

Towards a Deep Pluralism in an Emerging Polity:
Immigration and Integration in France and the European Union

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by

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AN ABSTRACT OF THE THESIS OF

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The issue of immigration is at the forefront of all national policy discussions in the industrialized world. In recent years, the globalization of communication, international travel and job opportunities has rekindled this historically long and complex debate. This text attempts to explore the inadequacies of immigration policy and practice in the nation of France and the emerging polity of the European Union. The EU member states face an unprecedented challenge of balancing national and supranational institutions to create an effective immigration policy. However, in order to understand the current debate, we will explore some of the roots of the current wave of immigration and the effects of national and European policies on immigrant communities. This text will show that the policies of the French government have been ineffective in integrating immigrant communities into the greater nation. This trend repeats itself throughout the EU and will only be resolved through a supranational effort to promote deep pluralism in the emerging European civil society. In particular, it is instructive to examine the group who garners the most media attention in strongly Christian France and Western Europe: the rising population of immigrants of Muslim descent. Information has been gathered from a variety of sources including academic texts, government laws, political party decrees, and media sources. As Europe transitions to a 25-member Union with multiple ethnicities, religions, and nationalities, this debate requires careful reconsideration so that the European experiment can create plural and egalitarian melting-pot.

Abstract approved: _____

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I understand that my thesis will become part of the collection of Oregon State University. My signature below authorizes release of my thesis to any reader upon request. I also affirm that the work represented in this thesis is my own work.

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Introduction: Expansion and/or Exclusion?

Immigration describes a process, an institution, a condition, a decision, a restriction, a risk, and a contentious, complex and largely misunderstood issue. Participation in the global debate over immigration includes every government, non-governmental organization (NGO), and international bodies, as well as every community, family, and individual who has experienced – be it personally or by proxy – the physical displacement, voluntary or not, of an individual from one nation-state to another with the goal of permanent residence and stable employment. The process of migratory flows originates typically in countries with underdeveloped resources and developing economies with limited opportunities for full and skilled employment, quality education, social services, or governance. The process then shifts toward the transportation of the individual or family from the originating country toward a country (sometimes with cultural/historical ties to the originating country) with greater opportunities for social services, more stable political situations, and strong economies with employment options; this step of the process unfolds in either a legal manner (work or student visa granted, citizenship possible through legal channels) or in an illegal or clandestine manner (no visa granted, individuals enter the country clandestinely and attempt to work without proper authorization). The final step in the process of immigration concerns acculturation, integration, and acceptance into the host culture by means of citizenship, civic participation, cultural exchange, and participation in assistance programs provided by the government or NGO entities. International migratory patterns currently flow from the developing world primarily to North America (the United States of America, Canada), Western Europe and the European Union countries pre-May 2004 (primarily France, Germany, the United Kingdom, Ireland, Belgium, Spain, Italy, Portugal, the Netherlands, and Scandinavia). To a lesser extent, Japan receives

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immigrants from other East Asian countries, while regional rapidly developing powers such as China and India attract workers from internal migration as well as neighboring nations on the Asian continent.

This analysis will focus in general on the European Union of 15 as it existed before May, 2004 when 10 new countries were admitted to the Union comprised primarily of former Soviet Bloc countries. In particular, I will focus on the interminable link between the EU structure and its member-states. Using the French case, I will illustrate many of the shortcomings and disconnections between the national debate and the actions of the EU. It is important to consider both the national and supranational debates specifically because these two debates will more and more be linked as European integration proceeds. The outcome of the current ratification process of the European Constitution will determine to a large extent how much more integrated national governments and the EU government will become. The drive toward further integration of the EU polity is clear; future national governments could have less and less relevancy on the immigration question if integrationist structures like the European Constitution is ratified, despite the wishes of the member-state's citizens. That said, many countries implementing a popular referendum to ratify the Constitution will be giving their citizens a chance to reject the current form of integration and to ask for a different path. Within the current 25 country EU, the so-called original 15 member-states of the pre-May 2004 era attract the majority of immigrant groups, have the most active political discourses on the issue, and drive the debate on the European level. The EU governing body hopes, in the next years to be formulating and implementing common policies concerning migrants, citizenship, and residence. However, the quality and effectiveness of the current projects in this vein are marred by a lack of commitment by EU leaders to negotiate on the issues of national and supranational authority. In fact, the

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original 15 continue a rather elitist debate about accession to the Union of new member states from Eastern Europe out of fear that those countries adherence to the Union's Schengen Zone (essentially a zone of free movement of EU citizens and employment) will flood their respective national economies with more foreign workers, thus taking employment opportunities away from the citizens of that nation. The second focus of this piece will use the French national policy and political climate as a case study of an unsuccessful bid at control of migratory flows, assistance in training and integration for new arrivals, valuing of *deep pluralism*, and socialization of the general population on the benefits of stable and sustainable migration to France. If, as I stated above, the complexity of immigration is misunderstood, the credit for oversimplification, misrepresentation, and vagueness must fall upon the political establishment of France and other countries who have political capital to gain from misrepresenting the debate and upon the media for serving as an amplifier.

It is precisely these issues I wish to cover in this thesis. Using France, a country where I lived, studied, and researched for 10 months, as a case study for the national-level debate, and then examining the role and reach of the supranational EU, I wish to examine the current policies and debates on immigration, foreign workers, third party nationals, social integration, and citizenship policies. From the facts, statistics, and situations described in the literature, I will analyze the extent to which these approaches have been ineffective at creating welcoming, stable, and positive environment in which immigrants should be living in their adopted countries. This analysis is set on the backdrop of European Union countries and their governments, which are historically more collectivist, welfare minded, and conscious to social questions. These governments have also historically been less timid to legislate on cultural and social issues. To conclude, I will propose alternatives to the current culture of exclusion, scape-goating, and

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isolationist tendencies that plague the population of the great European experiment in supranational governance. In particular, I will look at France's Muslim community, a group that is often blamed for the social ills of the Republic. While Europe faces a sharp decline in demographic viability, many economists and social scientists will argue that immigration is needed in order to assure that employment in basic services and industry is filled, sectors that do not necessarily attract the more skilled native citizens. It is in that vein that the French Republic has always considered itself to be a "*terre d'accueil*" (welcoming ground) for everyone from political refugees to skilled workers. However, beyond that, the question concerns the health of human exchange in societies: Europe claims a language of inclusiveness and of positive influence on the world, and in many ways that mission is fulfilled by admitting countries into the Union close in geographical proximity but much more disparate in economic parity. However, Europe could indeed follow-through with its founding rhetoric by promulgating an immigration policy that values a *deep pluralism* in its societies through cultural understanding and integration of new arrivals, and a commitment to social justice in working conditions and opportunities for social services (notably health care and education). *Deep pluralism* is a commitment to diversity that extends further than tolerance of others. *Deep pluralism* in government policy reflects this commitment, and the European's heightened sense of collectivism, by promoting programs that encourage comprehension of the diversity of the nation, including all of the cultural components that converge to constitute the uniqueness of the country, furthermore considering the very real and continued connections immigrant communities maintain with their home cultures. These issues concern all of the developed nations of the world home to large groups of immigrants, especially nations founded and fueled by voluntary and involuntary immigrants such as the United States and Canada. It has been proved time and again in studies in the entire

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industrialized world that the inclusion of immigrants, and especially women, in the formal sectors of the economy by granting citizenship and legal work status strengthens the economic and allows a country to prosper more. Immigration is the manifestation of a greater institutional inequality in the integration, both political and economic, cultural and structural, of the European Union. In this thesis, I want to focus on those inequalities, using empirical research, that links together neo-liberal integration in the form of the European Union with the manifestations of the inequalities such as immigration/migration policies, work policies, social spending on integration and linguistic inclusion. How are these policies promoting a disequilibrium in riches, an elite class and a pauper class, and how do the mechanics of other global integrations connect to this.

The perspective I have taken here is undoubtedly peppered by my American socialization. It is important to recognize by whom our sources, inspiration, and dreams are informed to understand one's orientation on a certain issue. As an undergraduate student of only 22 years, I have had nearly two years of cross-cultural experience, mostly in Western Europe and in the developing world (West Africa). When presenting a discussion on decisions, values, and norms of a country's political culture in today's world, it is too easy to make the conclusion from a position that considers American values, institutions, and culture(s) to be superior or normative. This is a position I have tried to avoid in the research and conclusions – a strategy that has been aided by the fact that I by no means consider American approaches to immigration policy, regulation, or acculturation to be at all ideal. Instead, I hope to have taken a universal approach by valuing above all in my discussion of government policy the human dignity of the individual, the values of International Human Rights Declarations, the ideals of social justice, and by enhancing the discourse with my reading of the values of the European Union and of

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France (*Liberté, Égalité, Fraternité*). All along this debate, we should be considering these questions in order to form our own opinion of the issues at hand:

Is immigration a beneficial augment to an aging population under the pressure of an economy weakened by unemployment and free exchange? How do immigrants fit into the French society, in particular in employment? Does their arrival weigh on the wages or unemployment rates of France? Are policies penalizing or discriminating new arrivals? Do the difficulties of recruitment of certain companies call for the revival of an immigration policy that accepts highly-skilled workers? Is immigration a burden on retirements of French workers? What effects will European integration have on national policies?

These questions, which the French and European societies ask of themselves through lively societal debates through discussion, discourse, media, and elections, are essential to consider as a reader. By watching, observing, and analyzing these forms of communication, I have attempted to illuminate some of the answers that are being given by the French people, the French government, the European peoples, and the European Union institutions.

B. Methods (2-4 pages)

I. Overview of methods:

The subject of immigration in the world offers a vast body of work ranging from ethnographic studies to economic impact analyses. The possibilities for different research methods are unending. A specific focus on France and the European Union narrows the issue spectrum down to several key critiques and debates that are further distilled by focusing on the socio-political angle of the immigration debate on the continent. Views on policy decisions and social impacts of immigration are offered by every element of the civil society in the European polity including special interest groups, political parties, governments, and European think tanks (both attached to the Union and to independent university research centers). For this reason, the research conducted for this analysis relies exclusively on paper and electronic sources. In the

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French debate, several canonical books constitute an overview of the research of the past 30 years; these books have been relied upon heavily in this research. As a student at *l'Institut D'Études Politiques de Lyon*, I had access to resources at their research library that I would not have had if I had enrolled in a different capacity during the Lyon Direct Exchange program from 2003-2004. Concerning library research, I was given access to the Lyon Public Library system thanks to my student status for five Euros, and allowed me to consult many documents to determine their importance to this text.

Given the need for a contemporary perspective on the nature of the pan-European immigration and internal migration debate, this text relied heavily on electronic research methods to gather information from European Union and research institute websites. When interrogated in informal questioning on where the best sources for information on immigration would be found, representatives of the European Union information services, French political party staff members, and French academics would always refer to their respective websites as the most comprehensive compilation of immigration policy briefs. The European Union Information Office in Lyon, France was a vital resource for the identification of valuable reports pertaining to this subject.

It is important to identify the Internet both as a possibility for an infinite source of information and as a potentially negative tool. Undoubtedly, the Internet has changed the very nature of original academic research and analysis. It is possible to access an enormous wealth of information on various subjects, and can be used to gather specific opinions and critiques of individuals and groups. The danger is to take a critique written on a personal or group website and generalize that sentiment across the spectrum of opinions for a certain group. This would certainly constitute an unfortunate misstep in critical analysis of the subject. It is appropriate to

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utilize the Internet in its capacity as a source for government documents, news reports otherwise inaccessible to those who do not buy a printed copy of the newspaper, and reports/analyses by public interest groups of all likes. In order to obtain the most recent data, reports, and surveys, the Internet was an invaluable resource that allowed the research to continue to be current right up until the final draft was submitted.

In summary, this text relies on printed analyses, government documents accessed electronically, and other documents produced by many different groups within the varied and active European civil society.

II. Attempted Research Methods:

Prior to departing from the campus in the summer of 2003, I worked with the advisor for this thesis, Dr. Alana Jeydel of the Political Science department, to prepare a survey design aimed at measuring attitudes toward immigrants in the Lyon metropolitan area. The survey instrument and the methods were approved by the Institutional Review Board of Oregon State University for use on human subjects. After an online certification for social science research on human subjects, I was qualified to conduct the survey for use in the International Degree Thesis.

Once on the ground in Lyon, the naïveté of this approach became apparent to me. There were several problems with implementing this survey instrument: first, the population of the Lyon metropolitan area is 1.3 million people, and thus in order to validate a representative sampling of the population, the survey would have required that a significant percentage of the population be sampled. As a single individual, even a sampling of 1,000 would have been difficult to achieve in a reasonable period of time. Without that level of sampling, the results would have simply been anecdotal meaningless to a larger analysis. What is more, the sample

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would not have been valid because questioning people in shopping districts is not random; shopping malls attract middle to upper class individuals, and thus the results would have been skewed. A second problem concerned attitudes toward surveys in France. There were several locations around the city that I identified as ideal for survey administration. These included shopping centers, public transportation hubs (*Place Bellecour*), and other public spaces (the main city park, busy residential roads, and centers of eating and business). The difficulty of these choices in a metropolitan center were twofold: first, the streets were already clogged with individuals and groups conducting marketing research, advertising, political awareness campaigns, and indeed surveys on nearly every corner of the city. Secondly, the French public, confronted with this overload of groups asking for their opinion tend now to ignore these approaches. When I weighed the time commitment against the expected results, I decided to forego the survey instrument in favor of book research and survey research conducted by professional, funded, and heavily staffed organizations with an established reputation for quality results. An American student alone on a street in a French city attempting to gather survey data does not carry the same credibility as a French government research institute or *Le Monde* newspaper. It is for these reasons that this analysis depends on survey results reported by the French press, the French government, and the European Centre on Racism and Xenophobia for measurements of attitudes in the general public.

Another avenue of research that was not undertaken was the personal interview. These types of information gathering would have provided interesting anecdotal side-bars to the written research to put a human face on the subject. However, given the constraints of the Institutional Review process pertaining to human subjects, this would have required that I provide instruments for approval to the Review Board while in France. Had I explored the avenue

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further, I imagine that I would have been able to identify individuals and group representatives who would have provided interesting analyses, but I concluded that much of the same information can be found on personal or group websites, many of which feature personal interviews, testimonies, and analyses of immigration and integration policies and their shortcomings.

In all research avenues, I attempted to ensure a standard of information gathering and a high quality of sources appropriate for an academic analysis of a political subject.

