SELECTIVE BOUNDARIES:
IMMIGRATION AND THE (CHANGING) LIMITS OF THE IMAGINED SPANISH COMMUNITY.

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INTRODUCTION

The expression 'Fortress Europe', very common in immigration literature, brings to mind a Europe of closed doors and guarded gates. This view focuses on the exclusion of those that we conceive as 'immigrants' –the poor, the illiterate, the (problematic) Third World native. Many others cross the threshold of the Fortress without receiving much attention. Not only who stays out, but also who enters or becomes the centre of agitated public debate brings to light important aspects of this thing called "Europe" that we are constructing.

The goal of this paper is to provide a theoretical framework for the study of the integration of migrants into the Spanish polity – particularly of white Latin American immigrants, whose symbolic relationship to the Spanish nation has evolved significantly in the last two decades. To that end, I explore the mechanisms through which the limits of the Spanish 'imagined community' (Anderson, 1991) are set, as well as how those boundaries have evolved since the beginnings of the migration era in this country in the mid 1980s. Central to my argument is Spain's engagement with two main processes: the country's quick transformation into a country of immigration and its integration into the European Union (EU). I argue that immigration and citizenship policies are privileged sites for the study of the delimitation of the national community, and that a careful reading of their evolution can shed light on the contradictions of this process through which identity is constructed.

The paper is divided in three sections that sketch the main theoretical debates in the area of nationalism and migration relevant for the Spanish case. In the first section, I briefly explore Spanish national identity through the political reactions to the hoisting of two flags over Columbus Square, in Madrid. These reactions point to a conception of the nation strongly based on ethnic principles, despite an official discourse that emphasizes the centrality of civic and liberal ones. The second section shows how Spain, much like other European countries, is involved in the construction of immigration as a threat to the survival of the nation and of Europe. The evolution of immigration laws documents an increasing restriction to the entrance of non-EU nationals, including those from Latin America who have traditionally received a treatment of privilege. Finally, section three covers the debates on political citizenship. Based on the Spanish legislation, I argue that political citizenship in this country further supports an ethnic understanding of the Spanish national community that partially includes Latin American citizens.

I. A TALE OF TWO FLAGS: SPANISH NATIONAL IDENTITY

Little flag, oh, you are red / Little flag, oh, you are yellow,
You carry blood and you carry gold / In the depths of your soul.
The day when I pass away / If I am far away from my motherland
I just want to be covered / With the Spanish flag.
("Las Corsarias: Tribute to the Flag" by Francisco Alonso, 1919)

This text is a fragment of "Las Corsarias", a *pasodoble* used in military marches telling the story of a Spanish a soldier who sings to his motherland while he fights a war in Africa. While the song fell in disuse after Franco's death, it was used again in October, 2002 during the hoisting of a 294 square meters Spanish flag in Columbus Square, Madrid, just a few meters from the discoverer's pointing finger. The song played while the flag made its trip to the top of the 50 meter-high pole.

As part of the flag-hoisting ceremony, in his speech the city Mayor (Alberto Ruiz Gallardón) affirmed that the ritual highlighted 'the integrity of Spain, represented in this flag' ('Polemica', 2006). Both the ceremony and the Mayor's speech triggered furious reactions from some pro-independence politicians from Spain's peripheral regions, who felt disenfranchised from this open show of state nationalism and threatened by the involvement of the military in the celebration ('Arzalluz', 2002). But, interestingly, when three years later the EU flag was hoisted side by side with the Spanish one in Columbus Square no complaints were heard. In this section I explore what these reactions – or lack of thereof – say about where the limits of the Spanish nation are currently set, and the implications for migrants' integration in the country.

ON THE NATION

In his classic statement, Benedict Anderson defined the nation as 'an imagined political community – and imagined as both inherently limited and sovereign' (1991:6). According to this author, modern understandings of the nation have their roots in 18th century Europe, coinciding with the dusk of religious Cosmologies. From that moment on, and thanks to the influence exerted by European powers and ideologies, the world became gradually divided in independent and sovereign political entities: the nation-states. These conflate culture, state, and territory, and impose a deep relation of interdependence between territory and identity (Malkki, 1992).

The first component of a nation-state, the nation, is a 'community of people whose members are bound together by a sense of solidarity rooted in a historic attachment to a homeland and a common culture, and by a consciousness of being different from other nations' (Smith, 2004:532). This community is imagined because the 'essence' that bounds its members is necessarily abstract: it does not derive from direct interactions, but from a discourse of shared direction – past, present, and future. Thus, the recreation of the nation's history is a key process in the construction of that sense of commonality. 'Making history', says Friedman, 'is a way of producing identity insofar as it produces a relation between that which supposedly occurred in the past and the present state of affairs' (1992, p.837). History thus conceived gives birth to a collective memory built on a careful selection of the things to be remembered and forgotten, for 'national identities are built as much on customs and stories, more or less invented, as in the lapses, more or less unintended' (Aguilar, 1996:94; author's translation). Another crucial characteristic of the nation is that it is necessarily limited, compounded only by a fraction of humankind. But the symbolic borders of the nation are relatively malleable, and their evolution uncovers the historical, spatial, and social motivations of the nation's leaders (Friedman, 1992:856).

