The Ideal of the Modern Subject?
Exploring the Limits of the 2004 Irish Citizenship Referendum Debate

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Declaration

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of PhD is entirely my own work, that I have exercised reasonable care to ensure that the work is original, and does not to the best of my knowledge breach any law of copyright, and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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Abstract

This thesis explores the limitations of how political subjectivity is conceptualized in existing analysis of the 2004 Irish Citizenship Referendum. By approaching this analysis through the work of R.B.J. Walker and his notion of the constitutive subject of sovereign politics, what is highlighted is how its existing statist starting point for theorizing political subjectivity fails to allow for an understanding of how other types of subjectivity, which cannot be defined in terms of a sovereign binary, might also need to be theorized in respect of the question of migration. The ambiguous subjectivity of Irish citizen children born to migrant parents – as those neither 'included in' or 'excluded from' the state but in-between both positions – is pointed to in this thesis as an example of the type of complex subjectivity which is denied a place in the 'politics' of the 2004 Irish Citizenship Referendum, as currently theorized. Drawing on the work of Julia Kristeva, the thesis considers what an alternative framework for exploring citizenship outside of the dominant framing of sovereign subjectivity, would look like. By approaching the question of citizenship from the perspective of her work, this thesis shows how political subjectivity can also be understood as embodied in experiences of relative and contingent spacetime of 'being'. It uses the metaphor of 'trace' to conceptualize these alternative spatiotemporal experiences. As such the thesis contributes to our understanding of the politics of dominant 'critical' citizenship scholarship; the impact of migration on conceptions of belonging; and to broader theoretical attempts to recognize how political subjectivity is experienced outside of a statist political discourse. It concludes that existing analysis of the 2004 Irish Citizenship Referendum is limited by its inability to theorize political subjectivity outside of a specific conception of space as independent of its physical content and of time as linear and progressive.

Acronyms

AkiDwA	Akina Dada wa Africa: The Migrant Woman's Network
CADIC	Coalition Against the Deportation of Irish Children
CARR	Campaign Against the Racist Referendum
EC	European Community
EEA	European Economic Area
EU	European Union
FF	Fianna Fáil
FG	Fine Gael
ICCL	Irish Council for Civil Liberties
ICP	Immigrant Control Platform
IHRC	Irish Human Rights Commission
IRPB	Immigration, Residence and Protection Bill
MRCI	Migration Rights Centre of Ireland
NCCRI	National Consultative Committee on Racism and Interculturalism
PD	Progressive Democrats
RTÉ	Radio Telefís Éireann
SF	Sinn Féin
TD	Teachta Dála
UK	United Kingdom
USA	United States of America

Translations

Bunreacht na hÉireann	Constitution of Ireland, 1937
Céad Míle Fáilte	Welcome (translates literally as: 'A Hundred Thousand Welcomes')
Dáil/ Dáil Éireann	Lower House
Department of the Taoiseach	Prime Minister's Department
Fianna Fáil	Parliamentary Party
Fine Gael	Parliamentary Party
Oireachtas	Parliament
Radio Telefís Éireann	Radio Television Ireland (National State Broadcaster)
Saorstát Éireann	The Irish Free State, 1922-1937
Seanad/ Seanad Éireann	Upper House
Sinn Féin	Parliamentary Party
Tánaiste	Deputy Prime Minister
Taoiseach	Prime Minister
Teachta Dála (TD)	Member of Parliament

Line.
A Trace.
Understanding a space.
Our relationship,
Mapping.
Putting ourselves into context,
By which we measure ourselves,
Time.
Repeating.
Process. Material. Marks.

Priya Chohan[1]

[1] Chohan, P., Artist, Untitled poem

Introduction

Gradations of rights between citizens and non-citizens…have emerged in a number of western countries that as recently as a century ago operated few restrictions on immigration. In such a context citizenship becomes not just a set of rights but also a mechanism of exclusion. It becomes a mechanism of civic stratification; a form of inequality in which groups of people are differentiated by the legitimate claims they can make on the state. **Fanning and Mutwarasibo**[1]

This thesis is an exploration of existing analysis of the 2004 Irish Citizenship Referendum, and the assumption underpinning this body of analysis that we must understand the politics of citizenship in the context of migration in terms of subjects who can always be defined vis-à-vis their relationship with the modern territorial state. It is motivated by the desire to understand the challenges which migration poses to the notion that we can continue to think about subjectivity unproblematically in terms of such an inclusion/exclusion framework and thus in terms of a subject which is connected to, but ultimately separate from political community. It asks instead whether the emphasis on mobility and fluidity which migration assumes does not undermine precisely this idea of subjectivity as sovereign and autonomous in the last instance. Given acknowledgement of the increasingly complex overlapping and fragmented claims to political subjectivity which are associated with the intersection of migration and citizenship, can we really continue to make sense of these according to dominant political horizons associated with the sovereign state and the ideas of clear cut distinctions between national and international, particularism and universalism, inside and outside which these reproduce? The aim of this thesis, as such, is to problematize the reliance in existing interpretations of the 2004 Irish Citizenship Referendum on the notion of the individual subject (albeit often via a very deconstructed understanding) as the lowest unit of analysis who is understood in terms of their ability to hold rights against the state. The research question

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[1] Fanning, B. and Mutwarasibo, F. (2007) 'Nationals/Non-Nationals: Immigration, Citizenship and Politics in the Republic of Ireland', *Ethnic and Racial Studies*, Vol. 30, Issue.3, p.450

which drives it is: what are the limitations of how existing analysis of the 2004 Irish Citizenship Referendum conceptualizes political subjectivity?

Existing analysis of the 2004 Irish Citizenship Referendum is interrogated in this thesis through the work of R.B.J Walker, in particular by considering how state sovereignty implicates a particularly modern way of knowing and being in relation to the question of citizen-subjectivity. What is emphasized is how this reinforces an assumption about political life which is associated with a specific conception of space as independent of its physical content and of time as linear and progressive. Drawing on the work of Julia Kristeva, the thesis explores what an alternative framework for exploring citizenship – based on a historicization of subjectivity in relation to sovereignty – would look like. It concludes that such an alternative framework would allow us to begin to conceptualize the possibilities of becoming 'citizen' in the context of migration beyond what is currently theorized. Instead of being exclusively conceptualized as extended in time across the absolute space of modern subjectivity, I argue that this would allow us to consider how becoming citizen might also be based upon disruptions and discontinuities, figuring in indeterminate times and spaces outside of modern subjectivity and its emphasis on autonomy and sovereignty.

Whereas the politics of the 2004 Irish Citizenship Referendum is currently defined in terms of an 'opposition' between critical and non-critical approaches to citizenship, this thesis is directed at highlighting the reliance which certain critical approaches continue to have on modern subjectivity through appeals to sovereignty. It emphasizes the need to distinguish instead between two types of possible 'critical' attitudes to theorizing the politics of citizenship in relation to the question of migration: one which works within a modern conception of what political subjectivity can be, and another which sets out to specifically problematize modern conceptions of time and space within which it is assumed political subjectivity *must* be located.

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In 2004 a referendum was held in the Republic of Ireland in which the existing automatic entitlement to birthright citizenship was abolished by way of an amendment to

Bunreacht na hÉireann (Constitution of Ireland, 1937).[2] The existing automatic constitutional entitlement to birthright citizenship, inserted in 1998 as Article 2, declared that it was both the entitlement and birthright of "every person born in the island of Ireland...to be part of the Irish Nation and to be citizens of Ireland."[3] Article 2 had been the result of a compromise made in 1998 under a peace negotiation (the Good Friday Agreement) between the Irish and British governments. Here it was agreed that the existing territorial claim by the Republic to the whole of the island of Ireland (Article 2 inserted in 1937) would be replaced with a constitutional entitlement of all those living on the island to become Irish citizens, but only should they wish to do so. Prior to 1998, universal entitlement to birthright citizenship on the island of Ireland had been provided for in statute (from 1937) and preceding that in the founding Freestate Constitution (1922-1937).[4]

In 2004 an amendment was proposed that would qualify (eventually via a residency requirement in law) for the first time Irish citizenship at birth for children born to non-national parents. A 'non-national' is defined under the Irish Nationality and Citizenship Act 2001 as "a person who is not an Irish citizen."[5] In 2001 the term non-national replaced the existing references to 'alien' which had been in Irish legislation up until that point since the Aliens Act 1935.[6] The new clause to be inserted in 2004 as Article 9 read as follows:

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[2] 'Republic of Ireland' and 'Ireland' will be used interchangeably throughout this thesis to denote the 26-county Irish state. 'Island of Ireland', on the other hand, refers both to the 26-county Irish state *and* the 6 counties of Northern Ireland which form part of the United Kingdom (UK). References to 'the Irish Government' should be understood as referring to the government of the 26-county Republic of Ireland.

[3] This agreement is also known as 'The Belfast Agreement' and 'The Stormont Agreement'.

[4] Saorstát Éireann (The Irish Free State) was founded in 1922. From 1922 until 1937 automatic entitlement to birthright citizenship on the island of Ireland was enshrined constitutionally. In 1937 the Irish Free State was abolished and a new constitution (Bunreacht na hÉireann) was passed. From 1937-1998 automatic entitlement to birthright citizenship was enshrined in statute until it was enshrined once again constitutionally in Article 2 of Bunreacht na hÉireann under the Good Friday Agreement.

[5] Irish Nationality and Citizenship Act 2001, Section 2(c)

[6] Recently the term 'foreign national' has been introduced into draft legislation in the Immigration, Residence and Protection Bill (IRPB) 2008. This term refers more specifically to non-EEA citizens as those who are neither Irish citizen nor automatically entitled to enter and be present in the State under the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006), the European Communities 5 (Aliens) Regulations 1977 (S.I. No. 393 of 1977), or the European Communities (Right of Residence for Non-Economically Active Persons) Regulations 1997 (S.I. No.57 of 1997). The IRPB 2008 was withdrawn by the Government in May 2010 however and therefore the term 'foreign national' has yet to be enshrined in law through this new Bill.

> **Article 9.2.1** Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of his or her birth, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless otherwise provided for by law.

This was eventually passed via referendum on 11 June 2004 by a four to one majority.[7]

The 2004 Irish Citizenship Referendum is significant within a global context. At an international level the referendum can be linked to a larger worldwide trend by common law countries of revising provisions for automatic entitlement to birthright citizenship. It followed the introduction of similar restrictions previously introduced in the UK (1983), Australia (1986), India (1987) and South Africa (1995), and preceded by two years the introduction of a similar restriction in New Zealand (2006).[8] The emphasis itself on the need for such a change can be shown also to resonate globally: both in the context of the remaining common law countries around the world which have not yet made such a change but which have seen calls for it (most notably, the United States of America (USA)[9]), as well as within several countries outside the common law context where provisions allowing for automatic birthright citizenship have been constructed as a problem (see, for example the case of the Dominican Republic[10]).

Although exploring the issue from a variety of perspectives (namely, cosmopolitanism, gender, race, class, and human rights), existing analysis of the 2004 Irish Citizenship Referendum emphasizes the need to understand this issue first and foremost in terms of the role of the modern territorial state and how this is understood to

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[7] The following are exact figures for the Referendum: Electorate: 3,041,688, Turnout: 59.95% (1,823,434), Spoilt Votes: 20,219, Valid Poll: 1,803,215, Yes Vote 79.17% (1,427,520), No Vote 20.83% (375,695). McVeigh, R. (2010) 'United in Whiteness? Irishness, Europeanness and the Emergence of a "White Europe" Policy' In: C. McCall and T.M. Wilson (eds) *Europeanisation and Hibernicisation: Ireland and Europe* (Amsterdam,/New York: Rodobi), p.272

[8] Mancini, J.M. and Finlay, G. (2008) '"Citizenship Matters"': Lessons from the Irish Citizenship Referendum', *American Quarterly*, Vol.60, Issue.3, p.578

[9] Mancini and Finlay note ten amendments which have been introduced in the USA Congress between 1993 and 2005 which propose to introduce conditionalities for some immigrants to the existing automatic constitutional birthright citizenship entitlement enshrined in the Fourteenth Amendment. Mancini and Finlay, '"Citizenship Matters"', pp.578-579; Elsewhere Priscilla Huang discusses attempts since 1990 to lobby members of congress to restrict birthright citizenship to the children of U.S citizens and legal permanent residents. She considers the resulting bills introduced into Congress in 1993 and 2007 proposing constitutional repeals in keeping with this. Huang, P. (2008) 'Anchor Babies, Over-Breeders, and the Population Bomb: The Reemergence of Nativism and Population Control in Anti-Immigration Policies', *Harvard Law and Policy Review*, Vol.2, Issue.2, p.400

[10] Lacey, M. 'Dominican crackdown leaves children of Haitian immigrants in legal limbo', *The New York Times*, 25/05/2008

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either accurately control, or unfairly limit migration. Existing analysis of the referendum argues that "racialized hostility mobilized towards asylum seekers and their Irish born children" can be traced back to specific state policies targeted at 'controlling' immigration and/or to the Irish statist national project more generally.[11] The 'politics' of citizenship is defined in this existing analysis as a clash between inclusive and exclusive perspectives on political community.[12] Within this framework, the exclusive perspective is conceptualized as that which appeals to a particular concept of citizenship by relying on the primacy of the nation-state as the rightful (and only realistic) basis for Irish political community. It promotes an understanding of citizenship as tied to rights, but also to duties and responsibilities (referred to as 'connections') which individuals have to a particular state and emphasizes the need to qualify entitlement to citizenship accordingly. In contrast to this, the universal perspective is defined in terms of how it undermines the former – emphasizing how this is based on narrow exclusive (often referred to as racialized) understandings of Irishness. This promotes a more inclusive notion of citizenship by appealing to post-national or inter-national imagery which is not dictated by a statist monopoly on understandings of modern political community and identity. This thesis will call this opposition into question, however, and show how even the universal perspective is still based on a modern statist spatio-temporal conception of citizenship and the citizen-subject.

The decision to focus on the 2004 Irish Citizenship Referendum in this thesis derives specifically from recognition that this existing analysis of the Referendum reinforces dominant trends in international citizenship scholarship regarding the understanding of a distinction between particular exclusivist and universal inclusivist

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[11] Fanning and Mutwarasibo, 'Nationals/Non-Nationals', p.442

[12] Brandi, S. (2007) 'Unveiling the Ideological Construction of the 2004 Irish Citizenship Referendum: A Critical Discourse Analytical Approach', *Translocations: The Irish Migration, Race and Social Transformation Review*, Vol. 2, Issue.1, Summer, pp.26-47; Crowley, U., Gilmartin, M. and Kitchin, R. (2006) '"Vote Yes for Common Sense Citizenship": Immigration and the Paradoxes at the Heart of Ireland's "Céad Míle Fáilte"', *National Institute for Regional and Spatial Analysis (NIRSA) Working Paper Series*, Issue.30, pp.1-35; Fanning and Mutwarasibo, 'Nationals/Non-Nationals'; Lentin, R. (2004) 'From Racial State to Racist State: Ireland on the Eve of the Citizenship Referendum', *Variant*, Issue 20, pp.1-6; Lentin, R. and McVeigh, R. (2006) *After Optimism? Ireland, Racism and Globalisation* (Dublin: Metro Éireann Publications); Mancini and Finlay, '"Citizenship Matters"'

models of citizenship.[13] International scholarship explores changes in citizenship legislation in terms of how the state constructs groups differently in society according to degrees of inclusion and exclusion.[14] Although this international scholarship explicitly advocates a move away from the statist monopoly on understandings about political community and identity, there is an assumption therefore that subjectivity must continue to be discussed in relation *to* the state, as that which defines the parameters of 'political' community and identity as against all other types of community and identity. Despite concerted attempts to interrogate separately the notions of 'individuality' and 'the state', these concepts continue to be taken as analytical categories in their own right by this international scholarship; the idea of the need to conceive of the relationship *between* them is maintained. The lowest unit of analysis remains the notion of the citizen-subject (albeit often a very deconstructed understanding) who is understood in terms of their ability to hold rights *against* the state. The result is to leave unproblematized a specifically modern account of subjectivity insofar as 'being' is presumed to have to be autonomous and sovereign in the last instance. Given that existing analysis of the 2004 Irish Citizenship Referendum reflects this wider acceptance about how the politics of citizenship should be posed in the context of migration, the 2004 Irish Citizenship Referendum analysis is taken as an ideal focus for considering the limitations of this dominant critical approach.

This thesis interrogates existing analysis of the 2004 Irish Citizenship Referendum by drawing on the work of R.B.J. Walker which emphasizes the need to explore the relationship between politics and its *constitutive* subject.[15] What is argued is

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[13] For a stark illustration of this opposition, see the two chapters written as a debate between particular 'bounded' and universal 'cosmopolitan' citizenship by David Miller and Andrew Linklater. Miller, D. and Linklater, A. (1999) 'Part II: The Debate' In: K. Hutchings and R. Dannreuther (eds) *Cosmopolitan Citizenship*, (London: MacMillan Press Ltd), pp.35-80

[14] Cohen, R. (2006) *Migration and its Enemies: Global Capital, Migrant Labour and the Nation-State* (Hampshire: Ashgate); Goldberg, D.T. (2002) *The Racial State* (Oxford: Blackwell Publishing); Kabeer, N. (ed.) (2005) *Inclusive Citizenship: Meanings and Expressions* (London and New York: Zed Books); Lutz, H. (1997) 'The Limits of European-ness: Immigrant Women in Fortress Europe', *Feminist Review*, Vol.57, pp.93-111; Yuval-Davis, N. (1991), 'The Citizenship Debate, Ethnic Processes and the State', *Feminist Review*, Vol.39, Winter, pp.58-68; Yuval-Davis, N. and Anthias, F. (eds) (1989) *Woman-Nation-State* (London: Macmillan); Yuval-Davis, N., Kannabiran, K. and Vieten, U.M. (eds) (2006) *The Situated Politics of Belonging* (London: Sage Publications); Yuval Davis, N. and Werbner, P. (eds) (1999) *Women, Citizenship and Difference* (London: Zed Books)

[15] Walker, R.B.J. (1999) 'Citizenship after the Modern Subject' In: K. Hutchings and R. Dannreuther (eds) *Cosmopolitan Citizenship* (London: MacMillan Press Ltd), pp.171-200

that Walker's work presents a very different approach to the question of theorizing political possibility to that of the 'particular versus universal' focus considered in existing analysis of the 2004 Irish Citizenship Referendum. His is an approach which does not take for granted, but instead specifically historicizes the assumption itself that 'political' subjectivity *has* to be defined vis-à-vis its relationship with the (sub, supra or, transnational) state and understood as that which necessarily engages 'in' politics. It problematizes this understanding that political subjectivity must be conceptualized in terms of sovereign autonomy in the last instance.[16] What is explored is how Walker's work encourages us, through a historicization of subjectivity in relation to sovereignty, to imagine alternative political expression outside of the dominant statist narrative 'time' and absolute 'space' of the subject of modern politics currently taken for granted by existing analysis of the 2004 Irish Citizenship Referendum. It does so by emphasizing that "the notion of politics as something that occurs in a bounded space, in which peoples, movements, ideas and technologies can be contained, has come to seem rather strained."[17] Subjectivity theorized in terms (always) of an ability to resist against and/or transcend the boundaries of the state is shown in this thesis to reinforce a particular assumption about what and where political life (citizen-subjectivity) *can* be, which is associated with an (often neutralized, yet nonetheless persistent) us/them dualism. What is highlighted is how this existing starting point for theorizing political subjectivity fails to allow for an understanding of how other types of subjectivity, which cannot be defined in terms of this sovereign binary, might also need to be theorized in respect of the question of migration.

The implications of R.B.J. Walker's work is that we need to be open to the different ways in which political subjectivity can be conceptualized beyond that of modern subjectivity and the idea that autonomous subjects necessarily engage 'in'

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[16] Walker, R.B.J. (1995) *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press); Walker, 'Citizenship after the Modern Subject'; Walker, R.B.J. (2000) 'Both Globalization and Sovereignty: Re-Imagining the Political' In: P. Wapner and L.E.J. Ruiz (eds) *Principled World Politics: The Challenge of Normative International Relation*s (Oxford: Rowman and Littlefield Publications Inc), pp.23-34; Walker, R.B.J. (2003) 'Polis, Cosmopolis, Politics', *Alternatives: Global, Local, Political,* Vol.28, Issue.2, pp.267-286; Walker, R.B.J. (2004) 'Sovereignties, Exceptions, Worlds' In: J. Edkins, V. Pin-Fat and M. Shapiro, (eds) *Sovereign Lives: Power in Global Politics* (London: Routledge), pp.239-249; Walker, R.B.J. (2010) *After the Globe, Before the World* (Oxon: Routledge)
[17] Walker, 'Citizenship after the Modern Subject', p.198

political community. The thesis draws on the work of Julia Kristeva to consider what an alternative approach to exploring citizenship which is based on such a historicization of subjectivity in relation to state sovereignty, might look like. There are arguably other theorists through whom the question of rethinking subjectivity might be pursued. However, the strategy offered in this thesis is derived primarily from the work of Julia Kristeva because her work best brings together the issues of political subjectivity, migration, citizenship, temporality and spatiality raised by R.B.J. Walker's critique of modern subjectivity.[18] The thesis argues that Kristeva's work provides an alternative basis for exploring citizenship outside of the need for modern subjectivity by conceptualizing a different way of thinking about human 'being'. This is an understanding of human being which is no longer based on a metaphysics of presence vis-à-vis the state but instead on an ontology of plurality and hybridity. This presents a different conception of time and space for how the 'politics' of citizenship could be articulated.[19] The ambiguous subjectivity of Irish citizen children born to migrant parents – as those neither 'included in' or 'excluded from' the state, but in-between both positions – is pointed to in this thesis as an example of the type of complex subjectivity which is denied a place in the politics of the 2004 Irish Citizenship Referendum as currently theorized, but which can be theorized by thinking about human 'being' through Kristeva's work. What is pointed out is that these children experience citizenship in disjunctive spaces and at particular (mostly inconsistent) moments, and not as 'individuals' who either are or are not included in the state and eventually become full citizens of the (pre-existing) political community.

Instead of continuing to conceptualize citizen-subjectivity as always extended in time in the absolute space of modern subjectivity, as is done in existing analysis of the 2004 Irish Citizenship Referendum, what is argued is that there is a need to also think

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[18] An alternative avenue through which the question of subjectivity could be pursued is through the work, for example, of Jean Luc Nancy. See, Nancy, J.L. (2000) *Being Singular Plural* (trans. R. D. Richardson and A. E. O'Byrne), (Stanford, California: Stanford University Press)

[19] Kristeva, J. (1981) 'Women's Time' *Signs*, (trans. A. Jardine and H. Blake), Vol.7, Issue.1, pp.13-35; Kristeva, J. (1986), *The Kristeva Reader* (ed. T. Moi), (New York: Columbia University Press); Kristeva, J. (1991) *Strangers to Ourselves* (trans. S. Leon Roudiez), (New York: Columbia University Press); Kristeva, J. (1993) *Nations Without Nationalism*, (trans. S. Leon), (New York: Columbia University Press); Kristeva, J. (1996) *Julia Kristeva Interviews* (ed. R.M. Guberman), (Chichester, West Sussex: Columbia University Press)

about subjectivity as indeterminate in its own right, figuring as contingent spaces and fragmented temporalities. The notion of citizenship as 'trace' is introduced in the final chapter of the thesis as a way of reconceptualizing the type of political subjectivity which is embodied in experiences of relative/contingent spacetime of 'being' such as those experienced by citizen-children born to migrant parents.

This thesis concludes that the limitations of how existing analysis of the 2004 Irish Citizenship Referendum conceptualizes political subjectivity come down to its inability to theorize political subjectivity outside of a specific conception of space as independent of its physical content and of time as linear and progressive. The original contribution of this thesis, as such, is to provide a way of recognizing the significance, yet rethinking the 'truth' that the necessary starting point for theorizing the politics of citizenship is the understanding that citizen-subjects hold rights against the modern territorial state (political community). It does so by reengaging with the way in which we have been told the 'self' must be conceptualized in terms of absolute spatial and linear temporal boundaries between inside and outside, inclusion and exclusion. It emphasizes instead the alternative ways in which political subjectivity is being experienced. Doing so, this thesis needs to be seen as increasing the range of possible political subjectivities through which citizenship can be theorized in the context of migration, and not attempting to simply replace one ontology with another.

This original contribution is provided in four principal ways. First, by arguing that existing analysis of the 2004 Irish Citizenship Referendum – which is presented as a clash between particular and universal conceptions of citizenship – can be taken as representative of a more general debate (what I am calling 'The Citizenship Debate') which reflects important assumptions about what a politics of citizenship must look like. I discuss how these assumptions can be traced back to the necessity of the idea of sovereign autonomous subjectivity. This argument is introduced in chapter one and developed throughout the thesis. Secondly, the thesis advances an alternative Kristevan understanding of human 'being' as based on a metaphysics of process in the context of citizen-subjectivity. It uses this to develop further the implications of R.B.J. Walker's work which emphasize the need to think about political subjectivity other than as that which is defined in terms of sovereign presence. This Kristevan understanding of human

'being' is outlined in chapter one for the first time. Chapter two then explores how her work helps to further undermine the 'truth' of a self-authorizing autonomous subject which opposes itself to the world, as developed in Walker's work. Her work does so by building upon the notion of a subject based around a lack; as that which is ruptured within itself. The implications of Kristeva's work for rethinking political subjectivity in the 2004 Irish Citizenship Referendum specifically, and then in the context of citizenship in general, are developed respectively in chapters four and five. Thirdly, the thesis develops an important empirical contribution to discussions about the politics of citizenship in Ireland by demonstrating how citizen-children born to migrant parents interrupt these discussions. These children most notably interrupt the assumption in these discussions that questions of belonging in respect of citizen children born to migrant parents can be explored in the same context as their parent's experiences of belonging. This is as people who have been excluded from the dominant community and who are in need of being brought (back) into this community. Instead, what is shown is that citizen children, unlike their migrant parents, are not simply marginalized subjects who have been positioned 'outside' the dominant political community and are in need of 'inclusion', but people whose subjectivity is defined in the *tension* between inclusion and exclusion, particularism and universalism. This is subjectivity which is experienced as an ambiguous (contingent) political effect rather than a sovereign one. Fourthly, the thesis demonstrates how the shift which is made here from presuming that political subjectivity must be theorized in terms of a metaphysics of presence to recognizing how it can also be experienced as a metaphysics of process, can be understood as a shift from conceptualizing citizenship in terms of absolute space to (re)conceptualizing it in terms of contingent trace. The notion of citizenship as 'trace' is introduced in chapter five as a way of conceptualizing how space can be understood as other than infinitely divisible by lines extended in continuous, progressive time. What is argued is that this understanding of citizenship as trace provides an alternative to the determinative dominant logic of the inside/outside, inclusion/exclusion binary so often deployed as a starting point for questions about the politics of citizenship. It does so by allowing for the possibility that subjectivity comes into play via processes of differentiation which are irregular, discontinuous and strange as well as sovereign and continuous. Conceptualizing

citizenship as trace undermines the idea that citizen-subjectivity can *only* be defined in terms of a coherent 'who'. It allows us to move beyond the endless discussions about who is or who is not abusing citizenship, who is or who is not entitled to citizenship which take place in the citizenship debate and concentrate instead on the increasingly momentary fragments of self through which citizenship can operate beyond the idea of a sovereign marginalized subject that can be pointed to.

The line of inquiry pursued in this thesis acknowledges and aims to build upon, but differs in several important ways from another strand of migration scholarship which has similarly sought to rethink how the configurations of space, power and knowledge that manifest themselves in citizenship cannot simply be traced back to the nation-state as the basis of 'politics'. This is scholarship which, it has been argued, could also be used to rethink existing analysis of the 2004 Irish Citizenship Referendum.[20] The work of Didier Bigo on 'the banopticon' and the work of Jonathan Xavier Inda on 'anti-citizens technologies' are two examples of this type of scholarship.[21] This work provides an extremely important analytics of government which is no longer based on tracing the politics of citizenship back to specific regimes and/or their governmental institutions. Instead, it offers a framework for apprehending how citizenship works through "ensembles of government as overlapping and ongoing in dynamic ways."[22] This work, however, concentrates mostly on analyzing the operation and management of 'illegal' immigration and the detention of so-called 'foreigners'. It thus speaks first and foremost to how distinctions between conceptions of 'citizen' and 'non-citizen' are constructed. Doing so, it differs in emphasis from the perspective taken in this thesis, which draws upon R.B.J. Walker's work. I highlight instead the need to understand how political subjectivity is internally differentiated *within* the concept of citizen‐subjectivity.[23] The second difference is that the former strand of migration scholarship emphasizes the

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[20] Conlon, D. (2010) 'Ties that Bind: Governmentality, the State, and Asylum in Contemporary Ireland', *Environment and Planning D: Society and Space*, Vol. 28, Issue.1, pp.95-111; Maguire, M. and Cassidy, T. (2009) 'The New Irish Question: Citizenship, Motherhood and the Politics of Life Itself', *Irish Journal of Anthropology*, Vol.12, Issue.3, p.23

[21] Bigo, D. (2006) 'Globalized (In)Security: The Field and the Ban-Opticon' In: D. Bigo and A. Tsoukala (eds) *Illiberal Practices of Liberal Regimes: The (In)Security Games* (Paris: L'Harmattan), pp.5-49; Inda, J.X. (2005) *Targeting Immigrants: Government, Technology, and Ethics* (Oxford: Blackwell)

[22] Conlon, 'Ties that bind', p.106

[23] Walker, 'Citizenship after the Modern Subject'

governmental mechanisms which enable the regulation of particular sections of society –
asylum seekers, irregular migrants etc. – having already moved away from theorizing
subjectivity vis-à-vis the state (and therefore as necessarily sovereign). In contrast, R.B.J.
Walker's work re-emphasizes the need to understand how subjectivity often continues to
be conceptualized as sovereign even in critical citizenship scholarship. Walker's work
highlights the need to understand how attempts which set out to challenge assumptions
regarding sovereign political order often reinscribe these in the last instance by failing to
problematize modern spatio-temporal understandings of 'being'.[24] Doing so, he
introduces a specific treatment of how sovereignty *continues* to operate as a strategy of
power and identity despite the growing prevalence of non-sovereign techniques such as
bio and disciplinary power.

Sources

This thesis approaches the 2004 Irish Citizenship Referendum through discourse theory. I
acknowledge that the notion of 'discourse' is integral to existing analysis of the 2004
Irish Citizenship Referendum; however, the notion of discourse can be used in different
ways. Existing analysis theorizes the 2004 Irish Citizenship Referendum as a series of
(gendered, racial, nationalist etc.) discourses which ascribe various meaning to how
individuals are conceptualized as 'citizen' or 'non-citizen'. This thesis, however, takes its
inspiration from Michel Foucault's emphasis on the need to understand discourse as more
than a group of signs which ascribe different meanings to (already) existing objects such
as 'individuals', but rather "as practices that systematically form the objects of which
they speak."[25] With this in mind, I approach the 2004 Irish Citizenship Referendum as a
discourse in its own right ('The Citizenship Debate') which produces *as* an object the
idea of 'individual' subjects. It is important to note that both primary material
(Parliamentary debates; Government publications and information documents;
Government party speeches and press releases; civil society organization reports and
statements; and media coverage) and secondary literature (academic analysis) are

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[24] Ibid; Walker, *After the Globe*
[25] Foucault, M. (1980) *The Archaeology of Knowledge*, (trans S. Sheridan), (London: Routledge), p.49

recognized as being integral in defining how citizenship-subjectivity could be articulated here. Therefore both forms of source material are considered part of the 'discourse' which is analyzed in this thesis. The thesis does not seek to emphasize, as such, the need to introduce or uncover new information about the 2004 Irish Citizenship Referendum, but considers a different way of approaching existing discussions about citizenship in respect of this referendum. Where interviews have been carried out, these serve to increase the depth and breath of these discussions.

Analysis of the 2004 Irish Citizenship Referendum discourse is based in the first instance on a series of key Oireachtas (Parliament) discussions. This includes Oireachtas discussions undertaken in the lead up to proposed announcement of the referendum on 10 March 2004. Most notably discussions about 'The Immigration Bill 2004' which was proposed, debated and passed in Seanad Éireann (upper house) on 30 January and later in Dáil Éireann (lower house) on 4 and 5 February; as well as the report and final stages of 'The Social Welfare (Miscellaneous provisions) Bill' discussed in the lower house on 11 March. These debates were chosen for their direct relevance to discussions about migration and citizenship during the immediate lead up to proposed referendum announcement.[26] Analysis is also based on the entirety of discussions in the Oireachtas during the period March 2004 to May 2004 in which the referendum proposal bill itself, 'The Twenty-Seventh Amendment to the Referendum Bill 2004' was presented, discussed and voted upon. All of the text produced from the various stages of this bill debated in Dáil Éireann (from 6 April to 29 April) and later in Seanad Éireann (from 30 April to 6 May) was examined. These texts have been chosen because of their authoritative status, and the frequency to which they are referred within the discourse. In total, the number of pages of key Dáil and Seanad discussions (between January and May 2004) which form the basis of the source material analysed in this thesis is substantial, being in excess of 957 pages.

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[26] The Immigration Act 2004 was introduced in haste following a High Court Judgement on 22 January which questioned the validity (having deemed unconstitutional) the existing statutory provisions dealing with the control of entry into and stay within the state of non-nationals (non-Irish citizens); The Social Welfare (Miscellaneous Provisions) Act 2004 significantly introduced new provisions for certain social welfare payments to be based on a habitual residency test (a two year residency requirement) for all non-Irish citizens. It was proposed in March 2004 as a 'requirement' given the imminent 1 May 2004 date for accession of ten new countries into the European Union.

Competing positions were recorded at the time of the 2004 Irish Citizenship Referendum. These broke down into the Yes side (those in favour of the proposal) and the No side (those critical of the proposal) camps. Analysis of these competing positions is explored in the thesis through key submissions by the Government, civil society organizations and Opposition parties in which they outlined their arguments regarding the referendum proposal. Arguments in favour of the referendum were analysed through three key coalition Government publications which outlined the need for the referendum proposal[27] as well as additional documentation which the Government placed in the Oireachtas library outlining correspondence between Government ministers and health officials.[28] A series of statements made by the Taoiseach (Prime Minster) and leader of the majority Government party, Fianna Fáil (FF); the Tánaiste (Deputy Prime Minster) and leader of the minority Government party, Progressive Democrats (PD); the Minister for Justice Equality and Law Reform, Michael McDowell; as well as by several other ministerial and non-ministerial members of both parties, also formed part of this source material. These statements were posted on the FF website, the Department of the Taoiseach website and the PD website and were chosen on the basis that they were influential statements which outlined important justifications for the referendum proposal.[29] Arguments that were (mostly) critical of the referendum proposal were elsewhere analysed through key submissions made by civil society organizations as well

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[27] Department of Justice, Equality and Law Reform (2004) *Proposed Citizenship Referendum: Article by Minister for Justice, Equality and Law Reform Mr. Michael McDowell, T.D., Published in Sunday Independent on 14 March 2004*; Department of Justice, Equality and Law Reform (2004) *Citizenship Referendum: The Government's Proposals*, April; Department of Justice, Equality and Law Reform, (2004) *Information Note: Proposal for Constitutional Amendment and Legislation Concerning the Issue of the Irish Citizenship of Children of Non-National Parents*

[28] Oireachtas Library (2004) *Correspondence Regarding Use of Irish Maternity Hospitals by Non-Nationals* (Dublin: OPUB). This document also contains statistical data gathered on maternity service provision according to nationality for the years 2000 to 2002. This document is not available to the general public. It can nonetheless be obtained through an Oireachtas member. The condition of doing so, however, is that it can not be reproduced in any form; it can only be referred to.

[29] Arguments in favour of the referendum were also analysed through material obtained from the civil society organization Immigrant Control Platform (ICP). This material included bi-annual newsletters (Numbers 6-13 dating from 2000 to 2004) as well as submissions (dating 2000-2003) to the Department of Justice from ICP. It was not deemed necessary in the end to refer to these arguments, however. This is because apart from presenting slightly more openly hostile anti-immigrant views, they did not differ in any substantial way from (but merely repeated) the arguments made by the Government itself in favour of the need to amend citizenship legislation. Namely that it was an issue of needing to prevent abuse of Irish citizenship by those wishing to circumvent the existing immigration/asylum system.

as Opposition parties (namely the Green Party and the Labour Party).[30] These submissions speak both to issues leading up to the referendum proposal and the referendum proposal itself. They include reports produced by civil society groups which initially sought to detail the expected outcomes (as well as reports which later sought to document the actual outcomes) of the decision to abolish automatic entitlement to birthright citizenship on the island of Ireland. Statements and reports were chosen here with the aim of including as many as possible from civil society organizations which expressed an opinion in respect of the referendum. The civil society organizations from which statements and reports were gathered include Akina Dada wa Africa (AkiDwA): The Migrant Woman's Network; Children's Rights Alliance; Coalition Against the Deportation of Irish Children (CADIC); Irish Human Rights Commission (IHRC); Integrating Ireland; Irish Council for Civil Liberties (ICCL); Irish Refugee Council; and National Consultative Committee on Racism and Interculturalism (NCCRI). Not all organizations had statements which they had issued in 2004 still available online and therefore where possible the organizations themselves were contacted to request these. Documents available on the internet are indicated in the bibliography as is the material obtained directly from civil society organizations.

Media coverage of the 2004 Irish Citizenship Referendum – as that which in theory was purported to provide coverage of both positions on the referendum proposal – formed an important addition to the aforementioned sources.[31] There was a huge range of possible media articles to choose from of those written in the months leading up to the referendum proposal, and in the period between the referendum proposal being

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[30] As was to be expected, not all of the statements or reports issued by these organizations immediately rejected the referendum proposal. Two notable examples of documents issued which outlined both sides of the argument without necessarily advocating a rejection of the referendum proposal, include IHRC (2004) *Observations on the Proposed Referendum on Citizenship and on the 27th Amendment of the Constitution Bill 2004*, 25 May, pp.1-32; and Irish Refugee Council (2004) *Asyland*, Magazine of the Irish Refugee Council, Summer, pp.1-23

[31] It was important to keep in mind here, however, that certain media articles were in fact written by Government officials who had already indicated their position as being tied to specifically promoting the referendum proposal. These included, for example, McDowell, M. (Minister for Justice, Equality and Law Reform) 'Putting a value on citizenship is not racist', *The Irish Independent*, 09/04/2004; and O'Dea, W. (Minister of State at the Department of Justice, Equality and Law Reform) 'Irish citizenship: labouring the point', *The Sunday Independent*, 25/04/2004. Similarly, it was important to keep in mind that there were accusations of certain media 'framing' of the referendum. This is most notably discussed by Breen, M., Haynes, A. and Devereux, E. (2006) 'Citizens, Loopholes and Maternity Tourists: Media Frames in the Citizenship Referendum' In: M. P. Corcoran. and M. Peillon (eds) *Uncertain Ireland: A Sociological Chronicle 2003-2004* (Dublin: Institute of Public Administration), pp.58-70

announced and the referendum being held. The media articles chosen to eventually act as source material were those which were referred to first by other sources, and which were considered authoritative in the context in which they were used. Given its status as 'newspaper of public record' in the Republic of Ireland due to its authoritative reputation, articles from the daily periodical *The Irish Times* appeared most frequently in this respect. However, this did not preclude articles from other newspapers also appearing. Other media articles consulted came from *The Irish Independent*, *The Irish Examiner, The Sunday Business Post*, *The Sunday Independent* and *The Sunday Times*. The Referendum Commission booklet on the 2004 Irish Citizenship Referendum also formed part of the source material consulted here. The Referendum Commission was specifically set up to present arguments both for and against each referendum held in the Irish state. It therefore represented another source which was not supposed to be either predominantly in favour, or else critical, of the referendum proposal.

Analysis in the thesis of the theoretical basis of critiques of the referendum proposal drew heavily on academic discussions about the referendum published as articles in scholarly journals, as working papers, as chapters in edited collections or as edited and joint-authored books. The articles, books, working papers and chapters chosen were those that specifically sought to engage with (normally interrogating) moves made by the Government immediately preceding the referendum proposal in 2004 and/or which speak specifically to the 2004 Irish Citizenship Referendum proposal itself. They therefore range across a diversity of authors and span a publication period from 2003 to 2010. Where relevant, other academic publications were used to contextualize the historical contexts identified in these texts (namely, racial, ethnic and gendered) as underpinning important constructions of the nature of 'Irishness' in terms of inclusion and exclusion. The wider relevance of the arguments made in these articles, working papers and books identified as part of the 2004 Citizenship Referendum was explored through international citizenship scholarship texts that are widely considered representative of a critical stance.[32] These texts were chosen given their authoritative

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[32] Key texts include Anthias, F. and Yuval-Davis, N. (1993) *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle* (London: Routledge); Cohen, *Migration and its Enemies*; Goldberg, *The Racial State*; Lister, R. (1997) *Citizenship: Feminist Perspectives* (London: MacMillan Press); Yuval-Davis, N. (1997) *Gender and Nation* (London: Sage); Yuval-Davis and Anthias, *Woman-*

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status in speaking to the importance of understanding the role which gender, race and ethnicity play in decisions regarding the management of solidarity and belonging in the context of cross-culturalism.

Given the lesser emphasis in available sources on justifications for the referendum proposal, I decided that there was a need to supplement my understanding of the arguments underlying this with some interviews.[33] These interviews are listed in appendix A. Seven semi-structured interviews in total were undertaken and all were conducted in Dublin. Six interviews were conducted face-to-face and one was a telephone interview. These were elite interviews (rather than a representative sample). Those selected for interview were selected on the basis of their expertise in articulating core arguments in favour of the referendum proposal in the discussions surrounding the referendum. Whilst further interviews would have doubtlessly contributed to even more depth and perspective, when combined with the existing source material, seven interviews was deemed adequate to build up a sufficiently detailed and reflective understanding of these arguments. Given the time and space limitations of the research, the law of diminishing returns was applied to the interview process. Interviews themselves were structured around a prepared list of questions and topics designed around the specific area of expertise and experience of the interviewee. These accordingly varied from interview to interview, but included common questions such a 'What do you think was the significance of the 2004 Citizenship Referendum?' and 'Why do you think some people were hostile towards the proposal to amend the constitutional basis for birthright citizenship in Ireland?' Interviews were recorded where the interviewee consented, and transcripts were prepared from these recordings, or from interview notes where consent was refused. The transcripts were communicated to interviewees for their comments and clarifications. Ethical implications of interviewing were considered throughout the whole process. All interviewees were offered initial anonymity and the choice to waive this at a later stage. All but one interviewee chose to waive anonymity after the interview.

Nation-State; Yuval-Davis et al., *The Situated Politics of Belonging*; Yuval-Davis and Werbner, *Women, Citizenship and Difference*

[33] Important methodological reflections on interviewing were obtained from Bryman, A. (2001) *Social Research Methods*, (Oxford: Open University Press); and Flick, U. (2009) *An Introduction to Qualitative Research*, (London; Sage)

The potential for triangulating interviews with the primary and secondary source material gathered elsewhere was vital for the purposes of building up a sufficient textually layered account of the various discussions surrounding the 2004 Irish Citizenship Referendum. The readiness of people to respond to requests to provide copies of old statements, reports and press releases from this period was truly invaluable, as was the willingness by others to recall in detail the events of 2004 and their involvement in articulating arguments in relation to the 2004 Citizenship Referendum proposal.

Thesis Structure

The thesis is divided into five chapters. The first chapter sets out an alternative approach to theorizing political possibility via an engagement with R.B.J Walker's interrogation of the limits of the modern statist understanding of political subjectivity; the second chapter accounts for this approach within a wider theoretical context; whilst chapters three, four and five focus on how existing analysis of the 2004 Irish Citizenship Referendum forecloses the domain of political subjectivity, before moving to consider how it might be opened anew.

Chapter one argues that R.B.J. Walker's emphasis on the need to consider the relationship *between* politics and subjectivity (rather than the question of how the subject necessarily always engages 'in' politics) forces us to rethink the assumption that existing analysis of the 2004 Irish Citizenship Referendum completely exhausts all possible historical and normative judgments as currently defined in terms of a clash between 'particular' exclusionary and 'universal' inclusionary concepts of political community and identity.[34] The chapter maps out how existing analysis of the 2004 Irish Citizenship Referendum can instead be reconceptualized as presenting a spectrum of possible (yet limited) interpretive choices which are defined by a certain 'reality' of what it means to be a political subject in terms of sovereignty and autonomy (as 'individuals') in the context of migration. This is what Walker refers to as "the citizenship debate".[35] What is considered is how existing analysis of the 2004 Irish Citizenship Referendum takes for

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[34] Walker, 'Citizenship after the Modern Subject'
[35] Ibid, pp.172-177

granted rather than interrogating early-modern conditions which emphasize spatial differentiations at the expense of hierarchical modes of allegiance, as the necessary conditions for the 'possible' expression of political identity. What is pointed out is that the notion of autonomous sovereign beings, which exist in the last instance in relation to the state and *can* be included and excluded, is retained regardless of whether an inclusive (universal) or an exclusive (particular) model of citizenship is promoted in this existing analysis. The implication of R.B.J. Walker's work is that we need to be open to the different ways in which political subjectivity can be conceptualized beyond that of sovereignty and autonomy, regardless of how hard these are to imagine. The last part of this chapter therefore draws on the work of Julia Kristeva – as someone who provides a different understanding of human 'being' to a metaphysics of presence vis-à-vis the state – in order to consider what an alternative framework for exploring citizenship outside of the need for modern subjectivity would look like. Kristeva's work emphasizes the manner in which the geographical and the corporal experience of lived borders (between national and international, between self and other) can be shown to meet in images of foreignness. This understanding of foreignness undermines the notion of unified selfhood by simultaneously haunting identity and difference, inside and outside.[36] What is discussed is how the new framework proposed is therefore based on the rethinking of human 'being' as one of rupture *within* the notion of the sovereign self and within sovereign 'selves' (a metaphysics of process), as opposed to across sovereign self and selves (a metaphysics of presence).

Chapter two contextualizes Walker's work within a broader theoretical field.[37] It argues that drawing upon these certain bodies of work posits another way of thinking about and understanding citizenship insofar as they identify the notion of autonomous presence as the basis of a specific type of 'sovereign politics'. As opposed to assuming that individuality (sovereign presence) has an essence in and of itself which merely (pre)exists the state and which *must* be appealed to when exploring the 'politics' of

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[36] Kristeva, *Strangers to Ourselves*
[37] Key texts include, Ashley, R.K. and Walker, R.B.J. (1990) 'Reading Dissidence/Writing the Discipline: Crisis and the Question of Sovereignty in International Studies', *International Studies Quarterly*, Special Issue – Speaking the Language of Exile: Dissidence in International Studies, Vol.34, Issue.3, pp.367-416; Edkins, J. (1999) *Poststructuralism and International Relations: Bringing the Political Back In* (London: Lynne Rienner)*, pp.1-21; Edkins, J., Persram, N. and Pin-Fat, V. (eds) (1999) *Sovereignty and Subjectivity* (London: Lynne Rienner)

citizenship, these bodies of work allow us to consider how excluded or included selves can be shown to be produced *as* 'individuals' vis-à-vis the notion of sovereignty. Within this context, the chapter considers how Julia Kristeva's work presents an alternative form of human 'being' to that of sovereign presence. This is one which builds upon the notion of a subject which is instead based around a lack. Foucauldian theory and Freudian psychoanalysis – the latter upon which Kristeva's work is based – are presented in the chapter as theoretical frameworks which, when taken together, help us to consider how the constitution of the subject is inextricably linked with the constitution of a particular social or symbolic order. It is pointed out that they allow us to rethink the 'self' as *having* to conform to a particular type of sovereign presence (for example, as migrant, ethnic minority or as racialized other) which engages 'in' discourse (the symbolic order). And instead to recognize how sovereign presence (the idea of the 'individual' migrant, ethnic minority, racialized other) is not inevitable but is produced *as* a discursive effect. It is this understanding of how the self is problematized *into* 'being' in terms of rules and practices, which is considered in detail in this chapter. This chapter argues that an interrogation of subjectivity as presence in this manner allows for a reassessment of what currently counts as 'political' possibility in respect of citizenship by forcing us to revisit (repoliticize) the boundaries of what we have come to know as the subject and accordingly what we imagine *as* possible political subjectivity.

Chapter three turns specifically to the question of how the existing analysis of the 2004 Citizenship Referendum, mirroring trends in international citizenship scholarship, can be understood to foreclose the domain of political possibility. It argues that this needs to be understood in terms of how this analysis fails to challenge the basis of the citizenship debate as this has been defined in terms of a particular/universal (citizenship/humanity) dualism. What is looked at is how existing analysis of the referendum continues to emphasize that the politics of citizenship is a trade-off between these two options. It merely insists that universalism should be prioritized over that of particularism, and not visa-versa. It 'reframes' the terms of the existing citizenship debate rather than challenging these outright. This chapter explores the interdependence, however, of claims to humanity and the idea of a universal citizenship with those of claims about particularism and the idea of bounded citizenship. It considers how they

both work *together* to define our political horizons. What the chapter emphasizes is that while existing analysis of the 2004 Irish Citizenship Referendum provides a way of rethinking the statist monopoly on understandings of the nature and possibility for political community – as that which prioritizes claims to citizenship over humanity – it does not provide a way of rethinking the statist political discourse through which political subjectivity ('being') came to be understood in the first place in terms of this sovereign dualism. It fails to undermine our understanding of political subjectivity as that which is *defined* in the last instance always in terms of sovereignty; this is an understanding of 'being' that oscillates between, and can therefore be traced back to a located presence in either, 'Humanity' (as universal identity) or 'citizenship' (as particular identity). Rather, this analysis reinforces this idea by emphasizing the need to consider how particularism and universalism can continue to be reconciled in an understanding of subjectivity which is one and the same time multiple and universal while individual and specific. This chapter argues that this ignores the possibilities of political subjectivity which *exceed* the discursive space made available by this statist account of 'political' necessity.

Chapter four considers how the domain of political possibility can be opened up again in respect of how citizen-subjectivity is conceptualized. It argues that this can be done by rethinking the sovereign time and space of citizenship. It takes the subjectivity of Irish citizen children born to migrant parents, and their experiences as political subjects, as an example of the type of complex citizen-subjectivity which is denied a place in the existing politics of the 2004 Irish Citizenship Referendum. It points out that these children are neither entirely 'inside' the Irish state as their citizenship is (only) deferred, but nor are they 'outside' of the Irish state either as they remain Irish citizens. They are instead defined in the *tension* between inclusion and exclusion, particularism and universalism (the "scar" between 'Man' and 'citizen'[38]). As such, their experiences of citizenship are temporally interrupted and spatially dislocated rather than temporally progressive and spatially coherent. What is argued is that existing 'critical' analysis of the 2004 Irish Citizenship Referendum fails to theorize this ambiguous role of Irish citizen children born to migrant parents in its own right. This is given its need to conceptualize subjectivity within a sovereign framework in the last instance and the understanding

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[38] Kristeva, *Strangers to Ourselves*, p.98

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regarding lines of separation between self and world, self and other, this 'particular' community and that 'universal' community, which this assumes. While existing analysis of the 2004 Irish Citizenship Referendum merely attempts to think 'different' times and spaces of existing statist concepts of politics, however – most notably by theorizing this in terms of the dualisms of Woman and citizen or Human and citizen, in addition to the dualism of Man and citizen – Julia Kristeva's work is considered as that which emphasizes how this dualism (between a particular and a universal identity) is based on a specific understanding of time and space which can also be problematized in its own right. Through Kristeva's work, experiences of belonging among migrant youth in Ireland are recast in the chapter in light of the possibility that the political subject itself is fragmented in terms 'of' many different types of contingent spaces and fractious temporalities, rather than only 'in' space without limits. The chapter argues that this is the difference between simply 'maintaining' (as looked at in chapter three) as opposed to *challenging* the existing terms of the citizenship debate.

Chapter five explores the implications of challenging the citizenship debate in this manner (as opposed to simply maintaining it), and opening up the question of political subjectivity beyond temporality contained within absolute space to that of fractious spacetime. The notion of 'trace' is introduced in this chapter to conceptualize the shift which is made here away from thinking about citizenship in terms of inclusion and exclusion and therefore in terms of absolute space, to thinking about citizenship as that which is also based upon disruptions and discontinuities, figuring in indeterminate and incalculable times and spaces outside of modern subjectivity and its emphasis on located presence. The latter forces us to think time and space differently thus redrawing the conditions of possibility *for* 'politics', and not merely to think 'different' times and spaces of existing statist conceptions of politics. What is explored is how this results in the need to problematize the notion of a boundary *as* a line across which 'migrant', 'non-national' etc. simply move between being 'citizen' and being 'human', and consider instead how being 'citizen' in the context of migration is that which is produced *in* boundaries as spaces of tension. What is pointed out is that citizen children born to migrant parents indicate how the citizen-subject is also produced *through* such processes of tension – between being 'migrant' (human) and being 'citizen'. Doing so, they

represent a form of political subjectivity which stands in stark contrast to that of the image of the modern subject which is conceptualized merely in terms of how it traverses such lines.

The thesis conclusion shows the importance of recognising that migration not only challenges the various ways in which modern subject-citizens are included and excluded from the imagined political community (as partial, full or denizens). Migration also challenges the idea of the sovereign autonomous subject who *can* be included or excluded from political community, as the only way in which 'being' citizen can be imagined or experienced. It demonstrates that existing analysis of the 2004 Irish Citizenship Referendum, and the critical citizenship scholarship that it echoes, is limited by its inability to consider political subjectivity in terms 'of' different times and spaces in the manner experienced by Irish citizen children born to migrant parents. This is given its reliance on statist political imaginary (and therefore on absolute space and linear time) in defining the essence of 'political' possibility in respect of the question of citizenship in all instances. By emphasizing the importance of a second 'critical' response to crisis and the question of sovereignty which is based on problematizing the notion of 'boundary' itself and what we have been told this must be, an alternative understanding of the possibility of 'being' citizen is explored in this thesis in the concept of 'trace'. This is a type of citizen-subjectivity which is conceived of in terms of encounters and confrontations in comparison to that of citizen-subjectivity conceived of in terms of the temporal progression within particular co-existing spaces (an us/them dualism). Through the notion of trace we are left to imagine 'citizens' as a form of subjectivity which can also manifest as a cluster of time-space coordinates which are constantly changing within and across what is normally conceptualized as the absolute space and horizontal time of sovereign political community. As such, this thesis contributes not only to our understanding of the 2004 Irish Citizenship Referendum and the manner in which subjectivity was conceptualized here, the impact of migration on conceptions of belonging, and the politics of dominant 'critical' citizenship scholarship, but finally to

broader theoretical attempts to recognize how political subjectivity is also experienced outside of a statist political discourse.[39]

This concern with the question of what it is to 'be' citizen in the context of migration is a timely one. It is commonly accepted that we now live in a world in which discussions about belonging and the nature of political community are dictated by understandings of cultural diversity rather than cultural homogeneity.[40] What is emphasized is the fact that we live in a globalized world where millions of people now have multiple citizenships and many spend time living in more than one country. This is a world in which, however, it is increasingly understood that "[p]orous boundaries and multiple identities undermine ideas of cultural belonging as a necessary accompaniment to political membership."[41] Yuval-Davis, Kannabiran and Vieten highlight, for example, "the…constant expansion of classes that are excluded, the creation of new minorities and the drastic shrinking of democratic spaces, nationally and internationally."[42] Increasingly, people are asking how political belonging can be realized in a way which is more equitable for all. As Bryan Fanning points out, "Difference is inevitable. However, belonging can be defined by the necessity of living together in a shared space as well as in terms of cultural particularism."[43] Within the context of this discussion, this thesis considers what a mistake it would be to assume nonetheless that the *only* possible ground for a different 'politics' of citizenship is that which continues to be based on sovereign autonomous subjectivity in the last instance. Instead it points out how this serves to ignore citizenship experienced through ambiguous, less coherent subjectivity which cannot be tied to a located presence – one either 'inside' or 'outside' the nation. Whereas so many argue that belonging must be based on understanding how subjects hold rights

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[39] See, for example, Closs Stephens, A. (2010) 'Citizenship without Community: Time, Design and the City', *Citizenship Studies*, Vol.14, Issue.1, pp.31-46; Ong, A. (2000) 'Graduated Sovereignty in South-East Asia', *Theory, Culture and Society*, Vol.17, Issue.4 pp.55-75; Shapiro, M.J. (2000) 'National Times and Other Times: Re-Thinking Citizenship, *Cultural Studies*, Vol.14, Issue.1, pp.79-98; Walker, R.B.J. and Mendlovitz, S. (eds) (1990) *Contending Sovereignties: Redefining Political Community* (London: Lynne Rienner Publications) – in particular, chapter eight by Bateson, M.C. (1990) 'Beyond Sovereignty: An Emerging Global Civilization', pp.145-158.
[40] Castles, S. and Davidson, A. (2000) *Citizenship and Migration: Globalization and the Politics of Belonging* (London: Macmillan Press); Gray, B. (2002) 'The Irish Diaspora: Globalised Belonging(s)', *Irish Journal of Sociology*, Vol. 11, Issue.2, pp.123-144; Yuval-Davis et al. *The Situated Politics of Belonging*
[41] Castles and Davidson, *Citizenship and Migration*, p.viii
[42] Yuval-Davis et al. *The Situated Politics of Belonging*, p.1
[43] Fanning, B. (2009) *New Guests of the Irish Nation* (Dublin: Irish Academic Press), p.166

always in opposition to (i.e. as connected to, but ultimately separate from) political community, what is emphasized in this thesis is the importance of recognising the evolution of subjectivity beyond this existing spatio-temporal ideal of modernity if we are to "take into account the full ambivalence of the conditions of its operation."[44]

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[44] Butler, J. (1997) *The Psychic Life of Power: Theories in Subjection* (Stanford, California: Stanford University Press), p.15

Chapter 1:
Exploring the Citizenship Debate: An interrogation of the relationship between modern subjectivity and citizenship[1]

> Citizenship will continue to name a political practice that is plausibly monopolized by the modern state… [yet it] also names a site at which our constitutive account of what we are supposed to be will become less plausible, and where the highly problematic character of what we think politics is and where it occurs will become increasingly pronounced….[T]here is no point in pushing at these limits…without also pushing at the account of modern subjectivity which has been produced by, and is productive of, those limits. **R.B.J. Walker[2]**

Introduction

The 2004 Irish Citizenship Referendum has been described as "[t]he most significant event in the politics of immigration in the Republic of Ireland".[3] Reflecting dominant trends in citizenship scholarship, existing analysis of this referendum frames the issue in terms of two opposing perspectives: one particularistic (exclusive), one universalistic (inclusive). It posits the question of the 'politics' of citizenship as a trade-off between these diverging models. This chapter argues that the work of R.B.J. Walker provides an alternative focus through which to explore the 2004 Irish Citizenship Referendum by challenging this dualistic framework as the necessary basis for discussions about citizenship. His work does so by problematizing the premise upon which it is based, which is the taken-for-granted autonomous existence of persons (individuals) who are understood to be connected to, but ultimately separate from, 'the state', and by suggesting instead that we need to consider how political subjectivity can be conceptualized in terms of a *constitutive* subject of politics.[4] I argue that this perspective presents a different starting point from which to approach the question of how the politics of citizenship could be articulated to the prevalent form of a timeless dialectic of inclusion and

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[1] A version of this chapter has been accepted for publication (Forthcoming 2011) as 'Thinking Citizenship and its Constitutive Subject: Interrogating the 2004 Irish Citizenship Referendum Debate' In: *Citizenship Studies*, Vol.15, Issue.4
[2] Walker, 'Citizenship after the Modern Subject', p.198
[3] Fanning and Mutwarasibo, 'Nationals/Non-Nationals', p.439
[4] Walker, 'Citizenship after the Modern Subject'

exclusion, particularism and universalism, nationalism and post-nationalism currently determined by the boundaries of the (Irish) state.

As the above quotation indicates, Walker's work emphasizes the link *between* politics and subjectivity. Doing so, it historicizes the assumption that citizenship must be discussed in terms of how individual citizen-subjects are included in, or excluded from, 'the state' as that which defines the essence of politics. Rather, it emphasizes the need to reconsider the manner in which subjectivity has been defined in relation to a particular understanding of 'politics', as that which is unproblematically divisible and continuous and is therefore understood as something which *can* always necessarily be 'included' or 'excluded' in this manner. What will be argued in this chapter is that this presents a challenge to the belief that the existing framing of the 2004 Irish Citizenship Referendum completely exhausts all "understandings of historical tendencies and…judgments of normative possibilities" as these relate to the question of the politics of citizenship.[5] Instead, what will be discussed is how the 'particular versus universal', 'inclusion versus exclusion' lens through which citizenship is currently articulated here, reflects important assumptions about what a politics of citizenship *must* look like due to its attachment to a specifically modern account of autonomous subjectivity.[6] The result is to allow us to reconceptualize existing analysis of the 2004 Irish Citizenship Referendum as a debate in and of itself, rather than a series of competing debates. This is a debate which presents a spectrum of possible (yet limited) interpretive choices which are defined by a particular 'reality' of what it means to 'be' citizen (a political subject) in terms of sovereignty and autonomy.

The chapter proceeds by considering the main arguments which have been put forward in favour and against the 2004 Citizenship Referendum. It then explores the dominant intellectual and theoretical explanations for these arguments and discusses why and how these are normally articulated in terms of opposing models of citizenship. The aim of this first section is to highlight the reliance of *both* models on the notion of the individual (albeit often via a very deconstructed understanding) as the lowest unit of analysis who is understood in terms of their ability to hold rights always against the state.

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[5] Walker, 'Citizenship after the Modern Subject', p.171
[6] Ibid

The second section then considers how this framework is challenged by the notion of a constitutive subject of (sovereign) politics as theorized by R.B.J. Walker. This specifically problematizes the notion of individuality as a form of being – not only in its own right, as has been done already in critical citizenship scholarship via gendered and ethnic understandings of subjectivity – but as that which is understood as connected to, yet ultimately separate from the (Irish) state.

The final section outlines what a reconceptualized concept of citizenship would look like. It suggests that the notion of a constitutive subject of citizenship presents us with a different starting point from which to approach questions regarding the politics of citizenship in the Republic of Ireland, to that which is currently offered. Doing so, it destabilizes the inevitability of the current framework. This current framework takes for granted that we must read citizenship via an understanding of subjectivity as autonomous and separate from the state, and therefore in terms of inclusionary versus exclusionary models. In contrast to this, Walker's work indicates that we need to think about conceptions of subjectivity outside of individuality. Julia Kristeva's work is introduced to provide an alternative understanding of political subjectivity for this framework. She presents an understanding of subjectivity which is no longer based on a metaphysics of presence vis-à-vis the state (sovereignty), but on a metaphysics of process via plurality and hybridity. This is an understanding of human 'being' based on rupture rather than unity. Unlike the existing framework, I emphasize that the aim here is no longer to attempt to 'resolve' the question of citizenship in the Republic of Ireland post 2004 via understandings of a more inclusive Irish statist project. Instead the aim of this alternative framework is that of providing the possibility of reconceiving of subjectivity in terms other than those (pre)determined by the sovereign autonomous boundaries of the Irish state. These are terms which expressly complexify the clean lines which have been imposed on understandings that the relationship between politics (of citizenship) and subjectivity must be conceptualized in terms of identity (inside) versus difference (outside).

The 2004 Irish Citizenship Referendum Debate

This section outlines the two sides of the debate as structured at the time of the 2004 Irish Citizenship Referendum according to existing analysis. However, the point in doing so here is not to engage in yet another discussion as to whether in 2004 the proposed amendment to the constitution was based on a legitimate civic (sovereign) understanding of citizenship or, alternatively an ethnic (racist) understanding of citizenship. Rather, as will become increasingly clear, these positions are outlined in this chapter in such a way as to provide a basis for exploring throughout the remainder of the thesis the manner in which both, as articulated, leave unquestioned a modern concept of subjectivity which sits at the heart of this debate itself. As such, it should be noted that these positions are not presented here *in order* to be analysed as part of this thesis, as if these presented an infinite array of possible options for interpretation, as this would follow the format taken in existing analysis of the referendum. Instead, my insistence on outlining the discussions surrounding the Citizenship Referendum in the manner below should be seen as part of the process through which this existing analysis is *reconceptualized* here as a very specific "spectrum of interpretive dispositions"[7] – what R.B.J. Walker refers to as 'the citizenship debate' – which relied upon a modern concept of subjectivity within which the 'reality' of Irish Citizenship was constructed in the first place in 2004. The outline given below should therefore be seen as part of the analysis underlying this thesis which is based on considering how we can reconceive of the referendum as a debate in its own right rather than as a series of competing debates. This is an analysis which is based on refusing to simply engage in the terms of this aforementioned citizenship debate which existing analysis reinforces, and which dictates that we must choose between the options of universalism and particularism, inclusion and exclusion, nationalism and postnationalism, identity and difference; or alternatively, that we must negotiate a middle ground between them.

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[7] Doty, R.L. (1993) 'Foreign Policy as Social Construction: A Post-Positivist Analysis of U.S. Counterinsurgency Policy in the Philippines', *International Studies Quarterly,* Vol.37, Issue.3, p.298

Sovereign Statehood

On 10 March 2004 the Irish Government announced its plans to hold a referendum on the right to citizenship on the island of Ireland. It indicated that this referendum would be held at some point in 2004. Approximately one month later on 8 April, The Twenty-Seventh Amendment of the Constitution Bill 2004 was initiated in Dáil Éireann. This proposed that the following additional wording be inserted into Article 9 of Bunreacht na hÉireann:

> **Article 9.2.1** Notwithstanding any other provision of this Constitution, a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of his or her birth, at least one parent who is an Irish citizen or entitled to be an Irish citizen is not entitled to Irish citizenship or nationality, unless otherwise provided for by law.

> **Article 9.2.2** This section shall not apply to persons born before the date of the enactment of this section.

Initially an initiative of the Department of Justice, Equality and Law Reform (henceforth 'the Department of Justice'), the referendum proposal was nonetheless backed by the then FF/PD coalition and presented as a Bill with full Government support. At first the Government declared that it was undecided as to when to hold the referendum. It eventually confirmed, however, that in the event of this Constitutional Bill being passed by both Houses of the Oireachtas the proposal contained therein would be put to the people of Ireland in a referendum to be held in conjunction with European and local elections on 11 June that same year.

The argument in favour of inserting a qualification into Article 9 in the manner outlined in the Twenty-Seventh Amendment to the Constitution Bill was articulated in several key documents issued by the Department of Justice in March and April of 2004.[8] These highlight the Irish Government's belief in its sovereign duty to regulate entry into, as well as residence within the state, but specifically identify several factors impeding this. They explain that the 2002 Programme for Government had indicated a commitment to deal with two issues which had been identified as impeding the Government's ability

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[8] Department of Justice, *Proposed Citizenship Referendum*; Department of Justice, *Citizenship Referendum: The Government's Proposals*; Department of Justice, *Information Note*

to assert its sovereign duty in this regard.[9] In the piece written by the Minister for Justice, Equality and Law Reform (henceforth 'the Minister for Justice') he identifies these as the "apparently strong legal claim on the part of non-national parents of a child born…[in Ireland] to remain in the State, based on the *Fajujonu* case"; and second, the entitlement, inserted in 1998 under Article 2 of the Constitution, of all those born in Ireland to become Irish citizens.[10] Whereas it is pointed out that the first of these issues had been dealt with through the Supreme Court in 2003 in the Lobe and Osayande case, the Minister for Justice argues that the latter – which elsewhere the Government points out was "unique in the European Union and unusual world wide" [11] – can only be dealt with through a referendum which would remove the automatic entitlement to citizenship at birth on Irish soil.[12] According to all three briefing documents this needed to be done urgently in order to put a stop to what had been identified as "a high incidence" of non-national women arriving into Irish maternity hospitals in late pregnancy, or in the early stages of labour; a phenomenon which the Government argued "is directly related to the fact that Irish law at present gives to the children [of said pregnant women] the entitlement to Irish citizenship and thus to citizenship of the European Union".[13]

Fajujonu ruling

The 1990 Fajujonu case referred to a Supreme Court ruling involving two undocumented migrant parents (one of Moroccan nationality and one of Nigerian nationality) who were the parents of Irish citizen children and who sought for the right to remain in Ireland on this basis.[14] Prior to Fajujonu there had been several cases in the 1980s involving undocumented migrant males seeking to remain in Ireland on the basis of being married

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[9] The briefing document entitled *Information Note* quotes directly from the 2002 Programme for Government to justify the chosen course of events. It points out that this contained a prior commitment to monitor and eventually when possible, to deal with this situation: "We will keep under review the number of applications from non-nationals to remain in the State on the basis of parentage of an Irish-born child and initiate all-part discussions on the issue of such constitutional or other measures which might be required." (p.1)

[10] Department of Justice, *Proposed Citizenship Referendum*, p.1

[11] Department of Justice, *Information Note*, p.4

[12] Department of Justice, *Proposed Citizenship Referendum*

[13] Department of Justice, *Citizenship Referendum: The Government's Proposals,* p.5

[14] The Fajujonus were a married couple who had entered Ireland in 1981 in breach of immigration law. They had one child in 1983 and subsequently two further children. For a more detailed discussion about the legal issues involved in the Fajujonu case, see, Ryan, B. (2004) 'The Celtic Cubs: The Controversy over Birthright Citizenship in Ireland', *European Journal of Migration and Law*, Vol.6, pp.173-193

to Irish citizens and having Irish citizen children, yet these had failed.[15] Under Fajujonu what was emphasized by the Supreme Court however, was the length of time which the parents had been living in Ireland (nine years) and the extent to which the family were integrated into Irish society as a result of this. The Supreme Court therefore ruled that the parents *did* have a strong case to remain in Ireland to provide 'company, care and parentage' to their citizen child within the state on the basis of a child's entitlement to company and protection of their family as set out in Articles 41 and 42 of the 1937 Constitution.[16] As one of the two Judges who delivered the judgement (which was endorsed by the three remaining judges) explained at the time, their belief was that:

> where, as occurs in this case, an alien has in fact resided for an appreciable time in the State and has become a member of a family unit within the State containing children who are citizens . . . there can be no question but that those children, as citizens, have got a constitutional right to the company, care and parentage of their parents within a family unit . . . prima facie and subject to the exigencies of the common good . . . that is a right which these citizens [are] entitled to exercise within the State[17]

Subsequent to the Fajujonu ruling, a precedent was set which allowed Irish citizen children to invoke their right to the care and company of their parents in the Republic of Ireland. According to the Government's own figures[18], between 1999 and 2003 approximately 10,000 non-EEA nationals were granted the right to remain in Ireland on the basis of being the parents of an Irish citizen child.[19] In 2003 however, a landmark ruling undermined this precedent. This landmark ruling came several years after the Department of Justice readjusted its policy and began mid-way through 2001 to refuse applications from parents of Irish citizen children in those cases where it was deemed that the family had not been spent "an appreciable length of time" in the state.[20] Eventually in

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[15] See for example *Pok Sun Shun* v. *Ireland* [1986] ILRM 593 and *Osheku* v. *Ireland* [1986] IR 733, 747 as discussed in Ryan, 'The Celtic Cubs', p.179. The High Court also initially ruled against the Fajujonu family finding that although their daughter had "a certain right to be in Ireland" and "a right to the society of her parents", she did not necessarily have the right to the society of her parents *in* Ireland.