From these methods, I will move on to a presentation of the information that I have gathered on the French and European Union situation by defining in general and specific terms the stakes and issues involved in the greater question of immigration policy and its consequences on the immigrant communities and the nation at large.

C. Background and Research Results

I. What is immigration?

Immigration designates the entry, in a country, of foreigners who go to live or work in that country. The word immigration comes from Latin *immigrare*, meaning “to penetrate within.” Immigration may have a professional reason (mission of long duration abroad), political (political refugee), or economic (habitant of a poor country searches for a better standard of living in a rich country). Today, the fluxes of immigration are principally oriented from the countries of the south toward the industrialized countries. In the case of an immigration nonconforming to legislation in place in the country, one speaks of clandestine immigration. (Wikipedia, “Immigration”) Social scientists attempt to distinguish between “foreigners,” or those who do not have nationality of the country they live in, and “immigrants,” who are people

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living permanently in a country other than the one in which they were born. Not all foreigners are immigrants, and immigrants who have the nationality of their host country are no longer considered foreigners. Once a resident officially gains citizenship, he or she disappears from the “immigrant” category and thus become harder to track. (Peignard)

II. A Major Theme

The issue of immigration is undeniably one of the most controversial political questions in the developed world and it has become a major theme in electoral campaigns from the United States to France. The theme of immigration in France and its media treatment during periods of high political rhetoric, such as the campaign season for the March 2004 regional elections, should be contrasted with the experience of immigrants in the Rhône-Alpes region of France, in France as a whole, and in the larger EU. The personal experiences of immigrants are often very difficult to research or understand because their voices are valued less in the media than the voice of a politician. The Rhône-Alpes region where I conducted my research will be a brief focal point, because it is in the region where the national policies are executed and where therefore one must face the consequences of these policies. France has known a long tradition of immigration. Still, immigration stirs much controversy and continues to pose many questions on the national and transnational level. From the problems elaborated until this point, we must limit the scope of this discussion to several global questions: How can immigrants better integrate themselves into French and European Societies based on claims that the current forms of political and economic integration produce policies that discriminate against recent arrivals. How has the theme become a structural element in the political life of France and Europe? We will discuss first the overview of immigration in France and its relation with the regional elections

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while trying to synthesize the positions of the different parties from the left to the right that where followed during the campaign.

III. Statistics on Lyon and Rhône-Alpes

By tradition and because of its geographical situation, but also to accommodate the development of the industrial sector, the Rhône-Alpes has always been a welcoming ground for foreign populations: the Italians were in Lyon from the Renaissance, then the Armenians, the Portuguese, North Africans (*Maghrébins*), and Asians. Today, the immigrant population in the region represents around eight percent of the population. As on the national level, the foreign populations live more in the “*Grandes Villes*,” big cities or near industrial sites that have strong employment opportunities such as the city of Oyonnax (Ain), which is composed of around 30% non-French people, essentially North African and Turkish. The Lyon metropolitan area and its suburbs, notably those to the east and south (Vaulx-en-Velin, Décines, Bron, Vénissieux), the Giers and Saint-Étienne valleys, Maurienne and Tarentaise (alpine valleys with strong industrial traditions, are all zones with a strong foreign-born population. (La Région Rhône-Alpes) The region consists of 5.7 million habitants (a rise of 16% in the past two years) of which 7.4% live in a rural milieu. Sixty-nine percent of the region’s habitants were born in Rhône-Alpes. The unemployment rate is between 8-10% (9.6% for women), and 12% of jobs were salaried in 1999. (*Libération*, “Régionales 2004”) To give an idea of the cultural situation of Rhone Alps, we can point out that each habitant on average goes to the cinema three times per year, which is the third highest in France. (*Libération*, “Régionales 2004”) The eight departments of the Rhône-Alpes region (Ain, Ardèche, Drôme, Isère, Loire, Rhône, Savoie, Haute-Savoie) have 2,879 towns on a

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surface area of 43,698 km² (8% of the national territory). The population under the age of 25 is at 32.6% where as that of those over 65 is at 14%. (France - CIA Factbook Online)

Although the Rhône-Alpes region is perceived to be prosperous (rather confirmed by the yearly salary per resident of 24,474 Euros, which is number three in the nation), the region also marks a rate of long-term unemployment of 9.1% (while the average in France is 3.6%). Those who were in search of full-time employment constituted 6.4% of the population in 2002, while the national average is 4.8%. In the region, employment sectors were divided among these categories: Agriculture, 4.1%; Industrial, 30%; Service, 65.9%. The region contains 300,000 persons who are housed in substandard situations, which is 6% of the population, of which 30,000 households benefit from government housing programs. (*Libération*, “Régionales 2004”)

France is one of the largest European countries with 60,180,529 habitants, of which 53-87% still live in their region of birth depending on the region. The inflation rate is 1.8% (2002 est.), a poverty rate of 6.4% (1999), and a population growth rate at 0.42% (2003 est.). France as a whole contains 0.66 migrants for every 1,000 habitants (2003 est.), and a poverty rate of 6.4% (1999). (France - CIA Factbook Online) In total, 36% of immigrants eventually win French citizenship. Despite a total unemployment rate of 10% and a rate of 20% unemployment in immigrant communities, there are numerous sectors which could not function without the contribution of immigrants. During the 1990s, it is estimated that around 12% of *new entrants* into the French job market were of foreign nationality, or 100,000 persons per year. Economic indicators consulted for these statistics converge to show that immigration fluxes would have hardly an effect on the rate of unemployment and the level of yearly salaries. (CCI Rhône-Alpes)

Key industrial and manufacturing sectors rely on immigrant labor to fill the jobs that the higher

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educated French workers no longer search for. Thus the conclusion is that the use of immigration as an explanation for societal problems is unfounded.

Footnote: For a full overview and analysis of immigration statistics, see annexes and “Additional Resources” section.

IV. Acquiring French Nationality: Overview

In addition to understanding the current socio-economic situation of the country, it is important to understand the processes and institutions involved in the immigration process. From the various regional and national offices, ministries, and departments to the rules governing citizenship, the path is long and difficult for immigrants to gain full rights as residents or citizens in France. Introducing this concept before going deeper into the literature on immigration will provide the reader with a broader understanding of issue.

Rules for acquiring French nationality were established in October 1945 and amended in 1973, 1984, 1993, and 1998. They are based primarily on *jus soli* (right of birth in the territory) and on *jus sanguinis* (blood right). For individuals who do not meet these criteria, there are three ways that nationality can be gained:

- Naturalization, i.e. the granting of nationality to people who have reached legal status (18 years old) and have lived in France for at least five years;
- Acquisition, in the case of 18-year-old children of foreigners born in France and residing there for at least five years between the ages of 11 and 18 (under Article 44). Although between 1993 (Act of 22 July) and 1998 (Act of 16 March) applicants had to “manifest a desire” to become French, which is no longer required;

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- Declaration, following marriage to a French man or woman (the marriage must have lasted at least one year). (Peignard)

V. On French Political Culture and European Integration: Facts and Opinions in

Francophone Immigration Literature:

The literature on immigration in France focuses primarily on historical and statistical analyses of foreign presence in France since the founding of the modern nation-state. After the Second World War, the focus of scholarship turned primarily toward the second wave of immigrants originating from the “tiers monde,” or third world/developing world countries. A particular focus examined French decolonization in modern nation-states such as Algeria, Tunisia, Morocco, French West Africa (Senegal, Mali, Guinea-Conakry, Côte d’Ivoire, Niger and Upper Volta), French Central Africa (Chad, Central African Republic, Cameroon), the Belgian territories (Congo/Zaire, Rwanda, Burundi), and the former French Indochina (modern-day Vietnam, Laos, Cambodia). Mainstream economic and statistical analyses focus on several key elements of the immigration discussion: Presentation of statistics, immigration’s impact on the national economy concerning employment and salaries, human rights, integration and treatment of immigrants. The scholarship converges to contend that immigration has hardly an effect on the levels of unemployment and salaries in the host country. (Peignard) On the contrary, without the continued levels of immigrants in the workforce, the country would face a severe shortage of labor in key industrial and service sectors. The research on integration and treatment issues insist on the assurance of human rights to immigrants in their host country, a point on which many scholars are critical toward European governments: Freedom to come and go in their country of residence, freedom of opinion and beliefs, freedom to marry, right to lead a

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normal family life, right to petition social services protection during times of stable and regular residence in French territory, and right to leave a country in the case of persecution. (Piegnard)

Here we will look at two types of printed literature on immigration. The first is the historical study that dominates French bookshelves, examining the issues from the first wave of primarily European migration. The second is the literature on contemporary issues of immigration from the developing world to France and the subsequent social movements stemming from those migrations. From these sources, we can begin to explore the French academic treatment of the immigration question, and what their prescriptions are for improving the current situation.

A. Historical Studies:

Connaissance de l'immigration nord-africaine en France

This study brings into focus much of the literature on immigration between 1950 and 1980. It is in of itself a review of the studies done during this period on immigrants originating from North Africa. According to this *Study of the North African Immigration in France*, “economic consequences of migration were not counted until after 1962 by the French government”. (CASHA, 26) Psycho-sociological factors concerning immigration of North Africans were rarely studied between 1950 and 1980. A few academics treated the subject by concluding that discrimination against Algerians, traced to the tensions related to the Franco-Algerian Civil War of 1954-1962, discouraged integration of these new residents in the labor sector, the cultural sector, lodging, health, and quality of life. (CASHA, 27) From 1952 onward, the literature begins to point to racism and racial problems as blocking factors to immigrant integration. Since that point, racism directed at immigrants has been the object of analyses of

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family problems, social promotion, and ways in which leisure time is spent within immigrant communities. (CASHA, 28) The passage from the extended family to a nuclear family is identified as an evolutionary factor from the familial group and the conjugal family. One must situate the role of the women in this context in order to evaluate their adaptation to French culture, which is shown through housework techniques, education of the children, professional training, and the woman's influence on the adaptation of the head of the household concerning the shared social responsibilities: education of children, neighborhood relationships, basic needs, management of the budget, and choice of leisure activities. (CASHA, 41) It is suggested that further research on social habits of immigrants would answer a number of questions such as how immigrants related to the established neighborhood, how the immigrant community influences political decisions, and professional/personal interests pursued. (CASHA, 43) North-African immigrants, including but not exclusive to those of Algerian nationality, have been the privileged object of research in immigration literature since the end of the *Union Française* in 1958, the creation of the *Communauté Française* that same year, and a strong rise in immigration from North Africa in the ensuing decade.

L'Immigration en France and Histoire de l'immigration

French academics Guy LeMoigne and Marie-Claude Blanc-Chaléard, in two nearly identical books published by different publishing houses around the same time, show that the subject of immigration is a relatively recent field of study among historians, and for that reason it has yet to render very clear pictures of the evolution of immigration trends in France. Blanc-Chaléard relies heavily on the work of Gérard Noiriel to conclude that simply looking at the grand events of the French Republic over the years ignores the voices and populations that have

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constructed the French melting-pot (“*creuset*” in French) and the society of today. Historically, France wished to render foreign presence and influence invisible by practicing a policy of assimilation (also used in French colonies around the world to make inhabitants more “French”). The foreign-born population itself complied with this wish for many years because it wished to avoid xenophobic movements that tend to appear every time there is a political crisis.

In the past, many immigrants were Catholics, just like the rest of the French population. However, today’s major challenge is that the majority of immigrants from the developing world are either Muslim or animists, which, according to many surveys, the French public believes to be contrary or in opposition to the values of the French Republic. How France reacts to issues such as the Islamic headscarf, the appearance of “*Quartiers Musulmans*” outside of large cities, and the culture of perceived uselessness directed toward immigrants will determine to a large extent the future of immigration in France.

B. Literature on Current Social Movements and Questions – Plaidoyer pour les Sans-Papiers

The “Sans-Papiers” Movement

Among the various immigrant advocacy movements, one of the strongest is the “*Sans-Papiers*” or undocumented workers rights movement that wishes to plea for better treatment of undocumented workers. Anchored on the political left, “*Sans-Papiers*” advocates criticize the actions of the French government on normalization and documentation of immigrant workers who have entered the country illegally. While many industrialized nations periodically give amnesty to undocumented workers in the country’s labor force in order to minimize those workers’ negative impact on state social systems, the French have particularly strict policies toward “illegal immigrants.” Spanish Prime Minister Jose Luis Rodriguez Zapatero granted

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amnesty to undocumented workers laboring on Spanish soil in February 2005, while U.S.

President George W. Bush announced in January 2004 a temporary general amnesty for undocumented workers in the run-up to the presidential campaign of 2004. Bush's move may have been interpreted as simply an electoral move to shore up the Latino and Latina vote, but Bush argued that allowing the approximately eight million illegal immigrants amnesty would "make the nation's borders more secure by allowing officials to focus more on the real threats to the country [in addition to meeting] U.S. employers' dire need for workers to take the low-wage, low-skill jobs unwanted by many Americans." (The Greatest Jeneration - sic.)

While other governments pursue these periodical amnesties for undocumented workers, the "*Sans-Papiers*" in France maintain that potential immigrants must work through the normalization system or face expulsion from the country (as happened in 1995 when the government raised its expulsion quota to 20,000 immigrants per year). (Migration International)

The "*Sans-Papiers*" movement seeks to achieve three main goals: 1. Provide legal support to embattled individuals facing expulsion; 2. Influence government policy to assure undocumented workers a more just process toward normalization and integration; 3. Tie the globalization of international migration to other unjust processes in the world such as the inequalities of capitalism, the domination of Europe over Africa, and the inequalities of so-called universal social programs in France (housing subsidies, health care, and education). (*Plaidoyer pour les sans-papiers*) These movements organize on a grassroots level and garner support primarily in immigrant communities surrounding large cities such as Lyon, Marseille, and Paris. Many of these suburban communes historically vote on the left of the political spectrum, and today are strongholds for "*Le Parti Communiste*", "*Le Parti Socialist*", and "*La Ligue Revolutionnaire Communiste*". (Sitbon)

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Most recently, in May 2005, the “*Sans-Papiers*” movement won a possibly precedent-setting battle for regularization: on May 16, 2005, the office of the Minister of the Interior announced that it would be giving amnesty and resident status to 12 men who had been hunger striking for 50 days in order to raise awareness of the struggle of immigrants without legal status. The protestors occupied condemned buildings in downtown Paris near “*La Bourse*.” Some of the hunger strikers had been living and working in France since 1984. While the newly regularized protestors did not comment on what this would mean for further regularization of illegal immigrants, they did say, “It’s liberty; finally I exist.” (Lacombe)

Nouvelles Elites de la Mondialisation

This study by Anne-Catherine Wagner, Professor at the *Institut d’Etudes Politiques de Paris (IEP de Paris)*, examines the results of an investigation into the groups of global elites from developing countries who emigrate to France and live out the life of comfort and fortune gained from years of exploitation and corruption in their original countries. She looks at the geographic mobility of these cosmopolitan elites who maintain their cultural identity even while living on the French soil, and the danger that presents to French society. To have powerful foreign-born residents capable of influencing national politics is to damage the position of natural born French citizens. She states that being foreign-born in the upper class in the French society is an advantage that allows them more influence over immigrant communities who originated from their country.