Since the origins of national imaginations, nations have been conceived as free and sovereign, where the 'gage and emblem of this freedom is the sovereign state' (Anderson, 1991, p. 7). The translation of national

identities into political movements in 19th century Europe fostered the creation of a world of ideally independent states in which nation, government, and territory would be bound together.

Karmis and Maclure have argued that Europe is still trapped in this 'paradigm of monistic authenticity', according to which 'political and social elites' interpretation of given identities have continued to be largely dominated by attempts at identifying *one* authentic and immutable source of identity': the nation (2001:361). As a result, Europe and the world are constructed according to a 'national order of things' where the relationship between people and territory is seen as natural and explained in 'arborescent' and 'familiar' metaphors, constructing individuals as rooted into their mother- and father-lands through strong, naturalized bonds (Malkki, 1992). The territorialization of people's identities imposes a strong sense of sedentarianism on the way humankind is imagined and governed, which in turn leads to the stigmatization of mobile individuals. Refugees and Third World immigrants (the unwanted) suffer especially from the 'pathologization of uprootedness' characteristic of post-war Europe (62). Moreover, the division of the inhabitants of the planet into sedentary and discrete entities fosters the imaginary of an 'us' that becomes intelligible only through its opposition to an 'other'.

But if a nation is an imagined community, what are its defining traits? What makes people belong to this or that nation? In his classic model, elaborated in 1944 and reworked in several occasions since, Hans Kohn divided nations into two groups: those who define themselves according to civic principles and those who imagine themselves as an ethnic community. The former constructs the nation as a community of citizens who share an array of rights, duties, and liberal-democratic values; membership in this case is obtained through birth or voluntary participation. The latter is based in the cultural affinities of its members, its shared past and ancestry; membership in this case is attained at birth. Kohn's initial hypothesis was that civic nationalism was prevalent in North America and the core nation-states of Western Europe, while in its fringes ethnic notions of nationhood prevailed (Janmaat, 2006).

Since its inception, Kohn's framework been controversial: many have tried to prove or disprove it, or have further elaborated the original categories in order to increase its explanatory power and to better accommodate it to the empirical evidence. Recently, Janmaat tested these hypotheses against the results from the 1995 International Social Survey Program and the 2002 Eurobarometer. He argued that Kohn's framework was only partially useful, and that a great improvement resulted from considering three identity markers (ethnic, cultural, and political) instead of the two original ones. His findings also pointed to intra-zone differences within Europe greater than the ones between different European zones. More importantly, Janmaat concluded that the definition of the nation in civic or ethnic terms had less of an impact than the intensity of those feelings on the acceptance of foreigners into the national community (Janmaat, 2006).

The civic-ethnic framework is relevant insofar as it has important implications for the integration of newcomers. The assumption is that migrants will be more easily accepted in societies in which membership is strongly defined along the lines of civic and liberal values. In the case of societies built on the tenets of ethnicity, migrants' integration will depend on their own background, thus creating the conditions for a much more segmented accommodation of newcomers depending on the relative distance to the imagined national community in the society of reception. I will argue that this is very much so the case of Spain, as the differential treatment given to newcomers according to their ethno-cultural background (e.g. Latin Americans vs. North Africans) shows.

In summary, the theoretical perspectives presented here conceive of the world as imagined in independent and sovereign nation-states. In this stylized vision of humankind, individuals are divided into homogeneous groups and rooted to a bounded territory in which the state is sovereign. These groups are defined in either political or ethno-cultural terms, or a mixture of the two in which one of the components carries more weight. The foundations of the national community in either terms will have important consequences for the integration of immigrants.

THE PAST IN THE PRESENT: THE THICK ROOTS OF SPANISH NATIONALISM(S)

If territorial identities are not given, but constructed and malleable (Agnew, 2005), then a historical analysis of their coming into being may yield a deeper understanding of the foundations on which they are constructed. In Spain, the legacy of centuries of ethno-religious cleansing and colonialism, and the country's involvement in the European project are particularly relevant to understand the tenets, limits, and evolution of Spanish nationhood.

