textsuperscript{20}, it is imperative to analyse it in these western terms to which they adhere. In short, even if one can question the demographic foundation for a Middle Eastern nation-state, and its substantial content as a nation-state, these states are organised after the principles of the French nation-state. As stated earlier, it is when the legal concept of the nation-state is not congruent with the demographic composition of the nation-state normative dilemmas come to the fore.

3.1.1 Pre-National Conceptions of Citizenship

The modern use of the term citizenship has become synonymous with nationality, and the coupling of these two terms coincides with the emergence of the nation-state as a political entity. Taking into consideration that the development of a modern state system consisting of nation-states in the Middle East first grew out of the peace settlements in the wake of World War I, citizenship would appear at first glance a relatively new concept and somewhat alien to the region. However, this should not obscure the historical origins of citizenship from within the region.\textsuperscript{21} Neither should the fact that the concepts of nation-state and citizenship have become indigenous to the ongoing political practice and debate in the Middle East (Davis 1996, Tibi 1997). During pre-Islamic times, primary affiliation was tribal and an «alien» was anyone who did not belong to the tribe. With the coming of Islam and the establishment of the principle of *Umma*, religious identification became intrinsically tied to the concept of nationality. *Dhimmis*\textsuperscript{22} would by virtue of the status accorded to them by the *Qu’ran* become incorporated into the Islamic world. They had to pay a special tax (the *jizya*) as well as a land tax (*kharaj*) which Muslims themselves also paid. Temporary residents possessing safe-conduct agreements were permitted to remain in the Islamic world for a year and a day, after which they became *ipso facto dhimmis* and subject to

\textsuperscript{20} By western principles I refer to the French model of nation-state organisation.

\textsuperscript{21} It has come to my knowledge that the discussion on the Arabic/Islamic origins of citizenship has been extensively dealt with in two books by Dib (1978 & 1979) called *The International Encyclopedia of Comparative Law*. I have not been able to get hold of the book. Thus, my treatment is based on the works of Russell (1988), which builds upon and refers to Dib’s works.

\textsuperscript{22} The term *Dhimmis* refers to People of the Book: Christians and Jews alike.
the jizya tax. These principles continued during the Ottoman period up until 1869.\footnote{This organisation has a clear equivalent to the organisation of citizenship in the pre-nation-state era in Europe.} This year the Sultan promulgated the first nationality law and adopted the concepts of jus sanguinies and jus soli (Russell 1988:187-188). It is conceivable to suggest several explanations for the adoption of these principles. One explanation is offered by Bassam Tibi (1997:15-16) claiming that the Ottoman history of reform movements in the nineteenth and early twentieth century was largely concerned with the attempt by Western educated elites to impose a Western pattern of secular political classification and organisation on the religious community of Islam. Furthermore, the Ottoman Empire was challenged to catch up with Europe’s scientific, industrial and technological civilisation. Internally they had to get through the historical process underlying the choice «kings or people». The sovereignty of the kings and sultans had to give way to the sovereignty of the nation (the people). In other words, the ideals of The French Revolution reached the heart of the Ottoman Empire. However, there also exists some Arab concepts which could be compatible to some of the western principles of citizenship and political organisation.

Anh Nga Longva (1996:4) has traced two conceptions of citizenship which are more originally Arabic than the principles of jus sanguinies and jus soli. The first one is tabi’iya, which can be translated as «following» or «allegiance» to a leader. The root verb of tabi’iya means, among other things, to walk behind someone, to be under someone’s command, and thus clearly refers to an idea of hierarchy and vertical allegiance. The second conception is jinsiyya, which originates from the root verb jns, meaning to make alike, to assimilate, to naturalise. A derivative noun of jns is jins, which translates as species, class, category, race, and recently, nation. This conception involves an idea of similarity and horizontal solidarity. The latter one is more or less close to the western concept of citizenship. While the first, applied as a normative foundation for membership in a political community, does not necessarily imply a territorialised sovereign state, the latter requires the existence of a national community, a national territory, and a state. In this context it is conceivable to treat citizenship in
the Middle Eastern context on a subnational, deterritorialised manner or in a transnational/national territorialised manner, where the first is referring to the *tabi‘iya* understanding while the other is more related to the *jinsiyya* understanding. Uri Davis (1994:3) presents a modern conception of *jinsiyya*, where it refers to nationality, but with no substantial content. For a substantial citizenship, or in his words democratic citizenship, he speaks of a *Muwatana* citizenship. *Muwatana* citizenship includes all the different aspects of rights central to T.H.Marshall.²⁴

### 3.1.2 The European Legacy

Most Middle Eastern nation-states were established after World War I by the allied victors. The boundaries drawn up cross-cut former ethnic, tribal and sectarian divisions. In this process, western ideas were imported and adopted; as a matter of adjusting to existing institutional, both economic and military, state structures on a global scale (Tibi 1997:5). The idea of a nation had been adopted by Arab intellectuals prior to the break up of the Ottoman Empire. Tibi even argues that the spread of the idea supported by the globally existing structure was an anticipation of the future realities on a domestic level (ibid:16). According to Sami Zubaida (1993:122) the principle for political organisation (the nation-state) drew upon the French Jacobin model and should therefore have applied to the principles of *jus soli*. The Treaty of Lausanne, signed 24 July 1923, established the legal status of the populations which were detached from the Ottoman Empire and adopted the territorial principle (*jus soli*) as the basis for determining citizenship (Russell 1988:188). Despite these provisions the Arab states (particularly Lebanon, Syria, Jordan, Egypt and the UAE) take the middle road at the present time. They employ *jus sanguinies* as the basic principle and *jus soli* as an auxiliary principle (Longva 1996, Russell 1988). This fact underlines my point that the distinction between these two principles are blurred and contain of little substance in the world of modern nation-states. Clearly, the mix between these two principles is possible to interpret as conscious political choices made by the ruling regimes. This because, nearly every Arab state of today has avoided the clear dichotomies of choice between religious and secular or national

²⁴ See section 2.2.1.
and country in forging their political-cultural identities in order to constrain the multiplicity of identities living within the territorial control of the nation-state. Consequently, the main competing ideological paradigms in the Arab world since the turn of the century have tended to exclude certain ethnic groups from full-fledged membership in the political community (Ibrahim 1995:49). Explanations for this exclusion can be found not only in the post World War I division of the region into sovereign nation-states which cross-cut former ethnic dividing lines but also in the two competing ideologies themselves: one religious and the other secular and nationalistic in spirit. The latter comes in at least two different versions, inspired by European nationalism, but builds upon an Arab understanding of the term nation. The first understanding is a pan-ideology while the other is a form of local (country) nationalism. This indicates that one should discuss the concepts of state, nation and nation-state in the Middle East before I elaborate more on the relationship between citizenship and the nation-state: the modern practice of citizenship in the area.

3.2 Middle Eastern Conceptions of State and Nation

Iliya Harik (1990:2-4) states very clearly that one cannot speak in terms of nation-states when referring to the Middle Eastern state-system, based on the fact that the term umma is avoided in the constitutions of the 20 odd states to which one is referring. By doing so, Harik clearly misses one of the paradoxes in the regional state-system and the inbuilt tension between the nation and its relationship to the state. Other scholars clearly state that the Middle Eastern states are nation-states. Bassam Tibi claims that nation, nationalism, and nation-state are phenomena strange to Islamic history. However:

«...since the Europeans have conquered the world, with the ensuing Europeanisation of world order, the Arab and Islamic Middle East has become a part of the modern world, structured as an international system and subdivided into basic units organised as nation-states. (…) Only if organised as a nation-state can a community of people be a member of the international system» (1997:1).

Furthermore, Zubaida (1993:122) claims the Arab states are founded on the French Jacobin model of organising a political community. Tibi is also clear to the point: The
French nation-state provided the model for the Arabs (1997:4)\textsuperscript{25}. Therefore, I find it legitimate to speak in terms of the nation-state for two reasons: for one due to the fact that the Arab states are politically organised along the lines of the French model. Secondly, by speaking in terms of nation-states, one enables oneself to explore the tensions between perceptions of nations and their relationship to states. Diverging perceptions and conceptions have major consequences for allocation of membership and rights in a region of multinational states.\textsuperscript{26}

3.2.1 The State Debate
According to Ayubi (1995:4-5) interest in the state and its role started to grow in the early 80's. The state emerged in the Arab World at a time when Arab intellectuals were not really paying attention to its development. Arab scholars and intellectuals were mostly preoccupied either with the Islamic umma or with Arab nationalism, but not with the territorial bureaucratic state as such. However, previous pre-occupations with nationalism are of major importance for the study of the state. The concept of the state cannot be easily isolated from the nationalist and organisational developments that took place in Europe in the period from the sixteenth to twentieth centuries, or from the ideas of thinkers such as Machiavelli, Bodin, Hobbes and Hegel. Nor can the concept of the state be isolated from these European’s intellectual friends of thought in the Arab world.

Roger Owen (1992:3) argues that Middle Eastern states are not western states, but they are like western states. They are, however, modern states in the sense that they employ distinctive practices and distinctive ways of organising the society they control. These practices and principles of organisation are only to be found in the modern world. Ayubi (1995:21) further argues that the concept of the state is a European one, but also a daily reality which now encompasses twenty-odd Arab countries and a least half-a-

\textsuperscript{25} Other authors supporting this view are Ayubi (1995), Korany (1988), Owen (1993), Said (1993) and Salamè (1988; 1994).

\textsuperscript{26} The term multinational state needs some further clarification. I have previously stated that the principle for political organisation in the Middle East is the nation-state; the nation-state as a legal concept. When I claim that the same states are not nation-states but multinational states I refer to the question of identity and who constitute the demos. Then, multinational states reflects the fact that the boundaries of the nation are not
dozen other Middle Eastern states. It is an imported commodity, partly due to colonial pressure and partly by way of imitation. Until the beginning of the 19th century, Muslims thought of politics in terms of the umma (connoting any ethnic or religious community in the pre-Islamic era) and of khilafa or sultan (the ruler - very often in religious terms). The term dawla (used today to denote the state in the European sense) existed in the Qu'ran, and gradually it came to mean dynasty and very recently, state. It was first with At-Tahtawi (1801-1873) and the introduction of the idea of watan (fatherland) that a territorial, rather than a purely communal concept of the polity, was brought to the fore: «one's watan is the home in which one was born and brought up, the home of one's family and relatives, the land whose soil, food, and air have contributed to one's growth» (Quoted in Bensaid 1988:155). The resonance of this quotation is founded in At-Tahtawi acquaintance with the writings of Rousseau and Montesquieu. This concept was totally new to the Arab ear, but it provided them with the first steps towards legitimating the notions of a territorial state.

Hudson (1977:ch.1) defines the Arab state in terms of legitimacy, following Max Weber's definition referred to in chapter two. Ayubi (1995:30-33) argues that the state is an abstract construct that connotes the ensemble of institutions and personnel that possess the exclusive rights to public power within a certain territorial society. This definition also includes the concept of sovereignty (internal and external). So far so good, argues Ayubi. However, he disregard the concept of legitimacy as an important institutional feature of the Middle Eastern state. Rather, he prefers to speak of hegemony. The concept of hegemony is superior to that of legitimacy in that it includes, but also surpasses the latter. In addition, hegemony is not as closely tied to the specific mechanisms of political representation and participation as legitimacy seems to be. This is closely related to the fact that Ayubi prefers to speak in terms of the concept of inclusion/exclusion, rather than the restricted concepts of representation and participation. That is because it implies both socio-economic and political involvement, and it allows the principle of compensation to apply (ibid). I prefer to

congruent to the boundaries of the state, and, as such, the Middle Eastern nation-state embody various national groups located within the same state boundaries.
walk along this road, because Ayubi at this point introduces us to a core-problem of the Middle East: the legitimacy crises of the Middle Eastern regimes. Further he provides one with a useful analytical tool important for understanding the nature of the Middle Eastern nation-state. Ayubi here underlines the importance of understanding the meaning of the concept of nation in the Middle East, which in certain ways determines the exclusion and inclusion of the state and is directly linked to membership of the political community.

3.2.2 Conceptualising the Nation
Ernest Renan held a lecture in 1882 where he posed the critical question: «What is a Nation?». His answer was that nationhood resided in the collective will of the people to live together as a community (Hudson 1977:34). The previous chapter have proven this statement quite outdated and not particularly precise for theoretical and analytical purposes. The emergence of nation-states in the Third World has compelled social scientists to ask the same question again. More often than not the answer has not been possible to give. According to Hudson (op.cit): «Nowhere is the task of definition more difficult than in the Arab world where the multiplicity of primordial identifications includes kin group, sect. and universal religious community». Hence, more than one conception and understanding of the term nation can be observed in the Middle East.

Every Arab conception of a nation starts from the term umma which is connected to the religious community constituting Islam. This is a source of great confusion, since the meaning of the word goes back to the revelation of the Qu’ran. The aim of Islam is to disseminate Islam and make it the religion of all humanity. In this sense Islam is universal, and the very term umma does not refer to a specific community. Every Muslim belongs to the Islamic umma, regardless of his or her ethnicity and location. However, early Arab nationalists, who were basically Christian Arabs, had a secular definition of the umma and introduced a new concept al-umma al-‘Arabiyya (the Arab nation). In this way, the Christians could be members of the umma instead of dhimmis.
Tibi (1997:18) states: «The concept of a secular umma would provide them the equal status of a Citoyen, of full citizens»..

The concept of the umma is the first equivalent to the term nation in Arabic. As shown by Ibrahim and Tibi the concept has at least two connotations; a religious and an secular Arab one. Alongside this understanding two more narrow understandings of the nation has emerged. One is already referred to as Watan, which refers to Fatherland, and is a legitimisation for the more narrow local (country) nationalism. Watan clearly has a territorial element to it. Further, the term qawm refers to another particular definition of the nation more closely to that of secular Arab nationalism (Hudson 1977:35). Commonly, these conceptions have consequences for the definition of members in the nation-state in question. And as Ibrahim (1995:49) has stated, each of the concepts leads to exclusion of certain ethnic groups. Neither of them give an all-inclusivist definition of nationality.

To recapitulate some of the points in chapter two I would like to refer to a line of argument put forward by Ghassan Salamè (1988:3). He argues that nations are myths that politicians manipulate to achieve their political goals; nations are seldom defined in an empirically measurable way and quantifiable character. In historical experience, nations are more often than not defined and integrated ex post by the conscious effort of the political structure that was created in their name. Furthermore:

«Ethnic and cultural factors, more rarely religious or economic one, are commonly invoked to define a nation. But in no case in the real world are the boundaries so neat as to identify clearly a set of contiguous groups: overlaps and ambiguity prevail, and not only in the newly independent states, but in old Europe as well» (1988:3).

Tibi (1997:33), as I interpret him, supports this statement. He argues that the historical phenomenon of the nation and the concept of nationality which underlies it cannot be adequately defined in terms of static categories such as common language and culture
or even common origins or territorial unity.\textsuperscript{27} The existence of different nationalities is not an expression of the fact that people have common features and common national characteristics. Furthermore he claims that it is rather that the development of the capitalist mode of production set in motion a number of social processes of social mobilisation, and that by means of cultural assimilation and political integration, diverse cultural, ethnic and linguistic groupings came to form nationalities. Here, Tibi has at length shown how nationalism in the Arab world became politicised before and alongside the establishment of the nation-states in the Middle East in the post WW I-period. The state-system shaped by the Mandate system took no notice of pre-national identities, dividing the region into territorial entities with no reference to a coherent identity group. This European imprint on the regional state-system left the concept of nation and nationality open for manipulation.\textsuperscript{28}

In a such a setting where competing identities exist, often more narrow than that of the alleged national identity, it is important to distinguish these identities from national identity. I have already referred to Smith in chapter two as a useful resource in this respect. Thus, I will only underline his point by referring to Hudson (1977:35) who claims that national identifications can be differentiated from other types of community by the political content of its shared values: nationalism is concerned with the governance of a community, issues of sovereignty, independence, power and authority. This clearly indicates the problematic side of the national concept as criteria for membership. It is a political term invented by nationalists, building upon myths of some shared common denominators, exposing it to political manipulation linked to a concept of sovereignty. Thus, nationality is inadequate as definition of membership in a political community possessing a territorial state. Salamè (1988:3) reasons that one has to bear in mind, that if nationalism rapidly invaded and penetrated the mind of the Arabs, it has been with no clear definition of not only what the nation is but where the nation is. They were invited to imagine several nations (myths of origin), neither of

\textsuperscript{27} See the discussion on nation and nationality in section 2.4 and 2.5.

\textsuperscript{28} Here, Tibi incorporates all the elements in the alternative definitions of nations referred to by Anderson, Smith and Østerud outlined in section 2.4.
them with a clear-cut and straightforward historical tie. Salamè and Tibi emphasise an understanding of the nation similar to the view of Benedict Anderson which was outlined in chapter two: the concept of the nation is a matter of imagination. Accordingly, the Middle Eastern nation-states encounters a major dilemma: who constitute the \textit{demos}? The nation is one possibly way to define \textit{demos}. Subsequently, a problem arise: Does the term nation bear the same resemblance in the minds of the state authority (the identity of the state), as it does in the minds of its supposed population: its citizenry?