[16] *Fajujonu* v. *Minister for Justice* [1990] 2 IR

[17] Justice Finlay C.J. quoted in *Fajujonu* v. *Minister for Justice*, pp.6-7

[18] This particular FF/PD Government had been in office for two terms by this point: initially from 1997 to June 2002 and later from June 2002 onwards.

[19] O'Dea, W. (FF) Oireachtas Debates (29 April 2004) *Twenty-Seventh Amendment to the Constitution Bill 2004: Report and Final Stages*, Dáil Éireann, p.980. According to Iseult Honohan, the figures for applications for leave to remain on the basis of an Irish born child for the final two years of the period 1999 – 2003 were 3,153 (2001) and 4,027 (2002). Honohan, I. (2007) 'Bounded Citizenship and the Meaning of Citizenship Laws' In: L. Cardinal and N. Brown (eds) *Managing Diversity: Practices of Citizenship in Australia, Canada and Ireland*, (University of Ottawa Press, 2007), p.85

[20] Cullen, P. 'Expulsion threat to immigrants with Irish children', *The Irish Times*, 01/12/2001

2003 a test case presented itself in the Lobe and Osayande case. Lobe and Osayande involved the case of a Czech Roma family (the Lobes) and a Nigerian family (the Osayandes) seeking a similar right to residence in Ireland to provide 'company, care and parentage' for their Irish born child as sought in the Fajujonu case.[21] This was rejected however for a series of reasons which the Supreme Court eventually upheld: these included what was perceived to be a relatively short period of time during which the families had been living in Ireland (the Lobes, nine months and the Osayandes, seven months) and the fact that several members of both families had applied for asylum in the United Kingdom (UK) before moving to Ireland and were therefore in breach of the Dublin Convention.[22] What was also specifically stressed by the Supreme Court judges was the fact that there had been a sizable increase in asylum applications in Ireland during the previous decade (from 424 in 1992 to 10,934 in 2000, and to 11,503 as of January 2003).[23] Given that many asylum seekers could be shown to have eventually applied for leave to remain on the basis of the parentage of an Irish citizen child or sibling, what was implied was that this process was working to circumvent the asylum process.[24] As a result, in the Lobe and Osayande case it was ruled for the first time since 1990 that a non-national parents' right to remain in Ireland to bring up their child needed to be weighed against the additional importance of the integrity of the asylum process and the state's need to control entry into, as well as residence within, the state.[25]

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[21] The Osayandes had one son born in Ireland in November 2001. The Lobes had four children, one of which was born in Ireland in October 2001.

[22] The Dublin Convention is a treaty (signed in Dublin during the 1990 Irish Presidency of the EU, hence the name) signed by all European Union countries in agreement that asylum applications must be considered by the country the applicant first arrives in. It entered into force in 1997.

[23] The first two figures here are cited in Cullen, 'Expulsion threat to immigrants'. All three figures are cited by Judge Keane, C.J. in his delivery of the judgement in the Lobe and Osayande case on 23 January 2003. *Lobe and Osayande v. The Minister for Justice, Equality and Law Reform* [2003] IESC 3

[24] When questioned about the figures for applications for leave to remain on the basis of an Irish-born child or sibling, the Minister for Justice, Michael McDowell explained that "Between the beginning of 1999 and the end of 2003 some 10,335 European Economic Areas non-nationals secured residency in the State on the sole basis that they had an Irish born child", emphasizing further that "A total of 2,400, roughly 25%, of these parents never claimed asylum." McDowell, M. (FF) Oireachtas Debates., (5 May 2004) *Twenty-Seventh Amendment of the Constitution Bill 2004: Committee Stage*, Seanad Éireann, p.801

[25] In a semi-ironic twist of fate, the counsel acting for the Fajujonus when they established the precedent which permitted Irish citizen children to invoke their right to the care and company of their parents in the Republic of Ireland in the Supreme Court thirteen years previously was Michael McDowell. This was the same Michael McDowell who was the Minister for Justice in 2003 and who also eventually successfully challenged this precedent on behalf of the state.

In its 'information note' on the proposed referendum, the Government argued that it had, as a result of this ruling, been able to begin to reassess the situation in which non-national parents sought to remain in Ireland on the basis of their Irish-born child. In his article published initially in *The Sunday Independent*, the then Minister for Justice insisted that this was because "[t]he Court made clear that the factors to be taken into account went beyond the location of birth alone – the length of stay of the families and their circumstances and the general requirements of the common good were also relevant".[26] The information note goes on to explain that the Government had since begun to clarify the new position regarding these changes. On 17 July 2003 the Government announced that its strategy for the handling of claims for leave to remain in the state on the basis of an Irish born child was that these would no longer warrant a separate process to other migration/asylum claims. It subsequently sent letters to all persons who had submitted applications under this previously alternative legal basis for remaining in the state, explaining to them that there was no longer an 'Irish born child' status and that their claims would not be considered on this basis any longer.[27] The Government did not give figures at the time but it was subsequently estimated that approximately 10,000 applications (made before January 2003) for leave to remain on the basis of an Irish born child or sibling, remained outstanding.[28]

Article 2 of Bunreacht na hÉireann

Having begun to deal with this first issue, the Government argued that there was one more issue to deal with which was impeding its ability to control entry into and residence within the state. This was the wording of Article 2 of Bunreacht na hÉireann. Article 2 of the Constitution was a result of negotiations made under the Good Friday Peace Agreement between the Irish and British governments. It was agreed here that the existing territorial claim by the Republic to the whole of the island of Ireland (the previous Article 2) would be replaced with a constitutional entitlement to all those living

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[26] Department of Justice, *Proposed Citizenship Referendum*, p.1
[27] Department of Justice, *Information Note* , p.1
[28] Court Section, '10,000 non-nationals could face deportation', *The Irish Times*, 26/08/2005

on the island to become Irish citizens, but only should they wish to do so.[29] Under the Good Friday Agreement, the existing Article 2 was therefore replaced with the following:

> **Article 2** It is the entitlement and birthright of every person born in the island Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.[30]

According to the Government, this right to Irish citizenship at birth had previously only been provided for in Irish law (Irish Nationality and Citizenship Act 1956 and 1986). The reason this distinction was important, it was explained, was because this meant that the Oireachtas had always previously retained the power to legislate (and therefore to control) the exact conditions necessary for the acquisition of citizenship on the island. What it argued was that when citizenship at birth was eventually enshrined constitutionally under the Good Friday Agreement, this removed the Oireachtas' power to legislate in this matter. In outlining its proposals for a citizenship referendum in 2004, the Government therefore argued that the need for the referendum on citizenship was based on a requirement to *restore* power to the Oireachtas:

> power, which is in line with the general statement at Article 9.1.2 of the Constitution, [and which] has not been available since the incorporation of the present wording of Article 2 by the Nineteenth Amendment of the Constitution Act, effective from 2 December 1999.[31]

As an explanation for why the constitutional entitlement to citizenship at birth needed to be changed specifically at that point in 2004, the Government pointed to how much the immigration situation on the island of Ireland had changed since 1998 when the Good Friday Agreement was negotiated. Having previously always been a country of net emigration, Ireland had become a country of net immigration in the twenty-first century. This phenomenon was due to large numbers of Irish citizens who had left Ireland in the

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[29] The pre-1998 Article 2 inserted in 1937 read as follows: "The national territory consists of the whole island of Ireland, its islands and the territorial seas."

[30] Nineteenth Amendment to the Constitution Act, 1998, date of signature 3 June 1998. This "[a]llowed the State to consent to be bound by the British-Irish Agreement done at Belfast on 10 April 1998 and provided that certain further amendments to the Constitution, notably to Articles 2 and 3, would come into effect when that agreement entered into force." *Bunreacht na hÉireann: Constitution of Ireland* (Dublin: Government Publications)

[31] Department of Justice, *Citizenship Referendum: The Government's Proposals*, p.4; Article 9.1.2 states that "The future acquisition and loss of Irish nationality and citizenship shall be determined in accordance with law". *Bunreacht na hÉireann*

previous decades (mostly 1980s and 1990s) returning to Ireland once again, as well as equally large numbers of people coming to live in Ireland for the first time.[32] It was however only the latter group which was the focus of concern in discussions surrounding the 2004 Irish Citizenship Referendum. In light of a sustained increase in the numbers of persons born outside of the island of Ireland taking up residence over the previous decade[33], the argument made by the Government was that the universal automatic constitutional entitlement to citizenship at birth in Ireland was permitting children of persons (referred to as 'non-nationals') who did not have sufficient connection with Ireland, to acquire significant rights (which they might otherwise not be entitled to) simply by virtue of being born in Ireland. This, according to the Government, was an abuse of the system and needed to be rectified via referendum so as to remove the universality of this entitlement from the Constitution. They further argued that despite the change in Government policy since the Lobe and Osayande ruling which effectively abolished the 'Irish-born child route' as a means for parents to gain residency and remain in Ireland, the constitutional right to citizenship at birth agreed to under the Good Friday agreement was proving to be an *enduring* incentive (described as 'a loophole') for non-national parents to give birth in Ireland. The Government insisted that the proposed referendum was necessary to remove this incentive.[34]

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[32] For a breakdown of the difference between these two groups see University College Cork (UCC), *Irish Return Migrants 1996–2002*

[33] Between 1999 and 2003 there was an increase in the allocation of work permits within the Republic of Ireland of just over forty thousand. Department of Enterprise, Trade and Employment, *Total Work Permits issued by Year and by category: 1999-2003*, Statistical Tables and Company Listings for the Employment Permits Section. As Piaras MacÉínri points out, it was never possible to say how many people remained living in the country beyond several months. However, the 2002 Census confirmed an increase in places of birth outside of Ireland for those living in Ireland, in comparison to the previous decade. Census Central Statistics Office (2003) *Census 2002: Principal Demographic Results* (Dublin: Central Statistics Office), p.24; MacÉinrí, P. (2007) 'Integration Models and Choices' In: B. Fanning (ed.) *Immigration and Social Change in the Republic of Ireland* (Manchester: Manchester University Press), p.214

[34] Although a specific residency requirement was not part of the referendum proposal itself, the Government drafted preliminary legislation at the same time to outline how birthright citizenship would be legislated for if the referendum was to be passed. It included a copy of this draft legislation in the document it released entitled *Citizenship Referendum: The Government's Proposals*. This outlined that citizenship at birth for those whose parents were not Irish citizens nor entitled to become so would (only) be acquired where their parents had been resident (not including as students or as asylum seekers) in Ireland for a total of three years out of the previous four prior to their birth. This draft legislation later became law in December 2004 in the form of The Irish Nationality and Citizenship Act 2004. It applied to all those born after 1 January 2005.

As proof of the abuse to which it referred, the Government pointed first to a high proportion of asylum seekers arriving pregnant to Ireland in the preceding few years.[35] It also pointed to a general increase since 1998 of births to non-nationals in the state and in recent years to the specific experience at certain Dublin maternity hospitals of "a disproportionate number" of non-national women presenting unannounced in both late pregnancy and in the early stages of labour, only to leave the country soon after giving birth.[36] The Government insisted that the Masters (Medical Directors) of the three main maternity hospitals in the capital city Dublin had come to them indicating serious concerns: that this practice was both endangering the lives of pregnant women and presenting a great strain on the existing maternity services.[37] Described as 'citizenship tourism' by the Government, it eventually concluded that "[t]he inescapable conclusion is that non-national parents, whether based in Ireland or not, quite reasonably perceive an advantage by giving birth in Ireland to a child who thereby becomes an Irish, and thus an EU citizen."[38]

The rationale behind the proposed citizenship referendum was accordingly presented as a "simple" and "sensible" effort to deal with this issue by both parties in government.[39] Both insisted above all on the need to preserve the 'integrity' of Irish citizenship arguing that regardless of the actual numbers, the practice itself of "conferring Irish citizenship on the future children of these estranged Irish-born citizens…is an

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[35] According to the Government 58% of asylum seekers arrived pregnant in 2002 and 2003. O'Dea, W. (FF) Oireachtas Debates (29 April 2004), *Twenty-Seventh Amendment*, p.977

[36] McDowell, M. (PD) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment of the Constitution Bill 2004: Second Stage*, Dáil Éireann, p.1189; Department of Justice, *Citizenship Referendum: The Government's Proposals,* p.8

[37] Harney, M. (PD) Oireachtas Debates (7 April 2004) *Leaders Questions*, Dáil Éireann, p.819; Donnellan, E. 'Rotunda master anxious over late arrivals', *The Irish Times*, 23/04/2004; On 21 April the Minister for Justice argued that "The evidence that we have a serious problem in terms of the integrity of our citizenship law is to be found in the fact that huge and unprecedented pressures have emerged in our maternity hospitals." He further confirmed that he had "place[d] in the Library of the Oireachtas copies of the documents relating to my dealings with senior management of the maternity hospitals". McDowell, M. (PD) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1193; Minister McDowell did initially go further and say that the Masters of Dublin's three maternity hospitals had specifically asked for a change in citizenship legislation to deal with this problem but immediately retracted this statement when this was categorically denied by the three Masters. Reid, L. 'Masters deny seeking change of status on non-nationals', *The Irish Times*, 13/03/2004

[38] Department of Justice, *Proposed Citizenship Referendum*, p.1; See Sheahan, F. 'Revealed proof of citizenship tourism', *The Irish Examiner*, 27/05/2004 and Sheahan, F. 'Citizenship tourists hit maternity services', *The Irish Examiner*, 28/05/2004

[39] Progressive Democrats Press Room, 'McDowell Address at Launch of PD Citizenship Referendum Campaign', 25/05/2004

unacceptable abuse of our citizenship laws and it undermines the…value of what it means to be an Irish citizen".[40] The Tánaiste argued that the simple fact of the matter was that "our constitutional provisions are being used in a way we did not intend".[41] The current situation, she argued, was "not…[one] in which citizenship is sufficiently valued and honored".[42] The largest party in Government (FF) subsequently launched its campaign for a Yes vote in the citizenship referendum with posters which read 'Vote Yes to Common Sense Citizenship'. The leader of FF and Taoiseach put it equally simply thus:

> the constitutional referendum on citizenship has a single and straightforward purpose. There is a loophole in our citizenship law that is open to abuse. Voting Yes will close that loophole. Ireland is the only EU country that allows an unrestricted right to citizenship at birth. The Governments [sic] proposals are to change that.[43]

The deputy Prime Minister insisted that a Yes vote on 11 June would merely bring Irish citizenship legislation in line with other European countries by "end[ing] the situation where people who have no connection with Ireland, and may continue to have no connection with Ireland, can acquire citizenship for their children".[44]

In May of 2004 the Irish Government identified what it argued was a further 'impetus' for the referendum in a ruling handed down by the European Court of Justice's Advocate General on the case of baby Catherine Chen that month.[45] Catherine's mother, a pregnant Mrs. Chen (a Chinese national) had been due to be deported from the UK when, under advice from her lawyer Mrs. Chen had flown to Northern Ireland to give birth. Upon securing Irish (and therefore European Union (EU)) citizenship for her daughter, Mrs. Chen had eventually been allowed to return to the UK.[46] The Irish

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[40] Hanafin, M. (FF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment of the Constitution Bill 2004: Second Stage (resumed)*, Dáil Éireann, p.88

[41] Brennock, M. 'Tánaiste staunchly defends citizenship poll plan', *The Irish Times*, 02/04/2004

[42] Progressive Democrats Press Room, 'Statement by An Tánaiste on the Citizenship Referendum', 21/05/2004

[43] Department of the Taoiseach Press Room, 'Voting Yes will mean Ireland will continue to have one of the Most Liberal Citizenship Laws in Europe', 26/05/2004

[44] Progressive Democrats Press Room, 'Statement by An Tánaiste'

[45] Hennessy, M. 'McDowell insists his action heads off "threat"', *The Irish Times*, 19/05/2004

[46] The British Home Office initially denied Mrs. Chen and her daughter the right to reside in the UK, however, this decision was overturned by the Advocate General in May 2004. The Advocate General decision to allow Mrs. Chen to reside in the UK following the birth of her Irish citizen daughter was made on the basis that Article 18 of the EC Treaty provides for the right of every citizen of the Union to move and reside freely within the territory of the Member States. This judgment was later upheld by the

Government argued that the judgment by the Advocate General to allow Mrs. Chen to reside in the UK following the birth of her Irish citizen daughter – on the basis that Article 18 of the European Community (EC) Treaty provides for the right of every citizen of the Union to move and reside freely within the territory of the Member States – "highlighted the fact that having an Irish-born child is a passport to residency in wider Europe".[47] It argued that this case signaled even more clearly the need for an urgent change in the nature in which Irish citizenship could be acquired to prevent Ireland from being further used as a backdoor into Europe.[48]

In existing analysis of the 2004 Citizenship Referendum the pro-referendum stance articulated by the Irish Government has been associated with the belief that genuine citizenship must be based in the nation-state. According to this reading of the 2004 Irish Citizenship Referendum, the model of citizenship invoked here by the Irish Government is a particular or 'bounded' model of citizenship. Tracing the idea back to Rousseau and his "small-is necessary perspective on citizenship", David Miller equates bounded citizenship with the republican understandings of citizenship as an active ideal.[49] Here a specific political community is constructed around a bounded unit, understood as a finite single entity which is defined on the basis of shared characteristics.[50]

Racial Statehood

> The proclamation of 1916 promised to 'cherish all of the children of the nation equally'…yet this has been rendered effectively valueless by the Citizenship Referendum and subsequent legislation. The Irish state was able to strip some of its most vulnerable children of citizenship with the support of 80 per cent of the population. This reality is at the very core of the racism that we confront in 21st century Ireland. **Ronit Lentin and Robbie McVeigh[51]**

European Court of Justice in October 2004 in *Kunquian Catherine Zhu, Man Lavette Chen v. Secretary of State for the Home Department,* Judgment of the Court of 19 October 2004

[47] Brennock, M. 'FF says amendment is "sensible" response to citizenship situation', *The Irish Times*, 24/05/2004 – quoting Mary Coughlan, Minister for Social and Family Affairs

[48] Brennock, 'FF says amendment is "sensible"'

[49] Miller, D. (1999) 'Bounded Citizenship' In: K. Hutchings and R. Dannreuther (eds) *Cosmopolitan Citizenship* (London: MacMillan Press Ltd), p.69

[50] Ibid

[51] Lentin and McVeigh, *After Optimism?'*, dedication page. The 1916 proclamation – also known as the 'proclamation of the Irish Republic' (*Forógra na Poblachta)* or the 'Easter Proclamation' – was issued by the Irish Volunteers and the Irish Citizen Army in the course of the Easter Rising in Ireland which began on 24 April 1916. On behalf of 'The Provisional Government of the Irish Republic' it proclaimed Ireland's independence from the United Kingdom and the Irish people's right to national freedom and sovereignty.

The argument against the removal of the constitutional entitlement to birthright citizenship in Ireland in 2004 was articulated by most of the main Opposition parties in conjunction with various sections of Irish civil society. The largest Opposition party at the time (Fine Gael (FG)) objected to the timing of the referendum but did not oppose the basis of the referendum proposal itself.[52] Those who did object to the substance of the proposal included the Green Party, the Labour Party, Sinn Féin (SF), the Socialist Party, ICCL, the Children's Rights Alliance, Integrating Ireland, IHRC and NCCRI.[53] In the first instance, these bodies pointed out between them that the term itself 'non-national' was highly misleading as it lumped together a range of categories of persons who could be living in the state for a variety of different reasons, most of which involved a long-term commitment to living and working in the state.[54] They also challenged the statistical evidence presented, as well as the 'fact' of a direct correlation between the constitutional entitlement to birthright citizenship and the arrival of pregnant women in late stages of pregnancy or early stages of labour at Dublin maternity hospitals.[55]

One of the main arguments at the time was that the Government could provide no satisfactory breakdown for the overall numbers of births to non-nationals in order to confirm that they were in fact 'disproportionate'.[56] A damning report by the Children's Rights Alliance exploring the Government's argument found, on the contrary, that these numbers were in keeping with increasing volumes of inward migration to Ireland over the previous decade and the simple fact that a large percentage of migrant women were of childbearing age. This report also significantly points out – looking specifically at one

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[52] Hennessy, M. 'If June referendum goes ahead, FG will support it', *The Irish Times*, 21/04/2004

[53] Other organizations which opposed the referendum included the Waterford congress of Trade Unions; the Dublin Congresses of Trade Unions; the Union of Students in Ireland; the National Youth Council of Ireland; the National Women's Council of Ireland; the National Traveller Women's Forum; and the National Lesbian and Gay Federation. Examples of several campaigns set up specifically to bring various organizations together to contest the referendum were 'Lawyers Against the Amendment Campaign' (whose founders included Ivana Bacik and Professor William Binchy) and 'Campaign Against the Racist Referendum' (CARR)

[54] NCCRI (2004) *The Citizenship Referendum: Issues, Observations and Concerns*, Advocacy Paper No.3, June, pp.1-17

[55] Children's Rights Alliance (2004) *Immigration and Citizenship in Ireland* (Dublin: The Children's Rights Alliance), pp.1-36; ICCL (2004) *ICCL Briefing on Proposal for a Referendum on Citizenship,* 21 April (Dublin: ICCL), pp.1-17

[56] Labour Party (2004) *Citizenship Referendum June 11th: Facts? No! Figures? No! Reasons? No! Vote NO!*. Labour Party Campaign Leaflet, May; Green Party (2004) *10 good reasons to Vote No in Citizenship Referendum on June 11*, Statement Launched with Green Party Campaign to Oppose the Citizenship Referendum, 21 May

Dublin Maternity Hospital, the Coombe, but implying that these are consistent statistics across the other Dublin maternity hospitals – that it was not only non-nationals that had a tendency to arrive unannounced or in the late stages of pregnancy. It indicates rather that many Irish citizens did this during the same period as the Government emphasized the incident of non-national women doing so.[57] Overall, the lack of disaggregated statistics in this area is criticized. This report points out, for example, that even where it did exist the statistical data gathered to date in 2004 on births to non-Irish nationals in Dublin's maternity hospitals was not very useful. This is insofar as the term 'non-national' included women with British and/or other EU citizenship as well as those from outside the European Economic Area (EEA). It therefore did not distinguish between those for whom citizenship would not be a major pull factor given the increasingly narrowing gap between national and EU citizenship rights, as against those for whom it might be.[58] This report pointed out that those who were non-EEA citizens needed furthermore to be differentiated in terms of whether they were tourists, persons with refugee status (who therefore have Irish citizenship), or persons who had been granted a work visa or a work authorization permit in order to fill a gap in the labour market. It notes that "[w]omen in each category will have different reasons for their presence in Ireland at the time of giving birth" but points out that this is not acknowledged in existing statistics as maternity hospitals simply do not collect what is referred to as "comprehensive data" relating to the residency status of mothers.[59]

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[57] Children's Rights Alliance, *Immigration and Citizenship in Ireland*, p.13 These numbers are for the year 2003. The report explains that of the 7,848 women who gave birth at the Coombe during this period (only) 22% of these (1,726) were non-nationals. It then points out that of the overall 225 number given for women presented themselves at the Coombe hospital unannounced and within three weeks of delivery, "nearly half were Irish."

[58] European Citizenship (the entitlement to all those who are citizens of a Member State to be citizens of the European Union) was enshrined in the Maastricht Treaty (Article 17 (1)) in 1992. The argument which has been made is therefore that Irish citizenship is largely irrelevant for the majority of migrants in Ireland as approximately 70% hold EU citizenship which already confers almost equal rights (except voting in referenda, national elections and entitlement to some social welfare benefits) on them. Yasemin Nuhoglu Soysal discusses the importance of recognising the limits of national citizenship in Soysal, Y.N. (1994) *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press)

[59] Children's Rights Alliance, *Immigration and Citizenship in Ireland*, p.12; In their report on the referendum proposal, the NCCRI called specifically for "guidelines on the way that statistics are collected and used by public services…to ensure that such statistics are used *in context.*" NCCRI, *The Citizenship Referendum*, p.10

In addition to definitional and statistical issues, the idea that the referendum proposal itself was a 'simple technical' adjustment which would restore power to the Oireachtas to legislate on citizenship where this had been removed with the insertion of the amended Article 2 under the Good Friday Agreement, was refuted. Instead what was argued was that jus soli (birthright citizenship) had formed the fundamental basis of Irish citizenship since the foundation of the Irish Free State in 1922: initially through article 3 of the Constitution of the Irish Free State and later without interruption through successive legislation (Nationality and Citizenship Act 1935, 1956 and 1986) under the 1937 Constitution Bunreacht na hÉireann. Insisting that "jus soli has been the consistent and defining leitmotif of Irish citizenship law since 1922", what was asserted was that the proposed referendum would result therefore in a fundamental shift in how the principle of citizenship was to be regulated in Ireland: from being based predominantly on birthright citizenship (jus soli) to that of citizenship by descent (jus sanguine).[60] It was argued furthermore that the so-called 'loophole' identified by the Government in Article 2 of the Irish Constitution was in fact the result of an overwhelming decision by the majority of the population to support the terms of the Good Friday Agreement. What was denied was that this attempt to engender a more inclusive concept of Irish citizenship could be written off so easily.[61] Finally, it was pointed out that despite the implication by the Government, there was no imperative for Ireland to harmonize its citizenship legislation with that of other EU countries.

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[60] Hogan, G. (2004) 'Citizenship and the Constitution 1922-To Date', Paper Given as Part of Conference Held in Trinity College Dublin Entitled *The Citizenship Referendum: Implications for the Constitution and Human Rights*, 22 May, p.6. At the same conference Ashling Reidy, Director of ICCL insisted that "The proposal changes the basis of entitlement to citizenship from birth in the country to who your parents are. This would be the first time since the foundation of the state that Ireland would deny citizenship by birth." Reidy, A. (2004) 'The Need for a Referendum Considered', Paper Given as Part of Conference Held in Trinity College Dublin Entitled *The Citizenship Referendum: Implications for the Constitution and Human Rights*, 22 May 2004, p.5; The IHRC also argued at the time that the proposal would result in "a change in the fundamental law of the State." IHRC, *Observations on the Proposed Referendum*, p.4

[61] It is generally accepted that the change to Article 2 as a result of the Good Friday Agreement was an attempt to encourage a pluralistic understanding of identity on the island of Ireland. See, for example, Kiberd, D. (1998) 'Romantic Ireland is Dead and Gone: the English-Speaking Republic as the Crucible of Modernity', Lecture given at the Collège des Irlandais, Paris, April 29. However, for an interesting critique of this idea see, Finlay, A. (2007) 'Introduction' In: A. Finlay (ed.) Nationalism and Multiculturalism: Irish Identity, Citizenship and the Peace Process (Münster: LIT Verlag). Finlay argues that this change merely introduced a dual, as opposed to mono, understanding of identity. He points out that "in practice the only choice that seems to matter [subsequently] is to be British or Irish, unionist or nationalist." (p.5)

Other criticisms which were levelled at the Government were that they had allowed very little time for consultation and debate of the issues at hand. Instead they guillotined the referendum proposal bill in the Oireachtas and ignored calls for an all-party committee or hearings on this legislation.[62] Existing provisions in Irish citizenship legislation which would continue to allow for people of second and third generation Irish families to acquire Irish citizenship (often despite having never set foot on Irish soil), along with inadequate provisions for affording residency within the state to those who were living and working in Ireland for considerable periods of time, were also pointed at to indicate the weakness as well as the inconsistency of the Government's argument that its aim was to maintain the 'integrity' of Irish citizenship.[63] Teachta Dála (Member of Parliament) M. Higgins of the Labour Party perhaps best articulated the opposition stance to the referendum proposal in this respect:

> To summarise the current position: there has been no European request [to harmonize Irish citizenship legislation]; fundamental change to the Constitution is sought; the problem has not been quantified and has been distorted; and there has been no consultation.[64]

Without the statistical evidence deemed necessary to back up the Government's arguments regarding 'citizenship tourism', serious suspicions were raised about the proposal itself.[65] Where statistics did indicate abuses of Irish citizenship it was pointed out that these were so small that they did not warrant a change in the constitution. "We have been told that the number of people affected is 442. That does not represent a crisis…The Government is using it and it is opportunism."[66] What was suggested instead was that the Government was trying to cover up for a lack of funding in hospitals over the previous decade and that immigrants were ultimately being used as scapegoats for their failures in this regard.[67] The referendum was posited as an attempt by the Government to shift attention away from their record at the ballot box on 11 June when

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[62] Costello, M. (Labour), Oireachtas Debates (29 April 2004), *Twenty-Seventh Amendment*, p.982
[63] Bacik, I. (2004) 'Immigration and Citizenship Law: Implications of the Referendum Proposal' In: *The Citizenship Referendum: Implications for the Constitution and Human Rights* (Dublin: Trinity College Dublin School of Law), pp.34-47; Fay, L. 'Immigration needs answers, not false piety', *The Sunday Times*, 25/04/2004; Editorial, 'Immigration policy needed', *The Sunday Business Post*, 14/03/2004
[64] Higgins, M. (Labour) Oireachtas Debates (22 April 2004) *Twenty-Seventh Amendment*, p.12
[65] Cullen, P. 'Government accused of misinformation', *The Irish Times*, 24/05/2004
[66] Gormley, J. (Green) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.24
[67] Ó Snodaigh, A. (SF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.91

local elections were also to be held, "by chang[ing] the agenda to issues of race and ethnicity, and to raise scares that do not exist."[68]

It was put forward that the referendum proposal was an attempt to promote "a racist notion of citizenship and what it means to be Irish by creating a formal category of second-class citizen."[69] What was argued was that differentiating between 'genuine' and 'non-genuine' citizens should be seen as a practice in exclusion, one of the main results of which was that "migrant women in Ireland have been signified as 'Other' and stereotyped as sexually active child-makers, deliberately subverting Irish norms of citizenship and nationality".[70] Basing this argument on the understanding that "states have become the *gated communities* of the globalised world",[71] what has been invoked here is the idea of Ireland as a 'fortress' and the state as that which holds the power to decide who gets in and who is left out. As Harrington elaborates, the argument is that "[w]hat marks the Irish state out, as such, is no longer its exceptional virtue or piety, but the powers of exclusion and expulsion which it shares with all states receiving immigrants and asylum seekers".[72] Mancini and Finlay associate the pro-referendum stance with a narrow understanding of republicanism where the sovereign 'people' is defined as those who founded the republic "making it impossible to redefine 'the people' in light of changing circumstances."[73] Bryan Fanning makes a similar point, identifying the pro-referendum stance as an essentialist (as opposed to 'civic') type of republicanism.[74]

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[68] Boyle, D. (Green) Oireachtas Debates (11 March 2004) *Social Welfare (Miscellaneous Provisions) Bill 2004: Report and Final Stages*, Dáil Éireann, pp.313-314; Former leader of the Labour party (1997-2002) Ruairi Quinn similarly concluded at committee stage of proceedings that the referendum was merely "about narrow, racist, opportunistic attempt to garner some votes on 11 June. Sadly, that is the only conclusion I can reach, and it is disgusting." Quinn, R. (Labour) Oireachtas Debates (28 April 2004) *Twenty-seventh Amendment of the Constitution Bill 2004: Committee Stage (resumed)*, Dáil Éireann, p.774

[69] Oireachtas Debates (4 February 2004) *Immigration Bill 2004 [Seanad]: Second Stage (resumed)*, Dáil Éireann, p.495; Finlay, F. 'FF's Lowest tactic yet: spreading fear and confusion on immigration', *The Irish Examiner*, 01/04/2004

[70] Lentin, R. (2004) 'Strangers and Strollers: Feminist Notes on Researching Migrant M/others', *Women's Studies International Forum*, Vol.27, Issue.4, p.305

[71] Lentin and McVeigh, *After Optimism?*, p.22

[72] Harrington, J.A., (2005) 'Citizenship and the Biopolitics of Post-nationalist Ireland' *Journal of Law and Society*, Vol.32, Issue.3, p.441

[73] Brook T. (1998) '*China Men*, *United States v. Wong Kim Ark*, and the Question of Citizenship', *American Quarterly* 50.4, December, p.705 quoted in Mancini and Finlay, '"Citizenship Matters"', p.581

[74] Fanning, *New Guests*, p.6

Ronit Lentin explains that to refer to 'racialized exclusions' in this context is to emphasize the "new ethnicized spaces' in what Sibley calls "Ireland's geographies of exclusion".[75] Here, racism is no longer understood as individual prejudice but as "a system of subordination [which…] makes and keeps people different, separate and unequal".[76] The suggested alternative is a post-racial citizenship model which promotes "less restrictive understanding of Irish citizenship and belonging"[77] by encouraging "an interrogation of how the Irish nation can become other than white (Christian and settled)."[78] Crowley, Gilmartin and Kitchin among others have argued that this specifically involves an exploration of the idea of a decidedly heterogeneous Irish society. They point out that Irish society has always been multi-ethnic (comprising Travellers, Black Irish, Jewish among other migrants) despite the myth of the monocultural Gael.[79]

The point is then that in contrast to an exclusive model of bounded citizenship based on national ideals of citizenship proposed by the Government, those who oppose the 2004 Citizenship Referendum proposal are understood to have put forward a inclusive model of citizenship which promotes universal ideals regarding the possibilities for rethinking citizenship outside of existing narrow statist parameters. As Kimberly Hutchings points out, normally the distinction between the particular exclusivist and universal inclusivist models of citizenship, and the theories on which they draw, is seen to revolve around the manner in which one model sees morality and politics as only reconcilable within the nation-state, whereas the other argues that these can be bridged outside the nation-state as well.[80] In this regard it is widely accepted that they are opposing perspectives. However, my argument is that this opposition can be called into question by looking specifically at the ideal of subjectivity as autonomous and sovereign in the last instance, which underpins both these models in their analysis of the 2004

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[75] Sibley, D. (1995) 'Geographies of Exclusion: Society and Difference in the West', cited in Lentin, R. (2001) 'Responding to Racialisation of Irishness: Disavowed Multiculturalism and its Discontents', *Sociological Research Online*, Vol.5, Issue.4, p.1

[76] Lentin and McVeigh, *After Optimism?*', p.24

[77] Brandi, 'Unveiling the Ideological Construction', p.43; Crowley et al., '"Vote Yes for Common Sense Citizenship"', p.22

[78] Lentin, 'From Racial State to Racist State', p.1-6

[79] Crowley et al., '"Vote Yes for Common Sense Citizenship"', pp.1-35

[80] Hutchings, K. (1999) 'Political Theory and Cosmopolitan Citizenship' In*:* K. Hutchings and R. Dannreuther (eds) *Cosmopolitan Citizenship* (London: Macmillan Press), pp.3-32

Citizenship Referendum. I use the word 'ideal' here to emphasize that as well as an attempt to capture how citizenship does work, there is also a normative assumption common to both models regarding how citizenship *must* work.

Sovereign Foundations: The Theoretical Underpinnings of Existing Analysis of the 2004 Irish Citizenship Referendum

Prior to 2004, the question of Irish citizenship had been defined comprehensively by critical scholars in terms of the issue of the exclusion of women, Travellers, Jews and African females from the Irish statist project as embodied in the 1937 Constitution.[81] What was emphasized in this work was the existence of "a particular construction of …the very substance of what it meant to be Irish" as white, male and settled, and the corresponding exclusion of certain groups of people who are constructed as 'Other'.[82] The 2004 Citizenship Referendum has been interpreted as an extension of this process of Othering and there has been a correspondingly heavy emphasis in analysis of it on the role which gender, race, class, ethnicity and ideology play in this process. Some authors writing here have focused on the dominance of one of these factors,[83] whereas others have looked at the dominance of particular combinations of these factors.[84] Such analysis reflects dominant trends in international citizenship scholarship. This is insofar as it echoes existing work in this area similarly concerned with the issue of immigration which

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[81] Fanning, B. (2002) *Racism and Social Change in the Republic of Ireland* (Manchester: Manchester University Press); Gray, B. (1996) 'Irishness – A Global and Gendered Identity?', *Irish Studies Review*,, Vol.4, Issue.16, pp.24-30; Lentin, R. (1998) '"Irishness", the 1937 Constitution and Citizenship: a Gender and Ethnicity View', *Irish Journal of Sociology*, Vol.8, Issue.1, pp.5-24; Lentin, R. (1999) 'Constitutionally Excluded: Citizenship and (Some) Irish Women' In: Yuval Davis and Werbner, (eds) *Women, Citizenship and Difference*, pp.130-144; Luibhéid, E. (2003) 'Globalization and Sexuality: Redrawing Racial and National Boundaries through Discourses of Childbearing' In: R. Lentin and E. Luibhéid, (eds) *Women's Movement: Migrant Women Transforming Ireland* (Dublin: Trinity College Dublin), pp.74-84; McVeigh, R. (1992) 'The Specificity of Irish Racism', *Race and Class*, Vol.33, Issue.4, pp.31-45; Meaney, G. (1991) *Sex and Nation: Women in Irish Culture and politics* (Dublin: Attic Press)
[82] Meaney, *Sex and Nation*, p.233
[83] On the role of gender in the 2004 Irish Citizenship Referendum, see Garner, S. (2007) 'Babies, Bodies and Entitlement: Gendered Aspects of Access to Citizenship in the Republic of Ireland', *Parliamentary Affairs*, Vol.60, Issue.3, pp.437-452; On the role of ideology see Brandi, 'Unveiling the Ideological Construction'
[84] For a discussion on the intersections of race and gender in the 2004 Irish Citizenship Referendum see, Lentin, 'Strangers and strollers'; Lentin, 'From Racial State to Racist State'; Lentin, R. (2007) 'Ireland: Racial State and Crisis Racism', *Ethnic and Racial Studies*, Vol.30, Issue.4, pp.610-627 as well as Lentin and McVeigh, *After Optimism?*. For a discussion about the intersection of class and race in the 2004 Irish Citizenship Referendum see Harrington, 'Citizenship and the Biopolitics'

takes as its starting point how individuals and groups thereof are positioned vis-à-vis the state; the emphasis being on how the state constructs groups differently in society according to degrees of inclusion and exclusion.[85] As Yuval-Davis and Anthias point out in their seminal book *Women-Nation-State*, what has occurred here is a movement away from focusing on the way the state acts upon individuals to that of attempting to understand how "the state itself forms the political project".[86]

The title of Eleonore Kofman's paper 'Citizenship for Some but Not for Others: Spaces of Citizenship in Contemporary Europe' indicates here how the aim has been to challenge the assumed natural boundaries of the state by underlining their fluidity in relation to how individuals are positioned as included and excluded in different ways and according to different discourses.[87] To this extent T.H. Marshall's famous definition of citizenship (as "full membership of a community"[88]) has been problematized in how it implies that citizenship entails full membership of an established or a static political community.[89] What has been highlighted is the need to interrogate how the parameters of a particular society become fixed, as opposed to merely assuming that they reflect the pre-existing 'reality' of a particular cohesive community. The notion of an uneven struggle through which the terms of membership of a community are ultimately realized is paramount in this literature.[90] The emphasis on 'Fortress Europe' is particularly instructive here as that which emphasizes the exclusive nature of what Lutz calls 'European-ness'.[91] The result is the opposition of two generalized models of citizenship – the exclusive and the inclusive. As Kabeer explains, this is because the notion of inclusive citizenship stands opposed here to "the standpoint of the excluded"[92]; the latter identified with narrow conceptions of 'European-ness' in contrast to the former which is

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[85] Goldberg, *The Racial State*; Yuval-Davis and Anthias, *Woman-Nation-State*; Yuval-Davis et al. *The Situated Politics of Belonging*; Yuval Davis and Werbner, *Women, Citizenship and Difference*

[86] Anthias, F. and Yuval-Davis, N. (1989) 'Introduction' In: Yuval-Davis and Anthias, *Woman-Nation-State*, p.6

[87] Kofman, E. (1995) 'Citizenship for Some but Not for Others: Spaces of Citizenship in Contemporary Europe', *Political Geography*, Vol.14, Issue.2, pp.121-137

[88] Marshall, T.H (1992) 'Part I: Citizenship and Social Class' In: T.H. Marshall and T. Bottomore *Citizenship and Social Class* (Pluto Press: London), p.6

[89] Yuval-Davis, 'The Citizenship Debate', p.59; Anthias and Yuval-Davis, 'Introduction', p.30

[90] Anthias and Yuval-Davis, *Racialized Boundaries*

[91] Lutz, 'The Limits of European-ness'

[92] Kabeer, N. (2005) 'Introduction: The Search for Inclusive Citizenship' In: Kabeer, *Inclusive Citizenship*, p.1

associated with the possibility of "a non-sexist, non-racist, non-westocentric theory of multilayered dialogical citizenship."[93]

Within this literature, the importance of 'the state' in defining citizenship has been challenged and the question of citizenship has been explored from sub (local) and supra (global) level perspectives as well as from the national level.[94] There has also been enormous importance placed on deconstructing the notion itself of 'individuality' as referring to gender or ethnic neutral, bounded and unattached subjects who willingly engage in the social contract.[95] This notwithstanding, there remains, however, an understanding within this literature that the state (or a sub category thereof) and the (deconstructed) individual are still analytical categories in their own right. Yuval-Davis and Werbner perhaps best capture this in their introduction to *The Situated Politics of Belonging*. Here they explain that the T.H. Marshall understanding of citizenship as embodying three layers (the civil, political and social) permits an expansion of the notion of citizenship beyond "the right to carry a passport" and as such as always (and only) related to the nation-state, to that of "membership in all kinds of polities from local to global in which people participate in multi-layered ways".[96] At the same time they equally insist, however, on the necessity of continuing to maintain an understanding of the difference between realms of cultural and economic, as against 'political', inclusion and exclusion in relation to this membership; the latter which we are told is always determined by the boundaries of the subnational, national or supra national *state*.[97]

What this indicates is that the emphasis on sub-national (local) and supra-national (global) perspectives of citizenship on one hand and the deconstructed notion of individuality on the other, does not undermine an understanding of the inter-connected, but ultimately autonomous, relationship *between* the statist realm where politics is understood to be taking place and people's interaction 'in' the statist realm (political community). This is to point out that despite moving away from understanding

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[93] Yuval-Davis, N. and Werbner, P. (1999) 'Preface' In: Yuval-Davis and Werbner, *Women, Citizenship and Difference*, p.xi
[94] See in particular Kabeer, *Inclusive Citizenship*; and Yuval-Davis et al. *The Situated Politics of Belonging*
[95] See, for example, Goldberg, *The Racial State*; Lister, *Citizenship: Feminist Perspectives*
[96] Yuval-Davis, N. and Werbner, P. (1999) 'Introduction: Women and the New Discourse of Citizenship' In: Yuval-Davis and Werbner, *Women, Citizenship and Difference*, p.2; Marshall, 'Part I: Citizenship and Social Class', pp.8-17
[97] Yuval-Davis and Werbner, 'Introduction: Women and the New Discourse', p.2

citizenship as something which is exclusively "bestowed by the state"[98], and towards an understanding of it as something which is constructed in terms of other realms, there remains an emphasis in this literature on the need to always focus in the last instance on how citizenship (and hence the citizen-subject) is defined *vis-à-vis* the state (political realm) as that which delineates the boundaries of these other realms. The result is that the notion of autonomous sovereign beings, which exist in the last instance in relation to the state and *can* be included and excluded, is retained regardless of whether an inclusive or an exclusive model of citizenship is promoted.

Emphasizing the inclusive/exclusive citizenship framework within which dominant international citizenship studies literature operates is not an attempt here to ignore how the positions within this framework can also be broken down along the lines of liberal, communitarian, radical (new social movement and feminist) and cosmopolitan theories.[99] Similarly, it is not to ignore Robin Cohen's comments regarding a notable effort elsewhere within this literature to also consider a compromise to the exclusionary focused racial theories of the state in more inclusively focused cosmopolitan alternatives.[100] It is rather to draw attention to the manner in which the framework within which all these theories operate is one which is based on the overall assumption of the need to consider how membership of a fluid, universal humanity *can* be reconciled with membership of a particular and bounded community.

For example, in existing analysis of the 2004 Citizenship Referendum people were only able to vote Yes or No to the proposal and this can be seen to have encouraged extremes of opinion. What then of the self-professed more nuanced options which have been also offered in existing analysis of this event? Many people have argued that these break with the 'inclusive versus exclusive' citizenship framework insofar as they attempt to provide a model of citizenship which is a combination of the two; a middle ground if you will. Bryan Fanning in particular argues, for example, that concentrating on racism as the only underlying factor of the 2004 Citizenship Referendum as some people have done – by arguing that Ireland, previously a racial state, turned upon the passing of the 2004

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[98] Gaventa, J. (2005) 'Foreword' In: Kabeer, *Inclusive Citizenship*, p.xii
[99] On this see, for example, Delanty, G. (2000) *Citizenship in a Global Age: Society, Culture, Politics* (Buckingham: Open University Press)
[100] Cohen, R. (2006) 'Chapter 4: Constructing the Alien: Seven Theories of Social Exclusion' In: Cohen *Migration and its Enemies*, p.89-109

Citizenship Referendum into a 'racist' state[101] – is too simplistic.[102] He and others have instead suggested that the referendum might be better understood in terms of the role which nationalism has played as a concept which is bound up with processes of *both* exclusion and inclusion.[103] Elsewhere Iseult Honohan has attempted to consider how bounded citizenship need not necessarily embody notions of exclusion and particularism but, in and of itself "may be conceived of in ways that are more inclusive and open to diversity".[104] She does so by outlining "a civic conception [of bounded citizenship] that, while still particular, entails criteria that are less exclusive and less demanding of homogeneity than other conceptions of membership".[105] Honohan looks here at the implications of shifting the emphasis within the concept of bounded citizenship from strict regulation (as was focused on in the 2004 Citizenship Referendum proposal) to that of 'closure' which is based also on inclusion. She suggests that this allows for more nuanced distinctions between conceptions of citizenship than those which are embodied in the civic versus ethnic dichotomy normally taken for granted here.

I would point out, however, that despite moving from emphasizing exclusive and inclusive models of citizenship as opposites, to that of exploring how these models can be interwoven within certain concepts, the framework which is presented here by those such as Cohen and Fanning or Honohan still presents the politics of citizenship as that which must be defined in terms of the relationship between autonomous persons, or groups of autonomous persons (the universal), and the state (the particular). I therefore argue here that these more 'reasonable' options are not more reasonable in terms of an infinite range

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[101] This argument rests on the idea that the 2004 Irish Citizenship Referendum represents a shift from the Irish state using policies and practices to differentiate in terms of racial differences to that of using these racial differences to specifically justify the discrimination of particular groups. For an articulation of this argument, see, Lentin, 'From racial state to racist state'; and Lentin and McVeigh, *After Optimism?*; For an application of this argument see, Christie, A. (2006) 'From Racial to Racist State: Questions for Social Professionals Working with Asylum Seekers', *Irish Journal of Applied Social Studies*, Winter, Vol.7, Issue.2, pp.35-51; and Garner, 'Babies, Bodies and Entitlement'. It is applied here by Garner to a lesser extent than Christie.

[102] Fanning, B. (2007) 'Against the "Racial State"', *Studies: An Irish Quarterly Review*, Vol.96, Issue.381, pp.1-8; Fanning, *New Guests*

[103] Fanning, B. and Munck, R. (2007) 'Migration, Racism and Integration: Beyond Vision vs. Pragmatism?', *Translocations: The Irish Migration, Race and Social Transformation Review*, Vol.2, Issue.1, pp.1-11; Fanning and Mutwarasibo, 'Nationals/Non-Nationals'; Tormey, A. (2007) '"Everyone With Eyes Can See the Problem": Moral Citizens and the Space of Irish Nationhood', *International Migration*, Vol.45, Issue.3, pp.69-98

[104] Honohan, 'Bounded Citizenship', p.70

[105] Ibid

of possibilities. They need to be understood in terms of how they are simply more reasonable in light of the *existing* options outlined in the aforementioned trade-off between exclusion and inclusion, particularism and universalism that created the 'reality' that gave rise to a range of limited possibilities through which the politics of citizenship could be debated in the first place.

To conclude, the point being made in the first section of this chapter is that existing analysis of the 2004 Citizenship Referendum mirrors dominant trends in international critical citizenship scholarship. It does so by always positing the question of the politics of citizenship in terms of the relationship between subjectivity and the state via an emphasis on inclusion and exclusion in the statist project. It accordingly both reflects and reinforces a certain ideal that the character and location of modern political identity must be located in the claims of state sovereignty.[106] This places an emphasis on the institution of the state and divides responses into either those that justify, or those that critique the patterns of exclusion which can be traced through it. Despite a differing of opinion regarding the degree of inclusive-ness or exclusive-ness of the 2004 Citizenship Referendum, the point is that the lowest unit of analysis always remains the individual (albeit a thoroughly deconstructed notion) who is understood in terms of their ability to hold rights *against* the state.

Challenging the Citizenship Debate

I will now consider how R.B.J. Walker's notion of the constitutive subject of citizenship poses a challenge to the existing analysis of the 2004 Citizenship Referendum. As I will discuss, his work specifically questions the emphasis in this type of analysis (which is then used as a departure point to plot all subsequent trajectories) on the notion of the state (or sub category thereof) and (deconstructed) individual, as analytical categories in their own right. Walker highlights the manner in which the relationship between citizenship and the modern sovereign territorial state is a historically specific resolution of the question of politics (via diversity and unity) which is extremely significant but not 'true'

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[106] Walker, *Inside/Outside*, p.12

(timeless) beyond its ability to facilitate a modern expression of political identity. The result is to force us to think about dominant concepts of citizenship as being tied to a particular concept of subjectivity, as opposed to allowing us to presume that subjectivity has always been theorized via a framework through which a (subjective) self is theorized as sometimes included, sometimes excluded, (and often both) from the (natural) world of states and societies. I thus argue that another way of thinking about the 2004 Citizenship Referendum is possible (albeit extremely difficult to imagine) insofar as this presents us with an alternative starting point to conceptualizing the 'politics' of citizenship beyond how this is defined vis-à-vis the state.

Theorizing Modern Subjectivity

Unlike existing analysis of the 2004 Irish Citizenship Referendum and that of critical citizenship scholarship more generally in which the emphasis is on how individuals and groups of individuals are positioned vis-à-vis the state, R.B.J. Walker identifies a need to think about subjectivity in terms of how it is embedded in a historically prior resolution of particularism and universalism which is concentrated in the notion of statehood itself.[107] He does so by pointing to how, with the collapse of the authority structures of Christendom and the Roman Empire, there was a shift from a pre-modern to a modern framing of the problem of sovereignty. This was a shift in claims about what and where political life could be. Walker's point is that there is a need to consider the difference in how politics was based in medieval Europe on a fragmented system of rule – as Camilleri discusses, this was a system of "overlapping loyalties and allegiances, geographically interwoven jurisdictions and enclaves" (for example, city-states, principalities, trading cities, small kingdoms, and ecclesiastical estates).[108] This only subsequently, with the collapse of Christendom and the secularization of life in general, came to be organized around a more centralized system of rule via monarchies (through the employment of civil servants, the collection of taxes and dispensation of justice and the hiring of armies of mercenary troops) which resulted in an eventual clear-cut distinction between the

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[107] Walker, 'Both Globalization and Sovereignty'; Walker, 'Citizenship after the Modern Subject', pp.171-191; Walker, 'Polis, Cosmopolis, Politics'
[108] Camilleri, J.A. (1990) 'Rethinking Sovereignty in a Shrinking, Fragmented World' In: Walker and Mendlovitz, *Contending Sovereignties*, p.13. Camilleri points out that "[b]y the end of the fifteenth century, Europe comprised some five hundred more or less independent political units" (p.14)

domestic and external spheres of organization. Political units were not conceptualized in the former as self-contained (autonomous) parts which could come together with other such parts outside to make up a more universal whole, but as parts *of* a universal (transcendental) whole which had been fragmented from within.

> Although territorially segmented, the constituent units of the cosmopolitan order did not manifest the characteristics of possessiveness and exclusiveness associated with the modern concept of sovereignty. They saw themselves as municipal embodiments of a universal whole.[109]

The major difference here, as identified by Walker and as further discussed in detail by Bartelson in *The Genealogy of Sovereignty*, is the manner in which political entities were not conceptualized in medieval society as fully individuated units but as part (instances) of a pre-existent universal. To "distinguish what was *within* states and what was *between* states was not fully possible, either in theory, or in practice."[110] Rather, the notion of 'an outside' as that which could be clearly differentiated from 'an inside' in space and time is something which came about in the shift from medieval hierarchies to modern claims to state sovereignty.[111] Bartelson refers to the process which took place here as that of "inventing outsides":

> [T]he state was no longer derived from the divinely ordained harmony of the universal whole; it was no longer explained as a partial whole which was derived from, and preserved by, the existence of the greater: *it was simply explained by itself*.[112]

With this in mind, Walker's argument is that at some point between Machiavelli and Hobbes – who he argues can be read as two authors who most infamously attempted to respond to the new conditions of early-modern Europe[113] – "the political and communal creatures envisaged in Aristotelian traditions" gave way to an "unstable

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[109] Camilleri, 'Rethinking Sovereignty', p.13

[110] Bartelson, J. (1995) *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press), p.88

[111] For a detailed discussion regarding the various stages of the shift from the middle ages to the classical age and finally to the modern age through which 'outsides' were invented, see Bartelson, *A Genealogy of Sovereignty*

[112] Gierke, O. (1957) *Natural Law and the Theory of Society 1500-1800* (trans. E. Barker), (Boston: Beacon Press) p.40 quoted in Bartelson, *A Genealogy of Sovereignty*, p.90 (emphasis added by Bartelson)

[113] It should be noted that Walker's work is based on a reading here of Machiavelli and Hobbes *against* the grain of dominant interpretations (in particular within international relations theory) which posit these authors as confirming the interpretation of history as 'a long march to modernity'. Walker argues instead that both these authors can be read as writing in very specific contexts in response to the then new articulations of a general theory of the state and of a states system. Walker writes of Machiavelli, for example, that "He is more usefully approached as an explorer, an interrogator, as someone who poses questions about what politics can be under new historical and structural conditions". Walker, *Inside/Outside,* p.37

modern insistence on a world of free and equal subjects".[114] No longer political or communal as they had been under theological authority, this was the moment at which people became divisible from 'politics' and from each other. It was the moment when people became recognized for the first time *as* 'individuals', as the authority of God was replaced by the authority of 'Man'.[115] In *Citizenship after the Modern Subject*, Walker specifically explores how, as a result of the redrawing of lines in early-modern Europe our understanding of citizenship shifted at this point: from being based in a theologically legitimizing feudal status, defined in terms of the status of others above and below (hierarchical exclusion), to that of a self-legitimizing status, defined in terms of membership of a territorial community (spatial exclusion). Most importantly, Walker points out that in the shift from medieval hierarchies to modern autonomies, a particular understanding of subjectivity – as citizen-subject who is "at once multiple, specific, individual, and (at least potentially) universal, human, rational" – also became crucial to our understanding of how our political options should be *resolved*.[116] Walker does not deny therefore that states systems have existed in various guises throughout history. He does, however, insist that the modern claim to state sovereignty as that which is based on the "*decisive* demarcation between insides and outsides, between self and other, identity and difference, community and anarchy that is constitutive of our modern understanding of political space", needs to be understood as a very specific historical achievement which is constitutive of modern subjectivity and our conception of the possibilities of what it is to be a 'citizen'.[117]

Having drawn our attention to the "assumptions about the past, present and future of what we call politics"[118], Walker is at pains to stress that despite their historical nature, we now take for granted as if they had always been thus "[t]he lines that are drawn through early-modern Europe…designated to guarantee separation: of a (subjective) self from the (objective, natural) world".[119] Walker does not deny that there are concerted resistances to this dominant framing. However, he argues that these too attest to the

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[114] Walker, 'Polis, Cosmopolis, Politics', p.269
[115] Ibid, p.275
[116] Walker, 'Citizenship after the Modern Subject', p.196
[117] Walker, *Inside/Outside*, p.174 (emphasis added)
[118] Walker, 'Citizenship after the Modern Subject', p.174
[119] Walker, 'Polis, Cosmopolis, Politics', p.179; Walker, R.B.J. (1995) 'Sovereign Identities and the Politics of Forgetting' In: *Inside/Outside*, pp.159-183

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difficulty of engaging in discussions about citizenship on any other terms than through the understanding that it is possible to distinguish the inside from the outside, the particular from the universal and therefore via the question of the state and the notion of autonomous subjectivity as tied to the state.[120] The problem, as Walker points out, is that most of the alternatives offered – whether these emphasize a specific theory of postnationalism such as cosmopolitanism, or merely promote greater inclusion via challenges to statist conceptions of political community – are themselves already assumed in the prior formulation of the problem as one of particularism and exclusion defined according to the state as analytical category in its own right *in the first place*.[121] The implication here is that the state has become both the problem and the solution regarding questions about the possibilities for political life, and that this framing makes the question of citizenship itself when referred back to these statist terms, a "crucial but irresolvable problem".[122] As Vaughan-Williams points out, this is because it is the state which defines the boundaries of exclusion which are then used to (re)define who needs to be 'included' in the state; "it is precisely the state that produces the foreigner, immigrant, exiled, deported or state-less person in need of greater levels of universal hospitality in the first place".[123]

In an attempt to separate out understandings of what political life is supposed to be from understandings of how the modern territorial state has become inherent in the natural resolution of this question, Walker suggests that citizenship should be (re)conceived: not only in relation to where we draw the boundaries of the state or those of the individual, but also in relation to how we take for granted the sovereign autonomous 'we' which supposedly exists separate from the boundaries of the state in the first place. He asks us, in other words, to think about citizenship as being tied to a particular notion of subjectivity rather than assuming that subjectivity is naturally autonomous and sovereign. As will be discussed in greater detail in chapter two, Walker's notion of a constitutive subject of politics (which he refers to as the modern subject) builds on the Foucauldian idea that there is a specific "kind of individuality

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[120] Walker, 'Citizenship after the Modern Subject', p.171
[121] Walker, 'Polis, Cosmopolis, Politics'
[122] Walker, 'Citizenship after the Modern Subject', p.173
[123] Vaughan-Williams, N. (2007) 'Beyond a Cosmopolitan Ideal: the Politics of Singularity', *International Politics*, Vol.44, Issue.1, p.115

which has been imposed on us for several centuries".[124] Walker specifically links this idea to our current understanding of politics as located in claims to state sovereignty and our understandings of time (as linear and progressive) and space (as absolute and infinite) associated therewith.[125]

There is, however, little evidence that the understanding of the sovereign autonomous 'we' which supposedly exists separate from the boundaries of the state – to which Walker draws our attention – has been anything more than merely assumed in existing analysis of the 2004 Irish Citizenship Referendum. In this analysis, the boundaries of the Irish state have been deconstructed: both by the interrogation which has taken place of the notion of 'Irishness' as a homogenous or coherent category[126] and of the underlying foundational category upon which 'Irishness' is based which is Irish republicanism.[127] Similarly the notion of a gender or ethnic neutral self has been thoroughly challenged in these accounts. However, there is a relatively unproblematic retention in these existing accounts in the last instance of a claim to the original dualism of modern subjectivity which Walker identifies – between 'citizen' (as particular identity defined in terms of the Irish state) and 'Man' (as universal identity defined in terms of humanity).[128] This is despite the challenge which the presence of the Irish citizen/non-citizen child of non-national parents poses to this dualism. I am referring here to the challenge posed by the exceptional status of citizen-children born to undocumented migrant parents on the island of Ireland who have (had) an unqualified right to Irish citizenship but whose right, as a result of the Fajujonu ruling in 1990, to live in Ireland has been suspended (as opposed to being revoked) temporarily by a need to secure the 'care and company' of their parents in the first instance. These children are not entirely 'inside' the Irish state and therefore part of its present national narrative as their

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[124] Foucault, M. (1982) 'Afterword: The Subject and Power' In: H. Dreyfus and P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeutics* (Sussex: Harvester Press), p.216
[125] Walker, *Inside/Outside*, p.12
[126] Crowley et al., '"Vote Yes for Common Sense Citizenship"'; Lentin, 'From Racial State to Racist State'
[127] Fanning, B. (2009) 'The Once and Future Nation State' In: *New Guests*, pp.157-180; Harrington,, 'Citizenship and the Biopolitics'
[128] As will be discussed in chapters three and four of this thesis, both gendered and human rights explorations of the 2004 Irish Citizenship Referendum have been undertaken. This has resulted in a renewed focus on this relationship in terms of citizen(ship) and 'Woman' or 'Human' (rather than 'Man'). However, the dualism of precise particularity and more general universalism which Walker associates with modern subjectivity has been retained.

citizenship is deferred momentarily, but nor are they 'outside' of the Irish state and therefore only potentially part of its future national narrative either as they remain Irish citizens in law. These Irish citizen children of migrants are in the unusual position of being people who can only be conceived of as potential (rather than definite) abusers of Irish citizenship therefore; people who *could* be deported but not necessarily so. This challenge forms "a conceptual, empirical and physical breach in the relationship between 'human' and 'citizens'", between past and present because both possibilities are deferred here, if only momentarily.[129] Yet, this is ignored in existing analysis of the referendum which focuses instead on the marginalized and exclusionary status of the migrant parents of these children. This is arguably because this focus 'makes sense' according to existing understanding of where we assume 'political' subjectivity lies – as either particular (state citizenship) and therefore located in the present or, alternatively as universal (a form of humanity) and therefore located in the future.

Problematizing Modern Subjectivity

References by Walker to a specifically modern account of subjectivity which is tied to our understanding of what politics is and must be, can be read as shifting the focus in debates on citizenship with regard to how subjectivity is conceptualized. Instead of an emphasis on coherent categories of subject such as 'foreigner', 'Black', 'immigrant', 'African woman' as in the existing analysis of the 2004 Citizenship Referendum, the assumptions underlying the coherency of these subjectivities are questioned. This is done via an exploration of the appeals themselves to sovereign and autonomous subjectivity (as that which *can* always be included or excluded), upon which a (modern) notion of subjectivity is based. The word coherency is used here to capture a dependency on "the lines of analysis that we rely on 'to make sense' of our established political categories".[130] The alternative proposed is not 'incoherency', but rather 'making strange' the lines which we have come to take so much for granted, which tell us "how

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[129] Nyers, P. (1999) 'Emergency or Emerging Identities? Refugees and Transformations in World Order', *Millennium: Journal of International Studies*, Vol. 28, Issue.1, p.22

[130] Walker, 'Citizenship after the Modern Subject', p.198

universality and diversity *must* be related".[131] As opposed to starting with a framework wherein lines are (always already) drawn between a (subjective) self and an (objective) world of states, as is done in existing analysis of the 2004 Citizenship Referendum, Walker intimates at a different framework here which starts from the question specifically of how understandings of being have been *required* in the last instance to be articulated in terms of a coherent unified entity (a located presence) which can be pointed to as 'included' or 'excluded', as supposedly 'abusing' Irish citizenship or as supposedly 'not abusing' Irish citizenship. As Edkins and Pin-Fat discuss in detail elsewhere, this is to ask us to consider how a particular symbolic or social order is facilitated through an inscription of sovereign subjectivity as that which defines 'reality' in terms of modern politics, as opposed to presuming that modern politics (a sovereign political order and a sovereign autonomous subject) is the only possible political reality.[132] Walker's work essentially calls for a historicizing of the basis by which the question of 'being' has been posed specifically in terms of, and by way of, a particular framing of subjectivity (Irishness) *via* sovereignty (the Irish statist project). To respond to this call therefore is to take a new starting point for analysis of the 2004 Citizenship Referendum. It is to start specifically with the interruptions into assumptions that the modern state is the primary site of legitimate sovereign authority and ask how these interruptions *cannot*, rather than how they can, be subsumed (by redrawing its boundaries) into this dominant understanding of political community.

Existing analysis of the 2004 Citizenship Referendum takes as its natural starting point for questions about citizenship an inclusive/exclusive framework. It then considers on the basis of this the relation between understandings of 'abuse' (of Irish citizenship) and those of exclusion (from the Irish statist project). This (re)produces a modern account of subjectivity as coterminous with the boundaries of the statist project insofar as the

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[131] Walker, 'Polis, Cosmopolis, Politics', p.283; Butler argues that this type of approach is in opposition to the approach taken by "those who believe that we have a certain responsibility to write [and presumably to think] not only in an accessible way, but within the terms of already accepted grammar." She goes on to explain, "It's not that I'm in favour of difficulty for difficulty's sake; it's that I think there is a lot in ordinary language and in received grammar that constrains our thinking – indeed, about what a person is, what a subject is, what gender is, what sexuality is, what politics can be." Butler, J. (2004) 'Changing the Subject: Judith Butler's Politics of Radical Resignification' In: S. Salih and J. Butler, *The Judith Butler Reader* (Oxford: Blackwell Publishing), pp.327-328

[132] Edkins, J. and Pin-Fat, V. (1999) 'The Subject of the Political' In: Edkins et al., *Sovereignty and Subjectivity*, pp.1-18

notion itself of abuse is correlated with 'being' outside the state (difference) and the notion of non-abuse is correlated with 'being' inside the Irish state (identity). The point is that positing the politics of citizenship in 2004 in this way merely reinforces the statist monopoly on understandings of political community in the final instance. It does so by (re)affirming the binary nature of the issue: either people are inside the state because they are not considered to be abusing Irish citizenship, or outside the state because they are considered to be abusing Irish citizenship. It then defines the solution – when certain people are found to be outside the state – as widening the scope of the statist project to prevent further such accusations of abuse, thus reaffirming the state as the legitimate sovereign authority. This results in closing down any political possibility which is not defined in terms of a subjectivity which is divided into permutations of identity (inside) versus difference (outside). It is, as Jabri points out, "a politics which results in the exclusion of that which defies easy categorization."[133] There is no room for ambiguous in-between spaces because any challenge to the statist monopoly on understandings of political community which is opened up, for example, by the transient position which the Irish citizen child of non-nationals born in Ireland occupy, is immediately closed down by 'making sense' of it according to existing political categorizations – in this case their parent's marginal status as non-Irish citizens. As an alternative to this, what I am focusing on is the transient position which the children of non-nationals born in Ireland occupy as potential abusers of Irish citizenship, despite being Irish citizens. This enables an exploration of the possibilities opened up by this ambivalent positioning via its challenge to existing understandings regarding the boundaries of political authority, and a refusal to merely fit this ambivalence back into the dominant statist framework which clearly delineates between 'us' and 'them', the 'included' and the 'excluded', 'old' and 'new' citizens.