Spanish national identity is in the process of letting go of two of its principles from the pre-democratic period: an emphasis on Catholicism, and a self-identification as one country within the larger community of Hispanic nations. Regarding the role of religion in Spanish nationhood, some scholars have argued that a proto-Spanish consciousness emerged as early as the 10th century, with a single defining characteristic: the awareness of being neither Jewish nor Muslim, but Catholic (Perez, 2004). This awareness drove the warlike efforts of the Reconquista. Later in the 15th century, the marriage of Isabella of Castile and Ferdinand of Aragon gave a last push to the moral purification project. The establishment of the Sacred Inquisition (1478-1834), the edict expulsion of the Jews (1492), and the expulsion of the last Grenadine Muslims (1502) further advanced the construction of a community of faith at the very roots of Spanish national identity. This trend continued throughout the centuries and thus, when Franco assumed power in 1939, he named himself 'by the Grace of God, the Leader of Spain and the Crusade' and made National-Catholicism the official ideology of a dictatorship that lasted until 1975. Under the motto *Orden, Patria y Religion* ('Order, Fatherland, and Religion') the regime fought its enemies: the lay Republic, internal nationalisms, and revolutionary ideologies such as communism (Casanova, 2001:282-283). Only after Franco's last breath did Spain open the door to religions other than Roman Catholicism, and although the Catholic Church has lost much of its grip in contemporary Spain, Catholicism is still thought of as one of the pillars of Spanish society.

The second trait from the pre-democratic period that Spain is quickly leaving behind is its identification as part of the Hispanic Community, comprised by Spain and its former colonies of Latin America. This awareness of being a Hispanic nation was a consequence of centuries of colonialism and, later on, migration to the former colonies, especially in the turn of the 19th century (Castillo Castillo, 1981). The legacy of a national identity deeply intertwined with the Hispanic Community trickled down to both immigration and nationality legislation; Hispanic migrants were granted exclusive privileges to move, settle, and access citizenship within the territories of the member nation-states.

While the emphasis on religion and the Hispanic Community may be considered traces of past forms of Spanish nationalism, contemporary nationalist discourses seem to be focus on a Janus-faced dilemma: on the one hand, internal nationalisms have persisted and strengthened since the arrival of democracy; on the other, Spanish state nationalism has been stripped from its legitimacy due to its associations with Francoism:

> Franco's legacy has seriously damaged the possibility of having an authentic Spanish nationalism. Because this is identified, with reason, with unitarianism, with centralizing policies, repression and militarism. Indeed the generations born after 1975 reject any emphatic idea of Spain. (Fusi cited in Alfaro, 28/5/2006; author's translation).

In an attempt to put distance with Spain' fascist past while promoting state nationalism, some politicians at the national level have embraced the ideology of Constitutional Patriotism. This ideology (originally developed by J. Habermas) has been adopted in the Spanish context to refer to the construction of a 'national identity based on a collective loyalty to democratic procedure and fundamental rights' (Lopez Caldera, 1995:74; author's translation). These principles are vague enough to provide a space for the coexistence of multiple scales of territorial allegiances and potentially allow for the integration of a larger number of foreigners into the Spanish polity.

The voices of stateless nationalist leaders tend to be less muffled. Following the hoisting of the Spanish flag in Columbus Square, these leaders highlighted the conflict between the official federalist ideology – based on the principles of Constitutional Patriotism – and the use of national symbols such as the flag or the national anthem, identified with an era of centralized oppression. Xabier Arzalluz, leader of the Basque Nationalist Party from 1979 to 2003, interpreted the ceremony as an act of intimidation 'for those who have another flag, another language and another nation', and saw in the involvement of the national military a 'cautionary note for Basques and Catalans to lose all hopes for self-determination and independence' ("Arzalluz", 2002; author's translation).

A EUROPEAN SPAIN

Last, but not least, contemporary Spanish identity must be put within the context of the EU and the Europeanization of Spain. And here, the hoisting of the second flag tells part of the story. This second flag was raised just a few meters away from the Spanish one in February 2005 and, interestingly, neither nationalists nor mainstream politicians expressed any concern about it after a group of men in dark suits shook hands with one another and gave speeches about the benefits of being part of the EU. Also, in contrast to the hoisting of the national flag, the audience was limited to a few photographers and journalists. But what is so different between these two pieces of cloth waving in the wind, and how have they ended together in the middle of the Gardens of the Discovery that remind the pass-bier of the forfeited glories of the Spanish Empire?

Many argue, with reason, that Spain would be quite different without the push of the EU. The Spain that Franco left behind was characterized by economic and political isolationism and moral repression (Balfour, 2000; Tuñon de Lara et al, 1991). Until the late 20th century, the vast majority of the territory still depended on agriculture, and the national economy, hurt by the effects of the civil war and the lack of international trade, depended on emigration and aid from the former colonies. But in just three decades this country has gone from being on the fringes of Europe (both economically and symbolically) to being a full right member of the EU (Balfour, 2000). Like other countries in Southern Europe, the processes of modernization and Europeanization of Spain were not only parallel in time but also deeply interdependent. As Laffan states,

> For the peripheral states (…) Europe became the project for their future. Although the emphasis may have been on materialistic considerations, the European project also provided important symbolic assurance for these states by affirming their place in the European Order. (…) For the Mediterranean states EU membership symbolized the end of dictatorship, an acceptance of democratic values and an external barrier against the reappearance of authoritarian rule. For Spain in particular, EU membership meant a reversal of a process which had led to a de-Europeanization of Spain from the time of Philip II to the last quarter of the twentieth century (Laffan, 1996:87)

Thus, as in Italy (see Koenig-Archibugi, 2003), the EU has not meant a threat to the national identity, but an added value to it. Stateless nationalisms within Spain also have incentives to support the European project, since the project of a 'Europe of the Regions' offers them a mechanism though which to seek the legitimacy they lack within the straightjacket of the nation-state.