3.2.3 Who Constitute the \textit{Demos}?

The question posed in the title of this section brings into the analysis the assumption presented in chapter two: the state’s idea of the nation determines simultaneously membership in that state. In this respect, two outcomes are conceivable: (a) the state’s idea of the nation limits the boundaries of the \textit{demos}, or (b) the state’s idea of the nation does not correspond to the \textit{demos}; either does the nation exceeds its territorial given boundaries, or the nation is narrower than the territory administered by the state. Both outcomes represents a potential for conflict and non-democratic policies. At least it leads to various degrees of exclusion. Here, the quintessential case is represented by the Israeli-Palestinian conflict. I will briefly sketch this conflict because it provides grounds for a more theoretical generalisation about the region in general.

According to Butenschön (1993:18; 1997:12-14) there are five main possible definitions of \textit{demos} with reference to the territory delimited by the British mandate Palestine, each representing a demographic basis for a separate state-idea: (1) the Jewish people (world Jewry); (2) the \textit{Yishuv} (the Jews living in the territory of the state at any given time); (3) the population living under Israeli rule (Jews as well as non-Jews) at any given time (includes the \textit{Yishuv} and Palestinians living within the pre-1967 border and the occupied territories); (4) The \textit{Yishuv} and the universal Palestinian people, and (5) the universal Palestinian people. From this five options it is not hard to imagine the conflict potential lurking behind the state of Israel’s perception of the \textit{demos}. Following these options certain central elements, crucial to this study, come to
the fore. First, which one of these five possibilities make up a nation in its own right? Secondly, what makes the Jewish nation’s claims to its own state more legitimate than the same claims by the Palestinian nation? Third, as option 1, 4 and 5 states, the geographical distribution of demos in these cases exceeds the boundaries of the territory (British Palestine). Finally, the state boundaries would in option 2 and 3 include two nations. The *demos* is pivotal to the state’s identity and perception of its purpose and role. Consequently, when alternative and diverging understandings of the *demos* are present within the same territorial borders, those not belonging to the perception of the *demos* possessed by the state apparatus are excluded from participation in various spheres of life in the polity.

The previous illustration make up a foundation for deducing some generalisations about the nation-states in the Middle East. As demonstrated, the establishment of the nation-states in the Middle East was, in most cases, initiated by the allied victors in World War I. The territorial boundaries drawn up cross-cut former ethnic, tribal and sectarian divisions. In other words, who constituted the *demos* was in fact decided by the territorial borders drawn by colonial powers, not on the basis of consent by the population itself or with major consideration to traditional political boundaries in the region. Following the above illustration, in many cases it is conceivable that the *demos* could have been constituted differently. Further, it is conceivable that there still exists different points of view on what constitute the *demos* in any particular nation-state, especially in the Fertile Crescent. All of the perceptions of the Arab nation previously outlined could constitute the *demos* of any state in the Middle East.

3.2.4 The State and its Relationship to the Nation
Owen (1992:6) argues that the modern state has a special and problematic relationship with another constructed entity, namely the nation. In the Middle East state formation took place during a period when people were being invited to imagine themselves, and often to act, as members of a variety of different communities, some tribal and local or narrowly religious, other larger, such as pan-Arab, pan-Turkish, Zionist or Pan-Islamic. Different regimes attempted both to accommodate and to control this process in terms
of practices they developed toward frontiers, passports, legal systems and so forth, although all the time being pushed in the direction of establishing one fixed and singular identity for their citizens. With this statement Owen introduces us to a core-problem of the area: In a region where competing identities exist, and where the terms state and nation are at best alien and ambiguous, one drew up boundaries that transcended these competing local identities and disintegrated the pan-identities, and established a state-system (preferably nation-state system) based on the principles of the French Jacobin model. This drawing of artificial territorial boundaries made nation-building difficult (large disputes over who constitute the demos). Consequently, to succeed in claiming legitimacy for the territorial nation-state the regime had to be exclusivist in its membership definition. In this respect, citizenship excludes groups and individuals who have no connections to the national group the state defines as its members. Furthermore, the politicisation of the national and its lack of substantial objective content further complicates the membership-discussion. With clear reference to Benedict Anderson’s style of imaging, Zubaida (1993:148) claims that the units postulated as nations in the Middle East were highly variable. Egypt and Iran could be held to constitute historic and cultural unities, reinforced by processes of the conception of the nation. The division within Greater Syria and the entity of Iraq had no such logic, nor the exclusion of Kurdistan from nation statehood. I would add that neither had the division into various nation-states in the Gulf.\footnote{Tibi (1997:23) undertakes an even more radical departure: \textit{"With a few exceptions (...) most of these newly established nation-states lack historical legitimacy and thus are questionable."}} The logic of this imaging built on At-Tahtawi’s and his successors conception of watan, where the territorial division was initiated and implemented by the colonial powers. There is a contradiction, according to Korany (1988:49), between indigenous grass-roots political culture (which is either pan- or particularistic-ethnic) and the imported elite political culture, which emphasises the nation-state as the frame of reference. Korany’s view is supported and confirmed by Zubaida when he talks of participation in the national political field and its conception of the nation. Participation is largely confined to the intelligentsia to the exclusion of the popular strata, rural or urban. A conceivable interpretation of this fact are the diverging conceptions of the nation between the elite
and the rest of the population. This has implications for the way the nation-state is organised: a kind of neo-patrimonial organisation.

3.2.5 The Nature of the Middle Eastern Nation-State
The Arab territorial definition made by the European powers which cross-cut former ethnic, sectarian, tribal, and religious divisions coupled to a late development and understanding of the term nation produces exclusion within and between Middle Eastern nation-states. As long as the Middle Eastern nation-states lacks an all-inclusive definition of nationality, which they obviously do due to the «alieness» of the term and of competing definitions of the term, they are by definition exclusivist in their membership definitions. This also has to do with the fact that one has relied heavily upon the French model of the nation-state, but, as Tibi (1997:ch.1) shows, in the definition of the nation sought a German understanding, meaning that the nation exists independently of the state: nationhood resides in the ethnic community. In this case a correspondence between territory of the state and boundaries of the nation have been almost impossible. Tibi (1991:127) observes that a nation-state requires more than the submission of tribes to a central authority; it also requires national integration. Nations are based on the concept of citizenship, which presupposes a national loyalty in contrast to tribal loyalties and identities. The nation-state in the Middle East did not contribute to the transformation of pre-national and especially tribal loyalties into national ones. It failed to integrate the tribes into a citizenship-centred national structure. The lack of a coherent nationality which the ruling regime can derive legitimacy from means that they build their ruling on hegemony and by way of distribution-politics, or in Ayubi's terms «principles of compensation».

Distribution policies become mechanisms of exclusion alongside the definition of nationality, which in most cases does not include all of the individuals residing in the state. Sami Zuhaida (1993) deals with the characteristics of the Middle Eastern nation-state extensively. Shortly, this means that the Middle Eastern nation-state is a provider that distributes the wealth, not according to some economic or ethical rationality of

30 Tibi deals at length with al-Husri's rejection of Renan's concept and al-Husri's love for the German nationalist such as Herder and Fichte.
31 An empirical case-study of such policies can be found in Maktabi's (1992) excellent work on Kuwait.
investment and need, but predominantly with a political rationality of acquiring and
maintaining clients and loyal supporters. The groups which derive benefits from the
state do this not on the basis of class affiliation or territoriality but as individuals,
families, particular communities, villages, or regions. In other words, the regimes play
on the strings of primordial affiliations and identities and not on some notion of
nationality including the whole of the population. I interpret this particular distributive
element and its exclusionary content as a result of the failure of integrating the pre-
national identities into a national one. It also proves the inadequacy of the term itself:
the failure of integrating pre-national identities into a national identity lies in the
obvious lack of a common understanding of what the national is. The Middle Eastern
nation-state neither is an indigenous phenomenon nor a foreign import any longer: it is
a naturalised, and thus a hybrid, type of political organisation in the Middle East.
Consequently, the result is that it operates as a highly politicised neo-patrimonial state.
Again Bassam Tibi takes Zubaida’s characterisation of the neo-patrimonial state
further and opens a deeper understanding of the forces at work here; forces which all
relates to the European legacy and the concepts of nation and nation-state themselves.
He claims (1997:70) that if nationalism in the period of decolonisation is exclusively
cultural and political and has no social perspective (this is in my view true of Arab
nationalism), it will become a chauvinistic ideology in the post-colonial era. Tibi
further argues persistently that this is socially necessary in that it masks the rule of the
forces which had led the independence struggle - an elitist faction which has now
acceded to the positions of political power. This elite’s real interests lie not in
mobilising the population for the achievement of common goals nor in the awakening
and creation of national consciousness, but in the perpetuation of their own rule. For
this purpose nationalism becomes a useful vehicle. In my eyes Tibi’s reading here is
correct, and it shows how the ambiguity of the term nation leaves the concept exposed
to any political purpose. Tibi (op.cit) stresses further that with the help of this kind of
populist nationalism, the population is distracted from internal conflicts and is
mobilised against a foreign enemy, however fictitious it may be. In light of Tibi’s
reasoning, citizenship proves to be the mechanism where the definition of insiders and
outsiders takes form, and certain images of friends and foes are born. In addition, it
renders it difficult to acquire citizenship if the applicant is viewed upon as an enemy of the nation-state on the basis of belonging to another nation.

### 3.3 Citizenship, Identity and the Middle Eastern Nation-State

Abdul Aziz Said (1993:163) observes that for centuries before the arrival of European colonialism, ethnic and religious allegiances determined the boundaries of communal loyalties and the framework in which political dynamics transpired. These loyalties and identities still determine politics in some fashion or other. However, they meet and challenge each other at the arena of the nation-state, and these encounters normally occur in a conflictual manner. As Tibi (1991:127) described, the Middle Eastern nation-state failed to integrate various primordial identities into a national identity. This is not only the result of the imposed system and ideas alien to the world of Islam but also a matter of tremendous problems with defining nationality in the area because of the competing ideologies\textsuperscript{32} at the national level. And further, as Ibrahim (1995:49-55) observes the more universal/regional level of the idea of the Arab nation also encounters competing ideologies with diverging conceptions of the nation. Consequently, ethnic minorities are excluded from participation on different spheres of life in the nation-state. Michael N. Barnett (1995:479) underlines the point here when he says: «...important sources for regional and international instability clearly are rooted in contending national and ethnic claims and the failure of the state to capture the loyalties of its citizens». 

#### 3.3.1 Identity in the Middle East

On the surface it can look like the Arab world contains a relatively homogenous majority sharing the same common denominators. Ibrahim (1995:47) points to the fact that the overwhelming majority (80 %) share the same ethnic characteristics. However, the picture is much more complex than it might look at first glance. Ibrahim (ibid:48) has four dimensions in which he tries to separate ethnic groups from each other. I have already pointed to the inadequacy of using such terms as means of defining membership because of the overlaps in objective criteria. However, Ibrahim's four dimension prove to be quite illustrative of the multiplicity of identity. He divide ethnic

\textsuperscript{32} Which are referred to in section 3.1.2.
groupings in the Arab world along these dimensions: cultural-linguistic, religious, denominational, and racial. What he then observes is that differences are larger than what is observed at first: «Despite the apparent ethnic homogeneity on the pan-Arab level, we observe marked ethnic heterogeneities in several countries...» (ibid:45). In some countries, as many as 35 percent of the population differ from the Arab Muslim Sunni majority along one or more of the four ethnic variables. In this respect, Lebanon is quintessential. Iraq, Algeria, Syria and Yemen also illustrates distinct heterogeneity. As the new states gained independence they inherited fragmented ethnic minorities. Hudson (1977:59) further strengthens this issue: «Today the Arab nation and its sovereign states are honeycombed with minorities groups whose communal identities, still distinct, lack either the Arab or Islamic character, or both, which define the majority community». He divides these minorities into four categories: (1) those which are Arab, but whose Islam is not orthodox Sunni Muslim, these groups are in general Shi’ites, (2) groups which are Arab but not Muslim at all, mainly Arab Christians, (3) communities which are Muslim but non-Arab, and (4) indigenous corporate groups which are neither Arab nor Muslim. This is a rough categorisation, and it is possible to divide each of these four categories into several subcategorises. I will not go this far because I think I have already made my point clear, which can be summarised by referring to Said (1993:171): «Today, many states are artificial entities, territorially defined but internally divided, trying to develop into a cohesive unit. In most cases, a given concept of nationality is incongruent with the political boundaries of a given state».

Another topic relates to the fact that the definition of the Arab nation and Arab nationality are not univocal and the main competing ideologies do not possess the same perception of umma. The Islamist vision would naturally base the political bond of culture, society and state on religion. Given that this vision is a foundation for citizenship it would automatically exclude non-Muslims from the respective polities of the Middle East, some 18 million people, according to Ibrahim (1995:51-54). In its extreme purist form, the exclusion would entail some 21 million non-Sunni Muslims as well. However, the Islamist political order would be welcomed by non-Arab Muslims
members of the community. Citizenship (the membership question) would be based on religion. The Arabist vision is predicated on culture and language as the pillars of the political identity of state, society and citizenship. In this sense, Arab nationalism contains a secular element. Accordingly, all native speakers of Arabic, bearers of Arab culture and those who perceive themselves as Arabs, would be full-fledged members of the Arab nation. They would enjoy full citizenship-rights regardless of race, religion, or sect. However, the Arab nationalist vision would not recognise non-Arab national or cultural groups living in the Arab homeland as autonomous communities or independent entities in their own right. According to Ibrahim (op.cit), this would lead to exclusion of some 2 million non-Arabs.

Two points are present in this section: First that the Arab world is not such a homogenous entity as it might look on the surface. Secondly, these diverse identities have been caught between two competing ideologies about who constitute the umma. These ideologies have failed to deal with subidentities. The logical next step would be to illuminate on the relationship between these various identities on the nation-state level.

3.3.2 Religious and Ethnic Identities vs. National Identity - Consequences for the Exclusion of Groups and Individuals

Today, in virtually every nation-state in the Middle East, there remain residual cultural or religious minorities who were never converted into Islam and who have never been fully assimilated into the so-called mainstream national culture. There are also many immigrant minorities such as the Armenians who have entered the Middle East (Findlay 1994:17). From an Arab perspective, language and religion are just as often

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33 Naturally, non-arabs feel threatened by the Arab nationalist vision. This is particularly the case with sizeable non-Arab communities who have national aspirations of their own, such as the Kurds and the Berbers (Ibrahim 1995:53). Also, the Arab nationalist vision claims adherence to the principle of every nation their own state. As such, the Kurds and the Berbers, who have national aspirations of their own represents a potentially dangerous source of conflict to the Arab nationalist as well. Ibrahim (ibid:51) claims they would be included as individual members of the Arab nation, but not recognised as national communities in their own right. This because if they are recognised as national communities they are also able to secede from the Arab nation-states or the Arab Nation because they constitute a nation in their own right and, thus, are entitled to their own state. This point leads to a logical inconsistency with universalism in the present state system: Inclusion can only be acquired in individual terms, but simultaneously they claim the recognition of cultural diversity. The above example tells that the recognition of cultural diversity is abolished in a universal definition of Arabness.
seen as the source of cleavages within societies as they are perceived to be integrating forces, understandably enough following the previous discussion of identity.

Prior to the arrival of the nation-state, the various minorities of the region often controlled many of their own affairs, enacting within their community or locality their own religious practices. Under the Ottoman empire the spatial separation of religious minorities allowed considerable autonomy to minorities to organise their own internal affairs. Charles Tilly (1995:10) argues that while giving priority to Muslims, the Ottoman Empire tolerated a wide variety of identities. It did never insist that all citizens should conform to a single cultural model, unlike most nation-states. With the emergence of the modern nation-state, sectional interests (the Sunni majority) became more important because they tended to control the state apparatus (Findlay 1994:46). The minorities did not constitute the elite national definition; they were not viewed as belonging to the nationality of the nation-state. In other words, they were excluded from participation on the national political arena. According once again to Findlay, this applies equally to ethnic groups. The arrival of the state provoked conflicts between those in power and marginalised ethnic minorities such as the Kurds, Berbers, Nubians and Armenians. When almost every constitution of the Middle Eastern nation-state, but Israel, Lebanon and Turkey, apply to Islam as the state religion, this mechanism of exclusion becomes even more evident. Then, nationality is defined in religious terms, with strict rules of naturalisation, both for religious and ethnic minorities alike. The only state defined as non-Muslim, Israel, has a different attitude towards religion. Clearly, describing Israel's nationality laws as being built solely on religious affiliation, would be an error. However, there are clear religious elements incorporated in the Basic laws of Israel. Furthermore, as Tilly (1995:11) argues, Israel stands out in building religious definitions directly into the rights and obligations of citizenship. Further, he claims that if Islamic fundamentalists have their way, many more of Middle Eastern nation-states will be brought back into this ancient fold. Consequently, it would be fair to claim that nationality laws more often than not are

34 For further elaboration of this relationship see Butenschøn (1984; 1993).
politicised in terms of religious and ethnic loyalties, which imply exclusion of those not belonging to the ethnic or religious nation.35

3.4 Nominal Citizenship: the Question of Membership
I divide citizenship into two analytical related concepts: nominal and substantial. Using this distinction makes it possible to deduce consequences in relation to the previous discussion of this chapter. Based on the normative presumption that a complete nominal order exists only when no individual or group of individuals are stateless. The Middle East presents one with an incomplete order. For example, the Kurds are bereft of their own nation-state, which they should rightfully have on the basis of the Wilsonian-doctrine of national self-determination and stated in the Treaty of Sevres in 1920.36 Instead, they are now located within the territories of four nation-states; here, they do not constitute the nationality of the state. Thus, they are discriminated and marginalised. Practically, they enjoy almost no rights whatsoever.37 The tensions between a highly unclear definition of nation and nationality and belonging to a territorial state is thereby expressed and explicit in the case of the Kurds. The second example is the case of the Palestinians. They had to give way for another group, namely the Jews. The awakening of a distinct Palestinian nationality happened first when they were threatened by an outside force. So when Neil MacCormick (1996:50) clearly states that the recognition of one identity is necessarily at the price of denying another, these two illustrations underline the major implications the definition of membership based on nationality does have for the rights of citizenship. This is one of the great paradoxes of the modern system of nation states and the Wilson doctrine. It will leave individuals and groups of individuals stateless.