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[133] Jabri, V. (2001) 'Book Review: J. Edkins, N. Persram and V. Pin-Fat (eds) "Sovereignty and Subjectivity"', *International Affairs*, Vol.77, Issue.1, p.172

Citizenship 'After' the Modern Subject

In existing analysis of the 2004 Citizenship Referendum the emphasis on "privileging the voices of the racialised"[134] reveals that there is an assumption that 'they' can be brought 'inside' relations of power to counteract exclusive understandings of community with more inclusive ones. This takes for granted a coherency; a tangible inside which opposes itself to a tangible outside (if only in the last instance). It assumes a resolvability within spatially defined communities along the lines of gender, race, ethnicity and culture. In other words, although the boundaries of this community (understandings of 'where' the lines of the (Irish) state should be drawn) are no longer being taken for granted in critical explorations of the referendum, the location of (modern) political identity (understandings of *how* it is necessary to think about borders as absolute space between inclusion and exclusion) is still bound to the inscription of sovereign subjectivity. This is to point out that subjectivity is understood as that which can be defined in space and across time in the same way as the modern statist political community is defined.

Yet, citizenship is a site which marks the highly problematic nature of what and where politics occurs – as the debate about Irish citizen children born to non-national parents makes clear. Citizenship asks difficult questions about who and how we understand ourselves to be and confirms that the drawing of these lines is always much more complex than the eventual borders which emerge between 'us' and 'them' and between 'racialized' and 'non-racialized', would suggest. Irish citizen children born to non-national parents straddle several positions at once. They do so as agents and therefore as subjects. Their subjectivity cannot be defined in terms of singular agency because they are both agents as Irish citizens who belong and also deprived of agency as people who can be deported because they do not belong.

To consider Walker's work, I propose, is therefore to consider more generally how to interrogate "the image of clean lines…which prevails as a regulative ambition of modern political life."[135] Edkins and Pin-Fat identify an important difference in recent attempts to retheorize the political through the notion of 'subjectivity' which is

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[134] Lentin, 'From Racial State to Racist State', p.6
[135] Walker, R.B.J. (2005) 'The Doubled Outsides of the Modern International', Revised Version of Lecture Given at the Fifth International Conference on Diversity in Organizations, Communities and Nations, Central Institute of Ethnic Administrators, Beijing, China, 30 June – 3 July, p.1

instructive here in considering what is at stake in Walker's work. This is the difference which they identify between attempts which have been made to simply question the notion of the subject as the authentic source of action of meaning, and attempts which have been made to *reconceptualize* the subject by thinking of it in a new displaced or de-centred position. Edkins and Pin-Fat point out that in the latter attempts, the emphasis is on a subject without any fixed, essential or permanent identity. Here, the subject is left "not only fragmented but irretrievably split" and it calls the idea itself of sovereignty and its linearities (the self versus the other, inside versus outside) into question.[136] The result is an emphasis on the possibility of a politics based upon the ambivalence of subjectivity as an accumulation of encounters and synthesis which cannot be defined in terms of particular groupings or levels of inclusion and exclusion in an overarching sovereign statist project.

The Politics of Sovereign Statehood

In response to the 2004 Citizenship Referendum proposal which identified certain people as abusing Irish citizenship, a call was made for "possibilities for other, less restrictive understandings of citizenship and belonging".[137] This was a call to conceptually enlarge the boundaries of the imagined Irish community (those entitled to citizenship). The aim here was defined as that of a "challenge [to] essentialising views of immigrants and Irishness" in order to point to how those excluded can also be seen as increasingly intertwined within the Irish statist project.[138] The starting point for doing this, as already discussed, has been via an exploration specifically of the statist monopoly on understandings of political community with a view to deconstructing this. The problem having been thus defined in terms of the question of conceptions of abuse of citizenship by those located outside the Irish state, the solution is understood in terms of an emphasis on a more cosmopolitan Irish community whose existing narrow (white, settled and Catholic) boundaries have been broadened. As Bryan Fanning's book *New Guests of the Irish Nation* discusses, the aim is to replace, via "adaptive nation building", the 'old'

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[136] Edkins and Pin-Fat, 'The Subject of the Political', p.1
[137] Crowley et al., '"Vote Yes for Common Sense Citizenship"', p.22
[138] Crowley et al., '"Vote Yes for Common Sense Citizenship"', p.21; Fanning and Mutwarasibo, 'Nationals/Non-Nationals'; Fanning, *New Guests;* Lentin, 'Ireland: Racial State and Crisis Racism'

understanding of two separate communities (Irish and guests) with an understanding of a 'new' large community which has a broader range of identifications.[139]

What this indicates is that while existing analysis of the 2004 Citizenship Referendum allows for a conception of the politics of citizenship in terms of fluid and overlapping identities, it does so only insofar as these can be theorized in relation to the sovereign autonomous boundaries of political communities which are enabled by the state. Despite constant deconstruction of understandings of 'them' as outsiders and 'us' as insiders, identity (Irishness) has continued to be conceptualized as ontologically *against* difference (newness) in terms of how they are two interlinked yet separate unitary entities. These are the categories which are "constitutive of our modern understanding of political space."[140] The question of the political possibility of citizenship in the Republic of Ireland continues to be understood in relation to the Irish statist project by emphasizing the solution as a more broadened conception within this of what it means to be Irish. We are told how those who have been excluded from the Irish statist project can now be included and how this is to be realized. Yet, there is little room to explore the implications of how our desire to 'include' in the national narrative – to think of subjectivity in terms of sovereign autonomous entities existing in linear progressive time – presupposes that 'exclusion' must be defined according to these spatial and temporal understandings associated with the state. There is no conceptual space to question the basis of the assumption that the Irish state is always the proper legitimate authority in this regard.

Political (Im)possibilities

Walker's work destabilizes the truth that we must take state sovereignty as the necessary starting point for thinking about political subjectivity. It indicates instead that we need to think about the possibility that political subjectivity also operates outside of a sovereign framework. Moving deliberately away from defining the possibility of politics in terms first and foremost of the state is to refuse a specifically modern form of understanding

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[139] Fanning, B. (2009) 'The New Irish' In: *New Guests*, pp.145-156
[140] Walker, *Inside/Outside*, p.174

ourselves of 'being' associated with the metaphysics of presence.[141] In the case of the 2004 Irish Citizenship Referendum, this is to refuse the existing positioning of 'being' in terms of immigrant versus Irish, them versus us, those inside understandings of citizenship versus those outside understandings of citizenship, just because these groupings make sense according to established political categories. Instead of taking these boundaries as a starting point to try to understand how conceptions of subjectivity remain embedded in statist understandings of political community, the autonomy of these categories and the manner in which they derive their meaning from the state as analytical category du jour becomes that which needs to be explained.

I argue that an alternative to the dominant sovereign framing of subjectivity can be found in the work of Julia Kristeva. In *Strangers to Ourselves* Kristeva considers the lived political experience of groups classified as 'migrants' and 'asylum seekers'.[142] What Kristeva emphasizes is how the geographical and the corporal experience of lived borders (between national and international, between self and other) meet in these images of foreignness. Using Freud's explorations of the unconscious, as that which divides and (re)divides the internal self, to further explore how borders act as symbolic as well as physical signifiers of difference, Kristeva then considers how 'foreignness' can be theorized as "a symptom" which undermines the notion itself of unified selfhood by haunting *both* identity and difference, inside and outside.[143] In doing so, Kristeva rethinks the human condition as one of rupture *within* the notion of the (coherent) self and within (coherent) 'selves', as opposed to across them. The point is that instead of merely questioning the identity/difference, inside/outside framework within which conceptions of what it is to 'be' a subject are framed by the statist political discourse – this idea of the space of borderline as coterminous with the state – Kristeva indicates at how 'being' can be reconceptualized as "a strange land of borders and otherness ceaselessly constructed and deconstructed."[144] What we are left with then, as Jabri points out, is an "ever-shifting

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[141] Dillon, M. (1999) 'The Sovereign and the Stranger' In: Edkins et al., *Sovereignty and Subjectivity*, pp.117- 140
[142] Kristeva, *Strangers To Ourselves*
[143] Ibid, p.103
[144] Ibid, p.191

location of the borderline that…is no longer at the geographic boundaries of the state [nor at the physical boundaries of the subject] but permeates society [and 'self'] within."[145]

Unlike existing analysis of the 2004 Irish Citizenship Referendum, Kristeva's work cannot be read as an attempt to think how a 'fractured' subject and their various parts can be (re)conceived of in sovereign coherent terms as 'hyphenated-Irish' or as 'new guest of the nation'. Rather, she provides a re-reading of the ontological status of subjectivity itself – in terms of rupture rather than unity. In Kristeva's work the lines between foreigner and native, identity and difference, us and them, blur. Not only because they are more difficult to identify but because in concentrating on how "foreignness…creeps into the tranquility of reason itself"[146], the metaphysics of presence that sovereignty brings which is required to speak these lines, is displaced by "an ontological rift that an absence of any sovereignty suggests".[147] This is to leave the reader with an alterative understanding of 'being' as divided *in* its reliance on the notion of selves which implicates oppositional otherness, rather than an understanding of 'being' as divided in terms of 'the self' which *can* oppose otherness. The only way of conceptualizing human 'being' is no longer through a metaphysics of presence vis-à-vis the state (sovereignty) – "substance ontology"[148] – but also through a metaphysics of process (an ontology of plurality and hybridity). This understanding presents a very different conception of how the 'politics' of citizenship might be posed to what is currently presented in existing analysis of the 2004 Irish Citizenship Referendum

As Vicki Squire points out, a refusal to engage in an analytical framework that automatically supposes the logic of an inside/outside binary in relation to the question of citizenship, is not to ignore moments when this type of logic does come into play. It is rather to avoid "automatically presume[ing] such a logic to be manifest" and instead allow for the possibility that marginality can be conceived of via processes of differentiation which are "irregular, abnormal, strange" as well as sovereign and

[145] Jabri, V. (2009) 'Julia Kristeva' In: J. Edkins and N. Vaughan-Williams (eds) *Critical Theorists and International Relations* (London: Routledge), pp.227
[146] Kristeva, *Strangers To Ourselves*, p.170
[147] Edkins and Pin-Fat, 'The Subject of the Political', p.15
[148] McAfee, N. (2004) *Julia Kristeva* (Oxon: Routledge), p.87

autonomous.[149] Thinking in terms of the strategy offered in the work of Julia Kristeva is not to ignore, therefore, the exclusion which is defined in statist terms but to provide an alternative to the constant renegotiation of the categories of 'them' and 'us' according to this inside/outside binary logic where the focus is (always) on that of replacing 'excluded immigrant' and 'included Irish' with other coherent and self-contained understandings such as 'host' and 'newcomer' or 'old' and 'new' Irish. This allows for the possibility of a politics of citizenship that specifically recognizes the incompleteness of the subject and its fragmented being *before* lines are drawn along hierarchies of class, status, social order and territorial place and it can be authoritatively declared that 'you' have been constructed as belonging there, 'we' have been constructed as belonging here. This is to move away from the question of what 'makes sense' as to rethink citizenship without the modern subject is precisely not to make sense in the normal way. It is rather to think contemporary politics in terms of how we might "exceed the discursive space made available by an apparent binary but in effect mutually constitutive choice between state/nation/republic and some half-remembered, half-forgotten cosmopolis".[150]

The alternative lines of analysis advocated by Walker therefore do not provide a new 'solution' to the politics of citizenship in the Republic of Ireland in 2004 and since, nor elsewhere. What they do offer, however, is an(other) starting point for approaching the question of how the 'politics' of citizenship could be articulated in such a situation. This is one which tries not to fix possible responses according to the lines inscribed by modern subjectivities, but which actively encourages engagement with the patterns of continuity and diversity that eschew the clear, clean lines which tell us who we are and, where the (legitimate) boundaries of political community (must) lie.

Conclusion

This chapter has looked at how, in keeping with the assumption that the state is the site of proper authority, existing analysis of the 2004 Citizenship Referendum makes sense of the precarious positioning of children born to non-national parents in Ireland as Irish/non-

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[149] Squire, V. (2009) 'On Marginality', *ENACT Enacting European Citizenship Project, Work Package 3. Enacting Mobility: A More Democratic European citizenship?*
[150] Walker, 'Citizenship after the Modern Subject', p.198

Irish citizens, in terms of their degree of inclusion and exclusion from the Irish statist project. In contrast to this singular focus, this chapter has sought to consider how moves could be made to explore instead the precariousness of this subjectivity outside of established understandings of where the boundaries of citizenship normally lie. This has been done by introducing R.B.J. Walker's notion of the constitutive subject of citizenship, as that which interrupts the existing citizenship debate as based around questions of inclusion and exclusion 'in' the statist project by contesting the assumption that subjectivity *has* to be defined vis-à-vis its relationship with the state. His work allows us to consider instead the assumptions regarding autonomy and sovereignty which this assumes and (re)produces. In so doing, this chapter has sought to rethink our understanding of the existing analysis of the 2004 Irish Citizenship Referendum. Instead of presenting an infinite range of options according to which citizenship can be understood (a series of competing debates about citizenship), this is reconceptualized as presenting a spectrum of interpretive dispositions within which a certain 'reality' regarding citizenship has been constructed in and around the image of modern subjectivity (a general citizenship debate made up of various positions).

Sara Salih argues that "making the ordinary world seem strange (rather than unintelligible) constitutes a move towards a more capacious understanding of otherness."[151] Our task, however, she explains, is not to emancipate ourselves from existing understandings of who we are but rather to "replay and recite them in order to reveal the[ir] instabilit[ies]".[152] Walker's work as applied here should not therefore be taken to imply that we can move 'beyond' the state, nor beyond a modern conception of subjectivity as sovereign and autonomous. As Foucault pointed out, "the political, ethical, social, philosophical problem of our days" is not to liberate ourselves from the state but from "the type of individualization which is linked to the state."[153] What is proposed is rather the refusal of a certain kind of subjectivity which has monopolized our understanding of ourselves as beings which exist vis-à-vis our relationship with the state, as the only kind of subjectivity. What has been emphasized is our need to consider how

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[151] Salih, S. (2004) 'Introduction to "Changing the Subject: Judith Butler's Politics of Radical Resignification"' In: S. Salih and Butler, *The Judith Butler Reader* (Oxford: Blackwell Publishing), p.326
[152] Ibid
[153] Foucault, 'Afterword: The Subject and Power', p.216

ordinary concepts such as 'foreignness' do not only confirm existing assumptions regarding marginalization but can be repeated and replayed to reveal instabilities in existing understandings about where 'the margins' are located, how they are negotiated and what they imply.

Imagining a politics "beyond the horizons of a sovereign space" where the completeness of the subject is constantly reaffirmed, is no easy task.[154] Yet, it is evident that attempts are already being made to engage with this possibility in the context of the question of citizenship and belonging on the island of Ireland. Calls have, for example, been made for a counter history of the story of Ireland and its multiple peoples and diasporas, which moves away from the tribal narrative of a core nation of 'old' Celtic and successive invasions of 'new' Irish.[155] This is to call for imaginations of political horizons which take account of, rather than neutralize the multiple and overlapping encounters and syntheses which result from uneven combinations and ambiguous margins. The next chapter of this thesis considers this question further. In particular it looks at how Walker's work, and that of other theorists which share a concern regarding the limits of sovereignty, permit us to begin to imagine these alternative political horizons "that ask after the silences, the margins, the excluded" rather than the sovereign and the coherent.[156]

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[154] Walker, 'Citizenship after the Modern Subject', p.175

[155] MacÉinrí, P. (2009) 'If I Wanted to Go There I wouldn't Start from Here: Re-imagining a Multi-Ethnic Nation' In: D. Ging, M. Cronin and P. Kirby (eds) *Transforming Ireland: Challenges, Critiques, Resources* (Manchester: Manchester University Press), pp.38-51

[156] Masters, C. (2009) 'Judith Butler' In: J. Edkins, and N. Vaughan-Williams (eds) *Critical Theorists and International Relations* (London: Routledge), p.124

Chapter 2
Beyond Sovereign Politics:
An alternative perspective on the construction of citizen-subjectivity

> [R]ather than asking ourselves what the sovereign looks like from on high, we should be trying to discover how multiple bodies, forces, energies, matters, desires, thoughts and so on are gradually, progressively, actually and materially constituted as subjects, or as the subject. **Michel Foucault** [1]

Introduction

In chapter one I argued via engagement with R.B.J. Walker's work that the notion of 'sovereignty' (as that which pertains to understandings about what and where politics can be) has come to implicate a particular way of knowing and being. This is a way of knowing which became associated with the state in early-modern Europe as well as with an understanding regarding the *type* of subject(-citizen) which can be traced to the state: one which can clearly be distinguished from those 'above' (popes, emperors) and from those 'outside' (aliens and barbarians).[2] The aim of this chapter is to consider how exactly Walker's work and that of certain other theorists (including Richard K. Ashley, Judith Butler, David Campbell, Barbara Cruikshank, Jenny Edkins, Roxanne Lynn Doty and Veronique Pin-Fat) helps us to imagine alternative forms of political expression to that of modern subjectivity by attending to the limitations of subjectivity as defined in terms of the individual subject-citizen which exists vis-à-vis the state as sovereign presence. I argue that drawing upon these works posits another way of thinking about and understanding citizenship. They allow us to consider how excluded or included selves can be shown to be produced *as* 'individuals' vis-à-vis the notion of sovereignty, as opposed to assuming that individuality (sovereign autonomy) has an essence in and of itself which merely (pre)exists the state and which *must* be appealed to when exploring the 'politics' of citizenship. The chapter considers how Julia Kristeva's work – which presents a distinctly non-modern theory of the self – provides a way of undermining the

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[1] Foucault, M. (2004) *Society Must be Defended*: *Lectures at the Collège de France 1975-76*, (trans. D. Macey), (London: Penguin Books), p.28
[2] Walker, *Inside/Outside*, p.179

truth of a subject based around sovereign presence, as called for here. Her work does so by building on the idea of the psychoanalytical subject which, on the contrary, is based around rupture (the impossible subject). Kristeva theorizes this subject in terms of how it is constructed by virtue of exile, separation and foreignness as that which is always already *within* the subject, as opposed to that which it is defined against (its constitutive outside).

Analysis of the 2004 Irish Citizenship Referendum has focused (and continues to focus) on the question of how notions of 'them' and 'us' are constructed by culturally circumscribing located embodied selves in terms of race, gender, class etc. In his analysis of the 2004 Citizenship Referendum Anwen Tormey, for example, describes how

> the notion of immorality is laminated upon black bodies – specifically black pregnant women – and…the presence of black migrant workers, refugees and asylees consequently comes to be experienced in Irish national space as transgressive, their political subject hood constrained by the supposedly legible abjectivity of their bodies.[3]

Elsewhere Ronit Lentin similarly emphasizes the importance of understanding the decision undertaken in the Lobe and Osayande case in January 2003 as that which led up to the 2004 Irish Citizenship Referendum, in terms of how

> contemporary political and media accounts of 'floods' of *actual* black babies have arguably been used by the state and its agents to condition Irish people in preparation for the reversal of the right of 'non-nationals' to remain in Ireland…[even though] they are parents [of Irish citizen children].[4]

A way of characterizing this type of approach is in relation to how it emphasizes processes of social construction by way of a distinction between social subjectification (meaning) and material objectification (substance).[5] This is to point out that it concentrates on the ways in which 'citizens' are classified (socially constructed) on the basis of understandings which are gathered by inscribing particular meanings on bodies in terms of notions of inclusion and exclusion. Here the object of investigation and the basis for theoretical analysis is the embodied individual whose presence is taken for granted. The name sometimes given to this type of approach is 'social constructivism' or

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[3] Tormey, '"Everyone with Eyes', p.69
[4] Lentin, R. (2003) 'Pregnant Silence (En)gendering Ireland's Asylum Space', *Patterns of Prejudice*, Vol.37, Issue.3 p.312; See also Breen et al. 'Citizens, Loopholes and Maternity Tourists'
[5] This is a distinction which is discussed at length in Butler, J. (1993) *Bodies that Matter: On the Discursive Limits of Sex* (London: Routledge)

'soft constructivism'.[6] This chapter will discuss how the work of R.B.J. Walker and others stands as an alternative to this approach insofar as it emphasizes the need to explain the way in which excluded or included selves are produced *as* 'individuals' in terms of the notion of sovereignty (understood as located presence), rather than assuming that sovereign selves always already exist vis-à-vis the state and can necessarily be taken as a starting point in respect of the question of political subjectivity more generally.

It is important to note that the bodies of work considered in this chapter are not taken – neither here nor elsewhere – to represent a unifying theory in and of themselves. This is not least because it is recognized that they are works which span (as opposed to converging upon) a range of subject areas within global politics (including, but not limited to gender, security, famine, migration and democracy). They embody vastly different concerns and draw on a multitude of approaches, not least deconstruction, psychoanalysis and genealogy. Rather, what this chapter aims to do is to consider how a common concern regarding the need to problematize the notion of the sovereign subject as a necessary starting point for understanding 'politics' across these certain works allows us to draw from them an alternative perspective on the construction of citizen-subjectivity.

The first part of the chapter explores how this style of thinking centres upon a different articulation to that of modernity in respect of how subjectivity and power are conceptualized. This can be traced back to Michel Foucault's work. Foucault calls for a political philosophy which is not "erected around the problem of sovereignty, or therefore around the problems of law and prohibition"[7] but instead around the 'orders of problematizations' through which "being offers itself to be, necessarily thought".[8] His

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[6] The idea of social constructivism as a coherent approach in itself is not uncontroversial: see, for example, Fierke, K.M. and Jorgensen, K.E. (eds) (2001) *Constructing International Relations: The Next Generation* (Armonk, New York: M.E. Sharpe). For a discussion about the limitations of social constructivism, however, in comparison to the alternative approach explored here, see Persram, N. (1999) 'Coda: Sovereignty, Subjectivity, Strategy' In: Edkins et al., *Sovereignty and Subjectivity*, pp.163-175; Ronan Palan differentiates between 'soft' and 'hard' constructivism. He identifies the latter as associated with psychoanalysis and that of displaying "a distinct theory of the Self". Palan, R. (2000) 'A World of their Making: An Evaluation of the Constructivist Critique in International Relations', *Review of International Studies*, 26, p.585

[7] Foucault, M. (1980) 'Truth and Power' In: *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (ed. C. Gordon), (New York: Pantheon Books), p.121

[8] Foucault, M. (1986) *The Use of Pleasure: The History of Sexuality, Vol. 2* (trans. R. Hurley), (Suffolk: Viking), p.11. Foucault argues here more specifically that his work was "a matter of analyzing, not

work is used to consider three very important theoretical concepts which underpin this thesis: these are the notion of a de-centered subject, the idea of discourse as practice, and the importance of understanding power as productive. What is stressed is the manner in which this thesis attempts to rethink the sovereign 'self' *as* a discursive effect in the discussions surrounding the 2004 Irish Citizenship Referendum. This is contrasted with the emphasis in existing analysis of 2004 Citizenship Referendum on the need to think the sovereign self as located presence which is merely (re)constructed 'in' discourse.

The second part of the chapter discusses in detail the manner in which this thesis attempts to rethink the problematic of subjectivity as that which presents itself in the form of a particular problem to which 'we' seek solutions rather than as something which exists 'out there' as sovereign presence. In seeking these solutions we construct ourselves and other 'subjects of knowledge' as discursive effects. It contrasts this with the reliance in existing analysis of 2004 Citizenship Referendum on an understanding of the non-discursive (or extra-discursive) historical and social practice of self as presence. The final section of the chapter looks at the implications of interrogating citizen-subjectivity as sovereign presence in this manner. It argues that this allows us to re-emphasize 'the political' (the moment of contestation) by forcing us to revisit (repoliticize) the boundaries of what we have come to know as 'the self' and accordingly what we imagine political subjectivity *can* be.

Interrogating Sovereign Politics

The question of sovereignty (as that which defines what politics can be) and what we mean *by* 'sovereignty' as the basis for politics, is one which is increasingly problematized by those aware of the complexity of histories and the variety of competing authorities. While the simple fact of state sovereignty is itself often problematized however, state sovereignty tends to remain the starting point nonetheless for interrogating alternatives to,

behaviours or ideas, nor societies and their 'ideologies,' but the *problematizations* through which being offers itself to be, necessarily, thought- and the *practices* on the basis of which these problematizations are formed." (p.11); See also Foucault, M. (2000) 'Polemics, Politics and Problematizations' In: *Ethics: Essential Works of Foucault 1954-1984,* Vol. 1, (ed. P. Rabinow, trans R. Hurley et al), (London: Penguin Books) pp.111-120

as well as the basis of modern politics. This is insofar as use of the word 'sovereignty' is assumed to refer to power or authority and therefore to indicate an attribute of the state. What tends to be focused upon from this perspective is how the particularity of state sovereignty as the basis of politics needs to be 'resisted' or 'transcended' by more universal concepts of political community and identity. The emphasis therefore remains here on the simultaneity of political subjectivity as both particularistic as well as (potentially) universalistic in its aspirations and possibilities.

For others, however, it is precisely this supposed obviousness of the idea of state sovereignty and the binary nature of political subjectivity as always already (and only) informed in terms of dualistic claims about humanity and precise particularity which requires further interrogation.[9] What is focused on here is the difficulty which appeals to state sovereignty (even as that which must be resisted or transcended) have in accounting for the complexities and the fluidities of non-centralized productions of power. Phenomena such as the internationalization of economic activity, technological virtualization, the globalization of social justice movements, and the diversity of flows of people across the world are understood here as *contradicting* and *undermining* our understanding of 'politics' as associated *with* the state, rather than simply transcending or working against state sovereignty as the basis of politics.[10] What is emphasized is how the (by now, almost clichéd references to) temporal and spatial convergence in many aspects of modern day life – these include transnational capital or diasporic flows that so confuse sharp distinctions between what is presumed to be here and there, us and them, past and present – contradict the notion of seemingly stable and fixed foundations (the

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[9] Ashley, R.K. (1988) 'Untying the Sovereign State: A Double Reading of the Anarchy Problematic', *Millennium: Journal of International Studies*, Vol.17, Issue.2, pp.227-262; Ashley, R.K. (1989) 'Living on Borderlines: Man, Poststructuralism and War' In: J. Der Derian and M.J Shapiro (eds) *International/Intertextual Relations: Postmodern Readings of World Politics* (New York: Lexington Books), pp.264-265; Bartelson, *A Genealogy of Sovereignty*; Campbell, D. (1998) *National Deconstruction: Violence, Identity and Justice in Bosnia* (Minneapolis: University of Minnesota Press); Edkins et al., *Sovereignty and Subjectivity*; Shaw, K. (2008) *Indigeneity and Political Theory: Sovereignty and the Limits of the Political* (Wiltshire: Routledge); Walker, R.B.J. (1992) 'Gender and Critique in the Theory of International Relations' In: V.S. Peterson (ed.) *Gendered States: Feminist (Re)visions of International Relations Theory* (Boulder and London: Lynne Rienner Publishers), pp.179-202; Walker, *Inside/Outside*

[10] Camilleri, 'Rethinking Sovereignty'; Doty, R.L. (1996) 'The Double Writing of Statecraft: Exploring State Responses to Illegal Immigration', *Alternatives: Global, Local, Political,* Vol.21, Issue.2, pp.171-189

idea of its presence as given[11]) implied in the limited spatial and temporal discriminations which are authorized by state sovereignty. What is emphasized is how these undermine further the assumption itself that we must take this presence juxtaposed with more (equally stable and fixed) universal accounts of community and identity, as the ground of *all* 'politics'.

The response of these scholars has been to interrogate therefore the meaning of 'sovereignty' (understandings of what politics can be) as *tied* to statehood and the emphasis here on infinite divisibility in space across continuous time. They have sought to understand how the state, rather than simply being the locus of power, is also first and foremost an effect in and of itself of certain relations of power which specifically assume, yet are required to reproduce on an ongoing basis, a particular spatial and temporal basis for political possibility. This is a particular spatio-temporal basis understood in terms of absolute spaces of politics inside (where power, authority, history and legitimacy reside) which are distinct from those of anarchy outside (where power, authority, history and legitimacy are absent).[12] This is what Walker calls "the articulation of political space/time".[13] Karena Shaw refers to it as "the architecture through which discourses and practices of sovereignty constitute political possibility."[14] Walker therefore insists that we recognize how "the principle of state sovereignty not only suggests how it is necessary to defend the borders, but also how it is necessary to think about borders, about the delineation of political possibility in both space and time."[15] Doing so he and others draw attention to how political 'borders' and 'limits' have been constructed along a scale from the bounded system of sovereign states through the bounded sovereign *to* the bounded individual.[16]

Roxanne Lynn Doty has coined the term 'statecraft' in order to attempt to capture the practices identified here that produce seemingly stable and fixed spatio-temporal foundations along a scale from 'the West' to 'Nation' to that of 'Citizen'. I suggest that

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[11] Ashley, 'Untying the Sovereign State'
[12] Ibid; Ashley and Walker, 'Reading Dissidence/Writing the Discipline'; Walker, *Inside/Outside*
[13] Walker, R.B.J. (1991) 'State Sovereignty and the Articulation of Political Space/Time', *Millennium: Journal of International Studies*, Vol.20, Issue.3, pp.445-461
[14] Shaw, K. (2002) 'Feminist Futures: Contesting the Political' In: R. Falk, L.E.J. Ruiz and R.B.J. Walker (eds) *Reframing the International: Law, Culture, Politics* (New York: Routledge), p.243
[15] Walker, 'State Sovereignty and the Articulation', p.457
[16] Edkins et al., *Sovereignty and Subjectivity*; Walker, *After the Globe*, p.98

her work presents a very useful way of thinking about the alternative to continuing to examine anomalies and deviations which supposedly exist from some fixed understanding of sovereignty as located presence.[17] This is because her use of the notion of statecraft serves to reinscribe normalized appeals to state sovereignty as an active process to *fix* meaning and authority, as opposed to a coherent presence whose meaning or authority has already been fixed. The result is that state sovereignty is retheorized as an ongoing contingent effect rather than as a thing or object which can be pointed to as complete and which opposes 'anarchy' (understood as that "problematic domain yet to be brought under the controlling influence of a sovereign centre"[18]).

Doty explores the notion of statecraft vis-à-vis state responses to illegal immigration. She argues that the state produces itself as a territorial entity with fixed boundaries through the practices of maintaining and securing its boundaries rather than by virtue of said fixed boundaries. She demonstrates this by exploring how these boundaries are constantly being renegotiated in terms of how people pass between 'illegal' (outside) and 'legal' (inside) status *within* domestic spaces rather than how they unproblematically pass between domestic and international spaces.[19] However, she argues that this process is difficult to see – evident in how most attention in respect of illegal immigration continues to remain on the notion of the physical border between the domestic (inside) and the international (outside) – given that international theory is based upon the assumption of the prior existence of the state as a fixed spatial entity within which time unfolds. She argues that this assumption masks how state practices only *retrospectively* reproduce the existence of the fixed boundaries (which are subsequently seen to have been 'transgressed' by the migrant) as the starting point for (as opposed to the result of) the notion of 'the sovereign state'. Essentially her argument is that the state assumes itself as an entity with fixed territorial boundaries and with a historical narrative into existence but that this goes unquestioned due to the manner in which the spatial and temporal imaginary which undergirds conventional understandings of the state – the

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[17] Doty, 'The Double Writing of Statecraft'; Doty, R.L. (1996) 'Sovereignty and the Nation: Constructing the Boundaries of National Identity' In: T.J. Biersteker and C. Weber (eds) *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press), pp.121-284

[18] Ashley, 'Untying the Sovereign State', p.230

[19] Doty points out here that "more than half of the illegal immigrants in the United States are 'visa overstays' (i.e., people who entered legally on tourist, student, or business visas, but who have failed to return home)." Doty, 'The Double Writing of Statecraft', p.181

notion of containers of domestic society which can be clearly distinguished from a realm of anarchy outside – also undergirds international political theory more generally: "The ontological commitment to the state ensures that the starting point is the existence of boundaries that are then transgressed, rather than the always-in-process practices that effect the construction of contingent, and never finally fixed, boundaries." [20]

What Doty's work emphasizes here therefore is not just the need to problematize the notion of the sovereign state as a type of political community which could be replaced by another type of political community, but the importance of considering how sovereignty, as Walker points out, in the first place acts as "an expression of claims about temporality and history enabling constitutive discrimination between those who belong …and those who do not".[21] For Doty, "[t]he power of the nation-state derives from the presumption of a pure authorizing presence, a center that is itself in no need of explanation".[22] With this in mind Jenny Edkins has notably argued for greater awareness of how the notion of 'political community' itself has been formulated. She points out that it implies a distinction from other types of community and retains the notion of 'politics' as a subsystem which is always engaged 'in' by someone and can therefore continue to be differentiated from an 'outside'.[23] Her suggestion is that we need to begin to recognize the manner in which understandings of 'politics' in Western society have become monopolized *by* 'sovereignty' (coining the term "sovereign politics" inspiring the title of this chapter) as that which, since early-modern Europe, is indelibly tied to the notion of divisibility in space and continuity in time.[24] What we in Western modernity call 'politics', Edkins points out, "entails a sovereign political order and a sovereign, autonomous subject" which we continue to take for granted.[25]

The result is that concepts which define the terms of membership of political communities in terms of political possibility such as that of 'democracy', 'cosmopolitanism' or 'citizenship' – which are normally discussed in terms of how they exist in and of themselves in relation to the state – are retheorized from this perspective;

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[20] Doty, 'The Double Writing of Statecraft', p.176
[21] Walker, *After the Globe,* p.99
[22] Doty, 'The Double Writing of Statecraft', p.184
[23] Edkins, *Poststructuralism and International Relations*, p.139
[24] Ibid, p.6
[25] Ibid

they are retheorized in terms of how they also derive their meaning *from* the spatio-temporal coordinates of the state and more specifically from how the notion of state sovereignty reproduces an image of the subject 'of' democracy, cosmopolitanism and citizenship as that which always holds rights against the state and thereby is separable 'from' politics in the first place. What is furthermore focused on from this perspective is how the idea of 'political possibility' as defined in terms of this modern subject capable of moving between different types of 'politics' (from, for example, repressive towards more emancipatory types), which is conceptualized to deal with existing problems of state sovereignty, does not challenge claims to state sovereignty but is based on reproducing the sharp, coherent spatio-temporal distinction between subject and world, knower and known; the dualisms through which the practices of state sovereignty were produced in the first place.[26] Rethinking the limits of sovereignty, as such, is seen as rethinking the limits of 'politics' and what this can be.[27] Instead of seeking to retheorize political subjectivity on the one hand and/or that of the possibilities for social political order, on the other, the emphasis from this perspective is on how neither is prior to the other. Rather, what is explored is how "the constitution of the subject ['being'] entails, and is inextricably linked with the constitution of a particular social or symbolic order ['being in common']".[28]

Edkins has suggested that Michel Foucault's work provides one of the best ways of coming to grips with the theoretical terrain considered here. She has suggested that this is because this line of thinking can be traced back to the inter-relation of two concepts indebted to his work: a de-centred subject and an alternative view of power.[29] This should not be taken to mean that this critical attitude is limited to the work of Michel Foucault. Rather, as R.B.J. Walker explained in respect of his own engagement with searching critiques of claims to autonomous subjectivity:

> Here my main inspiration comes from Michel Foucault, but only because I have found
> him to be a particularly challenging and sensitive entry into ways of thinking about

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[26] Ibid, p.6; Shaw, K. (2002) 'Feminist Futures'; Walker, *After the Globe*
[27] Edkins and Pin-Fat, 'The Subject of the Political'; Walker, 'Both Globalization and Sovereignty'; Walker, 'Sovereignties, Exceptions, Worlds'
[28] Edkins, *Poststructuralism and International Relations*, p.6
[29] Edkins, J. (2006) 'Encyclopedia Entry for Poststructuralism', M. Griffiths (ed.) *Encyclopedia of International Relations and Global Politics* (London: Routledge) pp.681-682

language, identity and power that seem to me to be indispensible for thinking about politics in the late twentieth century.[30]

The next two sub-sections explore the notion of a de-centered subject and the alternative concept of power found in Michel Foucault's work, which underlie this alternative theoretical terrain.

The De-centred Subject

The dethroning of "the heroic figure of reasoning man who is himself the origin of language, the maker of history and the source of meaning in the world" is one which has taken place in various stages.[31] I will begin here by outlining some of the most important stages in this process before then exploring how these came together in the work of Michel Foucault.

From sociological subject to postmodern subject

Stuart Hall identifies two stages in the process whereby the Cartesian subject which formed the basis for Enlightenment epistemology and whose articulation was based on a distinction between certainly and doubt and between truth and illusion, was 'de-centred'.[32] The first stage of this process was the move from Enlightenment subject to sociological subject. The Enlightenment subject was a unified individual with a centre and inner core from the moment of birth which was then understood to develop as the individual grows. It is this inner core which functioned as the source of the subject's identity. In comparison to this, the sociological subject appeared as the embodiment of an interactive conception of identity and self. As Hall explains, however, the sociological subject still had "an inner core or essence that is the real me" which was merely modified though "dialogue with the cultural worlds outside and the identities which they offer".[33] His point is that the distinction between society and the individual, inside and outside – also known as 'Descartes' dualism' – upon which the original Enlightenment subject was based did not ultimately become displaced or de-centred but still held true in relation to

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[30] Walker, *Inside/Outside,* p.23
[31] Ashley, 'Living on Borderlines, p.264
[32] Hall, S. (1992) 'The Question of Cultural Identity' In: S. Hall, D. Held and T. McGrew (eds) *Modernity and Its Futures* (Cambridge: Open University Press), pp.274-323
[33] Ibid, p.275

the sociological subject as it did for the Enlightenment subject. The second stage which Hall identifies of this de-centring process is the move from sociological subject to the postmodern subject which he explains is a subject *without* fixed, essential or permanent identity. Hall argues that it is this move to the postmodern subject which has seen the "final de-centring of the Cartesian subject".[34] Hall attributes this second stage to five major theoretical moves which he associates with the works of Karl Marx, Sigmund Freud, Ferdinand de Saussure, Feminism and finally Michel Foucault.[35]

According to Hall, Marx was among the first to put forward a theoretical anti-humanism as an alternative way of thinking to that of "some notion of a universal essence of Man lodged in each individual subject."[36] In declaring as he did during the nineteenth century to the effect that 'men [sic] make history, but only on the basis of the conditions which are not of their own making', Hall notes that Karl Marx displaced an abstract notion of Man.[37] He questioned the notion of individual agency as a consciousness independent of social structures by putting social relations (modes of production, exploitation of labour power etc.) at the centre of his theoretical system. Hall quotes Althusser as saying that "[h]e [Marx] drove the philosophical category of the subject, of empiricism, of the ideal essence from all the domains in which they had been supreme."[38]

An equally important stage which Hall identifies in this de-centring process was Freud's discovery of the unconscious. This, he explains, saw Freud put into doubt the idea of thought as characteristically rational and accessible. This is because Freudian philosophy saw consciousness as a particular aspect of the mind and not its most general feature. This effectively destabilized the basis for Cartesian philosophy which took for granted that consciousness was primary.[39] The importance of this moment is something I

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[34] Ibid, p.285
[35] Ibid
[36] Ibid, p.286
[37] Paraphrasing by Hall, 'The Question of Cultural Identity', p.285; The original quotation by Karl Marx is as follows: "Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past." Marx, K. (1963) *The 18th Brumaire of Louis Bonaparte* (New York: International Publishers), p.7
[38] Althusser, L. (1966) *For Marx*, (London: Verso) quoted in Hall, 'The Question of Cultural Identity', p.286
[39] Hall, 'The Question of Cultural Identity', p.288

will come back to later in this chapter when I consider the work of Jacques Lacan and Julia Kristeva.

Another stage which Hall considers is the questioning by feminism of the traditional distinction between 'man' and 'woman' and later 'public' and 'private', 'inside' and 'outside'. Feminism started out as a movement directed at querying the social position of women. It later, however, moved on to challenging outright the dominance of one form of subjectivity as a position of neutral universality; in particular "the disembodied, sexless, and gender-blind character of the Cartesian subject."[40] The notion of 'Mankind' was replaced, in other words, with the notion of sexual difference with the result that "it exposed, as a political and social question, the issue of how we are formed and produced as gendered subjects".[41]

One of the final theoretical moves which contributed to the de-centring of the Cartesian subject is to be found, we are told by Hall, in de Saussure's work. This emphasized languages as systems of cultural meaning and not as neutral tools used by subjects to invoke pre-existing thoughts or to name pre-existing objects. de Saussure queried the assumption that the subject speaks language. This was contrary to the image of the controlling will of the subject. By focusing on the cultural nature of language systems, de Saussure questioned the supposed natural link between signifier (sound image) and signified (concept) and the accepted understanding of the process of naming as that in which the subject points to an objects and names it by merely invoking a 'ready-made' idea.[42] For de Saussure the link between signified and signifier was an arbitrary one which was based on a contingent, as opposed to a stable cultural designation. According to Hall, this emphasis on linguistic patterns as rule-governed systems which eluded individual and collective will contributed, in the same way as Freud's theorizations about the unconsciousness, to the further undermining of Cartesian philosophy which was until then based upon the *secure* foundations of the rational,

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[40] Edkins, *Poststructuralism and International Relations*, p.30

[41] Hall, 'The Question of Cultural Identity', p.290

[42] de Saussure, F. (1966) *Course in General Linguistics* (ed. Charles Bally et al), (trans. W. Baskin) (London: McGraw-Hill paperbacks)

conscious subject at the core of knowledge: summed up in Descartes well-known phrase 'Cogito, ergo sum'.[43]

The work of Ferdinand de Saussure is often seen to have produced two traditions of analysis: structuralism and poststructuralism. Structuralism was seen as an attempt to replace meaning and the subject with "objective laws which govern all human activity"; to replace 'Man' as a meaning-giving subject with a meaning-given humanity.[44] In contrast to this, the approach referred to as 'poststructuralism' is defined by its rejection of the humanist notion of the subject as substance and its affirmation of it as position. Gadet calls this "the abandonment of transcendental subjectification".[45] It is often suggested that the work of Michel Foucault has served as the basis for the style of thinking which is associated with the latter tradition of analysis. Yet this should not be taken to mean that the work of Michel Foucault has been interpreted in only one way. On the contrary, there are many ways in which Michel Foucault's work has been interpreted and only some of these interpretations have contributed to the latter tradition of analysis. The origins of this approach, however, can be understood in relation specifically to the distinction which Foucault draws between a traditional 'history of ideas' which is based on a theory of the subject which engages in discourse, and his 'theory of knowledge' which focuses on how questions of power and knowledge are implicated in understandings of how the subject is produced *as* a discursive practice. As I will now discuss, the important distinction here is that the latter refuses to privilege any centre including the idea of presence itself.

Discourse as practice: from 'the subject' to relations of power

Dreyfus and Rabinow have argued that the structuralist alternative to objective causal laws, subjective rules and the horizon of meaningful practices was "to claim a formal level of explanation which is not physical and not intentional".[46] They insist, however, that Foucault rejected *all* levels of formal explanation and as such he eventually rejected

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[43] Hall, 'The Question of Cultural Identity', p.286

[44] Dreyfus, H. and Rabinow, P. (1982) *Michel Foucault: Beyond Structuralism and Hermeutics* (Sussex: Harvester Press), p.xv

[45] Gadet, F. (1989) *Saussure and Contemporary Culture* (trans. G. Eliot), (London: Hutchinson Radius, 1989) pp.154-155 quoted in Edkins, *Poststructuralism and International Relations*, p.25

[46] Dreyfus and Rabinow, *Michel Foucault: Beyond Structuralism*, p. 82

structuralism.[47] Foucault explained in the Archaeology of Knowledge that he wanted "to operate a decentring that leaves no privilege to any centre."[48] He argued that traditional historical methods promoted an overall pattern to history which could be traced back to an original centre at some point or other by positing a founding human subject that serves as the origin of history and as that which guarantees its continuity and identity.[49] He strove, as such, to emphasize that "[h]istory does not simply analyze or interpret forces: it modifies them."[50] The rules of history for Foucault were therefore not rules of universal reason but rules which are "empty in themselves, violent and unfinalized; they are impersonal and can be bent to any purpose."[51] Foucault claimed that 'Man' was the hinge which connected different ways of thinking in the modern period insofar as it was "that transcendental reflection with which philosophy since Kant has identified itself; which concerns the theme of the origin, that promise of the return…that orders all these questions around the question of man's being".[52] Following Nietzsche's challenge to the pursuit of origin, Foucault rejected this image of what he called "a primordial truth" which he saw as necessitating "the removal of every mask to ultimately disclose an original identity."[53] And, as an alternative to the traditional 'history of ideas' which was based on the idea of an immediately available area of certainty in the form of 'Man', Foucault developed 'a theory of knowledge' which incorporated a set of philosophical reflections on questions of truth, method and knowledge.[54]

The point is that Foucault's alternative approach to history was based on more than a simple critique of the human subject. It incorporated more importantly a refusal to extend what he saw as "faith in metaphysics".[55] This referred to faith in all immediately available areas of ontological certainty and not only those areas which were directly associated with a humanist discourse. Foucault was particularly interested in how the body had become the basis for self-recognition of experience. He wished to understand

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[47] Ibid, pp.82-103
[48] Foucault, *The Archaeology of Knowledge*, p.226
[49] Howarth, D. (2000) *Discourse* (Philadelphia: Open University Press), p.51
[50] Foucault, *Society Must be Defended*, p.171
[51] Foucault, M. (1984) 'Nietzsche, Genealogy, History' In: *The Foucault Reader* (ed. P. Rabinow), (Harmondsworth: Penguin) p.85-86
[52] Foucault, *The Archaeology of Knowledge*, p.225
[53] Foucault, 'Nietzsche, Genealogy, History', p.78
[54] Howarth, *Discourse*, p. 51
[55] Foucault, 'Nietzsche, Genealogy, History', p.78

how and, by way of what technologies of power, the body had become "the inscribed surface of events (traced by language and dissolved by ideas), the locus of a disassociated self (adopting the illusion of a substantial unity)".[56] He instead built his approach, which he called 'genealogy', around the belief that "[n]othing in man – not even his body – is sufficiently stable to serve as the basis for self recognition or for his understanding other men."[57] To this extent it is important to note that Foucault's theory of knowledge was anti-foundationalist and anti-essentialist insofar as it denied 'Man' his position at the centre of history. It was also, however, anti-teleological in that it rejected the traditional obsession with "the anticipatory power of meaning" (i.e. the search for the meaning of events) and instead sought to emphasize "the hazardous play of dominations."[58] It replaced the traditional search for the meaning of events in terms of a linear cause and effect relationship with an appreciation of the overall war of interpretations which ultimately undermines the supposed 'natural' direction of such a relationship. Instead of the history of subjects which unfolds via the minds of great thinkers, the anti-teleological history which Foucault sought to record is the history of morals, ideals and metaphysical concepts as they emerge on the stage of historical process in terms of discursive regularities. This results in a record of the history of themes through which human being(s) are defined *as* subjects in terms of "objects, rules of action and modes of relation to oneself" and, not a history since the beginning of time of the trajectory of persons understood as individuals with pre-existing rights and capabilities.[59] It is a history of the present and therefore of how 'we' have come to understand ourselves as individual-subjects with rights and capabilities, instead of a history which traces a line from the past to the present on the basis of, and therefore taking for granted, these processes of subjectification.

Foucault conceived of the notion of 'problematization' to describe the alternative understanding of knowledge which he sought to introduce through the work of genealogy. This knowledge was not about freedom operating in opposition to power (as that which is repressive) but about how claims to 'freedom' can be understood to operate

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[56] Ibid, p.83
[57] Ibid, pp.87-88
[58] Ibid, p.83
[59] Foucault, M. (2000) 'What is Enlightenment', In *Ethics: Essential Works of Foucault 1954-1984,* Vol. 1, (ed. P. Rabinow, trans. R. Hurley et al.), (London: Penguin Books) p.318

from within particular power relations. What Foucault was interested in here was how particular subjects become recognized as 'free' or as other than free (for example as enslaved or oppressed) through particular meaning systems. His is a method of inquiry which is "not tied to the constitution and affirmation of a free subject" who is presumed to negotiate language and its meaning systems therefore, but to the need to understand how the subject is created *through* general meaning systems themselves. This refers to the collection of narratives, statements, groups of images, actions, modes of representation through which the world is known: what Foucault called 'discourse'.[60] The notion of 'discourse' in the work of Michel Foucault is associated with the idea that meaning is constructed through language. As discussed by Stuart Hall, what is emphasized here is the difference between this and the assumption that language reflects a meaning which already exists in a world of objects, peoples and events.[61] As Hall further notes, Foucault's work has resulted in a shift in attention from discourse as language and the associated notions of speech and writing, to 'discourse' as a more general system of representation which includes rules and practices.[62] It is this understanding of how the self is problematized *into* 'being' in terms of these rules and practices which is emphasized in this chapter and in this thesis more generally.

Foucault argued that the Enlightenment had formulated certain problematizations which defined objects in terms of rules of actions, objects and modes of relation to oneself.[63] He saw the notion of 'orders of problematization' as a way of thinking about how human beings are made subjects – made to understand themselves in certain particular ways, most notably as free and sovereign – as a product of the Enlightenment. Instead of the search for origins by way of a general knowledge detached from its empirical roots, this was to focus on "the process by which we construct origins and give meaning to our past" in terms of struggles in relation to particular types of knowledge.[64] Foucault sought in *The History of Sexuality* to demonstrate, for example, how 'sexuality' was constituted historically as a product of the Enlightenment by way of the discourses

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[60] Foucault, 'Nietzsche, Genealogy, History', p.96
[61] Hall, S. (1997) 'Representation, Meaning and Language' In: S. Hall (ed.) *Representation: Cultural Representations and Signifying Practices* (Milton Keynes: Open University Press), pp.15-21
[62] Ibis, pp.41-46
[63] Foucault, M. (2000) 'What is Enlightenment', p.318
[64] Bleiker, R. (1997) 'Forget IR Theory', *Alternatives: Global, Local, Political*, Vol.22, Issue. 1, p.61

through which it was made problematic. Foucault defined discursive practices as "characterized by the demarcation of a field of objects, by definition of a legitimate perspective for a subject of knowledge, [and] by the setting of norms for elaborating concepts and theories".[65] He argued that 'knowledge' (in particular, knowledge of the self) could be traced back to the different discursive practices that frame and formulate this knowledge within them. The struggles which Foucault chose to explore in this respect were madness, illness, death and crime. What these had in common was that they were based on specific rationalizations of individualization. Foucault was interested in how we come to understand ourselves *as* (as a mad, sane, insane, sexual etc.) individuals, as opposed to presuming it had always been so. It was through the concept of problematizations that Foucault was able to move from the emphasis which was traditionally placed on 'experiences' to explore that of *practices* as the games of truth through which people "were led to focus their attention on themselves" in terms of sovereignty and therefore in terms of the notion of freedom (autonomy) or lack thereof.[66]

To take this point of view in relation to citizenship is to reject the idea that citizenship simply positions pre-existing subjects as either 'inside' or 'outside' the law and thus that a citizen 'is' something in and of itself. It is to consider instead how discourses of citizenship construct a particular notion of what it means to 'be' a subject in terms of certain specific assumptions regarding the supposed natural state of individual autonomy. This is to look at how certain interpretations have dictated a 'truth', insofar as it is something which can be pointed to, of what it means to be a subject in respect of the 2004 Irish Citizenship Referendum. In doing so, 'the subject' as a sovereign entity is not taken as the natural unit of analysis or starting point as it is in existing analysis of the 2004 Irish Citizenship Referendum. Instead the emphasis is entirely on power relationships and the process through which subjects are manufactured as an effect of particular "relations of subjugation" or a 'will to knowledge'.[67] For,

> rather than starting with the subject (or even subjects) the elements that exist prior to the relationship and that can be localized, we begin with the power relationship itself, with

[65] Foucault, M. (2000), 'The Will to Knowledge' In: *Ethics: Essential Works of Foucault 1954-1984*, Vol.1, (ed. P. Rabinow, trans. R. Hurley et al.), *(*London: Penguin Books), p.11
[66] Foucault, *The Use of Pleasure*, p.5
[67] Foucault, *Society Must be Defended*, p.45

the actual or effective relationship of domination and see how the relationship determines the elements to which it is applied.[68]

Starting with the notion of power relations *instead* of 'the subject' and therefore with the notion of fragmented, decentralized (dispersed) subjectivity is very different to starting with an appreciation of power relations in conjunction with the notion of the subject as a particular source of power – as has been done in the 2004 Irish Citizenship Referendum. The difference is that the latter presents the subject as potentially fragmented but nonetheless retains the notion of a coherent subject (located presence) which can be pointed to in the last instance as the continued potential holder of a diversity of identities or subject positions. Unlike the former, this retains the idea of an essential core of person-hood (often more subtly replacing that of an overarching notion of humanity) which is pre-existing and which is then socialized into a particular cultural setting.[69] What is (re)produced in existing analysis of the 2004 Irish Citizenship Referendum is the notion of an alternative source of power to that of the state, but nonetheless an alternative "sovereign vantage point from which the history of political philosophy can [continue to] be reconstructed".[70] Ronen Palan refers to this type of argument as "symbolic interactionism" and argues that although it aims to locate the 'self' discursively by "reject[ing] the image of a passive structurally determined subject of structuralism and view[ing] people as constantly undergoing changes during interaction", it does not ultimately disturb the notion of the 'self' *as* a foundational entity.[71]

Yet it is precisely the authority of this foundational unity of modernity (the notion of a self-authorizing autonomous subject which opposes itself to the world) which is of concern to those theorists who seek to interrogate the notion of 'sovereignty' and the "synthetic oppositions (subject-object, self-other, inside-outside)" which this authorizes.[72] I have suggested (in chapter one) that modern subjectivity can be rethought through the work of Julia Kristeva as someone who engages with a distinctly non-modern theory of

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[68] Ibid

[69] Edkins and Pin-Fat, 'The Subject of the Political', p.1

[70] Bartelson, *A Genealogy of Sovereignty*, p.67

[71] Palan, 'A World of their making', p.581

[72] Der Derian, J. and Shapiro, M. (1989) 'Preface' In: J. Der Derian and M. Shapiro (eds) *International/Intertextual Relations: Postmodern Readings of World Politics* (Oxford: Lexington Books), p.x

the self based on the work of Sigmund Freud. The manner in which Kristeva has retheorized the conception of a unified modern subject in favour of a subject-in-process is by introducing the Freudian register of psychic representation on top of the level of conscious representation. As mentioned above, Freud's discovery of the unconscious was an integral moment in de-centring the Cartesian subject. It undermined the previous privilege granted to consciousness and the need to think the subject always in reference to presence. His work left behind an understanding of subjectivity which was not dominated by consciousness but which recognized consciousness as an *aspect* of the unconsciousness. As Freud himself explained, according to this new understanding "[t]he unconsciousness is the larger sphere, which includes within it the smaller sphere of the consciousness" and not the other way around.[73] In reversal of the Cartesian subject which is based upon consciousness and the notion of presence and wholeness, Freud's understanding of the subject is based upon the notion of absence and lack. The subject at the core of this line of thinking is one which is not only de-centred therefore but which needs to be understood as that which has also become "the impossible subject".[74]

Within the field of psychoanalysis, Jacques Lacan has most notably further developed the Freudian concept of a subject as marked by a lack.[75] Lacan's work has been very influential in Kristeva's own thinking and the shift in her work from exploring subjectivity through a purely linguistic or semiotic focus to exploring it through a more psychologically orientated focus.[76] As noted by Edkins and Pin-Fat, Lacan's work develops the notion of the impossible subject which brings sovereignty (the idea of core or essential subjectivity) into question by emphasizing how the self is always

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[73] Freud, S. (1991) *The Interpretation of Dreams*, (trans. J. Strachey), (Harmondsworth: Penguin), p.773
[74] Edkins and Pin-Fat, 'The Subject of the Political', p.4
[75] Lacan, J. (1977) 'The Freudian Thing, Or The Meaning of the Return to Freud in Psychoanalysis' In: *Écrits: A Selection* (trans. A. Sheridan), (London: Routledge), pp.114-145
[76] Kristeva, J. (1986) 'The System and the Speaking Subject' In: *The Kristeva Reader* (ed. T. Moi), (New York: Columbia University Press), pp.292-300; There are nonetheless many differences between Lacan's work and that of Kristeva's: not least that Kristeva has expanded the realm of signification from the symbolic (which Lacan distinguishes from the Real and the Imaginary) so that it also encompasses the semiotic. "For him the real is a hole, a void, but I think that in a number of experiences with which psychoanalysis is concerned – most notably, the narcissistic structure, the experience of melancholia or of catastrophic suffering, and so on - the appearance of the real is not necessarily a void. It is accompanied by a number of psychic inscriptions that are of the order of the semiotic. Thus perhaps the notion of the semiotic allows us to speak of the real without simply saying that it's an emptiness or a blank; it allows us to try to further elaborate it. In any case, it's on the level of the imaginary that the semiotic functions best – that is, the fictional construction." (p.23)

retrospectively produced through its surrounding social or symbolic order. This social or symbolic order is posited in advance by assuming it already exists (at which point we are constituted as subjects) and therefore subjectivity itself "only ever *will have been*".[77] Edkins and Pin-Fat point out that

> from a Lacanian perspective, the human subject is condemned to endlessly searching for an imaginary wholeness or unity that it will never attain. This search can be traced to the imaginary relationship between the individual and its surroundings, which is inaugurated in the mirror stage when the (mis)recognition of the self as autonomous agent occurs.[78]

The impossibility of the subject here refers to the ego's (the organized part of the psyche) illusionary mastery of its environment and the unorganized elements of the unconscious (the id).[79] The result is an understanding of the basis of human subjectivity as an endless search for foundations (the idea that the subject is alienated in its very being) rather than as a discovery of foundations (the idea that the subject is eventually alienated from something else or from itself).[80] Lacan's work opened up an important line of inquiry for distinguishing our understanding of 'the subject' from that of a phase of subjectivity which is the formation of the self *as* 'I' (ego) through the mirror stage. And, for exploring the subsequent process – which began with the imaginary relationship between the subject and its surroundings inaugurated at the mirror state – through which the subject is later endowed with coherency as autonomous agent (albeit one which is based on a similar process of misrecognition) within the social or symbolic order.[81] Here, the subject is constituted by becoming that which occupies a certain place as citizen, as intellectual, as consumer etc. in the social order through the process of interpellation or hailing: "What is crucial…here is that subjectivity and the social order are constituted together, the social order being the frame within which subjectivities are placed".[82]

I will now discuss how a Foucauldian conception of power has been integral in allowing us to move in this manner beyond simply problematizing the 'self' as having to conform to a particular type of sovereign presence (as 'national born' or 'non-national

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[77] Edkins, and Pin-Fat, 'The Subject of the Political', p.5
[78] Ibid, p.4
[79] Lacan, J. (1977) 'The Mirror Stage as Formative of the Function of the I as Revealed in Psychoanalytic Experience' In: *Écrits: A Selection* (trans. A. Sheridan), (London: Routledge), pp.1-7
[80] Homer, S. (2005) *Jacques Lacan* (London: Routledge), p.26
[81] Edkins, and Pin-Fat, 'The Subject of the Political', pp.4-5
[82] Ibid, p.5

born') 'in' discourse (the symbolic order), to that of actually rethinking the sovereign presence of self (the coherent I) *as* a discursive effect. I will then come back to the manner in which Julia Kristeva's work has built on this idea of the impossible subject which is created through discourse, in the final section of this chapter.

An Alternative Concept of Power

Foucault saw sovereign power as an expression of the association of the king "as the centre of the entire juridical edifice" which defines right "in terms of a legitimacy which has to be established" from above (by the sovereign).[83] He argued that "in our society…[the] relationship among power, right, and truth is organized in a very particular way" whereby the multiple relations of power which "traverse, characterize and constitute the social body [are]…indissociable from a discourse of truth".[84] For Foucault the importance of this truth/power axis is paramount as it emphasizes how in Western societies from the Middle Ages onwards, the theory of right (the need to replace the element of domination in power) is organized around the problem of sovereignty (the legitimate rights of the sovereign and the legal obligation to obey) in order to be true.[85] For Foucault, this theory of power as sovereign and thus of power as repressive cannot, however, take account of new forms of power which were introduced in the seventeenth and eighteenth centuries. Pointing out that the new types of power relations which he explores (namely, disciplinary, and bio power) are incompatible with sovereign power, he insists nonetheless that they are not mutually exclusive. Rather, that they work at different levels in society with sovereign power. He explains that on one hand you have "a legislation, a discourse, and an organization of public right articulated around the principle of the sovereignty of the social body and the delegation of individual sovereignty to the state", on the other "a tight grid of disciplinary coercions that actually guarantees the cohesion of that social body",[86] and finally the regularization of "the population as a political problem, as a problem that is at once scientific and political, as a

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[83] Foucault, *Society Must be Defended*, p. 26
[84] Ibid, p. 24
[85] Ibid, p. 26
[86] Ibid, p.37

biological problem and as power's problem".[87] The problem with using the principle of sovereignty to understand these latter newer forms of power according to Foucault is that a theory of power as sovereign always tries to establish "the subject-to-subject cycle" and in doing so assumes the notion of individuality in subjectivity rather than interrogating it.[88] It assumes that power in the 'political' sense can only function through a centralizing force (a "unity of power") in the face of a monarch or the form of state; or at minimum that of an individual.[89] A theory of sovereignty always already privileges a centre from whence political power must be established in order to function before finally locating the legitimacy of this power in law, thus ignoring how new forms of power work through decentralized means.

What Foucault's work indicates here is the need to think in terms of how power works other than simply as top-down but also as bottom-up and sideways, as well as in many other directions. Foucault refers to this as "the multiplicity of power relations".[90] Yet, as discussed in the first chapter of this thesis, in existing analysis of the 2004 Irish Citizenship Referendum and the dominant trends in critical citizenship scholarship which they echo, the emphasis remains in the last instance on institutions which are assumed to be holders of power, namely 'the state' and/or sub or supra statist institutions. Power continues to be presented as top-down in these accounts; conceived of "as an imaginary entity or force that has an independent but intangible being, [which]… can be collected, gathered and harnessed to the will of a preexisting institution or collectivity".[91] Because the questions being asked by existing analysis of the 2004 Irish Citizenship Referendum relate to the significance of institutions (most notably, the Irish state and the EU) in their ability to 'include' and 'exclude' groups from society, this places an emphasis on defining citizenship in terms of an understanding of power which is centralized and imposed *upon* individuals, with very little appreciation of how power also operates through the manner in which "certain bodies, certain gestures, certain discourses, certain

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[87] Ibid, p.245
[88] Ibid, p.44
[89] Ibid
[90] Ibid, p.43
[91] Edkins, J. and Pin-Fat, P. (2004) 'Life, Power, Resistance' In: J. Edkins, V. Pin-Fat and M. Shapiro (eds) *Sovereign Lives: Power in Global Politics* (Oxon: Routledge), p.2

desires, come to be identified and constituted *as* individuals" or groups thereof.[92] To quote Nalini Persram, there has been "little fundamental questioning of…the means by which the semblance of sovereignty is made persuasive".[93] Existing analysis of the 2004 Irish Citizenship Referendum leaves us with an understanding of sovereignty associated with 'the state' on one hand, or with 'individuals' on the other. These are our starting points. There is no question of how we have come to presume that these are distinct entities from which power emanates in the first place, or of the potential need to rethink this truth.

As Judith Butler has demonstrated, although there has to be a subject for power to act, this does not automatically make the subject the origin of power.[94] What is therefore missing in existing analysis of the 2004 Irish Citizenship Referendum is an exploration of the question as to how 'they' (individuals and groups of individuals) have *already* been constructed and sustained in the last instance as a coherent unified entity which can be pointed to or counted. Following the Foucauldian conception of power, this is to think of power in a decentralized fashion. It is to shift attention away from institutions and embodiment and the patterns of exclusion which can be necessarily traced through these, towards focusing on "the prior question of the forms of power relation" which give rise to and sustain particular institutions and specific subjectivities in the first place.[95] It is to consider how "[t]he individual…is not the vis-à-vis of power…[but] one of its prime effects."[96]

According to this line of reasoning, the 'individual' and the knowledge that may be gained of him or her are no longer presumed to be separate from his or her surroundings as power is no longer in need of a centralized sovereign source which is located presence. Instead, through this decentralized power matrix everything becomes part of how meaning is produced *as* 'discourse'. Discourse becomes the medium through which 'reality' is conceptualized in terms of material effects, as opposed to that which merely gives (existing) material presence (such as individuality) meaning in a reality

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[92] Foucault, M. (1980) 'Two Lectures' In: *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* (ed. C. Gordon), (London: Harvester Wheatsheaf), p.98 (emphasis added)
[93] Persram, 'Coda: Sovereignty, Subjectivity, Strategy', p.171
[94] Butler, *The Psychic Life of Power*, p.15
[95] Edkins and Pin-Fat, 'Life, Power, Resistance', p.3
[96] Foucault, 'Two Lectures', p.98

which exists separate from its conceptualization. The next section of this chapter discusses in detail how this thesis attempts to rethink the 'self' *as* a discursive effect in the discussions surrounding the 2004 Irish Citizenship Referendum. What is emphasized here is the need to rethink citizenship, not as something that exists 'out there', independent of thinking which is then constructed through discourse, but to consider how it presents itself in the form of a particular problem to which 'we' seek solutions. It is in seeking these solutions that we construct ourselves and other 'subjects of knowledge' as discursive effects.[97]

For David Campbell, problematizing can be understood as a deconstructive method which provides a basis for "putting 'out of joint' the authority of the 'is'".[98] It does so by demonstrating how "different solutions to a problem have been constructed and made possible by the way the problem is posed in the first place" and not by virtue of particular individual's actions.[99] Instead of an understanding of the world in terms of an independent realm of 'problems' and 'solutions' which 'we' (as individuals) encounter, the point is that we begin to see how our understanding of ourselves as individuals who respond to problems, is implicated in the process by which we problematize ourselves into being as sovereign autonomous selves who *can* respond to problems in the first place. This focus on the problematic of subjectivity as a discursive effect is contrasted in the next section with the reliance in existing analysis of 2004 Citizenship Referendum on an understanding of the non-discursive (or extra-discursive) historical and social practice of self as presence.

Discourse Scholarship Beyond Sovereign Politics

> Subjects of a discourse should not be confused with individuals. An individual may have multiple subjectivities. Similarly, there may be multiple physical individuals that constitute a single subject. **Roxanne Lynn Doty**[100]

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[97] Campbell, *National Deconstruction*, pp.ix-xi
[98] Derrida, J. (1995) 'The Time is Out of Joint' In: *Deconstruction is/in America* (New York: New York University Press) p.25 quoted in Campbell, *National Deconstruction*, p.21
[99] Campbell, *National Deconstruction,* p.x
[100] Doty, 'Foreign Policy as Social Construction,' pp.309-310

Inquiring into the constitution of subjectivity has resulted, as I have discussed, in the dissolution of the traditional distinction between what one says (language) and what one does (culture). This distinction is instead collapsed within the notion of 'discourse' or, more accurately 'discursive practices'. There are various uses of the concept of 'discourse' within the social sciences, however. It is therefore necessary to explore how the style of thinking looked at in this chapter differs from the existing available constructivist approach presented in the 2004 Irish Citizenship Referendum. What is emphasized is the difference between 'discourse theory' as pursued in this thesis and that of 'discourse analysis' or 'critical discourse analysis' pursued in existing analysis of the 2004 Irish Citizenship Referendum.[101]

What the previous section of this chapter explored was the importance of recognising how power is envisaged following Foucault as that which need not always be centralized *in* a sovereign presence (such as a state or individual) in order to exist but can work outside of the notion of presence itself. As Judith Butler explains in her own attempts to rethink gender outside of presence: "[t]hinking the body as constructed" from this perspective "demands a rethinking of the meaning of construction itself."[102] This is because it is not only a question of asking what are the constraints on how intelligible bodies are produced – as 'nationals' (citizens) and as 'non-nationals' (non-citizens) – but it involves also asking what the constraints are on a domain of unthinkable unintelligible bodies "that haunt the former domain as the spectre of its own impossibility, the very limit to intelligibility, its constitutive outside".[103] This is not to oppose limits and possibilities, or the intelligible and the unintelligible. For as Butler herself points out here, all oppositions are themselves part of the domain of intelligibility. Rather, what is emphasized is the need from this perspective to consider how presence as the embodiment of centralized power relation defines *both* our possibilities (what makes us intellible) as well as the limits of our possibilities (the points at which we are no longer intelligible), as (citizen)subjects.