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Le Défi Migratoire

This book, edited by two professors at the *IEP de Paris* examines how international migrations affect transnational relations between Europe and the developing world. They see the dominance of the “Western” world in economic and cultural spheres as the catalyst for international flows of migration which continue to perpetuate a framework of dependence on Europe by the developing world. The academic exchange between these essays contributed by American, Canadian and French researchers conclude that international migration is in the process of forging transnational networks between the immigrant and his or her home country that could lead to the creation of an international public space and international society of tensions, conflict, missed opportunities for integration and also strong and fruitful interactions.

Genèse et Enjeux des Migrations Internationales

Published by the *Centre Tricontinental*, a think-tank based in Brussels, the series “*Alternatives Sud*” typically gives a forum to scholars from the developing world an opportunity to express their points of view on contemporary questions for a European audience. This edition, *The Origins and Stakes of International Migrations*, collects essays focusing on migration and immigration issues from all continents. The essay pertaining to this analysis concerned the effects of European integration on migrations toward the European powers of France, the UK, and Germany. The author of that essay, Bichara Khader, a Palestinian teaching at the *Université Catholique de Louvain-la-Neuve* in Belgium concludes that the fall of the Berlin Wall did not bring about, as many feared, a massive exodus from the east toward the west. Instead, the trend has been a lot more tempered as migrants move between EU member-states after adherence to the Schengen Zone. Since most member-states must wait several years after adhesion to belong

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to the Schengen Zone (which, however, was not the case of the new countries in May 2004 – their process was a lot more spread out than previous member-state adhesions), there is not a massive burden put on the European giants. The culture of fear promoted in the more affluent Western European countries such as France by right-wing parties and often the governments themselves are unfounded based on current trends. For the future of a unified Europe, that culture must change. (Khader, 148)

From these outlines, we start to see the historical development of the “problem of immigration.” It is notable to see through these books how immigration has become an integral issue in the political discourse of France. It’s contextualization as a “problem” to be remedied or conquered gave rise to advocacy groups like the “*Sans-Papiers*” who have led nation-wide efforts to secure the human and social rights of individuals, both legal and illegal, who are living on French soil. Keeping these historical developments in mind, I will now examine how the issue of immigration has been treated by French political parties, starting by first explaining the current immigration policy in force. This information will give the reader a sense of how the issue continues to be linked to the ills of the country by the political parties, and to what extent they benefit from their positions.

VI. Overview of current positions on immigration of the mainstream French political parties

Footnote: See annex 4 for an overview of the French government personalities and an overview of French political parties.

A. Governmental policy in force

The current French national government policy on immigration is fundamentally based on a 1980 law that applies to the national and regional levels and has subsequently been amended by various legislative acts: 1. Control of migratory fluxes and conjointly the fight against irregular employment; 2. Professional integration and training for those who are permanent residents of France; 3. Finally, assist in the reinsertion of the individual in their original country if that is their wish. This description functions for the policies of all governments since 1980, both under socialist and center-right governments.

Despite the fact that the left-wing parties took control of the regional governments in the March 2004 regional elections (see full description below), the policy concerning immigration is not expected to change; however it is possible that implementation of those practices could be modified. Immigration policies are typically formulated on the national level, and thus by the *Union pour un Mouvement Populaire* (Union for a Popular Movement) center-right party of President Jacques Chirac and the government of his Prime Minister, Jean-Pierre Raffarain. Their position on immigration was defended during these elections, said to be a preview of national elections in 2007, and could be summarized by the law on “Mastery of Immigration” proposed by the former Minister of the Interior, current party president of the UMP, and dauphin candidate to succeed Mr. Chirac in as presidential candidate in 2007, Nicolas Sarkozy:

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“The present article, adopted without modification by the National Assembly, has the goal of completing Article 41 of the penal code, so that, when a foreigner declares to belong to one of the categories that benefit from relative or absolute protections, against a penalty of expulsion from the French territory, this person may not be required by the procurer of the Republic to prove status without disposing of an investigation permitting that individual to verify the validity of this declaration. This measure must permit judges to dispose of information on the family and social situation of the foreigner in order to judge the infraction. It corresponds to the first proposition advanced in the report by the working group on “double penalty”. (Courtois, Sommaire, Sénat Français)

In laymen’s terms, this amendment constitutes an attempt to gather more information on clandestine immigrants by allowing investigations into the personal lives of supposed illegal residents. Many civil rights groups in France denounced the action.

A second initiative proposed by the UMP was brought forth by Education Minister François Fillon. The “Contract on Integration” proposed to promote the development of youth in difficult family and living situations, and to assist female immigrants to participate in personal development and professional training. The *Haut Conseil à l’Intégration* (High Council on Integration) reported to Prime Minister Raffaran in 2004 that it applauds this proposal’s positive political choice to consider immigrant citizens and residence as full French citizens worthy of recognition through the merits of distinction and social promotion. Reactions to this proposal are discussed in section VI-C.

Most recently, the BBC News website reported that Interior Minister Dominique de Villepin announced new rules to tighten migration flows coming into France. Mr. De Villepin reported for the first time that there were between 200,000 and 400,000 illegal immigrants in France at this time. In order to curb new immigration, Mr. De Villepin said that “the rule has to be firmness.” The new measures would include tighter border controls, an immigration police, a central government department to curb illegal workers, an end to automatic citizenship for spouses of French citizens married abroad, and a list of “safe” countries whose nationals will be

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fast-tracked when applying for asylum. (BBC News [2]) Mr. De Villepin asserted that these rules, in concert with the European Constitution should it be ratified, would help to curb illegal immigration and strengthen national security. He also confirmed that there would be no mass amnesty of workers in the near future.

B. Instruments of Immigration Policy Implementation at the Regional Level:

Once a policy is legislated at the national level, the implementation and administration of immigration issues are sent down to the regional level, with responsibility for the treatment of dossiers falling to the “*préfecture*”, a sort of regional Immigration and Naturalization Service, which deals with most social service requests – naturalization, asylum seekers, employment services. A recurring debate in the regional politics concerns whether or not dossiers should be treated individually (that is noting special circumstances in each dossier, which is the case today), or if there should be a standardized treatment for all applicants regardless of special circumstances. (Peignard)

One interesting structure on the French local level is *La Direction Interregionale du Contrôle de l’Immigration et de la Lutte Contre l’Emploi des Clandestins* (DICCILEC – Inter-Regional Regulatory Commission on Immigration and the Fight against Illegal Employment) whose goal it is to:

Enforce laws relating to trans-border circulation of individuals while coordinating with the actions of the National Police force in regards to the fight against infringements related to the entry and stay of foreign individuals in France. In the Rhône-Alpes/Auvergne regions, the DICCILEC is represented by the Interregional Bureau and has establishments in the departments of the Rhone, of Ain, of Savoy, of Haute-Savoie, of Isère and Puy-de-Dome. The DIRCILEC intervenes mainly via the Mobile Brigade of Interregional Research (BMRI) which, in the interregional plan, works to curb irregular immigration and the employment of clandestine workers, the fight against document fraud, and carries out the identification of prisoners who are the subject of prosecution by the state,

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to facilitate individuals return to their point of entry. It also has responsibility for police force.

Unlike most of the other EU member States, France has no municipal population register to which everyone, whether foreign or not, must report their arrival in the “*commune*” [the smallest administrative subdivision in France].

Statistical data are dispersed between different government departments, and serve different purposes:

- INSEE (National Institute of Statistics and Information about the Economy] conducts the population census;
- OMI (the International Migration Office) registers arrivals;
- the Population and Migration Directorate records the number of naturalizations;
- OFPRA (French Office for the Protection of Refugees and Stateless Persons) deals with asylum applications;
- the Ministry of the Interior issues residence permits;
- the Ministry of Justice is responsible for acquisitions of nationality;
- and INED (National Institute for Demographic Research) presents to Parliament an annual report on the demographic situation.

These institutions use different terminology and figures and analyze different variants. It is therefore difficult to use them to draw up statistics on immigrants. (Peignard)

From this outline of national and local immigration policy in force, I will examine the positions of the political parties in the issue, and how it was used during the French regional and local elections of March 2004. It is evident from what I have presented up to now that the scattered bureaucracies in the French system do not facilitate normalization of immigrants.

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Furthermore, the manner in which records are kept, institutions are specialized, and programs are administered creates a situation that complicates integration because one does not possess the knowledge to navigate the appropriate channels to secure services. In the next section, we will examine the positions of the ruling party on integration and immigration, and how the opposition parties propose to change those policies.

C. French Parties on Immigration:

1. The Ruling Party: L'Union pour un Mouvement Populaire (UMP)

Essentially, the Sarkozy amendment aims to render available the means of controlling immigrant flows, in particular those that are illegal and clandestine. The ruling UMP party has come under criticism for this amendment from all sides of France's political spectrum. The criticism brought on the government by the Front National, France's insurgent extreme-right-wing party led by long-time national political figure Jean-Marie LePen, contends that Mr. Sarkozy had another objective with this law: "it trades less clandestine immigration for more regular immigration." (Le Front National) This quote, surprisingly, was not a position of the FN, but came from Mr. Sarkozy himself at the time of the debate in October 9, 2003 in the French Senate, according to FN's website. On the same occasion, Mr. Sarkozy expressed his desire to see more granting of visas to foreigners, especially to Algerian nationals. (Le Front National)

For Mr. Sarkozy, while France must regulate the situation of illegal immigration, it should be recognized "that we need foreign workers; that we must continue to accommodate; that these workers will have legal papers because we will have chosen to have them on in our country" according to an interview given by Mr. Sarkozy to *Le Monde* on July 03, 2003. He aimed with this interview to create for himself a middle way between the partisans of the FN

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and, on the other hand, the integrationist advocates who use human rights documents as their basis for the struggle. The reality, according to Mr. Sarkozy, is that France cannot accept everyone, "and not to understand this reality, it is too damaging to all of the foreigners who have reached this country and live legally in France." (*Le Monde* [1])

The UMP proposes various solutions to this question in their political platforms. In the platform for 2006-7, they wish to act in favor of the social advancement of the immigrant children while they propose the law on "Immigration and Residence" that elaborates that the best way of fighting against immigration problems, especially clandestine, is to know your enemies, which Mr. Sarkozy as a presidential candidate might propose to accomplish through more information-gathering interviews.

Many UMP personalities spoke about the law and immigration in the French press like Christian Estrosi, a UMP Member of Parliament, who said on July 8, 2003 that France offers the same benefits as other countries like the United States. Should one have the choice of benefiting from the economic and social advantages that we have in France, before he or she is worthy to be a French resident or embodying "French-ness?" said Mr. Estrosi. However, his colleague Thierry Mariani, sponsor of the draft law, said the same day that "we refuse that only the fact of being a father or a mother of a French child should open an automatic right to residence and citizenship. The benefit must be reserved to parents who take direct responsibility of their children, and their financial wellbeing calculated according to their incomes and other forms of participation in childcare and education." (Act-up Paris)

Mr. LePen of the FN is right to point out that the current position of the UMP is in conflict with the traditional party line position on the issue. Instead of their old position of exclusion and closed-door toward immigrants, the UMP currently preaches such a position:

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As long as migratory flows remain oriented toward qualified labor, which is the subject of an increasingly sharp competition on the world market, France and other European countries shouldn't close their doors to qualified foreign nationals from the developing world. It is thus necessary, with the example of the other large industrialized countries such as the USA and Canada, to liberalize the recruitment of highly qualified graduates. But it is then necessary to facilitate using various tools of assistance in investment, the attribution of permanent visas, or the provision of return tickets between to return to their country of origin. (Weil)

It should be said that the law on the immigration proposed by the UMP is a rupture with the old position, but this rupture is thought to be discussed only in the deepest annals of the party. Publicly, they present a unified face. One can also find the party platform of the UMP on immigration on their website. (See "Other Resources" in the bibliography)

2. The policy of the parties in opposition (general presentation)

In order to better understand the orientation of all the parties on immigration, it is necessary to present the positions of each political party before being further synthesizing the positions taken during the campaigns of 2002 (presidential and legislative) and of 2004 (regional).

2A. The Socialist Party (PS):

The position of the PS is a little hard to distinguish because their political program addresses this issue very little in a distinct way from other issues. Like the majority of the left, they historically have proposed an immigration policy that tries to justly integrate legal and illegal immigrants as long as immigration does not weigh negatively on employment rates for French citizens. The PS Marxist/leftist orientation demands respect for human and worker's rights in the discussion. That said, the party's mainstream position has compromised the

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fulfillment of their promises to immigrant communities. The majority of immigration legislation in effect today originated under the Socialist President François Mitterrand (1980-1995), but it should be noted that President. Mitterrand often was forced to share his power with opposition right-wing prime ministers due to a quirk in the French political system that allows for cohabitation of two parties in power depending on who is in control of the parliament.

In the past ten years, the Socialist Party has been divided among itself on various issues. Immigration is no different. While they generally promote integration and respect, they do not seem to agree on the means by which this should be accomplished.

2B. The Front National (FN):

This party is often caricatured, undoubtedly with reason, as being the party that promotes anti-immigrant, xenophobe, and isolationist policies. The leader of the party, Jean-Marie LePen, is quoted as saying "No foreigners, with or without papers" – position that he confirmed quite dramatically during a 2004 campaign debate on the France 2 television program, "*Cent Minutes pour Convaincre*" (One Hundred Minutes to Convince), the aged LePen exchanged tense words with a young immigrant man from Sub-Saharan Africa on the issue of treatment of recent immigrants by partisans of the FN (which consist of undocumented claims of violence and discrimination). The political weight of the extreme-right is often cited as being particularly strong in the Rhône-Alpes region due to the cohabitation of large immigrant communities in the Lyon suburbs and affluent families historically tied to the old French royalty. However, one saw at the time of the regional elections in March 2004 a reduction in votes going to the FN clearly in favor of the moderate and extreme-left wing parties, whose aims are to create a socially just society in which pluralism is valued in the political discourse. Like most urban centers in the US,

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these two groups are isolated from each other, and the urban dwellers historically express more leftist voting tendencies.