35 As stated in the Introduction of this thesis the object is not extensive case-studies. Rather, the object is to make rough generalisation based upon the normative project of investigating the tensions between the principles of citizenship and the nation-state. Thus, I do not provide detailed facts about the nationality laws and who are excluded from full-fledged membership in the nation-state. Still I think the basic assumptions and arguments put forward are valid, because it is clear, as Russell (1988) outlines, that historical events, demography and political calculations all help to explain a certain nation-state's choice; facts related to the previous discussion of nations and nationality. For those interested in single cases I would recommend to read Brandell (1996) on Algeria, Davis (1994 & 1996) on Israel, Jordan and Lebanon, Longva (1996) and Maktabi (1992) on Kuwait, Maktabi (1996) on Lebanon, and Russell (1988) on migration and naturalisation laws.
36 The provision of the Treaty of Sevres explicitly stated that the establishment of Kurdistan was the goal. However, these provisions was abolished when the Treaty of Sevres was replaced with the Treaty of Lausanne in 1923 (Gurr & Harrf 1994:35).
37 For example in 1962 the Kurds were stripped from their “Syrian nationality” (Human Rights Watch 1996).
The Biduns now residing within the territorial borders of Kuwait is another example of statelessness due to non-conforming territoriality. The Biduns have been nomads for centuries and thus have no particular belonging to a limited territorial space where they have been rooted and settled for a longer period of time. In the nationality law of Kuwait, they are not entitled to Kuwaiti citizenship because they cannot claim territorial belonging to the place where they now reside. In other words, these three cases show how nationality is the crucial element in determining membership of the nation-state: when one is not defined as a national one is excluded from participation in the civil, social and political spheres of the nation-state.

A third problem is migration, both in terms of refugees and labour migrants. In the Middle East, the refugee problem relates mostly to the Palestinians and to the Kurds. When it comes to labour migrants the trend is clear; it is migration from the poor and densely populated nation-states of the north and west to the oil-rich and scarcely populated nation-states in the Gulf. The refugee problem is very closely tied to the Arab-Israeli conflict; the Palestinians are denied the right to return at the expense of allowing the Jews from all corners of the world to populate Palestine. The Kurds are suppressed due to their location within four nation-states in which they constitute minorities. Although, the Kurds are confined within the territorial borders of these states, they do not fit the national criteria of the demos. This confirms my position that the ethnical or national delimitation is more fundamental to a state’s identity than the geographical area it controls.

For labour migrants the way to acquire citizenship is through the process of naturalisation. The Gulf States often require some 15-25 years of residence for naturalisation, often in combination with some personal qualifications, such as an estate registered in the country and Islam as the personal faith. It is easier to gain citizenship in the Fertile Crescent, where 5-10 years of residence is required. However, personal qualification is a pre-requisite here as well. At the present stage

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38 See Maktabu (1992) for the legal status of the Biduns.
39 These numbers are taken from Russell (1988).
where migrants tend to be permanent settlers rather than temporary labour force, these naturalisation requirements marginalise them, both politically and socially, in the host state. In other words by way of not sharing the national identity of the nation-state in which they reside, they are by definition excluded from participation on the civil, social, and political arena on a partial or entire basis. This leads to the question about *substantial* citizenship.

**3.5 Substantial Citizenship: the Aspect of Citizenship Rights**

So far I argue that a complete nominal order in the sense that no individuals or groups of individuals should be stateless, is nearly an impossible task because of the ideal of the nation-state which emphasises a correspondence between state and nation. I illustrate this with the case of the Kurds and the Palestinians in section 3.4. Furthermore, a citizenship (once defined in terms of membership) should also have a *substantial* content, or what Davis (1994) calls a *Muwatana* citizenship. The rights I refer to are civil, social and political rights. The definition of membership on the basis of nationality has major implications for the allocation of rights in this context. Because ethnic, religious, tribal, or cultural minorities are defined as belonging to the territory (they are part of the *demos*) of the nation-state, they very often experience ostracism on the basis of not constituting the national identity of the state. A national identity which often is imagined and contain various religious or ethnic elements.

In the Middle East I pointed to some consequences of the nature of the nation-state; its neo-patrimonial behaviour, its lack of corresponding national identity, its failure to integrate pre-national identities, its competing national ideologies and diverging conceptions of the nation and of the *demos*. All are explanations for the exclusion of individuals from full-fledged membership in the nation-state. A shared citizenship between various national groups entail egalitarianism. Theoretically, in a republican model this egalitarianism is undercut by too much particularistic identity, which the discourse on the nation and the nation-state illustrates. It is within this context normative problems arise and the premise for the critique of the link between citizenship and the nation-state is founded.
3.6 Tentative Conclusions

This chapter has tried to provide a discussion of the Middle East on a theoretical level and make analytical attempts in order to illuminate normative problems with the present political organisation and citizenship in the region. For one, the imposed state-system established some seven decades ago has become a daily reality of the region, opposed to the hopes of many Arab nationalists. Consequently, this system brought with it the nation-state as the major principle of political organisation, and the concepts of nation and state and citizenship. I have showed how these concepts do not really have any real counterparts in the Arab world, and must presently be understood in western terms. The long-lived experience with these western concepts in the region has made them indigenous to the ongoing political practice and debate in the Middle East. Related to the adoption of these concepts, which in some ways preceded the establishment of the nation-state, are the various understandings of nation, state, and citizenship in Arab nationalism. These understandings are mixed with perceptions found in the Arab language and the Qu'ran as a matter of adjusting them to regional specificities. The mixture has provided them with several different understandings of these terms, none capable of including the whole of the population of the region.

Finally, I have showed that the alleged homogeneity of the Middle East is illusory. The nation-state has failed to integrate pre-national identities into national-centred citizenship structure. Accounts for this failure are the strains put on the nation-state both from above and below. The Middle Eastern nation-states have had to find its legitimisation where the nation have been defined in terms of the umma, either secular national or religious, and in a territory containing various competing ethnic, tribal, religious, and sectarian identities. This underscores and illustrates the theoretical discussion in chapter two over the inadequacy of the concepts of nation and nationality as determinants for membership. First and foremost, national identity is an abstract construct building upon some notion of common denominators. But what are they? The answer is that one cannot tell what they are. Secondly, nationality includes a subjective element; an element of imagining which exposes it for political manipulation, especially in religious or racial terms. And as Tibi (1997:part 1),
amongst others, observes, Arab nationalism soon became politicised. Thirdly, the indeterminacy of national identity as a base for legitimacy in the nation-state has been substituted with principles of compensation based on the concept of hegemony. Overall, the arguments put forward stress the normative problems between the rational state with a territory and the concept of a nation with which it supposedly should correspond. Problems which I will summarise in accordance with a reasoning set forth by Østerud (1994:15-27): There are strong arguments to warn against letting objective criteria determine the national concept. Such an understanding of the national would easily lead to exclusion of those not defined as belonging to the national community. If one add to this statement the subjective element in the definition of the nation and Smith's (1991) underlining of the political in the awakening of the national, that leaves the concept of the nation-state wide open for political manipulations of membership, one clearly see strong normative calls for rethinking the concept of citizenship: within frameworks not linked to the nation-state. The next logical step would be to elaborate on another level of political organisation in which the distribution of citizenship-rights could take place, based on a more inclusivist membership definition. In relation to this move it seems fit to conclude this chapter with Tibi (1997:24): «...a survival of Arabism is likely to be one similar to the model of the European Union...». If this is so, what implications does such an arrangement imply both empirically and normatively?
4. «THE NEW MIDDLE EAST» - NORMATIVE IMPLICATIONS AND DILEMMAS OF A REGIONAL CITIZENSHIP

Scholars concerned both with the general implications of the normative argument outlined in this dissertation and with the more specific problem of the Middle East most often point to regionalism as a means of solving the problem of exclusion. On one hand, when addressing the issue of a level of political organisation transcending the territorial borders of the nation-state and simultaneously disentangling the concept of territoriality from the concept of nationality, one encounters several empirical problems because of the lack of comparative cases providing a coherent model for analysis. On the other hand, what is possible is to draw attention to developments and possibilities both outside and inside the Middle East as a frame of reference for analytical purposes.

One of the cornerstones of the European Union since the introduction and ratification of the Maastricht Treaty (TEU) is the institutionalisation of a certain set of, although limited, rights which would apply equally to all citizens of the European Union. Individual citizens of any Member State will, according to the provisions laid down in article 8 through 8e in the TEU, enjoy the legal freedom of choice of residence, place of work, and ownership of property. Even some limited political rights are incorporated into these articles. In other words, it is a rather advanced ideal of liberal citizenship emerging in the texts of the TEU, though not yet touching upon the matters of universal inclusion. However, they are provisions which presume and anticipate some form of a denationalised but territorialised polity. The former prime minister of Israel, Shimon Peres, has modelled his vision of the New Middle East upon the structure of the European Union. Clearly, a vision with strong moral-normative implications, but perhaps just another pie in the sky? The purpose of this chapter is to

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40 See for instance Meehan (1993) and Tibi (1994). Berndt Radkte (1991:142) also claims: «In sum, neither the Islamic theocratic concept which the so-called fundamentalists have as their ideal, nor the centralised unitary nation-state, are accurate frames of organisation in the Orient of today. It is necessary with a secularisation and a regionalisation.» (My translation from the original Norwegian text).

41 I have previously elaborated on these provision in Hommersand (1996).
assess this notion of Union both normatively and empirically, because these two questions often are closely interrelated.

4.1 Territorial and Institutional Framework

The previous chapter suggested several alternative definitions and understandings of what constitutes the Middle East and its members. The logic of the previous reasoning would be an approach based only on territoriality, because I show in chapter three the paradoxes and ambiguities of the Arabist and the Islamist vision. Normatively, these two visions suggest a logical inconsistency from my point of departure as far as they are building on some notion of nationality, whether that nationality is constituted by a national-secular idea or a national-religious idea. The beauty of a regional order modelled on a territorial vision with a single citizenship would be that the same opportunities and choices would become available to all citizens of the region: to the Lebanese Jew, to the Egyptian Arab in Jordan, to the Biduns of Kuwait, the Berbers of Algeria, to the Palestinian Arab of Israel and so forth. Uri Davis (1996:9) states that it: «would foster genuine cosmopolitanism throughout the region and offer new political, economic and cultural opportunities to all the peoples in the area». For normative purposes, the territory included in a regional polity should include the Gulf States in the south, the Fertile Crescent, and the Maghreb. Israel has to be included in the territorial framework for two reasons. First, the statelessness of the Palestinians cannot be dealt with without taking into consideration the Israeli state. Secondly, Israel could prove to be the economic vehicle and driving force making such an alternative sustainable. Iran would have to be included due to the Kurdish problem. The Kurdish minority in Turkey also makes leaving out Turkey problematic. However I view the rationale for leaving Turkey out a stronger one; they are orientating themselves towards Europe.42 The Kurds would be given rights within the framework of the European Union, which Turkey has aspirations to join. However, the Middle Eastern territorial approach is the seemingly most utopian idea when it comes to empirical

42 Bahgat Korany (1994) claims that Turkey has become more important to the Middle East as one of the great winners of the 1991 Gulf War. Turkey is now capitalising on an important asset: water resources, and in a region of overuse and undersupply water is literally a factor in survival. Thus, the Middle East cannot leave Turkey out of its concerns, neither can Turkey leave out the Middle East.
viability at the present stage; it seems quite out of rhythm with the daily reality of the region. But that does not necessarily make it a far fetched task of the future.

4.1.1 Who Constitute the Demos - the Identity of the Regional Polity
In chapter two I introduced Nils Butenschøn's assumption that every state has a purpose which can be expressed in a state-idea. Butenschøn's concern here was that the state-idea normatively determine the type of regime. Following this assumption I stated that another plausible interpretation of this assumption is that the state's idea of a nation determines who is to become members of that state. Here, two preconditions are of importance for the analysis subsequently conducted. These preconditions have a clear-cut normative implication. He distinguishes between two important problems on two levels of analysis. The first concerns the constitution of demos; the political community's demographic identity and its geographical territory. Who are the people? Who are considered the states legitimate sovereign authority? Butenschøn (1997:2) claims these are first-order problems. My analysis of the nation-state deals with these problems to an large extent. I interpret the response to these questions to be founded in the concept of the nation: in the nation-state demos is defined in terms of the nation. The preceding paragraphs of this section also state that in a future Middle Eastern Union demos should be constituted by the individuals residing within the territory under the jurisdiction of the Union. Butenschøn emphasises a central dilemma in this context. What if there does not exist any over-arching and coherent identity in the population within a given state, what if the population does not perceive themselves as one people and one nation? In relation to the preceding analysis given in chapter two and three I have stated that this is most often the case. Furthermore, this has exclusionary implications for some groups and individuals. Within the context of a Regional Union, this particular dilemma becomes even more evident. The Middle East does not consist of a population with the same identity denominators.

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43 See Section 2.2.4
44 A related dilemma to this statement is: Can the establishment of a regime take place without the exclusion of groups or individuals? The subsequent analysis also attempts to indirectly cover this question.
45 See Section 3.3
The second aspect of Butenschön's distinction is called second-order problems. This concerns the establishment of some form of political order or political system, given one or alternative definitions of *demos*. How does one establish a consensus of orderly principles for the political system; a regime? This is of pivotal importance for the subsequent analysis. Given a territorial constitution of *demos*, necessarily a multinational one, how is it possible to achieve equal rights for all? In this respect the institutional arrangements play an important part for the response to this question. However, the subsequent assessment and analysis appears by and large vague, concerning the institutional aspects which would eventually be the basis for a Middle Eastern regional polity. I undertake this approach with intent. First and foremost, as will become evident through the following discussion, coherent empirical models for a Regional Union (hence, a functioning political system) cannot be found in the Middle East nor anywhere else. The most fully developed system, the European Union, does not yet seems as it is headed in one irreversible direction: it can side-track almost every time a major issue occurs on the political agenda. Furthermore, the institutional setting is a hotly debated and controversial subject, constantly under attack from critiques. Secondly, theoretical models carry a lot of normative ambiguity, concerning size, composition, sovereignty, autonomy, democracy, and identity as well as unforeseen and unintended empirical consequences. Hence, the subsequent discussion rather points to trends in modes of theoretical thinking surrounding these aspects which provides both hopes and question-marks about the outcomes of such a political organisation. Consequently, I hope to highlight important normative deficiencies with the organisation of the region as of today, as well as with a future arrangement irrespective of institutional arrangements, which otherwise would have been lost from sight if I had designed some kind of prototype for regional organisation. The remaining sections of this chapter illuminate the importance of keeping all options open. Let us first start with looking at existing regional organisations and possible institutional frameworks for a deeper and larger Middle Eastern polity.
4.1.2 Existing Frameworks for a Regional Polity
According to Salamè (1988:264), the Middle East is on one hand largely equipped with
the institutional framework (economic, financial and cultural) it needs to develop co-
operation among the various nation-states, and, to an enviable extent, its own
integration. He is particularly referring to the institutions and treaties of the League of
Arab States (the LAS). On the other hand, there have been several sub-regional
organisations established which not only challenge the authority of the LAS, but which
also have institutions of their own with a potential for integration. These sub-
groupings are basically four, but only two can be envisaged currently as being more
alive than on paper.

Union du Maghreb Arabe
The first sub-group concerns the Maghreb states. In 1958 representatives of three
Maghrebi states met in Tangiers, and a federal union was stated as the objective. The
success of this «union» was rather slim. Hence, in 1989 a new Maghreb-union (the
UMA) was founded, now consisting of five states. The incentives for the creation of
the UMA were economic as well as political. The signatory states were concerned
about their ability to control and protect their economies from externally generated
shocks. Considerations about the possibility that severe conflicts of interest among
and between each other might have the capacity to damage the security of each other
were another incentive to create the UMA (Tripp 1994:295). However, as is often the
case, the reality of the UMA proved considerably less spectacular than the rhetoric of
its foundation and the ambitions spelled out in the unity project.