The impact of the EU project on Spanish nationhood supports the argument that territorial identities are in permanent state on construction, and that they depend on the ties linking to events and processes beyond the boundaries of the nation-state. The multiplicity of significant territorial scales in the production of identities further provides supporting evidence for the hypothesis that, first, both territorial scales and the attached identities are not given, but constructed; and second, that it is not each independent scale, but 'the putative relations between them that help define the social context for the formation of political identities' (Agnew, 2005). The current tenets of Spanish nationhood are a result of, first, a pre-democratic national project that emphasized the nation-state as the prime site for identity construction; and second, of the national democratic project that envisions Spain as a multi-national country firmly situated within the framework of the EU. This has important

consequences for the everyday integration of immigrants as well as for the evolution of both the immigration and citizenship legislation that regulates it, as we will see in t he following sections.

II. THE POLITICS AND POLICIES OF IMMIGRATION IN SPAIN

One of the most salient results of the integration of Spain into the EU has been its newfound role as European gate-keeper and the concomitant physical and legal reinforcement of its political borders (Agrela Romero and Gil Araujo, 2004). Some have further argued that the sealing of the Southern European border is 'about suturing the cultural identity of Europe. This desire for clarity, the need to know precisely where Europe ends, is about the construction of a symbolic geography that will separate the insiders from the outsiders' (Morley, 1998, quoted in Pickles, 2005:358). Thus, the effective management of immigrant flows to the Spain gains special symbolic salience both for Spain and for the EU.

The treatment that migration receives in Spanish public discourse fits within broader debates in the EU advancing the politicization of the phenomenon, the view of immigrants as a threat to the integrity of the nation(s) (Huysmans, 2000 and 2006), the emergence of new systems of management of incoming flows or people (Kofman, 2005), and the creation of a hierarchy of otherness according to the ethnic and racial characteristics of the immigrants (Goldberg, 2006; Gilroy, 2005; Agrela Romero and Gil Araujo, 2004). If the prior section aimed to situate the coordinates of the symbolic borders of the Spanish nation and thus identify where the barriers are placed for newcomers, here I seek to explore how migrants' entrance into the national territory is perceived and regulated.

A THREATENING 'OTHER'

The movement of people across national borders shatters the imaginary of the 'national order of things' described by Malkki in 1992. Increasing flows of migrants and refugees challenge the romanticized vision of the world as divided in independent and distinct groups tied to a bounded territory and subjected to the power of their national government.

Spain belongs to the South-European migration regime. This regime is characterized by long histories of emigration (in the Spanish case, first to Latin America and later on to Central and Western Europe under the several guestworker systems) and a fast transition to countries of immigration since the mid 1980s. The economies of the countries in this area (mainly Portugal, Spain, Italy, and Greece) are also defined in part by an significant informal sector making up to 30% of their GDP that provides a niche for migrant workers (Baldwin-Edwards and Arango, 1999). The novelty of the phenomenon of immigration, together with its intensity and its links to the underground economy, makes the immigration debate especially usable for political interests.

Hostile reactions to foreigners are neither exclusive to Southern Europe nor new: in countries with longer histories of immigration such as France or Great Britain the politicization of immigration has deep roots (see for example Powell's speech 'Rivers of Blood' in 1968). But Huysmans (2000) argues that immigration has recently become a 'meta-issue' throughout Europe: 'a phenomenon that can be referred to as the cause of many problems' used by 'social and political agencies … to interrelate a range of political issues in their struggle over power, resources and knowledge' (762). Immigration is perceived as a threat to the welfare state, to internal security and domestic peace, and to the cultural survival of the nation (Huysmans, 2000 and 2006; Kofman, 2005).

First, immigrants are perceived as illegitimately appropriating resources from the welfare state (citizens' taxes). Despite the evidence that on average migrants bring to the receiving economy more than they take from it (see for example Borjas, 1995), popular discourse tends to depict immigrants as social parasites. Huysmans labels this 'welfare chauvinism': a tendency to privilege nationals in the distribution of social services provided

by the state and dismiss any evidence proving the beneficial effects of migration to the national economy (Huysmans, 2000, p. 767). Welfare chauvinism is the result of a double process of: a) drawing a line between 'us' and 'them', and b) perceiving a competition between locals and immigrants in the distribution of public goods.