On the topic of immigration, Mr. LePen contends that the government privileges "foreign residents in regards to housing. The apartments currently under construction "will immediately be occupied by foreigners benefiting from housing subsidies." In an attempt to soften his public image, he gave in interview to *Le Monde* in the March 17, 2004 edition that, like many other interviews, conflicts with his past statements. In this article, Mr. LePen affirmed that he had never levied "an attack against the immigrants as such." Mr. LePen went on to deplore "the crushing load of immigrants that explains the descent into economic and social hell in which we currently exist in France". (*Le Monde* [2]) The FN program on immigration still criticizes the "Sarkozy Law," by saying that Mr. Sarkozy betrayed right-wing voters by proposing and passing the law and continuing in his current actions: "the purpose of the law is not to stabilize, and even less to slow down, immigration in France. Quite to the contrary, it organizes massive immigration." It should be noted as well that the FN claims that the government initiative titled "The Contract of Integration," proposed by François Fillon, UMP Minister of Education, will "give recent arrivals a guidebook to benefit from all of the social advantages and services that French citizens fund!" (Le Front National)

2C. Left-wing parties: i.e. the Green/Ecologist Party (Verts), the French Communist Party (Parti Communiste Français – PCF), and the extreme-left parties: La Lutte Ouvrière (Workers' Struggle), La Ligue Communiste Révolutionnaire (LCR) and Parti Radical de Gauche (PRG).

Their positions converge on a rather homogeneous conclusion concerning policies on integration and on immigrants. However they arrive at these conclusions through singular

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analyses: The Greens, having published several tracts on this question, have undoubtedly a more developed position than other parties. Their position is summarized here:

Immigration policy is one of the priorities of political ecology, as much on the level of our nation, as on the European Union scale. Our immigration policy must be built around a social project based on solidarity and cooperation for sustainable development, and on the other hand, on respect of the principles of the Universal Declaration of the Human Rights. Because this all relates to sustainable international development, equality and democracy, questions of asylum and immigration are at the heart of the political project of the Greens. An immediate rupture is essential with the current policy of the right-wing, which cumulates in repression and populism. Our duty is to impose our vision of a society that organizes together in a democratic and fraternal way. (Verts)

The Greens often cite a study made by the French National Institute of Demographic Studies that presents five generally accepted, but misinformed, ideas on immigration. Among these ideas are that "France would be a country "massive immigration" with more European integration", that "innumerable irregular immigration flows would commence," and that "to accommodate immigration, it means accommodating the 'misery of the world'." In their attempt to dispel these myths, the Greens promote a position on immigration that would facilitate the integration of the new immigrants instead of throwing them into the misery of clandestine lives or poverty.

In the discourse of the PRG, they criticize new laws and positions proposed by the traditional right-wing while saying concerning Mr. Fillon's "Contract on Integration" that "this contract, which breaks in a very clear manner with traditional right-wing agendas in regards to immigration since it breaks with their famous principle of "zero immigration zero," does not appropriately envisage immigrant voting rights and the rights of immigrants to stand in local elections" The PRG asserts that those who are affected by this law, the immigrants themselves, "hesitate between satisfaction and mistrust with respect to this contract. Where some see there a

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hope of "officialization" of their integration process, others fear that it is a device of "control and exclusion" disguised in the language of reform..." (Parti Radical de Gauche)

For the PCF, they define their position on immigration with these distinctions in order to concretize the statuses of migrants, and to redefine rights of these populations and their children:

A) **Naturalized migrants**, thus **French** (within the meaning of the law) full citizens, and eligible voters.

B) **Foreign migrants** (not naturalized) who do not have voting rights. They participate in social citizenship activities (work, right to belong to trade-unions and associations...) but they are still excluded from political citizenship. We ask for their voting rights and eligibility to stand for office.

C) **Resident foreigners** who have the voting rights and eligibility to stand in local elections (municipal). This is a limited citizenship, even if that citizenship constitutes a beginning of recognition of the "citizenship of residence," which attempts to disconnect "nationality citizenship" and "political citizenship"

D) **Children of migrants**, "second generations": French for the majority, or sometimes foreigners.

As for third-country nationals, "the current law recognizes access to citizenship only, starting from acquired nationality, i.e. if they are naturalized, or have dual nationality, which is the case for a number of Algerian-French" The PCF values immigrants for their place in the fight against discrimination of the global proletariat and their commitment to social justices issues that they face daily. (PCF, Commission Immigration)

In the discourse of the extreme-left, their programs put immigration in the heading of the neoliberal exploitation of the workers of the world. Their position on government policies

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typically critiques immigration policies as exploiting the global working class, exacerbating the effects of neo-liberal capitalism and globalization.

3. Summary of the Positions

Starting from this overview of the policies of the mainstream French parties on immigration, we will try to synthesize how the political discourse corresponds or not with the concern of the voters and the French citizens. Admittedly, the results of the last regional elections did not rest on the question of immigration, but the parties used it as explanation for the troubles that currently plague French society: job loss, housing crises, health care crises, and finally the crime rates. It was apparent in these regional elections that the majority of the groups voting on the left expressed the desire of having a more compassionate and integrationist social and economic policy toward immigrant in order to tackle the troubles that face France. Obviously, the measures taken by the government on immigration legislation played badly with those voters who expressed a sanction vote against the government in the 2004 regional elections. After having reduced the electoral influence of the FN, the governmental majority left these elections with a clear message from the voters: we are not satisfied with your management of the State on social and economic matters, and we want a change of policy now. Whereas the regional elections, normally, do not have a real effect on national policy, these last elections foreshadowed future elections in 2007 and could affect the actions of the Jean-Pierre Raffarin government on national immigration policy so as to preserve their power base for 2007. That said, most right-wing candidates during the recent campaign attempted to link social problems (employment, health, social security, etc.) to one root cause: immigration. The leftist parties, currently in power at the regional level, do not have enough political weight at this time to be heard by the government on the question of immigration since their influence plays out only at

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the regional level where immigration policy is only implemented. In short, the leftists cannot put into action their policies of integration unless they take power in the legislative or presidential elections in 2006 and 2007 respectively. In the meantime it is necessary that the French understand what is already on the books and the reason for which such policies were selected.

As we have seen, the right-wing parties in the French system have attempted to take the moral high ground on immigration in order to gain the confidence of a citizenry unsure of its benefits. However, the discourse of the right-wing has maintained the characterization of immigration as the root cause of high unemployment, and health and social security system strains. In the next section, I will show how immigration's characterization has been perpetuated in the media and explored further in the regional elections of March 2004.

VII. The Media, Immigration, and Elections

Survey: CSA

The independent French surveying group CSA (not an acronym) conducted an investigation in partnership with *Le Parisien* and *Aujourd'hui en France* newspapers asking individuals their opinion on "The French People and Government Policy on Immigration." Taken between March 5-6, 2004 by telephone with a representative national sample of 1,000 people aged 18 years and older, and constituted using a method of demographic quotas (sex, age, profession of head of household), the investigators asked a characteristic question of the greater issue of immigration: "Following Jacques Chirac's trip to Algeria, do you support the decision of French authorities to allow Algerians who would like to live in France to have legal status?" The results followed a line that corresponds exactly with the political orientation of the respondent: 21% of sympathizers of the left-wing parties would like to see more visas given out to Algerians,

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compared to only 7% of those sympathizers of the right-wing parties and 0% of those who are sympathizers of the far-right parties FN/MNR. One must note that the responses vary strongly depending on the rate of foreigners who reside in the community of the respondent: basically, the more foreigners living in the community of the respondent, the less sympathetic to immigration is the respondent. (CSA)

One issue that became prominent during the regional elections in France concerned the eligibility of candidates who are recent immigrants. *France-Echos*, a French national financial newspaper, reported that these candidates were angry at the mainstream parties who would not take them on as candidates. The exception to this trend of refusal of immigrant candidates has been the far-left and certain sects of the mainstream left-wing parties, who have shown a willingness to correct this “injustice.” In comments to *France-Echos*, which speak for themselves, Christian Philips, a deputy in the National Assembly for the UMP, asked very pointed questions of these immigrants: “Why do the North Africans and other immigrant communities have such a problem finding their place in our society? This societal question reoccurs many times, and a question that the mainstream parties have trouble answering. Demographic evolutions have created a situation where immigrants from North Africa, and particularly those of Muslim descent, are asking these tough questions of the majority. This could lead to the creation of fragmented and issue-based parties in the following years who will present their lists, become elected, and modify our laws in all legality.” (Parker) Such comments characterize the populist discourse led by the right-wing parties.

France lags behind other western countries such as the UK, Canada, and the United States in the parity of “*minorités visibles*” or visible minorities in posts in the government, the media, or in universities. Recently, there has been a visible campaign on the part of the government to

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change that. A story about the first “prefect,” or low government official, from an immigrant community during 2004 embodied these efforts, and the rhetoric behind the story was obviously geared to show to the public that something was being done to correct this problem. The case of Aïssa Dermouche, the above mentioned prefect, cannot be seen as a trend for a new compassionate France that values *deep pluralism*, and should be seen only as a token case. Mr. Dermouche came from Algeria at the age of 18 and had a brilliant career in the French university system. He was named by the Council of Ministers of Nantes to be the High Commissioner of Trade. Notably, he is not the first Muslim prefect. Since this story came out in January 2004, no more press has been focused on immigrant government officials. Coincidence or not, January 2004 was the same month that the French government was answering questions about visible minorities when several EU-wide studies showed France to be near the bottom of countries in diversity in the aforementioned areas. (Faubert)

The French media’s lack of attention to the root causes of immigration and lack of visual representations of the diversity of the population on television have given citizens the illusion that France is still a predominantly Catholic, Western European, and moderately affluent country. This illusion has created electoral backlashes on the mainstream parties that has by and large benefited the extreme-right party *Le Front National*. Until the March 2004 election, *Le Front National* has seen large electoral gains in every election since the 1970s, showing that the party’s hard-line stance on immigrants and migratory flows has brought the support of many segments of the population convinced that the French “*civilisation*” has been corrupted by these new influences.

Only in the March 2004 regional and local elections did *Le Front National* lose support for its positions, while the left-wing marked gains in support across the board. In the following

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section, I will examine how the left-wing parties reversed the political course and what that could mean for immigration policy.

VIII. The Results and Policy Implications of the May 2004 French Regional Elections

We saw two instances where the French and European citizens were given the opportunity to express their desire for a “Social Europe”, as the European Left (socialists) called it in their campaign literature, or a Europe of Nations, Europe of Nationalism, or a Europe of Isolationism. The first for France were the Regional Elections held in March 2004. The second were the European Elections in June 2004. The wild cards were certainly the new European states that had no history in the European electoral politics. Overwhelmingly they showed that they were more comfortable with their nations as they are, and decided to elect right-wing and anti-European parties to the EU Parliament.

Leading up to the French regional elections of March 2004, the government took criticism from opposition parties for their perceived attempts to “legislate culture” and create friction between minority communities (particularly Jewish, Muslim, and Catholic divisions). New social policies on the wearing of Islamic headscarves in schools were particularly attacked by the left-wing as a sign of limiting of the freedom of expression of French immigrants.

In the March 2004 French regional elections, the coalition of the Socialists, Greens, and Communist party delivered 20 of the 22 French metropolitan regions in to the hands of the unified left. In certain regions they ran on the same lists, others they did not. Corsica and Alsace regions were the only two regions to remain in the control of the right-wing parties. This meant that for many regions, the left would assume political leadership from the UMP or UDF parties and would be able to organize a counter-balance to the national government in Paris. The new

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regional governors promised to promote social and political agendas that they had showcased during the campaign, including the immigration policies covered in the section above. Many media outlets called these elections a preview for the parliamentary elections to take place in 2006 and the presidential election scheduled for 2007. If the left-wing parties can remain united, present strong candidates in these elections, and implement the policies they promised on a regional level, they stand a good chance of retaking the parliamentary majority from the UMP and UDF in 2006, thus forcing President Chirac to name a left-wing (probably Socialist) Prime Minister, and a period of cohabitation in the government would reign until the Presidential elections. Unless these events come to pass, it is unforeseeable that the UMP government under Mr. Chirac and Prime Minister Raffarman will change their position toward immigration and integration, and will continue to push new laws on immigration in the same vein as previous reforms. (*Le Monde* [1])

France followed the same tendency as the Regional elections nearly exactly during the June 2004 European Elections. The Socialist Party came out on top, followed by a near tie between the UMP and UDF (12%), and the surprisingly, yet predictably high score, of *Le Front National* (7%). The French Green Party (*Parti Vert*) joined with the French and European Socialists and the European Greens to promote a program during the elections that privileged a true European-wide program on social issues such as the environment, immigration policy, health care, education programs, and renewable energy. (*Le Monde* [3])

Despite the electorate's shift toward left-wing parties in the past two years, the French government will continue to address the policy issues on which they have focused in the past seven years: clandestine immigration, preservation of the French language in schools, *laïcité* - or secularity - which will all be expanded upon in the conclusion. At this point, the continued

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strength of Le Front National in national politics continues to be a hot topic of debate in France.

It is conceivable that their loss of support during both of the elections held in 2004 could signal a loss of support in general because typically voters are more likely to support fringe candidates in local and regional elections than they are to vote for a fringe candidate on the national stage.

In the next section, I will examine the positions and results in the context of integrationist recommendations for a more just and equal immigration policy.

IX: Immigration and Integration

In this section, we will explore the issues of integration facing immigrants in France and Europe before transitioning into a discussion specific to EU institutions.