Gulf Co-operation Council
The second, and probably the most successful sub-group is the one formed by the six
petro-monarchies of the Gulf, i.e the Gulf Co-operation Council (the GCC). Summits
have been held regularly and they have carried out resolutions on economics,
education, security, and other fields (Salamè 1988:264). For normative purposes,
neither of these sub-groupings seem quite viable as a means of solving the problem of
exclusion. They are too small to address the issue of nominal citizenship in an accurate regional context; neither of them would incorporate the Kurds or the Palestinians. However, for other minorities situated within their territorial body such as the Berbers or the Biduns, they could be inclusive given that they engage in citizenship policies. For the labour migrants in the Gulf, the GCC could also develop some responses to the basic problem of exclusion. The most inclusive organisation for nominal citizenship would most likely be the LAS.

League of Arab States

The inception document of the LAS is the Protocol of Alexandria signed on 7. October 1944 signed by representatives of Egypt, Syria, Jordan, Iraq and Lebanon. This protocol established the LAS as an inter-state organisation. The charter of the LAS was signed 22 March 1945 and the LAS was now joined by Saudi-Arabia and Yemen. 47 The LAS has through its legal foundation and the many resolutions, provisions and treaties it has passed and ratified throughout the years been concerned with many of the issues at stake in this dissertation. It has established principles of freedom of movement of capital and labour, adopted the principle of narrowing the gap between the rich and poor nation states, and, finally it has been concerned with economic planning and so forth. These are all policies which are closely paralleled as strategically important features in the EU. Furthermore, the charter explicitly states that Arabs cannot be the holder of dual Arab-Arab citizenship, because the ultimate goal is Arab unity. As an acknowledgement of this goal, every individual is an Arab regardless of residence within a nation-state. However, the actual performance on these matters has been rather bleak.

4.1.3 Weakly Founded Nation-States and An Impotent Regional Organisation?

Chapter three showed the weak foundation of the Middle Eastern nation-states. Further, the rhetoric of Arab nationalism has been the rhetoric of Arab unity.

46 The signatory states being Algeria, Libya, Morocco, Tunisia and Mauritania.
47 Later, the Charter was to be signed by Libya (1953), Sudan (1956), Tunisia and Morocco (1958), Kuwait (1961), Algeria (1962), the YPDR (1967), Bahrain, Qatar, Oman and the UAE (1971), Mauritania (1973), Somalia (1974) and Palestine as full member (1976). In 1977 Djibouti was allowed to join the LAS. (Salamé 1988:260).
Accordingly, one would expect integration and co-operation on a higher level to materialise. However, the LAS has proved quite impotent as a means to push in the direction of integration and unity. Salamè (op.cit) explains the failure of the LAS to bring about unity by showing how governments came to manipulate sincere pan-Arabist feelings to their advantage, quietly becoming experts in mixing isolationist policies with a pan-Arabist vocabulary. Barnett (1995) offers another explanation closely related to Tibi’s (1997) argument: that a community of people can only be a member of the international system if it is organised as a nation-state. Barnett analyses the establishment of the regional order in the Middle East in light of what he calls path-dependent patterns, which basically comes down to that the patterned interactions among Arab nation-states led to the consolidation of state sovereignty and to sovereignty friendly conceptions of Arab nationalism. In short, this approach explains the demise of Pan-Arabism in terms of that the interaction between the various nation-states both within the region and with extra-regional actors was based on state-sovereignty and thus established and consolidated the various nation-state’s independence. Rather, than promote co-operation and common policies. National leaders came to see that it was in their self-interest to act as leaders of the national state and not on the behalf of the whole Arab world. The logic of reasoning found in Tibi’s contribution is similar to this explanation; it was only as nation-states the various political communities could act and interact legitimately in the world of states. Salamè (1988:278) concludes almost in accordance with these two authors. He claims that the problem is not in the bureaucracy nor in the charter nor in the budget of the LAS. The problem is rooted in the discrepancy between the dream of unity and the reality of inter Arab politics. Arab regimes have been established within the framework of independent sovereign states, and these regimes in most cases would be threatened by a higher level of integration. The changing nature of the international system may alter this situation. The globalisation of the economy transcends territorial borders and introduces new transnational actors at the global political arena. Further, 

48 The death of Pan-Arabism is often set to the year of 1967 when Nasser lost the six-day war (Ajami 1992). In my eyes, this explanation offers an exaggeration of one specific historical event and simultaneously falls short of taking into consideration more external dynamics such as those mentioned above.
the end of the Cold War has put an end to the devastating and static ideological battle between the West and the former communist states of Europe, which left imprints on the nation-states of the Third World and particularly penetrated the Middle Eastern regional order. Both trends put strains on the nation-state, and several scholars have predicted the «end of history» and of the sovereignty of the nation-state.\footnote{See for instance Fukuyama (1992) and Camilleri & Falk (1992)} In the Middle East, the Arab-Israeli peace process may re-map old images of friends and foes. Furthermore, as underlined by many, the Arab nation-states are in a state of crisis because of the many facets it has developed which I outlined in chapter three. In short, the old social/national contract between the governed and the governor have proven a failure.\footnote{See Ibrahim (1993) and Houvsejian (1995). By this I refer to the neo-patrimonial features of the Middle Eastern nation-state, described in chapter three.} In the business community of the Middle East, there is a new awakening of the need for economic co-operation and perhaps even integration in order to meet the challenges the globalisation of the economy places on the region (Yassin 1996). One summit was held in Cairo during 1996 where the participants were business leaders and academics from throughout the Middle East (also Israelis), whose sole purpose was to discuss extended co-operation among Middle Eastern nation-states in an array of economic fields in order to face the alleged new world order.\footnote{The international weekly edition of the Egyptian newspaper al ahram focused extensively throughout the year of 1996 on these issues and covered the MENA summit quite thorough. MENA stands for Middle East/North Africa Economic Conference, and is initiated as a continuation of the Madrid summit 1991 in the wake of the Gulf-Crisis. The Cairo summit was the third since the establishment.} However, the outcome of this summit can generally be characterised as a failure. The summit was hampered by the change in Israeli attitude and politics towards the Peace Process, attributed to the change of government in Israel in may 1996. But that does not deem further progress impossible. Furthermore, it is argued that globalisation erodes established national and parochial identities in favour of a universal identity. These developments point to previously unknown possibilities with normative implications for the good life; they provide ground for the emergence of a regional organisation as a vital actor in the international system. This possibility for a new regional order based on a regional organisation such as the I.A.S is an matter of normative assessment in the subsequent sections of this chapter. That is to say, a new
regional organisation built upon the established principles for Arab co-operation. However, it includes the state of Israel as an important asset in this respect. By stating this I encounter a problem: it is not an empirical fact I assess, and the closest possible comparative unit is the European Union, which itself is not sufficiently developed with regard to citizenship, and nor is it a supranational organisation: the basic unit still being the various European nation-states. Normatively though, there are lessons to be learned from the European experience, and implications are possible to deduce from the European state of affairs.

4.2 Re-Stating the Identity Question
In chapter three I discussed that what occurs as a very cultural homogenous area is in fact a divided and heterogeneous area in terms of religious, tribal, ethnic and cultural identities. What is clear from this is that the Arab individual is a bearer of multiple identities. He/She is supposed to be a member of a particular ethnic community, a national state, and a larger Islamic or Arab community. Chapter three showed how the national state in the Middle East most often fails to integrate these various identities into a nationality and promote loyalty to a national regime. Furthermore, the previous section has showed the impotence of the existing regional institutions to claim loyalty for the Arab case and the Arab identity. Apparently, Arab individuals must be in some state of identity trauma. Likewise, the Arab nation-states and the LAS. Hence, what makes it possible to put faith in a regional polity? Both Zubaida (1993) and Korany (1987) have underlined the contradiction between the indigenous grass-roots political culture and the elite political culture. The former is either pan- or particularistic-ethnic and the latter is national.52 When assessing the LAS performance the elite image is quite visible, as shown by Salamè, Tibi, and Barnett in the preceding section. The 1991 Gulf War appears to be a watershed where the end of pan-Arabism thesis finally vindicated, at least on the surface, according to Korany (1994:175). Inter-Arab relations now seem routinised in the Weberian sense and in accordance to Barnett’s argument, have become normal interstate relation, similar to those of other regions of the world. However, stating this is to disregard and neglect the societal dimensions of

52 See section 3.2.4 for this argument.
Arab reality. Even if the Arab world is a mosaic of identities and relations, rather than a hierarchy of identities and relations as believed to be the case of the West, it still has a fundamentally Arab core. Korany (1994:167) emphasises this very strongly: «Linguistic and cultural homogeneity sustains a sense of kinship and larger Arab identity that continues to transcend individual nationalities. (...) cross-frontier alliances or associations between the government of one Arab state and individuals or groups in others are common». With high degrees of interconnections between «Arabs» and their relative homogeneity, despite differences in subidentities, in this situation it is possible to conceive a sustainable regional polity. In this polity individual accounts are the sole determinant of membership, enabling the individual to cast off his/her affiliation to a particular nation and its more or less parochial particularities as a basis for allocation of rights. Nevertheless, this statement deals with subidentities; what about major identity groupings such as the Kurds and the Jews? Interconnections between Arabs may provide grounds for Arab integration, but they may not for a Middle Eastern integration. Fifty years of conflict have brought about strong resentments on all sides. This is a pivotal dilemma. Nonetheless, in principle, it is just as conceivable that people can identify and express loyalty to a regional polity, as they do with the nation. However, nations gain their power over human beings because over time they come to form a deeply felt part of our imaginative and emotional lives Mayall 1994:189). By contrast, regional organisations are mostly in their infancy. According to Mayall (op.cit) they are self-conscious constructs for managing specific political and economic problems, strong on administrative rationale of a Weberian kind, but short on the power to move the masses, or extract loyalty from them. But, as Meehan (1993:184) amongst others observes, there are signs of an emergence of a broader European identity. Conceivably, in principle, regional sentiments can emerge in the Middle East as well, which can transcend old national/subnational worldviews. However, the development of regional sentiments requires that the perception of the demos to the regional polity is based in the regional-territorial context.
4.3 Normative Presumptions and Remarks

My underlying normative project in this dissertation builds upon the liberal notion of citizenship in which the individuals are granted equal rights on the basis of equal membership in a political community. Hence, the previous parts of this dissertation have mainly been concerned with critique of the nation-state and its close relationship to the republican ideal of citizenship, meaning that the state and the group stands above the individual. Consequently, the exclusive mechanisms lie in the definition of membership based on the notion of a particular group identity, namely the nation. Problems with the definition of the nation and its ideal of an alleged correspondence to a territory generate exclusion of non-nationals, whomever they may be. A regional organisation cannot draw upon some notion of nationality, because in such an large entity with overlapping identities a common nation would be notoriously difficult to locate. Given one or alternative definition of demos - the Arab Nation - too many groups would fall outside. Consequently, a consensus about who constitute the demos would be impossible unless the definition of demos is based on the territorial belonging and not some notion of national identity. Both empirically and normatively this poses a problem in the Middle East. The empirical viability of such a project is hard to imagine when one looks back upon history. Tribal, ethnic, and religious identities are strong and still at work in the Middle East, and from this background more secular national identities have not materialised. In other words, group solidarity (Ibn Khaldun’s concept of assabiyya) seems to supersede individualistic notions and have apparently even been strengthened under the wings of the nation-state and its neo-patrimonial character. Under such circumstances it would seem hard to develop loyalty to a regional polity when parochial identities and loyalties are always lurking from behind. The critical issue is what kind of institutions one develops and how these derive their legitimacy. Democracy seems to be a prerequisite for substantial citizenship. This is a crucial area which I cover when discussing the substantial citizenship. Normatively, the liberal individualistic account also seems to counterargue my basic assumption that cultural diversity and the recognition of different cultural values is a universal right. This is a prolongation of Veit Bader’s
account that the nation-state is the ultimate enemy of cultural diversity.\textsuperscript{53} The point is that a Middle Eastern union based on individual liberalism may prove to be a force and a vehicle for the spread of a majority culture, whether it be Islamic, Arabic, or even Western, which eventually leads to the eradication of minority cultures. But what might look like a logical inconsistency of argument is not: placing the emphasis on the individual does not necessarily imply a denial of group identity and their culture; it is a matter of establishing a principle of distribution of membership free from cultural, ethnic, tribal, and national affiliations. Normatively, it is a matter of allowing the individual to express and live by his/her multiple identities. It is a matter of being both a Christian and an Arab and a human being, or a Nubian and Muslim and a member of the Middle Eastern political community without struggling for the redefinition of the nationality. When membership is based on the individual as a resident, the individual can freely choose to express whatever identity he/she wants because he/she is equal to anyone regardless of group belonging. Pluralists would strongly oppose such a setting unless the polity engages in politics of difference. They may have a point. I discuss these arrangements towards the end of this chapter.

4.3.1 The Presumption Revised
In the introduction to this thesis I pre-supposed that citizenship had an substantial content \textit{per se} given that the individual is defined as a member of a political community. Obviously this is not true. However, in all cases membership gives one certain, though limited, rights. But full-fledged citizenship rights are basically not open to non-nationals. The previous discussion have mainly dealt with the \textit{nominal} aspect of citizenship: membership. The \textit{rationale} behind this focus is clear: it does not make sense to discuss the substantial content of the membership of a political community as long as individuals lack membership at all. Through the previous chapters, I also analysed and discussed the lack of full-fledged citizenship rights as a mechanism of denied access to membership on the basis of not constituting the nationality of the nation-state. When I now place the focus upon a Middle Eastern territorial union, I have to transfer focus from \textit{nominal} citizenship to \textit{substantial}

\textsuperscript{53} See the quotation in section 2.5
citizenship. Following the logic of reasoning behind the thesis, this is quite obvious: when every individual resident in the political community is defined as a member, and the territorial borders do not leave individuals stateless, the nominal order is complete. Hence, the normative attention should logically move focus to the substantial content of that membership with more strength than in the previous discussion. It is quite obvious that exclusion is not only tied to the national or the territorial aspect but can occur within communities as well. Closures from full membership originates most often from class, gender and religion, even if one is defined as belonging to the nation. Further, the nominal order does not need to be straightforwardly complete in a regional polity either. When performing an explorative analysis one also needs to address the nominal citizenship,

4.4 Nominal Citizenship - a Complete Order?
The normative arguments for integration in terms of institutionalising citizenship (given moves towards real political integration) on a regional level are obvious. In Bauböck’s (1994) logic, such an institutionalisation of citizenship should create a more complete nominal order where the statelessness of the region would be eliminated; the exclusionary effects of determining nationality would be gone. Tibi (1994:143) supports him at this point. He claims that a redefinition of Arabness (away from its ethnic connotations) would permit minorities to feel they are Arab citizens rather than marginalised by a quasiracist, ethnic, and exclusive definition of Arabness prevalent in the policies of the Arab nation-states. Building citizenship-policies upon a individualistic definition of membership can make it possible for the pre-national identities to thrive and co-exist together with other competing and overlapping identities. The membership principle of regional polity would be a «catch all» definition based on residence in a territory. Neil MacCormick (1996:50) claims normatively that:

«If choices can cease to be between rival claims to sovereign statehood over disputed territories and populations, but can become choices between the allocation of levels of political authority within a transnational community embracing many nationalities and cultural traditions or groupings, a choice guided by some version of
the principle of subsidiarity, some dilemmas are greatly eased. The recognition of one identity ceases to be necessarily at the price of denying another.» 54

This statement goes directly to the core dilemmas of the Arab state-system. By lifting political authority to a higher level of political organisation one would close the discussion about what states to give birth, and who belongs to that state. This presumes that various groups would be pleased by gaining autonomy, not sovereignty, and, thus, recognise the legitimacy of the regional authority. Given such a change in values it would move the focus towards the integration of competing identities into a larger territorial entity. A entity opening for expression of distinct cultural identities without giving one the superiority over the other. In other words it would be a model for political authority where the legitimacy of the government is vested in the territory. In short, the idea of the identity of the political community is a transnational or de-national one; the determinants for membership lies in the territorial borders surrounding the polity. The doctrine of national self-determination and the paradoxes of non-conforming territoriality then cease to produce exclusion of individuals.