Second, migration is perceived to represent a threat to internal security and social harmony, particularly in the midst of the 'war on terror' triggered by the 9/11 attacks in New York, USA. Subsequent bombings in Madrid (2004) and London (2005) and the riots in France (2005) are commonly used to justify the framing of immigration and asylum as threats – particularly, if Arab people are involved.

Finally, immigration is seen as a threat to the cultural survival of the nation. Migrants – especially those with a visibly different racial or ethno-cultural background – challenge 'the myth of national cultural homogeneity' (Huysmans, 2000:762) and uncover the strength of 'cultural fundamentalism' in the national imaginary (Stolcke, 1995). According to Stolcke, cultural fundamentalism is based on the conception of that humans belong to monolithic and stable cultural groups that are incompatible with each other:

> [C]ultural fundamentalism/essentialism does reify culture, but it is in reality about relationships between cultures as understood as bounded, internally homogenous, integrated and exclusive sets of values, behavior and meanings which are thought to be inevitably threatened by foreigners who by definition have a different culture (quoted in Feldman, 2005:223).

Some observers note that the cultural fundamentalist discourse in Europe is in fact a form of neo-racism – a continuation of the old discourse under a new guise, used to justify anti-immigration politics and remind us of the physical and symbolic limits of the nation (Doty, 1999).

THE EU & SPAIN RESPOND TO THE "OTHER."

The presumed threats that migration poses to the welfare state, security, harmony, and national culture(s) provoke strong reactions on the part of both the individual nation-states and the EU. At the European level, migration and asylum occupy a position of privilege at the core of the European project: the goal has been set to eventually achieve a degree of standardization in the areas of immigration and visa requirements that far exceeds what is expected in other areas of EU public policy.

As a precondition to achieve that goal, European borders – the borders of Schengen that protect Europe from the dangerous other – must be raised. Looking at this, Walters (2002) argues that Schengen in fact has a triple meaning: first, it emerges a geopolitical border, defining the territorial limits of the European project; second, Schengen constitutes an extension of the national border, allowing for a new regional identity to emerge; and finally, it is a biopolitical border, or an instrument to manage the movement of physical bodies and populations. In all three cases Schengen emerges as a site for the production of power differentials among territories, political institutions, and people on both sides of it. This border is meant to mark the boundary between two distinct spaces: one internal and 'flat', where capital, goods, and people can move freely, and one external, variable and with multiple barriers. Furthermore, Schengen is the expression of a broader tendency in which 'the liberalization of trade and finance at regional and global levels is accompanied by a new set of political anxieties about borders, crime, illegal migration, and terrorism, along with political demands and initiatives to assert the power of the border' (Walters, 2002:561).

Another argument that supports the argument of a segmented acceptance of immigrants into the Spanish national community is neo-assimilationism. Classic assimilation theory was born in the US in the 1960s with the goals of describing and proscribing the gradual assimilation (cultural, economic, social, and political) of a heterogeneous group of immigrants into an idealized homogeneous local society (Gordon, 1964). Neo-assimilationism, in contrast, pursues a more nuanced transformation of the immigrants based on the in the

internalization of the fundamental (and always vaguely defined) civic principles that guide the democratic life of the nation (Kofman, 2005). Some scholars have noted that the trend towards the securitization of immigration during recent decades has triggered a retreat from multiculturalism in Europe and the turn towards a neo-assimilationist agenda even in the most traditionally multicultural states, such as the Netherlands, the United Kingdom, or Sweden (Kofman, 2005; Brubaker, 2001).

This 'return' to assimilation has never happened in Spain: from the beginning, immigration laws and integration policies have been founded on discourses of assimilationism and cultural fundamentalism (Agrela Romero and Gil Araujo, 2004). Throughout the several immigration laws and integration programs at the state level passed in the last two decades, glimpses of the (immigrant) Other emerge here and there. It is interesting to note though that prior to 1985, the category 'immigrant' had no meaning in legal terms: there were Spaniards and the rest. The 1985 immigration law brought the category to the political debate, and a large body of legislation gradually grew from it, reserving a position of privilege to some national groups (especially Latin Americans) due to assumed historical and cultural affinities. However, as the ties with the EU have deepend, the legislation has gradually rescinded privileges for Latin American migrants.[1] In Spanish immigration law there is a growing gap between EU-citizens and non-EU immigrants, and differences within the latter group are rapidly diminishing.

Spanish debate on migration and integration is not all that different from that in Europe, as it also relates to 'topics such as crime, terrorism, [and] the trafficking of drugs and people' (Agrela Romero and Gil Araujo, 2004:15). In the integration programs, immigrants are portrayed as 'young, enterprising, capable of undertaking important challenges, with generally high indices of illiteracy and few professional qualifications' (GRECO 2000:17); they are potentially valuable for the country's growth but not fully equipped for life in a modern liberal democracy. In order to 'make' immigrants fit into Spanish society, they must go through a process of "acculturation" for which some national groups[2] are more fit than others. The road to creating a hierarchy of immigrant Others is thus paved, but how much can the individual migrant do to 'fit' when he or she has already been ascribed to a group that may be too far from home to ever fit, according to the principles of cultural fundamentalism?