A. The Political Framework of Integration: Three Models:

While immigrants tend to remain attached to their community of origin, their participation in civic and community life nevertheless is significantly shaped by the cultures and economies of their host countries. There are three primary models for integration that can be applied to countries built on immigration and countries which, historically, tend to avoid immigration:

- The so-called German ethnic model according to which nationality is conferred chiefly by descent (*jus sanguinis*), language, culture and religion; foreign "ethnic" groups are regarded as being impossible to assimilate and the policy does not therefore aim to transform them into nationals;
- The so-called French "political" model, according to which nationality together with citizenship is based largely on acceptance of the *droit du sol*, which is a combination of

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residence and *jus soli* [place of birth] and in which "ethnic" identities are confined to private life rather than spilling over into the public sphere (secularism); the implicit aim is the individual integration of each immigrant by schools and other institutions;

- The British/US model in which minorities are recognized (in community life, but not legally) as political players; here, ideological differences may lead to collective forms of segregation: ethnic neighborhoods, and segregation in social activities and in the workplace. (Peignard)

B. Integration Issues: Cultural Distance, Discrimination and Racism

Once admitted to the host country and stabilized in family situations, employment, and housing, new immigrants to countries like France face the beginning of a challenge that is arguably greater than the largely bureaucratic process of gaining admission and securing employment: issues of integration. The question of how these families and groups of immigrants, typically leading lifestyles that differ significantly from their French counterparts, integrate into existing social structures, communities (religious, social and civic), and attitudes can be a daunting challenge. The question no longer pertains to maneuvering through guidelines and procedures, but now relates to interacting with a culture different from one's own. Attitudes, beliefs and stereotypes among the natural-born French populace show many of the same tendencies as other industrialized countries with large immigrant communities, and therein the unfortunate possibility for cultural distancing, discrimination, and racism. Those in the process of integration face particular hardships in times of economic downturn, of external conflict (such as wars), and today with the predilection toward stereotyping Muslims or Arabs as subscribing to notions of "jihad" or holy war against western countries. Certainly, the United States is the largest case study for such integration issues, and has continually revealed itself as not being as

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tolerant as we would all like it to be (detention of Japanese-Americans during the Second World War, and current detention of “terror suspects” at Guantanamo Bay, Cuba).

Noiriel explains that the problems of integration of immigrants can be explained by the notion of “cultural distance,” which is a term that describes many different types of situations from language barriers to cultural practices. Immigrants do not have access to cultural understanding of what makes France proud to be French, above all on the question of mastery of the language (as I, a foreign student living in that country could attest to!) Immigrants who emigrate from former French colonial holdings have the greater advantage of having lived in facsimiles of metropolitan France; most former colonies have retained the French model of governance, the French language, and educational systems in one form or another). On the other hand, Noiriel contends that colonial succession left indelible resentments in the minds of the French population. The case he points to above all is that of Algerian immigrants who fled the country after the Franco-Algerian War, which forced many white/European natives of Algeria to flee to metropolitan France. Cultural distance does not necessarily exist in every immigrant to native French person relationship, but has particularly been exacerbated over the years of continued urbanization that have led immigrants to be concentrated in large urban suburbs (*banlieux*), isolated from other communities.

Many academics will contend that the second generation, i.e. children of immigrants will not have problems integrating into their parents’ host countries. The scholarship is not well developed in this area. Many anecdotal conclusions however may point social scientists in the wrong direction: Despite speaking French fluently, children of immigrants in suburban neighborhoods may speak invented “street languages” like one called Verlainne. Religious interest, coupled with lack of religious authority in Muslim communities and frustration with

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French national policies and law-enforcement, may lead individuals to join fundamentalist movements (more research on this is scheduled to come out in 2005-2006 following the Madrid commuter train bombings of March 11, 2004).

Integration initiatives, that is initiatives to assist new arrivals to secure employment and provide an education for their children, are seen by many French politicians and citizens groups as contrary to the Republican tradition of France. According to Peignard, public policies cannot take account of nationality of origin; measures discriminating positively in favor either of foreign immigrants or of French people are not admissible. Foreigners enjoy civil, social and economic rights on a par with those of national citizens; political rights (the right to vote and be elected) are confined to the latter.” (Peignard) This argument’s validity is significantly challenged by France’s highly developed social assistance programs such as social security and housing subsidies that are available to French citizens, resident workers, and even visiting students. If opponents of integration initiatives were to take their argument to its logical end, they should call for the end of these programs as well. Key issues that currently remain unresolved in the French society concern mostly education and language. Will the French government subsidize the education or professional training of immigrant families so as to boost their usefulness in the national economy? Will French remain unchallenged by other languages such as Arabic and English, languages which are spoken by the majority of African migrants? French attitudes toward language suggest that the country will take a similar stance as the USA on the language – Either learn our language or go home.

Perceptions and attitudes toward immigrants perhaps pose the largest challenge to integration. Discrimination and racism should be considered more dangerous to the society than an individual immigrant’s lack of education, qualifications, financial resources, and social

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problems. Once a culture of discrimination is installed and tacitly reinforced by institutions, the trend becomes much harder to reverse.

While openly discriminatory practices are illegal in France, immigrants experience discrimination in job searches in the form of a discreet comment or offer. Unfortunately, the statistics concerning the number of legal convictions on job discrimination do not reflect the full picture of the problem: 74 in 1995 and 81 in 1996.

Individual, institutional, and structural forms of racism toward immigrants trace their roots to a rich, but conflict-ridden history of colonialism between France and the developing world. In the past five years, immigrants from North Africa/Maghreb (Morocco, Tunisia, Algeria primarily) have been the targets of racism because of resentment from past conflicts and current tensions related to the “War on Terrorism” and the suspicion of Arab and Muslim peoples as terrorists. Public opinion surveys, reported by Peignard, conclude that “support for Islam, which many people consider impossible to integrate into French civilization or at the very least to be incapable of embracing a secular culture, but that is nevertheless France’s second religion, is perceived in the worst of cases as a challenge to the national tradition of integration.” Visible differences in customs and lifestyles amplify the distance and “feeling of foreignness,” which many saw as the logic behind banning all visible forms of religious expression from schools – thus putting the Islamic head-scarf on national trial.

After the discussion on integration is wrapped up for the day, many questions remain. If terms like “inability to integrate” and “cultural distance” are devoid of sociological meaning, and that periods of heightened xenophobia such as the one in which we are living today are the only times that we talk about the inability of immigrants to integrate, do most immigrants just integrate without problems during times of low xenophobia? I will address this issue more in the

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conclusion; however, I believe it is naïve to ignore cultural biases and institutional/structural racism inherent in most affluent industrial countries when talking about the integration of foreign-born persons. (Peignard)

C. French Muslims: A Brief Case-Study

In this section, I would like to expand upon place and attitudes of the growing Muslim minority in France, and the problems they face in the integration process.

French Muslims, whether foreign-born or natural-born French citizens, make up 10% of the population as stated in the demographic statistics above. Between 1974 and 1983, the population of Muslims entering the French territory from the Maghreb rose by 2.15% each year. In the last decades of the 20th century, French integration policies for Muslims had mixed results. “The presence of Muslims in France became a subject of preoccupation of the French political classes. However, their participation in the gross national product of France was never taken into account when formulating national integration policy. Despite that, Islam can be capable of bringing a strong cultural piece of the French puzzle.” (Boubakeur, 2) Dr. Dalil Boubakeur of the Muslim Research Institute of the Paris Mosque has written extensively on Muslims in France, and he contends that if integration of Muslims in France has experienced problems that have led to greater marginalization and discrimination of Muslims, pushing them into isolation, it is because the equality of opportunities given to Muslims have never been assured. His contention is that even though government texts proclaim humanism and equality, the practice of these policies constitute a contradiction of the goals of the French nation.

Just like all minorities in France, French Muslims fit into all sectors of the economy and society: they are technicians, engineers, teachers, researchers, lawyers, artists, business people,

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merchants, and doctors. Dr. Boubakeur states that he tends to agree with recent studies by the French government that have proposed that immigration is the only way to shore up the demographic losses caused by the reduction in population and birth rates caused by the aging of the baby-boomer generation. (Boubakeur, 3) However, he warns that further marginalization of the Muslim population could produce political extremism when it comes to mainstream political parties, and religious extremism when it comes to isolated Muslim communities. However, he wonders if the governing class understands fully the stakes of immigration and isolation of communities. (Boubakeur, 3) He implores French politicians to take conscience of the fact that French Muslims are participating in the construction of the current French society and the future of Europe, and that these communities must be treated with respect and dignity, and not treated like merchandise for electoral campaigns to be used in perpetuity.

French newspaper *Le Point* partnered with the surveying group Ipsos and the television station LCI to conduct a survey on attitudes toward Muslims in France in May 2003 entitled “Islam, Integration, Immigration.” The question asked, “Are the values of Islam compatible with the values of the French Republic?” The result registered as 31% of French responding “yes” and 62% stating “no” with 7% undecided or no opinion. However, despite this result, the survey also reported that 50% of French were in principal favorable to the construction of new mosques in big cities according to the *Le Point* survey, against 43% in favor according to a May 2000 survey in *Le Figaro*. In addition to this contradictory finding, 61% of people surveyed agreed with giving foreigners, defined as non-EU citizens, the right to vote in municipal elections, while three years ago the number was 50%. Still, 59% of individuals surveyed are in favor of immigration quotas for Muslims, and 55% of individuals had confidence in the government to effectively integrate Islam into the Republic. (*Le Point* Sondage)

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Factors including perception, portrayal, and policy have converged in the French nation to create the divided and indecisive atmosphere that French Muslims face today. It is clear that no one attitude prevails, and that citizen opinion is split and often contradictory when it comes to weighing in on Muslim and immigration issues. There is one segment of the French populace that is unified in its opinion, and that is the Muslim community: led by the *Conseil français du culte musulman* (CFCM – French Council of the Muslim Religion), they express precisely the opinion of Dr. Boubakeur that they want to be treated with dignity and not as objects of political campaign capital. However, the statistics suggest that Muslim immigration to France is steady, while the French population is in decline. It is possible that native French may be reaching what has been called a threshold of tolerance and that racist and xenophobic action may reappear soon.

X. The Threshold of Tolerance for France and Europe

The continued debate in France and Europe over pluralism, diversity, tolerance, and acceptance concerning newly integrating populations of immigrants has raised many different questions. Is there a glass ceiling, upper limit, or threshold of tolerance against which European societies are going to hit in the next decade, leading to social unrest and new anti-foreigner movements? We will conclude this discussion on France and move on to the European Union on the words of the late Jacques Derrida, a 20th century French philosopher committed to social justice who recently left this world, concerning the limits of diversity:

“In France, the phrase “threshold of tolerance” was used to describe the limit beyond which it is no longer decent to ask a national community to welcome any more foreigners, immigrant workers, and the like. Francois Mitterrand once used this unfortunate expression as a self-justifying word of caution: beyond a certain number of foreigners or immigrants who do not share our nationality, our language, our culture, and our customs, a quasi-organic and unpreventable – in short, a natural – phenomenon of rejection can be expected. I had at the time, in

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an article published in the newspaper *Libération*, condemned this organicist rhetoric and the “naturalist” politics it attempted to justify. It is true that Mitterrand later retracted this language, which he himself deemed unfortunate. But the word “tolerance” ran up against its limit: we accept the foreigner, the other, the foreign body *up to a certain point*, and not without restrictions. Tolerance is a conditional, circumspect, careful hospitality.” (Borradori, 128) [italics in original text]

The tolerance question is raised both with immigration issues as well as intra-European migration, unification, and integration. As the EU expands to include more and more countries on the continent, the question remains for French at what point does integration stop and national protectionism become necessary in order to maintain the integrity of the nation? In the next sections, I will step out of the French context and into the EU debate over integration and inclusion – examining whether or not the EU institutions are committed to reforming and strengthening pan-European immigration standards. And if the EU institutions can maintain the legitimacy needed to address such a contentious issue, will it insist on creating a just policy that honors the values of the EU’s basic texts such as the Maastricht Treaty?

XI. European Union: Background on the Supranational Experiment

A. Résumé of the European Union since 1990

Footnote: See Annex F for the map of the “New European Union”

Why discuss the commitment of the EU to immigration reform when this project has already discussed at length the case of France? As I stated in the introduction, the future relevance of the role and influence of national governments will be greatly challenged by further integration of EU member-states into the supranational framework of EU institutions. While nations like France can today control their own policies on the subject, future configurations of the EU aim to unify regulation of migratory flows, asylum and immigrant quotas. It is entirely

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possible that, despite the wishes of French citizens and citizens of other countries to impose strict migration standards, the nation will be forced in the future to compromise its control over the subject in order to continue to participate in a unified European polity. In the following sections, I will examine the EU, its problems, and its commitment to implementing reforms given the Union's lack of credibility vis-à-vis European citizens. While I must leave a discussion of the credibility gap of EU institutions to another analysis, suffice it to say, the rise of right-wing isolationist movements in many European countries, such as *Le Front National* in France, speaks to the discomfort many citizens feel toward the EU integrationist high-speed train. Since the fall of the Berlin Wall in 1989 and the subsequent crumbling of the Soviet Union, western Europe has opened up to greater rates of immigration from former communist countries of the east, refugees fleeing violence in the middle east, and individuals seeking a fresh start from former French colonies in northern Africa. The influx has given rise to a plethora of social issues that span from jobs to health care and how the European Union, so named by the Maastricht Treaty of 1992, countries are to deal with their new citizens. The French case is seen by many as representing the extremities of both ends of the social spectrum supporting and opposing immigration, the reason for which it was interesting to research the national debate. A supranational debate has opened up on the scene of the EU on immigration policy unification and reform to be applied across the 25 country union. In this section, I will speak largely of the EU as it existed before May 2004 as a union of 15 members. The majority of the scholarship focuses on the experience of these countries and their interaction. However, the expansion of the EU to include the poorer former communist states of Eastern Europe has raised new issues about internal migration and further expansion (notably into Turkey) and the effects those courses of action would have on the "core" countries of Europe.