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[101] See, for example, Brandi, 'Unveiling the Ideological Construction'; Lentin, 'Pregnant Silence'; Luibhéid, E. (2004) 'Childbearing against the State? Asylum Seeker Women in the Irish Republic', *Women's Studies International Forum*, Vol.27, Issue.4, pp.335-349; On the distinction between 'discourse theory' and 'critical discourse analysis' see Torfing, J. (1999) *New Theories of Discourse: Laclau, Mouffe and Žižek* (Oxford: Blackwell Publishers), pp.1-14

[102] Butler, *Bodies that Matter*, p.xi

[103] Ibid

Locating the Self Discursively

Louise Phillips and Marianne W. Jørgensen point out that discourse scholarship spans a large range of techniques for exploring discursive formations. It ranges from that which emphasizes a very narrow understanding of the concept of 'text' as primarily the written/spoken word (speeches, interviews, media reports etc.), thus maintaining a strong emphasis on distinguishing the material nature of the non-textual world. To, on the other hand, scholarship which emphasizes a very broad understanding of the concept of 'text', thus highlighting the need to understand the interdependence of the discursive and the material.[104] This is often following Derrida's assertion "il n'y a pas de hors-texte" (literally, 'there is no outside to the text').[105] In the latter understanding, discourse itself is material. What this indicates is that discourse scholarship can go beyond merely problematizing the self (sovereign presence) 'in' discourse – for example, problematizing the idea that individuals need to be recognized as having an essential identity as 'national' or 'non-national' etc – to that of also attempting to rethink the 'self' (a coherent I) in its entirety *as* a discursive effect. In doing so, it questions the notion of individuality and the idea of presence and sovereign voice more generally. The point, however, is that not all discourse scholarship does this.

This is confirmed by Roxanne Lynn Doty who points out that not all discourse scholarship by any means "fundamentally challenges the concept of a unitary, pre-given subject".[106] This is despite the fact that most discourse scholarship does employ an understanding of language as productive, thus emphasizing more critically self-aware 'how-possible' questions which ask how certain practices become socially constructed, rather than 'why' questions which presuppose a range of possible or plausible option which have already been constructed. Doty points out that this reluctance to challenge the concept of a unitary, pre-given subject has "important implications for the way that language enters into analysis" insofar as instead of examining what linguistic practices *do*, the focus remains that of seeking "to *reveal* what linguistic practices tell us about the

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[104] Phillips, L. and Jørgensen, M.W. (2004) 'The field of Discourse Analysis' In: *Discourse Analysis as Theory and Practice* (London: SAGE Publications), pp.1-23
[105] Derrida, J. (1997) *Of Grammatology* (trans. G.C. Spivak), (Baltimore and London: John Hopkins University), p.158
[106] Doty, 'Foreign Policy as Social Construction', p.301

beliefs and understandings of decision makers."[107] Existing analysis of the 2004 Irish Citizenship Referendum, for example, emphasizes the importance of looking at how the roles of 'migrant mother' and 'non-national born' can be traced to processes of exclusion. This line of inquiry is a recognized area of focus in international critical citizenship scholarship.[108] It is highly reflective and appreciative of the importance of the productive power of language. However echoing Doty, as Maguire and Cassidy point out, it also reduces the role of critical theory to that of 'unmasking' migration policy as different types of statist and/or nationally circumscribed forms of racism or prejudice.[109]

What this indicates is the need to consider the varying degrees of assumption about what exists 'out there' prior to or outside of structures of meaning within and across the broader field of discourse scholarship. It is the assumptions regarding subjectivity that are being explored in the discussions surrounding the 2004 Irish Citizenship Referendum in this thesis. This is in order to ask what they tell us about the *limitations* of how being 'citizen' in the context of migration is conceptualized. For example, within existing theorizations of citizenship there have been many attempts to interrogate the notion that 'Irishness' acts as a stable identity upon which to base a meaning-giving transcendental subject position such as citizenship in terms of ethnicity or gender.[110] These in turn have been drawn on in existing analysis of the 2004 Irish Citizenship Referendum to interrogate the notion of the coherent 'Irish' citizen and to emphasize how certain people (namely migrant women and their children but also ethnic minorities more generally) fall outside of this. The focus here is on how individuals experience processes of classification. This is captured by Bryan Fanning who argues "In Ireland, both citizen and non-citizen black and ethnic minorities live outside the dominant imagined community."[111] This statement reflects the importance which Yuval-Davis et al place on identity ("the ways in which people define themselves and each other") in

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[107] Ibid, p.305
[108] See, Anthias and Yuval-Davis, *Racialized Boundaries*; Yuval-Davis and Anthias, *Woman-Nation-State*
[109] Maguire and Cassidy, 'The New Irish Question', p.22
[110] See, for example, Gray, B. (1999) 'Steering a Course Somewhere Between Hegemonic Discourses of Irishness' In: R. Lentin (ed.) *The Expanding Nation: Towards a Multi-Ethnic Ireland* (Dublin: Department of Sociology, Trinity College Dublin), pp.66-73; Lentin, '"Irishness", the 1937 Constitution'
[111] Fanning, *New Guests*, p.97

constructing contemporary politics of belonging.[112] This is still, however, to understand subjectivity as clearly delineated presence in time and space – this is in terms of a self which *can* be classified in terms of lines and boundaries between national and international, them and us, identity and difference. The point is not to deny the sophistication of such theorizations nor their contribution to knowledge in this area, but to point out that they are based on a theory of power which is sovereign in the last instance insofar as it takes for granted that a sovereign centre is essential for questions of subjectivity. Such theories work on the basis that the notion of a coherent self is the necessarily 'natural', distinctive and unquestioned lowest unit of analysis.

What this demonstrates is that existing analysis of the 2004 Irish Citizenship Referendum and the critical citizenship scholarship which it draws upon positively affirms an understanding of non-discursive (or extra-discursive) historical and social practices of self. This is a notion of power as productive yet also as 'produced'.[113] In comparison to the discourse theory approach advocated in this thesis, the philosophical foundations of the critical discursive approach which they apply are based on acknowledging the performative nature of power only to the extent that it is presumed (pre-given) subjects are objectified by it. This is to retain the idea of a certain core which transcends the social spectrum. It could be argued that a style of thinking has developed here which does not reject Foucault's view of power as productive but nor does it reject the old sovereign theory of power as repressive either. Rather both are incorporated together.

Phillips and Jørgensen argue that an understanding of language as that which simultaneously enslaves and empowers people has led studies of critical discourse analysis to attach great importance to patterns of dominance, whereby one group is subordinated to another.[114] The emphasis of these studies is defined in terms of the 'material' implications (objectifications) – for example, lack of resources or access to resources such as rights – which manifest themselves as 'experience' in relation to different types of social subjectification. Critical discourse analysis and other theories

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[112] Yuval-Davis, N., Kannabiran, K. and Vieten, U.M. (2006), 'Situating Contemporary Politics of Belonging' In: Yuval-Davis, Kannabiran and Vieten, *The Situated Politics of Belonging*, p.2
[113] Phillips and Jørgensen, *Discourse Analysis*, p.17
[114] Ibid

like it portray power (not unproblematically, but nonetheless) as antithetical to freedom, subjectivity and resistance by presenting the idea that discourse can serve "to expose the way language and meaning are used by the powerful to deceive or oppress the dominated".[115] This invokes a sovereign theory of power to the extent that it takes for granted that power is localized in terms of one group or another. While the notion of a sovereign subject as foundational in itself (as the central source of power) is 'deferred' here, it is not ultimately 'displaced' as certain assumptions reinscribe it in the last instance. Foucault called this the "the re-apprehension through the manifest meaning of discourse of another meaning at once secondary and primary, that is, more hidden but also fundamental".[116] More recently Stuart Hall has similarly highlighted the need for vigilance in understanding how some forms of critical inquiry can unwittingly mirror the non-critical arguments which they oppose when they do not ultimately undermine but instead confirm the need to always search for a politics *with* foundations (a sovereign politics).[117]

The point is that the notion of a (stable) 'self' which is central to Western Enlightenment thought has not been uniformly challenged. It has, on the contrary, been challenged to varying degrees: from those who have simply questioned the notion of 'the subject' as the authentic source of action of meaning, to those who have actually reconceptualized 'the subject' by thinking of it in a new displaced or de-centred position.[118] This is arguably because despite all the talk of postmodern subjectivity, the idea of a de-centred subject is not an easy one to conceptualize, nor an easy one to work with. We can each see the physical space and historical continuity which we occupy as individuals. Such individuality is 'the truth' through which we have come to know

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[115] Howarth, *Discourse*, p.83

[116] Foucault, M. (2004) *The Order of Things: An Archaeology of the Human Sciences* (trans. A.M. Sheridan), (London: Routledge), p.407

[117] Hall, S. (1997) 'Race: The Floating Signifier', Lecture Delivered at Goldsmiths College, London (London: Video Media Education Foundation)

[118] For two authors that make this specific point see Butler, *Bodies that Matter*; and Hall, S. (1996) 'New Ethnicities' In: D. Morley and K.H. Chen (eds) *Stuart Hall: Critical Dialogues in Cultural Studies* (London: Routledge), pp.441-449. Here and elsewhere Stuart Hall points to the importance of recognising that, despite having developed a sustained critique of coherent individualism of the Cartesian subject which has resulted in the transformation of conceptions of sovereignty and subjectivity, the relation between these continues to be preserved within mainstream sociology. This, he argues, has "retained something of a Descartes' dualism…in its tendency to construct the problem [of identity] as a relation between two connected but separate entities…'the individual *and* society'". Hall, 'The Question of Cultural Identity', p.284

ourselves. Indeed, some people fear that a coherent self is a requirement for the notion of subjectivity itself. However, as Sara Mills explains, seeking to destabilize the self is not the same as dispensing with the notion of the subject. Instead, theorists such as Judith Butler and Stuart Hall have been quick to point out that a de-centred self is still a subject. Destabilizing the self, Mills points out, is rather to problematize the notion of the self as foundational and explore how it can be understood as the result of "a fragmented and unstable amalgam of the unconscious and the conscious" which is produced through discourse.[119] With this in mind I will now discuss how the notion of 'orders of problematization' can help us to shift from the existing focus in the 2004 Irish Citizenship Referendum on the domestic relations of pre-given subjects which engage 'in' discourse(s), to that of the problematic of subjectivity itself.[120]

Problematization as a Guiding Method of Inquiry

In focusing on how the body has been acted upon in the spread and localization of power, Foucault has turned the self into "a terrain of political action".[121] This has meant that the notion of "acting upon the self" is no longer simply explainable as a quest for self discovery. It becomes instead, as Barbara Cruikshank shrewdly notes, "a manner of acting politically" which involves choosing between infinite interpretations.[122] According to this line of reasoning, the idea of the subject as individual becomes "an accomplishment regulated and produced in advance".[123] Individuality can therefore no longer be merely assumed to make sense but must be explained in and of itself.

In her book entitled *The Will to Empower: Democratic Citizens and Other Subjects*, Cruikshank interrogates the assumption that the citizen/subject dualism posits a self-evident state of subjection against autonomous agency. She explains:

> [w]hen we say today that someone is subject, acquiescent, independent or apathetic, we are measuring that person against a normative ideal of citizenship. As a result the

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[119] Mills, S. (1997) *Discourse: the New Critical Idiom* (London: Routledge), p.103
[120] Campbell, S. (1999) *Writing Security: United States Foreign Policy and the Politics of Identity*, (Manchester: Manchester University Press), p.9
[121] Cruikshank, B. (1999) *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca and London: Cornell University Press), p.6
[122] Ibid, p.6
[123] Butler, J. (1992) 'Contingent Foundations: Feminism and the Question of "Postmodernism"' In: J. Butler and J.W. Scott (eds) *Feminists Theorize the Political*, (New York; London: Routledge), p.13

discourses of democratic citizenship tend to foreclose the ways in which it is possible to be a citizen.[124]

She therefore considers how democracy might be conceived of differently: something which requires "a new kind of subject rather than a form of government that liberates the subject from under the sovereign".[125] Following Foucault's call "not [to] look for the headquarters that presides over its [power's] rationality" Cruikshank refrains from asking 'who has the power?' in relation to citizenship and looking at the typical questions regarding the types of people we understand as being empowered and those we understand as being disempowered.[126] Instead, she attempts to understand what Foucault meant when he spoke of "the material agency of subjugation"[127] by considering how power *simultaneously* "subjects and makes subject to".[128] She puts the notion of 'democratic citizenship' itself, as that which is supposed by definition to equate with various degrees of freedom from power by 'individuals', under scrutiny.

What Cruikshank essentially does is to show how different solutions to citizenship have been constituted and made possible by the way in which the 'problem' of democracy itself has been posed in the first place – that is to say, in terms of the need *for* freedom. Doing so, she rethinks the ontological presumptions surrounding the history of citizenship and the object of inquiry – 'the citizen' – by emphasizing the representational processes of these claims to 'being' in the first place. The result is that she reestablishes the 'politics' of the initial idea itself of citizenship as (inevitably) democratic by exploring the games of truth through which the notion of 'the citizen' *as* empowered began to make sense in and of itself. This is Cruikshank's 'order of problematization'. Cruikshank is able in this manner to consider how it is that power is exercised through a series of aims and objectives without necessarily locating this power in the choice or decision of an individual subject (located presence). What Cruikshank shows is that the notion of problematization makes it possible to think of how power relations operate in terms of problems and solutions rather than by way of pre-given subjects. This ties Cruikshank's work to that of Ashley, Walker, Campbell, Doty, Edkins

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[124] Cruikshank, *The Will to Empower*, p.24
[125] Ibid, p.22
[126] Foucault, M. (1998) *The Will to Knowledge*, p.95
[127] Foucault, *Society Must be Defended*, p.28
[128] Foucault, 'Afterword: The Subject and Power', p.212

and Pin-Fat given how subjectivity itself (as opposed merely to identity) is theorized here as the *effect* of, rather than the cause of, how these problems and solutions are articulated.

The analysis offered in this thesis proceeds upon a similar premise that problematizations occur along and through a continuum of political spaces "through which being offers itself to be, necessarily, thought".[129] It acknowledges, as David Campbell points out, that some problematizations are more powerfully and deeply entrenched than others, but starts from the premise nonetheless that "no one escapes the discursive realm of a problematization to find themselves in an extra-discursive realm of pregiven problems and ready-made solutions".[130] This represents an alternative way of looking at the 2004 Citizenship Referendum to how it has thus far been presented. This is because instead of concentrating on 'who' was included and 'who' was excluded from legal definitions and social understandings of citizenship, it emphasizes a particular order by which 'a truth' emerged in the first place about what it means to 'be' citizen in this instance as that which could be articulated and pointed to in terms of presence and thus vis-à-vis sovereignty. As outlined in chapter one, this is essentially a truth which focuses on the role of the state in regulating citizenship and the need to define whether this is a legitimate role (a product of the right and duty of states to regulate their borders) or an illegitimate role (an abuse of power by states and an attempt to discriminate by excluding certain people from the statist political community). What is being looked at is how citizenship has been constructed as a problem *of* and/or *for* state sovereignty in the discussions surrounding the 2004 Citizenship Referendum.

Approaching the 2004 Irish Citizenship Referendum as an order of problematization can be understood as an attempt not so much to resolve the question of citizenship in order to put an end to it. Instead it is an attempt to try to understand how a particular understanding of 'politics' dictated how 'citizen' came to be indentified in the context of migration in the Republic of Ireland in 2004, as well as the links between this referendum and more general understandings regarding the meaning of what it is to 'be' a citizen-subject. This is to explore, challenge and question rather than merely assume the

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[129] Foucault, *The Use of Pleasure*, p.11
[130] Campbell, *National Deconstruction*, p.xi

solutions (commonsense or racism) which came to be assigned to the particular 'problem' of migration in the context of citizenship in Ireland and further afield.

Existing analysis of the 2004 Citizenship Referendum frames the issue in terms of two debates: one dominant, the other dominated. Couched in terms of being concerned with trying to catalogue and specify the 'real' reasons for the referendum, we are told by this analysis that we must negotiate between two supposedly opposing arguments.[131] On the one hand, the argument that the referendum was racially motivated as it involved a move from territorial to ethnic citizenship. And, on the other hand, the argument that the referendum involved a mere technical change needed to return power to the Executive in the area of Citizenship after it had mistakenly been taken away under the Good Friday Agreement. Existing analysis of the 2004 Irish Citizenship Referendum treats these arguments as two different strategies which oppose each other. If, however, we are to think about experience as "the correlation of a domain of knowledge…a type of normativity and a mode of relation to the self"[132], the notion of orders of problematization provides a way of imagining how a collection of 'discursive elements' which appear to oppose each other might also be shown to share a common way of knowing and acting in relation to a 'truth'. In other words, we can begin to consider how two supposedly opposing debates might be shown to share a common strategy (by way of a common truth) about 'citizenship', forming one general citizenship debate. This is because instead of the notion of a discourse of power on one side and opposite it a discourse that runs counter to it, we begin "to reconceive of discourses as tactical elements or blocks operating in the field of force relations".[133] To consider by way of the notion of problematization, how the 2004 Citizenship Referendum might be conceived of as a discourse in its own right, is an attempt at putting it back within a general economy of discourses on citizenship so as to highlight how a particular "order of representation" was enabled because it elevated a certain type of understandings to that of the 'legitimate' medium for debating citizenship issues.[134] It is to consider "the very historicity of forms of experience" as citizen-subject in this instance and the question of how these came to

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[131] See, for example, Brandi, 'Unveiling the Ideological Construction'
[132] Foucault, *The Will to Knowledge*, p.101
[133] Ibid
[134] Campbell, *National Deconstruction*, p.80

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situate themselves in thought vis-à-vis the notion of 'individuality', as opposed to by virtue of this fact.[135]

Re-establishing the Politics of Subjectivity

> It is not enough to say that the subject is invariably engaged in a political field; that phenomenological phrasing misses the point that the subject is an accomplishment regulated and produced in advance. And as such is fully political; indeed perhaps *most* political at the point in which it is claimed to be prior to politics itself. **Judith Butler[136]**

Instead of simply presuming that the politics of citizenship in 2004 must be located in respect of questions regarding an individual's access to the sovereign state, what has been suggested in this chapter following Walker and others is that the invocation of the notion of a sovereign present subject which exists vis-à-vis the state is also an important political aspect in its own right. What I want to consider in this final section is how an interrogation of subjectivity as sovereign presence in respect of citizenship in this regard allows for a reassessment of what currently counts as politics and political possibility in the context of migration.

From Sovereign Politics to 'The Political'

R.B.J. Walker argues that the appearance of separation in modern liberal democratic traditions between claims about state sovereignty and the production of modern subjectivities within or outside states "merely effaces the conditions under which the world of modern sovereignties and subjectivities, of liberties, securities, developments and authorities/authorizations has been a world of *mutual* production."[137] Given that this separation between political community and subjectivity (and the manner in which this is constantly renegotiated) forms the basis of what is understood *as* politics in Western society, this has resulted in a call for the moment of 'the political' (the moment of contestation regarding what gets to count as 'politics') to be brought "back in".[138] The distinction which is drawn here between 'politics' and 'the political' is one which

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[135] Foucault, *The Use of Pleasure*, p.200
[136] Butler, 'Contingent Foundations', p.13
[137] Walker, 'Sovereignties, Exceptions, Worlds', p.243 (emphasis added)
[138] Edkins, *Poststructuralism and International Relations*, p.1

attempts to capture how our understanding of what counts as politics is both narrow and broad in focus. It is narrow in focus because on the one hand it invokes a clearly defined sphere of social life (politics) which involves all state related activities at a national level (elections, parliamentary debates, political activism, day-to-day activities of elected and government officials etc.) as well as at an international level (participation in the United Nations, diplomacy and war etc.). It is also broad in focus, however, insofar as it refers moreover to the processes of contestation (the political) by which all these things are constituted as 'politics' in the first place.

This emphasis on the contested and thus 'the political' nature of what gets to count as 'politics' is often attributed to the success of feminism during the 1970s and 1980s in its insistence that "the personal is political".[139] This slogan emphasized the importance of the notion of politics to understanding how relations of power result in certain activities – the feminization of domestic labour for example – being taken for granted. It highlighted the importance of the process itself by which activities and identities do or do not get to be included in 'politics' in the first place. Following this line of analysis what we can begin to see is a shift in the focus from questions of politics which are defined in terms of an already designated area of legitimate identities and subjectivities who engage 'in' politics, to questions of 'the political' which is the question of how we have come to understand the relationship between subjectivity and politics as one which is based on inclusion and exclusion in the first place. The political is no longer limited here simply to "grand moments of openness or decidability that arise in between established social systems".[140] Rather, what we are presented with is an explosion in the idea itself of a unique space of the political via a dissolution of the distinction between the public and the private in general, as well as more specifically in relation to the question of 'being'.[141] Our understanding of 'the political' has been relocated, in other words, in "the very soul of subjectivity".[142]

In the case of the 2004 Citizenship Referendum we see that the emphasis in existing analysis is on how citizenship provides a space for some children (whose parents

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[139] Donald, J. and Hall, S. (1986) *Politics and Ideology* (Milton Keynes, UK: Open University Press), p.xiv
[140] Edkins, *Poststructuralism and International Relations*), p.5
[141] Cruikshank, *The Will to Empower*, p.6
[142] Ibid, p.124

are 'Irish nationals') while excluding others (whose parents are 'non-Irish nationals'). The assumption is that everyone can become a 'citizen' but that only some are sanctioned to do so on the basis of how they have been culturally circumscribed as one or the other. Existing analysis of the 2004 Irish Citizenship Referendum emphasizes that certain children are prioritized over others and then draws moral implications from these experiences. In one respect this type of analysis is important insofar as it is predicated on making visible certain experiences of inclusion (as universalism) and exclusion (as particularism) in order to expose the existence of repressive mechanisms through which the boundaries of political community are conceptualized. It fails in an equally important respect however, given that it does not historicize the notion of a coherent present self which has become articulated in terms of an inclusion/exclusion framework in the first place. In other words, despite highlighting the power relations embedded in dominant conceptions of citizenship, it ignores the conditions of possibility for the particular representations of power upon which a certain type of (autonomous and self-authorizing) subject is legitimized in the first place.[143] Instead, it presumes that the basis of all political possibility *must* be based on a decisive distinction in the last instance between identity (inside) and difference (outside). Doing so, it specifically ignores, however, how the question of citizenship in respect of migration is an area in which the idea itself of distinguishing between inside and outside, identity and difference, domestic and external spheres of organization is increasingly difficult, if not almost impossible, to maintain.

Having established that the question of what gets to count as political subjectivity (the political) in respect of the 2004 Irish Citizenship Referendum in the context of migration has been hitherto subordinated to prior assumptions about the nature of 'politics' as that which must always be based on the secure foundations of coherent presence, what is being argued is that there is a need to re-establish the political (the moment of contestation) in respect of our understanding of citizen-subjectivity in this context. The manner in which it is suggested that this be done in this thesis is by revisiting the question of how we have come to know the self as 'subject' via a particular understandings of time and space associated with the notion of the state as the basis of political organization. This is to ask how it became meaningful to begin with to think of

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[143] Edkins, P*oststructuralism and International Relations,* p.3

'being' *as* inclusionable or exclusionable from politics and political community in the context of citizenship in 2004 by attending to "the historical processes that, through discourse, position subjects and produce their experiences" in terms of the idea of a coherent I as divisible in space and continuous in time.[144] It is to ask specifically how the notion of presence itself functions as a foundation in respect of citizenship upon which subsequent ontological settlements are then based. Instead of taking for granted that being or not being citizen simply makes sense in terms of spaces of self and selves which are clearly delineated from spaces of (antagonistic or neutralized) other and others which are underwritten by historical narratives of here and now, us and them, what is focused upon is the question of the spatial and temporal conditions of possibility through which a specific understanding of 'being' has come to be understood in the dominant political imagination. This is so as to lay the foundations for exploring the types of alternative spatio-temporal conditions of possibility which have become *unintelligible* in respect of the question of citizen-subjectivity – most notably the ambiguous subjectivity of citizen-children born to migrant parents which will be explored in chapters four and five of this thesis – and how these indicate new political possibilities beyond what is currently envisaged in terms of sovereignty.

Repoliticising Subjectivity

In chapter one I argued that Julia Kristeva's work could help us consider how we might begin to engage with normally unintelligible spatio-temporal understandings of 'being'. This is on the basis that her work presents an alternative way of understanding human being which is no longer a metaphysics of presence vis-à-vis the state (sovereignty) but a metaphysics of process: 'being' that is a production of displacement and dispersal rather than substance. As has been noted, Freudian inspired psychoanalytical explorations of the various levels of the subject (of which the self as coherent I is only one) have been integral to the notion of the 'impossible subject' as a subject based around a lack. This idea of the subject which eschews foundations is central in turn to the attempts considered in this chapter to interrogate sovereignty and the notion of core or essential

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[144] Scott, J.W. (1992) 'Experience' In: J. Butler and J. W. Scott (eds) *Feminists Theorize the Political*, (New York and London: Routledge), p.25

subjectivity which is foundational in itself. Kristeva's work brings an interesting twist to this idea and to the field of psychoanalysis more generally. This is one which is particularly relevant in the context of migration, given that running through her work is an emphasis on how subjectivity is constructed by virtue of exile, separation and foreignness as that which is always already *within* the subject, as opposed to against it, as that which is its constitutive outside.

Building on the work of Lacan, Julia Kristeva's work can be seen to have further collapsed the distinction between public (self inside) and private (other outside) as understood in modern society. This is done by her asking who the stranger *to* the self is. This stranger is conceived of in various ways in her work: as migrant, as inner child, or as the effects of meaning which are not reducible to language and communication (the semiotic).[145] In all cases, the effect is to problematize the normal association of 'politics' with the public and the assumption that this is separable from the self which is private.[146] She shows how the external, the public and the institutional domain should not be conceived of as separate from the 'intimate' but as that which emerges "in the field of the 'intimate'".[147] In respect more specifically of questions of community, Kristeva shows this by considering how foreignness defines the very possibility for the distinction between 'Man' (or 'woman') and 'citizen' at the same time as it is juxtaposed to both.[148] The result is an alternative notion of 'self' as a discursive effect which is based around a lack of secure foundations in *either* 'Wo/Man' or 'citizen', as opposed to that which is based around the sovereign presence of both 'Wo/Man' and 'citizen' which already exists in discourse.

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[145] Kristeva distinguishes between two registers of signification: the 'symbolic' and the 'semiotic'. The symbolic represents "the tributary signification of language; all the effects of meaning that appear from the moment linguistic signs are articulated into grammar". In contrast to this, the semiotic represents "the effects of meaning that are not reducible to language or can operate outside language, even if language is necessary as an immediate context or a final referent." For Kristeva, the study of language is the study of the subject; more specifically of how the subject is an effect of the linguistic process. Kristeva has therefore drawn a connection between her registers of signification and Freud's registers of representation, explaining that "[w]hat interested me was, by way of the semiotic, to further elaborate a level of psychic representation that for Freud remains extremely primitive and imprecise." Kristeva, J. (1996) 'A Conversation with Julia Kristeva' In: *Julia Kristeva Interviews* (ed. R.M. Guberman), (Chichester, West Sussex: Columbia University Press), pp.21-22
[146] Kristeva, *Strangers to Ourselves*
[147] Jabri, 'Julia Kristeva', p.223
[148] Kristeva, *Strangers to Ourselves*; Kristeva, *Nations Without Nationalism*

Kristeva's work not only engages with the notion of the 'impossible subject' therefore. Her work also provides a way of theorizing this impossible subject through the notion of the 'intimate' itself as the basis of politics, despite that fact that politics is normally differentiated *from* the private and notions of intimacy.[149] This is very important in respect of this thesis given that its focus is on how understandings about citizenship intersect with those of migration through the intimate act of motherhood and giving birth. Where other theorists do similarly explore the intimate, they tend to equate this with an inferior position. In contrast to this, in her work when emphasizing her belief in the idea "of the woman as irrecuperable foreigner", Kristeva has sought to argue that "permanent marginality....is the motor of change".[150] She does so however uniquely without emphasizing the notion of 'woman': "Because in the present state of things, I am afraid that if we insist on the fact that the feminine differentiates the individual, we may arrive at a new form of homogeneity".[151] Instead, Kristeva emphasizes the irreducibility of the subject in all respects including in the last instance to that of (even gendered) embodiment. As Sean Homer so aptly points out "[f]or Kristeva, one cannot *be* a woman because 'woman' is a social construct. Kristeva defines 'woman' as that which is outside representation; that which cannot be spoken."[152]

It is precisely this constant disorientation in respect of the notion of 'subject' in her writings that makes Kristeva's work so relevant to the attempt to re-establish the political moment in respect of our understanding of citizen-subjectivity in the context of migration. This is because the notion here of constant disorientation and displacement is precisely contrary to how the subject has been conceived of via sovereignty as the 'individual' who is included in or excluded from politics in existing analysis of the 2004 Irish Citizenship Referendum and elsewhere in critical citizenship scholarship. Kristeva's work as based on the impossible dislocated subject instead emphasizes the idea of inconsistent times and spaces of subjectivity which demand our attention and permit us to consider how we might *re*theorize political possibility in respect of the question of citizenship. It presents an image contrary to the understanding of self which mirrors the

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[149] Jabri, 'Julia Kristeva', p.221
[150] Kristeva, J. (1996) 'Cultural Strangeness and the Subject in Crisis' In: *Julia Kristeva Interviews*, p.45
[151] Ibid, p.43; See also Kristeva, J. (1986) 'A New Type of Intellectual: The Dissident' In: *The Kristeva Reader*. Kristeva argues here that "we must stop making feminism into a new religion." (p.298)
[152] Homer, *Jacques Lacan*, p.118

spatio-temporal architecture of the sovereign state as that which is grounded both in absolute space and in a historical concept of time. Doing so, it provides us with a way of engaging with the interruptions to linear timeframes and absolute spatial imaginary which migration (as exile) poses to claims to sovereignty.

Conclusion

At the intersection of migration and citizenship some of the most important realities of modern political life come into focus. These realities manifest as a series of absolute spaces of 'politics' and the associated rights which are accorded to those who reside permanently within these borders and have become part of their historical narratives. These in turn, are opposed to absolute spaces devoid of politics in which certain other people are left to languish; constructed as being 'in' but not 'of' the aforementioned political spaces. In existing analysis of the 2004 Irish Citizenship Referendum the focus is on the people who are perceived as unfairly being prevented from ever fully belonging in the spaces and times of politics to which they contribute on a daily basis. In subjecting these 'realities' to an in-depth theoretical investigation, the aim of this chapter has not been to ignore them and/or their urgency but rather to distinguish between the problems themselves and that of the *existing* solutions and conclusions which have been derived from these problems; in particular that of sovereign autonomy and the idea that political possibility must be based on appeals to a guarantee of the self as located presence in the last instance.

What has been emphasized in this chapter is the manner in which the sovereign state and the modern subject have together become "as the apogee of all modern desires and possibilities".[153] Sovereign power, as that which has come to dominate our understanding of rule, has also therefore arguably come "to limit our imagination in relation to the possibility and to the promise *of* politics."[154] What has been considered is

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[153] Walker, R.B.J. (1999) 'Foreword' In: Edkins et al., *Sovereignty and Subjectivity*, p.x

[154] Dillon, M. (2004) 'Correlating Sovereign and Biopower' In: J. Edkins, V. Pin-Fat and M. Shapiro (eds) *Sovereign Lives: Power in Global Politics* (Oxon: Routledge), p.42 (emphasis added); Walker, 'Sovereignties, Exceptions, Worlds'; Drawing on Edkins (1999) and Hindess (1996), Edkins and Pin-Fat discuss how sovereignty (the notion of an essential core) acts as a master signifier (the nodal point around which meaning is articulated) for the social order; as that which defines social reality as well as the

the need instead to recognise the appeal to sovereign autonomy as a particular solution to the problem of politics as posed in early modern Europe. This is one which encourages certain understandings regarding subjectivity while excluding others, and as such, is something which needs to be explored as a political aspect in its own right.

This chapter has suggested that an alternative perspective on the construction of citizen-subjectivity might be drawn from a series of theorists (whose work is otherwise diverse) who problematize the notion of sovereignty – the supposed overarching reality of presence – as a particular way of knowing and being. These are people for whom political theory is no longer "a site at which one…[can] more or less ignore the problematic status of modern political judgement and assume that sovereignty simply is".[155] This is due to the manner in which modern accounts of sovereignty are increasingly unable to respond persuasively to understandings about how discrimination and authorization are being renegotiated outside of the idea of traditional political 'possibility'.

Instead of trying to fit the newly configuring categories of space and time which as a result of migration are contracting, twisting, expanding and fracturing all around us (back) into existing statist dominated political horizons which reaffirm the need for foundations and our ability to always resolve the dilemma of particularism and universalism within the notion of a sovereign autonomous self, the work of these theorists has been used to consider the manner in which the 'politics' of citizenship need not always be answered in this manner. Instead, through their work what has been emphasized is the ability to consider how migration implicates "new ways of experiencing life, a new attitude to time and space, a new sense of history and identity" which require answers and horizons beyond the notion of 'individual' and the idea of a subject as that which exists vis-à-vis the state as autonomous and sovereign in the last instance.[156] The danger in ignoring the need for these new horizons and instead continuing to resolve the dilemma of particularism and universalism vis-à-vis the state and thus within the notion of a sovereign autonomous self, will be explored in the next

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meaning of what it is to 'be' a subject in this reality. Edkins and Pin-Fat, 'The Subject of the Political', pp.5-7 – Edkins, *Poststructuralism and International Relations,* pp.6-7 and pp.139-140; Hindess, B. (1996) *Discourses of Power: From Hobbes to Foucault* (Oxford: Blackwell), pp.157-158

[155] Walker, *After the Globe* p.148
[156] Camilleri, 'Rethinking Sovereignty', p.35

chapter. What will be argued is that the result is to merely reframe the existing terms of the citizenship debate rather than to interrogate the taken-for-granted (sovereign) time and space of how we understand the political possibility of citizen-subjectivity.

Chapter 3
Maintaining the Citizenship Debate:
Reframing as opposed to challenging its existing terms

> For the entire life of this State, we have held to a person's fundamental right to the country of his or her birth. In this regard we have always been closer to Boston than to Berlin…Fortress Europe has little to teach us in this regard. It has long held to the old tired principle of the rights of blood (known as jus sanguine) over those of soil (jus soli)…We are now being asked to choose between these two new worlds and to choose the old world model. **Mary Raferty**[1]

Introduction

The 2004 Citizenship Referendum brought to the fore questions of, and understandings regarding immigration, integration and social change in the Republic of Ireland in terms of the dualisms of inclusion and exclusion, particularism and universalism, nationalism and postnationalism. As indicated in the above quotation, these distinctions have been conceptualized primarily through a comparison between a European inspired qualified model of birthright (jus sanguine), versus that of a North American model of universal birthright citizenship (jus soli). Existing analysis of the referendum argues these are two alternative understandings regarding how political community and identity should be organized: one which reproduces the existing boundaries of the nation-state and can be associated with a particularly narrow republican conception of citizenship, the other which allows for a rewriting of these boundaries through more inclusive appeals to a common humanity. This chapter explores, however, how claims to humanity and the idea of a universal citizenship are not entirely contradictory to claims about particularism and the idea of bounded citizenship. It considers instead how each works on some level "within a broader discourse [about our collective futures] that requires *both* for its coherence and legitimacy."[2] The result is a much more complex and intricate image of the various (overlapping) arguments put forward in the 2004 Irish Citizenship Referendum to that which is normally offered.

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[1] Raferty, M., Opinion and Analysis, 'McDowell slips badly this time', *The Irish Times*, 18/03/2004
[2] Walker, 'Citizenship after the Modern Subject', p.189 (emphasis added)

This chapter argues that the 2004 Irish Citizenship Referendum can be retheorized as one single debate made up of two sides: one which accepts a dominant framework of statehood and community rather unproblematically, and the other which attempts to resist this framing but which nonetheless accepts the notion that the state is determinative in the last instance of the limits to understandings about political possibility. The latter attempts to resist the dominant framing are important because they challenge the basis of the statist monopoly on existing understandings about political community and identity. However, it will be pointed out that these do not ultimately undermine the dominant conception of political subjectivity as that which is defined in terms of state sovereignty. Instead they reinforce the idea that political possibility must continue to be defined as that which is split between 'Man' (as universal identity) and 'citizen' (as particular identity); thus merely reframing as opposed to actually challenging the terms of the existing citizenship debate.

Chapters one and two set out how the 2004 Citizenship Referendum can be begun to be conceived of as a discourse in its own right by looking at how citizenship has been constructed as a problem *of* and *for* state sovereignty in discussions surrounding it. Both this and the next chapter draw on source material generated by the discussions surrounding the 2004 Citizenship Referendum across academia, politics and civil society, in order to consider the terms of this discourse. The aim in doing so is to highlight how a particular 'order of representation' was enabled because it prioritized a certain type of understandings (a modern conception of subjectivity) as the legitimate basis for debating citizenship. What is emphasized is how both sides of the debate underline the need to consider how particularism and universalism can ultimately be reconciled *in* an understanding of subjectivity which is one and the same time multiple and universal, yet individual and specific. The point is to consider how, in the last instance, subjectivity is limited in these accounts according to the manner in which it is conceptualized through the principle of state sovereignty and the associated delineation of political possibility in time and space. This chapter does so by looking specifically at the importance of the state, and thus statist imaginary, in defining the possibilities for political community and identity in those arguments against, *as well as* those arguments in favour of the 2004 proposal to abolish automatic entitlement to birthright citizenship in Ireland. Drawing on

the same source material, the next chapter will then consider more closely the implications and limitations of conceptualizing the subject as sovereign in this continued statist framing of the 'politics' of citizenship.

The Citizenship Debate

The aim of this first section is to begin to explore the mutually constitutive relationship between universal and particular conceptions of political community and identity which informed the possible responses to the question of Irish citizenship in 2004. It considers how to conceptualize the interdependence of models of citizenship which are normally presented as opposing each other in this respect. Following Maxim Silverman, and Piaras MacÉinrí it will be explained that this is to (re)orientate the dominant focus in citizenship studies away from emphasizing the dissimilarities between particular (exclusive) and universal (inclusive) models of citizenship, to that of exploring the interdependence of these understandings for a more general comprehension of the nature and location of 'politics' in modern society. It will be argued that neither particular nor universal models of citizenship on their own provide the answers to what the politics of citizenship is and can be. Rather the politics of citizenship only makes sense in relation to both. Citizenship therefore needs to be understood in terms of how it is informed by the idea of belonging to a specific community (particularism) *in conjunction* with our sense of our being humans (universalism).[3]

Universal and Particular Conceptions of Political Community as In(ter)dependent

At the time of the proposed referendum in 2004, the clash between the principle of jus sanguine as a qualified model of birthright, and that of jus soli as an unrestricted model of birthright, was outlined broadly thus. On one side, those in favor of the 2004 Irish Citizenship Referendum proposal argued that the decision to base citizenship on the principle of jus sanguine was about global compatibility:

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[3] Walker, 'Citizenship after the Modern Subject', p.190

It is about bringing Irish citizenship law into line with European Union citizenship law. In Australia, for instance, a child born to non-national parents has no claim to citizenship. The same applies in the United Kingdom, France and Germany.[4]

The Government Chief Whip insisted that it came down to the question of contribution and the need to distinguish between those who contribute to society themselves or through their parents, as opposed to those who do not:

> I consider myself of be a citizen of Ireland as does everybody in the House, not just because I was born here. I am a citizen of Ireland because my parents and grandparents lived and worked here and contributed to society. I too continue to make a contribution to society. Citizenship does not imply any cultural or ethnic uniformity but it implies that contribution.[5]

Those in favor of jus soli, on the other hand, questioned the merits of this European trend, arguing that "[t]he experience of the United States as a melting pot and a society which welcomed – with different levels of success, […] different cultures" has resulted in "a stronger country, particularly economically".[6] It was argued furthermore that it resulted in a fairer society:

> The argument that was persuasive in Canada and the United States was that the seemingly random 'accident of birth' rule was actually a fair, democratic and objective way to determine citizenship, not dependent on race, colour, wealth or the political clout of parents. North American countries have maintained a generous approach to citizenship and have thriving economies. Their approach to citizenship has served Irish people very well over the past two centuries. We are grateful for that and we should learn from it.[7]

In keeping with this idea, former USA Congressman Bruce Morrison went so far as to suggest that jus soli was the *only* basis for a fair society, insisting that "[t]he alternative to birthright citizenship is citizenship based upon ethnicity with a set of technical rules that leave open the possibility that people born and brought up in Ireland are not citizens."[8]

According to Mancini and Finlay the eventual choice of the Irish Government to propose a break with the existing emphasis on jus soli in the Irish constitution – a

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[4] Nolan, M.J. (FF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.60
[5] Hanafin, M. (FF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.86
[6] Boyle, D. (Green Party) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1277
[7] Burton, J. (Labour) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.114
[8] Hennessy, M. 'Morrison terms poll on citizenship 'dangerous'', *The Irish Times*, 14/04/2004. Normally the opinion of a former USA Congressman would not be of enormous significance in relation to an issue of national concern such as that of citizenship. However, Bruce Morrison's opinions have been held in high regard in relation to issues of immigration and citizenship in the Republic of Ireland ever since he was instrumental in securing a provision in the US Immigration and Nationality Act, 1990 for a pool of visas (40,000/year from 1992-94), a sizable proportion of which (48,000) were set aside for people born on the island of Ireland.

decision which was later endorsed by the Irish electorate at the polls on 11 June 2004 –
"marked a sharp break from both this tradition and the universalism it entails."[9]
Elsewhere King-O'Riain has argued that the result has been "to create a racialised two-
tier system where jus sanguinis, or ancestry…becomes the basis and prime criterion for
being an Irish citizen."[10] The understanding here is that by favouring the European trend
the ideology of universalism (jus soli) was 'replaced' by the ideology of particularism
(jus sanguine). Narrow exclusivist understandings of modern political community,
defined in terms of possibilities and necessities of the nation-state, took precedence over
broader understandings of modern political community which were defined in terms of
possibilities and necessities beyond the nation-state. Mancini and Finlay argue that
"a…neglect of the moral, cultural, and economic importance of jus soli threatens to
impoverish contemporary debates surrounding immigration".[11] In raising the question of
immigration in this manner, they posit the choice of models of political community as
either jus soli (universalism) *or,* jus sanguine (particularism) and this understanding is
reflected throughout existing analysis of the referendum itself. This analysis emphasizes
that the referendum proposal "removed", "eliminated" and "substituted" jus soli in favour
of jus sanguine, tracing this decision back to a European convergence in this direction in
the area of immigration.[12] General references within Dáil discussions and the literature on
the 2004 referendum are based on the understanding, as argued by Fanning and
Mutwarasibo, that in the wake of the Maastricht treaty a degree of harmonization became
inevitable in Europe[13] and that "[T]he Government is playing with…a fear of the
unknown, a fear of the foreigner that is shared throughout Europe."[14]

     Yet, the usefulness of this juxtaposition between understandings of how political
community is organized in Europe on one hand and in North America on the other, in
terms of a supposed 'trade off' between prioritizing either jus soli *or* jus sanguine,

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[9] Mancini, and Finlay, '"Citizenship Matters"', p.580
[10] King-O'Riain, R.C. (2006) 'Re-Racialising the Irish State Through The Census, Citizenship and Language' In: A. Lentin and R. Lentin (eds) *Race and State* (Newcastle: Cambridge Scholars Press), p.284
[11] Mancini, and Finlay, '"Citizenship Matters"', p.576
[12] Fanning, and Mutwarasibo, 'Nationals/Non-Nationals', p.439; Lentin, R. (2007) 'Illegal in Ireland, Irish Illegals: Diaspora Nation as Racial State', *Irish Political Studies*, Vol.22, Issue.4, p.435; Mancini, and Finlay, '"Citizenship Matters"', p.576
[13] Fanning and Mutwarasibo, 'Nationals/Non-Nationals', p.446
[14] Quinn, R. (Labour) Oireachtas Debates (28 April 2004) *Twenty-seventh Amendment*, p.769

universalism *or* particularism, is problematic. When considering, for example, how Ireland might formulate a vision of political community in the twenty-first century as a country of immigration rather than that of emigration, Piaras MacÉinrí argues that existing responses to immigration *within* Europe and within individual states in Europe involve questions and understandings of 'universal' conceptions of political community as much as those understandings about political community 'between' Europe and elsewhere do.[15] This is because most European countries operate a system of *both* jus sanguine and jus soli. In Ireland, for example, the general provision which stipulates that all those born in Ireland are Irish citizens themselves regardless of their parent's place of birth, which has existed either constitutionally or in statute until 2004, is not the only provision governing citizenship. This exists in conjunction with legal provisions for obtaining Irish citizenship by descent through an Irish citizen parent or, through a grandparent (the so-called 'grandfather clause').[16] This final provision, as provided for in Irish legislation, is a provision allowing second, third and fourth generation people whose parents are registered on the Foreign Births Register to avail of Irish citizenship by virtue of their ancestry. The point is that Irish legislation has always allowed for citizenship to be passed on by descent (jus sanguine) as well as by way of the provision of place of birth (jus soli).

To some extent his fact is indirectly acknowledged by most people. However, this has not prevented the use of 'jus soli' and 'jus sanguine' as concepts to refer in shorthand to entirely conflicting models of citizenship and to argue that one is replacing/overturning etc. the other. Furthermore, even when this is acknowledged and the distinction between jus soli and jus sanguine is justified as that which refers to what is the 'primary' means (descent or birthplace) by which citizenship is acquired in a given state, the lack of

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[15] MacÉinrí, 'Integration Models and Choices', pp.216-235

[16] The 'grandfather clause' refers to a provision in Irish legislation which allows for the acquisition of Irish citizenship by descent for those of subsequent generations who are not born in Ireland. In an information leaflet provided for by the Department of Justice they explain how this works. "If you are of the third or subsequent generation born abroad to an Irish citizen (in other words, one of your parents is an Irish citizen but none of your parents or grandparents was born in Ireland) you may be entitled to become an Irish citizen by having your birth registered in the Foreign Births Register; this depends on whether the parent through whom you derive Irish citizenship had himself or herself become an Irish citizen by being registered in the Foreign Births register *before you were born* [….] The Irish citizenship of successive generations may be maintained in this way by each generation ensuring registration in the Foreign Births Register before the birth of the next generation." Department of Justice, Equality and Law Reform (2008), *Information Leaflet No.1: General Information on Irish Citizenship*, p.3

general consensus regarding the meaning of these terms in the first place is often ignored. For example, there was huge disagreement in 2004 as to whether jus soli can exist in conjunction with jus sanguine or not. The Irish Government insisted, on one hand, that it can and therefore argued that jus soli would not be 'overturned' or 'eliminated' as, following acceptance of the Twenty-Seventh Amendment of the Constitution Bill 2004 the children of non-nationals who fulfilled the conditions of residency criteria would automatically acquire the right to Irish citizenship at birth. On the other hand, those against the proposed referendum argued that jus soli is an unconditional right which ceases to exist when qualifications are imposed on it. One Teachta Dála (TD), for example, referred to birthright citizenship as being a "sacred" feature, implying that it can not be altered in any way.[17]

In contrast to this emphasis on opposing particular and universal models of political community, MacÉinrí considers how one of the main European models for the organization of political community – multiculturalism – is in fact neither particular on one hand, nor universal on the other, neither inclusive nor exclusive, but needs to be understood as a product of (and therefore as that which incorporates elements of) *both* Romantic particularism and Enlightenment universalist aspirations.[18] This recent observation by MacÉinrí is reminiscent of a similar observation made by Maxim Silverman in his work undertaken in the early nineteen-nineties. In *Deconstructing the Nation,* Silverman sought to reappraise the framework of oppositional models through which citizenship had been primarily theorized up until that point.[19] This was normally in terms of a republican universalism model associated with France, as against a Romantic particularism model associated with Germany. This typology can be seen in turn to have been taken as indicative of a juxtaposition between 'inclusive' and 'exclusive' models of political community within a European context and, between Europe and the rest of the world.[20] Silverman argued, however, that "the contradictions in the formation of all

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[17] Burton, J. (Labour) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.114
[18] MacÉinrí, 'Integration Models and Choices'
[19] Silverman, M. (1992) *Deconstructing the Nation: Immigration, Racism and Citizenship in Modern France*, (London: Routledge)
[20] This is not to say that it is argued that citizenship models are either entirely inclusive or exclusive. Rather the point is that the typification of citizenship models in terms of inclusivity and exclusivity has been taken as an important aspect in understandings how political community and identity is organized in Europe in

modern nation-states: contradictions which emerge within Enlightenment of the individual and the collectivity" needed to be considered also.[21] Emphasizing the general problematic nature and ambivalence of the nation form which is highlighted when questions of immigration invoke responses regarding citizenship, Silverman specifically argued that "there is a need to problematize models which have become stereotyped as polar opposites" such as universalism and particularism; assimilation and difference; individualism and collectivism.[22]

Silverman's argument is that practice demonstrates that the concept of citizenship does not reflect mutually exclusive understandings of how political society should be organized in terms of inclusion and exclusion, or alternatively as some middle ground between these two options. The concept of citizenship is rather "situated at the intersection of diverse and often contradictory discourses" regarding who 'we' are and where 'we' belong.[23] Instead of reflecting models which can be understood as either inclusive on one hand or, on the other hand, more exclusive organizations of political community and identity, Silverman argues that the concepts of universalism and particularism which underpin these citizenship models need to be conceptualized in terms of how they themselves "form part of a more complex whole: that of a tension *within* the fabric of western nations."[24] Furthermore, instead of looking at how the question of immigration 'confirms' how citizenship operates at a national level or within Europe, Silverman insists on the need to explore how immigration *contradicts* and *destabilizes* the models of universalism and particularism upon which understandings about citizenship and its relationship with the state are based in the first place. In this respect Silverman takes a different approach to someone like Roger Brubaker whose work has been particularly influential in the area of citizenship and who has concentrated on exploring the genesis and continuation of several distinctive traditions of political community formation across Europe: understood in terms of different traditions of universalism and particularism associated with Universal Enlightenment and Romantic Particularism

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contrast to elsewhere in the world. See, for example, Stolcke, V. (1995) 'Talking Culture: New Boundaries, New Rhetorics of Exclusion in Europe', *Current Anthropology*, Vol.36 Issue.1, September, pp.1-24
[21] Silverman, *Deconstructing the Nation*, p.6
[22] Ibid, p.5
[23] Ibid, p.128
[24] Ibid, p.5

respectively.[25] Brubaker's discussions have undoubtedly facilitated very important understandings regarding the widely varied development of citizenship across European territory and the implications for immigrants as a result thereof. This notwithstanding, Silverman, however, points towards the need to explore how the question of immigration also problematizes the understanding of the historical relationship between citizenship and the modern sovereign territorial nation-state. He points out that thinking about particularism and universalism as two separate models of citizenship fails to address this question as it merely reproduces a statist framing of politics.

In order to understand the role which the modern sovereign territorial state plays in defining citizenship, what is suggested in this chapter is that we begin to think of the state as a 'limit-concept'. Peter Nyers argues that thinking in terms of limit concepts "forces us to confront the limits of modern forms of political identity, community and practice."[26] He argues that we need to think of 'limits', however, not only as that which act as restrictions "beyond which one can go no further" but as that which are "simultaneously foundational, as they serve as the condition of possibility for making distinctions *such as* inside/outside, self/other, friend/enemy."[27] This understanding of the state as limit concept will be taken as a starting point to begin to explore, within the deliberations and discussions surrounding the 2004 Irish Citizenship Referendum, the mutually constitutive relationship between particular (exclusive) and universal (inclusive) models of citizenship in defining the type of political subjectivity which we are told makes sense here.

The State as a 'Limit-Concept'

The second stage of the Twenty-Seventh Amendment of the Constitution Bill 2004 was debated in Dáil Eireann over a sixteen hour (two day) period. In the weeks leading up to this Bill, as well as in the remainder committee and final report stages, and in the Seanad where the bill was debated subsequently, various types of political society envisaged for

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[25] See for example Brubaker, R. (1992) *Citizenship and Nationhood in France and Germany* (Cambridge Massachusetts: Harvard University Press); Brubaker, R. (1998) 'Immigration, Citizenship, and the Nation-State in France and Germany', Sharfir, Gersham (ed.) *The Citizenship Debates: A Reader* (University of Minnesota Press: Minneapolis), pp.131-163
[26] Nyers, 'Emergency or Emerging Identities', p.4
[27] Ibid (emphasis added)

Ireland were passionately discussed in light of the all important question of 'immigration'. Yet insofar as there were two sides to the debate, neither of these can be said to have invoked completely different conceptions of the nature of citizenship. Rather, what is evident is that conceptions of universalism (jus soli) and those of particularism (jus sanguine) relied equally on the notion of a bounded political unit (state) to invoke the parameters of what was and what was not an accepted limitation on understandings of where citizenship should end.

On one side there were those advocating a bounded concept of political community who justified this on the basis of a civic understanding of the importance of the relationship between duty and belonging. These people argued that the physical borders of the Irish state could be identified with the 'acceptable' limits of Irish citizenship. The argument here, as Ivor Calley, Minister of State at the Department of Health and Children points out, is that citizenship is understood as embodying a relationship between community, nationality and sovereignty. This is a relationship which is encompassed in Irish statehood itself. What is understood is that "[c]itizenship is an important issue which goes to the heart of the nature of our State, our nation and our sovereignty."[28] The presumption is that citizenship is synonymous with the national political community. The point at which the international community (the universal) begins is the point where national political community (the particular) ends. This is also the point at which citizenship in any meaningful sense of the term ends. In other words, the notion of the particular works here to define the 'acceptable' limits of how political community (citizenship) must be organized and beyond which it will not work. The implication is that the former should not be conflated with the latter as to do so would be to lose the essence (core) of citizenship. This framework allows for the clear delineation between what citizenship does and does not require by way of connections and duties or responsibilities. As articulated again by Ivor Calley at the time of the referendum in 2004, the belief here is that

> [i]t [citizenship] is more than just an entitlement to a passport. Citizens must show loyalty to the State and fidelity to the nation. Citizenship should not be available on foot of geographical circumstances of birth. There should be a greater connection with the country before an entitlement to citizenship.[29]

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[28] Callely, I. (FF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.46
[29] Ibid, p.48

Against this, those who objected to the notion of a bounded concept citizenship argued that a bounded concept of political community was based on an ethnic understanding of belonging. As an alternative, they advocated a concept of citizenship which emphasized the importance of humanity (the universal) over and above that of the national community (the particular). The argument made here is that the national community is indicative of the boundaries at which the 'unacceptable' limits of citizenship become most apparent. As Mr. Crowe, a SF TD points out, proposals about the need to align citizenship with the boundaries of the Irish state are interpreted from this perspective as dangerous: "Most fair-minded people would see that we are going in the direction of the politics of fear. We heard a great deal about the concept of fortress Europe, but are we not in fortress Ireland? Is that the sort of message that we are sending out?"[30] In other words, although the particularity of the national community is understood here as coterminous with the boundaries of the Irish statist project, the claims of state sovereignty are not presumed to provide the only real answers to "all questions about who we are and who we might become as political subjects."[31] Rather, what is argued is that the claims of state sovereignty mark the point at which our possibilities as political subjects are often restricted. For example, Michael D. Higgins, TD, emphasized in 2004 in respect of the question of citizenship that, "the tone is moving away from human rights and international law and towards a narrow interpretation of protecting the territory etc."[32] The problem with this, he indicates, is the manner in which contemporary understandings about rights and obligations and needs often exceed the Irish statist political project which gives these rights and responsibilities meaning. His comment emphasizes how this is ignored and refused when rights and responsibilities (articulated as 'connections') are (exclusively) interpreted according to state sovereignty. He and others therefore argued in 2004 that the realm beyond the national political community – the realm which enables our understanding of ourselves as 'humans' as opposed to merely as 'citizens' – needs to be considered in terms of how it too affords occasion for thinking about how political subjectivity is enabled.

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[30] Crowe, S. (SF) Oireachtas Debates (11 March 2004) *Social Welfare (Miscellaneous Provisions) Bill*, p.316
[31] Walker, 'Citizenship after the Modern Subject', p.188
[32] Higgins, M.D. (Labour) Oireachtas Debates (4 February 2004) *Immigration Bill 2004*, p.518

Thinking about the discussions surrounding the 2004 Irish Citizenship Referendum in this manner allows us to consider how the relationship between the particular (national community) and the universal (humanity) as invoked here is a mutually constitutive relationship. It is one in which the claims of a prior understanding of the framing of universality enables the particularity of the state to become both problem and solution to this framing.[33] This allows us to stop continuing to engage with this debate simply in terms of the merits of one side versus the other or the need for a middle ground between both. It allows us to consider instead how the notion of the modern territorial state acts as a defining concept in *both* sides of the debate: on one hand as that which defines the acceptable limits of citizenship (here the state is understood as a 'solution' to the framing of universality), and on the other hand as that which defines the unacceptable limits of citizenship (where the state is understood as a 'problem' to the framing of universality).

The state as defining the 'acceptable' limits of citizenship

With the Twenty-Seventh Amendment to the Constitution Bill 2004, the Irish Government defended a conception of citizenship which they argued needed to be grounded in 'connections'. This was articulated in terms of the idea that "to become an Irish citizen a person should have a much greater connection with this country than simply being born here."[34] These connections to the nation, to the state, and to Irish society more generally were seen here as embodying the most important elements of citizenship.

Within the Irish political system, the Taoiseach Bertie Ahern had begun to indicate concerns in 2004 regarding growing alienation within Irish society. He did so by inviting well known author of *Bowling Alone,* Robert Putnam, to address the FF parliamentary party in September 2004. Speaking several years later at the Conference on the Future of the Community and Voluntary Sector, Ahern spoke of the significance of Putnam's concept of 'social capital' and the need which Putman had identified for direct participation in society by individuals to ensure the health of society as a whole. He stressed the importance of both ideas in the development of the community sector in an

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[33] Walker, 'Citizenship after the Modern Subject', p.189; Walker, 'Polis, Cosmopolis, Politics'
[34] O'Dea, W. (FF) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1265

Irish context.[35] Robert Putnam explains in *Blowing Alone* that social capital "refers to connections among individuals – social networks and the norms of reciprocity and trustworthiness that arise from them", going on to argue that social capital is "most powerful when embedded in a dense network of reciprocal social relations."[36] An accumulation of efforts by the FF Government to put this model into practice in Ireland in the early twenty-first century can be seen in the setting up 'the Active Taskforce on Citizenship' designed to encourage all citizens in Ireland to be(come) 'active citizens'. In the Government's White Paper on Supporting Voluntary Activity, it defines active citizenship as

> the active role of people, communities and voluntary organisations in decision-making which directly affects them. This extends the concept of formal citizenship and democratic society from one of basic civil, political and social and economic rights to one of direct democratic participation and responsibility.[37]

The Concept of Active Citizenship (publication by the Taskforce on Active Citizenship) defines active citizenship in relation both to the concept of civic republicanism and Putman's work on social capital.[38] The values which this particular model of social change stresses are encompassed in the Taoiseach's emphasis on three factors in his 2006 address to the Community and Voluntary Sector: the importance of "vibrant civic society"; the need "to support the values of solidarity and participation, rather than isolation and withdrawal"; and, the imperative of encouraging everyone to "take a step forward, become involved, and serve the community in a direct and active way".[39]

It is important to note, therefore, that when speaking in the Dáil about the Twenty-Seventh Amendment to the Constitution Bill 2004, Government Deputies discussed the issue of citizenship in relation specifically to the need for this type of 'involvement' in Irish society. The Government Chief Whip in 2004, for example, when asked about her understanding of the issue of citizenship when coming to speak in the

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[35] Taskforce on Active Citizenship (2006) *Speech by the Taoiseach, Bertie Ahern, T.D. at the Conference on the Future of the Community and Voluntary Sector*, 23 May
[36] Putnam, R.D. (2000) *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster Paperbacks), p.19
[37] Department of Social, Community and Family Affairs, (2000) *Supporting Voluntary Activity, Government White Paper,* (Dublin: Government Publications), p.14
[38] Taskforce on Active Citizenship (2007) *The Concept of Active Citizenship* (Dublin: The Taskforce for Active Citizenship), pp.1-16
[39] Taskforce on Active Citizenship, *Speech by the Taoiseach, Bertie Ahern, T.D.*

discussions about the referendum proposal in 2004, explained that her understanding of the issue was "via the notion of 'active belonging'".[40] This, she defined as the involvement in a particular community or in a particular cultural amenity such as sport.[41] "We weren't always talking explicitly about 'citizenship' […] but about belonging and being proud of being involved in an Irish society. I think this notion of local belonging is quite particular to Ireland. In itself it is a definition of citizenship."[42] Similarly, another TD interviewed who had spoken in the Dáil discussions in 2004 in favour of basing citizenship on 'connections' rather than on "entry into this country a short time before the birth of a child"[43], cited personal experience of exploring the issue of citizenship in terms of the problem of a disconnect between citizen and system. "My experience tells me that democracy is very remote for most people in society and this perception is perpetuated by the media. My conclusion is therefore that what is needed is to encourage participation and this is what I have concentrated on."[44]

What this demonstrates is that the concept of citizenship had been assigned a very particular meaning in the political arena in Ireland leading up to the 2004 Citizenship Referendum. In an era where utilitarian individualist accounts of what liberal societies should look like were gaining predominance, an emphasis on social obligation and collective responsibility understandably resonated with many people.[45] The importance of the idea of connection(s) via direct involvement in Irish community had taken on

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[40] Interview with Mary Hanafin, TD and Government Chief Whip, 2002 – 2004 (Dublin, 12/08/2009)

[41] Ibid. It should be noted that sport has had a particularly political emphasis in Ireland given the role which certain games (hurling and Gaelic football most notably) played in the construction of Irish nationalism after partition in 1922 in comparison to how other sports were designated as 'foreign'. It was only in 2005, for example, that there was an eventual end to a century-old ban by the Irish Gaelic Athletics Association on the playing of 'foreign sports' (which included soccer and rugby) on any of its properties.

[42] Interview with Mary Hanafin, TD and Government Chief Whip, 2002 – 2004 (Dublin, 12/08/2009)

[43] Killeen, T. (FF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.67

[44] Interview with Tony Killeen, TD and Minister for Labour Affairs at the Department of Enterprise, Trade and Employment 2004 – 2007, (Dublin, 17/06/2009)

[45] It is notable that critiques of active citizenship tend not to be based therefore on refuting the usefulness of such a concept but of the necessary understanding implied regarding a supposedly consistent meaning of the 'active citizen' and/or of 'action in solidarity'. On the former see, for example, Cynthia Weber who looks at how the notion of an 'active' citizenship is being redesigned through projects such as 'the casa segura project' in the U.S. On the latter see, for example, Niamh Gaynor who interrogates what she argues is "a highly selective rendering of the interrelated concepts of citizenship, social capital, and community development". Weber, C. (2010) 'Introduction, Design and Citizenship', *Citizenship Studies*, Vol.14, Issue.1, p.8; Gaynor, N. (2009) 'In-Active Citizenship and the Depoliticization of Community Development in Ireland', *Community Development Journal,* Advance Access published 23 July, p.2

enormous importance in political life for understandings of the role which citizenship should play in society.

The notion that there are core assumptions attached to the concept of citizenship which place constraints on its use or application is one which has found acceptance within social science. Andrew Mason, for example, insists that citizenship has a core which is hard to reconcile with notions of a more global universal type citizenship which lies outside the boundaries of the nation-state or equivalent political institution.[46] For Mason, a common respect for global ethics or global justice does not fulfil the condition of citizenship: "the mere existence of demanding moral obligations, or even obligations of justice that extend across state borders, is insufficient to engage the concept of citizenship."[47] David Miller also draws a similar distinction between obligations which human beings have to each other and what he calls 'genuine citizenship'.[48] For Miller, genuine citizenship is republican citizenship which remains true to its preconditions; "it cannot be conjured up *ex nihilo*".[49] He discusses four necessary preconditions: these are the enjoyment of a set of equal rights necessary to carry out private aims as well as a public role; a set of obligations; willingness to defend rights of others and protect common interests; and participation in both formal and informal politics.[50]

The point is that 'citizenship' is distinguished here from (mere) relations between states. Aspirations of cosmopolitan democratic law, global civil society and multi-level territorial democratic citizenship are argued to take place by virtue of relations between *states* (e.g. via the European Court of Justice). Miller insists that they have nothing to do (or only minimal involvement) with citizenship itself. Without a determinate community with which one identifies politically, which is held together with communal ties, and others with whom one stands in relations of reciprocity, Miller argues that "this is not citizenship in any but the most empty and inflated sense".[51] It was arguably on such a basis that the Irish Government was able to comfortably respond to the Opposition's objections to the narrow conditions for citizenship put forward in the referendum

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[46] Mason, A. (2009) 'Environmental Obligations and the Limits of Transnational Citizenship', *Political Studies*, Vol.57, Issue.2, p.280
[47] Ibid, p.281
[48] Miller, 'Bounded Citizenship', p.60
[49] Ibid, p.79
[50] Ibid, pp.62-63
[51] Ibid, pp.78-79

proposal; explaining that to do otherwise would be to move away from citizenship as a useful term.

Yet, just as in *Bowling Alone*, Robert Putnam does not endorse or encourage "a single-minded pursuit of social capital [that] might unacceptably infringe on freedom and justice", nor, did the Irish Government claim to advocate such a policy regarding citizenship.[52] Putnam differentiates between "bridging social capital" (out-group solidarity) and "bonding social capital" (in-group solidarity) and argues that a balance needs to be achieved between them. It was this idea of a need for a balance between bonding further together those already part of Irish society (particularism) and bridging between Irish society and inward migration (universalism) that was echoed by the Irish Government in 2004. In particular it was argued, in response to accusations that the proposed amendment was racist, that bringing the existing Irish and new immigrant communities closer together (bridging) in order to create social capital within new and old communities (bonding) depended on dealing with any manifest grievances within Irish society as a whole. The Minister of State at the Department of Justice sought to clarify this at the time in the Dáil, explaining:

> It is important for us to recognise that it is the duty of Government to regulate and control immigration. Failure to do so would lead to racial tension […]. Rather than raising the issue of racism inadvertently, as the Opposition may be doing, the Minister, by dealing with this issue in terms of immigration laws, has objectively, sensibly and sensitively raised and introduced this referendum, and the legislation that will follow, to ensure that the charge of racism being levelled by the Opposition will not arise.[53]

When interviewed, another TD from FF justified the referendum in 2004 and the subsequent change in citizenship legislation as a form of prevention against what he called "toxic type reaction or incipient racism to the volume of asylum-seekers coming into the country."[54] He further elaborated:

> It couldn't be left as it was – if abuse wasn't curtailed bigger problems would follow. Racism was what we wanted to avoid. Not on a control platform but we wanted to avoid the problem which the British had already had by being seen to supervise immigration and limit abuses. The referendum needed to be done early to avoid implications of rampant abuses.[55]

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[52] Putnam, *Bowling Alone*, p.351
[53] O'Keeffe, B. (FF) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.75
[54] Interview with Conor Lenihan, TD and Member of Fianna Fáil 2004 Citizenship Referendum Campaign (Dublin, 08/06/2009)
[55] Ibid

The Taoiseach made a very similar argument when asked about the significance of the 2004 Irish Citizenship Referendum. He explained that from 2002 onwards

> it was very clear that exploitation involving babies via entitlement to citizenship [was taking place]. There was factual information on the ground regarding citizenship tourism. We did not want racism to take over. There would have been rampant abuse if left go on.[56]

The state as defining the 'unacceptable' limits of citizenship

In comparison, those who opposed the 2004 Citizenship Referendum proposal can be seen to have questioned the civic principle(s) of bounded citizenship which they were presented with by the Irish Government. This was done in the first instance by questioning the relatively unproblematic notion of the autonomy of the Irish state referred to in arguments about the sovereign 'duty' of the state to regulate and manage entry into and within its boundaries in order to control immigration and prevent racism. The history of emigration with which Ireland is associated was emphasized here instead to show the very real interdependent links between Ireland and the global system of states in which it exists. Similarly, the assumption regarding the homogeneity of Irish society until the 1990s, expressed by Government Deputies via comments such as: "[u]ntil recent years the people of this country have not been exposed to any great extent to people of African or oriental origin"[57], was actively problematized. An FG TD, for example, refuted this, responding that

> Deputy Killeen said we are not used to having people of other races in our communities but many generations of Irish people have been exposed to people of other races over many centuries. This did not take place in Ireland, but in those places throughout the world to which Irish people travelled.[58]

Finally, the notion of a dividing line between 'established' and 'new' (read: temporary) communities in Ireland which underwrote arguments regarding the need to distinguish between those with a 'genuine' connection to Ireland and the idea of passport tourists, was put under scrutiny. This was done by explaining that "[m]ost who come here do not see themselves as guest workers or temporary visitors. They fundamentally wish to stay

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[56] Interview with Bertie Ahern, Taoiseach, 1997 – 2008 (Dublin, 8/06/2009)
[57] Killeen, T. (FF) Oireachtas Debates (22 April 2004) *Twenty-Seventh Amendment*, p.69
[58] Neville, D. (FG) Oireachtas Debates (22 April 2004) *Twenty-Seventh Amendment*, p.70

and Ireland needs to face up to this and start to integrate these potential new citizens from the start."[59]

As an alternative, therefore, to looking only to the necessities and possibilities of modern political community 'within' the sovereign state and understandings of political subjectivity defined in terms of state particularism, those opposed to the 2004 Irish Citizenship Referendum tried to draw on understandings of the necessities and possibilities of modern political community and understandings of political subjectivity *outside* of the modern sovereign state. In other words, they emphasized the sense of being humans and being part of a universal human race *as well as* of 'being' in relation to a particular community. The imaginary of this interdependency of Ireland as a state within a larger states system was invoked here in order to break down the supposedly clear lines between 'them' and 'us', between those living within the Irish state and, those living outside of it. For example, it was pointed out by TD Mr O'Dowd in Dáil Éireann during discussions on the referendum proposal that "[t]he Irish people who emigrated sent back the money to send Pat and Mary to school. They used it to look after their sick parents and grandparents. What are the immigrants in Ireland doing today? They are doing exactly the same."[60]

This counter argument echoes an alternative strand within social science to the one invoked by the Irish Government in 2004. This is one which instead considers the need to radically expand the core concept of citizenship as normally understood in terms of the legal and political structure of the sovereign state. This is in order to take account of the many different types of membership of society which exist, both nationally and internationally. Michael Lister, for example, points out that "citizenship has become, or is in the process of becoming, decoupled from nationality."[61] In moving away from nationality and the statist project as a core element of citizenship, Lister explains that this reality is reflected in considerations of how it is that Europeanization and migration can be seen to challenge the so-called core values of citizenship which are normally associated with national statist understandings of the organization of political community.