Analyzing the causes of this hierarchical classification and exclusion of the immigrant Other, Doty observes that '[f]or the nation to maintain its identity, to be truly itself, it must isolate and eliminate or expel the other, the false element. This can result in the racialisation of social groups and the attribution to them of various qualities signifying exteriority and impurity' (Doty, 1999:589). On the same topic, Goldberg (2006) argues that race is at the very foundation of the construction of difference: '[b]orders are constituted through race, the biopolitical technology par excellence, fashioning the foreigner, the stranger, the not belonging' (258). Combining Solcke's analysis of the cultural fundamentalist discourse with these observations, we may argue that in Europe, and certainly in Spain, assumed cultural differences have become a device to hide the racial foundations of mainstream structures for the exclusion of newcomers.

In other words, in Europe – where the language of the phenotype is not only discredited but also forbidden – race is indeed deployed to mark the limits of the imagined community. The phenotypical encounter, so recent in Spain, is giving way to deeply discriminatory policies that at the same time decry racism as a deadly sin while justifying the preferential treatment of those immigrants belonging to groups imagined as more similar to

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[1] Beyond the symptomatic erasure of a paragraph in the 1985 law stating that 'nationals of Ibero American countries, Portugal, Philippines, Equatorial Guinea, Sephardic Jews,[1] and those born in Gibraltar [will be granted] a treatment of preference [*tratamiento preferencial*] due to the assumed cultural identity or affinity, which renders them worthy of such treatment (LOE 7/1985, preface; author's translation), visa waiver agreements with a number of Latin American countries have been cancelled in the last few years.

[2] 'National Groups' is the concept used in Spanish legislation and public discourse. There is no reference to ethnic groups, visible minorities, or any other of the concepts common in other countries of immigration.

Spanish society. In the next section I will see how this hierarchy emerges through the regulation of access to Spanish political citizenship.

III. IMMIGRATION AND POLITICAL CITIZENSHIP

The passport is the marker of nationality and thus of citizenship. But before passing on to current debates on citizenship and migration, it is worth making a distinction between these two terms, for although nationality and citizenship are frequently used as synonyms they are not. Nationality 'denotes a legal relationship between an individual and a state according to which the individual is subject to the public authority and the legal order of that state'; it situates the individual as a passive subject in relationship to the polity. In contrast, citizenship 'is the status that encompasses the rights, duties, benefits and burdens that follow from a person's nationality'; as a citizen, the individual participates in shaping the political community of which she or he is a member (Preuss et al, 2003:7). Because in all states of Europe citizenship derives automatically from nationality, the discussion here will move back and forth between these two concepts, but the distinction remains important.

In the following pages I will explore the meaning(s) of political citizenship[3] within the EU. The relevance of this is double. On the one hand, nationality laws (which include naturalization procedures) constitute the most formalized expression of the symbolic borders of the nation. On the other, these laws manifest the willingness of the receiving society to accept foreigners as full members of their polities under specific conditions.

GENERAL DEBATES ON CITIZENSHIP

Status as a citizen of a nation-state carries a whole set of economic, social, and political rights that vary from country to country (Castles and Miller, 2003). The evolution of the concept of citizenship is directly linked to the development of the modern nation-state since the 19th century, when citizenship gradually replaced other kinds of group allegiances as 'the main determinant of access to resources, rights and to the institutions of political participation' (Tambini, 2001: 202). Long limited to a few sectors of society, citizenship in European countries gradually became more inclusive during the 20th century, while the rights (and less so the duties) of those entitled to it increased (Marshall, 1964). Currently, citizenship is open to all social groups independently from social class, gender, or race, as long as they are nationals.

Access to nationality, and therefore of the status as a full member of the polity (i.e., a citizen), is regulated through state laws. Foreigners may become citizens through their place of birth (*ius soli*) in the case of second and subsequent generations; 'blood' ties to the nation through ancestry or marriage (*ius sanguini*); or, more commonly in the case of Spain, time of legal residence in the national territory *(ius domicili)*. All European states have laws that combine these elements according to pre-existing conceptions of the nation in different ways (e.g. Brubaker, 1992).

But what happens to the institution of national citizenship when the relevance of the nation-state is called into question? Debates on the survival of the nation-state in an era of political, social, and economic globalization and increasingly mobile people cast doubts on the importance of political citizenship. The emergence of post-national membership regimes in supra-national communities such as the EU and new forms of multicultural citizenship are often cited as evidence of the decline of the nation-state and its derived institutions (Joppke, 1998).