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The European continent, the so-called cradle of Western Civilization and birthplace of democracy, set out to achieve a new political benchmark in the second half of the 20th century: the unification of a diversely populated continent under the banner of one supranational “government.” In effect, the EU integrated nations of unique cultural, economic, and political backgrounds under the auspices of a single European government. Despite the socioeconomic and political upheaval of the past half-century, the EU managed to form a 15-country union (25 after May 2004), introduce a common currency among 12 of the 15 adherents by 2002, and create a single European authority that is gradually gaining power throughout the continent. At 1992’s signing of the Maastricht Treaty, the member countries of the EU committed themselves to “advance European integration.” This goal, despite all of their progress, still has significant obstacles in the way to its realization. In order to achieve the goals set out in the Maastricht Treaty, the European Union must overcome the economic disparities between nations, the political opposition to a single, overseeing European government, and facilitate the reunification of a culturally divided post-war Western and Eastern Europe. (Apap, 1)

The challenges of unification are concentrated in the same three areas previously discussed: economically, politically, and culturally. On the economic front, the EU has made the most progress to date. Since the organization started out primarily as an economic community, the focus of the policy has been to strengthen that area before all others. Politically, the institutional framework of the Union is at question: how can the EU “enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them.” (Maastricht Treaty) The EU system rejects systems based on arbitrary and irrevocable decisions by state and party authorities who see themselves as infallible, which the Communist governments in Eastern Europe typified

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in the latter half of the 20th century. The most politically important question is how the EU will integrate former communist countries with minimal democratic histories into their system. When the time comes, will they be averse to breaking what has become the standard make up for an EU member country: mostly white, Christian, and economically middle-class? Will countries with majority Muslim populations like Turkey and Albania be welcomed into the Union? The EU will not last as an inclusive body if they don't address the Eastern Europe question. Culturally, the union desires "to deepen the solidarity between their peoples while respecting their history, their culture and their traditions." (Maastricht Treaty) What then constitutes Europe, and how far does it reach? Can Europe be in Turkey, Algeria, Morocco, or even Russia? The definition of "Europe" largely depends on cultural criteria today, but must one be Christian, white, capitalist and middle class to be European? If a country was behind the Iron Curtain during the Cold War, can they be considered part of Europe? Who is right?

My own thoughts correspond with how the French view their culture: if one embodies European political and economic values, in other words meets the criteria to be in the European Union, one can be European. Europe is not only a place but also a way of thinking and leading life. Europe is at peace, inner turmoil is as low as ever, and a well-educated populace is participating together in the European experiment. The EU, as I see it, will leap over a whole epoch form into a single government representing all of the member nations in the areas of the economy, foreign policy, environmental issues, and to a certain degree international justice. The only way that they can fully achieve those goals, however, is through the integration of all the states contained within Europe, and perhaps some in the periphery as well. Over time, as they come to meet the criteria, states like Turkey, Serbia, and Croatia need to be admitted to make the organization's statement of inclusiveness a reality.

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In the 21st century, those countries with the strongest economies and greatest technologies will vie for world power. The European Union has worked since the 1950's to make sure the continent does not get left behind. The many obstacles facing the EU are daunting, but the Europeans seem determined to overcome these barriers like the many others they have taken on before.

XII. The General Problems of the EU:

The European Union, like any democratic institution accountable to its people, is the subject of open, vigorous, and contentious debate across the continent – in member countries and non-member countries alike. Questions continue to be debated over the future admission of countries, single market and currency issues, national sovereignty issues, and debates on unified immigration policy, foreign policy, and civil rights policy. While the tendency toward further and further European integration has characterized EU politics in the past 20 years, serious challenges to the advantages and effectiveness of that integration are commonly brought on the European institutions by all sides of the political spectrum. From these deep questions about European identity came the proposal by prominent European politicians Jacques Delors, Valéry Giscard d'Estaing, Helmut Schmidt, and Joschka Fischer launched a major debate in 2000 when they “proposed a European federation with a constitution, two parliamentary chambers, an executive, and some sort of “subsidiary” principal attached to it all, so that EU nation-states would emerge intact.” (Rischard, 165) The debate culminated with the European Convention on Drafting a Treaty for a European Constitution, presided by former French President Giscard d'Estaing and produced a document, signed in 2004 by the national governments, and currently in the process of ratification by member-states. As of the writing of this thesis, one country had

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held a popular referendum (Spain) and nine had held votes in the parliament (Austria, Belgium, Germany, Greece, Hungary, Italy, Lithuania, Slovakia, Slovenia); all of these countries ratified the constitution. The French will hold their popular referendum on May 29, 2005. Current polls show a divided electorate and strong divisions inside of political parties and orientations; the Constitution vote is not a clearly partisan issue. The Dutch hold their referendum on June 1, 2005, and a Dutch Television (RTL) poll found that 54% would vote “No,” with 27% voting “Yes” as of May 20, 2005 according to the BBC News website. (BBC News [3]) All 25 member states must vote, either through referendum or parliamentary vote, by October 2006.

European politicians promoting a more integrated, solidified and socially just Europe hope to build on the unity shown by the constitution’s ratification to propose further integration, particularly on migration and immigration issues. The challenge on this question stems from the sheer complexity of the arrangements as a 25-member Union, constantly vying for influence and representation, and the major differences between each nation’s current immigration policies. Many scholars argue that the Union should limit its scope. Some call for the structure become more of an arbitrator role instead of a full on government structure. The question demands if the current institutions can handle the already substantial conflicts between nation-state bureaucracies, nation-state egos, and European bureaucracies. And even with universal suffrage, freely accessible information on most of the Union’s activities, the geographical and mental gap between Brussels and member-state citizens may only grow deeper, thus creating new debates about the utility of the experiment. (Rischard, 165-6)

XIII: EU Institutions: Is there a Commitment to Immigration Reform?

EU directives on immigration controls and common policy call for a “proactive approach” with direct and open channels of communication so as to foster the dialogue between nation member-states and the EU institutions, specifically the European Commission. One would have to hope that the private discussions and negotiations between these parties are more detailed than the public citizen communiqués the Commission publishes: statements published on these communiqués are vague and broadly defined, which arguably reflects a general lack of commitment to establish a viable Union policy on the issue. For an EU Commission and Parliament that already faces a strong lack of confidence vis-à-vis the EU citizenry, the politicians tend to space out the massive national disagreements on immigration issues in order to remain politically viable. While the EU traces its origins to trade and economic integration, the structure aspires to be something larger today: a fully governmental structure with the capability of regulating social, economic, and cultural issues in addition to trade and labor.

Individual governments have attempted to buck what is starting to become a pan-European trend of cracking down on immigration. While the UK, France, and the Netherlands have imposed new stricter rules on immigrants, the Spanish government, who had a sudden election of the Socialist Party into government following the March 11, 2004 Madrid commuter train bombings, recently granted resident status to more than 600,000 illegal immigrants. Half of those granted full legal status were originally from Latin America. In order to gain status, individuals had to give notification to social security offices and had to prove residency since August 2004. The Socialist government faced strong resistance from the Popular Party, the party that was knocked out of power by March’s elections. (Musseau)

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The European Union as a whole, however, is not moving in the direction of general amnesties. Rather, the trend has been toward exclusion of third-country nationals and people of immigrant or ethnic minority origin from the political process. The central role that single market liberalization in pushing policy development has given rise to this exclusionary behavior. The consequence, of course, is that the future EU may not reflect the interests of Europe's immigrant and ethnic minorities. While there is a favorable attitude toward free movement of peoples inside of the single market, this has given rise to the "paradox of liberalism" that leads to the tightening of external frontiers, and a narrow, security-centered conceptualization of immigration and asylum issues. (Geddes, 1)

If indeed, the paradox of liberalism threatens to confine the immigration discourse to a security-centered and narrow scope, the problem of exclusion will reach further, eventually threatening the cohesion of the polity. In the next sections, I will examine how the policy is developed on the EU level before arriving at public opinion and my conclusions.

XIV: Development of Immigration Policy on the EU Level:

Each country has its own way of integrating its population, but it is a process that depends largely upon its political tradition. The French, as we have seen, employ a "civilizing" discourse that aims at making the "foreigner" more like the French. At the same time, however, asylum and immigration policy is becoming a community matter: under the Schengen Agreements (1985 and 1990), the signatory countries had already agreed, for instance, to harmonize conditions for the issue of short-stay visas. The Treaty of Amsterdam (Article 73-k), signed in 1997, states that the EU Commission should draw up measures in two areas of immigration policy: entry and residence conditions (issue of visas and long-term residence

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permits, including for the purpose of family reunion, by the member-states) and illegal immigration and illegal residence. EU nation-States will nevertheless retain the right to decide independently how to form themselves into communities of citizens. (Peignard)

Despite the reservation of national governments, the work to form a single immigration policy must continue. There are still many issues to be dealt with on the supranational level:

“Two aspects are central to the immigration policy currently under development at European level: *control* and *openness*, representing two sides of the same coin. Convergence of policy seems to have been achieved much faster on *control*, while various reservations still exist on *openness*, especially by certain member states.” (Apap, 4)

The European Commission’s efforts with the Treaty of Amsterdam to provide legal frameworks for legal immigration have been incomplete, and clear political direction and commitment have not been reached within the council. (Apap, 4) Recent communiqués from the Commission insist that the EU must pursue a “proactive” immigration policy, which will address the needs and gaps of the European labor market. They have condemned “vain attempts” to prevent and stop immigration instead of opening up legal channels. In addition, policies must be common to all member-states that is flexible and adopts an open method of coordination so as to “stimulate further development of a common immigration policy.” (Apap, 4)

One such communiqué, issued by the European Commission, states that “The restrictive immigration policies introduced by most EU member states in the 1970s are no longer appropriate today. (European Commission, #5.1) However, the process to formulate common conditions for asylum seekers, immigrants, family reunification, and third-country nationals with at least five years of residence in the member state, has fallen behind on its timeline. The discussion on the proposals, scheduled to have taken place by the end of 2002, was

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overshadowed by the debate over the European Constitution. To date, no tangible proposals have been set forth. In addition, the “common” policy would not apply to Denmark, Ireland, and the United Kingdom, three countries that have historically opted out of many EU conditions.

(European Commission #5.3)

While the EU legal texts cover a wide range of social, political and economic rights for its citizens, there remains very little protection for third country nationals and non-EU migrants. In the final sections, I will examine public opinion toward immigration, and finally analyze in what ways these policies can be improved upon so as to create a not only a proactive but also socially just immigration policy.

XV: The Recent EU Survey on Xenophobia and the UK Wildcard:

The European Union Monitoring Center on Racism and Xenophobia published recently an overview of 2004 Eurobarometer surveys on European attitudes toward immigrants and resident aliens. About half of the respondents, questioned from all 25 member-states, said they were in favor of cutting down on immigration to their countries. Furthermore, it revealed that respondents think there is a limit to “how many people of other races, religious, or cultures a society can accept.” Contrary to those statements, a total of 80% said that they have no problem in their daily lives with minorities.” (EUMC, Summary) Other key findings included:

- Four out of ten survey respondents in the 15 EU Member States, and a similar number in Candidate Countries, were opposed to civil rights for legal migrants – with this view remaining stable over the different survey periods. This view was strongest in west and central European countries, and also in the Baltic States, and less widespread in Mediterranean and East European countries;

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- An increasing minority of respondents from the 15 EU Member States, about one in five, were in favor of repatriation policies for legal migrants;
- Overall, the level of resistance to multicultural society has remained the same in 2003 as it was in 1997 – a minority of roughly one in four respondents in the EU 15 Member States displayed this attitude. (There was a general increase in this dimension between 1997 – 2000, followed by a general decrease between 2000 and 2003.) (EUMC, 12-13)

As we see attitudes toward immigrants shift to more and more negative attitudes toward migrants and foreign immigrants, we must ask ourselves what is fueling this shift. The attitude of one country toward integration and immigration may be part of it. Specifically, the United Kingdom poses particular difficulties as it maintains its cavalier attitude toward integration.

The United Kingdom has long been considered an exception in EU integration policy: they do not adhere to the Euro zone, they consistently negotiate special exit clauses to key agreements, and they carry out one of the most exclusive immigration policies in the Union due to its status as the most affluent country in the Union. In February 2005, in one of its many anti-migration activities, the United Kingdom cut its quota of asylum seekers in half by enforcing the immigration checks in France and not in Dover on their side of the English Channel. The agreement was reciprocal, which means that French checks are affected on the English side. Other self-described “radical” measures taken by the British Labour Party have included closing the Sangatte refugee camp, tightening security at the Channel Tunnel and using scanning equipment that can find people hiding inside vehicles. (BBC News [1])

If the EU were to attempt a project of unified immigration policy, the two largest blocking points would, in effect, be the British and French governments based on their historically cavalier moves to curb and restrict migratory flows.

Prospects for the integration of immigrants in France and Europe

Today, immigration into European nation-states is seen within the context of the greater European debate rather than a purely national issue. As I stated above, opportunities for further integration into the EU structure such as the ratification of the EU Constitution will determine the level of control national governments will continue to exert on immigration policy. Further integration means that individual nations will have less say over the formulation of the unified immigration policy; the continuation of the current structure would preserve for countries like France the independence to formulate whatever policy they like. My contention is, nevertheless, that the drive toward further unification and coordination is constant. Even if the EU Constitution ratification process fails to bring the treaty into effect in all nations, a revision will inevitably be written. Alternatively, if the Constitution is ratified but lacks those countries that defeated it in popular referendums, the opportunity to ratify it will come again (as with the votes on adhesion to the Euro zone). The free movement and employment of members of all the citizens of EU countries has forced the immigration issue onto the supranational stage. As countries face similar problems of radical economic changes, employment crisis, urban segregation, marginalization of unskilled workers, calling into question of education systems, racism, the possibility for integration of both European migrants (internal displacement) and non-European migrants grows weaker. If attitudes, misconceptions, and government actions continue on the same path, it is foreseeable that a culture of discrimination and racism directed toward these cultures could take hold. In the next section, I will suggest ways that this trap could be avoided.

D. Analyses and Conclusions

Expanding on the brief analyses weaved into the above text, I would like to propose my conclusions on what a just immigration policy would look like – one that is committed to *deep pluralism* for France and the European Union. The EU is the site of a project never before undertaken in the history of the world: to integrate the governments and economies of nation-states with long, rich and unique histories challenges the fabric of social organization and political collaboration. While the United Nations serves sometimes as simply a forum for international debate and sometimes as an effective tool for international regulation, the EU wishes to be site of a supranational governmental structure that unifies the economic, social, cultural, and political power of the individual states to create a new polity with the power of revitalizing the continent's influence in the world.

Europe could serve as a site for the creation of a unified civil society that promotes an alternative vision to the current global order. Instead of building its wealth and affluence on the backs of others, as it and other nation-states have in the past 500 years, it could embrace forms of globalization, cosmopolitanism, and pluralism/multiculturalism that value the importance of cultural exchange and innovative worldviews while eliminating the fear of the “other” or the “foreign” in the political discourse. We are all foreign to someone else, a fact that ethnocentric discussions dismiss and overlook. While the unified Europe has had a short history of working on immigration issues and the challenges of diverse societies to accept diversity and difference, it is not too late to embrace a new vision. The United States subscribes to this idea of tolerance and diversity through a system of “shallow pluralism.” What Europe has the opportunity to pioneer is this concept of “*deep pluralism*” - pluralism that accounts for the social ties with other communities through technological means and religious connections. *Deep pluralism* honors

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cultural diversity and asks of individuals and communities to engage in dialogue with their “foreign” counterparts so as to foster comprehension of the values, dreams, and goals of the community that is foreign or a minority to the nation.