4.4.1 A Federal or a Confederational Model of Political Organisation?

Apparently, it would seem that the nominal order would be complete if it is only a matter of establishing a regional polity. But there is more to it; there is also a question about what role to assign the nation-state. Should one with a radical normative presumption based on past and current experiences say that these states are not legitimate? Thus, these states should be deprived their right to exist, destroying whatever kind of identity and loyalty they have managed to develop. Or should one accept the fact that they are a part of the Middle East’s regional order and should be integrated into a larger entity as sovereign units modelled in accordance with the European Union? Both questions have normative implications that are far from creating an unequivocal and straightforward complete order. The first suggestion seems far from reality, and its empirical consequences would be severe. First, it would

54 With this statement MacCormick claims that the solution is exactly the problem. What he seems to forget is that "if choices would cease to be between rival claims between sovereign statehood but become choices between the allocation of political authority" it requires a total alteration of the principles for organisation of the international state-system. Likewise, it requires a change in attitude: it requires a consensus among the actors in the world system that autonomy is what they want, not sovereignty.
mean a total restructuring of the political system and the political order. Secondly, a supra-state runs an immediate danger of becoming a vehicle for strong groups creating the Union in their own image; making it an instrument to monopolise their own interests at the expense of other groups. It would merely become a re-creation of the nation-state with the same deficiencies as pointed out in the previous analysis. Merely establishing a larger territorial base with a territorial constituted *demos* is no guarantee for universalism. Integration based on the recognition of the nation-state is more viable empirically speaking. As Mayall (1994:191) points out, it is unlikely that regionalism will come to represent an alternative locus of human identity. In first instance regionalism should not be viewed as an alternative doctrine to nationalism but as a supplement to it. In other words, it should be a corrective to the deficiencies of nationalism. Normatively then, regional organisations should not be designed to replace the nation-state and its command of people's loyalties. Rather, it should be designed to help manage the inevitable problems that arise from the co-existence of competing national, ethnic, tribal, and religious identities. With this in mind I suggest an institutional complex setting similar to that of the EU; meaning that government is to be found both at the national level and at the regional level. The regional authority is set up as a corrective for the national level, but also as a system of governance more adept to handle political and economical dynamics transcending national borders. As such, one speaks about a conferral model. The conferral model has implications for the Member States. First, they must be willing to transfer spheres of authority to the regional government. Secondly, they need to commit to the Charter and the policy goals of the regional organisation. The ruling system at the regional level will be more closely scrutinised in the subsequent chapter. However, the integration of nation states poses some critical normative reconsideration's for the first argument in this section; the *nominal* order cannot be complete, if certain spheres of authority are not transferred to the regional authority. Discussions about European Citizenship leaves considerable doubt about the universal inclusion of a regional polity, particularly when the definition of membership remains in the hands of the national regimes.
The Confederal System's Relationship to the Nation-State

First one has to ask the question: what role is assigned to the nation-state as an allocator of membership in the regional polity? European Citizenship in its current rudimentary form, is closely related to a community of states. Article 8 defines citizenship of the European Union: «Every person holding the nationality of a Member State shall be a citizen of the Union» (Treaty on European Union, part 2, article 8, p.15). In other words, the Union itself has no competence to determine who are the citizens of the Union. The Member States determine who is holding the nationality of the state, and thereby grant equal membership in the EU. Normatively then, European Citizenship is not disentangled from nationality. At this point it is not an universal liberal idea in the making. Rather, it is a reproduction of the exclusion performed on the national level. Non-nationals are even more marginalised now; they enjoy no rights as members of the nation-state where they reside or in the Union in which that nation-state is a member. By contrast, nationals extend their space of rights. In the Middle East, such a system would mean that if the discretion to determine citizenship of the regional polity is based on sovereignty of the member-states to determine nationality, Palestinians and Kurds would not gain access to the rights of the Union, within the framework of today's state system. Accordingly, the nominal order would persist to be incomplete. Normatively, this implies that the competence for determining membership must be in the hands of the regional authority. Although the fact that nationality is still the determinant for membership in the EU, it should not deprive one from conceiving that it can emerge into something which would disentangle nationality from citizenship. Hans Ulrich Jessurun d'Oliveira (1995:83-84) points to several important aspects with a European Citizenship:

«One must not forget, after all, that the creation, albeit in an as yet very rudimentary form, of a concept of citizenship which is related to a community of states, marks a significant departure from the traditional link between nationality and citizenship in the nation-state. It represents a loosening of the metaphysical ties between persons and a state, and forms a symptom of cosmopolitization of citizenship. The rising concept of European Citizenship is not the concept of national citizenship writ large: its quality has changed in that it does not presuppose any more a large set of common or shared values. It is a clear indication of a phenomenon which is also to be observed in the component parts of the European Community: that the Member
States have to a large extent become multicultural and multi-ethnic societies which may be bound together not in the first place by a set of common values, but by a developing competence of persons to deal with differences in their dealing with others who do not necessarily share the same values and with their redefined institutions. It is this competence to deal with difference which may be the nucleus of modern active citizenship, and European citizenship may be useful as a laboratory for this procedural concept of proto-cosmopolitan citizenship."

In accordance with my normative assumption (in the liberal individualistic notion of citizenship differences regarding both identity and values are recognised and acknowledged) I hold that different value-sets are not incompatible with membership of a political community. The argument put forward by d’Oliveira provides the rationale for thinking in terms of a regional polity as a political organisation in which such an understanding could emerge. It is also an argument against the common assumption that citizenship needs to be embodied in some sort of common values; the myth of the national. However, Preuss (1995:278) voices scepticism towards the European idea of citizenship because the EU has not been able to transfer loyalties to its institutions and develop common values. The quotation of d’Oliveria counterargue Preuss’ assumption that citizenship should inherently be tied to a common set of identities and values, namely those of the nation. The linkage between nationality and citizenship is not a conceptual one; it is a historical one. Accordingly, deficiencies of today do not need to be the deficiencies of tomorrow. Hence, modelling the Middle East along the principles of the EU could prove to be the first shaky steps towards a more inclusivist ideal of citizenship. However, a second plausible interpretation of d’Oliveria is possible. A common value set is needed on an elite level. The elite has a set of common values which claims that different values should be respected and managed in a rational manner where no discrimination takes place. Normatively, this interpretation does not interfere with the basic argument above. Citizenship does not need to be rooted in common values shared by the whole of the population. However, this elite image adds a pre-condition: the ruling elite should share the same values! However, out of this two new problems are created: if the values governing the polity is not shared by all, how can it be perceived just by all? Secondly and empirically, if the polity is multinational and different national group’s values differ along basic and
equally fundamental important lines, how can an agreement be reached among the elite? The second problem becomes vitally important in the Middle East where religious dividing lines play a larger part than in Europe. These problems will be more thoroughly discussed in relation to substantial citizenship, but only prove the troublesome sides connected to a regional organisation.

What About Third Country Nationals?

Secondly, another question arises in relation to development in the EU which has implications for the normative underpinnings of this thesis. Fortress Europe has become a much debated term recently. In short, it revolves around what kind of rights should third country immigrants have? The European Citizenship has not developed into a reasonable inclusivist membership for immigrants from outside the territorial borders of the Union. This may well be because the determinants of citizenship are tied to the nationality of the member state and not a liberal universal ideal. Several scholars have voiced worries in this respect. Kofman (1995:129) has deeply expressed her concerns about the developments of the Schengen Accord, and in her view the EU is racialising the boundaries in a fashion similar to the nation-states. Europe is building a Fortress with almost unclimbable walls and locked entrance gates. The Schengen Accord gives third nation immigrants the right to reside in their host state, but they do not have the rights of circulation or of other related benefits which are the basis of European Citizenship. In relation to the Middle East, such a system would probably deny Asian\(^{55}\) labour immigrants in the Gulf the rights of a Middle Eastern citizenship if they are not holders of, for instance, a Kuwaiti Citizenship - e.g. defined as Kuwaiti nationals. Normatively, this is a rather bleak prospect. However, I will once again emphasise that this deficiency (exclusion of third country nationals) reflects the lack of universal accounts of citizenship in article 8 of the TEU which leaves the discretion to determine membership in the hands of the nation-state. For a normative purpose then, it would be conceivable to state that this would not be a problem when the competence of determining membership is part of the regional authority

\(^{55}\) Asians have become the most important source of immigrant labour in the Gulf after the Gulf War of 1991 (Maktabi 1992).
jurisdiction and taken out of the hands of the member states. Furthermore, the Schengen Accord is a particular European phenomenon which is not bound to be part of a Middle Eastern Union. It is part of a certain institutional feature in the EU, but it is also an attempt to distinguish between citizens and aliens: an inherent characteristic of national citizenship. Jens Magleby Sørensen (1996:161-167) put forward serious concerns in this respect. In sum he states that European Citizenship is based upon a number of nationalistic traits that reinvent segregation and unequal treatment between insiders and outsiders; between ethnic and national Europeans, and aliens or others of different ethnic and national origin based on the fact that European law does not apply to non-EU citizens. Third country nationals have been deprived of essential civil, economic and social rights by being excluded from European Citizenship. Internally, this leads to the status of second class citizens, who experience exclusion and marginalisation of membership. Externally, higher fences of access are built through the Schengen accord. According to Sørensen (ibid:162), the EU is building a «ring-defence» at its external borders: «These non-egalitarian measures are being adopted in the holy name of nationalism. The Union is closing in on itself by limiting access, and by basing its policies on nationality and not on membership of civil society (...) The Fortress Europe is a reality for non-EU citizens.» Normatively, the danger that such an institutional feature can become a part of a Middle Eastern Union are present. More explicitly, the Fortress Europe argument indicates that integrating nation-states into a larger territorial entity is no guarantee for a more inclusivist citizenship. The regional polity also needs sovereign jurisdiction in terms of determining membership-principles, principles which must be based on universalism and not just reinvent nationalism on a larger level. This is to say that the member states must hand over sovereignty to the regional authority. In other words, the definition of demos should be the sole responsibility of the regional organisation - a definition detached from national connotations and based on universal inclusion. Logically, what this implies is that if the determinants of membership in a future Middle Eastern union are based on existing conceptions of Arabness one achieves nothing in terms of inclusivism.
The Regional Polity's Capability to Provide Security for its Members?

Thirdly, there is the question about security which is central to Preuss' argument of the incompatibility of the transnational citizenship. Historically the nation-state has been the only polity providing its citizens with physical security. He continues: «Historical experience had shown that those who enjoyed only human rights were least protected in their human dignity and finally even in their physical survival because no particular nation assumed responsibility for their well-being» (1995:274). On the contrary, I rather state that this is precisely why one has to look beyond the nation-state for safeguarding citizenship, given the fact that individuals are left stateless. Further, it is not evident that the nation-state is the only polity which can give its citizens physical security. The emergence of a Common Foreign and Security Policy in the European Union contradict Preuss' statement. With respect to the Middle East this is a relevant fact as well. Ideally, physical security would be ensured through the institutions of the Middle East Union, with guidelines for non-violation of the rights of individuals within this polity. However, this requires a commitment by the Member States to let security issues be handled on the regional level and a commitment to partake in discussions and operations to solve disputes among its member states. Likewise, it requires a commitment by the Member States to let the regional authority represent them in matters of conflict with extra-regional actors. Prospects for such security are set forth in the statements and resolution from the LAS summit in Cairo in summer 1996 (Yassin 1996). Security would be further increased through a future resolution of the Arab-Israeli conflict, and the integration of Israel into a Middle Eastern cooperation structure. The security question also occurs on the nation-state level. Security is a vital feature of Middle Eastern politics; a feature necessary to understand the political dynamics of the region. To analyse the security question in the Middle East to the extent that it deserves would mean that I have to extend the numbers of pages that I have at my disposal. Thus, I only refer to Korany for some brief remarks. Korany (1987:3) claims, as stated earlier, that the discussion of what states to give birth to and what territory to allocate to them, has never been settled in the Middle East. Then, the need for security becomes a constant factor of uncertainty when the territorial borders of a state are constantly challenged by other states that claim the
right to the territory. At present at least half a dozen territorial disputes still remains unresolved in the Middle East. A regional organisation could ease the tension. However, if the regional polity is built upon the existing system of nation-states, it will become an arena for power politics. Who is in the position to legitimate their claims to the territory, and who is to be an impartial and unbiased judge of these claims? The LAS's capability to handle inter-Arab conflict of this character is a history of repeated impotence and in-action. Thus, the prospects for a stable order, if only a regional polity is established, are highly questionable. But again, regional arrangements should not be discarded.

In summation, the European experience shows that a complete nominal order is yet to be realised, as long as nationality determine membership both in the nation-state and the regional polity. A regional union is far from a guarantee for a de-coupling of nationality from citizenship as such. But far from disregarding such an institution, it proves the importance of looking beyond the scope of the nation-state for organisation of citizenship and, thus, a loosening of the historical ties between nationality and citizenship.

4.4.2 Universalism vs. Pluralism in a Complex Confederal System
One last remark must be taken into consideration and it leads one to the question of substantial citizenship. When nominal citizenship is determined solely by residence in a territory, there is the danger of creating unstable relationships between the state and the citizens. How does one handle individuals who have different social and political baggage and expectations in relation to governments? Would a massive migration wave create imbalances that would totally alter the form of government in a negative direction? As Bauböck (1994:32) points out, the rights of substantial citizenship correspond to fundamental interests and needs. However, individuals cannot shift their fundamental interests in space the same way as they move their bodies. Furthermore, as pluralists and communitarians points out, advocated by Roger Scruton's, the idea of the multinational state is inherently unsustainable. From a deterministic point of

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departure, he claims that such a state either move in the direction of forging a unitary sense of nationhood, or it ceases to exist. What sustains a state is not a sense of political membership in the state but the social loyalties and allegiances that define nationhood. In other words, a relation to the nation as a prepolitical community is more basic than any relation to the state precisely because the former is situated on the social side of the social/political dichotomy. Simply, Scruton counterargue my point that the individual has needs and interests based on individuality and, thus, can cast off his/her affiliation to a social community as long as rights are secured in a multicultural/multinational/multiethnic political community. The individual has fundamental needs and interests on the basis of belonging to a particular social community. Scruton, in his provocative essay called «In defense of the Nation», claims that citizenship as a political concept is ultimately parasitic upon nationhood as a social concept. Admittedly, some empirical cases support Scruton’s view (he himself refers, amongst other cases, to Lebanon) and these cases issue a warrant with a great deal of pessimism. However, states like Canada and the United States are multinational states, which evidently have not ceased to exist. Scruton’s argument is that America works as a liberal state, not on account of a sense of shared political commitment to the Constitution, but because it has successfully instilled the sense of itself as a genuine «nation». This ideal has been strongly opposed by Beiner (1995:6) who claims that the pluralist vision poses a threat to the idea of citizenship, because groupism taken to its logical conclusion amount to a kind of ghettoisation: a tendency on the part of each group in the society to withdraw behind the boundaries of its own group, its own group identity, with no need to acknowledge a larger common culture. Then, citizenship would be reduced to an aggregate of subnational ghettos. Obviously, this would always be a danger in a large regional polity where several group identities flourish, as is the case in the Middle East. Apparently, it seems fair to ask in accordance with this argument: is it conceivable to create an environment of loyalty towards a territorial legitimate (legitimate in every citizen’s eyes) authority? Would every individual in this territorial polity have the same interests and needs, and would an undifferentiated system of rights be fair to all? There are basically two problems here. First of all, to what groups are one referring? The previous discussion has shown
how individuals in the Middle East have numerous group identities. Hence, which one of these identities provide the basis for fundamental needs? Is it the tribal, ethnic, or national community? Perhaps difference in needs and interests follow the individual, and not the group where the individual allegedly belong. Secondly, I argue that the connection between citizenship and nationality is a historical one, not a conceptual one. Accordingly, it is possible to envisage citizenship as a set of rights dissociated from the concept of nationality. It is also possible that individuals or groups of individuals have different needs in different spheres of life. Civil rights could be a matter of religion, i.e. a Christian abide by other rules than a Muslim. Social rights could be a matter of class, i.e the poor have other needs than the rich. Political rights could be a matter of culture. What this proves, from my point of departure, is that one needs a system of rights in which one is allowed to express these various needs. A pre-condition for such a liberty appears to be that democratic institutions should be at work both on the national level and at the regional level. It means an establishment of a liberal democratic citizenship, which should embrace universal values: every individual is entitled to a certain minimum of civil, social and political rights. These values must be expressed on an elite level, so that the protection of these rights would be ensured. In other words, the implication here is that citizenship does not need to be based on shared values on a general level, but necessarily, it needs to be built upon shared universal values of the governing institutions. A integration based on the acceptance of the nation-state’s sovereignty could enable the various identities that Arab individuals possess to be expressed on various level. Thus, the rights and duties exercised would be substantiated in multitiered system; an increasingly complex configuration of common institutions, states, national and transnational interests groups and voluntary associations (such as civil society organisations), local or provincial authorities, regions and alliances of regions.