[59] Crowe, S. (SF) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1279
[60] O'Dowd, F. (FG) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1292
[61] Lister, M. (2008) 'Editorial – Europeanization and Migration: Challenging the Values of Citizenship in Europe?', *Citizenship Studies,* Special Issue: Europeanization and Migration: Challenging the Values of Citizenship in Europe?, Vol.12, Issue.6, December, p.527

Instead of agreeing that citizenship is meaningless without its core values, he suggests that the evidence increasingly points to the fact that globalization, Europeanization and migration re-define the core values themselves in terms of *inter*nationalism.[62] It is on the basis of such understandings that the counter arguments surrounding the referendum have been able to interrogate the unquestionable assumption that state particularism defines the 'acceptable' limits of citizenship. This assumption has been revealed as highly problematic. On the contrary, state particularism is shown to present the misconceived 'unacceptable' limits of citizenship. Abstract universalism is put forward here as providing answers to more complex understandings of political possibility which state particularism fails to provide.

Looking at universal and particular conceptions of citizenship via the idea of the state as 'limit concept' in this way points to the mutually constitutive nature of understandings regarding how political community should be organized. It provides tangible examples of how conceptions of abstract universalism (humanity) work interdependently with conceptions of precise particularism (national community) to define a more general horizon of political possibility and necessity which are (only) then debated. In this first section, universal and particular models of citizenship have been shown to form part of a more complex whole therefore than is presented in existing analysis of the 2004 Irish Citizenship Referendum. What is brought into focus is not opposition, but the constant *transgression*

> of the (imagined) frontiers between universalism, particularism, assimilation and difference, individuals and communities, distance and proximity, the citizen and the subject, the private and the public, the administrative and the legal, the economic and the social and so on.[63]

Theorizing Citizenship as a Battlefield: Two Sides, One Debate

Having considered the debate on citizenship as manifested in the Republic of Ireland in 2004 in terms of two interdependent (as opposed to mutually exclusive) conceptions of

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[62] Ibid; See, for example, in the same issue Bellamy, R. (2008) 'Evaluating Union Citizenship: Belonging, Rights and Participation within the EU', *Citizenship Studies,* Special Issue –Europeanization and Migration: Challenging the Values of Citizenship in Europe?, Vol.12, Issue.6, December, pp.597-611; Kuisma, M. (2008) 'Rights or Privileges? The Challenge of Globalization to the Values of Citizenship', *Citizenship Studies,* Special Issue – Europeanization and Migration: Challenging the Values of Citizenship in Europe?, Vol.12, Issue.6, December, pp.613-627
[63] Silverman, *Deconstructing the Nation*, p.133

political community and identity, this second section will consider further how existing analysis of the 2004 Citizenship Referendum defines citizenship by way of the combined necessities and possibilities within and outside of the Irish sovereign state. It will do so by considering how this division between the national community (inside) and humanity (outside) has been further mapped onto the national statist project itself. This has been done by dividing it up into an 'inclusionary' core political realm (of which only certain people are members) on one hand, and an 'exclusionary' abstract humanitarian realm (of people who are not considered part of the dominant group) on the other.

What is argued is that the main difference between the two sides, as presented in the discussions surrounding the 2004 Citizenship Referendum, can be refocused away from the idea of an opposition. It can be refocused instead on how one side accepts certain understandings regarding the division between statehood and the international realm, between citizenship and humanity and between inside and outside as secure foundations, while the other side demonstrates an awareness of the insecurity of these foundations by questioning outright the supposed distinction between 'us' and 'them', 'citizen' and 'human'. The importance of the challenge which is posed to the statist monopoly on understandings of political community here by the latter side is not denied. What is argued, however, is that it does not include an overall questioning of the universal (Man) versus particular (citizen) foundations themselves as the basis upon which questions about the politics of citizenship *should* be based. The question of political identity and community continues rather to be circumscribed in discussions surrounding the 2004 Irish Citizenship Referendum by conceptions of the supposed necessity of autonomy and (state) sovereignty underlying these categories which are in turn assumed to be foundational in themselves.

Citizenship as a Process of Drawing Boundaries

Many counter-arguments surrounding the question of Irish citizenship in 2004 emphasize the precariousness of the foundations upon which the notions of 'Irish community' and 'Irish statehood' as used by the Irish Government, are based. In doing so, they highlight – both explicitly and implicitly – the importance of the role which citizenship plays in

nation construction: discussed most notably in the work of Floya Anthias and Nira Yuval-Davis.

In *Racialized Boundaries*, Floya Anthias and Nira Yuval-Davis consider the significance of exclusive understandings of political community and identity in terms of particular types of nationalist projects.[64] Their argument is that the right for national self-determination has assumed an ideal type understanding of nation-state according to which certain people are included (the dominant national collectivity) and certain others are excluded (minorities). They argue nonetheless that immigration is a concept which permits interrogation of the notion of 'community' understood here as being based on fixed boundaries. With this in mind, Yuval-Davis suggests that "for an adequate theory of citizenship, the examination of the differential access of different categories of citizens is of central importance".[65] Anthias and Yuval-Davis insist that citizenship be conceptualized as a battleground because they argue that the focus is primarily on securing "the right to enter, or, once having entered, the right to remain in a specific country."[66] They identify the issue of citizenship therefore as that of the question of 'where' boundaries are drawn, not only between the state and the international community but *within* the state itself by pointing out how the lines between inside (national) and outside (international) can be seen to be reproduced here. These boundaries, they argue, "relate to different sorts of racialized exclusions in the construction of the national collectivity."[67]

Notwithstanding disagreement by people such as Robin Cohen regarding whether or not these boundaries are accurately described as 'racialized'[68], the emphasis here and elsewhere by Yuval-Davis and Anthias on how the boundaries of national community and sovereign statehood need to be de-naturalized, has become a extremely powerful way of thinking about political community in critical citizenship studies. Its influences can be

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[64] Anthias and Yuval-Davis, *Racialized Boundaries.* See in particular 'Chapter 2: Whose nation? Whose State? Racial/Ethnic Divisions and the Nation', pp.21-60

[65] Yuval-Davis, 'The Citizenship Debate', p.58

[66] Anthias and Yuval-Davis, *Racialized Boundaries*, p.31

[67] Ibid, p.42

[68] Cohen argues, for example, that Anthias and Yuval-Davis are in danger here of "stretching the elastic band of 'racism' around a fatter and fatter bundle of related (yet importantly distinct) phenomena so thinly that the band is in grave danger of snapping and flying off out of sight." Cohen, *Migration and its Enemies*, p.92

seen with regard to how many of the counter-arguments surrounding the referendum were articulated in reference to this idea. Essentially, the focus of this work is on the manner in which understandings of 'us' and 'them', 'minority' and 'majority', 'citizen' and 'immigrant' are drawn and redrawn according to complex interrelationships between inclusion and exclusion, inside and outside. What is highlighted in all such explorations is the social constructedness of the more entrenched boundaries which are taken for granted in so much of everyday life; in particular, the tenuousness of the foundations upon which dominant understandings of 'community' and 'statehood' rely.

Yuval-Davis and Anthias argue that citizenship is one of four elements through which the nationalist statist project is racialized (the others are culture, religion and origin).[69] Citizenship is conceptualized here, in other words, as a mechanism (which is mutually constituted by, as well as constitutive of, assumptions regarding place of birth, descent and/or cultural and religious affiliation) by which boundaries are drawn between people according to understandings about perceived status as 'belonging' or, as 'not belonging'. With citizenship conceptualized as a battleground in which lines are constantly (re)drawn between people in an effort to differentiate 'insiders' from 'outsiders', citizenship is broken down into a proliferation of (often contradictory) legal, social and political discourses via the question of immigration – for example, by looking at how the legal status of 'aliens' or 'foreigners' can be very different from their social status where understandings about the former (who can belong) conflict with understandings about the latter (who does actually hold citizenship).[70] The implication is that be(com)ing a citizen is an extremely complex, and most importantly, a contradictory process. Because understandings about community and statehood themselves rely on conceptions of citizenship to secure understandings regarding the nature of belonging, and Yuval-Davis and Anthias have shown the contradictory nature of 'citizenship' itself, what is achieved here is to undermine considerably the supposedly secure foundations upon which these concepts are based.

Similar to the questions raised by Yuval-Davis and Anthias, the counter-arguments surrounding the 2004 Citizenship Referendum highlight the manner in which

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[69] Anthias and Yuval-Davis, *Racialized Boundaries*, pp.1-20
[70] Ibid, p.49

the Irish Government, in emphasizing the notion of 'genuine' connections as a pre-requisite for 'Irish' citizenship, sought to draw lines between those who belong and those who do not belong; the difference between those who are 'Irish' and those who are supposedly 'guests' of the nation.[71] This is not to say that this literature is in agreement in relation to what is the best theoretical framework for understanding how and why these lines were drawn. Indeed, there is a substantial divergence in this literature regarding whether a racist-state understanding (after David Theo Goldberg[72]) adequately theorizes the construction of these boundaries or whether alternatively, this theoretical framework needs to be considered in conjunction with theories on nationalism, to fully understand the implications of, and basis for the maintenance of these boundaries.[73] This disagreement notwithstanding however, the overall focus of the counter-arguments in the 2004 Irish Citizenship Referendum has been on seeking to *undermine* the idea that the reference by the Irish Government to genuine connections is based on the notion of a community (Irish or otherwise) with fixed boundaries.

The point which is made by these counter arguments is to the effect that no society is strictly homogenous, although the imagined community upon which statehood is secured can be based on narratives of homogeneity. In particular it was (and continues to be) pointed out that Ireland has always been a multi-ethnic society, made up most notably of Travellers, Black Irish and Jewish Irish as well as settled, white, Catholics.[74] The problem, as Fanning explains, is that "small minorities […] find themselves written out of history, swallowed up like corner-shops in the face of the big brand names."[75] It is an appreciation of this fluid nature of boundaries between conceptions of 'us' and 'them' which prompted much objection to the proposed Twenty-Seventh Amendment of the

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[71] Fanning, *New Guests;* Garner, S. (2005) 'Guests of the Nation', *Irish Review*, Vol.33, pp.78-84

[72] Goldberg, *The Racial State*; For a discussion of how this theoretical framework has been articulated in the Irish context, see Lentin, A. and Lentin, R. (2006) 'Introduction: Speaking of Racism' In: A. Lentin and R. Lentin (eds) *Race and State* (Newcastle: Cambridge Scholars Press). To see how this framework has been applied in relation to the 2004 Irish Citizenship Referendum, see in the same publication Garner, S. and Moran, A. (2006) 'Asylum Seekers and the Nation-State: Putting the 'Order' Back into 'Borders' in Australia and the Republic of Ireland', pp.105-110; and King-O'Riain, 'Re-racialising the Irish State', pp.282-285; Lentin, R. 'From Racial State to Racist State? Racism and Immigration in Twenty First Century Ireland', pp.187-208

[73] See, for example, Fanning, 'Against the "Racial State"'; Fanning and Munck, 'Migration, Racism and Integration', pp.1-11

[74] Crowley et al., '"Vote Yes for Common Sense Citizenship"', p.8; Lentin, 'From Racial State to Racist State', p.1; Lentin, and McVeigh, *After Optimism?*, p.5

[75] Fanning, *New Guests*, p.116

Constitution Bill 2004. The argument being that basing citizenship primarily on descent (jus sanguine) as opposed to place of birth (jus soli) would ignore the history of diversity on which Irish society was built, as it would continue to maintain the illusion of homogeneity and further prevent 'new' ethnic and racial groups from gaining access to the nation.[76] Attempts by the Government to point out instances of abuse of Irish citizenship have been conceived of as endeavours to draw lines between people on the basis of their origin; to distinguish between 'Irish' and 'Immigrants' in a discriminatory fashion. The imposition of qualifications on birthright citizenship have been similarly associated with these attempts at categorizing people. Categorizing people in terms of their relationship to Ireland, or lack thereof (the extent of their 'connections') was deemed disingenuous in 2004, and continues to be so on the basis that it excludes certain people arbitrarily from Irish citizenship and the benefits associated with this status.

The importance of these arguments notwithstanding, I would like to point out that they focus once again on the limit of particular (statist) as against more abstract universal (humanitarian) understandings of belonging. This is merely (re)articulated here as the difference between 'exclusive' conceptions of national versus 'inclusive' conceptions of global society. This takes for granted the need to theorize the specificity of political identity first and foremost in relation to state(hood), as that which is then challenged by a universalizing claim to humanity.[77] The problem with this, as I will shortly discuss, is that it does not explore directly the idea itself of *having* to theorize political identity in terms of the relationship between citizenship and the modern sovereign territorial state. This is to point out that the idea itself of the sovereign binary framework (understood in terms of statist/humanitarian, inclusive/exclusive, universal/particular) as the very basis for theorizing citizenship, is not interrogated here. The line of questioning opened up by Yuval-Davis and Anthias which is pursued in existing analysis of the 2004 Irish Citizenship Referendum in other words does not ask what assumptions regarding political subjectivity are required here in order for this relationship to 'make sense'. Nor does it ask how the assumption of a historical relationship *between* citizenship and the modern sovereign territorial state is itself reliant on an understanding of political subjectivity

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[76] Mancini and Finlay, '"Citizenship Matters"', p.81
[77] Walker, 'Citizenship after the Modern Subject', p.176

which is at one and the same time particular (citizen) *and* universal (human). It assumes rather that the future lies primarily with either one or the other: the state (citizenship) or humanity (Man). There is no consideration of how the limits of this particular understanding of political identity might be undertaken by resituating and politicizing *both*.[78]

Problematizing the Notion of Belonging in Ireland

Problematizing the boundaries according to which understandings of an 'Irish' community have been conceptualized is not an easy task. As Bryan Fanning points out in 'The Rules of Belonging', the diversity of humanity aside, "[i]dentity imposes orthodoxies slaved to ideals of belonging."[79] His point is that human beings live their lives in rule-bound social settings where difference is subordinated to ideals of homogeneity. Here, an ideal type 'national' or 'citizen' prevails. In an Irish context, the key to engaging with these embedded concepts, according to Fanning, is to separate civic republican conceptions of equal citizenship (universalism) from the ethnic nationalist republican past (particularism) upon which they are based.[80] This emphasis here by Fanning on the need to specifically deconstruct the particular ethnic foundations upon which Irishness has been constructed when considering the possibilities for Irish citizenship, is not uncommon. It echoes and is echoed elsewhere in the work of those who have attempted to explore the exclusive basis of Irishness encoded and re-encoded in the 1937 Constitution.[81] Unlike certain other people, however, Fanning is insistent that the concept of 'ethnic nepotism' is preferential to that of 'race' for exploring responses to immigration and social change in the twenty-first century.[82] This is insofar as it encapsulates essentialist understandings of national identity but does not reduce these to purely exclusionist aims. This divergence reflects an already noted bifurcation in the literature between those who concentrate specifically on 'racism' and, those who look for alternative concepts (such as nationalism) when theorizing social change. Having noted

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[78] Walker, 'Polis, Cosmopolis, Politics', p.284
[79] Fanning, B. (2009) 'The Rules of Belonging' In: Fanning, *New Guests*, p.114
[80] Fanning, *New Guests,* p.120
[81] See for example Fanning, *Racism and Social Change*; Gray, 'Irishness - A Global and Gendered Identity?'; Lentin, '"Irishness", the 1937 Constitution'; Lentin, 'Constitutionally Excluded'; Meaney, *Sex and Nation*
[82] Fanning, *New Guests*, pp181-187

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this divergence the next subsection concentrates nonetheless on the general focus which exists regarding the need to deconstruct so-called 'common sense' assumptions about who is and who is not entitled to be(come) an Irish national or Irish citizen.

Deconstructing 'commonsense citizenship'

In May 2004 the largest party in Government (FF) launched their campaign for a Yes vote in the June 2004 referendum with campaign posters that read "Vote Yes to Common Sense Citizenship".[83] This campaign saw several FF Teachta Dálas (most notably the Government Chief whip, Mary Hanafin; Minister for Enterprise, Trade and Employment, Mary Coughlan; and Junior Minister with Responsibility for children, Brian Lenihan) travel around the country defending the need to impose controls in the area of citizenship due to the loophole which they argued had arisen by virtue of the unqualified constitutional entitlement to citizenship at birth which was (mistakenly) enshrined in 1999.[84] They refused the accusation that the referendum was tampering with the Good Friday Agreement. The Taoiseach later argued that "When it comes to the citizenship referendum…it was not about 'nationals' or 'citizens' [as it had been under the Good Friday Agreement] but about people who just arrived in the country."[85] On a discussion on RTÉ Primetime, Government Chief Whip Mary Hanafin explained that Irish citizenship was nonetheless being devalued by virtue of the loophole that had resulted from the Good Friday Agreement and that the referendum was proposed as a way of dealing with this: "It's about protecting our Irish citizenship. It's about forming a link between our citizenship and a connection to the country, participation in the country, or indeed making some contribution to it."[86]

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[83] The PD (the other main party in this coalition government) launched their own Campaign separately for a 'Yes' vote the same month.

[84] In an interview with one TD who wished to remain anonymous, the constitutional amendment to Article 2 of Bunreacht na hÉireann which was made as a result of the Good Friday Agreement was described as "an unnecessary legal concession" used to "pacify northern nationalists". The 2004 Citizenship Referendum was therefore referred to as a "tidying up exercise." Interview with Anonymous, TD and Member of the Public Accounts and the Education and Science Committee 2002 – 2007, (Dublin, 15/06/2009)

[85] Interview with Bertie Ahern, Taoiseach, 1997 – 2008, (Dublin, 08/06/2009)

[86] Mary Hanafin quoted in RTÉ Primetime, 8 June 2004 in debate with Cathryn Costello, Research Fellow at Oxford University on the issue of the Irish Citizenship and the upcoming referendum. RTÉ (Radio Telefís Éireann) is the national state broadcaster.

This need to think 'sensibly' about citizenship was driven home elsewhere during this campaign by references to the case of baby Catherine Chen which had been ruled on by the Advocate General in May 2004. The Government argued that the practice of giving birth in Ireland in order to secure citizenship for a child and residency rights for the parents on the back of this (in either Ireland or elsewhere in Europe) was a type of 'citizenship tourism' and that this was "undermining the value of Irish citizenship at home and abroad".[87] Voting in favor of qualifying birthright citizenship in Ireland would not therefore be racist or discriminatory, it was argued. It was simply a reasonable response to a problem posed by abuse in this area which would do no more than bring Ireland's citizenship legislation in line with the rest of Europe. Echoing the Government campaign sentiment which called for 'common sense citizenship', one of the TDs who was involved in this campaign later explained when interviewed: "Our argument was driven by sense. We were merely aligning our citizenship rules with those of the rest of Europe. Our citizenship policy in Ireland was still the most liberal in Europe even after this referendum."[88]

In '"Vote Yes for Commonsense Citizenship"': The Paradoxes at the Heart of Ireland's "Céad Míle Fáilte"' Crowley et al suggest, however, that there are assumptions underlying this notion itself of 'commonsense citizenship' which need to be explored.[89] In the first instance they consider how moves in the EU and North America as well as elsewhere to protect a given economy and culture in such a way as to benefit existing citizens of a state, are becoming increasingly referred to as 'common sense' measures. They point out that the implication is that it somehow makes obvious sense to think about protecting citizenship from abuse by people who are not interested in participating in the particular culture and economy of the state in question. These people are conceptualized as 'Outsiders' who pose a threat to citizenship by devaluing it for those who are, on the contrary, interested in participating in a given culture and economy. Unlike the former, the latter are conceptualized as 'genuine' citizens.

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[87] Hanafin, M. 'Why we have to close citizenship loophole', *The Irish Independent*, 19/05/2004
[88] Interview with Conor Lenihan, TD and Member of Fianna Fáil 2004 Citizenship Referendum Campaign, (Dublin, 08/06/2009)
[89] Crowley et al., '"Vote Yes for Common Sense Citizenship"'

It is the obviousness of this understanding with which Crowley et al find issue. Crowley et al argue that calls by the Government for Irish citizenship to be restricted to 'legitimate' and 'authentic' parties need to be reconsidered rather in terms of how they also work to fix and essentialize Irish identity and Irish citizenship by drawing lines between 'who' is (non-nationals) and 'who' is not (Irish nationals) understood to be 'abusing' it. They attempt to deconstruct these assumptions and the understandings upon which they are based – such as the understanding, for example, that to be Irish, one has to grow up in Ireland, be part of the Irish diaspora or have Irish citizen parents.[90] They do so by highlighting a series of inconsistencies underlying dominant understandings about the nature of Irishness. These are dominant understanding which they argue 'commonsense citizenship' embodies. They explain that they emphasize these inconsistencies in the aim of undermining the supposed simplicity of the proposed amendment put to the electorate on 11 June 2004 and to open up new ways to rethink Irish citizenship more broadly. These new ways are identified by the authors as "possibilities, for other, more inclusive understandings of Irishness".[91]

This emphasis on trying to think about Irish citizenship in a more *inclusive* manner is reflected over and again in counter arguments to the Twenty-Seventh Amendment of the Constitution Bill 2004. As outlined in chapter one, one of the main indicators referred to as evidence of abuse of Irish citizenship and of the need to deal with this by way of referendum was the existence of what was termed a "disproportionate" number of births to non-national mothers in Irish maternity hospitals over the preceding years.[92] The Taoiseach later insisted that "[i]f the abuse had been only by a handful of people then there probably wouldn't have been any change to constitution. However, abuse was rampant and it was this rampant abuse that forced the hand."[93] In the Seanad in April 2004 during second stage discussions of the Twenty-Seventh Amendment to the Constitution Bill, it was pointed out, for example, that the Rotunda hospital had recorded a substantial jump from less than four hundred births to non-nationals in 1998, to just under two thousand in 2003.

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[90] Ibid, p.6
[91] Ibid, p.9
[92] McDowell, M. Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1189
[93] Interview with Bertie Ahern, Taoiseach, 1997 – 2008, (Dublin: 08/06/2009)

If there were only 350 in 1998 and 1,951 in 2003 there is something happening…Figures do not lie and [these figures] do appear to be highly disproportionate. People to whom I have spoken and who work in the area are absolutely convinced that it is the uniqueness of the facility that Irish citizenship brings in Europe that is causing this.[94]

The response to this by those opposed to the referendum was to render highly problematic, however, the idea that a line could be automatically drawn between 'non-nationals' on one hand, and 'nationals' on the other in order to differentiate between those who do have a genuine connection to Ireland and are entitled to give birth in Ireland, and those who do not have real connections with Ireland and are therefore 'abusing' Irish citizenship by giving birth to their children in Irish maternity hospitals. What was most forcefully argued was that this way of thinking is based on a very narrow and therefore *exclusive* understanding of the composition of Irish society in the twenty-first century. This is an understanding which a report by the Children's Rights Alliance argued specifically ignores the impact of migration into Ireland and the changing composition of Irish society as a direct result of this.[95] It should be noted that to some extent this ignores indications within the health sector that the distinction between 'national' and 'non-national' was not always taken for granted in such a manner. For example, Dr. Declan Keane (Master of Holles Street National Maternity Hospital) explained that there was an understanding that the category 'non-Irish' could be further broken down into "those working in Ireland and those arriving late in pregnancy to avail of loophole from the Good Friday Agreement." He goes on to explain that

Despite not stating specifically that their reason for wanting to give birth in Ireland was citizenship, the reason we suspected that these people were here to avail of this loophole is that they weren't showing up for their six week health check after the birth. The implication of this was that they were no longer in the country and getting medical care elsewhere.[96]

Nonetheless, the concerns raised here by these counter arguments were articulated in terms of a fear that certain specific immigrant groups were being made scapegoats by the Government in this respect. Some of these concerns are addressed in the Labour Party pamphlet entitled *Facts? No!, Figures? No! Reasons?, No!: Vote No!* issued shortly

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[94] Kett, T. (FF) Oireachtas Debates (30 April 2004) *Twenty-seventh Amendment of the Constitution Bill 2004: Second Stage*, Seanad Éireann, p.674

[95] Children's Rights Alliance, *Immigration and Citizenship in Ireland*, pp.1-2

[96] Interview with Dr. Declan Keane, Master of the National Maternity Hospital, Holles Street 1998 – 2004, (Dublin 5/08/2009)

before the referendum on 11 June 2004.[97] This pamphlet argues for a reading of the referendum as a cynical ploy by the Irish Government. It points to the question marks surrounding the statistics provided by the Government regarding births of non-national mothers in Irish maternity hospitals. It furthermore argues that the Government's subsequent emphasis on the importance of the 'integrity' of Irish citizenship regardless of actual figures is undermined by their lack of interest in re-assessing the 'grandfather clause' which relates to the provision in Irish legislation through which people from outside of Ireland who have never set foot in the country can attain Irish citizenship by virtue of their heritage. Raising this issue in the second stage of Dáil discussions on the Twenty-seventh Amendment to the Constitution Bill 2004, Labour TD Joan Burton points to an example of 3,500 people in South Africa who, only the previous year in 2003 got Irish passports for a fee by establishing a family link with Ireland. She suggests, however, that

> [t]he Minister [for Justice, Equality and Law Reform] and his Government are not worried about the people concerned because they are 99% white...The concern of the Minister is exclusively with a small, as yet unquantified number largely of black African origin who are slipping through whatever vetting procedure is in train.[98]

The merits of these arguments notwithstanding, the emphasis here continues to be on the correct place to draw boundaries among people on the basis of what is considered the best *resolution* between universal identities as human beings and particular identities as citizens. As I will now discuss, this means that political subjectivity continues to be defined in terms of this dual understanding of what it is to 'be' a subject.

Reframing Modern Subjectivity

There is little doubt that the aforementioned critical attempts to explore Irish citizenship are based on asking hard questions about what it means to be 'Irish' by pointing out how fluid and essentially contested the boundaries between 'Irishness' and what supposedly lies outside of this, are. Unlike the Irish Government who rely on a belief in clearly defined lines between notions of passive as opposed to active citizenship, which they link

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[97] Labour Party (2004) *Citizenship Referendum June 11th: Facts? No!*.; See also CARR (2004) 'Vote No to Racist Referendum', *Workers Solidarity*, Vol.81, May
[98] Burton, J. (Labour) Oireachtas Debates, (22 April 2004) *Twenty-Seventh Amendment*, p.114

in turn to the difference between being born 'of' as opposed to being born 'in' the Irish community,[99] those who oppose the 2004 Citizenship Referendum proposal refuse to ignore the problematic nature of these precarious distinctions which they point out have always been somewhat contested, and never so neatly defined as presented under the banner of 'commonsense citizenship'. This work has highlighted how some people – most notably Travellers, Jews, Protestants and Unionists – have always historically fallen outside the dominant narrative of Irishness and its synonymy with Catholicism, whiteness and settled-ness.[100] In doing so, the political nature of the Government's emphasis in 2004 on 'genuine' citizenship has been highlighted and the manner in which this works to exclude immigrants and ethnic minorities living in Ireland from understandings of Irishness has been brought to people's attention. Where the Irish Government posits a clearly defined 'outside' against a clearly defined 'inside', the former distinguishing 'them' from 'us', taking for granted that this opposition rests on secure foundations, this swath of critical opinion pushes at these foundations by highlighting their tenuous and deeply unstable nature.

Existing analysis of the 2004 Irish Citizenship Referendum specifically concentrates on the political possibilities which abstract universalism opens up in relation to the limitations imposed by state particularism. It does so, by advocating jus soli (citizenship based on place of birth) over that of jus sanguine (citizenship based on heritage) and in doing so, expands the boundaries of Irish-ness to include the 'Other' constructed outside and therefore excluded from the initial (Irish) statist project. It identifies the question of citizenship as a different kind of resolution (a more 'inclusive' one) between being part of a particular community and being part of humanity, to that which is proposed by the Irish Government. Yet, as has been discussed, it is increasingly

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[99] See, for example, the Interpretive Declaration issued by the British and Irish Governments in April 2004. This Interpretive Declaration states that the two Governments recognise that the reference to 'the people of Northern Ireland' (Article 1 (vi) of the British-Irish Agreement of 1998) "does not include every person born in Northern Ireland…[but] means for the purposes for that provision "all persons born in Northern Ireland and having, at the time of their birth at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restrictions on their period of residence." Department of Justice, *Citizenship Referendum: The Government's Proposals*, p.6

[100] See Tracy, M. (2000) *Racism and Immigration in Ireland: A Comparative Analysis* (Dublin: Department of Sociology, Trinity College Dublin), pp.1-58 for a discussion about the dominant conception of the quintessential Irish stereotype to which the immigrant is exposed as other. The model which Tracy constructs here is along the lines of the defining stereotype of the USA (the WASP: White, Anglo-Saxon, Protestant). Tracy calls his model the WHISC (White, Heterosexual, Irish-Born, Settled, Catholic) model.

evident that conceptions of abstract universalism work in *tandem* with conceptions of precise particularism to define the horizons of political possibility and necessity. This begs the question as to the extent of the 'challenge' to dominant understandings of political community, which is posed here. This is because these critical explorations of Irish citizenship do not specifically dispute the existing basis of the understanding here of modern subjectivity as being divided between being 'Man' (a common humanity) and citizen (a particular sovereign identity), but reaffirm instead in the last instance the modern assumption that 'politics' must be a *trade-off* between these two options. In other words, the extent of the challenge posed here is questionable when we realize that it is based on assuming, rather than problematizing, the prior framing of the politics of citizenship as a relationship between individuals and the modern territorial state; a framing which was always already presumed to be in need of 'resolution'.

What is becoming increasingly clear is that although the hard questions continue to be asked here about the failure of state claims to provide answers to understandings of political subjectivity which transcend their boundaries, they are being asked in a manner which "reproduces the terms on which they have been posed since the early-modern era."[101] That is to say that although the statist monopoly on understandings of the nature and possibility of/for political community is interrogated in existing analysis of the 2004 Irish Citizenship Referendum, the modern statist political discourse itself, which dictates that 'politics' must be conceptualized in terms of a relationship between the state and autonomous persons or groups of autonomous persons, is not. Rather, by continuing to pose the question of Irish citizenship in terms of its relationship 'to' the modern sovereign territorial state, the terms of this analysis remain embedded in the understanding that the ground of modern politics must be located here and that political subjectivity *must* be (re)constructed in the last instance as autonomous and sovereign.[102] As Walker eloquently observes of other such attempts to counterpose state sovereignty and globalization, "[o]nly the sharpness of the boundary is put into question, not the spatial articulations of political life that place the boundaries where they are."[103] What is

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[101] Walker, 'Citizenship after the Modern Subject', p.191
[102] Ibid, p.175
[103] Walker, 'Both Globalization and Sovereignty, p.33

not questioned is the modern conception of how we came to understand the self and state as separated from, yet also somehow linked to, other selves and other states.

The point is that the concept itself of modern state sovereignty as a *constitutive* practice in its own right (as opposed to a state of being or a legal principle) with an equally constitutive subject (as opposed to beings that simply 'are') is not considered here. Citizenship embodies a problem which is its ability to draw lines between citizen and non-citizen, between belonging and not-belonging etc. It also provides a historically specific way of responding to this problem however, because it presents the alternative in the problem itself. 'Man' does not therefore necessarily oppose 'citizen' because both concepts form equal parts of the equation through which citizenship has been historically constructed as a problem *of* (state) sovereignty in the first place – i.e. citizenship has been posed in terms of the need to understand how humans also belong to specific communities. To speak in terms of this dualism of Man and citizen to try to understand citizenship is therefore simply to reproduce the dual nature of this understanding of subjectivity. As discussed in chapter one, the point is that this is not a timeless understanding of 'being'. Rather, it is a particular understanding which can be traced back to a specific moment in history associated with Hobbes and Descartes when there was a paradigm shift "from theologically legitimated hierarchies to a modern world of self-legitimating subjects."[104] It can be traced back to a modern statist political discourse.

The Modern Statist Political Discourse

The emphasis of the critical opposition to the 2004 Irish Citizenship Referendum proposal focuses on how the dominance of a particular conception of Irish citizenship linked to the Irish statist project, excludes people arbitrarily. In doing so it underlines a continuing need to deconstruct the rules of belonging which are entrenched in understandings regarding the idea itself of an 'Irish' statist community. It concentrates primarily on the manner in which we currently draw boundaries vis-à-vis the state in terms of 'us' and 'them', 'inclusion' and 'exclusion' and the ways in which we could operationalize these differently. We are told, for example, that the focus must be on the question of how to apply the concept of citizenship most equitably. The principle of

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[104] Walker, 'Citizenship after the Modern Subject', p.179

(unqualified) birthright citizenship must not be removed because this is the fairest way to distribute the rights and benefits of citizenship in a world in which states regulate this; "the need for an ethical response to globalization demands it".[105] However, as Weber points out:

> [i]t is not possible to talk about the state as an ontological being – as a political identity – without engaging in the political practice of constituting the state. Put differently, to speak of the sovereign state at all requires one to engage in the political practice of stabilizing this concept's meaning.[106]

Weber here highlights the need to explain, as opposed to assuming, state sovereignty. She emphasizes the need to ask what the implications are of taking the state and citizenship's relationship to this *as* a starting point; the need to ask how doing so involves reproducing the assumption to some extent that we *must* think citizenship in terms of the foundational oppositional categories us/them, inclusive/exclusive in the first place. How does this involve assuming that we must think about citizenship in terms of the manner in which we understand that the modern territorial state *can* limit or enable narrow (exclusive), as opposed to broaden (inclusive), conceptions of political community? Similarly, how does this involve assuming autonomous subjectivity – political identity as that which can be 'included' and 'excluded' – to make sense of this framework? This is to consider how citizenship is not something which simply 'exists' (vis-à-vis the state) but is "an expression of historically specific and historically variable relationships…among people and between peoples" which has come to make sense in relation to how it is posited vis-à-vis the state.[107] Focusing on this compels us to regard citizenship as an expression which needs to be explored in terms of how it became *tied up* in a particular understanding of the meaning of political subjectivity itself. It demands that we consider how exactly citizenship came to be understood as referring to entities that are connected to, but ultimately separate from, the state. It demands that we ask how the 'politics' of citizenship has come to be understood as being based on the *necessity* of sovereign autonomous subjectivity in conceptualizations of the various competing models of political community which have been outlined in the citizenship debate.

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[105] Mancini and Finlay, '"Citizenship Matters"', p.592

[106] Weber, C. (1995) *Simulating Sovereignty: Intervention, the State and Symbolic Exchange* (Cambridge: Cambridge University Press), p.3

[107] Walker, 'Citizenship after the Modern Subject', p.172

The majority of those who oppose the 2004 Citizenship Referendum have specifically concentrated on the inability of modern territorial state sovereignty to account for appeals to political identity and community which exceed its boundaries. They concentrate on this in terms of the idea of an (ever widening) 'gap' between citizens and humanity. Yet, in advocating broader and broader communities of citizenship by way of conceptions such as that of the 'new Irish' it ignores how the universalizing categories themselves are always already part of the existing particularistic stance. For example, the Taoiseach Bertie Ahern also emphasizes the importance of the category 'new Irish'. He explains: "I like to call EU people 'the new Irish' and anyone who is living and working in Ireland who has settled here 'new Irish'. The two categories now therefore for me are 'new Irish' and 'illegal'."[108] What this quotation by the Taoiseach demonstrates is the manner in which a universalizing category such as 'new Irish' does not stand opposed to the particularism of 'Irish' but is always already effortlessly (re)appropriated within a particularistic framework. Ignoring this, existing analysis of the 2004 Irish Citizenship Referendum presents an impression that the gap between 'citizens' and 'humans' can be erased in the future by replacing understandings of the modern statist monopoly on political community with a universalizing sense of common humanity. Of course, this is always resisted in the last instance with talk of the need to 'balance' priorities of diversity with that of equality. But the impression remains that the question of citizenship in Ireland can indeed be resolved in favor of one of the two competing models of political community: jus soli *or* jus sanguine. By concentrating on the idea of 'crisis racism' via scare stories in the health sector which can be traced back to 'commonsense citizenship' and 'ethnic nepotism'[109], the point is that the question of the 'politics' of citizenship is increasingly constructed in terms of how it revolves around the already (narrowly) identified options of either inclusive or exclusive possibilities and necessities of political community and identity. This in turn makes the realization of universal reason that is imminent in the modern project appear all the more reasonable.[110]

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[108] Interview with Bertie Ahern, Taoiseach, 1997 – 2008, (Dublin, 08/06/2009)
[109] On 'crisis racism' see, Lentin, 'Ireland: Racial state and Crisis Racism'; On the notion of 'ethnic nepotism' and its role in the 2004 Irish Citizenship Referendum see Fanning, B. (2009) 'Endnote on Ethnic Nepotism' In: *New Guests*
[110] Walker, 'Citizenship after the Modern Subject', p.183

An example of this can be seen in '"Citizenship Matters": Lessons from the Irish Citizenship Referendum'. Here, Mancini and Finlay specifically draw a distinction between "the question of how citizenship is regulated" and that of "the question of citizenship per se".[111] They argue that the latter is outside the scope of the lessons which can be taken from the 2004 Irish Citizenship Referendum as this question involves discussions about the basis of national citizenship more generally, which they insist can only be resolved through its abolition. This allows them to justify their decision of continuing to pose the question of the politics of citizenship in terms of the relationship between citizenship and the modern territorial state as the most 'reasonable' one. In doing so, the overall range of options available in relation to the question of the politics of citizenship thus defined, is narrowed – the only options being jus sanguine *or* jus soli. Their option then becomes more (sometime the most) reasonable in light of the remaining possibilities. What is being specifically asked in this thesis, however, is whether there are possibilities of political subjectivity which further exceed the discursive space made available by this statist account of political necessity and which are ignored as a result of this approach. It asks whether the statist conditions of possibility – which have provided so many answers since early-modern Europe to how we understand who 'we' are and what politics *can* be – have become so dominant that they may ultimately mask the significance of other experiences of 'being' which are a result of the basic categories of time and space twisting, contracting, expanding and fracturing *outside* of the logic and codes of the sovereign territorial state.[112]

The work of Ayelet Shachar indicates the importance of pursuing this line of inquiry. This is insofar as it indicates the need to think more carefully about the statist political discourse itself within which the notion of 'citizenship' operates, than has been done thus far in relation to the 2004 Irish Citizenship Referendum. Shachar's work, on the contrary, emphasizes that the question of how citizenship is regulated *cannot* be

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[111] "It might be objected that jus soli is inegalitarian insofar as it excludes and treats differently those born outside a particular national jurisdiction. But this problem extends well beyond the question of how citizenship is regulated to the question of citizenship per se…the conversion to a consensual model of citizenship would not solve the problem of exclusion - only the abolition of national citizenship would do that." Mancini and Finlay, '"Citizenship Matters"', p.591

[112] Ní Mhurchú, A. (2010) 'Beyond a "Realistic" New Cosmopolitan Ideal in the Irish Context: A Non-Sovereign Politics of Solidarity', *Translocations: Migration and Social Change*, Vol.6, Issue.2, pp.1-22; Nyers, 'Emergency or Emerging Identities?', p.10; Walker, 'Both Globalization and Sovereignty', p.22

separated from the question of citizenship more generally and the dominant understanding that this must be tied to statist imaginary.[113] Unlike the existing citizenship literature, Shachar problematizes the notion of citizenship in general at the same time as she problematizes the question of how it is regulated. She does so by refusing to take as a starting point the idea that one type of (sovereign ordered) citizenship – either that based on the jus soli or jus sanguine principle – is 'better' than the other. Instead Shachar explores how *both* principles reproduce particular common sense assumptions about a certain territorial (spatial) understanding of what political membership can be. This is one which is associated with the principle of inherited property and therefore with an understanding of 'being' as defined in terms of a clearly delineated located presence. She notes the following:

> While *jus soli* and *jus sanguinis* are typically presented as antipodes, it is important to note that both rely upon, and sustain, a conception of bounded membership. They share the basic assumption of scarcity: only a limited pool of individuals can automatically acquire citizenship in a given polity. Once the idea of scarcity is introduced, we are faced with the dilemma of allocation, or boundary making…Both principles resolve this dilemma [where to draw the boundaries of inclusion and exclusion] in a similar fashion: by reliance on *birthright transfer of entitlement*. The distinction between them lies in the connecting factor used to demarcate a respective polity's membership boundaries: *jus soli* relies on birthplace; *jus sanguinis* on parentage.[114]

Shachar's overall point is echoed by Sandro Mezzadra who elsewhere emphasizes how the concept of property has shaped conventional Western perspectives on the spatial organization of territory *and* of self. As he explains:

> We know the importance of the relationship between citizenship and property introduced by Locke. But it is important to underscore that the concept of property itself is in John Locke an 'anthropological' concept (that is, it is rooted within a determinate conception of 'human nature'). It indicates first of all the *property of the self*, that is, the capacity of an individual to rationally dominate his passions and to discipline himself in order to be able to do that labor which constitutes in turn the foundation of every 'material' property. Only *this* individual is able to become a citizen[115].

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[113] See Shachar, A. (2003) 'Children of a Lesser State: Sustaining Global Inequality Through Citizenship Laws', Jean Monet Working Paper 2/03 (NY: New York School of Law) and Shachar, A. (2009) *The Birthright Lottery* (London: Harvard University Press)
[114] Shachar, *The Birthright Lottery*, p.7
[115] Mezzadra, S. (2005) 'Citizen and Subject: A Postcolonial Constitution for the European Union?', pp.1-2

Shachar draws an analogy between citizenship and inherited property in order to interrogate what she calls the "'naturalizing' veil of birthright".[116] She asks how we can move beyond the manner in which both jus soli and jus sanguine principles of citizenship reproduce in their own ways (as if there was no alternative) the human-made distinctions between nations, countries and peoples. She emphasizes the increasing problems with tying citizenship as a category of identity to an absolute concept of space which is clearly definable some*where* given the reality of ever increasing global migration. Instead Shachar interrogates the notion of what Stuart Elden calls "thinking territorially".[117] She does so by considering how political membership is not simply a legal category – "the standard accounts of political membership as a repository of legal status, rights and collective identity" – but a principle in its own right which can be traced back to the emergence of territory as a particular way of ordering the relation between political rule and space.[118]

Unlike that of Mancini and Finlay as well as of existing analysis of the 2004 Irish Citizenship Referendum, the point is that Shachar's work here focuses on the question of how boundaries themselves are *understood* as opposed to how they could or should be '(re)negotiated'. Her suggestion is that a third basis for citizenship is needed (which she calls a 'jus nexi' principle). This would be based on tying citizenship to the "social fact of membership" at a local level by emphasizing functional and practical rather than formal ties.[119] The new jus nexi principle for citizenship which Shachar proposes is not without

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[116] Shachar does not attempt to move 'beyond' the inherited property analogy with citizenship which she associates with jus sanguine and jus soli principles here. Instead, she focuses on how this analogy can be used to both highlight and attempt to make fairer the uneven nature of how citizenship is distributed. She, for example, suggests among other things, a 'citizenship levy' similar to that of a property inheritance tax for generations who simply receive property by virtue of birth. Shachar, 'Children of a Lesser State', p.49

[117] Elden, S. (2009) 'Why is the world divided territorially?' In: J. Edkins and V. Pin-Fat (eds) *Global Politics: A New Introduction* (London: Routledge), p.211. This is discussed in more detail in Elden, S. (2001) *Mapping the Present: Heidegger, Foucault and the Project of a Spatial History* (London: Continuum) and, Brenner, N and Elden, S. (2009) 'Henri Lefebvre on State, Space, Territory', *International Political Sociology*, Vol.3, pp.353-377

[118] Shachar, *The Birthright Lottery*, p.5

[119] Ibid, p.165. What is important here is how this would be based on legal recognition which does not precede actual ties as is the case with jus sanguine and jus soli but instead *subsequently* validates them on a case-by-case basis. For Shachar, "In the context of our discussion, any new principle for bestowing citizenship needs to correspond better with the actual content associated with this legal status, rather than merely reemphasizing predetermined circumstances of territoriality or descent as the core determinants of membership" (p.170)

several issues.[120] Similarly it is necessary to note that many other citizenship scholars have discussed and/or expressed their agreement with something similar (albeit normally based on domicile which reemphasizes territory and therefore political subjectivity as determined vis-à-vis the state once again). What is nonetheless particularly valuable about Shachar's work is that it represents an attempt to think about citizenship by moving away from the state and understandings about political community as defined 'through', 'against' or 'beyond' the modern territorial state; and away therefore from conceptions of political possibility in time and space as necessarily (re)defined here. She indicates, contrary to Mancini and Finlay's insistence regarding its unfeasibility, how we might begin to rethink the question of the politics of citizenship other than in terms of the relationship *between* citizenship and the modern territorial state.

This is done by thinking about 'political' participation beyond that which takes place simply through involvement in the labour force, business ownership or military service, to that of the considering the politics of relationships of friendship, family ties and association membership etc. developed within society. Doing so is to rethink the need to understand 'being citizen' as that which is always dictated by the notion a calculative understanding of the space of self.[121] Although Shachar does mainly talk about the need to recognize those who are contributing permanently or long-term to a society, her discussions about jus nexi leaves open the idea that we can have different types of affiliation insofar as it problematizes, rather than taking for granted the idea that political identity can always be linked to a clearly delineated place. In interrupting furthermore the supposed natural basis of the 'generational timeline' (the manner in which citizenship is passed on through either jus soli or jus sanguine), her work also opens up the possibility of thinking about political subjectivity as something which is not necessarily based on the idea of a bounded community existing in the linear progressive time of the nation. Instead of the idea of community as pre-existing politics, the emphasis is on how political communities (identities and allegiances) are formed through

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[120] Shawn Harmon, for example, points out that Shachar fails to demonstrate the acceptance (e.g. among elites or society more generally) beyond that of how this is generally accepted in human-rights and ethics-based literature, of a duty to mitigate the unfair consequences of existing membership which the jus nexi principle relies upon. Harmon, S. (2010) 'Book review: A. Shachar "The Birthright Lottery: Citizenship and Global Inequality"', *Social and Legal Studies*, Vol.19, Issue.1, p.132

[121] On the notion of the calculative understanding of space, see Elden, S. (2007) 'Governmentality, Calculation, Territory', *Environment and Planning D: Society and Space*, Vol.25, Issue.3, pp.562-580

interaction with others in possible fragmented, multiple and ambiguous time. This presents a very different understanding for the possibility of 'being in common'.[122]

The Limits of Modern Subjectivity

Towards the end of the first day of the second stage discussions regarding the Twenty-seventh Amendment of the Constitution Bill 2004 Willy O'Dea, Minister of State at Department of Justice, put forward that

> Irish citizenship is about much more than entitlement to an Irish passport, it is a badge of identity, a statement to the world of who we are, the essence of our sovereignty as a nation. Is it not eminently reasonable, then, that to become an Irish citizen a person should have a much greater connection with this country than simply being born here?[123]

Over the course of the next several weeks and months, both in the Oireachtas as well as outside it, his initial claim that Irish citizenship could be attributed to an easily identifiable, or at the very least a coherent 'we', was slowly but surely problematized. This was done via concerted critical explorations of the heterogeneous and infinitely fluid nature of identity on the island of Ireland. Where attempts to construct a 'we' as unproblematically homogenous existed, these were demonstrated to be based on discriminatory practices. The second half of Minister O'Dea's statement – the reference to citizenship embodying "the essence of the sovereignty of a nation" – has, on the contrary, proved much harder to problematize.

Try as they might to think differently, within existing analysis of the 2004 Irish Citizenship Referendum the question itself of the politics of (Irish) citizenship has kept coming back to its relationship with the modern territorial state and the extent to which different models of political community are facilitated or impeded by this relationship. It has, in other words, been very difficult to undermine the idea that citizenship is the essence of a group's sovereignty as a national entity in general and as a nation-state in particular. Accusations, for example, about the extent of abuses of Irish citizenship by certain types of women have been undermined insofar as they have ultimately been proven to be exaggerated. This has been done by stressing that the question of the politics

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[122] On the question of needing to rethink conceptions of commonality as associated with citizenship see, for example, Balibar, E. (2004) 'Citizenship without Community?' In: E. Balibar *We, the People of Europe?: Reflections on Transnational Citizenship* (Woodstock: Princeton University Press), pp.51-77; and Closs Stephens, 'Citizenship without Community'

[123] O'Dea, W. (FF) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1265

of identity can be conceived of in either narrow or broad terms. Nonetheless, the notion itself persists that citizenship needs to be understood in terms of its relationship with the modern sovereign territorial state, as that which *defines* its limits in the last instance. The (only) difference here is that there is disagreement over the nature of the limits which the modern sovereign state is understood to impose on citizenship and whether these can or cannot (should or should not) be exceeded.

This is not to ignore where attempts have been made in respect of the 2004 Irish Citizenship Referendum to try to specifically undermine this statist understanding regarding the possibilities and necessities for political community and identity. Several attempts have been made, for example, to try to consider how the question of entitlement to birthright citizenship has already exceeded the nature of the existing relationship between citizenship and the modern sovereign territorial state by those who have asked how Michel Foucault's notion of biopolitics might apply to the 2004 Citizenship Referendum. What has been explored by these authors is how so-called 'old' forms of racism based on overt discrimination have been replaced with newer forms of more insidious racism expressed as 'culture' and incorporated into legal instruments.[124] Others have further highlighted the need to consider the alternative form(s) of economic rationality which underlie and drive this new form of racism in the context of the 2004 Referendum.[125]

What is noted by these authors is that Michel Foucault uses the concept of biopolitics in *Society Must be Defended* and *Security, Territory, Population* to consider how a new form of racism has become inscribed in the state as a different mechanism of power to that of sovereign power. However, it is important to note that Foucault considers these ideas in light of a more general discussion regarding what it means to 'be' a subject and how this operates in this context through predominantly *decentralized* (as opposed to merely recentralized) power relations. Ignoring this, the concept of biopolitics as used in existing analysis of the 2004 Irish Citizenship Referendum has been taken to

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[124] See in particular, Lentin, 'Ireland: Racial State and Crisis Racism'; Lentin and McVeigh, *After Optimism?*

[125] Harrington, 'Citizenship and the Biopolitics', pp.429-430. Mancini and Finlay also highlight the combined social and economic consequences of the 2004 Irish Citizenship Referendum (but without drawing specifically on Foucault or the notion of 'biopolitics') by emphasizing "the creation of a docile class of laborers who can be dismissed and deported at will, and who have almost no rights to seek redress for the exploitive [sic] aspects of their condition". Mancini and Finlay, '"Citizenship Matters"', p.576

mean that the state is now *reducible* to certain "biopolitical tasks…[which] are symbolically displayed in its founding documents…[and] codified in legislation and executive decrees."[126] This has meant that this analysis has been able to highlight the productive nature of certain types of coherent subjects (e.g. black, migrant, ethnic minority, refugee) which are marginalized through particular institutions and political economic frameworks by way of new non-sovereign forms of racism. However, this has taken place without much consideration about how subjectivity itself, as that which was articulated as coherent and non-ambiguous is *also* changing in respect of the question of racial and economic structures which are increasingly decentralized. It is now operating *outside* of the logic and codes of the sovereign territorial state and outside of the coherency associated with this.

Because the presence of the state (as that which exists vis-à-vis subjectivity) is still ultimately taken as a starting point in existing analysis of the 2004 Irish Citizenship Referendum, this is still being used to 'explain' as opposed to being explained in its own right. For example, there is little consideration in existing analysis of the 2004 Irish Citizenship Referendum of how Foucault implies that the structures of the aforementioned novel biopolitics *undermine* in many important ways the need itself to always associate the possibilities and necessities for political community and identity (being citizen) with a requirement for coherency and resolution of ambiguity through appeals to a statist discourse. What is not considered here is how Foucault specifically points to inconsistent, multifarious and incoherent ways in which 'being' works beyond such a statist discourse. What is ignored, as such, is how the alternative to national sovereign state regulation explored by Foucault does not present itself as a larger version of this (i.e. as global regulation) with a similar emphasis on "lines…[as political boundaries] around the periphery, and by a concentration of coercive power at the centre".[127] But instead, operates through decidedly non sovereign forms of transition and inter-temporality, fluidity and contradiction; and therefore by way of overlapping, diverse and fragmented power relations which manifest at the margins as well as at the centre, thus undermining this distinction by resulting in growing webs of interdependencies

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[126] Harrington, 'Citizenship and the Biopolitics', p.429
[127] Bateson, 'Beyond Sovereignty', p.150

which are simultaneously cosmopolitan, local, regional, national and transnational.[128] There is no attempt in existing analysis of the 2004 Irish Citizenship Referendum to challenge the idea that citizenship *must* be discussed vis-à-vis the notion of sovereign territoriality and national time. There is no attempt to rethink this in order to consider an alternative conception of political possibility – this time beyond appeals to sovereignty – in respect of the question of biopolitics itself, as advocated by Foucault in the first place.

As Maguire and Cassidy point out, what is called for is a much closer reading of Foucault's work than has hitherto been undertaken in respect of the 2004 Irish Citizenship Referendum given that Foucault specifically focused on how power "worked on the individual and on the conduct of conduct in ways that did *not* involve the state".[129] A closer reading is required, in other words, in order to consider the highly complex structures of power relations which Foucault emphasized and the contradiction between how these are immanent, but not 'identical' to the institutions themselves through which they operate.[130] Deirdre Conlon has pointed out that one of the main reasons why there is so much focus on the state in respect of the 2004 Irish Citizenship Referendum is that there is a feeling that the tide has turned too far in the opposite direction and that there is a need to 'bring the state back in' to emphasize the continued importance of the role of the state in institutionalizing racism. For example, the need to take on board, as argued by Lentin and McVeigh, that "[h]owever we characterise the 'postmodern form of racism', it is not 'stateless'."[131] However, Conlon equally notes that this argument misses the point that there is a difference between continuing to construct the state as an ontological being by taking its presence as given (which is done here) and that of actually examining the practices that 'fix' the state as the "mobile effect of a regime of multiple governmentalities", as discussed by Foucault.[132]

Foucault argues that there is a specific "kind of individuality which has been imposed on us for several centuries" and urges us to consider how posing questions in terms of modern sovereign territory reinforces this particular understanding of what it

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[128] See, Camilleri, 'Rethinking Sovereignty'

[129] Maguire, and Cassidy, 'The New Irish Question', p.24 (emphasis added)

[130] Dreyfus, H.L. and Rabinow, P. (1982) 'Power and Truth' In: *Michel Foucault*, p.185

[131] Lentin and McVeigh, *After Optimism?*, p.15

[132] Foucault M, (2008) *The Birth of Biopolitics: Lectures at the College de France 1978 - 1979* (trans. G. Burchell), (Palgrave Macmillan, New York), p.77 quoted in Conlon, 'Ties that bind', p.106

means to 'be' a subject.[133] Foucault's point appears to be that in looking to the state and the mechanisms of power inscribed therein there are certain assumptions about where political life 'is' which go hand-in-hand with this analytical category.[134] These assumptions relate namely to the necessary relationship *between* sovereignty and subjectivity for 'political' possibility and need also to be thoroughly interrogated. Yet, there is little indication that the relationship which Foucault identifies here between sovereignty on one hand, and subjectivity on the other, is explored in its own right in existing analysis of the 2004 Irish Citizenship Referendum.[135] Instead, biopower is conceptualized as a tool which is used by the state to control the internal population by defining, policing and excluding outgroups within and outside of its borders. A very clear understanding of the significance of the state and its ability to include and exclude is provided here. But, the question of the form of power relation and specific sovereign logic of exclusion which gives rise to and sustains a particular conception of identity as divided between inside and outside in the first place (what Edkins and Pin-Fat call "the prior question") which can in turn can be compared to other logics of exclusion, is ignored.[136]

The point is that the boundaries of inside and outside, inclusion and exclusion which exclusive conceptions of political community affirm and which inclusive conceptions of political community dispute, do not merely apply to understandings of state boundaries. They need more generally to be understood as reinforcing a particular understanding also of the nature of modern subjectivity as that which is simultaneously particular and universal, inclusionable and exclusionable. Existing critical accounts of the 2004 Irish Citizenship Referendum have sought to explore and transform conceptions of sovereignty on one hand and those of subjectivity on the other. What it has not really done, however, is explored the manner in which "the relation between them remains at the core of modern political thought and practice."[137] While it can therefore be said that existing analysis of the 2004 Irish Citizenship Referendum successfully problematizes the

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[133] Foucault, M. 'Afterword: The Subject and Power', p.216
[134] Foucault, M. (2007) 'Truth and Power [1977]' In: C. Calhoun, J. Gerteis, J. Moody, S. Pfaff and I. Virk, (eds) *Contemporary Sociological Theory* (Second Edition), (Blackwell Publishers: Oxford), p.205
[135] For an example of where it has been explored see contributions to Edkins, Persram and Pin-Fat, *Sovereignty and Subjectivity*
[136] Edkins and Pin-Fat, 'Life, Power, Resistance', p.3
[137] Walker, 'Foreword', p.x

statist monopoly on our understandings of modern political community, it is stressed in this thesis that this is different to problematizing a modern statist political discourse which tells us what 'politics' (including political subjectivity) *should* be in time and space. Without the latter, the possibilities that inform the responses to dominant understanding of political community and identity will continue to be circumscribed by understandings of the relationship between (state) sovereignty and subjectivity. This is an understanding which posits the 'politics' of citizenship as a binary (but which, as I have shown in this chapter following Walker, can also be read as a mutually constitutive) choice between the state or nation and its universal other. Here the need for a resolution between particularism and universalism (between being Man and being citizen) will continue to dictate what it means to 'be' a subject in relation to the question of citizenship until the relationship between citizenship and the modern territorial state is problematized in and of itself.

Conclusion

The aim of this chapter was to consider how the possibilities for citizenship that have informed *both* critical and non-critical responses to immigration in the Republic of Ireland in the context of the 2004 Citizenship Referendum can be shown to be inextricably linked to a particular understanding of the nature and location of political community and identity. This is an understanding where the sovereign territorial state is taken as the ground of modern politics. This was done by demonstrating that the so-called 'opposing' particular jus sanguine and universal jus soli models of citizenship articulated in the discussions surrounding the 2004 Irish Citizenship Referendum do not only indicate competing models of citizenship within the terms of how citizenship is normally debated. Rather, they need to be understood as two necessary components of the *modern* framing of politics. This modern framing of politics assumes that political subjectivity is both autonomous and sovereign insofar as it is conceptualized in terms of how it exists in conjunction with, but at the same time as separate from, the state.

Existing analysis of the 2004 Irish Citizenship Referendum posits two opposing debates in 2004 – one which promotes the notion of commonsense citizenship

unproblematically, the other which questions this idea and the supposed obviousness of the political community and identity which this endorses. The emphasis in critical scholarship here is currently on the need "to face up to the extent to which the whole business of Irishness has been such a bitterly contested one with the intellectual politics of the last generation."[138] However, as discussed in this chapter, this is to focus exclusively on the manner in which the statist project can and does include and exclude certain people from its general historical narrative. It takes this framework as its starting point to then make arguments about the need for more 'universal' as opposed to 'particular' conceptions of political community *without* putting this framework itself under scrutiny. Mancini and Finlay point out that citizenship is regulated by the state and justify this approach in terms of "what is feasible".[139] Elsewhere Fanning defends it as being "a realistic conception of the limits of solidarity", pointing out that the question of "who gets rights and on what terms very much depends on the actions of the nation-states."[140] Be that as it may, this chapter has attempted to point out that this ignores how other forms of subjectivity which do not conform to statist imaginary (and the prevailing idea of political life as dictated through sovereign binaries) are denied a place in this 'politics'.

This chapter is not claiming that the two sides of the debate presented in the 2004 Irish Citizenship Referendum do not challenge each other in any way. Rather it has sought to qualify the type of challenge which was provided by universal models of citizenship to particular models of citizenship. It has pointed out that these two options can be traced back to the manner in which citizenship has been posed as a problem of and for (state) sovereignty in the first place. As Silverman points out, the boundaries between universal and particular conceptions of how political community and identity are organized can no longer be taken for granted. Yet, the manner in which question of citizenship is posed in terms of the relationship *between* citizenship and the state, as is done in the 2004 Citizenship Referendum, presumes precisely this distinction given that the politics of citizenship is defined in terms of needing to reconcile the relationship between particularism (citizen) and universalism (Man). What has been argued in this

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[138] Fanning, *New Guests*, p.121
[139] Mancini and Finlay, '"Citizenship Matters"', p.592
[140] Fanning, *New Guests*, p.3

chapter is that this relationship as a starting point needs therefore to be reconsidered. Until this is done, the possibilities for responses to dominant conceptions of citizenship will simply continue to be restricted to the conception of subjectivity which makes sense within this particular framework. Chapter four will now look at the example of citizen-children born to migrant parents – as those neither 'included in' or 'excluded from' the state, but in-between both positions – as the type of complex subjectivity which has been denied a place in the 'politics' of the 2004 Irish Citizenship Referendum as defined in this manner.

Chapter 4
Challenging the Citizenship Debate:
(Re)thinking the sovereign time and space of citizenship

Introduction

There were several key elements to the Irish Government's insistence in 2004 that the existing automatic constitutional entitlement to birthright citizenship should be amended. These included the supposed issue of late arrivals of pregnant non-national women at Dublin maternity hospitals, the Chen case and Ireland's obligations as a member of the EU to other Member States, as well as the need to protect the integrity of Irish citizenship. Others have chosen to assume that these were separate arguments, emphasizing the Irish Government's inconsistency in switching between them.[1] What is explored in this chapter is the link between reproduction and residency which was central to all three arguments. This chapter focuses specifically on how the counter-arguments in the debates surrounding the 2004 Citizenship Referendum which embody 'critical' interrogation of the proposal itself have responded to this central concept and how they have attempted to rethink citizenship anew. It argues that despite producing extremely sophisticated gendered as well as cosmopolitan/ human rights analyses, these counter arguments nonetheless find it very difficult to theorize the ambiguous role of Irish citizen children born to migrant parents in these discussions. This is given their reliance in the last instance on the principle of sovereignty in defining the limits to understandings about political possibility. The work of Julia Kristeva is taken as integral to exploring these limitations and to suggesting what an alternative understanding of subjectivity might look like.

The first part of this chapter looks at how the counter-arguments in the 2004 Citizenship Referendum discussions have converged around (although not necessarily falling neatly into) two types of analyses. On one hand, a gendered analysis which emphasizes the racialized nature of how the relationship between residency and

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[1] See for example, Brennock, M. (2004), 'McDowell changes argument on referendum', *The Irish Times,* 9/04/2004; In Seanad Éireann Ms Terry argues "It is clear the Minister has…clearly abandoned the contentious argument about the maternity hospitals for the altogether more abstract desire of protecting the integrity of citizenship." Terry, S (FG) Oireachtas Debates (30 April 2004) *Twenty-seventh Amendment*, p.645

reproductive rights was constructed in 2004. On the other hand, a cosmopolitan/human rights analysis which emphasizes a more general exclusionary basis (although not denying outright the racialized component) of how this relationship has been constructed. What will be considered is how both forms of analysis emphasize above all the idea of a continuity in how certain people have come to represent the boundaries of what is not 'Irish' through discussions about reproduction. As will be discussed, where these analyses differ is insofar as they suggest different responses to the question of how to negotiate the tension between state regulation (sovereignty) and the question of 'who' is excluded (subjectivity). The gendered analysis insists that it is migrant women who need to be focused on in respect of how solidarity is being redefined in Ireland. The cosmopolitan/human rights analysis insists that it is the migrant community as a whole which needs to be focused on. What will be argued is that neither, however, challenges the initial premise regarding the assumption of a sovereign subject (an originary located presence) that sits at the centre of claims to citizenship in the first place, as 'excluded' subject. The problem with this, it will be pointed out, is that the analyses produced by both ignores the subjectivity of Irish citizen children born to migrant parents who, unlike their migrant parents, are not simply marginalized subjects who have been positioned 'outside' the dominant political community and are in need of 'inclusion', but people whose subjectivity is defined in the *tension* between inclusion and exclusion, particularism and universalism. This is a subjectivity which I will argue is experienced as an ambiguous (contingent) political effect rather than a sovereign one.

The second section of the chapter will consider the work of Julia Kristeva as an attempt to move away from always defining the question of citizenship vis-à-vis how it is regulated by the state. This section considers how Kristeva's work emphasizes that the particularity of reproduction can be shown to make impossible the *automatic* assumption of the coherent 'I' (as 'woman', 'child', or 'migrant') as the sovereign presence which can define claims to solidarity and sits at the centre of rights as the marginalized subject. It will be argued that her work provides a way of thinking about the subject as that which is instead produced through the articulation of a specific (as opposed to an inevitable) relationship between identity (people), place (territory) and history (linear narrative). This is one which is reinscribed but also *rewritten* through discussions about reproduction and

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its representations. What will be discussed is how this allows us to consider the more ambiguous subjectivity of Irish citizen children in its own right as it specifically provides for the possibility of thinking how political subjectivity is being experienced outside the question of state sovereignty, and thus on less stable and fixed foundations than that of a coherent self. Chapter five will then explore the main implications of opening up the conceptual space in which citizenship is currently thought in this manner

(Re)confirming Modern Subjectivity through Debates about Residency and Reproduction

As has been already been outlined, the Irish Government in 2004 discussed the need to amend via constitutional referendum the automatic entitlement to birthright citizenship in the Republic of Ireland in a series of official documents, public press releases and television interviews. What is important for the basis of this particular chapter is how a specific link was emphasized in these arguments between the reproductive process through which birthright citizenship is acquired on one hand, and residency rights or lack thereof, on the other. This was done by pointing continually to the increase in migration into the country over the previous decade and an increase in births during this time to migrant mothers. It was within this specific context that the Irish Government made the case that the referendum proposal to abolish automatic citizenship at birth was a "simple" and "sensible" response to the need to ensure that those who acquired Irish citizenship at birth had sufficient connections to the country.[2]

The counter arguments in response to the Irish Government's insistence that certain people were 'abusing' Irish citizenship in this respect have also been outlined. These all focused specifically on the exclusionary nature through which the link between residency and reproduction rights was constructed by the Irish Government in 2004. They also fall loosely into two forms of analyses. The first of these is a gendered analysis which focuses on the racialized nature of the discourse surrounding the act of childbearing by so-called non-national women (in particular asylum seekers) in the Republic of Ireland. This analysis focuses on the manner in which the link which was

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[2] Progressive Democrats Press Room, 'McDowell Address at Launch'

drawn between giving birth (reproduction) and the desire for residency in respect of certain groups in Irish society was (and still is) constructed as a deliberate act which contravenes the common good.[3] The second form of analysis around which the counter arguments converge is a cosmopolitan/human rights analysis. This analysis focuses on the manner in which this link was constructed by appealing to narrow, exclusive ethnic and economic nationalist fears and how it can be redrawn more inclusively through cosmopolitan and humanitarian concerns. This first section looks at each form of analysis in turn. What is pointed out is that both emphasize the need to continue to conceptualize the politics of citizenship in terms of a sovereign marginalized subject that sits at the centre of claims to citizenship. In doing so I argue that they ignore other important experiences of political subjectivity in the context of migration that do not remain tied to this particularly modern conception of time and space.

A Gendered Analysis

> The referendum campaign was conducted using gendered, racialized discourses of blame against migrant women who were allegedly having babies solely to gain Irish citizenship for their children… **Ronit Lentin and Eithne Luibhéid[4]**

One of the main oppositions to the Government's arguments in 2004 in favour of amending the entitlement to automatic citizenship at birth is a gendered critique of the perceived threat which it claimed certain people were posing to the integrity of Irish and European citizenship law in the early twenty-first century. This critique has specifically sought, on the contrary, to show how the arrival of certain mothers and their 'Irish-born children'[5] as immigrants into a country which perceived itself to be largely mono-cultural needs to be understood in terms of how it worked "to subvert traditional understandings of citizenship and 'the nation', dragging Irish modernity kicking and screaming into the chaos of the postmodern."[6] This analysis sets out to radically retheorize the traditional notion of an 'Irish' citizenship by examining how Ireland's experience in the twenty-first

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[3] See on this, in particular Luibhéid, 'Childbearing against the State?'