Currently 3.4% of the total population of the “original” 15 member-states are non-EU nationals – that translates into some 13 million people. Apap and Carrera succinctly sum up the stakes of managing the immigrant issue properly:

Managing this immigrant population correctly can bring immense benefits to Europe. To date, however, the efforts made at national and European level have been inadequate as well as inefficient. International migration is intertwined with a wide set of other policy areas including employment, education, external relations, development cooperation, etc. Proper management requires that the decision-making would cover all those policy areas in order to deal thoroughly with the different aspects of the issue. (Apap, 43-44)

EU citizens, furthermore, must be informed on the beneficial effects of immigration with accurate and unbiased information by their governments, parliaments, and media. These benefits range from stronger economic bases, more cohesive communities and societies, and broader understandings of the diversity of the world all the way to less shameful xenophobic displays of exclusionism. As it stands, these portrayals cast immigration in a negative light that paint immigrants as threats to economic, political, and social security by introducing random elements into an otherwise stable society. From these educational changes, changes in attitude will undoubtedly follow.

The framing of the discussion of immigration and the effects on society in Europe tends to ignore fundamental aspects of social organization and psychological factors that weigh on the minds of the immigrants themselves. By placing the burden of the ills of society upon a population that has the added weight integrating into a foreign land, the immigrant populations lose their confidence in interaction with “native” citizens, and begin to deny their cultural roots. It is empirically suspect, based on the available data, to link the cause of problems of an entire

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nation to a small minority of people who, while conveniently different than the rest of the nation, are more likely to be the victims of government policy than the cause of the problems.

Here are five areas concerning the issue of immigration where national governments and European institutions would do well to address in an open and honest dialogue with its citizens:

1. Migratory fluxes

Informing citizens of the beneficial effects of labor and cultural elements of migrants to the nation should lead into formulation of national policy that cast immigrants as indispensable components of a healthy nation and EU.

2. Normalization and Citizenship

Individuals benefiting from the full rights of normalized citizens will remove resentment on the part of the immigrant toward the society and will aid in the individual's integration into the society, thus contributing to the well-being of all.

3. Representation in Government and Media

The political incompetence of European governments to legislate effectively the precepts of cultural assimilation and its lack of commitment to integration issues can largely be explained by the lack of representation in the government by these minority groups. The continuation of the colonial mentality when framing the debate on immigrations is damaging: as French people with a rich and diverse culture and heritage, our civilization must find the means by which new arrivals in the country can become more French, more European, and consequently more civilized. I would postulate that empowering immigrant groups with more political authority and allowing communities more of a voice in national medias would demystify many stereotypes and misconceptions while, at the same time, letting these communities to speak for themselves. This process must be achieved at different levels in different stages. A clear starting point is within

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political parties themselves. The parties, especially those who claim to honor diversity such as the left-wing parties, should make an internal effort to promote candidates from immigrant communities. Rather than running the risk of immigrant communities forming their own fragmented political parties, it would be prudent of the mainstream parties to embrace and encourage the individuals of immigrant communities to join with them to advocate for better integration of the communities into the system.

Concerning the media, I am moderately favorable to a quota based system. While it is true that the French maintain linguistic quotas for television and radio broadcasts (at least 40% of songs on the radio must be in the French language), maintaining a quota on the gender and color of the skin of news presenters at the very least would begin to reflect the diversity of the country. Given that the national media is tax-payer funded, it seems only fair to include such diversity.

4. Integration among Diversity

Integration must value diversity. The question of secularism, visible signs of religiosity (such as the Islamic headscarf law) ghettoization of immigrant communities are only the surface effects of deeper ploys to render French or European new arrivals. In order to minimize the visible impact of immigrant cultures on French society, lawmakers pass a policy of no religious symbols in school, which allows citizens to not see what they hesitate to understand. Some countries use intercultural dialogues, interethnic projects, or even sports games to promote multicultural understanding. One such program in Hamburg, Germany uses soccer as a tool for promoting tolerance and cultural understanding. (*Deutsche Welle* Staff)

5. Processes and Renewal: Improving Public Participation and Addressing Root Causes

The question of alienation from the host society plays a key role in this discussion. In order to avoid disconnection from the host culture, the power-structures in the country must open

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the public debate to include minority communities – through the media and government but also through accessibility to information and to the discussion on a civic level. In Annexes 1 & 2, *Comparing Public Participation*, I propose an already developed framework that compares forms of public participation. On the left hand side are characteristics of what I would characterize as the approach of European governments to consulting the public on immigration policy; on the right side is a proposal for improved forms of public participation in debate that value consensus-building, open and equal consultation, and attentive application of lessons learned in consultation into public policy.

Secondly, it is important for the affluent European countries to continue to address the factors that lead to emigration from a home country in the first place. The economic disparities between Europe and Sub-Saharan Africa for example lead to the exodus from home countries to European capitals. Many root causes play into this suggestion such as poverty, political repression, and various forms of exploitation that deserve to be studied in their own analysis. As former imperialist powers and still strong centers of power, European nations and the European Union are in a privileged position to address many of these inequalities.

Why Deep Pluralism?

Immigration is only the middle step in a greater global process/system. As a process by which persons of one national/religious/cultural identity install themselves in a society that preaches diversity and pluralistic values of tolerance and acceptance, they are transplanted into a new set of norms. It is clear that immigration in of itself is not the only social or economic solution to the declining European demography. However, a strong commitment to a deeply pluralistic society that draws on its diversity as a strength for cultural renewal, economic

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strength, and unification toward a more socially just vision of the future. As communities remain isolated and ghettoized, the contribution to the host country's culture and economy remain low. Alternatively, an engaged and vibrant civil society with tolerance and respect for different voices will create new public spaces for collaboration and innovation.

Once again, I insist on the fact that one must also consider in research the assurance of human rights when discussing immigrants rights in their host country: freedom to come and go in their country of residence, freedom of opinion and beliefs, freedom to marry, right to lead a normal family life, right to petition social services protection during times of stable and regular residence in French territory, right to leave a country in the case of persecution. (Piegnard)

Where can immigrants find their place in the host society? Does the solution lie with the government, their transplanted community, or with immigration rights movements? In effect, all of these elements work together to integrate new arrivals in France and the EU. Promoting within the governmental system a policy that combats clandestine immigration and at the same time work toward the integration of legal entrants who are in need of training and regular employment, that would be a policy that would benefit the entire population of France

What are the lessons that we could take from the treatment of the immigration question during the past two decades, during the French regional elections of 2004, and in the current atmosphere of heightened xenophobia directed at specific communities? A global conclusion should state that France, being a country of strong immigration and having taken measures to better regulate migratory fluxes entering the country, is also a country that needs immigration to stabilize the demographic downturn of the country and to fulfill the needs of industrial and service sectors of employment. This is the reason why *Le Front National* in France softens their positions on this subject in every election cycle since 2000: in order to attract voters who are

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normally supporters of integration programs and tolerance of multicultural societies (typically a left-wing issue), the far-right and right wing must convince voters that they are working on the issue in a compassionate manner. If the left-wing, however, succeeds at keeping their voting base and constructs a base of those who support a platform of more compassionate and integrationist economic and social policies, then it is strongly possible that the left will attract enough voters to effect a legislative shift in power toward the left by the elections of 2006 and 2007. Given the linkage that left-wing parties have been making between national well-being, compassionate social policies, and protection of minority communities, I would suggest that a left-wing coalition government (including Greens and Communists) would have the public support to institute these policies on a national level. Numerous pundits propose a list of solutions that could ameliorate the situation of immigrants and to aid the integration of individuals. Among these themes are strong integration programs, professional training, employment assistance, citizenship granted, language training, and greater investment in community-building activities. At this point in time, the themes of integration are not a valued part of the government policy toward immigrants and the political majority in the National Assembly and in the executive branch. In effect, the language of integration is used in laws and policy briefs written by the UMP, but the reality of the policies shows that these issues are left to the antipodes of the government's attention. The exclusionist policy of the far-right has become more and more the policy of the UMP, whose leadership sees "immigration" as an issue that it is losing to the far-right parties.

The left-wing parties who took control of the regional governments during the 2004 regional elections must follow through their integrationist rhetoric used during the elections in

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order to work not only in favor of immigrants whose training and integration will benefit the entire French population, but also to work toward maintaining the confidence of voters.

The EU has a long way to go in their aspiration to formulate not only a unified immigration policy, but also a *proactive* policy. As many European think-tanks implore European institutions to summon the political courage to tackle this issue, EU citizens continue to question the basic good of integration, unification, and multiculturalism.

Note on text: All translations from French text are my own unless otherwise noted.

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Appendices:

1. Images and Charts:

A. Approaches to Decision-Making:

Comparing Traditional and Innovative Public Participation		
Element	Traditional	Innovative
Goal	Information gathering and feedback	Fair, inclusive processes; respectful interaction; mutual gains outcome
Decision space	Low, limited, vague	Significant and clear
Decision authority	Rigid	Flexible
Power	Centralized	Shared
Valued Knowledge	Technical	Integrated; technical and traditional
Communication Philosophy	Command and Control	Dialogue and deliberation; Inquiry and advocacy
Communication activity	Inform and educate; gather feedback	Interaction, mutual learning, idea development and refinement
Access	Structured and controlled by the decision authority	Multifaceted, open, and inclusive; possibly designed by parties
Negotiation	None likely without appeals or litigation	Fostered; mutual gains interaction
Primary methods	Public hearings, comment Letters, open houses, Websites	workshops, roundtables, forums, dialogues
Collaborative potential	Low	Potentially high
Prospects for consensus	Not likely or sought	Possible
Measure of success	Quantitative; number of Participant contacts	Qualitative; quality of participants' interaction and contributions
Democracy?	Government and elites	Governance and citizens
Adapted from:		
Walker, Gregg. "The Roadless Areas Initiative as National Policy: Is Public Participation an Oxymoron?" <u>Communication and Public Participation in Environmental Decision Making</u> Ed: Stephen P Depoe, John W. Delicath. 2004 State University of New York Press, Albany, NY.		

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B. Values of Public Participation:

Core Values and Guiding Principles for the Practice of Public Participation

1. People should have a say in decisions about actions which affect their lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates the interests and meets the process needs of all participants.
4. The public participation process seeks out and facilitates the involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process communicates to participants how their input was, or was not, utilized.
7. The public participation process provides participants with the information they need to participate in a meaningful way.
8. Involve the public in decisions about actions which affect their lives.
9. Maintain honesty and integrity throughout the process.
10. Encourage early and active community participation.
11. Recognize community knowledge.
12. Use cross-cultural methods of communication.
13. Institutionalize meaningful public participation by acknowledging and formalizing the process.
14. Create mechanisms and measurements to ensure the effectiveness of public participation.

From: *The Model Plan for Public Participation*, National Environmental Justice Advisory Council. 2000.
U.S. Environmental Protection Agency, EPA-300-K-00-001.

C. Le Monde Special Front Page on the 2004 Regional Elections

D. Le Monde Elections Results of the Second Tour

E. Le Monde Focus on Rhône-Alpes Results

F. A New Europe – Infograph: Source – Population Reference Bureau: Gapminder.org

G. Immigration Statistics from the 1999 Census

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2. The Lexicon of Immigration Politics:

Adapted from Atlas de l'immigration en France et Le Larousse de Poche, and Wiktionary.org:

- **Anti-Semitism/Racism/Xenophobia:** The intolerance and rejection of individuals different than us is as ancient as humanity itself. Anti-Semitism refers to hate directed at Jewish individuals. Xenophobia refers to a fear of foreigners. In general, racism designates all forms of rejection directed at groups of individuals stigmatized by their physical, cultural, social, or religious characteristics.
- **Assimilation:** Between the 1880s and the 1950s, the term assimilation was used by journalists and experts who demanded that immigrants and the indigenous communities of the colonies lose all special cultural characteristics in order to melt into the French national community – all in the name of the “civilizing mission of the French Republic”. For social sciences, the concept of assimilation refers to the psychosocial process thanks to which all individuals, no matter their origin, assimilate over the years to the norms of the group in which they were socialized.
- **Asylum Seekers:** Administrative services of countries who have signed the Geneva Convention of 1951 on the right of asylum call “asylum seekers” the individuals who knock at their door to obtain protection, assumed under threat of persecution because of their religion, their ethnic identity, or their political orientation. The host country consider them officially as refugees, after an administrative investigation which must provide proof or strong presumptions of these persecutions.
- **Chômeur/Unemployed individual:** Someone looking for work; may be a temporary, permanent or sporadic situation.
- **Clandestins/Sans Papiers :** This term appeared in political and administrative vocabularies in France after the adoption of the 1889 law on French nationality. This law defined strict measures on the conditions of the right to reside and visit in France for foreign-born citizens. The invention of legal immigration at the end of the 19th century created the conditions of illegal immigration, and thus a population of clandestine workers. The principal characteristic of clandestine workers is their papers are not in order. During the 1990s, the “Sans-Papiers” movement revealed the degree of their distress.
- **Code de la nationalité:** All jurist prudence defining the belonging of a group of individuals to its nation-state.