4.5 Substantial Citizenship - a Matter of Democracy?
I have elaborated on the pros and cons of the nominal citizenship with the establishment of a regional polity. If one makes the presumption that the order is complete (demos consist of all within the territory, and there is a consensus about who
constitute the _demos_), one has to examine the substantial content of the polity such as to assess whether this polity is the provider of the good life or not. As the title suggests _substantial_ citizenship is commonly viewed as a matter of democracy. A possible explanation for this lies in the heart of the liberal tradition itself. Liberalism pre-suppose that the individual has freedom of choice: he/she is free to choose his/her own destiny. Liberty can only be achieved under certain conditions. Basically these condition are under the terms of democracy, where opting in or opting out of a political community is discretely in the hands of the individual. Hence, civil rights and political rights can only have a substantial content under democratic circumstances. However, social rights do not necessarily need to apply to a notion of democracy. The petro-monarchies of the Gulf are exemplary cases in this respect. Furthermore, in many cases limited civil and political rights would apply to non-democratic nation-states as well. The freedom of choice in the liberal tradition also implies a dilemma: How free should the individual be? Should he/she be free to vote and elect a non-democratic government, i.e a Islamic Fundamentalist government. The normative response to such a question is that if that choice implies unjust outcomes for a minority, it cannot be justified. Every individual's obligation is towards every other individual, because all are equal. So when a individual's choice inflicts harm on another individual he/she should refrain from making that particular choice. However, this leads inevitably to the vicious circle of normative theory: what kind of values guide the choices? Are those values justifiable in other cultures than one's own, and if so are they shared by all? Trouble comes when the polity incorporates a large number of different value-sets. And lastly, how can one build institutions and mechanisms which prevent the individual from making «the wrong choice»? This analysis does not provide adequate prescriptions to the questions raised here. However, the subsequent discussion points towards pre-conditions where some responses can be found. For the purpose of analysis I analyse the different rights separately. I think such a separation best illuminates the normative aspects and implications of the rights of citizenship in a large territorial unit.
4.5.1 Social Rights in a Regional Polity

To discuss social rights and citizenship normatively, introduces one to different conceptions and viewpoints where there is a large disagreement on just principles for distribution. I have stated my liberal universal stand in this respect. This departure is severely criticised by Marxists. They argue that the language of universalism obscures an unequal distribution of power that stems from class relations in civil society. Citizenship is attached to private property, and those without stands no chance in exercising their rights to the fullest. I tend to agree with this argument. However, I see universalism as fundamental; all individuals should be ensured and granted a certain minimum of social rights. Universalism is a means of providing conditions for the good life. The only provider of such rights is in a state-like institutional setting, where the guide lines are in the contractual relationship between the government and the citizens. Then, citizenship is not only a matter of private property but also a matter of redistribution of wealth to those not owning property. In this respect, redistribution does not need to be a matter of democracy. The rentier nature of the Gulf nation-states proves this point. Those defined as citizens of these states enjoy a large range of social rights without having the rights for political participation (Maktabi 1992). The popular slogan is «no representation without taxation». Social rights are part of the clientelistic structure - the «politics of distribution» and «politics of compensation». In the Middle East the ruling regimes buy themselves loyal supporters by granting their citizens a certain amount of social rights. Thus, if viewed isolated from the political and civil spheres of life, social rights are applicable under non-democratic conditions. However, as I indicated in chapter three, this neo-patrimonial behaviour of Middle Eastern regimes is due to a lack of national homogeneity and discrepancies between the ruling elite and the popular strata over what constitute the national myth of the nation-state. Furthermore, when there is a scarcity of resources that disables the regime from providing equal «politics of compensation», as in the poor nation-states of the Fertile Crescent, another problem arises. Would it be possible to gain social rights without democratic institutions? And would it be possible to gain access to social rights for certain individuals if they do not enjoy the same political opportunities? And
what if they do not even have the right to own property, as in the case of the Palestinians resident in the pre-1967 state of Israel. My immediate response to these questions are negative, because that if social rights are ensured under the wings of an abstract social contract between the government and the citizen, the citizen should simultaneously possess the right to overthrow the government through elections if they are dissatisfied with the distribution of wealth. Thus, the exercise of social rights for closely intertwined with the exercise of civil and political rights. After pre-supposing that every individual is included in the political community one needs to assess whether or not this polity is capable of creating conditions for equal social rights. First I refer to some normative examples from the European case, and then I look upon previous attempts to handle distribution in a regional context in the Middle East. The critical dimension in this respect is will a renewal and revitalisation of citizenship in a regional context bring advantages to those who have been marginalised and excluded within or outside the territorial borders of the nation-state?

The EU has emerged as an increasingly complex set of institutions that engage in a wide array of policy fields. One of the four pillars of the Single Act is the freedom of movement, more specifically the freedom of labour movement - the mobility of workers. A right laid down in the provisions of European Citizenship in the TEU. Furthermore, there is an attempt to harmonise social laws through the introduction of a Social Charter. Needless to say, for those capable of enjoying the freedom of movement, these rights are a deepening and enhancement of their individual liberty. Also, it seems that the attempts to harmonise social laws will provide individuals who are resident in the less developed welfare states of the EU with better social services. There is also an element of redistribution in which capital and investment is poured into less fortunate areas of the EU; areas that seem to have been neglected by their respective national authorities. But presently, this enhancement of European Citizenship does not mean that previously excluded individuals have gained much. Still, the competence to determine social policy is in the hands of the member states,

57 See the points made by Zabaida and Ayubi in chapter three.
58 See for instance Peled (1992) on the legal status of Palestinians in Israel.
and every member state can choose not to take part in the Common Social Policy.\textsuperscript{59} In this respect, Elonore Kofman (1995:132) points out that in relation to social claims, the obligation of member states to meet such needs and demands is at a low level of commitment. It almost seems that a prerequisite for enjoying these rights is that one already has to be among the so-called advantaged citizens of the Member States. In my view, the ideal behind the social policies of the EU does not build upon universalism. Rather, it builds upon the same characteristics predominant in the various nation-states; exclusion along the lines of nationality, class and gender. Many feminists have voiced their criticism and worries about the entry of market forces in the social arena. By saying this they point to the fact made by Wilkinson (1995:436) that the right of movement and residence in the EU is still tied to economic activity, and the mobility is linked to economic self-sufficiency. Feminists argue that the contemporary rights discourse is silent on traditional practices that subordinates women, and that familial relations are still treated as falling outside the public domain of citizenship (Kofman 1995:132). The normative point to be made here is that the development of a social policy in the EU is one which may provide more justice for previously excluded groups and individuals. At present it is not, because of the member state’s \textit{de facto} competence in this field; in many respects, the development of European Citizenship in its yet rudimentary form is still caught in old citizenship traditions out of date with modern times. This discussion implies that when it comes to social rights, the European Citizenship still distinguishes between insiders and outsiders on the basis of identity, whether it be nationality, class or gender. Relating this to the previous discussion of \textit{nominal} citizenship just proves the importance of de-linking nationality and the nation-state from citizenship. It also underlines that individuals have a multiple set of identities not only linked to territorial belonging but also as members of a social class or as a male or female. Furthermore, it emphasises the social right’s close linkage to political and civil resources. It further implies that equal distribution of political and civil resources must take place in terms of creating a just system of social welfare.

\textsuperscript{59} United Kingdom has opposed the harmonisation of social laws by claiming that it will threaten their welfare state and reduce their standards.
Distribution of wealth have been a matter of political discourse in the regional context of the Middle East as well. The LAS has been infrequently occupied with these issues and engaged in attempts of redistribution. Oil resources and the need for labour in the scarcely populated but oil-rich nation-states of the Gulf contributes to much of the relevance of the question of redistribution. Population movements in the region have followed structural changes in the regional economy, and especially after 1973, these movements were unprecedented in the degree to which they brought Arabs from different states into contact with one another and with other nationalities (Russell 1988:185). The size, composition, and proportions of migration converged to make the migration phenomenon itself a major political, social, and economic issue in the region. Russell (ibid.186) claims that substantial numbers of migrants are not temporary residents, rather they are long-term residents, or, increasingly, native-born alien residents of their host countries. Needless to say, these waves of migration put strains on the demographic constitution of the nation-states in question. In many places, citizens are not the majority they were when basic nationality laws were passed. Likewise, they are not as homogenous as they once were. Not granting membership that has a substantial content to large numbers of individuals can pose a serious challenge to the governing regimes. Alongside this fact, there has been an economic and demographic logic behind this migration. The poor nation-states of the north need a certain amount of emigration in order to cope with their lack of economic resources and high fertility rates, while the small and rich nation-states of the Gulf needed immigration for exactly the opposite reason. Thus, in 1977 the Economic and Social Councils of the LAS were established. In 1980 an Arab Summit was convened in Amman in order to adopt a charter for Joint Economic Action. The signatories explicitly accepted the «neutralisation of economic action» by its «isolation from inter-Arab feuds and political conflicts». Salamé (1988:262) draws a picture of what was established: It established the precedence of inter-Arab economic relations over any other such relations and the principle of freedom of movement for Arab capital and Arab labour between the nation-states. Also adopted were the principles of narrowing the gap between rich and poor Arab countries, of economic planning on a pan-Arab, supra-state level and of regional integration in financial and trade matters. The 1970’s
and 1980's seemed to provide a steady flow of oil revenues and with this came the idea of funds to help organise aid from the rich to the poor states. Many of these ideas have their counterpart in the treaties of the EU. However, such a component like the development of a Social Charter is yet a non-existent feature of the LAS. The need for a Social Charter seems clear-cut based on the fact that migration is an important feature of the regional order. It also seems necessary to establish principles of social rights on a regional level in this context. If individuals are given the right of freedom of movement, they also should be guaranteed a minimum of social welfare, which simultaneously should be predictable. A freedom of choice to migrate is not possible to achieve in a fair manner when there are huge discrepancies between different welfare systems. Why should one migrate from a well-equipped system of social rights in the Gulf to a non-existent system of rights in the North? Economy plays a role here as well. To accept immigrants and grant social rights in the less developed economies of the North is problematic, especially when the North cannot afford to give their own citizens these rights. Consequently, to secure equal freedom of movement and social rights for all individuals of the region, social rights must be administered and granted by a regional institutional body which redistributes the wealth. However, the EU has proven that a fair system of social rights is not applicable as long as it is based on identity, whether it be national, class or gender. Universalism must be based on a territorial residence. But securing such a system is a matter of democracy. A non-democratic Islamic government would probably best have an ambivalent relationship with regards to the social rights of women, and these matters leads one to the democratic features of a Middle Eastern Union.

3.5.2 Civil and Political Rights and Democracy in a Regional Polity
In my view civil rights is inherently tied to democracy and a system of political rights. How can there be individual freedom as defined by Marshall - liberty of the person, freedom of speech, thought and faith, the right to own property and the right to justice - if the system of rule is authoritarian? Islamic societies and Middle Eastern nation-states in spite of their non-democratic regimes, engage in principles of civil rights which to some extent match Marshall's accounts. The right to own property and the
rights of thought and faith are largely accepted and practised, even from the time of the Prophet. However, if the liberty of the person is secure and is a fundamental principle in a system of rights, I do not see how this is applicable under a system of rule in which the individual is not free to choose and elect its political leaders, not free to opt in or opt out of the community, nor to partake in free public debates. Therefore, I tie civil rights to democracy and will consequently discuss democracy and the matter of political rights in this section.

Arguing that political rights are possible in a non-democratic system of rule appears to be a self-contradiction in terms. If the state is not organised as a democracy the individual by definition does not possess the right to participate in the exercise of political power, either as a member of a body invested with political authority or as to elect such a body. Then, political rights of citizenship is inherently tied to democracy. However, political rights also include the right to freely join various kinds of organisations, notably non-governmental organisations. In this respect, limited political rights can exist in a non-democratic nation-state. Furthermore, the right to elect political authorities is a part of nation-states that are not defined as democracies. In some cases, as in the Middle East, certain categories of the population have a limited right to vote for certain parties and candidates. These parties and candidates are accepted and recognised by authorities in power. One might call it a form of illusory political rights. In Morocco, Algeria, Egypt, and Iran, such limited political rights exist.

However, in strict terms the discussion on political rights encounters an empirical problem in the Middle East. How is it possible to create a democratic union out of sovereign non-democratic nation-states? And even if these Member States presently had been democratic, there are no guarantees that a Union will evolve into a democratic system. However, the underlying argument of this thesis points to one important feature of the Middle Eastern nation-state: its neo-patrimonial behaviour and a possible explanation for this non-democratic feature. I attempted in chapter three to explain the lack of inclusivity by referring to the fact that the Middle Eastern nation-
state is an artificial entity where there is little or no correspondence between the alleged boundaries of the nation and that of the state. Furthermore, there is a huge discrepancy in the imaginations of the nation between the rural strata and the urban ruling elite.\textsuperscript{60} In this context, it appears too dangerous for the ruling regime to engage in a democratic game, because their base from which they supposedly derive their legitimacy from is far from coherent. At first glance, a logical deduction from this reasoning is that the establishment of a large territorial unit in which nationality is decoupled from the rights of citizenship conceivably creates a better climate for a democratic government, given that a consensus about who constitute the \textit{demos} can be reached.\textsuperscript{61} This is why one need to assess the regional level and its democratic prospects. Once again I point to the experiences of the EU.

European Citizenship has a limited set of political rights laid down in the provisions of the EU. Article 8b (1) states: «\textit{Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and stand as a candidate at municipal elections in the Member States in which he resides, under the same conditions as national of that state}.» The same right is granted in relation to the European Parliament in article 8b (2). However the determinate for this right is again nationality. Furthermore, nonnationals are not given the right to vote for the national assemblies in question. So the political content of European Citizenship is rather limited, but it has democratic elements in its midst. On one hand, the EU has been accused of being a complex system of governance in which one of the most striking features is that it is elitistic in its performance, because the political participation of the individuals is marginalised. Much attention has been drawn to the so-called democratic deficit, shortly described as the politics of closed doors. First, the EU has been criticised for the fact that much of the decisions are taken by the bureaucrats seated in Brussels, who are not eligible in democratic elections. Furthermore, the Union is accused of lacking accountability. The government cannot be held responsible by the voters for its actions, as long as its members are not elected.

\textsuperscript{60} See Section 3.2.3 for elaboration of this point.
\textsuperscript{61} Chapter five provides an comparison of democratic conditions in the nation-state and the region polity.
Finally, the competence of the European Parliament, the only elected assembly of the Union, is limited severely. In other words, the way the Union is governed is at best ambiguous in terms of democracy. On the other hand, for the sake of argument, some assumptions are possible to set forth that enables one to question more optimistically the democratic conditions in a regional polity. Knut Midgaard (1996:2) points to two assumptions important in this respect: (1) the set of properties that are closely associated with democracy at the local and national level, do not need to be realisable to the same degree and by the same methods in an organisation which is set up to solve problems for a rather high number of nations; (2) aspects of the European Union, which are portrayed as constituting deficiencies from a democratic point of view, are not necessarily consequences of the complexity and size of the community. Furthermore Midgaard (ibid:4) points to different criteria of democracy: political equality, majority rule and accountability, which needs to be handled. These latter matters appear to be major deficiencies of the EU, but in relation with the two assumptions above, I state that these concerns need not be a consequence of the size of the Union. Perhaps these are more a fact of too little developed experience with democracy in such a complex polity as the EU. The responses to a democratic deficit, the lack of majority rule, political equality, and accountability can be found in assumption (1); previously known and functioning solutions at the local and national level do not appear to be the correct response in a more complex configuration of institutions. A configuration that currently lack any comparable counterpart in terms of democracy. There is one last remark to be made about democracy: that is democracy as a concept of legitimacy. Institutions should be legitimate. Individuals are only morally obliged to obey normatively legitimate institutions: they must be justifiable to the demos, to all affected parties. In more concrete terms, this implies that a possible government of the Middle East Union should be just as legitimate for the Israeli Jew as for the Egyptian Muslim. According to the above mentioned concerns, one can hardly say that the institutions of the EU stand out as a particularly legitimate. Once again, I state that this is a particular phenomenon related to role of national government and the coupling of membership to nationality. If membership is based on residence and all decisions are taken by a democratically elected Union
Government the legitimacy base of the Union institutions will improve. The lack of substantial political rights in the EU is once again coupled to the fact that it is not a supra-national entity; the member states fear that giving competence to an elected body of representatives, with regards both to legislative and executive powers will undermine their sovereignty. Carlos Closa (1992:1147) states this very explicitly: «Not surprisingly given its cautious and minimalist approach, the EP has failed to detach the exercise of this right [read the right to vote] of citizenship from nationality. and it has failed as well in basing the principle of universal suffrage on residence». Therefore, building a Union upon the sovereignty of the nation-states has major normative and empirical consequences for the universal ideals of citizenship.