[4] Lentin, R. and Luibhéid, E. (eds) (2004) 'Representing Migrant Women in Ireland and the EU', *Special Issue of Women's Studies International Forum*, Vol.27, Issue.4, p.294

[5] The term 'Irish born children' is a term which is understood from this perspective as being predominantly used to differentiate children born to migrant parents from children born to Irish citizen parents. Lentin, for example, argues that "the euphemism 'Irish-born children' racially differentiates the children of 'non-nationals' from all other children born in Ireland." Lentin, 'Pregnant Silence', p.310

[6] Lentin, 'Pregnant Silence', p.301

century of migration undermines established understandings of citizenship which are defined according to dominant ideals and practices of solidarity located solely in the national community. Ultimately it argues that so-called 'common sense' responses are in fact racialized attempts to control "not only in-migration but also the self-definition of existing collectivities within."[7] As Steve Garner explains, what is argued here is that "[u]nderlying all justifications for changing the Citizenship Act is the [mistaken] assumption that entitlement to Irishness is primarily an essence that can be transmitted genetically."[8] This gendered analysis insists that this assumption must be subverted by beginning instead to (re)imagine the possibility of political community outside and beyond the clearly delineated boundaries of the nation-state so as to facilitate an interrogation of how Irish solidarity can be other than predominantly based on being white, catholic and settled.[9] Those writing from this perspective have focused specifically on the need to recognize how 'race' and 'nation' are increasingly defined in terms of each other in the modern state. Some people writing from this perspective have gone so far as to argue that the Irish state can be theorized not only as a racial, but also as a 'racist' state, due to the manner in which it can be shown to actively (re)construct itself as unproblematically homogenous despite the heterogeneities of postmodernity which it is faced with on a daily basis.[10] However, the more general aim of this analysis has been defined as the need to begin to understand how understandings of belonging have been dictated by the *exclusionary* (understood as racialized rather than as 'racist') boundaries of the Irish statist project.[11]

Focusing on the connection which was made between reproductive and residency rights in several key court cases involving the state and migrant families between 1990 and 2003, this gendered critique highlights the centrality of the role of migrant women and their Irish citizen children in the disagreements over citizenship rights in 2004. The two court cases which are seen as integral are *Fajujonu v. Minister for Justice* (1990) and *Lobe and Osayande vs. Minister for Justice* (2003), the details of which were discussed in

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[7] Lentin, 'From Racial State to Racist State', p.6
[8] Garner, 'Babies, Bodies and Entitlement', p.443
[9] Lentin, 'From Racial State to Racist State', p.6
[10] On this see, Christie, 'From Racial to Racist State'; Lentin, 'From Racial State to Racist State'; Lentin and Lentin, 'Introduction: Speaking of Racism'; Lentin and McVeigh, *After Optimism?*
[11] See, for example, Garner, 'Babies, Bodies and Entitlement'; Luibhéid, 'Childbearing against the State?'

chapter one of this thesis. What is considered here is how the constitutional entitlement to birthright citizenship (inserted as Article 2 in 1998 under the Good Friday Agreement) and itself a founding principle of the Irish statist project was eventually constructed by virtue of these cases as "a 'constitutional quirk' or a 'constitutional loophole'" which was supposedly resulting in the abuse of Irish citizenship.[12] As discussed in chapter one, it is the 'fact' of a direct correlation between the constitutional entitlement to birthright citizenship and of the actions of migrant parents, in particular migrant mothers, which is disputed. This has led to questions as to why it was specifically migrant women who had been singled out in this regard. Lentin, for example, most notably argues that there is a need to understand how and why exactly it is specifically "migrant women in Ireland [that] have been signified as 'other' and stereotyped as sexually active child-makers, deliberately subverting Irish norms of citizenship and nationality."[13]

Women, childbearing and the nation-state

In order to explore this question, what has been considered is a larger historical tradition, far beyond 2004, by which "Irish women have been forced to become very familiar with the connections among childbearing, race and the nation-state."[14] Echoing the arguments made in the work of Yuval-Davis and Anthias which explore how women act as the reproducers of future generations,[15] what has been emphasized here is the manner in which women in the Republic of Ireland have traditionally been defined in terms of their childrearing and "their childbearing role within the making of the nation – a subordination that was reflected in the 1937 Constitution and is still being struggled over."[16] Laura Oaks has emphasized how, for example, in Ireland women's reproduction

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[12] Lentin, 'From Racial State to Racist State', p.4; Sheahan, F. (2004) 'Revealed: proof of citizenship tourism'; See also reference to quotation by FF Teachta Dála Noel O'Flynn which refers to the provision for unqualified birthright citizenship (Article 2 of the Constitution) as "the maternity-residency clause in the constitution." Cited in Luibhéid, 'Childbearing against the State?', p.339

[13] Lentin, 'Strangers and Strollers', p.305

[14] Luibhéid, 'Childbearing against the State?', p.342

[15] See Yuval-Davis, *Gender and Nation*; Yuval-Davis and Anthias, *Woman-Nation-State*

[16] Luibhéid, 'Childbearing against the State?', p.344. What is highlighted here is the fact that within the Irish Constitution women are primarily conceived of as mothers. Article 41 of Bunreacht na hÉireann recognizes the family "as the natural primary and fundamental unit group of Society", subsequently stating that "the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved." According to Article 41.2.2, "The State shall ... endeavour to

is best understood as "a medium through which competing national origin stories that focus on Irish national identity and cultural self-determination, indeed versions of 'Irishness' itself, are imagined and expressed."[17] What has been suggested is that discourses surrounding childbearing and reproduction by migrant women – in particular those in the discussions surrounding the 2004 Irish Citizenship Referendum – might similarly be understood as integral to attempts to (re)produce dominant conceptions of nationhood by encouraging particular understandings (and excluding others) of the meaning of the 'Irish' family and 'Irishness'. This line of inquiry has been seen as an attempt to understand how "the stigmatization of pregnant asylum seeker women (many, if not most, of whom are of color) is an *extension* of the feminization of Ireland that has a long history."[18]

The case of 'Baby O' has been considered of particular importance with regard to this question of how migrant mothers and their offspring have been positioned vis-à-vis dominant conceptions of the national 'Irish' community. *Baby O and anor v. Minister for Justice Equality and Law Reform* is a case which involved a seven month pregnant Nigerian national who was issued with a deportation order following a failed asylum application in the Republic of Ireland.[19] This Nigerian national mother sought to challenge her deportation order on several grounds including on behalf of the baby she was carrying by appealing to the protection, enshrined in Article 40.3.3 of Bunreacht na hÉireann, of the right to life of the unborn. Article 40.3.3 of the Bunreacht na hÉireann is the clause (inserted in 1983) that enshrined abortion as illegal in the Republic of Ireland. It states that "[t]he State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and so far as practicable, by its laws to defend and vindicate that right."[20] This mother argued that it

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ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home." *Bunreacht na hÉireann: Constitution of Ireland*

[17] Oaks, L. (1998) 'Irishness, Eurocitizens, and Reproductive Rights' In: S. Franklin and H. Ragone (eds) *Reproducing Reproduction: Kinship, Power and Technological Innovation* (Philadelphia: University of Pennsylvania Press), p.133

[18] Smith, A. (2008) 'The Irish Citizenship Referendum (2004): Motherhood and Belonging' In: Ireland', In: D. Reed-Danahay, and C.B. Brettell (eds) *Citizenship, Political Engagement, and Belonging: Immigrants in Europe and the United States* (NJ: Rutgers University Press), p.76 (emphasis added)

[19] *Baby O and anor v. Minister for Justice, Equality and Law Reform and ors*, [2002] IESC 44 (2002), Unreported Supreme Court Judgment, [2002], pp.1-12

[20] *Bunreacht na hÉireann: Constitution of Ireland*

was the Irish state's duty to defend Baby O's right to life by preventing her from being deported to Nigeria where the mortality rate was much higher (at ninety per thousand births) than in Ireland (where it was seven per thousand births) and where the standard of living was considerably lower. She also contested the deportation order arguing that her unborn child was legally a person and as such should have been issued with its own deportation order (which it was not).[21] Acting on behalf of the Minister for Justice, the Attorney General appealed directly in this case to the common good and to the Minister's right to deport failed asylum seekers regardless of their being pregnant or not.[22] Those acting on behalf of the State pointed out further that the state was not denying that the unborn had rights but that "in the context of these proceedings the rights of the unborn are not distinguishable [from those of the pregnant mother]".[23] The Supreme Court eventually concluded that the state's duty to 'defend and vindicate the right to life of the unborn' as appealed to by the applicant, did *not* extend to needing to ensure safe delivery and the health and well-being of Baby O. Rather, it intended to prevent only the legalization of abortion in all cases apart from those where there was a danger to the health of the mother. With this in mind, it indicated its satisfaction that in this case no party involved was seeking to terminate the pregnancy of Baby O and therefore affirmed the order of the High Court to proceed with the deportation.[24]

Those writing from the gendered analysis perspective have drawn a comparison between the case of 'Baby O' and that of two previous high profile cases on abortion in the Republic of Ireland – the X case (1992) and the C case (1997). The 'X case' (*Attorney General vs. X and Others*) and the 'C case' (*A and B vs. Eastern Health Board, District Judge Mary Fahy and C*) were cases involving a fourteen and a thirteen year old respectively who became pregnant as a result of being raped and who were initially prevented by the Irish state from travelling to the UK (abortion services being illegal and therefore unavailable in Ireland) in order to terminate their pregnancies.[25] The state did so

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[21] Carolan, M. 'Court appeal against deportation fails', *The Irish Times*, 15/02/2002
[22] Mullally (2005) 'Debating Reproductive Rights in Ireland', *Human Rights Quarterly*, Vol.27, Issue.1, pp.78-104
[23] Coulter, C. (2002) 'State fails to argue foetus is not a person', *The Irish Times*, 10/01/2004
[24] *Baby O and anor v. Minister for Justice,* p.10
[25] *Attorney General v. X and others*. (1992). IESC 1; [1992] 1 IR 1 (5 March, 1992); *A. and B. v. Eastern Health Board, District Judge Mary Fahy and C*. (1997). IEHC 176; [1998] 1 IR 464; [1998] 1 ILRM 460

on these occasions on the basis of what it argued were its duties as set out in Article 40.3.3. to protect the right of the unborn (the same clause which the mother of Baby O appealed to).[26] Putting aside accusations of internal racialization of Irish citizen mothers momentarily – for example, one of the issues which has since been raised is the difference between how 'X' (as a white middle-class mother) as opposed to 'C' (a Traveller mother)[27] were portrayed by the judgments passed down and by the media.[28] Fletcher and others have nonetheless contrasted the state's response in both the X and C cases and its understanding at the time of the fetus as a distinct legal entity in the context of abortion law with its refusal to make a similar distinction in the case of Baby O. In doing so Fletcher points to the difference in twenty-first century Ireland between the treatment of the rights of some unborns (whose mothers are Irish citizens) against those of other unborns (whose mothers are not Irish citizens). In the case of Baby O she argues that "it is clear that the rights of the 'unborn' are being outweighed here because they are the rights of Nigerian 'unborns'…the 'born' are represented by the citizenry on whose behalf the state is apparently acting."[29]

Fletcher is insistent, however, that 'Irishness' and nationalism has been constructed through the racialization of reproduction ever since 1983 when the right to life of the unborn was enshrined in the Irish Constitution. Others, looking similarly at the contrast between the 'Baby O' case and other cases date this illegality back further – even

(28 November). On these cases, see, for example, Smyth, L. (1998) 'Narratives of Irishness and the Problem of Abortion: The X Case 1992', *Feminist Review*, Vol.60, Issue.1, pp.61-83

[26] The state's duty to 'protect the right to life of the unborn' as laid out in the constitution is also based on having "due regard" for the equal right to life of the mother. On this basis, it was eventually ruled in both these cases (by the Supreme Court in the X case and by the High Court in the C case) that the mothers in question could be permitted to travel to the UK to terminate their pregnancies. This was because it had been shown that there was 'a real and substantial risk' to the life, as distinct to the health, of the mother in each case.

[27] The term 'Traveller' refers to a group in Irish society who are defined in terms of their nomadic status. In Ireland there is a long history of this group being discriminated against. As a result they are often recognised (although not officially) as a distinct ethnic group. See, for example, O'Connell, J. (2002) 'Travellers in Ireland: An examination of Discrimination and Racism' In: R. Lentin and R. McVeigh (eds) (2002) *Racism and Anti-Racism in Ireland* (Belfast: Beyond the Pale Publications), pp.49-62; and Ní Shúinéar, S. (2002) 'Othering the Irish (Travellers)' In: R. Lentin and R. McVeigh (eds) (2002) *Racism and Anti-Racism in Ireland* (Belfast: Beyond the Pale Publications), pp.177-192

[28] See, for example, Oaks, L. (2002) 'Abortion is Part of the Irish Experience, It is Part of What we are: The Transformation of Public Discourses on Irish Abortion Policy', *Women's Studies International Forum*, Vol.25, Issue.3, pp.315-333

[29] Fletcher, R. (2005) 'Reproducing Irishness: Race, Gender and Abortion Law', *Canadian Journal of Women and the Law*, Vol.17, Issue.2, p.394

as far as 1861 in some cases and the passing of the Offences Against the Person Act.[30] The point, therefore, is that the case of 'Baby O' has been used to point here to a continuing (albeit different) form of exclusionary renationalization taking place in the Republic of Ireland in relation to discussions about citizenship. It has been taken as indicating another hierarchy among women in Ireland which is the result of intersecting (older) sexual regimes and (newer) migration controls. What has changed Fletcher argues, is the concept of race. Previously based on nationality (Irishness defined against 'Britishness') it is now based on skin colour (Irishness defined against the 'migrant other').[31] This argument is echoed by Eithne Luibhéid who emphasizes the growing need to consider how state migration control regimes in a world of growing transnationalization are increasingly central to the question of how women's sexualized bodies continue to play a part in constituting the nation-state.[32] Luibhéid argues that existing national boundaries must be recognized as constantly being reproduced through ever "new strategies of sexualized racial governance."[33]

Luibhéid also specifically explores the history by which state sexual regimes have intersected with migration controls in the Republic of Ireland by contrasting the 'X' and 'Baby O' cases. Arguing that "[m]igration controls, as much as sexual regimes, significantly construct the ideological and material boundaries of the nation-state",[34] she insists that there is a need to consider how immigration controls can be contextualized in terms of their underlying continuity with the long history of state sexual regimes in the Republic of Ireland which define the horizons of the nation-state in exclusionary terms. She points specifically to the narrow terms through which migrants were defined by the Irish state as either an asylum seeker, refugee or economic migrant. Because "birthing a child on Irish soil" emerged as one of the only a means "to challenge the state's exclusionary regimes"[35] Luibhéid argues that "pregnancy itself… [became the] site

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[30] See, for example, Luibhéid, E (2006) 'Sexual Regimes and Migration Controls: Reproducing the Irish Nation-State in Transnational Contexts', *Feminist Review*, Vol.83, p.63
[31] Fletcher, 'Reproducing Irishness', p.380
[32] Luibhéid, 'Sexual Regimes and Migration Controls', p.62
[33] Luibhéid, 'Childbearing against the state?', p.345
[34] Luibhéid, 'Sexual Regimes and Migration Controls', p.64
[35] Ibid, p.69

through which the 'genuine'/'bogus' distinction" came to be adjudicated once more by the state.[36]

In respect of the 2004 Irish Citizenship Referendum, what is argued as such is that racialized female migrants have come to embody the new boundaries of 'Irish' society by virtue of their role as reproducers of future generations of (non)Irish offspring. The suggestion is that the 2004 Citizenship Referendum represents the *culmination* of attempts by the Irish state to privilege increasingly narrow concepts of 'Irishness'.[37] What has been concentrated on is the challenge which twenty-first century migration patterns pose to traditional (common sense) assumptions regarding the threat which certain women are understood to pose to the integrity of Irish and European citizenship law in the early twenty-first century. Doing so, this gendered analysis highlights the simplistic nature of dominant understandings of citizenship in the Republic of Ireland in the arguments in favour of abolishing automatic entitlement to birthright citizenship in 2004. It is on this basis that subsequent attempts have been made to begin to try to theorize how a new postmodern politics of citizenship might be envisaged. Unfortunately, as I will now discuss, attempts to try to theorize another politics of citizenship in this regard have been limited by the manner in which it is presumed that citizenship, and thus subjectivity, must *continue* to be theorized in the last instance via state sovereignty and thus via the idea of a separate, sovereign subject who sits at the centre of claims to citizenship in the first place.

Rethinking citizenship: migrant women challenging the boundaries of 'Irishness'

In an attempt to pull away or, move beyond an understanding of belonging in Irish society as defined in terms of the clean clear lines imposed by the Irish state in 2004 between 'migrant' and 'Irish' mothers and, between their 'Irish' and 'non-Irish' offspring, Lentin considers how Irishness and Irish citizenship might be (re)theorized as "'soft', porous and permeable to migratory movements".[38] In order to do so she concentrates specifically on how migrant mothers can be theorized as more than mere

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[36] Ibid, p.71
[37] Garner, 'Babies, Bodies and Entitlement', pp.444-445; Garner and Moran, 'Asylum Seekers and the Nation-State', pp.103-118; Lentin, 'From Racial State to Racist State'
[38] Lentin, 'Pregnant Silence' , p.318

"objects of controlling impetus of the racial state", focusing instead on how they can be conceptualized "as independent agents" who not only are excluded from existing spaces, but also create alternative spaces through which citizenship and Irishness can be renegotiated.[39] This emphasis is echoed by Luibhéid who similarly argues that "control of women's sexuality and childbearing remains key to establishing and maintaining – but also potentially contesting and reworking – racial boundaries and racialized social orders."[40] Lentin points out that Dublin has three main maternity hospitals and is therefore somewhere where migrant women, through giving birth, have been able to acquire residency. It is also, she is quick to point out however, where many asylum-seeker women live in hostels without room for a cot for their babies, forced to share toilet facilities while they recover (often bleeding for weeks afterwards) from childbirth. It is this contrast which, for Lentin, provides the opportunity to consider how Dublin city space might be (re)theorized as "a series of acts of resistance and survival rather than of mere strangerhood."[41] Several examples of possible acts of resistance are given. These include the presence of visual images which capture everyday encounters "between migrant mothers and Dublin city life" as something which disturbs "the certitudes of Irish late modernity",[42] as well as specific attempts by migrant mothers to "increasingly…speak for themselves" and have their own specific experiences of racism recorded and acknowledged.[43] This understanding of the ability of migrant women to challenge existing dominant conceptions of 'Irishness' is echoed in the structure of organizations such as 'AkiDwA: The Migrant Women's Network' that has been set up to emphasize the importance of migrant women's ability to promote "an equal society, free of racism, discrimination and stereotyping."[44]

As pointed out by Lentin and Luibhéid, this type of analysis provides for the opportunity to "negotiate hierarchies of privilege and exclusion that dissolve any

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[39] Ibid, p.316
[40] Luibhéid, 'Childbearing against the State?', p.342
[41] Lentin, 'Pregnant Silence', p.318. Lentin points out that it was James Joyce who originally feminized Dublin through Anna Livia Plurabelle in *Finnegan's Wake*, making her not only at home in the city of Dublin but as she who *embodied* the city of Dublin.
[42] Lentin, 'Pregnant Silence', p.320
[43] Ibid, p.321
[44] AkiDwa, 'Human Rights Underpinning our Work'

simplistic notion of 'migrant women'."[45] That said, these acts of resistance also limit the question of what subjectivity can be in this regard, insofar as they are defined in terms of how they specifically subvert racial 'statist' and thus *sovereign* orderings of political life. The most significant implication of this is the absence of an ability in these writings to conceptualize a role in its own right for the subjectivity of Irish citizen children born to migrant mothers, despite the fact that this critique highlights the centrality of the role of both migrant women *and* that of their Irish citizen children in the dispute over citizenship rights in 2004 in the first place. When it comes to the question of what it means to resist or subvert dominant conceptions of 'Irishness', all such possibilities are rather conceptualized exclusively in terms of the presence of migrant mothers. Irish citizen children are only mentioned here in terms of their *mothers'* ability to subvert modern orders of the Irish state through giving birth to them.

The problem is that subjectivity has been and continues to be theorized in these accounts in terms (always) of an ability to resist against the boundaries of (because 'being' is always already defined as inclusionable or exclusionable in) the state. This reinforces a particular assumption about what and where political life *can* be. It is to locate it either in the exercise of sovereignty under state law or, in the interruption of the exercise of sovereignty under state law.[46] As indicated by Angela Smith, the presumption from this perspective is that "[i]t is the mother's status that thus creates a second class of Irish-born but not Irish citizen children. It is the mother who is burdened with this marginalization. She *and* her children do not belong."[47] Yet, this is precisely to ignore how Irish citizen children born to migrant mothers do not, unlike their migrant mothers, necessarily experience citizenship as either the exercise of, nor the suspension of sovereignty under state law but often as a *contradiction* of both. For example, the children who are being given birth to in hostels in Dublin by asylum-seeking migrant women as discussed by Lentin were, until December 2004, Irish citizen children who had an unqualified right to Irish citizenship. Their right to live in Ireland was merely suspended temporarily (as opposed to revoked per se): first by the need to secure the 'care and company' of their parents and later, post 2003, by the need to prove that this

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[45] Lentin and Luibhéid, 'Representing Migrant Women in Ireland', p.295
[46] On this point see, Walker, 'Sovereignties, Exceptions, Worlds', p.242
[47] Smith, 'The Irish Citizenship Referendum', p.76 (emphasis added)

did not contravene 'the common good'.[48] These children are therefore neither entirely 'inside' the Irish state as their citizenship is (only) deferred, but nor are they 'outside' of the Irish state either as they remain Irish citizens. Furthermore, instead of moving from outside where they are non-citizens and progressing to inside where they *become* citizens, these Irish citizen children instead move backwards and forward between the historical-spatial periodizations of outside/future and inside/present depending on the particular situation in question. For example, whether the question is their entitlement to education, which as citizens they are guaranteed (and thus are recognized as being 'inside' and part of the present membership of the state) or, if it is the question of where they can live which, regardless of their citizenship, is dependent on their parent's status in the country (thus positing them 'outside' the state and therefore only a future possible member).[49] All this emphasizes the need to think about how these children live in very unique temporal spaces unlike those normally associated with statist imaginary. It means that, despite Smith's argument, their experiences of belonging/not belonging can *not* entirely be equated with that of their mothers. Rather, as Yau points out elsewhere, the so-called 'second generation' need to be understood in terms of how they are not migrants, but rather the *product* of migration.[50] This is to consider how these children as Irish citizens

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[48] The date of December is significant here as it was in December that the Irish Nationality and Citizenship Bill 2004 was signed into legislation. From this point onwards the draft legislation recommendations made under the 2004 Irish Citizenship Referendum proposal came into law. These stipulated that citizenship at birth for those whose parents were not already Irish citizens themselves nor entitled to become so would only be acquired by those whose parents had been resident (not including as students or as asylum seekers) in Ireland for a total of three years out of the previous four prior to their birth.

[49] For example, where the parents of an Irish citizen child are asylum-seekers the child must live with them in direct provision accommodation. The direct provision system was set up in 2000 in the Republic of Ireland as an 'emergency' measure to deal with growing numbers of asylum applications. Under this system families, couples and single people are housed communally in 'reception centres' (normally disused hostels and/or holiday parks) where they are provided with their meals and an allowance of €19.10 per adult/ week and €9.60 per child/week.

[50] Yau, N. (2007) 'Celtic Tiger, Hidden Dragon: exploring identity among second generation Chinese in Ireland', *Translocations: Migration and Social Change*, Vol.2, Issue 1, p.59. As has been pointed out elsewhere calling them 'second-generation' in the first place as if they were the second generation *of* migrants as opposed to the first generation *products* of migration, is therefore often contested - See for example, Alina Sajed who argues in relation to the children of North African migrants in France (young *Maghrébins*) that "it is ludicrous to call the children of migrants 'the second generation'…since they are not migrants themselves, they are born and raised in France. Rather their struggles and difficulties could be better grasped if seen through the prism of a generation of rupture, and of the discontinuity they represent." Sajed, A. (2010) 'Postcolonial Strangers in a Cosmopolitan World: Hybridity and Citizenship in the Franco-Maghrebian Borderland', *Citizenship Studies*, Vol.14, Issue.4, p.374

are persons who, unlike their migrant parents, can not be conceived of as definite, but only 'potential' abusers of Irish citizenship.

This gendered analysis ignores the ambivalent nature of this subjectivity which, as Sajed points out, should be seen through "the prism of a generation of rupture and of…discontinuity"[51] rather than coherency and continuity. It instead focuses on the ability of migrant mothers – as persons more clearly positioned outside the state – to destabilize or subvert "Irish understandings of 'the nation', 'the family' and 'the citizenry'."[52] This analysis highlights how conceptions of Irish citizenship can be challenged vis-à-vis the Irish statist project. This forces it to assume rather than question, however, how the (only) form of subjectivity which does 'make sense' is that which is defined in terms first and foremost of a sovereign (as opposed to ambiguous) subjectivity. Doing so, it fails essentially to imagine how other types of subjectivity – those which cannot be defined in terms of understandings of time and space associated with state sovereignty – might also be theorized. A submission in 2003 by AkiDwA to a Joint Committee of the Oireachtas regarding the decision in the Lobe and Osayande case illustrates this narrow focus.[53] Although it is explained here that the submission is guided primarily by an understanding that the 2003 Supreme Court Judgement has implications not only for non-national parents of Irish-born children but also for Irish-born children themselves, these all‑important implications continue to be primarily defined in terms of the status of migrant parents and (only) their possible options in the case of deportation: parents having the option to bring their children with them, leave them in Ireland or, to give them to relatives with leave to remain in Ireland to care for. There is little or no mention of the status of the child themselves as an Irish citizen. This is not to ignore that the children in question who are Irish citizens are also minors and as such dependant on the decisions of their parents which are dictated by their particular status as (mostly undocumented) migrants. What I would point out, however, is that it is possible to acknowledge this while also considering how Irish citizen children born to migrant

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[51] Sajed, 'Postcolonial Strangers', p.374
[52] Lentin, 'Pregnant Silence, p.322
[53] AkiDwa (2003) *Submission to the Joint Committee on Justice, Equality, Defence and Women's Rights regarding Carrier's Liabilities Legislation and the Immigration Bill 2002; and the Implications of a Recent Supreme Court Judgment Concerning the Residency Rights of Non-national Parents of Irish born children*, pp.1-4

parents are *not* entirely defined according to their parent's status. Instead, this is something which this submission only implies indirectly through references to the ability of Irish citizen children to remain in Ireland with relatives after their parents have been deported. The point is that despite specifically lamenting, as for example Garner does, that one of the results of the constitutional amendment to birthright citizenship in 2004 is that "the child of non-national, non-residentially qualified parents (the ex-future national?) becomes indivisible from his/her mother's body", those writing from this gendered analysis perspective have time and again failed to engage with this debate on any other terms.[54]

Having established certain limitations in respect to how the subject which sits at the centre of claims to solidarity and belonging is conceptualized in existing gendered analysis of the 2004 Irish Citizenship Referendum, the next section considers the cosmopolitan/human rights response which has been offered as an alternative to this.

A Cosmopolitan/Human Rights Analysis

> The effect of the 2004 Referendum on Citizenship was to narrow the empirical definition of what it meant to be Irish, inventing the conundrum of the Irish-born non-Irish child as a perverse twenty-first century civics lesson…The challenge is to come up with ways of binding the Irish to their diverse nation-state as well as integrating the new guests of the nation. **Bryan Fanning**[55]

A second response to the perceived 'commonsense' threat which certain people were seen to pose to Irish citizenship through practices of reproduction in 2004 is clustered loosely around what has been articulated as a cosmopolitan and/or human rights perspective. This perspective has been constructed in some places as a direct alternative to the overriding emphasis on the notion of a racial or racist state which formed the basis of the aforementioned gendered critique.[56] Although not contradicting the gendered racialized critique outright, it has sought to emphasize that support for so-called commonsense restrictions on citizenship in the Republic of Ireland in the twenty-first century on the basis of an understanding that migrant women's reproductive practices are problematic, can not only be explained in terms of racism and/or exclusivist

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[54] Garner, 'Babies, Bodies and Entitlement', p.444
[55] Fanning, *New Guests*, p.179-180
[56] See for example Fanning, 'Against the "Racial State"'

understandings of nation-state building. It argues that the overwhelming endorsement for a change in the basis of birthright citizenship in 2004 needs rather to be explored vis-à-vis the manner in which the populist distinction between 'nationals' and 'non-nationals' which crystallized in the 2004 Citizenship Referendum was institutionalized by way of a combination of distributional anxiety shaped by past economic fatalism (economic Othering), as well as that of a racialized concept of citizenship "anchored in past exclusionary monocultural nation-building ideologues of Irishness" (cultural Othering).[57] The focus in this response has therefore been on the manner in which the Irish national project which came to be based on an exclusionary sense of cultural belonging and an exclusionary economic sense of entitlement linked to the past was not inevitable. Rather than classifying either economic or cultural Othering as necessarily 'racial', what is argued is that they can be shown to have formed the basis for avoidable hostility towards certain people in support of the Referendum.[58]

Similar to the gendered response, the outcome of the 2004 Citizenship Referendum is attributed in this analysis to the rapid social change brought about by migration into the country over the previous decade. Unlike the gendered response, however, which emphasizes the need to conceptualize a post-racial statist model of citizenship, what is proposed to deal with the challenge which immigration poses to dominant ideals and practices of solidarity in the Republic of Ireland (the dominant imagined community) is a post-national model of citizenship which advocates 'a universal perspective'. This is a model based on the notion of "binding trans-national human rights".[59] This analysis picks up on discussions in the Oireachtas by the Opposition immediately prior to and during the period in which the Twenty-Seventh Amendment of the Constitution Bill was discussed. These similarly called for a refocusing of the discussions on the question of human rights: it having been argued that the Government's referendum proposal had "zeroed in on a very narrow aspect of the

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[57] Fanning and Mutwarasibo, 'Nationals/Non-Nationals', p.452; See also for a discussion about the role which cultural incommensurability played in the 2004 Irish Citizenship Referendum Tormey, '"Everyone with Eyes'

[58] See, for example, Fanning, and Munck, 'Migration, Racism and Integration', pp.6-8. Fanning and Munck emphasize here the importance of taking racism seriously but caution against reducing all exclusionary and discriminatory practices to it.

[59] Fanning, *New Guests*, p.148; See also Mullally, 'Debating Reproductive Rights'

citizenship debate" away from human rights concerns and towards protecting territory.[60] Indeed, opposition to the referendum proposal was based for many on this perceived lack in the first place of a more cosmopolitan and/or human rights focus underpinning its motivation and the motivation of immigration law more generally in the Republic of Ireland. Echoing concerns of the Human Rights Commission regarding the future implications of the referendum proposal in respect of the new distinction which it was to impose between 'citizen' and 'non-citizen' children,[61] SF member Aengus Ó Snodaigh explained it thus:

> Sinn Féin is opposing this proposal because it is irresponsible. Instead, we want comprehensive immigration law reform to establish a positive, compassionate, human-rights-compliant and anti-racist immigration law that will pave the way for Ireland's transition to a truly multicultural, equitable society.[62]

The inclusionary/exclusionary nature of nation-building and local identity politics

In 'Nationals/Non-nationals: Immigration, Citizenship and Politics in the Republic of Ireland', Bryan Fanning and Fidèle Mutwarasibo specifically problematize the notion of there being a straightforward link between nationalism and racism in the Republic of Ireland. They do so by focusing on how a distinction can be drawn in the disputes surrounding the 2004 Citizenship Referendum between those discussions which simply reinforced the assumption of a difference between nationals and non-nationals, and those which actually employed racialized hostility towards certain parents and their Irish citizen children. The underlying message here is that understandings about citizenship in the Republic of Ireland are intimately connected to nation-building and the nationalist project more generally – which Fanning elsewhere associates with local identity politics and therefore distinguishes from racism per se.[63] They therefore need to be understood as bound up with processes of exclusion *and* inclusion, rather than simply with processes of exclusion as concentrated on by the aforementioned gendered analysis.

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[60] Boyle, D. (Green Party) Oireachtas Debates (21 April 2004) *Twenty-Seventh Amendment*, p.1275
[61] IHRC (April 2004) *Preliminary Observations on the Proposed Referendum on Citizenship and on the 27th Amendment to the Constitution Bill 2004*, 27 April, pp.1-4; IHRC, *Observations on the Proposed Referendum*
[62] Ó Snodaigh, A. (SF) (22 April 04) *Twenty-Seventh Amendment*, p.93
[63] Fanning, 'Against the "Racial State"'

Where the question of race does come into this critique, therefore, is not as in the gendered analysis in terms of the idea of the modern Irish state as an all encompassing or predominantly racialized institution. It is rather, by focusing on the manner in which the formulation of Irish identity which was central to the 2004 Referendum discussions specifically mobilized "past nationalist ethnocentrisms."[64] What Fanning and Mutwarasibo effectively argue is that previous racialization of the Irish statist project was mobilized during the referendum via references to immigrants as 'non-nationals' which in turn have been "projected on to the Irish born children of all immigrants."[65] Their contention is that the specific racialization of citizenship in 2004 was but one response to accelerated social change on the island of Ireland in the twenty-first century and not the only possible one. It is one, however, which Fanning and Mutwarasibo are quick to point out, was enabled (and to a large extent encouraged) by Government policies which, although promoting an understanding of the economic importance of immigration, also stressed the need to marginalize immigrants due to the economic threat they posed. This was done, for example, by emphasizing as the Minister for Social and Family Affairs did, the need "to safeguard the social welfare system from abuse by…people from other countries who have little or no connection with Ireland."[66] That said, Fanning and Mutwarasibo argue that these types of references need to be understood in terms of how they tapped into previous distributional conflicts in the Irish psyche – the scars of decades of emigration which was driven by lack of resources and fears about its reoccurrence even in times of prosperity – as opposed to latent racism.

This second analysis does not shy away therefore from looking at how, over the previous century an understanding of Irishness associated with ethnic homogeneity did become central to the process of building an 'Irish' national project and exploring how this was mobilized in 2004 to encourage narrow racialized conceptions of 'Irish' solidarity. Nonetheless, what is primarily emphasized in this second analysis, unlike in the first gendered one, is the potential which exists for conceptualizing complementary conceptions of solidarity in the Republic of Ireland in the twenty-first century (referred to

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[64] Fanning and Mutwarasibo, 'Nationals/Non-Nationals', p.450
[65] Ibid
[66] Coughlan, M. (FF) Oireachtas Debates (11 March 2004) *Social Welfare (Miscellaneous Provisions) Bill* , p.312

variously as human rights based and/or cosmopolitan conceptions) which infuse the nation-state model with more inclusive ideals. Instead of two separate communities – comprising of Irish nationals on one hand and, non-Irish nationals, on the other hand – what is discussed is the need to conceptualize one larger community with a broader range of identifications which can encompass and bring together both 'old' and 'new' guests of the Irish nation in keeping with understandings of broader post-national cosmopolitan ideology. This is discussed in most detail in Bryan Fanning's collection *New Guests of the Irish Nation.*[67] This response does share some similarity with the gendered analysis insofar as it too concentrates to a large extent on how disputes about birthright citizenship in Ireland have "placed migrant women's roles in reproduction at the centre of legal and political discourse on immigration."[68] Furthermore, it too has drawn a link from the general recognition of the construction of the Irish state as "a moment of exclusion" for women to that of focusing on the manner in which more recently it is specifically migrant families that have been constructed as a threat to how the Irish nation and state defines its welfare.[69] However, the point is that a notable difference can be seen in the type of measures which are discussed as constituting a response to this by the cosmopolitan/ human rights analysis in contrast to the gendered analysis.

Most notably, what has been focused on in the cosmopolitan/human right analysis is the manner in which the narrative of the nation in the case of 'Baby O' and the 2004 Irish Citizenship Referendum, although proving exclusionary, was not inevitably so.[70] Instead of focusing on the need to think of how 'Irishness' must be conceived 'outside' or 'beyond' the notion of a 'racist state', what is discussed here is the need to reconceptualize the Irish republican statist project and the manner in which it has become *associated* with "a narrowly constructed monocultural religious (Catholic) ethnic conception of nation."[71] Mullally, for example – looking specifically at the 'C' and 'Baby O' cases – distinguishes between how rights can be conceptualized as *either* particular claims (defined in terms of national identity) or, alternatively as universal claims (defined

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[67] Fanning, *New Guests*
[68] Mullally, 'Debating Reproductive Rights in Ireland', p.102
[69] Ibid, p.83. See also, for example, Mullally (2009) 'Migrant Women Destabilizing Borders: Citizenship Debates in Ireland' In: E. Grabham et al (eds) *Intersectionality and Beyond: Law, Power and the Politics of Location* (Abingdon: Routledge-Cavendish), pp.251-270
[70] Mullally, 'Debating Reproductive Rights in Ireland', p.101
[71] Fanning, *New Guests*, p.97

beyond nationality, invoking instead the notion of humanity). In so doing she argues for a recovery of the "recognition of the universal legitimacy of…human rights claims" in respect of discussions about the 'fit' between nation-building and concepts of belonging – in particular those of children.[72] The emphasis turns in this second analysis therefore to the need to rethink the question of belonging vis-à-vis a broader community-centred focus and more inclusive concepts of Irishness. What is emphasized is the need to 'bring in' those who have been left outside of the dominant imagined community by broadening the focus in the discussions about citizenship and belonging to consider how a wider ranger of interests and rights are at stake than originally envisaged. Unlike the gendered analysis, this has resulted in a specific focus on the role of Irish citizen children (and not only that of their migrant parents) in challenging the boundaries of 'Irishness'.

As I will now discuss, however, the emphasis here specifically on the idea of how a cosmopolitan/human rights model of solidarity works to *build* bonds in society between 'new' guests and the host population ignores the question of the existing bonds of these Irish citizens. It ignores most notably how Irish citizen children born to non-Irish national parents are people who are *already* tied in many ways to Irish society; albeit in ways which are often not so easy to fit into traditional notions of 'inclusion' and 'exclusion' as they do not correspond to dominant understandings of separate, sovereign and autonomous spaces (spaces which have fluid boundaries but nonetheless edges which can be filled) and linear historical time (the time of beginnings, middles and ends) which are reproduced in the image of the sovereign state.

The 'Irish Born Child (IBC)/05' scheme under which certain Irish citizen children are entitled to live in Ireland with their parents but not necessarily with their siblings, is a case in point. The 'Irish Born Child (IBC)/05' scheme is a temporary scheme which was set up in the wake of the Lobe and Osayande Ruling in 2003 – which had removed the existing so-called 'Irish-born child route' for those wishing to apply for residency in Ireland. It facilitated undocumented parents of Irish citizen children born before 1 January 2005 to apply through a different (once-off) route for permission to remain living

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[72] Mullally, 'Debating Reproductive Rights in Ireland'. See also Mullally, S. (2007) 'Children, Citizenship and Constitutional Change' In: B. Fanning (ed.) *Immigration and Social Change in the Republic of Ireland* (Manchester: Manchester University Press), pp.27-46

in Ireland due to them having an Irish citizen child.[73] Under this scheme, migrant parents who were undocumented at the time and faced deportation were required to sign a statutory declaration which stated that they understood that should they be granted residency this would not give them or their Irish citizen child any entitlement to reunification with other family members residing outside the country.[74] These Irish citizen children are in an unusual situation, therefore, insofar as unlike other Irish citizen children they are not necessarily entitled to expect to grow up in the same country as their siblings or, sometimes their second parent.[75] This situation was furthermore only introduced retrospectively as a result of the 2003 Lobe and Osayande ruling. In other words, it applied to the Irish citizen children of undocumented parents who had had a right (by precedent) to the entitlement to the care and company of their parents, but whose right was subsequently removed (due to the abolition of this administrative path by the Government following the Lobe and Osayande ruling) before their cases came to court. The Irish citizen children involved therefore were predominantly children whose rights as citizens were suspended in hindsight. This directly contradicts the T.H. Marshall inspired idea of citizenship as the gradual *accumulation* of social, economic and political rights in time vis-à-vis the nation which still remains the basis for how citizenship is conceptualized today (despite other issues which have been identified with this model).[76]

What is obvious once again is that while the various conditions surrounding the IBC/05 scheme mean that these children are not strictly 'included' in traditional

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[73] The majority of those parents who applied (approximately 10,000) were those whose applications remained outstanding on January 2003 when the Lobe and Osayande ruling was passed and the existing Irish-born child legal precedent for acquiring residency was removed. Parents were granted residency permits under the once off IBC/05 scheme if they were able to show that they had been living in Ireland continuously since the birth of their child and that they had no criminal record. A report by the Children's Rights Alliance states that as of January 2006 17,917 applications were received under this scheme and 16,693 were granted leave to remain. Those parent(s) granted residency were granted it for two years initially. Children's Rights Alliance (2006) *All Our Children: Child Impact Assessment for Irish Children of Migrant Parents* (Dublin: Children's Rights Alliance and CADIC), p.4

[74] As well as the condition that they would not be entitled to family reunification, the statutory declaration which undocumented migrant parents were required to sign under this scheme required them to accept three other conditions: that they would refrain from becoming involved in criminal activity, that the would strive to become economically self-sufficient, that they would take steps to find employment. Integrating Ireland (2007) *Looking Forward, Looking Back: Experiences of Irish Citizen Child Families* (Dublin: Integrating Ireland and CADIC), p.26

[75] A report commissioned by CADIC argues that lone parentage is for many families "a direct result" of the family reunification policies which people were required to adhere to in order to gain IBC/05 status. Integrating Ireland, *Looking Forward, Looking Back*, p.28

[76] Marshall, 'Part I: Citizenship and Social Class'

understandings of what Irish citizenship entails, nor does it necessarily follow either that they are therefore 'excluded' from Irish citizenship either. These are children who, for example, like all other Irish citizen children are entitled to all normal social welfare benefits. Equally they have no restrictions on where they can work in the future, nor where they can live within the country. The point is that these Irish citizen children experience citizenship in a very unique temporal and spatial framework: this is one which is temporally interrupted and spatially dislocated rather than temporally progressive and spatially coherent. Yet, focusing on the question specifically of how to 'build' bonds in society on a universal notion of human rights between these children and other Irish citizens does not acknowledge this issue. It simply presumes that they *need* to be 'bonded' to other citizens and ignores how they already are, albeit in unusual understandings of time and space which are very hard to reconcile with how we normally conceive vis-à-vis the state of political community and identity as guaranteed in time and across absolute space.

When Siobhan Mullally insists therefore that we must consider how birthright citizenship forces us to answer the question 'who belongs?',[77] I argue that Irish citizen children born to (in particular undocumented) migrant parents often experience citizenship in such diverse and contradictory ways that the notion itself of a coherent 'who' which does or does not 'belong' and who therefore can or cannot be 'bonded' to Irish society, makes little sense. Rather, it is only by *presuming* a sovereign presence that this question constitutes a starting point that can be taken for granted in such inquiries. This sovereign presence is assumed, for example, by mapping the more coherent presence of the migrant parents as outsiders vis-à-vis the state due to their non-Irish citizenship – insofar as it conforms to dominant understandings of 'being' in time and across space – onto that of their Irish citizen child. Similarly, although I would agree that Siobhán Mullally is correct to point out from this perspective the importance of recognizing the child (as well as that of 'woman' and 'migrant' more generally) as barer of rights,[78] there is a need to inquire into whether the place of 'child' (as subject) is a coherent one (i.e. is defined in terms of presence) which *can* be taken as an analytical

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[77] Mullally, 'Children, citizenship and constitutional change', p.42
[78] Ibid, p.41

category in its own right here. This is to specifically point out that there is a need to question the sovereignty inherent here in the notion itself of a 'subject' who is entitled to rights to citizenship in the same way that the sovereignty of the *nation* and in particular of 'the people' has been specifically problematized by these same authors in discussions surrounding the 2004 Irish Citizenship Referendum.

Rethinking citizenship: a child-centred focus

Siobhan Mullally has argued that the 2004 Citizenship Referendum should be understood in terms of how "the perspective of the child was strikingly absent"; this having been subordinated to "an overriding concern with parental status and immigration control."[79] In doing so she has emphasized the need to 'bring in' the experiences of Irish citizen children into discussions about citizenship, constitutional change and questions about belonging. However, although the essence of politics is no longer associated exclusively with the state here (realigning this instead with notions of cosmopolitanism and humanity), what can be seen is a presumption that solidarity must continue to be conceptualized in terms of coherent subjectivities, as opposed to engaging with it on its own (non sovereign) terms.

Mullally's concern is specifically with the decision in the Lobe and Osayande case as that which led up to the 2004 Citizenship Referendum, which she insists was a "de facto postponement of citizenship for many children" denying them the right to become part of the Irish nation in their own right.[80] Comparing this with similar cases around Europe, Mullally concludes that a pattern can be seen in terms of how time and again in cases pertaining to migrant families and questions of residency, decisions are being made about children entirely dependant on their parents' status and former actions rather than in the best interests of the child themselves: "there is little discussion in the case of the impact of the State's actions on the citizen children involved."[81] Instead of automatically assuming that children's rights can be subordinated to their parents' status, Mullally calls for a "a child-centred perspective" in relation to questions about belonging which deportation orders and subsequent challenges against deportation, raise. She insists

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[79] Ibid, p.36
[80] Ibid, p.33
[81] Ibid, p.40

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that "the recognition of the child as bearer of rights in such cases would…transform the terms of the debate."[82] Unfortunately Mullally herself goes on subsequently to define the role of the Irish citizen child as a discussion about "the terms on which migrant *families* would be allowed to remain in Ireland."[83] In doing so she reduces the question of citizenship (of the Irish citizen child) to the question of the immigration status of parents more generally.

Yet, as Ayelet Shachar points out, there is an important distinction between considering the question of 'who belongs' primarily in the context of immigration versus considering it primarily in the context of citizenship.[84] In the former, it makes sense to speak of a subject which exists vis-à-vis the state insofar as migrants (in this case, migrant parents) are defined in terms of their status as 'inside' or 'outside' the state. In the latter however, the 'subject' (in this case the Irish citizen child) cannot be defined in terms of their ability to transgress the boundaries of the state insofar as they are neither inside (included in) nor outside (excluded from) the state but located in the tension between these two positions and thus in-between 'citizenship' and 'humanity'. Advocating a more child-centred focus in respect of the 2004 Citizenship Referendum requires specifically exploring the *difference* therefore between questions of 'immigration' as they relate primarily to migrant parents and those of 'citizenship' as these relate to Irish-born children, not a conflation of the two.

Yet, this lack of distinction can be seen in calls elsewhere by civil society groups working with migrants in the Republic of Ireland for a more child-centred focus in relation to questions regarding citizenship rights. In 2006, for example, a report written by the Children's Rights Alliance and Commissioned by CADIC, called for a child impact assessment for children to be built into all decisions by the state with regard to the question of deportation and the granting of leave to remain in Ireland under the IBC/05 scheme.[85] This is in keeping with its objection at the time of the 2004 Citizenship

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[82] Ibid, p.41
[83] Ibid, p.27 (emphasis added)
[84] Shachar, 'Children of a Lesser State', p.5
[85] The report itself outlines the basis of this model including its underlying principles, key features of child impact assessment, an impact assessment template and guidelines for applying the template. Children's Rights Alliance, *All Our Children*; CADIC was set up in 2003 following the Lobe and Osayande ruling. Its aim has been "to contest the deportation of Irish citizen children with their non-national parents and lobby

Referendum where it expressed that it was "deeply concerned about the referendum's implications for children".[86] This 2006 Children's Rights Alliance report explains that the notion of a child impact assessment "is based on the premise that children have needs and rights that are separate and different to adults and that these must be given due consideration."[87] However, as a second report commissioned by CADIC a year later shows, the experiences of Irish citizen children have still not been successfully theorized in their own right.[88] Rather what has been theorized is again the notion of Irish citizen child families. The emphasis therefore continues to be on the question of belonging in the context primarily of immigration as opposed to citizenship. Here, the status of the child and the question of how that status affects the whole family is indeed considered. Yet, it is the migrant parents of Irish citizen children who are interviewed and whose experiences are recorded; the family as a whole being defined as 'immigrant'.[89] As a result, it is the migrant parents and their experience of non-citizenship in a national historical conception of time which is focused on here. For example, entitled 'Looking Forward, Looking Back' the 2007 CADIC report specifically focuses on the idea of the "African family…looking back to their country of origin [and] look[ing] forward to a better future in this country".[90] However, Irish citizen children born to migrant parents arguably do not unproblematically look 'back' to Africa and 'forward' to Ireland. Instead they live in a world in which both Africa and Ireland define them in the *present* moment. Despite therefore successfully according the status of the Irish citizen child such prominence in respect of the question itself of belonging and rights to citizenship, a

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for the rights of parents of Irish children to gain residency in Ireland on the basis of the rights of their Irish citizen child." Immigrant Council of Ireland 'Information for Parents on IBC/05 Scheme'

[86] Children's Rights Alliance (2004) *Children's Rights Alliance Calls for 'NO' Vote on Citizenship Referendum*, S*ays Passage a Regressive Step and Not in the Best Interests of Children*

[87] Children's Rights Alliance, *All Our Children*, p.vii

[88] Integrating Ireland, *Looking Forward, Looking Back*

[89] Given that the Irish government stopped processing claims for residency on the basis of an Irish born child in 2003 after the Lobe and Osayande ruling it is possible to deduce that the Irish citizen children in question could have been as old as six or seven in 2007 when this report was written. Reports which are based on interviews with similar aged children have been successfully carried out elsewhere. See, for example, Ní Laoire et al. (2009) *Tell Me About Yourself*: *Migrant Children's Experiences of Moving to and Living in Ireland,* Final Report of the Marie Curie Excellence Team Project 'Migrant Children: Children's and Young People's Experiences of Immigration and Integration in Irish Society' (Cork: University College Cork), pp.1-108. This report is based on interviews with children aged 3-18 years old.

[90] Integrating Ireland, *Looking Forward, Looking Back*, p.79. This report does acknowledge but only fleetingly in a small paragraph, the fact that most families they are looking at are "multi-status" families. (p.52)

problem persists nonetheless where this emphasis on the notion of 'families' as the unit of analysis in the last instance ignores how Irish citizen children are different from their parents with regard to how they experience citizenship itself. What is ignored, apart from fleeting acknowledgements of the fact, is that these are families which comprise both migrant parents who are excluded from the statist imagined communities (having been born elsewhere and thus who *can* be conceptualized in terms of the notion of state sovereignty, albeit not unproblematically so) as well as Irish citizen children who are neither excluded from nor included in the state and whose subjectivity makes less sense in relation to the question of a sovereign subject that sits at the centre of claims to citizenship. Rather, what needs to be understood is how their subjectivity *undermines* any semblance of the seemingly stable and fixed foundations which is required to take this as a starting point.

Instead of continuing to conceptualize what it is to 'be(come)' a citizen exclusively in terms of how we might 'challenge' or 'bring together', conceptions of identity 'in here' (Irish) and difference 'out there' (immigrant), the next section of this chapter will attempt to consider how Irish citizen children born to non-Irish nationals (as those who are neither just migrants nor alternatively just citizens) need to be theorized in their own right and not subsumed as part of the notion of a migrant family or theorized through their mother's status as second-class citizen. In order to do so, an alternative approach in the work of Julia Kristeva will be presented which does not pose the question of political subjectivity vis-à-vis the state and therefore presume the notion of a sovereign autonomous subject of citizenship. As will be discussed, instead of continuing to define the question of the politics of citizenship in terms of how citizenship is first and foremost regulated by the state, this involves looking at the more general question of how the concept of citizenship has been fixed through the articulation of a specific (yet not inevitable) relationship between identity and spatio-temporal understandings, and thus between the question itself of subjectivity and its *possible* relation to state sovereignty. The aim here is to begin to consider the conceptual space which this latter analysis, unlike the former one, gives us to imagine the subjectivity of Irish citizen children in its own right.

Reproduction, Birth and Maternity: Rethinking 'Political' Subjectivity and the Question of Belonging outside Sovereignty

The previous section looked at how existing analysis of the 2004 Irish Citizenship Referendum offers two different solutions for negotiating processes of state regulation and the question of 'who' sits at the centre of claims: either by contesting (as argued by the gendered analysis) or by broadening (as argued by the cosmopolitan/human rights analysis) understandings of solidarity and national belonging. It sought to emphasize, however, that these different solutions are ultimately based upon similar philosophical assumptions regarding what it means to conceptualize political subjectivity in this situation as that which is defined in terms of (national/state) sovereignty and thus in exclusively modern conceptions of time and space. This second section will now look at how Kristeva's work helps us try to problematize these assumptions themselves by emphasizing how political subjectivity is *rewritten* (as much as it is reinscribed) through discussions about reproduction and its representations.

Rethinking the Space and Time of Modern Subjectivity

Julia Kristeva's work is significant as it does not merely emphasize the manner in which women 'reproduce' the nation through giving birth to successive generations. Instead it considers the manner in which the mode of reproduction and representations thereof associated with women and children can be understood to also (and perhaps more importantly) always already *interrupt* "[t]he nation….[and] its essence: economic homogeneity, historical tradition and linguistic unity" and the corresponding sovereign autonomous subject associated with this understanding.[91] They do so, she explains, by representing an alternative temporal dimension to the linear (political and historical) time of nationality. This alternative is maternal time (motherhood). Unlike linear time which is time conceived of as project, teleology, departure, progression and arrival, "in other words, the time of history", Kristeva has emphasized how maternal time is also linked both to *cyclical* time (repetition) given its association with menstruation and pregnancy,

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[91] Kristeva, 'Women's Time', p.13. See also Kristeva, 'A New Type of Intellectual' where she argues that "Through the events of her life, a woman thus finds herself at the pivot of sociality – she is at once the guarantee and a threat to its stability." (p.297)

as well as *monumental* time (eternity) given its association with reproduction and the genetic chain.[92] In doing so, Kristeva implies here that theorizations about female subjectivity, and in particular the transcendental subject associated with this ('woman'), cannot ignore how pregnancy itself – which she argues is "experienced as the radical ordeal of the splitting of the subject: redoubling up of the body, separation and coexistence of the self and of an other, of nature and consciousness, of physiology and speech"[93] – first and foremost challenges the identification of, and narrative involving, a sovereign self which has a beginning and an end in time and space. Drawing on her own experiences of motherhood and pregnancy, Kristeva discusses how pregnancy undermines the dominant view that the self and the other can be separated. She looks instead at how pregnancy results in a relationship to the other which is not wholly 'other' nor entirely oneself: "for such an other can come out of myself, which is yet not myself but a flow of unending germinations, an eternal cosmos."[94]

It is in this vein that Kristeva's work has specifically explored how 'woman' has never simply existed in an essential sovereign form as a coherent 'I' which *can* be 'included' or 'excluded' in national imaginary but needs to be understood as "presence in subversive form"[95] which challenges the existing basis for "the synchronicity of the imagined community."[96] Her work has similarly emphasized how 'child' can be understood as presence which acts in subversive form as the stranger within, "remain[ing] active in the shadow of an adult's consciousness".[97] Having highlighted the lack of permanent structure of the 'subject' which sits at the centre of claims to 'identity', Kristeva's work urges us to embrace "contemporary individualism's subversion, beginning with the moment when the citizen-individual ceases to consider himself as unitary and glorious but discovers his incoherencies and abysses".[98] It is this which distinguishes her work from that of so many others, insofar as she controversially implies that uncertainty and ambiguity associated with strangeness or otherness need not only be understood as a source of hopelessness or confusion but can be a positive force which

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[92] Kristeva, 'Women's Time', p.17
[93] Ibid, p.31
[94] Kristeva, J. (1986) 'Stabat Mater' In: *The Kristeva Reader*, p.185
[95] Jabri, 'Julia Kristeva', p.232
[96] Bhabha, *The Location of Culture* (London Routledge), p.158
[97] Roudiez, L.S. (1993) 'Translator's Introduction' In: Kristeva, *Nations Without Nationalism*, p.x
[98] Kristeva, *Strangers to Ourselves*, pp.2-3

presents opportunities to reconsider "our own potential, the potential of those around us, and the 'foreignness' inherent in each of us".[99] Kristeva cautions however, that this embracing of uncertainty and its recognition as the basis of an alternative (but a nonetheless valid) type of political subjectivity, requires a new way of thinking. She points out that it requires a move towards "a different way of reading"[100] the elusive nature itself of 'being', and away from the construction of theories which insist on trying to 'make sense' of this elusiveness according to existing political horizons.

As Piaras MacÉinrí's notes, the search for 'home' and discussions about belonging are part of attempts to locate the 'self' in both time and place.[101] Yet, this search is increasingly futile as "[f]or many of us there is no possibility of staying at home in the conventional sense – that is, the world has changed to the point that those domestic, national or marked spaces no longer exist."[102] As Caitríona Ní Laoire points out, what is interrupted by migration is "the linear or circular narrative of home-leaving followed by homecoming".[103] Instead, both are collapsed together into the experience of migration. Noting the use of the concept of 'home' by recently returned Irish citizens to describe Ireland (as the country they grew up in) *as well as* their country of emigration, Ní Laoire considers how the result is "the fragmentation of self…associated with the contradictions of the migrant situation."[104] The point, as such, is not that realizing a 'home' and a 'self' is no longer possible. Rather that the realization of a *sovereign* home and self – that is a 'home' and 'self' located in a clearly delineated territory (bounded space) and linear historical narrative (time based on a continuum of past, present and future) – has become increasingly impossible as the *basis* of (even if only in the last instance), and the starting point for, questions about citizenship. It is this particular conception of home and self which is based on a relationship between citizenship and the modern territorial state that is being problematized. Kristeva is calling for a new way of thinking through this

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[99] Ibid, p.4

[100] Kristeva, 'A Conversation with Julia Kristeva', p.28

[101] MacÉinrí, P. (1998) 'States of Becoming: Is there a 'Here' Here and a 'There' There?: Some Reflections on Home, Away, Displacement and Identity', *Chimera*, pp.1-8

[102] Caren Kaplan (1996) Questions of Travel: Postmodern Discourses of Displacement (Durham N.C.: Duke University Press) quoted in MacÉinrí, 'States of Becoming', p.6

[103] Ní Laoire, C. (2008) 'Complicating Host-Newcomer Dualisms: Irish Return Migrants as Homecomers or Newcomers?', *Translocations: The Irish Migration, Race and Social Transformation Review*, Vol.4, Issue.1, p.46

[104] Ibid, p. 45

impossibility; that is the impossibility for many people of 'home' and 'self' as making sense according to the normal statist understanding of political community and identity in terms of sovereignty and autonomy.

Highly influenced by Julia Kristeva's work and in an attempt to think it through further, Homi Bhabha differentiates between continuing to conceptualize the national community and subjectivity in light of cultural difference as "the one" and "the-many-as-one", versus that of conceptualizing how national community and subjectivity is instead disturbed by cultural difference and is recast from the perspective of margins and minorities as "the less-than-one that intervenes with a metonymic, iterative temporality."[105] He has explored this in terms of the idea that adding 'to' need not necessarily 'add up' but can work instead to *disturb* the existing calculation. In this case the existing calculation is the idea that subjectivity must be defined in terms of wholes (individuality) rather than fractions thereof.[106] Bhabha insists that this 'space of doubling' which he explores is different to the notion of plurality as it does not simply provide an alternative way of articulating existing conditions (of sovereign 'being') but results rather in a change in the position of enunciation itself; that is to say that it challenges the idea of how we have been told we must 'be' *as* sovereign presence.[107] It is, he argues, better envisaged therefore as a 'supplementary' space which, having disturbed the calculation of power and knowledge, "produc[es] other spaces of subaltern signification" and thereby different understandings itself of 'space' and of the necessity of linear time (comprising of a succession of moments from past to future) within space.[108]

What this demonstrates is that Kristeva's work offers a form of analysis which incorporates a recognition of the need to understand how to problematize the assumption itself that a particular marginalized 'who' can be taken as a starting point in respect of analysis of the intersection of citizenship and migration. It does so by moving away from the question of how the state regulates individual citizens to that of allowing us to reconsider more generally how citizenship has been conceptualized *vis-à-vis* its relationship with the state and the notion of 'individuals' – a form of 'being'

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[105] Bhabha, *The Location of Culture*, p.155
[106] Ibid
[107] Foucault once observed that "Maybe the target nowadays is not to discover what we are, but to refuse what we are." Foucault, 'Afterword: The Subject and Power', p.216
[108] Bhabha, *The Location of Culture*, p.162

conceptualized in terms of being connected to but ultimately separate from political community. As a result of emphasizing the need to question (as opposed to taking for granted as the natural starting point) the sovereign time and space of the marginalized subject, Kristeva's work propels us towards those who start with the notion of ambiguity in order to consider how to invoke an alternative to the automatic assumption of a coherent marginalized 'I'.

Subject-in-potential as opposed to 'marginalized subject'

In respect of the 2004 Irish Citizenship Referendum, Kristeva propels us towards work such as that of geographers Allen White and Mary Gilmartin. In 'Critical Geographies of Citizenship' White and Gilmartin explore similar concerns to that of the aforementioned gendered and human rights/cosmopolitan analyses with regard to the relationship which has been established between reproductive and mobility rights prior to the 2004 Irish Citizenship Referendum.[109] In their study of this, however, White and Gilmartin emphasize the fact that no less than five constitutional referenda proposals were debated over a twenty year period regarding the concept of 'the right to life of the unborn' as enshrined in Article 40.3.3 of Bunreacht na hÉireann. Doing so, they highlight the manner in which these referenda belie any coherency or stability underlying conceptions of child or woman as 'citizen' in the context of disputes about pregnancy in the Republic of Ireland which result in unambiguous continuities and intersections between previous and current state sexual regimes and (re)productions of hierarchies among women in the Republic of Ireland. Rather, they imply that these referenda reflect the manner in which the space of 'woman' and 'child' have more generally become in themselves "sites of conflict over the broader meanings of family, state and the law."[110]

From the perspective of Kristeva's writings, this work by White and Gilmartin stands in contrast to the aforementioned critiques which form the basis of existing analysis of the 2004 Irish Citizenship Referendum. These emphasize primarily how the relationship which was established between reproductive and residency rights in an Irish context – via the Fajujonu case in 1990 and the Lobe and Osayande case in 2003 – (only)

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[109] White, A. and Gilmartin, M. (2008) 'Critical Geographies of Citizenship', *Women's Studies International Forum*, Vol.31, Issue.5, pp.390-399
[110] Ibid, p.393

reinforce existing exclusionary legal discourses regarding reproductive rights; positing once again the 'woman' and/or 'child' as the (renewed) sovereign marginalized subject. White and Gilmartin's work instead indicates that this relationship and the question of how this led to an understanding of the (il)legitimate presence of non-national women in the capital's main maternity hospitals in 2004, can also be explored in terms of geographies of belonging and exclusion which traverse and *destabilize* existing exclusionary legal discourses regarding reproductive rights. They destabilize them insofar as they reveal the ambiguous nature of the supposedly coherent 'subject' which sits at the centre of such claims.

In 'Critical Geographies of Citizenship' White and Gilmartin focus among other things upon the manner in which the judges in the high profile X and C cases described the subject at the centre of the claims variously as "young girl", "girl", "mother" and "girl/mother".[111] In doing so they draw attention, not to the manner in which the treatment of these 'women' must be understood in terms of a continuity with a long history of state sexual regimes in the Republic, but rather to how the idea of a sovereign autonomous subject itself (the notion of 'woman') at the centre of the claim to rights, makes little sense in relation to these cases. Their work can be read as pointing out that it is not possible here to think in terms of the *progression* of a sovereign autonomous 'subject' (individual) from the space of childhood on one hand to that of the space of motherhood on the other. Rather, it can be read as emphasizing that the boundaries themselves are collapsed here between the already born and yet unborn 'child' and therefore between 'child' as foetus and 'mother' as woman. The result is the image of a disjointed subject *of* (as opposed to 'in') multiple time-space coordinates; each resulting from the different configurations of how the relationship between state, family and unborn child is articulated.[112]

This is to introduce an important analytical temporal and spatial dimension to our understanding of the relationship between reproductive practices and rights of the child which has not yet been considered in the existing gendered analysis of the 2004 Irish Citizenship Referendum. This might now be read into an example such as that of the

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[111] White and Gilmartin, 'Critical Geographies', p.394
[112] Ibid

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'Baby O' case. This is insofar as it is possible to recognize how the foetus in question is neither an Irish citizen with rights nor non-citizen, but is potentially both until it is subsequently defined as one or the other – i.e. either as a subject who never had rights or a citizen-subject who always had rights. In other words, what the work of White and Gilmartin introduces is the idea that the citizen-subject in the 'Baby O' case is defined *after* the fact: it is defined *outside* of both the spatial order (as the normal parameters between inside and outside, self and other, child and mother) and the temporal order (the progression from past, to present and on to future) which is normally associated with our understanding of the way in which subjects are defined as political vis-à-vis the nation. It is defined outside of the understanding that subjects are either already part of an existing national community or only become part of that national community in the future.

This focus on the ambiguity of the subject at the centre of discussions about reproduction in the Republic of Ireland is echoed in the work of Dianna J. Shandy. Shandy explores this ambiguity in a piece in which she considers the 2004 Irish Citizenship Referendum in the context of a how the process of birth is conceptualized differently in African and Irish societies.[113] Shandy quotes Oyeronke Oyewumi who observes that in African societies "at the moment of birth, two entities are born – a baby and a mother"; however, she stresses that these are not distinct entities.[114] Instead, she points out that, unlike in Irish society where birth itself is what predominantly marks the beginning of social (and often legal) status, "[i]n many African societies, social personhood does not necessarily coincide with biological birth".[115] With this in mind, the role of the 'child' in the discussions surrounding the 2004 Irish Citizenship Referendum is conceptualized by Shandy, not as the voice of a sovereign subject who needs to be 'brought into' the debate about belonging but as "the pre-verbal cries of a babe in arms" whose role is far more complex and ambiguous than simple 'presence' or 'absence'

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[113] Shandy, D.J. (2008) 'Irish Babies, African Mothers: Rites of Passage and Rights in Citizenship in Post-Millennia Ireland', *Anthropological Quarterly*, Vol.81, Issue.4, pp.803-831
[114] Ibid, p.813
[115] Ibid, p.815. Despite it being the norm, as others have also pointed out the legal and social status of children in Ireland can not always be read as beginning unproblematically from birth either. For example, the ability to make decisions as citizens (most notably, to decide where they want to live) is often suspended in the eyes of the Irish courts until children reach the age of maturity. Breen ,C. (2003) ''Refugee Law in Ireland: Disregarding the Rights of the Child-Citizen, Discriminating against the Rights of the Child', *International Journal of Refugee Law*, Vol.15, Issue.4, p.781

implies.[116] Shandy is at pains as such to emphasize the intricacy of the lives of the so-called 'individuals' focused on in the 2004 Citizenship Referendum sub-debates. She does so by stressing the transnational nature of their experiences. Shandy focuses on the multiple, complex and shifting nature of the motivations of women who came to Ireland in the first place – something she points out which, as a result of changing over time, end up pushing and pulling them in many different directions. Doing so, she draws out the importance of considering how the 'mother/child' subject(s) that eventually become the focus in discussions about reproduction are always already connected to both 'Irishness' and/or 'Africanness' in such a way as to undermine the notion that it is possible to mark the end of one (which is associated with the past) and the beginning of another (which can be associated with the future) in order to identify an excluded subject as presence. Her point is that their subjectivity exists in ways which are very difficult to capture in existing legal-institutional concept of rights and/or policy-based-discourses. These assume that 'political' subjectivity must lie in claims to a coherent identity via the notion of bounded (either single or multiple) nationalities and the linear narrative (comprising a beginning, middle and end) of nationhood.

Taken from the perspective of Julia Kristeva's work, what the inquiries by White and Gilmartin and Shandy indicate is the need to try to reconceptualize belonging as a notion which is not always dictated by the image of an excluded citizen who is positioned 'outside' the dominant political community and who can either transgress this or be brought 'inside'. Instead it is often experienced as a series of interruptions into existing temporal and spatial understandings, resulting in a fragmented conception of self as citizen and of 'citizen' *as* self. This work furthermore confirms how these contradictions are already being approached as that which require, in and of themselves, new ways of conceptualizing subjectivity and what it is to 'be' political rather than trying to made sense of this according to existing understandings of political subjectivity as necessarily sovereign and autonomous. This is insofar as they can be shown to have considered how certain experiences displace (as oppose to reinforce) the relationship between 'people' (identity) and 'place' (the individual); a relationship which appeals to state sovereignty rely upon and, in doing so, subsequently reproduce.