Yasemin Soysal is arguably the most prominent advocate of the post-national citizenship thesis. In her book *Limits of Citizenship* (1994), Soysal explored the idea of an emerging form of membership that would decouple

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[3] Although citizenship is a multi-layered concept that includes at least three dimensions (social, cultural, and political) the discussion here is limited to formal or political citizenship.

citizenship from nationality and rights from national origins. This, she argues, would be a consequence of the growing interdependence among states, which forces them into the Human Rights discourse and limits their sovereignty. In this scenario of 'globally limited sovereignty' (Joppke, 1998), a *de facto* citizenship would substitute *de iuri* allocation of rights among those who live within the national boundaries, independently from their legal status.[4]

The case of EU citizenship is often used by Soysal and others to prove the emergence of post-national forms of political membership and the gradual loss of sovereignty of the nation-state. While there is some truth in the statement – as may be seen for example in the convergence of asylum laws across the Union – membership to the European polity is still dependent on membership to one of the member countries, and the EU has no jurisdiction on how states regulate the access to citizenship (Joppke, 1999).

Although the post-national thesis may be inaccurate or (in the best case scenario) premature, there is an important take-home point in these debates: national regimes of integration, including citizenship, have evolved through time, and are evolving at the moment by virtue of the relations between places: among European states, the Global North and the Global South, the East and the West, demised empires and its former colonies. As the meaning of the nation changes and it melts into a new global and regional order, so does citizenship.

SPAIN: A SEGMENTED CITIZENSHIP REGIME

In previous sections we have seen that despite a political discourse based on civic-liberal principles Spanish national identity is, to a great extent, conceived in ethnic terms. Two main facts support this argument: first, the legitimacy given to peripheral nationalisms (especially Basque and Catalan) that conceive of their constituencies in ethnic and even racial terms; and second, the 'cultural fundamentalism' of Spanish immigration laws and integration policies, which intend to hide the importance of ethno-racial principles in the process of community boundary-making. A careful analysis of Spanish citizenship legislation provides further support for this hypothesis.

As mentioned above, foreigners become European citizens only after they have become citizens of one of the member states. The project to create a common immigration policy for the EU, which has fostered the creation or modification of all immigration laws throughout the Union, has not been followed by similar initiatives in the field of nationalization or citizenship. Feeble reforms on nationality legislation such as the ones that happened in France (1992) and Germany (2000) – usually mentioned as examples of convergence – have responded to countries' particular circumstances rather than to an orchestrated movement towards the harmonization of nationality and citizenship legislation in the EU. In Spain, as in other Southern European countries, recent reforms in nationality (2003, 2007) have reinforced the already strong principle of *ius sanguini.* This principle makes it easier for foreigners with blood ties with the nation to acquire the status of citizens, and it is therefore consistent with the definition of the nation as an ethnic community. Table 1 summarizes the conditions to access political citizenship for immigrants in Spain.

Consistent with the trend observed in the modifications of the Portuguese and Italian Nationality Acts (1981 and 1992 respectively), recently Spain's nationality legislation has tended to strengthen ties with the nation's emigrants (who comprise a significant part of the potential voting population[5]) through a reinforcement of the

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[4] Her thesis has received wide attention and a large number of critics. For example, Eleonore Kofman (2005), while acknowledging the increasing interdependence among the states and the impact of the Human Rights discourse on national politics, has argued that Soysal's analysis fails to acknowledge the situation of those with precarious legal statuses, like clandestine migrants or asylum seekers.

[5] For example, a third of the voters in Portugal live outside the national borders (Joppke, 2005); and in the Spanish region of Galicia roughly half the electorate votes from abroad, mainly from the Americas (Nuñez Seixas, 2002).

principle of blood, or *ius sanguini,* while giving *ius soli* and *ius domicili* a lesser role in the acquisition of political citizenship. As a result, Spain's nationality legislation has failed to recognize the country's new reality as a society of immigration (Joppke, 2005; Koenig-Archibugi, 2003; Cano Bazaga 2004). Also importantly, the requisites for foreigners who wish to acquire Spanish citizenship are widely different depending on their national origins, a gap that has tended to increase in recent years.

Principle and general requirements to obtain Spanish citizenship	
Ius Sanguini (blood ties / ancestry)	
Children born to and grandchildren of Spanish-born citizens can be naturalized at any point in their lives. In some cases dual citizenship is recognized.	
Ius Soli (birth in the national territory)	
Spanish nationality legislation grants Spanish citizenship to all children born in Spain to foreign parents whose state of origin does not recognize such children as their own nationals. Specific bilateral agreements (e.g. with Latin American countries) also grant Spanish nationality to children born to foreign parents.	
Ius domicili (legal and uninterrupted residence in the national territory)	
1 year	Individuals born in Spanish territory; minors under custody of a Spanish-born citizen or a Spanish official institution for two consecutive years; foreigners married to a Spanish-born citizen, not divorced or separated; their widows and widowers, proven the couple was not divorced or separated at the time of the partner's death; children and grandchildren of Spaniards, whether they where Spanish-born or acquired the Spanish citizenship.
2 years	Individuals with Ibero American, Equatorial Guinean, or Portuguese citizenship *from birth.* Sephardic Jews are also considered under this provision.
5 years	Refugees.
10 years	All other circumstances.