However, normatively if the political rights laid down in the TEU is transformed to a Middle Eastern union, it would be a far better outcome than the present situation - a regional order consisting of non-democratic nation-states. A regional entity can well prove to be a context in which democratic circumstances seem viable, though not yet realised in the EU. Furthermore, the development of political rights is viewed upon as a means for creating a sense of European Identity and loyalty towards the Union Authorities by the European Commission (Commission Report 93/702). If this assumption is true, it suggests two things about the Middle East. First, national loyalties have not materialised because of the lack of democracy. Secondly, a regional level of political organisation is suitable for creating conditions under which loyalty and legitimacy to the ruling authorities develop as a part of the contractual relationship between state and the individual. Two assumptions follow the logic of this thesis and need to be added here. First, democratic institutions have not been developed partly because of opposing views over what constitute the nation (the *demos*) between the elite and the population, and the boundaries of the nation do not correspond to that of the state. This originates from the division of the Middle East into separate nation-states by the colonial powers in post-WW I period. Secondly, a regional entity eliminates this problem. Normatively then, a Middle Eastern Union could prove to be the level of political organisation needed to create better democratic conditions for the Middle Eastern individual. First of all, it is clear that it would enhance the freedom of
individual choice, open up new spaces of participation. Secondly, as Midgaard points to above, lack of democracy does not need to be a component of size and demographic composition. Rather, it is coupled to the institutional configuration of Government. In this context, it becomes imperative that in order for individual liberty to thrive the rule of government has to be secular and build upon individualistic accounts, free from any particular ethnic, tribal, religious, or national connotations. However, an integration founded upon the various nation-states sovereignty could also increase the freedom of political choice. A democratic regional authority would open new spaces for participation more universal than the narrow national and local level. As is the case of the EU, participation in electing the European Parliament is an extension of the political rights (national and local) citizens already possess, given a de-coupling of nationality as a criteria for voting. The critical question is tied to the competence possessed by the Parliament. Nonetheless, the regional level represents a potential for democracy (given the right conditions) previously unknown. These are important points, because if some form of political representation can emerge on a regional level, a national level, and a more narrowly local level, I argue that a democratic enhancement of the freedom of choice can take place opening up new spaces of participation. Accordingly, the establishment of a federalist regional systems sounds tempting at first glance. Ibrahim (1995:61) gives an impression of the normative belief: «Federalism would reconcile the legitimate impulse of Arab states to preserve their territorial integrity with the legitimate rights of ethnic groups to preserve their culture, human dignity, and political autonomy»

Finally, Salamé makes some observations about the nature of democracy and its adaptability in the Middle East on the state level. Observations which I interpret as logically coherent to the development of a regional polity and its ability to foster genuine democratic conditions. According to Salamé (1994:10-11) the search for democracy becomes a four-pronged procedure beginning with the state rather than the nation, going on to recognise communities, then to re-evaluating the individual, and ending in some experience of democracy. Individual liberty is the fruit of a balancing act conceived individually and realised between the assabiyat and the state; the
individual is somehow caught in the middle and each acts as a counterweight to the other. Hence, individual liberty means an ability to use the new state to relax the hold of the assabiya so as to emerge from its system of values, to rebel against its established powers, while still parading the original assabiya in an attempt to limit the growing ascendancy, authoritarian and arbitrary, of the state apparatus in the process of being established. If my reading is correct, I end, in line with this argument, by claiming that the search for democracy is a less harsh task in a regional polity, exactly because the multiplicity of identities does not make it a national home but a multinational home in which democracy must be founded upon the state and not on the nation. I find support for this when Salamé (ibid:13-14) claims: «State nationalism meant the exclusion of all who were defined through sectoral identities (...) The modern state has thus generally been constructed on a series of exclusions and ostracisms.» Some years earlier, the same author together with Giacomo Luciani took an angle even more clear to the point, and which eloquently underlines the points I wished to illuminate so far in this dissertation:

«(...) men are primarily just that, and groupings of men are a matter of convenience and adherence to observable facts, and, to a large extent, the result of accidents of history and geography. (...) the definition and future of the Arab nation, this volume tries to adhere as much as possible to reality and measurable facts and concentrates on the non-ideological aspects of the problem, i.e integration.» (1988:5)

However, this argument does not hold water if the constitution of the demos is not followed by a consensus. A consensus by all affected parties. When dissent over what constitute the demos is a part of the polity, the development of democracy encounter obstacles.62

4.6 The Politics of Difference and a Differentiated System of Rights
The three basic right that are equally important to every individual is a set of rights every individual should be entitled to as requirements for the good life. This set of rights encounters a problem when it is based on individuality. Bauböck (1994:32) claims that these rights correspond to fundamental needs and interests that every

62 See the discussion in chapter five.
individual possesses, which differ from individual to individual. These rights cannot be equally transferred to every individual. Individuals have different needs and have various degrees of need. The poor needs social rights more than the rich. In any case, a large territorial entity will encounter a large number of different individuals with different identities and needs. Consequently, there arises a problem: the polity must engage in a politics of difference and apply a system of differentiated rights in order to meet these various identities and needs, which is contrary to the ideal of universal citizenship. The universality of citizenship implies that citizenship status transcends particularity and difference. The ideal of universal citizenship carries at least two meanings: (a) universality defined as general in opposition to particular, (b) universality in the sense of laws and rules that say the same for all and apply to all in the same way; laws and rules that are blind to the individual and group differences. (Young 1995:175). In my eyes, proposition (a) does not tend to impose any particular problem. Granting rights on a general basis rather than on particularistic accounts has been extensively dealt with in the previous chapter of this study, and I see few moral-normative problems with it. However, proposition (b) represents a problem in all multicultural, multiethnic, multinational and multireligious political communities. Although, I have criticised the nation-state on based on presumption (a), it seems that the presumption (b) is less problematic in a small, relatively homogenous, entity like the nation-state. As in the case of the Middle East I point to nation-state’s lack of homogeneity when it comes to not only imagining the nation but also in relation to tribal, religious and ethnic identities. But clearly, a large, regional territorial organisation presents us with an even less homogenous entity in which a variety of identities can persist. Logically, presumption (b) is closer to reality when there is correspondence between the state and the identities living within its territorial borders. Inconsistent with the universal ideal, a larger polity must engage in politics of difference not in relation to presumption (a) (the membership definition), but in relation to presumption (b). That is to say, one acknowledges and recognises the individual’s cultural background and his/her individual needs not to become a member of the polity but to set up a differentiated system of rights. The institutionalisation of
such a system must take place on the Regional level. Allow me to briefly elaborate on this issue more concretely in Mideastern terms.

A new Middle East modelled after the EU would be composed of three different but major monotheistic religions: Judaism, Christianity and Islam. Hence, under what circumstances could a Union be free from religious discrimination if a differentiated system of law did not apply? What if a Muslim is to be convicted for polygamy, which is prohibited under western secularised laws, but he is allowed and even encouraged to practice under the law of Islam? If cultural pluralism is supposed to prevail, how can a minority culture survive and not become co-opted by the majority culture if special measures are not taken politically? Accordingly, Young (1995:177) observes that where differences in capacities, culture, values, and behavioural styles exist among groups, but some of these groups are privileged, strict adherence to a principle of equal treatment tends to perpetuate oppression or disadvantage. Closely related to this point of view is criticism, raised against European Citizenship from the feminists. As long as women, in many areas of life, are still not equal to men, it is not sufficient to enhance their equal treatment because they are disadvantaged in terms of being women. Special measures are required to enhance their ability to participate in competition for labour. Quotas also seem to be necessary in order to compensate for the masculine culture of politics and capitalism. In relation to the European Citizenship the equal right to freedom of movement is only to the advantage of the advantaged, not for e.g. single mothers in low paid jobs. If special measures are not taken, they are confined for the rest of their life. In this sense the EU is not opening new spaces of participation for all. The performance of the EU in these matters is a growing awareness and acceptance and recognition of cultural and religious differences for nationals, less so for non-nationals, which of course is a result of the nationalistic underpinnings of European Citizenship. However, as Kofman (1995) and several other scholars comments in relation to class and gender, the performance and principles of the European Citizenship have been rather weak. In other words,

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64 See for instance d’Oliveria points previously outlined in this chapter.
special measures are sometimes taken to recognise cultural differences but not gender differences.

Perhaps Will Kymlicka (1995) is the most dedicated defender of a differentiated system of rights. He views the world of states to be increasingly multicultural because of two distinct processes: the first one is the dynamics of state formation where several national groups reside under the rule of the same state apparatus, sometimes brought together by force, sometimes voluntarily as in the case of Switzerland. Secondly, the dynamics of migration alter the demographic balance of nation-states. This view is also undertaken in chapter two of this thesis, and consequently makes the modern link between citizenship and nationality manifestly unjust. Then, a larger regional political community happens to be even more multicultural than the modern nation-state. In light of Kymlicka's distinction and the reasoning of this thesis, one needs a morally justifiable system of rights that takes into account these conditions. Concretely, this implies that one has to build three forms of differentiation into the citizenship structure of a regional polity:

1) Self-government rights: Kymlicka (ibid:27) argues that most component nations are inclined to demand some form of political autonomy to ensure the full and free development of their cultures. One mechanism here is federalism, which divides powers between the central government and regional subunits (provinces/states/cantons).

2) Polyethnic rights: This has to do with immigration. It has become clear that positive steps are required to root out discrimination and prejudice. Thus, anti-racism policies tend to be needed. Normatively, Kymlicka (ibid:31) claims that these rights are intended to help ethnic groups and religious minorities express their cultural particularity and pride without hampering their success in the economic and political institutions of the dominant society.

3) Special representation rights: Western democracies have been widely criticised because it has been suspected that the political process is unrepresentative, in the sense that it fails to reflect the diversity of the population.
However, I would like to raise some concerns to Kymlicka’s outline. First of all, it breaks with my normative statement that says citizenship should be based on individual rights not on collective group rights. Group differentiation is a clear acceptance of the communitarian and republican citizenship ideals, where the individuals are defined in terms of group belonging. There is still a distinction between «us» and «them». The preceding discussion of this dissertation has proven the inadequacy of these ideals. Secondly, it is appropriate to ask whether or not the consequences of modern citizenship, which concerns Kymlicka, are more or less consequences of the dynamics of viewing and organising citizenship in terms of citizens and aliens? Logically, in line with this question, citizenship in terms of individual rights, supports the universal ideal of equality and perhaps makes these provisions outdated. Thirdly, federalism tends to encounter a dilemma between centralisation and decentralisation, where too little or too much of both tend to produce instability. However, the recognition of self-government rights is necessarily a part of the regional project to ease territorial disputes. As Neil MacCormick (1996:50) claims, if self-government becomes a matter of autonomy and not sovereignty, the recognition of one identity at the price of denying another ceases to be necessary.

To recapitulate, assessing the durability of citizenship in a regional organised political community on the basis of the universal ideal of citizenship, leads one to several dilemmas and, eventually, to inconclusiveness. A universal inclusion only seems viable based upon individual membership that is free from emotional and subjective collective connotation. The development of a substantial citizenship seems quite hard, but the example of the EU does not leave one without hope. However, the EU is not a finished story, and its insufficiencies are strikingly evident today. Hence, assessing citizenship in a possible Middle Eastern Union calls for prudence and inconclusive conclusions. Furthermore, when incorporating so many different identities into a large political unit, the liberal universal ideal of citizenship meets itself in the doorway. It is not enough to state that the individual is free to choose his/her own destiny as long as it does not inflict harm on any other individual. The problem arises in the context of those individuals who do not share the same values and ideals. A possible
institutionalisation of difference is conceivable and seems to be the only alternative, but it counter-argues the whole universal argument. And then it raises a new question: would politics of difference be necessary if every individual and every state adhered to the principles of equality based on the belief that every individual is equal to all others? I state that the universal assumption made in this study is that difference in interests and needs do not follow the individual’s particular group identity, at least not in the most basic areas of rights. Rather, it is a baggage that is present because the individual is situated on different social levels of the hierarchy. These differences can be adjusted and nullified by establishing democratic governments where just principles for re-distribution occurs. d’Oliveira points to trends in development of the European Citizenship which leads one to a situation where differences are handled through an increasingly complex configuration of institutions on different levels. On these levels the multiplicity of identities are tackled, and differences in values among citizens are given a certain leeway.

4.7. Tentative Conclusions
In this chapter I attempted to assess a possible future establishment of a Middle Eastern Union as a means of creating a more inclusivist polity for citizenship in the Middle East. The EU operated as a frame of reference in this context, because it is the closest comparative unit. The comparison have been complicated, both empirically and normatively, by the fact that the EU is neither a coherent nor clear-cut theoretical model. Thus, I have had to build the analysis on theoretical assumptions in order to assess a possible development of a Middle Eastern Citizenship. I further pointed to trends in the state of affairs in Europe and the Middle East, which can influence this development. Hence, the analysis given is not a comprehensively and sufficiently developed analysis leading to clear-cut conclusions about the normative value and empirical viability of the establishment of a Middle Eastern Union and a Middle Eastern Citizenship. However, the intention behind this study is to raise questions about the present organisation of citizenship and the nation-state. Furthermore, it seeks to present «new» points of departure to the study of citizenship. In this context it has been important to engage in an attempt to analyse citizenship in a regional polity.
The critique that is raised against the nation-state as the unit for political organisation in the previous chapter leads to the question: what is the alternative? Consequently, it becomes imperative to look into the normative and empirical consequences of one possible alternative in accordance with the liberal universalism of citizenship presumed in this thesis, both for the assessment of this alternative in its own right, but also for the purpose of evaluating the critique levelled against the modern ties between citizenship and the nation-state, particularly the Middle Eastern nation-state. Some possible conclusions can be drawn given the validity of my analysis.

Empirically, the «New Middle East», somehow modelled after the EU, must be founded upon a territorial definition, and not upon some notion of the Arab nation. First and foremost this is because the images of the Arab nation differ greatly between the ruling elite and the rest of the population. Secondly, because no matter which definition of the nation one adheres too many groups and individuals would be excluded because of the heterogeneity of the region. Third, chapter two and three has stated very explicitly that the term nation is an ambiguous term. The concept of the nation includes both objective and subjective elements. This leaves a gap open for political manipulation which is bound to lead to exclusion for some, particularly non-Arabs. Finally, the prospect for a Middle Eastern Union seems rather bleak at the present stage, but development both outside and inside the region can alter this situation. The foundation for an integration and, eventually, a Union should be based on the treaties and provisions already incorporated into the LAS. However, an enhancement of the number of Member States is required as well as the abolishment of the term Arab in the charter. Otherwise, an Arab must denote a territorial understanding. The regional polity must be open for Israelis and Kurds alike. Furthermore, the only empirical alternative is to start on a road of integration.

For theoretical and normative purposes a territorial union based the principle for membership - residence - would create an all inclusive polity by definition. However, this image is complicated if what is being sought is the integration of the nation-states. In that context, as in the current European state of affairs, lies the danger of simply re-
producing exclusion. If the competence in determining membership of the Regional polity is left to the nation state, it would most likely mean that only nationals of the nation-state are entitled to the rights of the Union. Several features with the establishment of European Citizenship indicate that nationality still has superiority as the determinant for citizenship in the Union. Accordingly, the competence for determining membership should be the sole responsibility of the Regional body. However, it is far from clear if regional authorities will undertake a universal stand in this respect. If the definition of membership at the regional level merely builds upon different interpretations of Arabness, exclusion will still be the order of the day, rather than an exception. In other words, it will be an attempt to re-create the myth of the nation on a higher level, and develops bond of loyalty through imaginations of the nation. In the Middle East it seems quite plausible to conceive such a development through the experiences already made in the region both in terms of regional interaction and the nature of the Middle Eastern nation-state. In this context, what may prove to be crucial for inclusive definitions are to be found in ways of perceiving citizenship; what ideal guides the choices, and how democratic are the institutions designed to govern the polity? On this background, an assessment of the regional level of political organisation needs to followed by an analysis of substantial citizenship. The exclusion from citizenship rights is not only based on the distinction between nationals and non-nationals; it is also a matter of exclusion on the basis of class and gender.

The rights that should be enshrined in a fully developed citizenship are civil, social, and political. The performance of these matters in the EU presents one with no clear-cut answers and perhaps also with a more pessimistic view than the nominal citizenship. Normatively, social rights need to be addressed and because of huge differences in wealth some principles of re-distribution need to be institutionalised. The LAS has set up some standards, procedures and goals taking into account such policies, which are in close parallel to those of the EU. However, actual gains are yet to be realised. Full civil and political rights can only be achieved under democratic conditions. The EU in itself has at best an ambivalent democratic structure. But, as
long as the nation-state is still the sovereign unit in the EU, the establishment of an European Parliament is an enhancement of the freedom of choice for the individual. If the structure of the EU is adopted in the Middle East, which presently is dominated by non-democratic regimes, it would be an enhancement to the liberty of the Middle Eastern individual.

Pluralists and others argue that a multinational state, such as a future Middle Eastern Union, needs to engage in politics of difference in order to manage a multiplicity of identities with different value-sets. I oppose this view for two reasons. For one, the pluralist argument draws upon the image of group belonging and that interests and needs follow this particular identity. They may have a point, but the questions arise: how is it possible to govern such a system in a fair manner? And could this group affiliated need rather be imagined? I claim it is just as plausible that interests and needs follow the individual as an individual and should, therefore, not be differentiated on the basis of group affiliation. Secondly, establishing universal ideals of citizenship could make a group differentiation policy obsolete. Granting citizenship rights through the mechanisms of residence, it allows the individual to express his/her multiple identities as he/she wishes because his/her rights are not tied to group preferences. Then, they may stop requiring special treatment because they are a Palestinian or an Israeli; they would be secured by the fact that they are all equal.
5. CONCLUSION: MIDDLE EASTERN CITIZENSHIP - MEMBERSHIP IN A NATION-STATE OR A REGIONAL POLITY?

The purpose of this study has been to investigate some of the dilemmas whirled up when one enters the debate revolving around citizenship and the nation-state in a «New World Order». I have not wished to closely scrutinise the debate around globalisation and the obsolescence of the nation-state. Rather, I have wanted to scrutinise what I see as the logical arguments put forward in more recent theory in International Relations. Further, I have tried to couple these arguments with more general theory on citizenship and how these perspectives are connected to different levels of political organisation: the nation-state and the regional polity. The underlying normative statements which comes to mind, when crossing the line between these perspectives, have been utilised to identify problems with the modern organisation of political communities. Further, I have inevitably been forced to put forth an alternative to the nation-state which conceivably would be more inclusive towards all citizens as an enhancement of argument. Apparently, the most realisable alternative today seems to be built upon the regional model represented by the European Union. Within this context, I now outline some closing arguments.