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[116] Shandy, 'Irish Babies, African Mothers', p.806

Instead of conceptualizing subjectivity as that which exists vis-à-vis the state (as absolute space), subjectivity can be seen to have been recast by these authors in terms of "interconnected spaces". These are sites and practices that "are crucial to understanding the ways in which citizenship laws are enacted, enforced and challenged."[117] The relationship between reproductiveness and residency can be seen to have been *re*set here through this work, in other words, in terms of an appreciation of interwoven (mostly contradictory) identity-spaces around which political and legal claims have been organized to date, not all of which can be understood as sovereign spaces. These authors focus on the range of different places where the 2004 Irish Citizenship Referendum was played out – White and Gilmartin focusing on the home, the private sphere, maternity wards in Irish hospitals, UK abortion clinics, the courtroom and legislature, as well as academic legal texts. Shandy considers how this includes different spatio-temporal discourses surrounding birth itself in both Ireland and in Africa. Doing so, I read them as asking us to re-imagine how we think about citizenship *as* spatially and/or temporally situated. They ask us to re-imagine this as other than necessarily playing out in a linear timeframe and somewhere that can be (unproblematically) located as bounded space; whether this is a jurisdiction, a homeland, a community, and/or a coherent excluded 'self'.

Beyond Modern Subjectivity: Beyond 'The-One' and 'The Many-As-One'

In their study entitled 'Tell me about Yourself', Ní Laoire et al touch specifically on the multifaceted (and often indeterminate) nature through which migrant children experience citizenship.[118] This study, which was conducted between 2006 and 2009, explores the immigration and integration experiences of migrant children and youth in Irish society, many (although not all) of whom are Irish citizens either through having been born in Ireland or having acquired it through their Irish citizen parents. It focuses on migration from three geographical areas (Africa, Central and Eastern Europe and Latin America) as well as the general phenomenon of 'return' migration which involves Irish citizen parents who moved away from Ireland and began families abroad eventually moving back with

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[117] White and Gilmartin, 'Critical Geographies', p.390
[118] Ní Laoire et al., *Tell Me About Yourself*

their (also Irish citizen) children. What is significant about this study is that while it does not ignore that "[c]hildren's experiences are profoundly shaped…by their parents' rights and status as migrants" and/or outsider status, very unusually it also emphasizes that the children of migrant families negotiate belonging and construct their own identities across a much more complex range of spatial and social as well as temporal contexts.[119]

The study focuses on how the category of 'migrant children' itself (which here includes Irish citizens born to migrant parents, Irish citizens born to Irish citizen parents, and/or children who are citizens of countries other than Ireland) needs to be differentiated in ways which are often ignored in existing discussions about the intersection of migration and citizenship. On one hand it points out that the category of 'migrant children' needs to be internally differentiated to take account of the manner in which immigration policies confer differing rights on children depending on both citizenship and migrant status. It emphasizes that this needs to be understood however, in terms of how these statuses are often conflicting and/or contradictory. One of the points emphasized, for example, is that "having Irish citizenship was not necessarily sufficient protection for the children against arguments made by others about whether they could legitimately claim to belong in Irish society", especially in cases where these children did not have the correct accent or skin colour. The authors point out that this often contradicted their parent's 'non-migrant' status (in the case of returning Irish citizens) or alternatively their parent's 'migrant' status (in the case of parents who had immigrated).[120] Similarly the authors of the report highlight the complexity of experiences within the migrant population in which these children are embedded more generally.[121] The authors stress, for example, the manner in which a label such as 'African/Irish' reflects a wide range of different types of experiences including those of children who "migrated from African countries at a very early age and have never returned; others were born in Ireland and have Irish and EU citizenship" as well as those

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[119] Ibid, p.14
[120] Ibid, p.80
[121] The report emphasizes this complexity of experience by considering the immigration and integration experiences of 'migrant children' in Ireland through four subheadings. These are 'African/Irish Children and Young People in Ireland' (Strand A); 'From Central and Eastern Europe to Ireland: Children's Experiences of Migration' (Strand B); 'Latin American Migrant Children in Ireland' (Strand C); and finally 'Coming Home? Children in Returning Irish Families' (Strand D)

who have moved to Ireland at an older age and have been back to Africa.[122] Most importantly perhaps, the study points out that the category 'migrant children' needs to be *externally* differentiated to take account of how the complex experiences of migrant children very rarely correspond to accepted understandings of the difference between 'Irish' citizenship and 'immigrant' status. As the study explains in one of its key insights,

> [b]eing a migrant' is only one aspect of migrant children's identities. It is also evident that migrant children and youth express their identities in ways which often diverge from the labels that are imposed upon them (usually by adults). Migrant children's identity negotiations can challenge dominant assumptions about ethnic and national identities.[123]

Rather than simply confirming, therefore, established understandings regarding how migrant and ethnic minority adults are perceived as culturally different to 'Irish' adults, what is emphasized in this study is how migrant children's experiences rather *confound* the categories themselves of 'Irish' and 'Migrant' as well as existing "assumptions about hierarchies of sameness and difference which underlie these processes" of othering.[124] What is stressed above all, however, is that there is often little conceptual room for migrant children to articulate their experiences and understandings of self outside of these dominant frameworks which prioritize an ability to be able to identify with nationality and ignore identifications with county, school, family or aspects of popular culture affiliation.[125] The final insight from this study is accordingly that there needs to be a greater appreciation of how children's own perspectives and experiences of migration, integration and living in Ireland "are often different to those of adults, or to the ways in which adults assume that children view and experience the world."[126]

These findings echo an exploration by Nicola Yau into the experiences of (what she refers to as) second generation Chinese in Ireland and the difficulty which she found many of these people were having in articulating their sense of identity and self within the existing statist conceptual framework.[127] Yau defines 'second generation Chinese' as those people who were born in Ireland (and as such are Irish citizens) and/or migrated to

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[122] Ibid, p.32
[123] Ibid, p.11
[124] Ibid, p.102
[125] Ibid, p.97
[126] Ibid, p.104
[127] Yau, 'Celtic Tiger, Hidden Dragon'

Ireland and have spent most of their lives there "either one or both of whose parents are ethnic Chinese."[128] Yau notes that as commonwealth citizens with free access to the United Kingdom, Chinese migration to Northern Ireland has been taking place since the 1950s and 1960s.[129] What Yau stresses is the contradictory way, however, in which second generation Chinese are both part of the main stream and of the margin according to different (often contradictory) contexts within Ireland. She explains, for example, that second‑generation Chinese are often both racialized as Chinese yet remain invisible in a wider black-white dichotomous framework in Irish society where 'black' is associated with being African. Yau furthermore argues that these are people who experience both 'Irishness' and 'Chineseness' in ways which are not immediately intelligible. For example, she explains that referencing 'Chineseness' often refers to a type of homing desire "without actually meaning a desire to return."[130] This, she points out, is because the concept of 'return' as normally used is problematic here insofar as some second generation Chinese living on the island of Ireland were neither born in nor, have they ever been to either China or Hong Kong: "so there is no possibility of return because you cannot return to where you have not been, whether that is a physical space or a state of mind."[131] This emphasizes the difficulty in categorizing the 'connections' which second generation Chinese – for whom there is often no real contact with family in Hong Kong or China – have to places and histories associated with 'China' and 'Hong Kong' as part of diasporic identities which nonetheless offer a sense of belonging. What is stressed here again is the notion of 'home' being both a physical and historical space and a personal space of identification, yet the *inability* of the boundaries and categorizations associated with the nation‑state and appeals to state sovereignty to conceive of the uncertainty and 'fractions' of personhood that this produces.[132]

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[128] Ibid, pp.48-49

[129] Many of those who would have ended up in the Republic of Ireland would have travelled here first. As Yau points out, this access was curtailed somewhat with the 1962 Commonwealth Immigrants Act which imposed restrictions on immigration to the United Kingdom by those from ex-colonies.

[130] Yau, 'Celtic Tiger, Hidden Dragon', p.60

[131] Ibid, p.59

[132] Yau quotes Benedict Anderson in *Imaginined Communities* who argues that "the fiction of the census is that everyone is in it, and that everyone has one – and only one – extremely clear place. No fractions." She points out that, on the contrary, what her study of second generation Chinese in Ireland shows is "there is uncertainty and there are fractions." Anderson, B. (1991) *Imagined Communities: Reflections on the*

What both the Ní Laoire et al and Yau studies show is the manner in which the children of migrants and their identities constantly move across, within and between political and cultural boundaries. Doing so, these children challenge these boundaries themselves and, most importantly, challenge the notion that inclusion and exclusion can be located in the first place by way of boundaries which differentiate 'here' from 'there', 'us' from 'them', 'past' from 'future' as normally associated with the idea of 'individuals' and groups thereof. They confirm that there is a need to *re*think how belonging is being experienced from this perspective rather than presuming that it can simply be equated with understandings of how it is experienced by migrant parents themselves. These studies indicate furthermore that this needs to be done by reconsidering how political community and identity are currently theorized as involving either a 'transgression' of the boundaries between inside (identity) and outside (difference) – as discussed in the gendered analysis – or a 'bringing together' of these boundaries by bonding those who are outside conceptions of the dominant imagined community (non-citizen guests) with those already inside (citizen hosts) – as discussed in the cosmopolitan/ human rights analysis. They imply that there is a need to try to reconceptualize belonging as a notion which is not only dictated by the image of an excluded citizen as individual which is positioned 'outside' the dominant political community and which can either transgress this or be brought 'inside'. It is also that which is often experienced in a series of interruptions into existing temporal and spatial understandings, resulting in a fractious (less than whole) political subject.

As discussed in chapters two and three, the notion of a fragmented self is not easy to imagine given how dominant political horizons are currently understood. Rather, (and despite a growing appreciation of the importance of recognising how identities are increasingly defined in hybrid, marginal and liminal terms), it remains a supremely difficult task given the manner in which political subjectivity is defined in the last instance in terms of the idea of clearly delineated boundaries (despite the emphasis on the fluidity of such boundaries) between 'us' and 'them', 'past', 'present' and 'future' and the need to specifically *resolve* these boundaries somehow in the notion of a coherent

Origins and the Spread of Nationalism (London: Verso), p.166 quoted in Yau, 'Celtic Tiger, Hidden Dragon', p. 64

subject which is defined in terms of presence. Yet as also discussed, Kristeva explores the notion of Otherness as this relates to the subconscious and thus as that which is within the specific self, but not in a tangible way which can be defined *in terms of* a 'particular' self. Nor, as that which has a definable 'outside' *of* itself which can be articulated as a 'universal' self in opposition to this. In doing so, this concept of 'Otherness' begins to form the basis of an alternative conception of subjectivity which is no longer only articulated in the 'resolution' of the process of drawing lines between inside and outside, particular and universal, identity and difference. Rather it appears as that which is articulated and just as quickly rearticulated anew in the *tension* or border-space which is constitutive of, and constituted by, these very limits. Julia Kristeva's work indicates, as such, how we can still think in terms of politics and political subjectivity (that we must do so) even when we think of "our self so poised and dense", precisely because this no longer exists ever since Freud demonstrated that the self "shows itself to be a strange land of borders and otherness ceaselessly constructed and deconstructed" which present new meanings 'of' rather than 'in' time and space.[133]

From the perspective of Kristeva's work, the studies by Ní Laoire et al and Yau can be shown to do more therefore than simply highlight the need to conceptualize how certain migrant children are citizens in their own right. From the perspective of Kristeva's work, they also succeed in beginning to do exactly that. This is insofar as the focus in these studies on the experiences of these children as cross-cutting and often contradictory yet simultaneous as "meaning-filled connections to [a variety of] different spaces and places", can be seen in itself to rethink how 'space' (both subjective and territorial) citizenship *is* inhabitable other than in a coherent way (as inclusive and/or exclusive).[134] This particular reading of both Ni Laoire et al and Yau's work is only possible, however, I argue, when the experiences of belonging of migrant youth in Ireland are more generally recast beyond the idea of the individual and 'the-many-as-one'. It is only possible when the experience of belonging of these migrant youth is recast in light of the notion, as discussed by Kristeva, of the possibility of subjectivity itself as fragmented in

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[133] Kristeva, *Strangers To Ourselves*, p.191
[134] Ní Laoire et al., *Negotiating Belonging*, p.5

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terms 'of' many different types of contingent spaces and temporal possibilities, rather than having to be guaranteed 'in' linear historical time and absolute space without limits.

A New Starting Point? Subjectivity as 'The Less-Than-One'

The work looked at in the second part of this chapter is that which I have argued can be read in terms of a Kristevan focus on the notions of 'space' and 'time' in all their facets as undermined by patterns of mobility engendered by migration. In doing so, I have argued that this work indicates how we might go beyond simply considering how migration has redrawn the map of what it is to be 'Irish' (nationality) in relation to particular subjectivities, to that of asking how it has redrawn the map of what it is to 'be' (subjectivity) more generally. In particular, it has focused attention away from that of having to understand 'being' as associated with an ability to be included in and thus as always already 'separate' from political community (the state) in the first place. Instead of such a metaphysics of presence defined in terms of spatial and temporal continuity, what has been explored is how the politics of citizenship might be posed from a starting point for human 'being' based on a metaphysics of process which incorporates ideas of temporal and spatial fragmentation (subjectivity as 'the-less-than-one').

As Piaras MacÉinrí points out in his aptly entitled chapter 'If I Wanted to Go There I Wouldn't Start from Here', the task envisaged has become that of needing to rethink our initial starting point in respect to the question of belonging. MacÉinrí explains that what is needed is a counter history

> which tells the history of the country and its multiple peoples and diasporas, not as overwhelmingly in the past, in the tribal sense of a 'core nation' beset by successive invasions, but in terms of an accretion of encounters and syntheses over many centuries, making the Irish people the already multi-ethnic, non-tribal nation they are today.[135]

What has been emphasized in this chapter is the need more specifically, to think about belonging in these terms of as that which cuts *across* the physical and imaginative space itself of the 'subject' as individual (the one) and/or groups of individuals (the many-as-one). I have argued this is needed in order to be able think the type of 'politics' which can account for the "shifting, multiple, hybrid, sometimes conflicting positions" which

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[135] MacÉinrí, 'If I Wanted to Go There', p.51; See also MacÉinrí, 'States of Becoming'

MacÉinrí and others have identified.[136] This exact rethinking is needed, I have pointed out, in order to respond to and engage with on its *own* terms, the complexity of experiences of belonging and of being citizen-subjects in Ireland which studies such as those by Yau and Ní Laoire et al have recorded.

The point of considering Homi Bhabha's work in this chapter is that it follows Kristeva's work in indicating the importance of understanding the distinction between the different manners in which cultural difference can be theorized. It can be theorized, on one hand, as in the gendered and cosmopolitan/ human rights analyses of the 2004 Irish Citizenship Referendum through the existing dualism of modern subjectivity (between Woman and citizen, or Human and citizen) and therefore in terms of 'individuals' (the one) and groups of individuals (the many-as-one). It can also be conceptualized, however, as in the work of those such as White and Gilmartin and Ní Laoire et al, by *retheorizing* the existing space of individuality as that which connects 'identity' (subjectivity) to 'place' (sovereignty) and to a particular history (sovereign time). Here the idea of the less-than-one disturbs existing calculations of power and knowledge by undermining the dualism of modern subjectivity as this is understood 'in' time and space.[137] In the latter, the notion of discrimination of particular (sovereign) subjects is rethought through the production of alternative (non-sovereign) spaces and temporal fragmentations of subject signification. Instead of the marginalized subject ('individual') at the centre of claims to citizenship which experiences citizenship in continuous narrative time and within clearly delineated spaces, political subjectivity is theorized as that which can be experienced through fragmented time and fractious spaces (the less-than-one) by those who straddle the divide; existing as they do in the tension between humanity and citizenship, being both and neither at the same time.

While not denying the political nature of both approaches, what this chapter has sought to emphasize is the manner in which the former approach does not challenge the basis of the claim by the Irish Government regarding the *necessary* link between reproduction (identity) and residency (place) and the notion therefore of the sovereign subject as that which can be included and excluded in political community and national

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[136] MacÉinrí, 'If I Wanted to Go There', p.50
[137] Bhabha, *The Location of Culture*, pp.146-157

narrative. The chapter has instead sought to emphasize how, in continuing to think in terms of a coherent 'who' which *can* challenge and/or be included in dominant concepts of 'Irish' citizenship, this existing analysis ignores – given an inability to conceptualize the often fractious nature of the subject (the subject that adds 'to' but does not 'add up') at the centre of such claims to citizenship in the first place – precisely the complexity of the experiences of belonging focused on by those such as Yau and Ní Laoire et al. In contrast, the work of White and Gilmartin and Shandy has been shown to specifically problematize the necessary link between identity and that of territory and its associated notion of time as history. It has been shown to rethink disputes about reproduction and migration in terms of how these instead recast the notion itself of that very *necessity* of sovereign identity in the first place that must be pointed to as 'individual' (originary located presence).

This chapter has therefore contrasted two approaches to the question of subjectivity in the context of migration. On the one hand, it has explored how subjectivity and the possibility of what it is to be a 'subject' with rights to citizenship has remained tied to a particular (sovereign) conception of space and time – articulated variously as 'migrant woman', 'ethnic minority', 'guest', 'Irish born child'. On the other hand, it has explored how this understanding, as the only space and time of subjectivity has been problematized and an alternative conceptual space of subjectivity has been envisaged whereby political subjectivity is still deemed possible even when "all institutional differences, even gender differences are in doubt, in question, in process of being imposed and resisted all at once."[138] It is this distinction which I have argued Kristeva's work introduces. The alternative conceptual space which has been opened here and its implications for understanding more generally how citizenship and questions of 'political' subjectivity can be *re*theorized, will be explored in the final chapter of this thesis.

Conclusion

This chapter has sought to contrast existing Citizenship Referendum critical analysis to the question of rethinking the politics of citizenship in respect of the issue of reproduction

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[138] Ashley and Walker, 'Reading Dissidence/Writing the Discipline', p.392

and its representations, with the work of Julia Kristeva which addresses a similar range of issues encompassed in the idea of motherhood and femininity. What has been emphasized is that while existing analysis of the 2004 Irish Citizenship Referendum attempts to merely think 'different' times and spaces of existing statist concepts of politics and thereby ultimately maintains the dual nature of modern subjectivity (theorized this time as Woman or Human and citizen, as opposed simply to Man and citizen), Kristeva's work emphasizes how this dualism (between a particular and a universal identity) is based on a specific understanding of time and space which can also be problematized in its own right. It is the importance which Kristeva places on recognising this distinction and the need the to think about time and space more generally in order to redraw the conditions of possibility for 'politics' here, which has been traced through this chapter.

What the chapter has attempted to do is to is to demonstrate how starting with the question of how we might establish a bond or challenge the existing lack of a bond between us – between those inside the Irish state and those outside of it, between migrant and non-migrant mother, between us and them – as has been done in existing analysis of the Citizenship Referendum, privileges an understanding of subjectivity in terms of the sovereign, autonomous individual. It ignores the question of how it is that we consider ourselves as 'separate' in the first place.[139] What has been discussed is how this assumes rather than interrogates the manner in which citizenship and being 'citizens' has become associated with a particularly modern conception of subjectivity in time and space as the necessary basis for all subjectivity. Focusing specifically on the subjectivity of citizen-children born to migrant parents, the second part of this chapter has sought to consider the need to move away from the notion that foreignness and otherness must always be articulated in sovereign dualisms through the resolution of the process of drawing lines between inside and outside, particular and universal, identity and difference, past and present in terms of a modern subject. And the need instead to recognize how foreignness and otherness is often articulated and just as quickly rearticulated anew in the *tension* or border-space which is as much constitutive of, as it is constituted by, these limits. Emphasizing the ambiguous and decidedly indeterminate nature of how solidarity is

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[139] Edkins, J. (2005) 'Exposed Singularity', *Journal for Cultural Research*, Vol.9, Issue.4, p.383

experienced by the children of migrants in contrast to that of how it is experienced by their migrant parents, what has been explored is how the subjectivity of Irish citizen children does not require the building of bonds or the challenging of a lack of existing bonds but rather an exploration of how these children are always already bound in many ways to each other, to Irishness and non-Irishness alike, as well as to all types of m(Others). The notion of subjectivity as 'the-less-than-one', as expressed by Homi Bhabha, has been explored as a way of beginning to conceptualize this alternative way of thinking subjectivity outside of a sovereign framework. This is on the basis that it captures a more fractious and fragmented experience of being citizen than currently encompassed in 'the one' (as individual) and the 'the-many-as-one' dominant framework. The next chapter explores the implications of opening up the question of political subjectivity beyond the one and the-many-as-one (temporality contained within absolute space) to that of the less-than-one (fractious spacetime) in this manner.

Chapter 5
Citizenship as Contingent Trace Rather Than Absolute Space:
Retheorizing the 'politics' of citizenship[1]

Introduction

Existing analysis of the 2004 Irish Citizenship Referendum conceptualizes political subjectivity as that which is defined first and foremost in terms of (state) sovereignty. In contrast to this, chapter four considered the need – given the highly complex range of spatial and social as well as temporal contexts according to which citizen children born to migrant parents experience citizenship – to think how political subjectivity can be reconceptualized outside the question of state sovereignty and thus on less stable and fixed foundations than that of a coherent self. It was suggested that Julia Kristeva's work presents a way of considering how the relationship which has been posited between citizenship and the modern sovereign territorial state *facilitates* (as opposed to merely reflects) a particular conception of politics which reproduces an understanding of subjectivity as 'the one' or 'the many-as-one'. Her work emphasizes that this relationship is problematic because it assumes subjectivity must be located in homogenous as opposed to (and thus ignoring the concept of) heterogeneous space and time. This final chapter aims to further tease out these issues and in doing so explore what is at stake in opening up the conceptual (sovereign) space in which citizenship is currently thought to questions about how space can be understood as other than infinitely divisible by lines extended in continuous, progressive time.

Essentially, this chapter argues that what is at stake in doing so is a move away from the question of 'where' boundaries are drawn per se and the resultant focus on the idea of various contending (if not always contradictory) theories – for example, gendered, cosmopolitanism, racial, economic and nationalist/bounded – which each provide different solutions as to how the tension between statehood (sovereignty) and identity (subjectivity) should be negotiated. The challenge to the citizenship debate (outlined in chapter four) is instead a move towards considering how it has become necessary to think

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[1] A version of this chapter has been published (2010) as 'Citizenship as Absolute Space, Citizenship as Contingent Trace' In: *Alternatives: Global, Local, Political* Vol.35, Issue.4, pp.373-401

about boundaries *via* the notion of statehood and state sovereignty in the first place.[2] What the chapter looks at is how, in opening up the question of political subjectivity beyond the one and the-many-as-one (temporality contained within absolute space) to that of the less-than-one (fractious spacetime), we can better conceptualize the manner in which migration is challenging dominant conceptions of citizenship. This is insofar as it allows us to focus more specifically on how being 'citizen' in the context of migration need not necessarily be understood as that which transcends a series of (pre)existing boundaries ("lines that do nothing at all"[3]). It can also be understood as a site in and of itself which reproduces alternative forms of political life which also *redraw* the nature of these lines and therefore the possibility of 'being' itself.

I argue that the move away from emphasizing where boundaries are drawn (as less or more inclusive) to that of emphasizing the 'how' of boundary drawing itself needs therefore to be understood in terms of how it ultimately enables a reconceptualization of the possibilities of be(com)ing citizen in the context of migration in the Republic of Ireland. Becoming citizen and therefore the question of the politics of citizenship itself is no longer exclusively conceptualized as extended in time across the absolute space of modern subjectivity (in terms of an us/them dualism), but is reconceptualized as also conceivably based upon disruptions and discontinuities in its own right; figuring in indeterminate times and spaces as that which can only be "traced in the blur…or in mediation".[4] It is this highly unique understanding of citizenship as trace, rather than simply as absolute space, which is developed in this final chapter. The concept of trace as metaphor enables us to imagine how be(com)ing 'citizen' is no longer only achieved in unified time and extended in space, but can also manifest as a cluster of time-space coordinates which are constantly changing within and *across* what is normally conceptualized as the absolute space and horizontal time of sovereign political community.

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[2] Falk, R., Ruiz, L.E.J. and Walker, R.B.J. (eds) (2002) *Reframing the International: Law, Culture, Politics* (New York: Routledge); Walker, R.B.J. and Bigo, D. (2007) 'Political Sociology and the Problem of the International', *Millennium: Journal of International Studies*, Vol.35, Issue.3, pp.725-739

[3] Walker, *After the Globe*, p.239

[4] Eisenmen, P. (1992) Interview prepared by S. Kwinter and F. Levrat, *Architecture d'aujourd hui*, 279, pp.98–115 quoted in Closs Stephens, 'Citizenship without Community', p.41

Theorizing Political Subjectivity

> if you ask me about identity I think our kids are going to be very – they are not going to be Irish, they are not going to be African – they are going to be very global. **Migrant Parent[5]**

> A growing number of people living in Europe do not seem to inhabit the social space which corresponds to the expansion of citizenship rights, that is 'civil society'. Rather, their lives are increasingly the targets of the technologies of governmentality which define what Partha Chatterjee has called the heterogeneous space of political society, and which often predate the nations-state…The postcolonial migratory movements of the present are in this sense a challenge not only to the borders of European citizenship, but also to the borders of our imagination. **Sandro Mezzadra[6]**

When it comes to the question of 'being' as mediated via cultural difference in the twenty-first century, the above quotations indicate scepticism that political possibility is always necessarily extended by thinking about political life in terms of "a continuum" within and between modern territorial states.[7] This is the assumption, as insisted by Stephen Castles and Alastair Davidson, that "[t]he solution [to cultural diversity] must lie in a mode of citizenship that reconciles the pressures of globalization with the reality that states will continue for the foreseeable future, to exist as the most important political unit."[8] Contrary to this, the quotations above both question in their own ways the plausibility of continuing to frame "the tractable puzzles of modern politics…in terms of horizontal or territorial relations between self and world, self and other, this community here and that community there."[9] These quotations emphasize the importance rather of understanding how certain experiences no longer fit "with the regularity of so-called 'politics'" but need to be retheorized in terms of how they appear to occupy another form of time and space.[10] In identifying the shortcomings of both the categories of 'African' and 'Irish' (as well as combinations thereof) to capture the essence of subjectivity of children of African origin growing up in Ireland, the first quotation challenges the need itself of posing the question of political subjectivity in terms of its relationship with the

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[5] Quoted in Ní Laoire et al., *Tell Me About Yourself*, p.42

[6] Mezzadra, *Citizen and Subject*, p.5

[7] Habermas, J. (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: Polity Press), p.515.

[8] Castles and Davidson, *Citizenship and Migration*, p.viii

[9] Walker, *Inside/Outside*, p.179

[10] Edkins, J. (2003) *Trauma and the Memory of Politics* (Cambridge: Cambridge University Press), p.xiv

modern sovereignty territorial political community.[11] In suggesting that children growing up in Ireland of African origin will be neither 'Irish' nor 'African', it does not imply that these territorial categories do not apply at all to these children. Rather that they are *insufficient* to capture their experiences and that other spaces exist beyond these (or simply hyphenated versions thereof) in which these experiences are being lived.[12] Echoing this, the second quotation by Sandro Mezzadra similarly rejects taking the relationship between political subjectivity and the modern territorial political community as a natural starting point for questions about the politics of citizenship. It suggests instead that it is this relationship in itself that needs to be explored in terms of how it facilitates a particular understanding of 'politics' in the first place as that associated with homogenous as opposed to heterogeneous space.

The implication – coming back to Homi Bhabha's discussion about how Kristeva urges us to think about cultural difference (discussed in the previous chapter) – is that there is a need to think about the manner in which a 'supplementary' space of subjectivity is opened up in respect of those such as the children of migrant parents. This is an alternative time-space of being 'citizen' to that which is normally associated with situations in which an 'Irish/immigrant' dualism is more immediately prevalent (if never completely unproblematic). The point is that this supplementary space is not a different coordinate in existing time-space understandings which simply 'adds up' to another space in time in which the sovereign subject experiences citizenship – as is, for example, the concept of 'new Irish' or 'new guest of the nation' suggested in existing analysis of the 2004 Citizenship Referendum. Rather, as implied by the above migrant parent quotation, what is produced is a supplementary space which is based on the understanding that adding African to Irish need not 'add up' to African-Irish or Irish/African, but rather may

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[11] 'African' can be also be understood in a global diasporic sense of not being limited to but as precisely *transcending* the territorial boundaries of the African continent itself. However, given the way in which it is juxtaposed with 'Irish' here and compared with something 'more' global, I believe it is reasonable to assume that it is being used by this parent in keeping with a more delineated territorial understanding of the concept. My understanding in this regard is in keeping with the use of the quotation within the report itself as it comes immediately following a discussion which emphasizes the limited nature for the children of migrants of "being either Irish or African/Nigerian/Kenyan" and the need to think beyond national (including trans-national) territorial understandings of belonging. Ní Laoire et al., *Tell Me About Yourself*, p.42

[12] See previous footnote with regard to the reason for reading 'African' as a territorial rather than a diasporic concept here.

interrupt the existing calculation and "successive seriality of the narrative of plurals and pluralism" associated with these concepts.[13] This, as Bhabha explains is because

> the 'supplementary question' of cultural signification, alienates the synchronicity of the imaginined community. From the place of the 'meanwhile', where cultural homogeneity and democratic anonymity articulate the national community, there emerges a more instantaneous and subaltern voice of the people, minority discourse that speak betwixt and between times and places.[14]

What Bhabha emphasizes here is the manner in which some people (for example, citizen-child born to migrant parents) speak from a non-place, somewhere in-between the normal time and space of 'nation', thereby undermining the ability of the nation to maintain and reproduce its clearly delineated spatial coherency and historical continuity. They supplement the nation insofar as they are both an addition to the idea of the nation (as a type of member) but also emphasize what is missing insofar as they highlight the inability of the nation to clearly delineate its membership in the last instance, given that they are not and cannot simply be recognized just as another regular member (citizen) of that nation either.

Crisis and the Question of Sovereignty: Two Different Types of 'Critical' Response

Existing analysis of the 2004 Irish Citizenship Referendum emphasizes the need for 'critical' analysis of this event and of the subsequent questions which it raises regarding immigration, integration and social change in the Republic of Ireland. It juxtaposes this with a more traditional analysis provided by the Irish state and those in favour of the referendum in 2004.[15] Yet, the previous chapter explored how Julia Kristeva's work emphasizes the potential for critical scholarship to make a further choice. This is whether to work within the existing time and space of the dualism of modern subjectivity (theorized variously as Wo/Man and citizen or Human and citizen), or whether to *problematize* the specific understanding of time and space upon which this dualism is based. I suggest that the distinction which Richard K. Ashley and R.B.J. Walker once

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[13] Bhabha, *The Location of Culture*, p.155
[14] Ibid, p.158
[15] See in particular, Brandi, 'Unveiling the Ideological Construction'; Crowley et al., '"Vote Yes for Common Sense Citizenship"'; Lentin and McVeigh, *After Optimism?*

drew between two possible critical responses to crisis and the question of sovereignty is useful in order to conceptualize what is at stake in this choice.[16]

One critical response

The first response Ashley and Walker look at is based on imagining the world in terms of spatially opposed positions of inside and outside and temporal continuity which is then *interrupted* by a unique moment of discontinuity "that opens up when…continuous time, homogeneous place, and coherent and well-bounded textual inheritance breaks up or gives away."[17] They explain that this line of reasoning posits the boundaries demarcating 'us' from 'them' in the twenty-first century as sharply brought into focus and now highly contested, but ultimately retains the basic notion of the ontological foundation of this dichotomy. In other words, despite the concepts of 'us' and 'them' now constantly undergoing deconstruction, identity (inside) continues here to be conceptualized as ontologically *against* difference (outside) as two separate, albeit interlinked, analytical categories which remain "constitutive of our modern understanding of political space."[18] Because the subject continues in this response to be conceptualized as unitary (by theorizing similarity in difference via autonomous subjectivities), 'difference' remains defined in terms (always) of an(other) as one who *can* be 'included'. This means that political arrangements of sovereignty (the symbolic or social order) are seen in the last instance as separate from the processes of inscription of (an originary located) subjectivity.[19] The result is that sovereignty is seen as that which is required for reality to have meaning and thus political possibility, as opposed to that which merely facilitates a particular type of meaningful reality in terms of what has come to be understood as 'political' possibility. I argue that the critical approach presented in existing analysis of the 2004 Irish Citizenship Referendum corresponds with this first response which Walker and Ashley identify.

As Walker discusses in *Inside/Outside*, what can be identified in this first response is the assumption that the image of the sovereign state as "fixed within precise

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[16] Ashley and Walker, 'Reading Dissidence/Writing the Discipline'
[17] Ibid, p.386
[18] Walker, *Inside/Outside*, p.174
[19] Edkins and Pin-Fat, 'The Subject of the Political'

ontological coordinates" can be applied universally.[20] This is because, despite a move away from the notion of pre-given groups and instead towards a successful interrogation of the notions themselves of 'individual' and 'state' – in particular, the manner in which the former is constructed by the latter according to degrees of inclusion and exclusion – the persistent idea that the state exists as an analytical category in its own right which *can* be juxtaposed with the 'individual' retains a very specific (homogenous) understanding of the possible configuration of spatio-temporality. Pierre Maxime Schuhl once identified this as the 'the theme of Gulliver' in order to emphasize how it embodies the idea that the human world has essential characteristics which remain the same no matter the magnitude in question: both micro and macro physical space are presumed to be "just like the space of the commonsense world" merely reduced or increased in magnification.[21] Yet, as Walker specifically points out in 'Citizenship after the Modern Subject', to assume that the (individual) self *must* be conceptualized in terms of similar spatio-temporal relations as the state is to ignore the question of the historically constituted nature of subjectivity as that which only came to be understood in this way at a particular point in time. It is to take for granted that the limits of the modern state have *always* been analogous to the limits of subjectivity.

As outlined in chapter one, Walker focuses on the manner in which a particular conception of time and space associated with the principle of state sovereignty, can be understood to have emerged as a particular way of ordering understandings about subjectivity as well as those about political society.[22] For Walker, focusing on the question of the politics of citizenship primarily vis-à-vis its relationship with the modern territorial state (claims to statehood), ignores how the question of what it is to 'be' citizen came to be defined in the first place. It ignores how it came to be defined vis-à-vis its

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[20] Walker, *Inside/Outside*, p.133

[21] Pierre-Maxime Schuhl (1947) 'Le Thème du Gulliver et le postulat de Laplace', *Journal de Psychologie Normal et Pathologique*, Vol.44, Issue.1, p.169-184 referenced in Walker, R.B.J. (1995) 'The territorial State and the Theme of Gulliver' In: *Inside/Outside*, p.133. Čapek notes that "Belief in the mathematical continuity of space was of tremendous importance for *the classical view of microphysical reality*. It led to the assumption that microphysical space is like the space surrounding our bodies and that the world of atoms differs only in size from the world of our sense perception". Čapek, M. (1961) *The Philosophical Impact of Contemporary Physics* (London :Van Nostrand), p.21

[22] Walker, 'Citizenship after the Modern Subject'; On the question of how spatial organization has influenced the evolution of political society see, for example, Agnew, J. (1994) 'The Territorial Trap: The Geographical Assumptions of International Relations Theory', *Review of International Political Economy*, Vol.1, Issue.1, pp.53-80

relationship with the state in terms of a very specific concept of space (infinite and homogenous) and time (progressive, continuous and linear – understood as "a historical process by which peoples develop shared characteristics"[23]). It is based on the understanding of a *decisive* demarcation between inside and outside, between self and other, between presence and absence.[24] As discussed in chapters one, two and three, his work therefore results in an emphasis on the need to go beyond rethinking the statist monopoly on understandings of the nature and possibility of/for political community to that of also rethinking the statist political discourse through which political subjectivity ('being') came to be understood.

A second critical response

The alternative response which Ashley and Walker envisage to crisis and the question of sovereignty is based on specifically questioning what current imaginations of borders and territories tell us about what political community and identity *can(not)* be. Unlike existing analysis of the 2004 Irish Citizenship Referendum which presents only one type of 'critical' response to crisis and the question of sovereignty – based on emphasizing how normal politics is 'interrupted' by migration thereby continuing to take state sovereignty as the regulative principle guiding all contemporary political practice – Walker and Ashley indicate here the potential for another response. This is one which considers how migration might be theorized as that which actually *undermines* the understanding that state sovereignty constitutes the basis for all forms of political life (and the capacity to identify an understanding of who 'we' are) in the first place. This notion of a second critical response indicates a further line of inquiry which explores how modern understanding of 'borders' in terms of infinite, invariable and homogenous space which exist in continuous, progressive time – concentrated in claims to statehood and the idea of the (in)complete Cartesian subject – are *not* the only way of imagining political possibility. It is one which argues rather that this certain dominant understanding merely became dominant

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[23] Shapiro, 'National Times and Other Times', p.79
[24] Walker (1995) 'Sovereign Identity: The Politics of Forgetting' In: *Inside/Outside*, pp.159-183; Walker, 'Citizenship after the Modern Subject'

because it was possible for a time…actively to marginalize, forget and defer encounters with paradoxes, contesting themes, and resistant interpretations that…transgress all imaginable boundaries, and that render radically unstable all renditions of unequivocal voice.[25]

In contrast to the first response, in this type of deconstructive account the point is that no borders or territories are presumed to be already in place which are *then* contested, challenged and 'politicized'. All drawing of boundaries is rather problematized by showing that the margins which were once taken for granted (for example, between 'the state' and other institutions or, between 'the state' and 'individuals') were never in fact fixed solidly. Rather, these are shown to have (always) been based on slippages down through history. As Shapiro explains, what is argued is that "the familiar world cannot be separated from the [various contingent] interpretive practices through which it is made".[26] The contention instead is that meaning is always imposed and is therefore *always* political. As such, there is simply no pre-political or 'non-political' realm but rather everything is understood to come within 'the political' – including subjectivity. On the basis of this understanding, a move is effectively made to leave the more epistemologically driven understanding of social enquiry – which is primarily concerned with, for example, how structure and agency can be theorized as interdependent rather then separate – to begin specifically to rethink existing possibilities of being, acting and knowing according to which "epistemology came to be constructed as a dualistic encounter between subject and object in the first place."[27] Unlike in the first response here it is the idea itself of *how* we draw boundaries (the presumed convergence between boundaries and territorial space, and boundaries and subjectivity), and therefore our understanding of the nature of the limits of modern political life as within and between modern states, that is problematized.[28]

Rather than starting from the assumption that sovereignty has been 'interrupted' by a moment of discontinuity, this response can be seen as an attempt to interrogate the notion itself of sovereignty (sovereign statehood and sovereign subjectivity) understood

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[25] Ashley and Walker, 'Reading Dissidence/Writing the Discipline', p.387
[26] Shapiro, M.J. (1989) 'Textualising Global Politics' In: J. Der Derian and M.J. Shapiro (eds) *International/Intertextual Relations: Postmodern Readings of World Politics* (Lexington Books: New York), p.11
[27] Walker, *Inside/Outside,* p. 190
[28] Walker and Bigo, 'Political Sociology and the Problem'

as unproblematically divisible and continuous. In doing so, it emphasizes that asking 'where' the margins of modern political life should be drawn – as more or less inclusively between the state and citizenship or, as more or less inclusively between identity (inside) and difference (outside) – presumes precisely the continuity and divisibility which it purportedly attempts to interrogate. As an alternative to this, it considers the necessity of reconceptualizing how we have been told that we must "think about the delineation of political possibility in both time and space"[29] as always within or between states and therefore in terms specifically of progressive time (historical narratives) and "inviolable and sharply delimited space."[30] For Walker and others this question needs to be specifically explored by reflecting on the manner in which our current understanding of time and space continue to be intimately related to ideas about state sovereignty (the resolution of the question of 'politics' within and between states) which were crystallized in early-modern Europe and which are associated specifically with classic Newtonian physics and Euclidean geometry.[31] They argue that we need to look at how classical physics, which assumes the independence of space from the matter which it contains and "the linearity of historical, narrativised time, time which has beginnings and ends", is also *constitutive* of our understanding of modern 'political' subjectivity.[32]

As discussed in chapter one, Walker's argument is that the question of how the politics of citizenship is being challenged cannot be divorced from this specific modern account of individual subjectivity that forms, to begin with, the basis for our understanding of 'political' (im)possibility in contemporary circumstances.[33] Instead he implies that it must be embedded in an understanding of the difference between 'modern' and other understandings of time and space. In particular, in an understanding of how the

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[29] Walker, *Inside/Outside,* p.175

[30] Ibid, p.129

[31] Milič Čapek provides an account of the differences in understandings of time, space and matter between classical and contemporary physics. See Čapek, *The Philosophical Impact*, pp.21-26; On the question of the limitations of Newtonian/Cartesian/Euclidean worldviews, see, Edkins, *Trauma and the Memory;* Elden, S. (2006) *Speaking Against the Number* (Edinburgh: Edinburgh University Press); Walker, *Inside/Outside*; Walker, 'Citizenship after the Modern Subject'

[32] Edkins, *Trauma and the Memory*, p.40

[33] My use of the notion of '(im)possibility' here acknowledges the importance which articulations of impossibility play in delineating possibilities themselves. See Pin-Fat, V. (2000), 'Review: (Im)possible Universalism: Reading Human Rights in World Politics', *Review of International Studies*, Vol.26, Issue.4, October, p.664

former has come to dominate our understanding of all types of being as 'calculable' spatio-temporal relations. This is to urge us to begin to differentiate between on one hand, 'absolute' spatio-temporal relations as the "the space of Newton and Descartes" as against 'relational' spatio-temporalization as the space and time of "Albert Einstein and the non-Euclidean geometries that began to be constructed most systematically in the nineteenth century."[34] As David Harvey notes, the former is defined in terms of how it is "amenable to standardized measurement and open to calculation" and as that which is "a primary space of individuation" and unitary measurement (the one and the many-as-one), everything clearly identified by their unique location.[35] In contrast, the latter interrupts this emphasis on spatial and temporal ordering, highlighting instead the plurality of spatio-temporal possibilities which undermine the ability to calculate, count and identify what clearly belongs here, not there. "Relational conceptions bring us to the point where mathematics, poetry, and music merge, where dreams, daydreams, memories, and fantasies flourish."[36]

Retheorizing Political Subjectivity

Stuart Elden has suggested that the manner in which time and space inform political (im)possibilities in contemporary circumstances can be best understood via an examination of the distinction which Heidegger drew between 'ontic' and 'ontological' knowledge: the former which relates to the knowledge of entities and their properties, the latter which relates to the question of the a priori conditions "on which any such theory (of ontic knowledge) could be constructed".[37] This distinction is important according to Elden because it allows us to distinguish between the theory of 'beings' (ontic knowledge) and the theory of 'being' (ontological knowledge). The latter outlines the conditions by which it is possible to construct such a theory of 'beings' in the first place. In his work Elden identifies through Heidegger a historical Cartesian notion of space ("as mathematical, geometric, viewed in terms of spatial location, [and] measurable by co-ordinates") as the dominant notion of space and, an Aristotelian view of temporality (as

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[34] Harvey, D. (2009) *Cosmopolitanism and the Geographies of Freedom* (Chichester: Columbia University Press), pp.134-135
[35] Ibid, p.134
[36] Ibid, p.139
[37] Elden, *Mapping the Present*, p.9

'succession') as the dominant notion of time. He points out that together these form the basis for the theory of 'beings'.[38] His work insists, as such, that there is need to consider how space and time are both objects of analysis (with different meanings across time and within space) as well as forming part of the conceptual basis for analyzing subjectivity itself – as that which is understood as existing *in* time and space in the first place.

Insofar as migration is understood to present a challenge to dominant ideals and existing practices of solidarity conceptualized in terms of the narrowly defined parameters of the Irish statist project as embodied in the 1937 Constitution, this adds depth to the nature of how this challenge could be understood. It indicates that it might be understood not only in terms of how the ambiguous subjectivity of citizen-children born to migrant parents affects the manner in which spatio-temporal coordinates are attributed with meaning (whether or not existing boundaries are understood to be shifting). But that it might also be understood in terms of how it potentially affects the notion of 'political' subjectivity *as* identifiable vis-à-vis a series of points or lines visualized similarly to those on a map and existing in temporal sequence (understood as having beginnings, middles and ends). In other words, that migration might affect how political subjectivity has been articulated in terms of the spatio-temporal imagery of movement from one point to another.[39]

I do not argue here that this is something which is necessarily easy to come to grips with. For example, as Milič Čapek points out in *The Philosophical Impact of Contemporary Physics*, although it is increasingly understood that contemporary (quantum) physics does present alternative ways of conceiving of time and space, there is also a need to recognize that outside of physics (in particular in biology, psychology and the social sciences), "the classical habits of thought persist…driven into subconsciousness".[40] Indeed, instead of thinking that we can simply 'catch up' with ways of thinking about time and space in light of contemporary scientific analysis, following Edkins I suggest that there is a need to understand how classical conceptions of time and space are themselves integral to structures of sovereign power, "the power of the modern

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[38] Ibid, p.27
[39] Walker, *After the Globe*
[40] Čapek, *The Philosophical Impact*, p.xiv

nation-state."[41] This is to reassert once again that we cannot simply move 'beyond' sovereign power (a modern conception of subjectivity as sovereign and autonomous) in order to respond to this challenge. To aim to do so would simply, as Walker points out, be to continue to remain within the particular conception of time and space which locates different political conditions within different spaces and times which *can* be travelled to and from.[42] Rather what is suggested is that we need to ask ourselves how we can engage with the conceptual difficulties which the subjectivity of citizen-children pose to the continuing dominance of this sovereign power structure by exploring how this power structure (re)constructs the notion of political possibility through a particular conception of the idea of 'boundary' itself.

Rethinking the notion of 'boundary'

As seen in chapter four, Irish citizen children born to migrant parents experience citizenship in temporal inconsistencies (for example, often through retrospective adjustment) and spatial discontinuities (being 'citizen' only in certain situations) as opposed to progressively within a particular space or series of spaces. In so doing they interrupt the historical trajectory that normally testifies to collective coherence of the nation as made up of one people or many peoples. This indicates a need to acknowledge profound structural transformations which are due to migration and the necessity to engage with the complete uncertainty of the character and location of 'political' life as a result, as opposed to presuming we can continue to think about political life within existing spatio-temporal settings. It prompts us to consider how the supplementary space which the quotations at the start of this section allude to is not simply an(other) space of plurality wherein many wholes (individuals or groups of individuals and stages of development of a people or nation) come together in a politics of coexisting differences as citizens, but a "supplementary space of doubling" which produces a politics of difference of fractious spaces and disjunctive times of 'being' citizen.[43] As Shapiro

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[41] Edkins, *Trauma and the Memory*, p.xv
[42] Walker, *After the Globe*, p.11
[43] Bhabha, *The Location of Culture*, p.154

points out, what is indicated here is the need to reengage with "an alternative way of scripting the meaning of selves".[44]

From a starting point of the dominant political imagination it is very difficult to theorize this type of existence as it is not based on a decisive demarcation between inside and outside, them and us, identity and difference, before and after. Yet, as outlined in the preceding chapters, Julia Kristeva's work offers an alternative to dominant political imagination by presenting a different way of theorizing the question of the politics of 'being' itself. This is one which does not start with the necessity of a coherent 'I' which is bonded with the otherness of a foreigner or which seeks to find the otherness of a foreigner in the self. Rather, it is one which starts with "the harmonious repetition of the differences it [otherness] implies and spreads…without goal, without boundary, without end" as the condition of being with others in the first place.[45] The crucial point is that Kristeva's work on the notions of 'strangeness', 'Other' and 'otherness' is not focused on how these concepts merely disturb, and in so doing subsequently reinforce in a different manner, understandings of the dual nature of modern subjectivity as divided between the sovereign space of particularism (citizenship) on one hand and universalism (humanity) on the other. Rather it focuses on how these concepts can be understood to permeate *both* citizenship and humanity and in doing so, to destroy the basis for this spatial and temporal distinction more generally. The result is a re-reading of the ontological status of subjectivity in terms other than that of unity (a metaphysics of presence). In Kristeva's work the supplementary question of cultural signification presents the notion of a 'fractured' subject which does not merely "negate the preconstituted social contradictions of the past and present" but renegotiates "the space and time from which the narrative of the nation [of 'being'] must *begin.*"[46]

Kristeva's work must be seen as pointing therefore in a different direction than the type of 'cultural critique' advocated in existing analysis of the 2004 Irish Citizenship Referendum. The latter cultural critique insists on an engagement with the 'other' which acknowledges either pre-existing fears of economic destitution engrained in the Irish psyche as a result of past experiences such as the famine (as argued by Fanning and

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[44] Shapiro, 'National Times and Other Times', p.82
[45] Kristeva, *Strangers to Ourselves*, p.3
[46] Bhabha, *The Location of Culture,* p.155

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Mutwarasibo[47]); that 'we' must be generous to 'them' given our experiences of migration (this argument is captured nicely in a letter to the editor of *The Sunday Independent* entitled 'We were emigrants once, too'[48]); or, that 'they' as outsiders (migrant m(Others)) can challenge the boundaries according to which we as 'Irish' have been defined (as argued by Lentin and Luibhéid[49]). This type of critique assumes to some extent the already existing world of many distinct 'cultures' insofar as categories of 'us' and 'them' (albeit neutralized) still make sense.[50] In contrast to this, Kristeva's call for the recognition of 'our own foreignness' is not for the understanding of difference outside of self and thereby a call to brotherhood, but emphasizes the need to understand how difference is set *within* the self as the condition for the self 'being' with others.[51] In doing so it problematizes the more general idea that politics must be based upon an ability to distinguish inside *from* outside, past from present, identity from difference. The result is an interrogation of how the principle of state sovereignty has told us the 'boundary' (of political community and by implication of self) should be conceptualized as a temporal problem which can be resolved in space – what Walker calls "the spatiotemporal container of modern politics."[52]

Unlike existing analysis of the 2004 Irish Citizenship Referendum, the line of inquiry advocated in Kristeva's work can seen to emphasize the importance of the second type of 'critical' response identified by Ashley and Walker in 1990 to crisis and the question of sovereignty. This is one which, unlike the first response, considers the need to reflect on how our understanding of social, cultural and economic political possibility is *limited* by our need to think about political life as either within, between or beyond modern states.[53] This is the response which indicates that we might focus on how our imagination is limited by our need to conceptualize the only possible ground for the politics of citizenship as that which is defined in terms of the relationship between

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[47] Fanning and Mutwarasibo, 'Nationals/Non-Nationals', pp.440-441

[48] Letters to the Editor, 'We were emigrants once, too', *The Sunday Independent*, 25/04/2004, written by Veronica Daly, Letterfrack, County Galway, Ireland

[49] Lentin and Luibhéid, 'Representing Migrant Women in Ireland'

[50] Gupta, A. and Ferguson, J. (1992) 'Beyond "Culture": Space, Identity and the Politics of Difference', *Cultural Anthropology*, Vol. 7, Issue.1, p.15

[51] Kristeva, *Strangers to Ourselves*, p.192

[52] Walker, *After the Globe*, p.123

[53] See, for example, Edkins, *Trauma and the Memory;* Nyers, 'Emergency or Emerging Identities?'; Walker, 'Sovereignties, Exceptions, Worlds'

autonomous individuals (subjectivity) and the state (sovereignty). It is not merely the location (i.e. the rightful parameters) of political space and time (for example, whether these should be trans or intra statist) which is being questioned here. This is because, it is recognized that doing so continues to assume a conception of both as homogenous, insofar as we continue to think of 'being' in space and time in different ways and to different degrees, rather than 'of' different conceptions of space and time.[54] Instead, what is implied is that understandings themselves as to what political space and time *can* be need to be reconceptualized. This is in terms of how both are playing out in often unexpected ways at a multiplicity of sites which challenges the notion itself of instantaneous static space and linear time (us/them, past/present framework) as the only possible type of 'politics'.[55] The result is to ask, as the Mezzadra quotation at the beginning of this chapter does, how this reconceptualization of political space and time challenges the existing dominant understanding of political life (as within or between states) as the only way of 'being' when it comes to the question of citizenship and the relationship between citizenship and migration. It is to ask, as he does, how migration challenges not only the temporal and spatial location and authenticity of territorial borders but also "the borders of our imagination."[56]

The understanding put forward in this chapter is that this second response does not simply set out to ignore the significance of statist time and space, however. For example, it does not set out to ignore how linear progressive time (history) linked to the idea of bounded space (territory) provides an important link to the eternal in a manner similar to that of religion but which was lost with the rationalist secularism of the Enlightment.[57] The persistence and popularity of this statist spatio-temporal conception

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[54] Walker, 'The Territorial State and The Theme of Gulliver' In: *Inside/Outside*; Henri Lefebvre discusses the notion of space as a product in and of itself and therefore of the need for a theory of space. Lefebvre, H. (1998) *The Production of Space* (Oxford: Blackwell Publishers); For a discussion about different conceptions of time, see, Edkins, J. (2003) 'Preface' and 'Introduction' In: J. Edkins, *Trauma and the Memory*

[55] On how political space is playing out in several different types of spaces at once see, Chatterjee, P. (2006) 'Populations and Political Society' In: *The Politics of The Governed: Reflections on Popular Politics in Most of the World* (New York: Columbia University Press). On how political time is playing out in different ways, see, Closs Stephens, 'Citizenship without community'; Shapiro, 'National Times and Other Times'.

[56] Mezzadra, *Citizen and Subject*, p.5

[57] Anderson, B. (2006) *Imagined Communities: Reflections On the Origin and Spread of Nationalism* (London: Verso), p.11

of being is not denied here. Nor is it being argued that a politics based on this is simply bad or negative in contrast to alternative non-statist conceptions which are good and positive; merely that such a politics cannot be taken for granted. Similarly, it is not suggested here that such a sovereign spatio-temporal basis for politics can simply be 'replaced' with another understanding. Rather, as stated in the conclusion to chapter one of this thesis, there is a need to forget about moving 'beyond' the state and instead to start to consider how we can replay and recite statist spatio-temporal configurations in order to reveal their instabilities. Our choices are not limited to being 'in favour' of linear progressive time (seeking to include citizen-children born to migrant parents); being 'against' linear progressive time (demanding citizen-children's right to remain outside history and politics); or simply attempting to reconcile these two options (a politics of plurality). What is emphasized following Julia Kristeva is the need to conceptualize a politics which is based on "an intermingling of all three approaches…all three concepts of time within the same historical moment."[58] The emphasis of this fifth chapter is on how, in other words, by reengaging with the idea of 'boundary' (with the idea of what a boundary must be), the second response forces us to think time and space *differently* (thus redrawing the conditions of possibility for 'politics') and not merely to think 'different' times and spaces (of existing statist conceptions of politics).

The next section of this chapter will explore in more detail the claim that what we normally call 'politics' draws on a particular notion of time and space which privileges the narrative of the autonomous state, and which goes unchallenged by those critical inquiries in migration studies which continue to afford the state a central role in their research. What is emphasized is how the sovereign regulative idea of what a boundary must be in relation to the question of the politics of citizenship is one which must be constantly reproduced if it is to be maintained. I then seek to contrast the approach by critical inquiries in migration scholarship in the 2004 Irish Citizenship Referendum which implicitly accept this core spatio-temporal ordering principle, with an attempt within migration scholarship to challenge this principle. What is looked at is migration scholarship which does not prioritize this centralizing role of the state but which instead

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[58] Moi, T. (1983), 'Introduction to "Women's Time"' In: *The Kristeva Reader* (ed. T. Moi), (New York: Columbia University Press), p.188

rethinks citizenship in terms of how the centralizing strategies of the state are an effect in and of themselves of more radically decentralizing struggles. This scholarship emphasizes the need to understand that increasingly, when it comes to the question of migration, although political struggles work through the state, these can nonetheless no longer be traced back to the state nor to the idea of located presence as the 'necessary' basis of politics.

The Privileging Narrative of the Autonomous State

As discussed in previous chapters, existing 'critical' analysis of the 2004 Irish Citizenship Referendum concentrates in the first and last instances on how the state regulates migration. It focuses variously on whether this is through racialization and/or through nationalism. In doing so and in emphasizing the need to rethink citizenship in terms of post-racial state or post-national imaginary, it reconfirms what Closs-Stephens points out is "the significant dimension of modern citizenship".[59] This is the understanding that 'being political' is realized vis-à-vis the state. This existing analysis of the 2004 Irish Citizenship Referendum presents a picture of various groups which are divided into dominant (the included) and the dominated (those who are excluded) according to various configurations of gender, class, migration status, ethnicity and race. Calls for 'inclusion' are presented always via appeals for the inclusion of a coherent subject ('immigrants', 'ethnic minorities' or 'migrant m(Others)') in the last instance. In so doing subjectivity is conceptualized in a similar manner to that of how sovereign political community is conceived; as having fluid margins, but also edges which can be filled. For example, appeals to a common humanity and the need to treat those who live in Ireland equally reproduces the idea that people (as humans) share something in common, such as is expressed in a nation conceptualized as a territorialized entity with (not unproblematic but nonetheless) *calculable* boundaries demarcating inside from outside. The conception of space presented here – insofar as it is presumed to stay the same whether the focus is small or large scale – is absolute, infinite but most importantly, homogenous.

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[59] Closs Stephens, 'Citizenship without Community', p.32

This idea of space as existing objectively and independently of its physical content is one which is accepted as obvious in most Western cultures insofar as this in keeping with immediate sensory experience.[60] However, there are examples of other cultures where this has been problematized – for example, in Australian Aboriginal culture much of what is understood as 'reality' or 'the world' is mediated through extra-sensory experience known as 'dreamtime'.[61] Furthermore, within Western culture itself the primacy of immediate sensory experience has been challenged by the alternative understandings of the non-sensory world of subatomic particles. As Edkins points out, absolute notions of time and space are not always taken for granted in popular culture in the West either – evidenced in the ready acceptance of the idea of time travel and parallel universes in science fiction.[62] Yet, references regarding the need to 'include' new guests in the nation in existing analysis of the 2004 Irish Citizenship Referendum (re)present the possibilities of time associated with citizenship uniquely as progressive, linear and unified. We are told about the *shift* from 'old' forms of citizenship and groups of old citizens to 'new' forms of citizenship and groups of new citizens.[63] The emphasis here is on becoming entitled to an increasingly broader range of rights through a move from, for example, a working visa, to that of long-term residency status, to that eventually of 'citizen'. One is presumed here to always be*come* a citizen having not previously been one. The increasing emphasis on conceptualizing migrants as 'the new Irish' (albeit not always unproblematically so) indicates this understanding of a self-evident separation of the present (new) from past (old).[64] What is assumed is "that objects or things have a

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[60] Čapek, *The Philosophical Impact*

[61] Often conflated with religion or spirituality, 'dreamtime' (or 'the Dreaming) instead refers to a process through which "the spiritual and political identities of groups and individuals are formed" in Aboriginal culture *as* reality through processes which are normally associated with 'art' in Western society (e.g. dance, music and ceremony). Tripcony, P. (1996) 'Aboriginal Spirituality and Cosmology', Paper Initially Presented at the National Conference of the Australian Association of Religious Education, September, p.3; For an engaging and insightful exploration of what 'dreamtime' is and how it works, see Chatwin, B. (1987) *The Songlines* (London: Picador)

[62] Edkins, *Trauma and the Memory*, p.34

[63] See for example, ICCL (2004) *Vote No* (Dublin: ICCL), pp.1-2 which argues that "This referendum will impact on all the migrant workers, such as foreign nurses, whom the government has been inviting to Ireland on work permits. This sends the wrong signal to *new members* of our society who make huge contributions to our success." (p.2) (emphasis added)

[64] For use of this concept of the 'new Irish' see Fanning 'The "New Irish"' In: *New Guests*, pp.145-156. This chapter was originally written as a paper for a conference organised by the Centre for the Study of Culture and Society, Conference: 'The New Irish'? Dundalk Institute of Technology, 27 September 2007

basic nature or essence that persists *in* time."[65] These objects are individuals and groups of individuals who have their own language and/or history but come together within "a larger, higher or improved political community" to realize their rights and full capacities.[66] There is little room made for the aforementioned alternative conceptions of time outside of linear progressive time which are recognized both within certain realms of (contemporary as opposed to classical) 'scientific' Western culture, as well as in other cultures.

The point is that despite their critical nature, the attempts made by the existing analysis of the Citizenship Referendum to deconstruct 'Irishness' and its association with the idea of an originary identity, through the alternative emphasis on 'guest' versus 'host' or 'migrant m(other)' versus 'Irish mother', can be seen nonetheless to reinforce the idea itself of how we are supposed to (continue to) think about the relationship between immigration and what it means to be(come) a citizen. This is the idea that we must think this relationship via a specific *statist* spatial and temporal notion of difference and identity: where difference is understood to intersect with, but remains in the last instance, spatially external to, and following temporally in the wake of identity. As Angharad Closs Stephens points out, the emphasis on a shift from the importance of a demos (the assumption of the privilege of sovereignty in a bounded space) to an ethnos (the assumption of the privilege of sovereignty in time), continues to assume "that political life should follow a distinct journey" across uniform, infinite time and immutable and qualitatively constant space.[67] In existing analysis of the 2004 Irish Citizenship Referendum, as elsewhere where a similar type of critical response is applied, this journey remains, apparently, the only option.

State Time, State Space

In order to understand why a particular conception of time and space can be said to specifically privilege the narrative of the autonomous state (modern nation), we need to consider again the shift – outlined in chapter one through the work of R.B.J. Walker – from a medieval hierarchical framing, to a modern territorial framing of sovereignty in

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[65] Edkins, *Trauma and the Memory*, p.34 (emphasis added)
[66] Closs Stephens, 'Citizenship without Community', p.34
[67] Ibid

early-modern Europe. The claim which is made is that the modern concept of subjectivity and statehood as a system of selves and states separate from but linked to (and therefore existing simultaneously with) other selves and other states, was born at this particular moment. "This was the new modern world of spatial separations, of subjects separated from objects, of men separated from nature."[68] The shift identified is one from an emphasis on hierarchical exclusions and the understanding that past, present and future come together in an "instantaneous present"[69] to a world of spatial exclusions and temporal progressions associated with a broader unifying trend of Descartes' philosophy, Newton's physics and Mercator's map.[70] The linking of events temporally and causally is understood to have replaced the existing trend of linking events "by reference to divine providence" (Messianic time).[71] What is emphasized here is the shift, in other words, from the framing of sovereignty (what politics can be) in terms of Messianic time and hierarchical space to that of "homogenous empty time…measured by clock and calendar" and territorial space characterized by spatial partition.[72] What is argued is that it is in this shift that we see the importance of a particular conception of space and time associated with the modern nation-state as that which embodies the spatial and temporal conditions for 'modern' politics. This is a conception of space and time necessary for our understanding of the modern nation *as* an 'imagined community' conceptualized as a sovereign body spatially separated but existing in parallel (co-existing) with and along side other nations.[73] As Benedict Anderson points out, it defines our understanding of subjectivity in terms of 'individuality' insofar as it defines this in terms of persons and groups of persons existing in parallel with and alongside each other across nations.

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[68] Walker, 'Both Globalization and Sovereignty', p.29

[69] Anderson, *Imagined Communities*, p.24

[70] Walker, R.B.J. (1990) 'Sovereignty, Identity, Community: Reflections on the Horizons of Contemporary Political Practice', In: R.B.J. Walker and S. Mendlovitz (eds) *Contending Sovereignties: Redefining Political Community* (London: Lynne Rienner Publications), p.172; Elden elsewhere similarly argues that developments in cartography and political economy need to be understood as mutually constitutive insofar as both depended upon and reinforced the importance of advances in geometry and mathematics. Elden, 'Governmentality, Calculation, Territory', p.577

[71] Edkins, *Trauma and the Memory*, p.95. This observation by Edkins is taken directly from Benedict Anderson's discussion regarding the shift in apprehensions of time required "to 'think' the nation" in *Imagined Communities*, p.22-36

[72] Anderson, *Imagined Communities*, p.24

[73] Ibid, pp.187-188

The importance of a particular understanding of space (as 'territory') associated with statist politics has been explored by Stuart Elden who demonstrates how this (re)produces a very particular conception of space as something which can be "owned, distributed, mapped, calculated, bordered and controlled."[74] Elden discusses in detail how this understanding has been instrumental in the construction of 'population' "as the object of political rule."[75] He emphasizes the importance of understanding how politics and political possibility more generally has become and *remained* associated in dominant accounts with "what is learnable, what is perceivable, the basis for later understanding of the mathematical".[76] Michael Shapiro discusses elsewhere the importance not only of space (territorial control) but also of temporal continuity (narrative history) of this understanding of politics.[77] He emphasizes the continuities between the use of historical trajectory to testify to the collective coherence of the nation as made up of one particular 'people', and the use of this to testify to the collective coherence of the nation as made up of various particular 'peoples'.[78] Shapiro's work here highlights the importance of Walker's insistence that it is by virtue of the linking *together* of modern space, modern time and modern identity in the image of the modern territorial state that a very specific understanding of 'political' subjectivity has been conceptualized as 'truth'.[79]

Benedict Anderson considers two types of pre-modern (read: non-statist) space/time/identity configurations. These are the religious community and the dynastic realm. He points out that in the religious community "social groups were centripetal and hierarchical, rather than boundary-oriented and horizontal."[80] Instead of a specific language associated with a particular territory which in turn could be traced back to particular identities, there were many different languages spoken in conjunction with

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[74] Elden, 'Governmentality, Calculation, Territory', p.578

[75] Ibid, p.563

[76] Ibid, p.577. Although not denying the interruptions, Elden's work explores the need to remain conscious also of the *continuities* in the shift from the government of territory to the government of men and things, as discussed by Foucault. He does so by pointing towards the amenability of territory but also later of 'population' to statistical analysis and calculative strategies.

[77] Shapiro, M.J. (1999) 'Narrating the Nation, Unwelcoming the Stranger' In: M.J, Shapiro, *Cinematic Political Thought: Narrating Race, Nation and Gender* (New York: NYU Press), pp.35-86; Shapiro, M.J. (2007) 'How Does the Nation-State Work?' In: J. Edkins and M. Zehfuss (2009) *Global Politics: A New Introduction* (Routledge: Oxon), pp.220-243

[78] Shapiro, 'Narrating the Nation', p.221

[79] Walker, 'Citizenship after the Modern Subject'; Walker, 'Polis, Cosmopolis, Politics', pp.275-279

[80] Anderson, *Imagined Communities*, p.15

Latin (which was taken as the sign by all). Language as such did not distinguish between 'us' and 'them', 'here' and 'there', 'now' and 'then' as it does today in statist political communities but "[t]he bilingual intelligentsia, by mediating between vernacular and Latin, mediated between earth and heaven".[81] In the dynastic realm Anderson points out that there were similarly no borders in the modern sense which could be clearly 'mapped'. Instead, populations were conceptualized as porous, discontinuous and therefore indistinct. Unlike in the modern statist discourse where people are differentiated vis-à-vis the state and therefore divisible from politics and each other *as* 'individuals', in both the religious and the dynastic realms people were differentiated only by their status under God (as the divine) and under King (as he who embodied divinity).

It would be a mistake, however, to assume that all examples of alternative modes of resolving the time/space/identity configuration can be confined to historical or 'pre-modern' examples. This is insofar as it would reaffirm the supposed common sense of linear time (a clearly defined distinction between past, present and future) and ignore the manner in which modern and pre-modern configurations interact with each other in the present. The example I would like to take is that of Australian Aboriginal culture which is both pre-modern and modern (if not also post-modern) given that it is recognized as one of the oldest surviving cultures in the world today.[82] It intersects with Western culture norms, as opposed to lying entirely outside of modernity. For example, the unity between humans, plants and animals which Australian Aboriginal culture espouses is not dissimilar to the emphasis on the interdependency of ecological systems as expressed in 'modern' post Enlightenment environmental sciences.