Table 1: Access to citizenship according to main principle of application. Source: nationality legislation.

As a result, Spanish nationality legislation currently ratifies the discrimination of migrants according to their national origins and emerges as an ethnically selective citizenship regime. On the one hand, citizenship is used as a mechanism of exclusion for those who are perceived as 'more different' from the national population (thus, while Latin Americans are required to live in Spain for at least 2 consecutive years prior to applying for naturalization, all other non-EU foreigners must prove 10 years of residence). But at the same time, the recognition of immigrants as legitimate members of the polity is the only way towards their full integration. Besides the warrants that this status provides, citizenship is the only mechanism that immigrants have to claim and defend their economic, social and political rights (Schuster and Solomos, 2002; Joppke, 1999). This should serve a cautionary note against the triumphal claims of the post-national thesis: the majority of the immigrants living in Spain do not have mechanisms to protect their rights, because they are not citizens. Thus, post-national citizenship (as described by Soysal) is either a rhetorical device (Schuster and Solomos, 2002) or a luxury reserved for EU citizens. For the rest, nationality and citizenship remain painfully interdependent.

To conclude this section, the case of Spanish citizenship provides support for three arguments: first, that 'citizenship in liberal states is malleable' (Joppke, 1999:664); second, that political citizenship remains crucial for the full integration of newcomers; and third, that Spanish citizenship regime allows for differential paths towards full membership depending on immigrants' national origins.

CONCLUDING REMARKS

In this paper I have explored how the limits of the Spanish nation, set by nationalist discourses, immigration laws, and nationality legislation, impact the integration of newcomers into Spanish society. Several observations derive from this analysis.

First, the image of Europe as a Fortress is largely inappropriate, for immigration policies are widely variable throughout the Union: this is a Union of many fortresses, each one different from the next. Moreover, the movement of people across the borders of Schengen and within them requires the invention of a new metaphor that better reflect the fluidity of (certain kinds of) migration (see Favell and Hansen, 2002).

Second, to understand the principles under which migrant populations are accepted into societies of reception it is key to understand the foundations on which the national community is imagined. In the case of Spain, a legacy of religious and social engineering, post-colonial relations with Latin America, the integration into the EU, and the strength of ethnic understanding of the nation provide the basic elements that newcomers have to negotiate with upon their arrival.

Third, immigration and nationality laws are privilege sites to study where the boundaries of the national community are set and why – but most importantly, they help us identify the main tensions emerging in the process of identity construction. On the one hand, Spanish immigration policies fit in the broader trend of the increasing politicization and securitization of immigrants in the EU. And as Europeanization strengthens its hold on the law, tensions between a Human Rights based discourse (which claims that all immigrants should be treated equally and fairly regardless of their origin) and the legacy of the Hispanic Community (which for centuries has fed a preferential treatment for members of former Spanish colonies) emerge. This collision is further complicated by the neo-assimilationism and cultural fundamentalism of the legislation, which both essentialize the cultural dimensions of immigrants and differentiate newcomers on the bases of their assumed capacity to integrate into the society of reception. This segmentation is further elaborated in Spanish nationality and citizenship legislation, which explicitly categorize newcomers according to their nationality, favouring some and discriminating against others. This segmentation that the Spanish citizenship regime creates is a double one, first between EU and non-EU citizens (distributing rights among foreigners); and second among non-EU citizens, between Latin American migrants and the rest (regulating access to citizenship rights). In the case of Latin Americans specifically, the disjuncture between immigration and citizenship/nationality legislation has increased dramatically since the mid 1980s, and recent modifications of these two areas of legislation have tended to widen the gap.

Finally, the study of the Spanish normative framework for the immigration and access to citizenship require that we be aware of the causes of the many internal disjunctures (i.e. between immigration and nationality laws, or between the political and judicial spheres). The origins of these apparent contradictions can be found through tracing a genealogy of the different policies and making explicit the relation between specific events (i.e. Spain's entry into the EU) and the evolution of the legislation (i.e. the passing of the first Spanish immigration law in 1985). This makes clear that such contradictions, disjunctures, and gaps, are the result of specific political agendas: to 'become' European without letting go of the connections with Latin America, for example. However, as those who get trapped in the evolutions and imperfections of political agendas are people, a second step must be taken towards identifying ways to make the legislation regulating the entry, integration, and access to political membership of immigrants a harmonious and continuous process.

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