5.1 The Validity of the Assumptions, Presumptions and Argument
The premise for the preceding analysis has been that membership in a political community is determined by their principles for political organisation. In the modern world, dating back to the ideal of the French Revolution, political organisation in a territorial polity follow the ideal of the nation-state, that is to say that every nation should have its own state, and, ideally, there should be a correspondence between the territory and the nation. The analysis conducted in this study has proven this assumption quite valid both in more general terms and in the Middle East. Membership in a nation-state is institutionalised through the concept of citizenship. Analytically, citizenship can be categorised as nominal and substantial citizenship. The first determines who is to become a member of the political community. The second determines the substance of this membership. Citizenship separate citizens from aliens and denizens. In this context, I assumed that in the nation-state the
criterion for membership is nationality; meaning nationality as a common term for those who belong to the nation and also constitutes the citizens of the state (the nation-state). Logically then, exclusion from citizenship takes place in the state’s perception of who belong to the nation - the identity of the state (who constitute the *demos*). Thus, I stated that inclusivity was not possible without a re-definition of the criteria for membership. In other words, a disentanglement of citizenship and nationality is a pre-condition for inclusion of all. This statement is built upon two assumptions: (1) the inadequacy of the term nation in itself because of its lack of theoretical and empirical clarity, and (2) the fact that few, if any nation-states, of the world are true nation-states; meaning consist of only one nation gathered within the territorial borders of the state. The validity of these assumptions was highlighted throughout chapter two and three of this study. I concluded those two chapters by claiming that a definition of the nation needs to include both objective criteria and subjective understandings. However, this clearly leaves it open for political manipulation.

The discussion on nation, nationalism, and the nation-state clearly indicates that the presumption given in section 1.2: that the principles for organisation of a political community determine who should simultaneously be defined as members of the polity. holds water as far as this study is concerned. Furthermore, I think the line of argument developed on this premise clearly has showed normative problems and implications for the inclusion and exclusion of individuals in the political community: individuals living within the territorial borders of the nation-state are not directly included because they are not viewed upon as the part of the state’s *demos* (the main component for the state’s identity). This problem is further complicated by the fact that there exist competing perceptions of what defines the nation that the state embodies. The discussion on Arab nationalism emphasised this problem.

The line of argument set forth in chapter one, presented a clear task and clear assumption of what to be described as deficiencies and normative unjust outcomes from the coupling of citizenship and nationality. How far did this line of argument bring me, and how valid were the assumptions here? First of all, as chapter two and
three proved, it is quite fruitful to analyse exclusion from citizenship in the nation-state in terms of focusing upon the nominal aspect of citizenship. Further, it proved quite clearly that the ties between nationality and citizenship generates exclusion for non-nationals. Finally, the modern system of nation-states coupled to the doctrine of national self-determination leads to a manifestly incomplete nominal order. Groups or individuals are stateless, because they are not in the position to make claims towards in being a nation, thus towards their own state, or they cannot make claims of territorial belonging, which is central to the concept of the nation-state. The rationale for analysing exclusion from citizenship in terms of nominal citizenship - the determinants for membership - proved quite fruitful in identifying a problem with the present organisation of citizenship and political communities. However, the line of argument when taken to its next logical, problem-solving, step (the establishment of a large territorial entity - a regional polity) it became evident that the argument could no longer focus solely upon nominal citizenship. Exclusion from citizenship is not only based on nationality, religion, or ethnicity; it is also a matter of class and gender. Although the establishment of a large territorial entity would cover all the individuals who are left stateless in the area, there are major question-marks with the inclusivity of this polity, not only in terms of substantial citizenship but also in terms of nominal citizenship as long as the polity is founded upon the integration of nation-states. Thus, to claim that to eliminate what is thought to be the problem with the present organisation of citizenship is only a matter of delinking the historical relationship between the nation-state and citizenship, proves to be not as simple. The assessment of a possible regional polity highlighted that the implementation of the ideal of universal inclusion is far more complex. Therefore, the validity of the line of argument seems generally valid with regard to the identification of exclusivist mechanisms with the present order. But it does not appear to be straightforwardly transformed into a problem-solving analysis. Citizenship does not have a substantial content per se. Institutional arrangements and the values these institutions embrace play an important part for exclusion and inclusion of individuals in a political community, especially when this political community includes large varieties of identities. Furthermore, the interpretation of the nation-state given in this study is that it is a partisan state and not
a neutral politico-territorial state, as presumed by the founders of the French model. To claim then that territorial residence would provide an unproblematic base for membership, is to neglect the emotional force of nationalism. If territoriality has failed as the sole determinant for membership in the nation-state what makes it presumably more plausible in a regional polity? Further, the identity of the political community appears rather vague if it is not followed by some other image than just its territorial borders; the project behind the establishment of the state would possibly not sound legitimate to everyone within the territorial borders of the state, unless it is founded upon some universal values that are perceived as justifiable for all. To repeat a point referred to in chapter two; the strength of nationalism lies in its capacity to answer existential questions about life and death, about human endeavours and human sufferings. Although, nationalism obviously is a matter about «us» versus «them» generating exclusion of individuals or groups of individuals, it is also tells one something about why the nation-state more than any other political project in history, derives legitimacy from loyal supporters. The idea of the nation-state and the dynamics of nationalism also makes it hard to see how the nation-state could in the short run embrace universal inclusion. Regionalism, will never achieve the same force as a locus for human identity. It must adhere to some other values justifying its existence; the establishment of universal inclusion could be one. The elimination of statelessness could be another as well as the establishment of a stable regional order. In model three in chapter two, I presented singularism, pluralism and universalism as normative principles for the foundation of rights. In principle, pluralism and universalism embrace non-discriminatory values, regardless of level of political organisation. However, these principles are inclusive with concern to membership, but not straightforwardly inclusive with concern to substantiate the membership if they are not followed by democratic principles. Full-fledged citizenship requires democratically governed institutions and liberal democratic values to protect these institutions. Then, the pivotal question is: what level of political organisation is best equipped for the establishment of a liberal democratic citizenship? Would a mere disentanglement of nationality and citizenship be enough? The subsequent sections discuss these questions. This discussion will seek to integrate the major themes of this dissertation.
in order to reach a conclusion, but it also points to important dilemmas one inevitably encounters when conducting a normative analysis.

5.2 Normative and Empirical Implications: Universal Inclusion - a Task Beyond the Confines of the Nation-State?

The analysis of this study has revealed a dilemma and a tension between the established principles for organisation of the nation-state, the organisation of citizenship, and universal inclusion of individuals. Consequently, the modern system of nation-state has inherent dynamics for exclusion of individuals. The normative underpinnings of argument are that the concept of the nation cannot be defined objectively, and the subjective element of the concept expose it for political manipulation. Accordingly, the doctrine of nationalism, which is the doctrine of the nation-state, legitimates exclusion of individuals on the basis of being non-nationals. The analysis has given accounts for the strength of national identity as a locus for human identity, even when there are no clear perceptions of where that nationality resides. When a nation-state contains several national groups or ethnic and religious minorities, the strength of nationalism becomes visible. The case of the Kurds, Israel/Palestine, and the discourse on Arab nationalism, are quintessential illustrations. Then, theoretically the establishment of the principle of universal inclusion seems almost impossible, because it would mean the recognition of the rights of non-nationals, which is a term used for separating between «us» and «them». National identity requires ethnic core elements to separate between aliens and citizens. Membership based solely on territorial residence should be the principle for membership political communities assign to in order to establish principles of universal inclusion. However, the resonance of this statement encounters large empirical problems; identity such as tribal, ethnic, religious and national continues to play an important part in modern politics, regardless of lack of theoretical clarity or impartial principles for membership. Regionalism cannot become a replacement for these identities; from the start regionalism has had to overcome certain disadvantages in the market-place of political ideas. It is a concept of the middle ground, it lacks the high-minded appeal of cosmopolitanism and the atavistic warmth of nationalism. If the objective is to provide security and welfare for people (and that follows logically from
the ideal of universalism championed in this dissertation), it follows that the people's collective identities must also be acknowledged and protected. Only a democratic system of rule can in be trusted with this task a multinational polity. However, how can the government be considered legitimate by all groups or individuals as legitimate?

5.2.1 The Constitution of Demos and Political Order in the Nation-State

An important pre-condition for democracy is that a consensus must exist between all implied groups that the political community embodies; an orderly principle for decision procedures: every one must be willing to commit to each other on a foundation which limits one's own freedom of action.\(^6\) This consensus revolves around both first order (the limitation of demos) and second order questions (the principles for regime).\(^7\) If there does not exist any fundamental common understanding of who are members of the political community, who are the «people», it is self-evident that one cannot install a government of and for the people: a democracy. Individuals or groups will hardly accept any limitations in freedom of action and autonomy unless this is compensated through the organisation of the political system. Kuwait apply to these «politics of compensation», where the lack of political rights is compensated through the lack of taxation.

A pivotal characteristic with democracy as a normative political model is that it is not guaranteed that the outcome of an election or decision process will lead in a predetermined direction. This fundamental unpredictability represents a dilemma for the participants. As such, democracy, has clear anarchical features. A consensus about procedures, or rules of the game, is necessary to compensate for unpredictability. The sum of these rules constitutes what one can call a democratic regime. Herein lies the commitment for all participants to abide by the rules. The pre-conditions of consensus and reliable commitments is connected to the state’s character, because the state, as Weber has defined it, has monopoly on the use of force. Hence, there is a fear among the members that others will take control over the state apparatus and abuse it.

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\(^6\) The following discussion is based on a discussion by Butenschön (1997).

\(^7\) This refers back to the point given in section 4.5: how free should the individual be?

\(^7\) See section 4.1.1 for the distinction between these two questions.
Thus, one must add another pre-condition; the concept of equality. The participants must be equally strong so that no one can take advantage of their position. Hence, in a democratic system, the expression of loyalty towards state authority lies in the citizens voluntarily approval of the regime. Hereof, the concept of legitimacy become a vital feature for democracies.

Then theoretically, it seems plausible to argue that the nation-state seems well-suited for the development of a democratic institution. The legitimacy of the regime would be strengthened through its role as the defender and protector of a national group. It would be easier to engage in the democratic game because there appears to be a consensus about demos. Political dividing lines would follow those of party politics, and not those of potential dangerous ethnic and national dividing lines, often imbued with huge discrepancies in value-sets. These value-sets are most commonly believed to be rooted in common history, culture, language and so forth. In other words, rooted in all the believed characteristics of the objective denominators for the nation. But logically, the inclusion of non-nationals seems hard although the instalment of a democratic regime. Non-nationals represents a potential danger, they represents an unpredictable element in the democratic rules of the game. The analysis of this dissertation seems quite valid when it does not trust the partisan nation-state to abide by universal principles. Most often, singularism is the outcome of the politics of the partisan nation-state. Furthermore, it proves that when there are large discourses and fights over who constitute the demos, as when diverging perceptions of the nation take place within the territorial frame of the rational state, democracy seems hard to develop. As Ayubi (1995) points out: the state rely on politics of compensation and hegemony, rather than the concept of legitimacy. In this view, the project of universal inclusion seems to be a task beyond the confines of the nation-state, as long as it presupposes a congruence between the nation and the territory.

5.2.2 The Constitution of Demos and Political Order in a Regional Polity
As indicated in segments of chapter four and what follows from the discussion in the preceding section, who constitute the demos in a regional polity is less clear-cut. Most
likely, the multitude of identities means that there exist a profound and fundamental
dissent between the various groups about the polity’s purpose and identity, given
opposing value-sets among the members of the polity. Huge differences in perception
of normative values, and, thus, rules of the game are embodied in this dissent given
that these groups are in a state of conflict. Consequently, the difference between
Islamic values and Christian values, would be problematic, especially when the polity
would incorporate a Muslim majority and a Christian minority. Bassam Tibi’s (1997)
elaboration on Arab nationalism in the late 19th century gives a good impression of
what to expect. The dividing lines along religious, ethnic, sectarian, and national
division would amount to a large degree of uncertainty and unpredictability, which
would not be compensated by the fact that each group would be equally strong.
Evidently, they are not. The fear of one group taking advantage of its strong position
would destroy the conditions for democracy because of the anarchical features of the
democratic system. Thus, universal inclusion of individuals in the regional polity may
take place while the establishment of democratic regime necessary for substantial
citizenship can on this basis be questioned. The discussion in chapter four was quite
optimistic with regards to the possibilities of establishing a democratic regime in the
European context. However, in the EU there is a consensus about the demos; everyone
holding the nationality of a member state is supposed to gain advantage by the set of
rights established. The demos of the EU consist of each member state’s demos, and
every member state is free to define its own demos. As such, one can even question
the universal inclusion of the regional polity because those who fall outside the
member state’s definition of demos also fall outside the demos of the regional polity.
And given the multiplicity of religious, ethnic, and national identities in the Middle
East one can question and even be sceptic towards a future regional polity’s capability
to reach an consensus on who constitute the demos. Then, if one take into
consideration the anarchical feature of democracy, the establishment of a democracy
appears to be beyond the task of the regional polity as well. This is why a regional
organisation of political communities should take some other form than the nation-
state; it should be of some higher level. It should be a corrective for the dysfunctions
of the nation-state described in this thesis. It is with this in mind that I have at large
been vague concerning institutional arrangements of the regional organisation, because it should be something else than the nation-state - something in addition, complementary to the nation-state, not a replacement.

5.2.3 Dilemmas of Citizenship and Political Organisation
In summation and for conclusion: the analysis conducted in this study has entered the world of dilemmas for the modern organisation of citizenship and its relationship to two levels of political organisation. The dilemmas of the nation-state are these: (1) given its alleged correspondence between the nation and the state borders, the nation-state acts a exclusivist and particularistic unit for membership; for the nominal citizenship. (2) The concept of sovereignty prevents the international community of nation-states from taking active measures towards any nation-state who denies other ethnic, religious and national minorities the right to citizenship. (3) However, democratic conditions seems more viable when there exist a consensus on who constitute the demos. In most cases who constitutes the demos of the nation-state is clear cut; only those belonging to the nationality of the nation-state. (4) Consequently, although its democratic conditions, to participate in the exercise of democracy in the nation-state requires membership; a membership that is only open to nationals. (5) The changing nature of the international system - internationalisation of the economy, large waves of immigration and so forth - alter the demographic balance of most nation-states: the nation-state is becoming increasingly multicultural, multiethnic and multinational. As such, old citizenship laws does not seem adept to tackle these challenges. However, to adjust these citizenship laws into more inclusivist laws would probably mean to revise the identity of the state. Logically, these dilemmas make the establishment of a large territorial entity a plausible option. However, the regional polity faces certain dilemmas of its own: (1) the institutional and territorial framework represents a dilemma: is it supposed to be a new federal state or a confederal polity based upon integration of nation-state? (2) The integration of nation-states represents a dilemma; what role to assign the nation-state? If one gives the nation-state sovereignty on the constitution of demos, universal inclusion is not achieved and the inclusivity of the regional polity can be questioned. (3) Likewise, the federal state, given the
multiplicity of identities, would encounter tremendous obstacles towards reaching a consensus on who constitute the *demos*. (4) If a consensus cannot be established, the establishment of a democratic regime appears to be difficult. (5) Universalism implies two presumptions: (a) universality defined as general in opposition to particular, and (b) laws and rules that say the same for all and apply to all in the same way; that are blind to the individual and group preferences. For both these presumptions a prerequisite for their application is the instalment of a democratic regime. Given the preceding dilemmas and problems of the regional polity universalism seems not a straightforwardly logical outcome of the establishment of a regional citizenship. (6) Given its multiethnic, multicultural, multireligious and multinational character, pluralists argue that the regional polity must engage in a politics of difference. However, for this policies to materialise a consensus on who constitute the *demos* must take place. And further, democratic conditions are necessary to administer and govern the polity in such a manner.

In order to reach a conclusion on what level of political organisation is universalism best secured the preceding analysis gives no clear-cut answers. It becomes a matter of what rights one view as fundamentally more important relative to others. Then, it all comes down to a question of priorities among the different rights. I claim that the most basic right is that of *nominal* citizenship and that *substantial* citizenship is secondary. Thus, the nation-state should still be the basic unit for political organisation, but the nation-state itself should be a member of another unit: a regional organisation. The governments of the nation-states should be the governing heads of this organisation. Further, the territorial framework of this organisation should include the whole range of nation-states in the region from the Gulf States, the Maghreb, the Fertile Crescent (including Israel), to Iran. It should establish principles for distribution of power, and it should apply to universal principles of citizenship. Citizenship should be a matter of the nation-state, but where the nation-state generates exclusion, these excluded groups would be safe-guarded under the institutions of the regional authority. The regional authorities should engage in the development of common policies in a variety of areas in order to secure the rights of the individuals. Notably, this would mean that some
measures are taken towards re-distribution of wealth and the instalment of welfare-systems. Thus, what one needs for addressing the basic problem of exclusion is a complex configuration of institutions and rights at the local, national, and regional level, not yet seen to the fullest in political practice.
6. BIBLIOGRAPHY


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