A key concept of Australian Aboriginal culture is that aboriginals and the land that surrounds them are one; as a people they are defined by their environment. This means that they and their thoughts cannot be separated from the environment in the way that mind and matter are understood as distinct in Western Enlightenment thinking, but the mind is rather seen as inextricably bound up in the possibility of the environment

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[81] Ibid

[82] Australian Aboriginal culture has been traced back between 40,000 and 60,000 years. A lot of what I will say here about Australian Aboriginal culture may apply to other aboriginal (native) cultures, for example, those in North America. The term 'Western' needs to be contextualized in that respect. I refrain, however, from emphasizing such parallels too much for the purposes of discussion here to avoid presenting all aboriginal culture as homogenous.

itself. The notion of 'dreamtime' (or 'the Dreaming') is used to try to capture this relationship in aboriginal culture between consciousness, dream and outer reality and the manner in which the former is seen to produce the latter – to 'dream' it into existence.[83] As Penny Tripcony tries to explain, dreamtime is the process through which "the spiritual and political identities of groups and individuals are formed."[84] Unlike the way in which dreaming is understood in secular society dreamtime is not confined to sleep nor should it be understood as that which merely invokes something past in Aboriginal culture. Rather as Wildman and Blomeley discuss

> Aborigine's undertaking present day walkabouts are, in effect, dreamtending their collective dream (their myth) as they re-trace the mythic pathways of their Dreamtime ancestors. In their waking state they are the dreaming of their ancestors. In turn, the Dreaming of the present day Aboriginal peoples becomes the waking state of their ancestors.[85]

Reality is understood here, in other words, as enfolding in moments between consciousness and outer reality following the seasons, rather than in terms of linear progressive time. Through the Dreaming, aboriginal history becomes that which is defined in the future (yet to come – dreamtime as 'tomorrowtime') at the same time as the idea of 'future' folds back on itself to become present reality.[86]

Through the notion of 'dreamtime', Australian Aboriginal culture can be seen to present a very different configuration of time, space and identity than is normally taken for granted in western secular cultures where statist (and therefore classical scientific) political imaginary prevails. This is insofar as it does not recognize the notion of environment (and accordingly 'self') as blocks of absolute space "hemmed in by frontiers: but rather as an interlocking network of 'lines' or 'ways through'."[87] Instead of frontiers which demarcate different spaces, there are stops and "since each was the work

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[83] Wildman, P. and Blomeley, B. (1998) 'Dreamtime Myth: Exploring History as Future through the Dreamtime Stories of the Magani Whirlpools of Torres Strait and Gooriala the Rainbow Serpent of Cape York' In: S. Inayatullah and P. Wildman (eds*), Futures Studies: Methods, Emerging Issues and Civilisational Visions* (Brisbane: Prosperity Press), p.2; Smith, S. (2004) 'Singing Our World into Existence: International Relations Theory and September 11: Presidential Address to the International Studies Association, February 27 2003 Portland, OR', *International Studies Quarterly*, Vol.48, Issue.3, pp.499-515

[84] Tripcony, 'Aboriginal Spirituality and Cosmology', p.3

[85] Wildman and Blomeley, 'Dreamtime Myth', p.2

[86] Ibid, p.1

[87] As told to Bruce Chatwin by an Australian Aboriginal: "'All our words for 'country'', he said 'are the same as the words for 'line'." Chatwin, *The Songlines*, p.62

of a different ancestor, there…[is] no way of linking them sideways to form a modern political frontier."[88] Given the highly relational understanding of space (as 'environment' rather than 'territory' and therefore as that which defines what it is to be human rather than that which exists for/in relation to 'humans') and time (as cyclical as opposed to linear), the understanding of political self which is presented is one which defies calculation and clear distinction. It runs *into* concepts such as 'other', 'absence', 'dead', 'environment', 'animal', 'outside', 'difference'. These are concepts against which political self is normally *juxtaposed* when conceptualized vis-à-vis state sovereignty.

This all indicates that starting with how citizenship is regulated first and foremost by the state is not a 'natural' (or, the only realistic) starting point as advocated in existing analysis of the 2004 Irish Citizenship Referendum. It is one which requires ignoring the interruptions into the dominant conception of 'politics' as that which has come to be understood as something that can *always* be traced back to state sovereignty and to the image of the political subject as a sovereign autonomous citizen-subject. The examples of religious community, dynastic realm and Australian Aboriginal culture confirms that the sovereign regulative idea of what a boundary must be in relation to the question of the politics of citizenship is one instead which, precisely in light of these interruptions, must be constantly reproduced, if it is to be maintained. This in turn begs the question as to whether those attempting to respond to the need to rethink citizenship as a result of migration are actually seeking to engage in novel ways with the existing statist regulative ideal of politics and understand how it has changed as a result of migration, or simply "working within a particular account of what and where [we have already been told] the political must be".[89] As Walker points out, the former involves specifically problematizing (as opposed to moving backwards and forwards between) how state sovereignty is understood to always *already* respond to claims about the possibilities for political community and identity in terms of universalism and particularism, inside and outside, identity and difference.

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[88] Chatwin, *The Songlines*, p.66
[89] Walker, R.B.J (1995) 'International Relations and the Concept of the Political' In: K. Booth and S. Smith (eds) *International Relations Theory Today* (Cambridge: Polity Press), p.323

Interrupting/Interrupted Sovereign Politics

In their appraisal of what they refer to as "the scholarly discussions" surrounding the 2004 Citizenship Referendum, Maguire and Cassidy conclude that these are "transfixed by the state…[and] the problematic assumption that the state must be accorded a central role in research".[90] What is missing, Maguire and Cassidy insist, is an appreciation of, and an ability to theorize "the configurations of space, power and knowledge that run through and beyond the nation-state and manifest themselves in citizenship."[91] In stressing this, they point to alternative lines of investigation which might be pursued by contemporary scholarship on migration in Ireland. They indicate that there is a need to consider work by those who focus on systems and processes which operate through new decentralized and highly fragmented forms of othering, as opposed to through new decentralized-*centralized* (i.e. sovereign state-orientated) forms of othering, such as gendered and racialized nationalisms.[92]

Aihwa Ong is someone who has specifically focused on how the management of migration can be understood as a highly fragmented decentralized effect of neoliberal political rationality, rather than a dominant centralized statist strategy. I suggest that her work therefore presents an interesting comparison with existing analysis of the 2004 Irish Citizenship Referendum of the type suggested by Maguire and Cassidy. Existing analysis of the 2004 Irish Citizenship Referendum, as already discussed, can be shown to have problematized the idea that the state has a monopoly on understandings of political belonging. However, it does not challenge the principle of state sovereignty and the manner in which it *also* tells us where political subjectivity is to be found anew: in "the centered space of the territorial state...[and] the mediation of differences…within the [temporally] unified apparatus of the national political community."[93] If we accept that linear progressive time and absolute space should be viewed as conditions of the possibility of sovereign power, we begin to recognize that approaches which don't challenge this thereby implicitly accept this core ordering principle of contemporary sovereign citizenship. Yet, Ong does not take for granted a conception of citizenship

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[90] Maguire and Cassidy, The New Irish Question, p.23
[91] Ibid, p.20
[92] Ibid, p.23
[93] Walker, 'Sovereignty, Identity, Community', p.170

which is defined in terms of a relationship between 'state' and 'individual'. She does not therefore focus on the trajectory of national identities across different territories and histories which eventually come together *as* national political communities. Instead, Ong's work focuses on the processes through which forms of belonging and their regulation are enabled and articulated through competing versions of 'politics'. She considers how these "are integrated at the level of the state" and work through the state but often by way of non-statist (non-centralized) means such as global capitalism.[94]

Ong's work specifically considers forms of belonging which implicate the inhabitants of Asia and which result in highly intricate global relationships in and across mobile (as opposed to sovereign) bodies and territories.[95] One of the places which Ong notes is especially implicated in the flows of migrant labour from Asia is that of California. Here she notes the very different migrant streams travelling to and from this one site: Taiwanese engineers, Indian technomigrants, Chinese waiters, Hispanic janitors and Southeast Asian electronic workers. Within California, Ong takes the example of Silicon Valley to explore different spaces of governability which have been given intelligibility through neoliberal rationalities in California. She emphasizes above all the situation of highly differently regulated mobile bodies and flexible subjects as the different types of 'spaces' of citizenship which are (re)produced within and across various migrant national streams. She does so by highlighting the different experiences *within* as well as across the highly skilled (linked to Taiwanese and Indian national streams) and lesser skilled (linked to Thai and Vietnamese national streams) labour streams. In relation to the former she points, for example, to a system of labour contracting (body-shops) which results in employers retaining the visas of many highly skilled workers who are then left vulnerable to exploitation.[96] In relation to the latter, Ong

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[94] Ong, 'Graduated Sovereignty', p.58

[95] Ong, A. (1999) *Flexible Citizenship: The Cultural Logic of Transnationality* (Durham N.C.: Duke University Press); Ong, A. (2000) 'Graduated Sovereignty'; Ong, A. (2005) 'Splintering Cosmopolitanism: Asian Immigrants and Zones of Autonomy in the American West' In: T. Blom Hansen and F. Stepputat (eds) *Sovereign Bodies: Citizens, Migrants and States in the Postcolonial World* (New Jersey; Princeton University Press), pp.257-275; Ong, A (2006) *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty,* (Durham, London: Duke University Press)

[96] Similar arrangements have been expressly criticised in relation to the Work Permit system in Ireland, where until very recently it was also employers, as opposed to the employee themselves, who retained this permit. See for example Migration Rights Centre of Ireland (MRCI) 'Campaign for the Right to Change

alternatively points to the reality of coethnic bosses in electronic factories who themselves often exist very comfortably as business migrants in contrast to the poor unskilled Southeast Asian immigrants whom they employ. Ong also talks briefly, finally, about the excluded status of African-American populations living in inner-city California as a (former) migrant group also left out of the information and communication structures which flourish in Silicon Valley. She points out that this group loses out to immigrant ethnic networks (which are often better organized) when it comes to successfully applying for the less-skilled jobs which both groups compete for in the high-tech industries.

Here Ong emphasizes the importance of understanding how you can have one 'place' both in California and in Asia but many different 'spaces' of citizen-subject; how you can have one narrative history (the historical trajectory of the USA) but many competing counter-memories through which subjects make claims *as* 'citizens', none of which are any less "critical to sustaining the quality of life in California".[97] Unlike others who take the logic of space as their starting point and explore how these differ (for example, contrasting the global city with the nation-state), Ong points to the need to disassociate understandings of the characteristics of what is going on – for example, the reduction in conceptions of space and the speeding up of time identified as 'globalization' – from understanding that this must be going on in a particular type of space (a sovereign territory and/or body). She points out that global interactions are not simply predetermined by a given geography but that "particular global assemblages of technical, political, social and ethical relationships extract and give intelligibility to new spaces" *as* sovereign or as other-than-sovereign and that this often happens within the same place.[98]

Ong's work here not only emphasizes the fractured spaces of governance within Silicon Valley regarding claims to political subjectivity, however. It also emphasizes the various fractured temporal coherency of these spaces. In other words, given the instability *in* citizenship and sovereignty resulting from the vast array of cross-cutting and

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Employer' at www.mrci.ie. Ong herself uses the phrase "semi-indentured" to describe the body shop situation. Ong, 'Splintering Cosmopolitanism', p.267
[97] Ong, 'Splintering Cosmopolitanism', p.269
[98] Ibid, p.259

contradictory alignments among government, capital and ideal citizen-subjects in Silicon Valley, she paints a picture of a system which also lacks the basis for a coherent image of a trajectory of national identities across different territories and histories which eventually come together *as* a people or a series of peoples within a national political community. Instead, the neoliberal practices explored by her and the highly flexible modes of subjectivity which they produce in the form of cross-cutting and multi-layering migrant groups and the identities these sustain, *interrupt* the linear narrative of time (what Shapiro calls 'national time'). It is precisely this which remains untouched in existing analysis of the 2004 Irish Citizenship Referendum.

Existing analysis of the 2004 Irish Citizenship Referendum tells the story (albeit in terms of highly internally differentiated groups) of 'Irish' versus 'migrant' and the journey of both towards a more progressive, universal politics and broadened political community. In doing so it (re)produces an understanding of citizenship in terms of (absolute) spaces of inclusion and exclusion and sovereign bodies which inhabit these spaces within particular historical trajectories of continuous and progressive time – a shift from older, more exclusive, 'particular' conceptions of citizenship to newer, more inclusive, 'universal' conceptions of citizenship. In contrast to this, the picture Ong paints is one which emphasizes breaks, change, disruption, unpredictability and upheaval. Instead of shared understandings of authority clearly defined in terms of dominant and dominated groups, the result is a form of political community and identity which is based on multiple fragments and linkages which make impossible the notion of identity coherence within the idea of a particular sovereign space which exists vis-à-vis other sovereign spaces – for example, of an older 'Irish' identity as distinct from a newer 'African' identity – which are then brought together (as Irish-African or African-Irish). The spaces which Ong presents in Silicon Valley do not 'add up' in the way that an understanding of politics as calculative would suggest they should. Indian technomigrants, Vietnamese factory workers and inner-city African-American populations rather "encounter one another, mix with one another, alter one another, reconfigure one another."[99] In so doing what is undermined is the spatial distinction and

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[99] Nancy, J.L. (2003) *A Finite Thinking* (Stanford: Stanford University Press), p.282 quoted in Closs Stephens, 'Citizenship without Community', p.39

temporal sequence through which these groups were presumed to have emerged in the first place. There is no longer an emphasis on different types of sovereign subjects defined according to ethnic origin (migrant and black versus Irish and white) *as* 'citizen' or as 'non-citizen', as is the case with the 2004 Irish Citizenship Referendum, and thus on racialized continuities in time and space. Instead, in Silicon Valley you have an emphasis on the constitution of different citizen-subjects *within* similar (ethnic, gendered, religious) groups and *across* long-term (marginalized African Americans), medium term (migrant residents) and short-term (temporary migrant) citizenship status. This results in undermining the notion of continuity given that past, present and future are collapsed into the immediate present where all possible combinations of particularism and universalism are instantaneously (im)possible. Whether American citizen from birth, a long-term resident, a recent arrival or an illegal migrant, the end result is a supplementary space involving all that defies calculation or accumulation.[100] As Ong herself highlights: by pinpointing "the permutations of citizenship and cosmopolitan advantage for different streams of migrants", what is shown is "that the migrant, the nonwhite, and the female refugee cannot be represented by a single or imposed language of political power."[101]

By looking at how political subjectivity is defined through interaction with the rationality of market flexibility rather than vis-à-vis the state, Ong's work emphasizes the need to understand how migration results in *undermining* the dominant conception of 'politics' as something that can be traced back to state sovereignty (with the corresponding image of a sovereign autonomous subject) and to the idea of a necessary centralized basis of political power. As opposed to 'sovereign' citizenship, what is highlighted is the alternative subject-citizen space of fragmented ('splintering' and/or 'flexible') political subjectivity. The result is that we are forced to confront the difficulty of always thinking in terms of sovereign marginalized subjects ('individuals' or groups thereof) when instead faced with the image of the "uneasy coexistence of subjects who live in overlapping but different temporal traces"[102] of past struggles, present concerns and future aspirations.

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[100] Closs Stephens, 'Citizenship without Community', p.39
[101] Ong, 'Splintering Cosmopolitanism', p. 275
[102] Shapiro, 'National Times and Other Times', p.85

Unlike the existing analysis of the 2004 Citizenship Referendum which has been shown to successfully reproduce the narrative of the autonomous state, Ong's work emphasizes the *impossibility* of always containing the expression of temporality within spatial coordinates. It indicates how migration has contributed to the reconfiguring of what politics can be in terms of what have become understood *as* 'territory' and 'bodies', as opposed to simply reconfiguring the question of politics through the understanding of already existing sovereign territory and bodies. Unlike analysis of the 2004 Irish Citizenship Referendum, Ong's work does not reemphasize the need to think how new forms of marginalization (for example, biopolitics) work through the state and manifest themselves *as* state racism and/or statist neoliberal exclusions, thereby reaffirming the primacy of sovereign spatio-temporal configurations. Instead it allows us to rethink how we have come to presume time and space *must* work by rethinking how we assume that the state is the primary basis of politics in the first place. The result is to allow us to begin to engage with the different ways in which people are both marginalized from, and bonded with each other (and therefore exist as political subjects) *outside* an inclusion/exclusion (sovereign) framework.

The notion of 'trace' is presented in the final section of this chapter as a way of conceptualizing the type of political subjectivity which is embodied in references to such relative and contingent spacetime of 'being'. What I will argue is that being citizen itself can be reconceptualized here as 'trace' in order to capture how it is increasingly based upon disruptions and discontinuities, figuring in indeterminate times and spaces as opposed to always exclusively extended in time across the absolute space of modern subjectivity, as is normally presumed. This section reiterates the importance of an awareness of the constant need for reproduction of the sovereign regulative idea of what a boundary must be. I argue that this awareness allows us to see those instances in which the boundaries through which citizenship is theorized are recognized (if only fleetingly) as sites and moments in which a great deal happens to *produce* and reproduce specific forms of political life *as* 'trace' rather than simply "as distinct entities distinguished by lines that do nothing at all."[103]

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[103] Walker, *After the Globe*, p.239

Retheorizing Citizenship as Contingent Trace Rather than Absolute Space

The previous section considered how the time and space of 'politics' is theorized in a very specific way when the state is accorded a central role in research in comparison to when this is not the case. What was pointed out was that attempts to rethink the politics of citizenship vis-à-vis the former results in a privileging of the notion of political subjectivity as that which exists in a bounded space within the idea of a national communal time. Where the state is accorded a central role in research, it was shown that the emphasis is on a series of groups coming together across time and within particular spaces to form a broader conception of citizenship. Here the notion of an us/them dualism therefore continues to makes sense, albeit in a neutralized rather than antagonistic sense. In contrast to this, where the state is not accorded a central role in research, it was shown that the conception of an us/them dualism no longer necessarily makes sense (whether neutral or not) insofar as a conception is introduced of citizenship and being 'citizen' which is conceived of in terms of encounters and confrontations which undermine the possibility of temporal progression within bounded co-existing spaces.

The result is two understandings of politics – the first which (unproblematically) assumes that this is associated with identifying boundaries as lines drawn between inside and outside, self and other, past and present etc. and mobilities which can be anticipated; the second which instead specifically questions the manner in which 'politics' and 'political subjectivity' has been conceptualized vis-à-vis an ability to envisage boundaries as lines drawn in time and space in a linear fashion. In keeping with the latter understanding of politics, the aim of this final section is to highlight moments in existing analysis of the 2004 Irish Citizenship Referendum where the inevitability of being able to draw lines in respect of the question of citizenship can be seen to be problematic and to think through these moments as opposed to ignoring them (as is currently done in existing analysis, by making sense of them in terms of statist conceptions of political community and identity). I consider the implications of thinking through as opposed to ignoring these moments on the understanding that to do so is to actually contest and not to simply *reframe* (thus maintaining) dominant accounts of 'political' belonging. The result, as I discuss, is the need to reconceptualize how processes of migration can be

shown to impact not only 'who' gets to qualify as citizen, and therefore the manner in which certain lines are drawn and redrawn, but also the terms themselves according to which political belonging (being 'citizen') itself can be negotiated. I argue that the notion of 'trace' provides a way of conceiving of the alternative notions of political belonging which are being experienced here. This is insofar as it recognizes how they implicate alternative notions of political belonging which are based on the recognition of political subjectivity as that which also manifests as contingent spaces and fragmented temporalities (traces), rather than only as absolute spaces within linear history.

Politics Of (as Opposed To 'On') the Line

R.B.J. Walker suggests that the association of politics with processes of drawing lines can be traced back to the understanding that "Euclidean lines have zero width. Hobbesian sovereigns are constituted in a single instant. Hobbesian sovereign authorizations are absolute."[104] He points out that in early-modern Europe Cartesian lines drawn from Man to the world came to indicate the relationship between Man and the world and the myriad of ways this can be negotiated but that the drawing of these lines became insignificant in and of itself. The issue is that at some point the problem of origins and limits became indistinguishable from that of the regulative principle of state sovereignty and the need which this invoked to think in terms of an ability to draw lines between us and them, outside and inside, particularism and universalism, the past and the present.

This process arguably has to be understood, however, in light of the very tangible nature of the reality which is invoked here through references to political life as something which exists vis-à-vis particular points, lines and planes connecting 'us' to 'them', 'inside' to 'outside', 'identity' to 'difference', the 'present' to the 'future'. It is a particular understanding which corresponds to embodiment itself which has, for the most part, tangible borders, a beginning and an end point.[105] Attempts to problematize the assumption that conceptions of time and space are exhausted by Euclidean geometry and Newtonian physics and the resulting understandings of political possibility articulated via geometry and measurable distance as well as sequential time, face a more difficult task in

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[104] Ibid, p.142

[105] For a highly sophisticated deconstruction of this tangible notion of embodiment see Butler, *Bodies that Matter*

this regard insofar as they seek to move beyond immediate visual and tactual experiences. As Čapek points out, however, this is not an impossible task. Rather, he suggests that we need to keep in mind the following:

> What will eventually emerge will certainly not be a 'picture' or 'model' in the old classical and pictoral sense, but this does not mean that the resulting view must necessarily be divorced from every aspect of our immediate experience, provided that the term 'experience' is understood more broadly than in its usual narrow sensualistic, and more specifically visual-tactile sense.[106]

With this in mind, I would like to point out that psychoanalysis is an example of an area of considerable credibility in which the notion of experience as other than immediately sensualistic or visually-tactile has been explored. Here, the idea itself of the subconscious is not something which can be either seen or touched yet, most people agree (although to varying degrees) on its significance. In other words, it is not an idea which can be easily dismissed due simply to its intangible quality. Rather, in line with Čapek's comment above, it is something whose understanding has required a rethinking of the idea of what experience *can* consist of beyond the immediately visual and tactile. Furthermore, while psychoanalysis' contribution to politics (and in particular international politics) might still be questioned given the public/private distinction through which the dominant understanding of politics has been theorized, what has been emphasized in this thesis is the manner in which the work of Julia Kristeva has successfully introduced 'intimacy', as implied in the notion of the subconscious, *into* the political realm through the issue of migration.[107]

What has been emphasized is how Kristeva's work has introduced an element of the intangibility inherent in the notion of the unconscious and intimacy – which is normally understood as that which distinguishes itself 'from' politics – into how political subjectivity itself (being 'citizen') can be conceptualized in relation to migration. Most significantly, this has not, however, been based on reinforcing the initial distinction between (and thus reinforcing the notion of having to define subjectivity as a resolution of) the particular and intimate (citizenship) on one hand and the universal and public (humanity) on the other. Instead, I have highlighted that what Kristeva's work explores is the incompleteness of the subject and its fragmented being *before* lines are drawn along

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[106] Čapek, *The Philosophical Impact*, p.xvi
[107] Jabri, 'Julia Kristeva'

hierarchies of class, status, social order and territorial place and it becomes possible to speak authoritatively about how particular groups have been constructed as belonging or as not belonging, as 'here' or as 'there'. As Jabri points out, "the Kristevan subject is always at once both self and other, self and society, self and history, the historical and historicized self".[108] This is a complex subject whose articulations of identity precisely cannot be understood via the idea of lines extended in time and across the space of universalism and particularism because the subject can no longer be reduced to a singular representation of place and time in this manner.[109] The main contribution of Kristeva's work as such, I would like to point out, is that she not only emphasizes the shifting location of the borderline as a result of migration, from the geographic boundaries of the state to society within and in turn to the self, but that in so doing, the lines which are traversed in the making of this move become significant in themselves as sites of political (im)possibility. In other words, political subjectivity is reconceptualized, not simply across borders or boundaries, but in terms of how such boundaries are articulated temporally and spatially as processes *of* subjectivity.[110] This is to point out that Kristeva's contribution is that she provides us with a way of thinking the politics of the line itself.

Not on any Map and Without a Place in History[111]

Through Kristeva's work we thus come to the question of the importance in discussions about citizenship of the need to consider not only where lines have become problematic in terms of 'where' they should be drawn (between 'here' and 'there', 'us' and 'them', between 'nation' 'self') but also how they are understood in themselves to enable particular types of subjectivity. In order to consider this question I would like to focus on the instances where particular lines have *not* been taken as insignificant in themselves in the discussions surrounding the 2004 Irish Citizenship Referendum. These moments

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[108] Ibid, p.226
[109] Ibid, p.224
[110] For a discussion related to this point (but outside the scope of this thesis) about how the bodyspace can be articulated as both fixed topography and fluid choreography see Puumala, E and Pehkonen, S. (2010) 'Corporeal Choreographies between Politics and the Political: Failed Asylum Seekers Moving from Body Politics to Bodyspaces', *International Political Sociology*, Vol.4, Issue.1, pp.50-65
[111] The original quotation by Adrienne Rich is "A place on the map is also a place in history". Quoted in Welsh, L. (1997) '(Un)belonging Citizens, Unmapped Territory: Black Immigration and British Identity in the Post-1945 Period', In S. Murray (ed.) *Not On Any Map* (Devon: University of Exeter Press), p.43

should not be understood as mutually exclusive from those instances in which lines *have* been taken as mere limits in and of themselves which need to be either obeyed or transcended, but as moments which interweave with these other instances. The former moments open up different sites of engagement with political life which are then closed down by the latter moments when these are made sense of in terms of the already identified need to think about political possibility via the understanding of time as containable within spatial coordinates. I suggest that what these former moments indicate is an important challenge to the presumption that political being can only be ensured through a place on the map of a history of sovereign states as bounded spaces which exist in linear then-this-happened-next time. Whether or not this challenge is taken up or acknowledged is another story. As discussed at length already, in existing analysis of the 2004 Irish Citizenship Referendum this has not tended to be the case. Yet, the point is that in the discussions surrounding the 2004 Irish Citizenship Referendum it is possible to see important moments in which there were serious doubts raised about the ability to think in terms of spatio-temporal coordinates which are analogous to lines on a map of history running from past, to present, to future within bounded spaces.

The first example which I would like to take is the frequent use of the general category 'children' by the Children's Rights Alliance when calling for a No vote in the 2004 Citizenship Referendum. What is noteworthy is that this category is not differentiated here by immigrant status and thus according to the categories of statist political discourse but only in terms of reference to "some children" as opposed to "other children"[112] The Children's Rights Alliance was one of the bodies which was central to the referendum discussions and its use over and again of the general term 'children' in respect of the question as to who was affected by the referendum proposal indicates that modern political spatio-temporal imagery was not always immediately understood in these discussions as particularly useful, even as something which needed to be 'challenged'. Although press releases by the Children's Rights Alliance do refer in passing to "non-citizen children",[113] the more general call for a No vote in the

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[112] Children's Rights Alliance, *Children's Rights Alliance Calls for 'No' Vote*; Children's Rights Alliance (2004) *The Case against the Citizenship Referendum from the Standpoint of the Rights and Well-Being of Children*, pp.1-8
[113] Children's Rights Alliance, *Children's Rights Alliance Calls for 'No' Vote*, p.2

referendum by the Children Rights Alliance which appeal specifically to the "the rights of children"[114] indicates the doubts raised about the value of always differentiating this in terms of modern subjectivity; of differentiating in terms of a particular sub group such as 'non-Irish' or 'non-Irish national' on one hand, and/or something which necessarily transcends this such as 'human', on the other. 'Children' hangs here as something which is instead potentially defined in the tension between these categories, not defined across a line merely distinguishing between 'citizen' and 'human' but *as* a line which is also a boundary in itself.

Adding to this problematizing of the seemingly natural association with the (continuing) ability to draw coherent lines, is the issue raised elsewhere in referendum discussions regarding the contradiction arising out of the amendment of article 9 of Bunreacht na hÉireann – which states that birthright citizenship will be conditional – as against that of the existing Article 2 (remaining unamended) which confirms the unconditional right of nationality to those born in Ireland. This is something which Ronit Lentin points out "created a bizarre new category of people who remain 'part of the Irish nation' (article 2 of the Constitution…), yet have their citizenship removed, deemed to have insufficient connection to the island of Ireland to qualify for citizenship."[115] This emphasis on the resulting two (seemingly contradictory) types of children in Ireland – those who are Irish nationals by birth but not Irish citizens and those who are both Irish nationals and Irish citizens by birth – is echoed by the ICCL in their briefing document (point 1.4) on the referendum proposal.[116] Unfortunately, both Lentin and the ICCL interpret this contradiction as an attempt by the Irish state (Lentin referring to it as "an act of political brutality"[117]) to impose bloodline criteria for citizenship. In so doing, they move swiftly from that of focusing on the category of 'children' as a site in itself where this contradiction plays out to that of thinking about how it can be understood as a category which extends across already existing (pre)given statist limits between identity (inside) and difference (outside), the immediate present and the (potential) future.

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[114] Children's Rights Alliance *The Case against the Citizenship Referendum*
[115] Lentin, 'Illegal in Ireland, Irish Illegals', p.443
[116] ICCL, *ICCL Briefing on Proposal for a Referendum on Citizenship*, pp.1-9
[117] Lentin, 'Illegal in Ireland, Irish Illegals', p.443

Not everyone is so quick to make this move however. A report commissioned by the non-governmental organization network 'Integrating Ireland' to explore the implications of the 2004 Citizenship Referendum can be seen to have emphasized that the category 'children' can be understood as the location of the production of two further contradictory categories of citizen children (those who can be deported and those who can not), as well as the previously mentioned initial two contradictory categories of national child (citizen-national and non-citizen national).[118] Unlike previously, this contradiction is not immediately plugged back into existing sovereign political horizons and understandings regarding how belonging is defined in terms of 'migrant' and 'non-migrant'. Instead there ensues a discussion about the difficulty of conceptualizing 'children' as a distinct entity which can be understood as existing across, as opposed to redefining, these lines themselves and the idea itself of the type of boundary that is possible here. What is alluded to is the manner in which neither category of possible deportation status is sufficient to capture how 'children' refers to those citizens whose "country of origin" is Ireland (and not automatically elsewhere) regardless of their other lack of entitlements.[119] Bryan Fanning perhaps best captures the difficulty of the challenge presented here, describing it as "the conundrum of the Irish-born non-Irish child…a perverse twenty-first century civics lesson."[120]

A different report commissioned by CADIC can similarly be seen to highlight again this difficulty, albeit briefly. It highlights it through a case in the High Court and attempts in this case to define "the rights and entitlements of the Irish child" in terms of supposed differences between the rights of 'non-migrants' to live in Ireland unconditionally in comparison to that of 'migrants'.[121] The report points out that contrary to normal procedure in this area where an individual person is either dictated by the rules of one or other of these statuses, in this case the Irish High Court ruled that IBC/05 status could not be denied given a migrant parents' inability to prove continuous residence in the state (despite this being the rule for 'migrants'). This was on the basis that "it failed to

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[118] Integrating Ireland (2004) *The Implications of the Citizenship Rights Referendum* (Dublin: Integrating Ireland), p.3
[119] Integrating Ireland, *The Implications of*, p.3
[120] Fanning, *New Guests*, p.179
[121] Integrating Ireland, *Looking Forward, Looking back*, p.27

consider the rights and entitlements of the Irish child".[122] Once again what is implied is that 'children' has become a site which is being fought over here rather than an entity which exists across lines. It is envisaged as that which has become a boundary in itself, and which is productive of new interpretations of various categories pertaining to notions of belonging and the political possibilities associated therewith.

On their own, none of these moments are necessarily sufficient to force us to rethink our understanding of what it is to be 'citizen', given that at best they involve only short-lived reflections upon, and mild disruptions into, the sovereign regulative idea itself of what a boundary must be in relation to the question of the politics of citizenship. However, the point being made in this chapter is that they, and others like them, indicate that conceptions of political subjectivity are not always exhausted by sovereign politics in which boundaries exist as lines of zero width across which categories such as 'migrant' and 'non-migrant', 'national' and 'non-national' move. What is emphasized instead is that they present the potential to rethink being 'citizen' (political subjectivity) as that which is also produced *in* boundaries as spaces of tension.

Attempts thus far to focus specifically on how these disruptions might be significant in their own right in existing analysis of the 2004 Irish Citizenship Referendum call for more (not less) sovereign calculative politics. A three year fully funded project by the Irish Council of Humanities and Social Studies (IRCHSS) entitled 'Immigration and Integration in the Republic of Ireland' illustrates this. Ignoring the challenge which these disruptions present to the dominant statist conception of politics, the aforementioned ruptures and inconsistencies have rather been identified as indicating "an urgent need to promote a longitudinal analysis of census and survey data capable of tracking the distinct needs and circumstances of diverse immigrant communities."[123] What this ignores however, is the manner in which these moments present (or, at the very least indicate) a politics which does not conceptualize 'population' (subjectivity) and its experiences in terms of how they can be quantified, qualified, disaggregated, measured and calculated: rather these are moments which precisely escape calculation. Calling for

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[122] Referring to the decision of *Bode and Ors. v. the Minister for Justice, Equality and Law Reform* [2006] No. 102 J.R. Cited in Integrating Ireland, *Looking Forward, Looking Back*, p.27

[123] Fanning, B. and Boyle, N. (2009) *Immigration and Integration: The Irish Knowledge Gap*, Overview of 3 year Irish Research Council for the Humanities and Social Sciences (IRCHSS) funded project (April 2008-2011)

further statistical information and further disaggregation of existing statistical information, the issue has been interpreted here as a "knowledge gap" regarding how individual subject-citizens experience citizenship in different ways,[124] as opposed to a need to interrogate the manner in which such knowledge is produced *as* political in the first place. The presumption that people are self-evidently constituted as 'political' first and foremost *vis-à-vis* the state remains unproblematized here.

While I do not mean to completely dismiss such forms of inquiry in favour of so-called 'better' ones, I would like to point out that in continuing to discuss the relationship between citizenship and migration in terms of individuals and groups of individuals ("migrant" and "indigenous"[125]) whose identities unfold across time within particular spaces, studies such as this three year IRCHSS study ignore, as opposed to actually engaging with, the difficulty of being able to 'count' children in this way. In particular, to count those who fall into the gaps which result from all the contradictions discussed above and who thereby become inhabitants of the line itself which has come to demarcate so many subcategories *of* 'children'. What these types of studies continue to ignore is how the category of 'children' in the discussions surrounding the 2004 Irish Citizenship Referendum often invokes many different conceptions of time which are often not contained or containable within, but transcend particular spaces as well as the concept itself of absolute space. The example looked at in this chapter and the previous chapter has been that of children who are born in Ireland to African citizen parents who – unlike their parents who do often look backwards to Africa and forwards to Ireland – embody the past that is 'Africa' and the future that is 'Ireland' in an instantaneous present. They look forward and backwards (experience time) *across* 'Ireland' and 'Africa' as opposed to within these territorial spaces. The argument here therefore is not that the approach taken by the aforementioned IRCHSS project is necessarily wrong. Rather I suggest that it cannot account for how the possibility for be(com)ing 'citizen' for the children of migrants plays out in terms other than the highly familiar image of horizontal or territorial relations and temporal co-presence between self and other, self and the world,

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[124] Fanning and Boyle, *Immigration and Integration*

[125] For example, Fanning and Boyle refer to the need "to construct a general profile of migrant workers relative to the indigenous population". Fanning, B. and Boyle, N. (2009) 'Using Surveys to Generate Empirical Indicators of Integration' In: Fanning and Boyle, *Immigration and Integration*

this community and that community. It cannot account for how the possibility of becoming 'citizen' cannot necessarily be anticipated in advance.

Citizenship as Contingent 'Trace'

The alternative, as Bhabha points out, is to seek to understand how "the boundary becomes the place from which *something begins its presencing* in a movement…of the beyond".[126] Here we have a moment in which cultural knowledge adds together but which cannot be 'added up' as it does not take place in sequential time and cannot therefore be located vis-à-vis the idea of origin or pre-given causality. It becomes "the enemy of the implicit generalization of knowledge or the implicit homogenization of experience".[127] Outside of the 2004 Irish Citizenship context, explorations into this new supplementary space of 'being' as that which begins its presencing in (as opposed to by traversing) the boundary can be seen in the work of a small few who have refused to ignore the aforementioned potential to rethink being 'citizen' vis-à-vis the gaps or disruptions into sovereign subjectivity. These are theorists who have sought to emphasize the manner in which being 'citizen' is remade in these gaps through experiences such as those of 'irregularization' and/or 'non-documentation', as opposed to always through the more straightforward processes of jus soli, jus sanguine and naturalization. They have sought to demonstrate how this undermines the notion of a coherent 'self' which corresponds to a solid body always containable "within a unified narrative or bounded political community."[128] Theirs is work which indicates that the possibility for be(com)ing 'citizen' is always already being reconceived outside of absolute space where boundaries are understood as insignificant lines in themselves.

Peter Nyers' work is exemplary in this regard. One of the ways Nyers considers how birthright citizenship is remade in the boundary itself is through discussions about 'accidental citizenship'. He explains that "[l]ike the terms 'citizenship tourists', 'instant citizens', or 'anchor babies', the phrase 'accidental citizenship' is increasingly being deployed as a pejorative term to describe the 'birthright' citizenship of individuals born

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[126] Bhabha, *The Location of Culture*, p.5
[127] Ibid, p.163
[128] Closs Stephens, 'Citizenship without Community', p.34

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on US territory to non-citizen parents."[129] Nyers is interested here in how citizenship need not always be revoked per se but is increasingly being "rendered inoperable, or irregularized".[130] Focusing on these moments of irregularization, Nyers points to the importance of understanding the "disaggregation of citizenship" but not in terms of how different sovereign subjects (for example, migrant, non-migrant) experience citizenship in different ways.[131] Rather, he focuses on how the differential application of civil, political and social rights of citizenship undermines the notion itself of a coherent citizen-subject who can be reduced either to a politics of exception and control, or alternatively a politics of regularity. Nyers insists that the notion of 'irregularization' is one which needs to be understood in terms of how it destabilizes the distinction *between* 'citizen' and 'migrant' producing new forms of political subjectivity which are traces of both but cannot be reduced to either.[132]

The type of citizen-subject which Nyers invokes here could arguably be said to be further developed in the work of Anne McNevin who has most recently focused on the highly contradictory notion of "undocumented citizens" as it is being used in the state of California in the USA.[133] This notion, as McNevin is quick to point out, is a contradiction in terms according to dominant territorially defined accounts of 'political' belonging where citizenship has come to signify that which precisely differentiates the newcomers (migrants) from the existing population (citizens). Nonetheless, McNevin discusses several examples (namely student activism, worker cooperatives and parent mobilizations) which involve undocumented migrants who are also long-term residents in the USA who have made political claims on the communities from which they are supposedly excluded (for example, by going to college or setting up their own businesses). She considers how these have gone some way towards renegotiating the

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[129] Nyers, P. (2006) 'The Accidental Citizen: Acts of Sovereignty and (Un)making of Citizenship', *Economy and Society*, Vol.35, Issue.1, February, p.24
[130] Nyers, P. (Forthcoming 2011) 'Forms of Irregular Citizenship' In: V. Squire (ed.) *The Contested Politics of Mobility: Borderzones and Irregularity* (London: Routledge), p.185
[131] Ibid, p.187
[132] Ibid, p.191
[133] McNevin does not argue that this status is uncontested but that the struggles of these groups "are at once *reactions to* their marginalised condition and *productive of* new forms of political belonging...This is the kind of ambiguity that makes it possible for Felix to speak of 'undocumented citizens' and to expect that his meaning will be understood, even if the term is contested". McNevin, A. (2010) 'Migrant Mobilizations in Los Angeles: Illegality, Citizenship and the City', Paper presented at the International Studies Association's Annual Convention, New Orleans, USA, p.9

terms of political association outside of the norms associated with sovereign citizenship. The notion of 'undocumented citizen' is thus explored here by McNevin as an alternative form of political belonging to that associated with the state, which today implicates those with ambiguous or insecure forms of immigrant status. McNevin points out that in many cases the forms of political subjectivity produced here – for example, that of undocumented students who have grown up in the USA and therefore do not unambiguously belong elsewhere but nonetheless will graduate from USA universities without the right to work in the USA – do not make sense in terms of existing fixed territorial identities whether these are trans, intra or supra statist. She points out that they need rather to be understood in terms of how they "are incommensurable with the national territorial-baggage attached to the language of [sovereign] citizenship."[134] With this in mind McNevin demonstrates here how people such as those who are the children of migrants should not be thought of as people who have been 'left out' of political community but as people who *contest* the grounds for the basis of the clear distinction between inside and outside, between illegal and legal, between us and them and between now and then, which dominant conceptions of politics rely upon in the first place.[135]

As a whole Nyers and McNevin's work in conjunction with that of Ong's all contrast starkly with that of existing analysis of the 2004 Irish Citizenship Referendum which continues to think within the understanding of a particular type of politics: this is "the politics of drawing lines" and anticipating mobilities between here and there, between identity and difference, between us and them.[136] Insofar as they specifically focus on the manner in which certain people "inhabit the border… of national [as well as spatial and temporal] boundaries",[137] they instead facilitate our ability to see how Irish citizen children, as those who are neither inside or outside the state and who are neither part of its past or present, but who occupy both positions at once, can still be conceptualized as 'citizens'. This is because unlike in existing analysis of the 2004 Irish Citizenship Referendum where the notion of an us/them dualism is merely neutralized,

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[134] McNevin, 'Migrant Mobilizations in Los Angeles', p.4

[135] See also, for example, Shapiro, 'National Times and Other Times' who explores alternative spatio-temporal spaces of citizenship in literature and Closs Stephens, 'Citizenship without Community' who looks at temporal disjunctures of community in design.

[136] Edkins, J. (2003) 'Humanitarianism, Humanity, Human', *Journal of Human Rights*, Vol.2, Issue.2, p.257

[137] Gupta and Ferguson, 'Beyond "Culture"', p.7

this dualism is collapsed in their work. It is no longer taken for granted that subjectivity must be defined in terms of (a universal humanity that transcends or compliments) the state, and therefore as coherent and sovereign in time and place. Instead, through an exploration of how the question itself of what constitutes 'the subject' of politics is contested when associated with the children of migrants, they emphasize how it is possible (and above all, necessary) to think 'citizens' outside this type of (modern) subject.

The result is that we are left with the recognition that needing to bring 'migrant' and 'Irish' together within a more 'inclusive' conception of citizenship is no longer the only way of thinking about the relationship between migration and what it means to be a citizen. Instead, because the notion of 'citizen' is reconceptualized as lacking in itself a unified basis, the relationship between identity (citizen) and difference (migrant) becomes more ambiguous. Citizenship becomes less recognizable in terms of an ability to draw lines in the final instance between those outside and those inside the dominant imagined community, between 'migrant' and 'non-migrant', between 'host' and 'newcomer', between the past (old Irish) and the present (new Irish). These spaces are no longer so easily idealized as solid bodies analogous to the image of the sovereign territorial state which exists in linear time moving from the past to the present and back again, but rather as often retrospectively produced, highly ambiguous 'traces'. What is replaced is the assumption of the self as a territorial sovereign being which *needs* to be bonded with another, with an understanding of the various ways in which citizenship can be thought of as a condition of rupture *within* the notion of the (coherent) self and within (coherent) 'selves' across time and space. This in turn results in the articulation and rearticulation of various contingent bonds. Here citizenship experienced in terms of these spatial and temporal inconsistencies (traces), of presence and absence, is conceptualized also as 'political' subjectivity. As opposed to needing to consider how the experience of citizen children born to migrant parents can be made sense of in relation to existing imaginaries of political community which are based on sovereign notions of inclusion and exclusion, such ambiguous subjectivities can thus be considered (often for the first time) in their own right.

Conclusion

> I…saw a humanity that asks not to be included or excluded from universalism, but encourages us to consider different ways to be or to signify. **Julia Kristeva**[138]

Existing critical analysis of the 2004 Irish Citizenship Referendum emphasizes the challenge which migration poses to dominant conceptions of belonging located in a national statist community which assumes a common civic history and culture. In so doing it has focused on the question of how migration challenges what it is to be an 'Irish' citizen. This chapter has considered how Julia Kristeva's work, however, presents an alternative type of critical approach to this existing analysis. What has been highlighted is how her work attempts to emphasize the impact of migration beyond how it merely challenges the modern assumption of the coherence of (trans)national histories (Irishness, Africanness, etc.) to how it also challenges the assumption of the coherence of 'being' more generally. What I have argued within this chapter is that in doing so, the emphasis shifts from that of 'where' lines are redrawn and mobilities re-anticipated in respect of the question of citizenship, to that of 'how' political belonging (being 'citizen') itself can be renegotiated in terms of sovereign politics, or in other terms. This indicates the importance of theorizing the experiences of those such as citizen-children born to migrant parents as those who experience citizenship in the *intersections* through which citizenship is divided into other sub-groupings, rather than through the sub-groupings themselves which are presumed to traverse (pre)existing lines in linear fashion.

Instead of different spaces of citizenship such as 'old' and 'new', 'inclusive' and 'exclusive' – which is to conceive of being 'citizen' (matter) as that which exists *in* time and space which act as 'containers' or the 'backdrop' for social life – the concept of citizenship as trace has been introduced here to attempt to capture the alternative conception of political subjectivity enabled by the work of Julia Kristeva. For, as Bhabha points out, "what is crucial to such a vision….is the belief that we must not merely change the narratives of our histories, but transform our sense of what it means to live, to be, in other times and different spaces, both human and historical."[139] What is challenged in this concept of 'trace' is the image of political space as having to be understood as

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[138] Kristeva, J. (1996) 'Julia Kristeva Speaks Out' In: *Julia Kristeva Interviews*, p.261
[139] Bhabha, *The Location of Culture,* p.256

something to be achieved in unified time and extended in space and thus always in terms of the oscillation between continuing presence and imminent absence. Through this notion we are rather left to imagine 'citizens' as a form of subjectivity which can also manifest as a cluster of time-space coordinates which are constantly changing within and across what is normally conceptualized as the absolute space and horizontal time of sovereign political community. It is not my intention to argue that a more robust ontology necessarily gives us a better politics. What I do argue, however, is that a more robust ontology gives us the ability to see the different ways in which the 'politics' of citizenship can, and more importantly, *is* being experienced outside the spatio-temporal limits of modernity.

Conclusion:
Repoliticizing the Boundaries of the Citizen-Subject

> so many stories to tell…such an excess of intertwined lives events miracles places rumours, so dense a commingling of the improbable and the mundane…I have been a swallower of lives; and to know me, just the one of me, you'll have to swallow the lot as well. **Saleem Sinai**[1]

The above observation is made by the main protagonist of Salman Rushdie's *Midnight's Children* who describes himself as mysteriously, yet irrevocably "handcuffed to history".[2] Born at the dawn of Indian independence (exactly on the stroke of midnight) Saleem Sinai tells the story of how he came to represent the entirety of India and all its religious and national diversity within and across (as opposed to in terms of) his unitary self. In order to explore the diversity of his being ("all kinds of everywhichthing…jumbled up inside"[3]), Saleem is forced to resist the idea of wholeness associated with "[t]he body…homogenous as anything. Indivisible, a one-piece suit, a sacred temple if you will".[4] He is forced to resist attempts by others "to bully…[him] back into the world of linear narrative, the universe of what-happened-next".[5] Ultimately, it is only by hovering "at the apex, above past and present"[6] in a body which is born with "two heads but you will see only one"[7] that he manages to tell the story of the lives of six hundred million people bound up inside in one single self.

This thesis has explored another way in which people are handcuffed to history: this time as citizen children born to migrant parents. It has explored how their subjectivity is inextricable from, as opposed to merely linked to the diversity of the symbolic order. What it has emphasized is how these children similarly need to be understood as disjointed rather than coherent presence; as individual selves which contain a huge diversity within and across the notion of a coherent 'I'. As those whose citizen-

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[1] Rushdie, S. (1995) *Midnight's Children* (Surrey: Vintage), p.9
[2] Ibid, p.9
[3] Ibid, p.236
[4] Ibid, p.237
[5] Ibid, p.38
[6] Ibid, p.194
[7] Ibid, p.87

subjectivity cannot therefore be understood merely in terms of the physical and imaginative space of the political subject *as* individual (the one) and/or groups of individuals (the many-as-one). What has been argued is that theirs are important stories which rather tell of the diversity of 'being' which exists outside of a world of linear narrative and absolute spatial wholes. This is an understanding of 'being' which is currently taken for granted as the only basis for 'political' possibility in existing analysis of the 2004 Irish Citizenship Referendum, as well as in much of the critical citizenship studies literature more generally. Conceptualizing these alternative experiences which sit at the intersection of migration and claims to belonging in terms of 'trace' rather than absolute space, this thesis underlines the need to recognize the manner in which these experiences cannot be made sense of according to existing imaginaries of political community and identity which are based on clearly demarcated (sovereign) notions of inclusion and exclusion. It highlights how they require instead a rethinking of what counts as 'political' possibility in respect of citizenship by forcing us to revisit (repoliticize) the boundaries of what we have come to know as the citizen-subject and how this is being experienced 'of' (as well as 'in') different times and spaces.

An ethos of repoliticizing the self as citizen-subject and the manner in which we have come to know the citizen-subject as 'self', emerges from R.B.J. Walker's perspective on the notion of the constitutive subject of (sovereign) politics. By regarding politics and subjectivity as intimately related and emphasizing the manner in which political possibility has come to be defined according to a particular understanding of being 'in' time and space associated with appeals to state sovereignty, Walker argues that there is a need to rethink what we have been told citizen-subjectivity *can* be. He points out that political subjectivity needs to be understood in terms of how it has come to be associated with a dominant 'particular versus universal' framework, and an assumption regarding the need to *resolve* this via the idea of a sovereign self as both 'citizen' and 'human'. Existing analysis of the 2004 Irish Citizenship Referendum, as based on this 'particular versus universal' opposition (conceptualized as a clash between conceptions of jus soli and jus sanguine) is therefore no longer simply representative of infinite possible understandings about what it is to become a citizen, but is rather part of a specific framework for thinking about and talking about what it is to 'be' (citizen) in the

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context of how this has already been defined vis-à-vis the modern territorial state. The challenge which is supposedly presented in this analysis from universal models of citizenship to particular models of citizenship can be qualified as a challenge which instead *re*produces, in the final instance, the manner in which the possibilities of being citizen have been posed since early-modern times in terms of sovereign autonomous subjectivity.

By drawing on R.B.J. Walker's work, this thesis offers a way of moving beyond the existing parameters of the 2004 Irish Citizenship Debate and the framework within which the question of political subjectivity in the context of migration has been posed in citizenship studies more generally via appeals to state sovereignty. It draws on Walker's work to consider how state sovereignty implicates a particularly modern way of knowing and being in relation to the question of citizenship, rather than a necessary starting point from which we *must* begin in order to theorize political subjectivity in respect of this referendum and the question of migration more generally. Instead of starting with the state as 'particularism' and the idea of something beyond (or against) the state as 'universalism', and therefore with existing understandings about how people (citizen-subjects) are, or are not, included 'in' political community according to different patterns or combinations of particularism and universalism, this thesis emphasizes the need to inquire into the understanding itself that political subjectivity must be conceptualized as resolvable in time within a horizontally compartmentalized spatial terrain. It questions the assumption more specifically that there is necessarily a sovereign autonomous 'we' or 'I' (whether 'wo/man', 'child' or 'migrant') which exists separate from the boundaries of the state in the first place which *can* be taken as a starting point in discussions about citizenship.

Emphasizing the limits of sovereignty as a particular way of knowing and being highlights the constructed nature of the notion of the individual as sovereign autonomous presence which exists vis-à-vis the state. This is insofar as individuality is no longer a natural state of being that can be pointed to. Instead, the idea of a located authorizing presence (an essence which exists 'in' time and space) is reconceived as a practice and a problem in its own right which constantly needs to be reproduced if it is to be maintained. Instead of assuming that subjects always already are individuals who engage in discourse

as autonomous selves, which are subsequently culturally circumscribed (as belonging or not) as is done in existing analysis of the 2004 Irish Citizenship Referendum, a distinction is drawn in this thesis between being a (citizen)subject and being an 'individual'. The result is to emphasize how subjectivity has become associated with an understanding of 'being' as sovereign autonomy *through* discourse as an object in its own right and the manner in which this is ignored in existing analysis of the 2004 Irish Citizenship Referendum. Attempts in this analysis to challenge exclusivity (defined in terms of appeals to state sovereignty) with inclusivity (associated with appeals beyond or against the statist monopoly on conceptions of community and identity) are shown to be limited by their reliance on the idea of subjectivity as which always *can* be included or excluded 'in' political community.

Psychoanalysis, and in particular the work of Julia Kristeva has been presented as providing a way of thinking about how the idea of the subject is reworked here as inherently bound up in the symbolic or social order, rather than simply engaging 'in' it according to varying degrees of inclusivity and exclusivity. Kristeva's work permits us to move away from defining the politics of citizenship in terms of the way we draw the lines in time and space between us and them, here and there, old and new Irish, selves and others. It forces us to rethink the need to associate the politics of citizenship with the *ability* to draw lines in this manner in the first place. Kristeva does so by exploring how foreignness is integral to the formation of the self and the *possibility* of being with others, as opposed to that which merely undermines the self and its coherency and/or distinguishes the self from the 'other'. Unlike existing analysis of the 2004 Irish Citizenship Referendum and the dominant citizenship literature which it draws upon, that start with the idea of a sovereign and autonomous (albeit intersubjectively formed) subject which holds rights against the state, Kristeva's work starts with a psychoanalytically informed incomplete and fragmented subject: "the subject whose present is always co-present with the past, fragments of a recollection brought forth as the subject shifts and moves through the interstices of life."[8]

Kristeva presents an alternative notion of 'being' which is based on rupture rather than unity. It is through her work that this thesis reconceptualizes political subjectivity. It

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[8] Jabri, 'Julia Kristeva', p.224

is no longer defined in terms of, or across, borders or boundaries as lines which are presumed simply to exist, but by looking at how processes of subjectivity are articulated through the drawing of these boundaries as spatio-temporal coordinates themselves. It is through her work that this thesis repoliticizes the boundary according to which we have come to know the self as citizen-subject and how it is connected to the world. Kristeva's work is not taken as indicating the end of the subject here but rather "a call to rework that notion outside the terms of an epistemological given".[9] It is taken as a call to rework the notion of 'subject' outside of the given dominant theory of knowledge which says that this can always be reduced to a singular representation (albeit allowing for various combinations of this representation) of time and place as envisaged through gender, class, or culture.[10]

Given its reliance on sovereign subjectivity, existing analysis of the 2004 Irish Citizenship Referendum is shown in this thesis to be limited by its need to conceptualize being, even when challenging the statist monopoly on understandings about community and identity, as infinitely divisible by lines extended in continuous, progressive time which necessarily demarcate self from the world, the universal (humanity) from the particular (citizenship), here from there, us from them. This analysis has been shown to be limited by its inability to separate conceptions of political possibility from "the practices through which state sovereignty was articulated in the first place."[11] For, despite highlighting the challenges that migration places upon the dominant ideals and practices of solidarity conceptualized in terms of the narrowly defined parameters of the 1937 Irish statist project, this analysis continues to understand these challenges in terms of how the state defines the parameters of solidarity in the twenty-first century as that which must be transcended (via a post-statist political community) or reconfigured anew (via a post-national political community).

While this critical citizenship scholarship opposes existing dominant understandings – insofar as it problematizes how belonging has been located in a national statist community which assumes common history and culture of citizens – it can be shown to share with non-critical positions a common approach to the question of how a

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[9] Butler, 'Contingent Foundations', p.14
[10] Jabri, 'Julia Kristeva', p.224
[11] Walker, 'Both Globalization and Sovereignty', p.26

new politics of citizenship (what 'citizen' can be) should be theorized in relation to the issue of migration. This is via the identification of, and a narrative involving, a sovereign self which has a beginning and an end 'in' (linear) time and (absolute) space. The result, I have argued, is that despite taking away the supposition of conflict, the 'politics' of citizenship (the understandings of what it means to become 'citizen' in the context of migration) continues to be conceptualized in existing analysis of the 2004 Irish Citizenship Referendum in terms of "a form of inclusion that depends on a clear pattern of spatial exclusion".[12] This analysis has produced several alternative histories of Ireland as a multi-ethnic society which is made up of various identities – old Irish/new Irish, host/guest, minority/majority, migrant mothers/non-migrant mothers – rather than a history in which there is just one authentic identity (Celtic). However, what has been emphasized is that this has been done without ultimately undermining the opposition itself (conceptualized in terms of homogenous, invariable space and linear, progressive time) between notions of 'us' and 'them', this community and that community, between 'here' and 'there'. No longer a world of aliens versus citizens, what is presented is a world nonetheless in which belonging continues to be based on the notion of absolute spatial and linear progressive exclusion in the last instance; this is merely an exclusion which no longer involves treating the other as adversary (as 'Other').

In contrast to this, as chapters four and five have shown, the experiences of citizen-children born to migrant parents present a very different image of what it is to 'be' citizen and of the relationship between citizenship and migration. This is one which specifically challenges the idea of citizenship as that which is experienced as a continuum between here and there, past and present. Emphasizing instead the temporally discontinuous and spatially fractious manner in which subjectivity is produced, what has been considered is how their experiences present an ambiguous paradoxical subjectivity which actually collapses the idea of an us/them, self/other, past/present dualism. Their experiences undermine the idea that politics can (only) be articulated according to a dominant understanding of time as resolved within space, which appeals to sovereignty assume and reproduce.

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[12] Walker, 'Citizenship after the Modern Subject', p.179

What has been demonstrated by exploring the experiences of these citizen-children born to migrant parents is that political subjectivity can also be experienced as fractious in and of itself ('less-than-one' spatio-temporalities). This is where it is recognized, following Kristeva, as that which is experienced *as* (rather than 'against') foreignness. Foreignness here is understood as "the hidden face of our identity, the space that wrecks our abode, the time in which understanding and affinity founder."[13] This is a form of being that haunts the relationship *between* citizenship and the sovereign territorial state and the presumption that citizen-subjectivity can only be identified in terms of the modern spatio-temporal principle of subjectivity as individual ('the-one' and 'the-many-as-one'). As many people have pointed out, using Kristevan theory is not without its controversies.[14] In particular, there is a need to remain aware of the role of psychoanalysis and psychiatry more generally in the production of the excluded and the marginalized. There is also a need to be aware of how this discursive and institutional backdrop that constitutes the symbolic order becomes secondary to the focus in Kristeva's work on the speaking subject and their reflections on the world around them. These reflections should furthermore not be taken as subversive in their own right but as those which can be just as easily conform to the given order as they can to be being resistant and dissident.[15] With this in mind, political subjectivity is retheorized through psychoanalysis theory somewhat cautiously in this thesis. It is used as a way of considering how an alternative to the dominant conception of subjectivity is being imagined and experienced. It is not intended to act here as a new alternative totalizing conception of experience and practice, but merely as a challenge to the existing dominant conception which asks after its limitations.

Chapter five introduced the notion of citizenship as 'trace' as a way of conceptualizing the move made by opening up the (sovereign) space in which citizenship is currently thought, and where temporality is presumed to be containable within absolute space, to understandings about the alternative possibilities of relative and contingent

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[13] Kristeva, *Strangers to Ourselves*, p.1

[14] Jabri, 'Julia Kristeva', pp.225-227; McAfee, *Julia Kristeva*, pp.75-83; Oliver, K. (1997) 'Introduction: Kristeva's Revolutions' In: *The Portable Kristeva* (ed. K. Oliver), (New York: Columbia University Press), pp.xxvi-xxvii

[15] Jabri, 'Julia Kristeva', pp.225-226. Jabri points out that both Judith Butler and Nancy Fraser have argued in the past that Kristeva's work overemphasizes the transgression and the subversive of the semiotic (aesthetic/ unconsciousness) over the symbolic (consciousness) (pp.232-233)

spacetime of being associated with the experiences of citizen-children born to migrant parents. It is important to note, as such, that this ability to reconceptualize how we think about being citizen (the politics of citizenship) is not tied in this thesis to some aspirational or 'new' political subjectivity. It is tied instead to *existing* experiences of citizenship which are currently marginalized given their operation outside dominant 'political' horizons. It is not argued, furthermore, that these experiences necessarily lead to better politics. Indeed, as Alina Sajed points out, having identified the migrant as the figure which attests to the limits of sovereign subjectivity, it would be a mistake to presume that ambiguous citizenship-subjectivity (such as that of the children of migrants) necessarily disrupts hegemonic practices of capital and state-centric citizenship.[16] Indeed Ong's work shows the *interweaving* of dominant and dominated forms of subjectivity and the manner in which these can work through, as much as they interrupt, state-centric citizenship.

Rather, what is being argued in this thesis is that an awareness of contingent timespace as the basis of an alternative ontology leads to a better understanding of how the politics of citizenship is being experienced outside of sovereign politics through immanent difference *as well as* within sovereign politics through exterior difference.[17] In the latter, foreignness defines the self as coherent I – as that which can oppose otherness via the lines which divide absolute space into 'us' and 'them', the included and the excluded. Whereas in the former, foreignness is recognized as integral to 'being' – as that which implicates oppositional otherness without boundary and without end. I argue that awareness of this second alternative ontology permits us to work "with a different mapping where patterns of inclusion and exclusion transverse and are multiple rather than absolute" while nonetheless remaining aware of the existing dominant sovereign mapping of the self.[18] This thesis, as such, needs to be seen as increasing the range of possible political subjectivities and not attempting to replace one ontology with another. Conceptualizing citizenship as trace as opposed to absolute space is not being taken as good or bad in and of itself. Rather, what is being argued is that the question of the

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[16] Sajed, 'Postcolonial Strangers'

[17] Isin, E. (2002) *Being Political: Genealogies of Citizenship* (Minneapolis/London: University of Minnesota Press), p.30

[18] Closs Stephens, 'Citizenship without Community', p.40

politics of citizenship itself (this includes the concerns themselves about gender and biopolitics which are raised in the discussions surrounding the 2004 Irish Citizenship Referendum) needs to be theorized in terms of how it can operate through fragmentary, splintered, and arbitrary time-space coordinates, *as well as* through modern absolute spatial and linear temporal coordinates.

The limitations of how existing analysis of the 2004 Irish Citizenship Referendum conceptualizes political subjectivity can, as such, be contextualized in direct relation to its inability to be able to combine a necessary understanding of citizenship in terms of an inclusion/exclusion framework (absolute space) with that of understanding citizenship also in terms of disruptions, discontinuities and fractions (as 'trace'). Existing analysis of the 2004 Irish Citizenship Referendum as that which mirrors the accepted (particular versus universal) framework for posing the question of the politics of citizenship has been shown to rely on the idea that subjectivity can always be included or excluded 'in' political community. Doing so, it ignores how subjectivity is not necessarily synonymous with individuality but only came to be associated with sovereign autonomy at a particular point in history when spatial differentiations replaced hierarchical modes of allegiance, as the necessary conditions for the possibility of expressions of political identity. Despite specifically setting out to demonstrate how migration challenges the idea that the state has a monopoly on understandings about how political community and political identity should be conceptualized, what has been highlighted in this thesis is that this analysis continues to define political necessity via a regulative statist idea of the modern subject which is the idea of 'being' as reducible to spaces which are infinitely divisible by lines extended in continuous, progressive time. Although political subjectivity is recognized as having fluid margins, it is nonetheless conceptualized as having calculable boundaries demarcating inside from outside, past from present analogous to the spatial and temporal imagery of the modern state inherent in the concept of 'territory' (as located space) and understandings of national time (as the time of start, middle and ends). Essentially what has been argued is that existing analysis of the 2004 Irish Citizenship Referendum is limited by its failure to differentiate between political possibility in general and how we have come to think of 'possibility' in terms of a certain conception of politics which

came to be associated with (state) sovereignty and the ability to divide space infinitely by lines extended in continuous linear time.

By "resist[ing] the eternal return of the spatial differentiations of early-modern Europe",[19] the notion of citizenship as trace presents an alternative conception of what politics can be. It does so by challenging the idea that all understandings of politics can necessarily be traced back to the modern statist political imaginary and the associated spatio-temporal understandings of a clearly located presence which can be demarcated in terms of inside and outside, as 'excluded' or 'included'. Thinking about citizenship as trace allows for an alternative understanding of what it is to be a citizen-subject. It allows us to move beyond the question of how this needs to be related to sovereign spaces of inclusion and exclusion which exist vis-à-vis other sovereign spaces. Instead of reducing citizenship-subjectivity to singular representations of time and space such as 'woman', 'migrant' or 'racialized' which in turn are grounded in either humanity or citizenship, it can be reconceptualized as that which is also and increasingly based on situations which combine fragments (often in inconsistent ways) of these subject positions but cannot be reduced primarily to any single one defining time and space of self (modern subjectivity).

The benefit of thinking of citizen-subjectivity as trace, as such, is that it undermines the idea that citizen-subjectivity can *only* be defined in terms of a coherent 'who'. It allows us to move beyond the endless discussions about who is or who is not abusing citizenship, who is or who is not entitled to citizenship which take place in the citizenship debate and concentrate instead on the increasingly momentary fragments of self through which citizenship can operate, beyond the idea of a sovereign marginalized subject that can be pointed to. Conceptualizing citizenship as trace succeeds, as such, in undermining the importance of the distinction between the human (migrant) and the citizen (native) as the basis upon which all questions about political subjectivity must begin in the context of migration. It forces us to consider instead how migrants and citizens can be connected to each other through contingent timespaces. It allows us to rethink the possible understandings of political community: as something which can be conceptualized through fragmented as well as continuous moments of 'being' in

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[19] Walker, 'Citizenship after the Modern Subject', p.199

common.[20] This is the opposite of the understanding of possibilities for citizenship discussed in the citizenship debate which continue to rely on the idea of the centralization of power in a particular time and place of the self, characteristic of the modern state.

The original contribution of this research lies in four principal areas. First, by approaching existing analysis of the 2004 Citizenship Referendum from the perspective of R.B.J. Walker's work it argues that existing analysis of this referendum – which is presented as a clash between particular and universal conceptions of citizenship – can be taken as representative of a more general debate. This is one which reflects important assumptions about what a 'politics' of citizenship must look which can be traced back to the idea of sovereign autonomous subjectivity (the individual citizen-subject). Secondly, it advances a Kristevan understanding of human 'being' as based on a metaphysics of process in the context of citizen-subjectivity and uses this to develop further the implications of R.B.J. Walker's work which emphasize the need to think about political subjectivity other than as that which is defined in terms of sovereign presence. Julia Kristeva's work has been used here to provide an example of how we can rethink political subjectivity outside of appeals to state sovereignty (a metaphysics of presence) as the dominant framing of subjectivity. In doing so this thesis repoliticizes how to think about the boundaries of citizen-subjectivity in time and space. Thirdly, the thesis develops an important empirical contribution to discussions about the politics of citizenship in Ireland by demonstrating how citizen-children born to migrant parents (as those who are neither just migrants nor alternatively just citizens) interrupt these discussions. What is demonstrated is how these children interrupt such discussions by challenging the idea that their experiences can be theorized similar to their parent's experiences of belonging – as those who have been positioned 'outside' (excluded from) the dominant community and who are in need of being brought into (included in) this community. What is demonstrated is that unlike their migrant parents, these citizen children are not simply marginalized subjects who have been positioned 'outside' the dominant political community and who are in need of 'inclusion', but people whose subjectivity is defined in the *tension* between inclusion and exclusion, particularism and universalism. It is subjectivity which is experienced in a disruptive contingent temporal

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[20] Closs Stephens, 'Citizenship without Community'; Shapiro, 'National Times and Other Times'

and spatial framework, rather than a sovereign one. Fourthly, this thesis argues that the shift which is made here from presuming that political subjectivity must be theorized in terms of a metaphysics of presence to recognizing how it can also be experienced as a metaphysics of process, can be understood as a shift from conceptualizing citizenship as absolute space to conceptualizing it in terms of contingent trace. The understanding of citizenship as trace provides an alternative way of thinking about citizenship in the context of migration in terms of how it is being re-experienced beyond prescriptive sovereign dualisms, yet without ignoring the significance of such dualistic concepts. It provides an alternative to the determinative dominant logic of the inside/outside, inclusion/exclusion binary by allowing for the possibility that subjectivity comes into play via processes of differentiation which are irregular, discontinuous and strange as well as sovereign and continuous.

The original contribution of this thesis is therefore both empirical and theoretical. It contributes not only to our understanding of the 2004 Irish Citizenship Referendum and the limitations of how subjectivity has been conceptualized in existing analysis of this event, but also to broader theoretical attempts to recognize how political subjectivity is being experienced outside of a statist political discourse. As such, it refuses to subscribe to a clear-cut separation between theory and practice. Following R.B.J. Walker, it instead emphasizes the manner in which political theory must be engaged with at the level of the 'real world' given our inability to separate the subject from the way in which we recognize the self *as* (sovereign) subject here in the first place.[21]

This thesis set out to account for the limitations of how political subjectivity is conceptualized in existing analysis of the 2004 Irish Citizenship Referendum in terms of inclusion and exclusion. It recognizes that this is the accepted framework within which the question of political subjectivity in the context of migration has been posed in critical citizenship studies more generally. The conclusion it has reached is that this citizenship debate is limited by its inability to account for political possibility outside of a specific conception of space as independent of its physical content and of time as linear and progressive. These are the spatio-temporal understandings through which practices of state sovereignty were produced and through which they continue to be reaffirmed

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[21] Walker, *Inside/Outside*; Walker, 'Citizenship after the Modern Subject'

through the conception of the modern subject. The experiences of citizen-children born to migrant parents challenge the limited nature of this understanding of the necessary basis of political subjectivity, however. Theirs are experiences which undermine the 'truth' that the citizen-subject can always be conceptualized in terms of singular representations of time and space associated with the ideal of the sovereign autonomous modern subject. They confirm the need for citizenship studies to *have* to engage with the idea of always already existing and acting citizen-subjects outside of the spatio-temporal ideal of modernity. This is a necessity if the study of citizenship is to have any chance of capturing the complexity of the contemporary period which it so often purports to highlight.

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Appendix A

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Áine Ní Chonaill, Founder and Public Relations Officer of Immigration Control Platform (ICP), (Telephone Interview, 28/08/2009)