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- **Community:** group of people sharing a common understanding who reveal themselves by using the same language, manners, tradition and law.
- **Culture:** The arts, customs, and habits that characterize a particular society or nation; The beliefs, values, behavior and material objects that constitute a people's way of life.
- **Emigrant:** For those who have stayed in their original country, individuals who we call immigrants are actually emigrants. If their departure is definitive, we should speak of emigrants.
- **Employee, non-qualified:** A position of work, be it full-time or part-time, which does not require a particular training in order to fulfill the conditions of their activity.
- **Etranger/Foreigner:** In everyday life, one often calls a foreigner/étranger a person that one does not know directly. This original sense has been changed little by the law. In judicial language, a foreigner/étranger is an individual who does not possess the nationality of the state in which he lives. Since the French Revolution, judicial opposition domestically and internationally has played an essential role. We find it in all census reports concerning immigration through statistics, tables, graphics, and maps. These instruments provide information on the foreign-born population and different national groups living in France. However, in contrast to countries like the USA, France does not take into account the data neither on ethnicity or religion nor the national origin of parents coming from a foreign country.
- **Globalization:** The process of going to a more interconnected world; The process of making world economy dominated by capitalist models.
- **Immigrant:** Borrowed from the American political vocabulary, the term had been infrequently used in French. However, today, it is indispensable in order to distinguish between administrative language (which uses the word "immigré") and socio-historical language. To speak of immigrants who settled in France, that is to underline the essential role that they played in the history of the French nation, putting the accent on the social dimension of immigration, notably the uprooting, the exclusion, and all activities which contribute to the integration in the host country of the immigrants.
- **Immigré :** The term for immigrant used in French administrative language. Since the beginning of the 20th century, this term was used by journalists and politicians to designate

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the foreign-born workforce. Starting in the 1980s, demographers and economists defined this term in opposition to the word “étranger” or foreigner. In administrative language, immigré designates someone who lives in France but was not born there. By this token, an immigré is not strictly a foreigner, and reciprocally. One third of the six million people born outside of France and live in the country are French by birth – among which are repatriated Algerians, individuals born in the French territories, and parents of French citizens born abroad.

- **Immigration:** Term which first came into general use in France in the early years of the twentieth century, when it became tempting for some to see the size of the foreign population in the country (around 2.5 million in 1926) as one of the factors explaining its economic weakness and difficulties. This led to the call for an immigration policy, that is, measures to control the entry of aliens into France, their length of stay and their access to employment. Today, with the exception of EC nationals, aliens may be hired only if they hold an official work permit (very few of which are issued). If this condition is not met, any such contract of employment is null and void and the employer is rendered liable to penal, administrative and civil sanctions. A second consideration has now taken over from the first. Since French enterprises by now employ very large numbers of foreign workers who have been legitimately settled in France over the past 30 years, it is important to decide on a policy concerning them.
- **Integration:** Practices of integration and exclusion concern all human groups. Applied to immigration, the term integration refers to social practices, cultural justice which permits foreigners to participate in the collective existence of the nation-state which welcomes them.
- **Laïcité :** System in which churches are excluded from political or administrative power, notably the organization of education. Syn: Secularism.
- **Media Image:** the analysis and representation of an issue or group constructed in media reports, media choices, and media consumption of the population.
- **Migration:** internal movement of individuals or groups to work or live.
- **Migratory Cycle/Cycle of Immigration:** The notion of a migratory cycle is employed to designate the collective process thanks to which La notion de cycle migratoire (ou cycle d’immigration) est ici employée pour désigner le processus collectif grâce auquel une

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communauté donnée d'immigrants s'intègre dans la société d'accueil, jusqu'à ce que ses signes distinctifs s'effacent complètement.

- **Migrant:** an individual who moves inside of a defined national or supranational zone to work or live.
- **Multiculturalism:** The idea that a society, notably one with a high rate of immigration, is enriched by celebrating the separate contributions of its component cultures.
- **Nation:** A group of people sharing aspects of language, culture and/or ethnicity; A sovereign state.
- **NGO/ONG:** Non-governmental organization/Organization non-gouvernementale, private or publicly funded organizations to research or work on social and political issues.
- **Outre-mer :** A French term referring to territories and political departments (our states) outside of the European French territory.
- **Postnationalism:** The interaction of peoples of the world on an international or supranational level; the idea of the end of nation-states ushering in a new structure of world wide society without national governments.
- **Regional Microcosm:** Referring to an analysis of the larger society based on a smaller geographic region. In this case, referring to Lyon and the Rhone-Alpes region as a representation for France as a nation.
- **Sans-papiers:** undocumented workers.
- **SDF :** Sans domicile fixe or a homeless person.
- **Social Movement/Mouvement Sociaux :** A grouping of citizens around a social problem in order to act in the interests of those who are affected by the problem.
- **Society:** A long-standing group of people sharing cultural aspects such as language, dress, norms of behavior and artistic forms; The people of one's country or community taken as a whole.
- **Unemployment:** The fact of having no job; joblessness.
- **Underemployment:** A situation in which a worker is employed, but not in the desired capacity, whether in terms of compensation, hours, or level of skill and experience. While not technically unemployed, the underemployed are often competing for available jobs.

3. Original Text of the Senate Article on Mastery of Immigration and Foreign Residence in France

<http://www.senat.fr/rap/103-001/103-001.html>

Maîtrise de l'immigration et séjour des étrangers en France.

Article 39

(art. 41 du code de procédure pénale)

Instauration d'une enquête préalable sur la situation familiale et sociale de certains étrangers passibles d'une peine d'interdiction du territoire national

Le présent article, adopté sans modification par l'Assemblée nationale, a pour objet de compléter l'article 41 du code de procédure pénale par un dernier alinéa, afin que, lorsqu'un étranger déclare appartenir à l'une des catégories d'étrangers bénéficiant d'une protection, relative ou absolue, contre une peine d'interdiction du territoire français, cette dernière ne puisse être requise par le procureur de la République sans qu'il ne dispose d'une enquête lui permettant de vérifier le bien-fondé de cette déclaration. Cette mesure devrait permettre aux juges de disposer d'informations sur la situation familiale et sociale de l'étranger qu'il s'apprête à juger pour une infraction. Elle correspond à la première proposition avancée dans son rapport par le groupe de travail sur la « double peine »^{347(*)}.

1. Le fréquent manque de connaissances des juges sur la situation familiale et sociale des étrangers pour lesquels ils prononcent une peine d'interdiction du territoire français

Lorsqu'une peine d'interdiction du territoire est prononcée à l'encontre d'un étranger ayant commis des infractions, très peu d'informations préalables sur la situation familiale et sociale de ce dernier ont été recueillies et fournies au juge. Le groupe de travail sur la « double peine » indique, dans son rapport précité, que cela « s'explique par :

- le silence des personnes mises en cause, soit par souci de protéger des proches, soit par tactique dans le déroulement des audiences ;
- l'insuffisance des enquêtes de police qui trop souvent sont dépourvues d'informations sociales sur le mis en cause et ne permettent pas d'alerter les magistrats sur la situation éventuellement problématique d'un étranger au regard de ses attaches personnelles et familiales avec le territoire français ;
- l'impossibilité matérielle de procéder à des enquêtes sérieuses dans les procédures de comparution immédiate.

Déjà la « circulaire Guigou » n° CRIM.99.13/E1-17.11.1999, du 17 novembre 1999, adressait aux parquets l'instruction d'ordonner des « enquêtes de personnalité » avant toute réquisition d'une interdiction du territoire français lorsque l'étranger paraissait avoir des liens particulièrement importants avec la France, surtout s'il est susceptible d'entrer dans l'une des catégories d'étrangers pouvant bénéficier d'une protection relative, en vertu de l'actuel article 131-30 du code pénal^{348(*)}. Cette circulaire a été prise après la remise du rapport de la « commission Chanut »^{349(*)}, du nom de sa présidente. Celui-ci avait en effet souligné le fait que les magistrats ne disposaient pas suffisamment d'informations personnelles sur l'étranger mis en cause.

Ce manque d'informations sur la situation familiale et sociale du mis en cause susceptible de faire l'objet d'une peine d'interdiction du territoire français est d'autant plus paradoxal qu'en matière d'expulsion, davantage de garanties sont offertes à l'étranger. En effet, le dossier de l'administration comprend un grand nombre d'indications sur l'ensemble des liens particuliers

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unissant l'étranger à la France. De plus, avant de prendre un arrêté d'expulsion, la procédure prévoit en principe la saisine obligatoire de la commission de l'expulsion, régie par l'article 24 de l'ordonnance du 2 novembre 1945, devant laquelle l'étranger peut faire valoir toutes les raisons militant contre son expulsion. Enfin, un recours contentieux contre l'arrêté d'expulsion est toujours possible devant le juge administratif.

2. L'instauration d'une enquête préalable sur la situation familiale et sociale de certains étrangers Afin d'offrir une meilleure information du juge sur la situation personnelle et familiale des étrangers mis en cause et susceptibles de faire l'objet d'une peine d'interdiction du territoire français, le projet de loi prévoit, pour certains d'entre eux, qu'une enquête préalable à toute réquisition du Procureur de la République en ce sens serait diligentée.

Il suit sur ce point la proposition n° 1 faite par le groupe de travail sur la « double peine ». En effet, dans son rapport précité de mars 2003, il recommandait de prévoir une enquête renseignant sur le profil social des étrangers pour lesquels la peine d'interdiction du territoire pourrait être infligée. Toutefois, il précise également que « eu égard au nombre des individus concernés et au fait que la plupart d'entre eux n'ont pas d'attaches sérieuses avec le territoire français, notamment s'agissant des peines prononcées à raisons d'infractions à la législation sur les étrangers, le groupe de travail a considéré qu'il était irréaliste et inutile de rendre obligatoire l'enquête sociale préalablement à toute condamnation d'un étranger à une peine d'interdiction du territoire français. »

Le projet de loi propose par conséquent que soit complété l'article 41 du code de procédure pénale par un alinéa visant à prévoir qu'une enquête de personnalité soit effectuée préalablement à toute réquisition d'une peine d'interdiction du territoire, à titre complémentaire ou principal, pour certains étrangers ayant des liens particuliers avec la France, et qui ne sont pas poursuivis pour des infractions à la législation des étrangers prévues aux articles 19 et 27 de l'ordonnance. Cette disposition entre parfaitement dans le cadre de la réforme sur la « double peine »^{350(*)}.

L'étranger, qui est poursuivi pour une infraction susceptible d'entraîner à son encontre une peine d'interdiction du territoire français, doit déclarer, avant toute saisine de la juridiction compétente, qu'il se trouve dans l'une des situations prévues par les articles 131-30-1 ou 131-30-2 du code pénal, qui lui permettrait de bénéficier d'une protection relative ou absolue contre cette mesure.

Dès lors, afin de vérifier le bien-fondé de la déclaration faite par l'étranger, le procureur de la République ne pourrait requérir une peine d'interdiction du territoire français sans avoir préalablement ordonné une enquête. Cette dernière serait confiée, selon les cas, à l'officier de police judiciaire compétent, au service pénitentiaire d'insertion et de probation, au service compétent de la protection judiciaire de la jeunesse ou à toute personne habilitée pour ce faire, dans les conditions établies au sixième alinéa de l'article 81 du code de procédure pénale.

Une telle enquête de personnalité requise par le procureur de la République est déjà nécessaire lorsque un majeur de moins de vingt et un ans au moment de la commission de l'infraction est poursuivi et que la peine encourue n'excède pas cinq ans d'emprisonnement^{351(*)}.

Il est à noter que la procédure prévoit que le procureur de la République a obligation de demander la requête uniquement si le mis en cause déclare entrer dans l'une des catégories d'étrangers pouvant bénéficier d'une protection relative ou absolue contre les peines d'interdiction du territoire français. En effet, il s'agit de limiter les hypothèses dans lesquelles l'enquête est requise aux seuls cas où il semble justifié de se renseigner sur l'existence éventuelle de liens

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d'une intensité particulière entre l'étranger et la France. Le groupe de travail sur la « double peine » indique également dans son rapport qu'« il est important de subordonner cette obligation à une initiative, éventuellement suggérée, de l'étranger faite au bon moment car on ne saurait encourager la tendance de certains délinquants à refuser toute coopération avec l'autorité judiciaire au stade de la procédure préalable à la condamnation ».

Enfin, le dispositif du présent article prévoit que cette procédure n'est pas applicable lorsque l'étranger est poursuivi pour des infractions à la législation des étrangers.

Votre commission vous propose d'adopter l'article 39 sans modification.

4. Overview of French Political Personalities and French Political Parties

From Wikipedia, (http://en.wikipedia.org/wiki/Fifth_Republic)

General Charles De Gaulle (Gaullist Party) was elected the first president under the fifth republic, serving from 1958 to 1969. He was succeeded by Georges Pompidou (Gaullist/RPR) (1969–1974), Valéry Giscard d'Estaing (DL/UDF) (1974–1981), François Mitterrand (PS) (1981–1995), and Jacques Chirac (UMP) (since 1995).

Major and Influential French Parties under the Fifth Republic: Name in English, name in French, acronym, leader or chairman and remarks

Trotskyites

- Revolutionary Communist League, *Ligue Communiste Révolutionnaire*, LCR, Alain Krivine
- Workers' Struggle, *Lutte Ouvrière*, LO, Arlette Laguiller, spokeswoman (Laguiller is notable as the first female presidential candidate in France in 1974 when she was a member of the Communist Party)

Left-Wing

- Socialist Party, *Parti Socialiste*, PS, François Hollande, major
- Left Radical Party *Parti Radical de Gauche* PRG Jean-Michel Baylet minor; previously *Parti Radical Socialiste*, Radical Socialist Party or PRS, *Mouvement des Radicaux de Gauche*, Left Radical Movement or MRG, *Radicaux* – most influential during the third and fourth republics immediately prior and following the Second World War respectively.
- French Communist Party, *Parti Communiste Français*, PCF, Marie-George Buffet

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Right-wing

- Union for a Popular Movement, *Union pour un Mouvement Populaire*, UMP, Nicolas Sarkozy major; as of 2004, the president (Jacques Chirac), the prime minister (Jean-Pierre Raffarin) and the speakers of both houses of parliament are from UMP. Includes the affiliated Radical Party (*Parti Radical*), National Center of Independents and Peasants, *Centre National des Indépendants et Paysans* CNI, CNIP Annick du Roscoät minor, associated with UMP
- Union for French Democracy, *Union pour la Démocratie Française*, UDF, François Bayrou (Former members of Démocratie Libérale who did not join with the UMP)

Ecologists

- The Greens, *Les Verts*, Yann Wehrling

Far-right

- National Front, *Front National*, FN, Jean-Marie Le Pen

One-person parties

- National Republican Movement, *Mouvement National Républicain*, MNR, Bruno Mégret
- Euroskeptic Citizens' Movement, *Mouvement des Citoyens*, MdC, Jean-Pierre Chevènement minor
- Movement for France, *Mouvement pour la France*, MPF, Philippe de Villiers, minor
- Rally for France and European Independence, *Rassemblement pour la France et l'Indépendance de l'Europe*, RPFIE, Charles Pasqua, minor

Former parties of note

- Rally for the Republic, *Rassemblement pour la République*, RPR, Michelle Alliot-Marie major; merged into UMP
- Liberal Democracy *Démocratie Libérale* DL Alain Madelin originally *Parti Républicain* - Republican Party or PR; merged into UMP

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